Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

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Director of Regional Planning

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Chief Deputy Director,
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August 4, 2020

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

PROJECT NO. 2017-004820-(2)
CONDITIONAL USE PERMIT (CUP) NO. RPPL2017010467
ENVIRONMENTAL REVIEW (ENV) NO. RPPL2017010468
APPLICANT: BRIDGE POINT SOUTH BAY II LLC
CARSON ZONED DISTRICT
(SECOND SUPERVISORIAL DISTRICT) (3-VOTES)

SUBJECT

The applicant, Bridge Point South Bay II LLC, requests a CUP to authorize the redevelopment of an 8.98-acre site with a new 203,877-square-foot concrete warehouse building including approximately 10,000 square feet of ancillary office space, 21 loading bays, 204 surface parking spaces, a 10-foot-tall pre-cast concrete sound wall along the eastern property line, and 51,353 square feet of landscaping (constituting 13.1 percent of the site area) (Project). The Project is located at 20850 Normandie Avenue on the southeast corner of the intersection of Torrance Boulevard and Normandie Avenue (Project Site) in the MPD (Manufacturing-Industrial Planned Development) Zone.

A public hearing on the Project was originally scheduled before the Regional Planning Commission (Commission) on March 18, 2020. As a result of the COVID-19 outbreak, the Commission's meeting was cancelled and the item was continued to March 25, 2020. The March 25, 2020, meeting was also cancelled and the item was continued to April 1, 2020. At the virtual Commission meeting on April 1, 2020, the Commission continued the item to April 22, 2020, as requested by Regional Planning staff (Staff).

A duly noticed virtual public hearing was held before the Commission on April 22, 2020. Following staff's presentation, public testimony, and discussion, the Commission closed

the public hearing and voted unanimously (5-0) to approve the Project with one modification to Condition 45 to increase the local hiring goal to 30 percent (of which 10 percent, or one-third, will be targeted hiring), as discussed with and agreed to by the applicant.

At the virtual Board of Supervisors (Board) meeting on April 28, 2020, the Board voted to call the Project up for review, citing the importance of ensuring compatibility between industrial and neighborhood uses and balancing the needs of the business sector with the environmental concerns of adjacent residents. Additionally, the Commission's approval was appealed to the Board on May 4, 2020 by Craig M. Collins and Brendan Virey of Blum Collins LLP, Project opponents.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING;

1. Deny the appeal;

2. Indicate the Board's intent to adopt the Initial Study-Mitigated Negative Declaration (IS-MND) and the Mitigation Monitoring and Reporting Program (MMRP) pursuant to State and local California Environmental Quality Act (CEQA) Guidelines;

3. Indicate the Board's intent to approve Project No. 2017-004820-(2) including CUP No. RPPL2017010467 and ENV No. RPPL2017010468; and

4. Instruct County Counsel to prepare the necessary findings and conditions to affirm the Commission's approval of Project No. 2017-004820-(2) including CUP No. RPPL2017010467 and ENV No. RPPL2017010468.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Project is designed and conditioned to be compatible with the surrounding community and to reduce and mitigate the potential impacts of Project operations, such as noise and air pollution, to surrounding residences. To achieve these goals, the proposed building's design and the layout of Project facilities on the Project Site strongly consider the surrounding neighborhood context and provide buffering along the eastern portion of the Project Site, which is adjacent to residential uses.

Project Site design features include but are not limited to:

- A 10-foot-high sound wall along the eastern property line that separates the Project Site from adjoining residential uses;
- An eight-foot-high tubular steel fence along the southern property line that separates the Project Site from adjoining industrial uses;
- A 30-inch-high masonry wall within the landscaped area along the northern edge of the Project Site in compliance with MPD Zone development standards;

- 51,353 square feet of landscaping (constituting 13.1 percent of the Project Site) including trees, shrubs, and groundcover around the site perimeter, and along the outer walls of the building to add natural visual accents; and
- 138 trees planted throughout the 51,353 square feet of landscaping. Trees include 50 15-gallon varietals (e.g. pines), and 77 24-inch-box varietals (e.g. camphor trees). These tree sizes are intended to ensure that, at the time of planting, the trees will enhance Project Site aesthetics, fight pollution, and buffer against sound generated on-site. The pine trees will be mostly planted along the eastern property line to act as a buffer and will provide shade for parking areas.

The proposed warehouse building is located on the western portion of the Project Site, providing a 74-foot-wide buffer between the building and the residential neighborhood to the east. The building is also designed with all 21 of the truck loading bays located on the southern portion of the Project Site away from the nearby residences. The truck loading bays provide adequate back up space to allow loading and unloading activities to occur within the building and ensure that trucks never need to be on the eastern side of the building near the residences. Truck access will be prohibited on Torrance Boulevard and will only be allowed to enter and exit the Project Site through one entrance/exit on Normandie Avenue at the southwest portion of the Project Site. This prohibition will be reinforced by signage and structural barriers. Truck traffic will be limited to a maximum of 37 incoming truck trips and 37 outcoming truck trips daily, for a total of 74 truck trips. The applicant will be required to adhere to the approved truck route to prevent undue congestion on smaller, local residential streets.

Even though the Project will operate 24 hours a day, seven days a week, operating hours within the 74-foot-wide buffer area on the eastern portion of the Project Site are restricted to 7:00 am to 8:00 pm. Moreover, conditions of approval will also require that all trucks and vehicles strictly adhere to a two-minute idling limitation.

The Project utilizes sustainable design techniques in compliance with County Climate Action Plan (CCAP) measures aimed at reducing greenhouse gas emissions and the CALGreen Code. These techniques include installing energy-Star-certified built-in appliances, recycling and/or salvaging at least 65 percent of all non-hazardous construction waste for reuse, constructing solar panels on the warehouse roof, using “cool” roofing materials and coloring, utilizing water conservation measures that include but are not limited to low flow fixtures, and requiring installation of pre-wiring for electric charging stations, including plug-in stations for electric heavy duty trucks.

Additionally, the Project is conditioned to:

- Construct a 10-foot-high sound wall along the eastern property line between the Project and the neighboring residences;

- Prohibit truck access within the 74-foot-wide buffer area between the proposed building and the eastern property line and allow vehicle (not truck) access only during certain times of the day;
- Provide a 22 to 24-foot-wide landscaping buffer area on the eastern portion of the Project Site (located between the fire lane and sound wall) with 37 trees and a variety of shrubs;
- Require that a minimum of 40 percent of construction equipment be electric-powered, battery-powered, natural gas, or hybrid construction equipment;
- Require that a minimum of 40 percent of construction equipment be Tier 4 construction equipment (which substantially reduce particulate matter and certain emissions relative to previous emissions standards);
- Use non-diesel off-road equipment (e.g. forklifts) during operations;
- Use electric-powered landscape maintenance equipment; and
- Implement a clean truck incentive program during operations.

The Project is consistent with the goals and policies of the Los Angeles County General Plan 2035 (General Plan) because the Project would redevelop and existing, underutilized brownfield site, furthers infill development goals, preserves industrially-designated land, provides employment opportunities near housing, manages potential impacts upon nearby residential uses using buffering and design techniques where feasible, considers community character and community input, and promotes sustainable development design and energy practices. Further, the Project is consistent with the requirements of the MPD zone including minimum lot area, access, parking, building density, utilities requirements, development features, development schedule, and height limitations.

Implementation of Strategic Plan Goals

The Project promotes Goal 1: Make Investments that Transform Lives, of the County Strategic Plan by supporting private sector investment in a site that includes substantial physical and environmental constraints. It transforms the current underutilized site into one that is economically viable and supports local industrial preservation in a manner that is sensitive to the diverse residential community. The Project provides great potential for economic development within the community, including the creation of job and training opportunities. Specifically, through condition 45, the Project contains a “Local and Targeted Hiring Commitment” with a 30 percent local hiring goal, of which 10 percent (or one-third) will be targeted hiring.

Further, the Project promotes Goal 2: Foster Vibrant and Resilient Communities, of the County’s Strategic Plan by ensuring the Project mitigates for potential impacts through the development and utilization of appropriate design and buffering techniques, such as placing the truck loading docks on the southern portion of the property away from adjacent residential uses and towards adjacent industrial uses. The loading docks are also inset into the building to create further structural buffering, and all loading/unloading activities

will only occur within the warehouse. To further buffer the industrial use from adjacent residential uses, the Project also includes a 10-foot-tall sound wall, abundant landscaping, and limited operations on the eastern portion of the property.

Furthermore, the Project includes an innovative Clean Truck Incentive Program, incentivizing the use of trucks on-site with low to zero emissions, as well as a Local and Targeted Hiring commitment with a 30 percent local hiring goal, of which 10 percent (or one-third) will be targeted hiring. In addition, the Project applicant has prepared a Rapid Health Impact Assessment in line with Department of Public Health guidelines to further identify potential health impacts that may result from Project implementation and were not already addressed in the CEQA process. Lastly, the Project includes a condition that meetings be held with community representatives on a quarterly basis.

Finally, the Project promotes Goal 3: Realize Tomorrow's Government Today, of the County's Strategic Plan by promoting sustainable economic development through the continued movement of goods and services throughout the County. Warehouses and ancillary trucking and delivery services support essential industrial infrastructure that enable the continued efficient movement of goods to meet public demands for items and products, not only to and from traditional forms of brick-and-mortar retail and services, but also given the continued growth and expansion of online retail.

FISCAL IMPACT/FINANCING

The approval of the Project and related CUP should not result in any significant costs to the County as the applicant is privately funded and will not be requesting any funding allocation for construction and operation of the proposed warehouse.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On October 24, 2019, a Hearing Examiner meeting was held to take public testimony on the proposed environmental documents for the Project. On February 28, 2020, the applicant provided a response to all comments received, modifying the Project design in response to those comments, and working with Staff to enhance proposed mitigation measures and conditions of approval based on all public input.

On March 18, 2020, a public hearing was scheduled to take place for the Project, but due to the COVID-19 pandemic, this hearing was continued to March 25, 2020, and subsequently to April 1, 2020. On April 1, 2020, the item was continued to April 22, 2020.

On April 22, 2020, the Commission conducted a duly noticed virtual public hearing on the Project.

Through this virtual public hearing, individuals interested in providing comment on the Project were able to do so by speaking, providing comments in the virtual public meeting

chat feature, or in written formats (email and letter). During the public hearing, approximately 25 individuals provided audible testimony both in favor of and in opposition to the Project. Testifiers included labor union and local organizational leaders, residents from the surrounding area, and other community stakeholders. Topics raised in support of the Project included the potential for new jobs, training and employment opportunities, economic development, as well as the improvement of a currently underutilized site with serious physical and environmental constraints. Issues raised in opposition included concerns about enforcement of the proposed Project conditions, with a focus on the hours of operation, noise, traffic, pollution, air quality, and Project Site remediation. Additional public testimony was also included in the form of letters, emails and via the virtual hearing chat feature. Comments received in these mediums prior to the public hearing were included in the administrative record for the Project and provided to the Commission for consideration, and comments received following the public hearing were added to the administrative record through a Memo to File. Subsequently, the Commission closed the public hearing, adopted the IS-MND and MMRP, and approved the CUP with findings and conditions.

On April 28, 2020, the Board called the item up for review.

On May 4, 2020, the Commission's decision was appealed to the Board by Craig M. Collins and Brendan Virey of Blum Collins LLP, Project opponents.

A public hearing is required pursuant to Section 22.240.060 of the County Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.222.120 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061 and 65090 relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

The County completed an Initial Study to evaluate the potential environmental impacts of the above-mentioned Project. The Initial Study indicated that the Project could potentially result in significant adverse effects on the environment, but those effects would be avoided or reduced to a less than significant level through Project design features and the implementation of the recommended mitigation measures, as agreed to by the applicant, in the MMRP. Therefore, the County proposes that an IS-MND is the appropriate environmental documentation under CEQA.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the proposed CUP is not anticipated to have a negative impact on current services because the utilities onsite are existing and there are no potential impacts on other existing services or projects.

For further information, please contact Erica Gutierrez, AICP at (213) 974-6462 or egutierrez@planning.lacounty.gov.

Respectfully submitted,

AMY J. BODEK, AICP
Director of Regional Planning

AJB:DD:MG:KAF:ST:EG:lm

Attachments:

1. Memo to File with Attachments, including Applicant's Response to Comments and Response to Appeal
2. Appeal Submitted by Blum Collins LLP
3. Approval Letter
4. Commission Staff Reports and Supplemental Materials
5. Hearing Examiner Staff Report

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

K_CP_07282020_PROJECT_NO2017_004820_BOARD_LETTER

From: DRP Public Comment
To: Erica Gutierrez
Subject: Fw: Bridge Public Hearing
Date: Wednesday, April 22, 2020 11:52:36 AM

From: batty@pacbell.net <batty@pacbell.net>
Sent: Wednesday, April 22, 2020 6:48 PM
To: DRP Public Comment <comment@planning.lacounty.gov>
Subject: RE: Bridge Public Hearing

CAUTION: External Email. Proceed Responsibly.

Regarding Ms. Heather C's comments about beeping trucks, if what she stated was correct, then why do all the trucks that come and go beep at the warehouse just to the south of the Bridge site?

From: batty@pacbell.net <batty@pacbell.net>
Sent: Wednesday, April 22, 2020 11:23 AM
To: 'DRP Public Comment' <comment@planning.lacounty.gov>
Subject: Bridge Public Hearing

Dear DRP,

It appears Bridge has recruited many union members to speak at the Public Hearing. I understand union members want the work, but approving this project for economical purposes is like saying it is ok to go back to work business as usual in the middle of a pandemic. They are missing the point of the impact an industrial use warehouse will have on homeowners that surround the site.

It will affect people's lives and not in a good way.

Thank you,
Don Garstang
(310) 320-9269

From:	DRP Public Comment
To:	Erica Gutierrez
Cc:	Kevin Finkel
Subject:	Fw: Bridge point warehouse at Torrance Blvd. / Normandie
Date:	Wednesday, April 22, 2020 8:22:19 AM

From: Amy Yoshida <pwrchix@yahoo.com>
Sent: Wednesday, April 22, 2020 3:20 PM
To: DRP Public Comment
Subject: Bridge point warehouse at Torrance Blvd. / Normandie

CAUTION: External Email. Proceed Responsibly.

How can anyone who says that they care about the general public and local residents(whether County or City of LA) give a permit to build another warehouse which will cause traffic backup, pollution and disturbance to the nearby businesses, travelers and residence??!!
Haven't you seen how the existing warehouse facility at the northwest corner already causes traffic backup, parking issues (due to their employees parking on local streets), noise pollution and delays?! Certainly if you were aware , you would NOT allow Bridge Point Warehouse to build on this corner.
If it's tax dollars you are hoping to acquire, building a gas station w/ a market or eatery or corner strip mall.
I ask our neighbors to vote against this Bridge Point Warehouse and to the politicians who even took part in thinking that building it at this location.

Amy S Yoshida
1303 West 213th Street
Torrance 90501

Sent from my iPhone

From:	DRP Public Comment
To:	Erica Gutierrez
Cc:	Kevin Finkel
Subject:	Fw: Bridge Point Development Project
Date:	Wednesday, April 22, 2020 8:12:26 AM

From: James Bell <bell.jamesbell@gmail.com>
Sent: Wednesday, April 22, 2020 3:10 PM
To: DRP Public Comment <comment@planning.lacounty.gov>
Subject: Bridge Point Development Project

CAUTION: External Email. Proceed Responsibly.

Good morning,

I am a home owner who's property is immediately adjacent to the site where Bridge Point Development wants to build a distribution center at 20846 Normandie Ave. This is Item 6 on today's meeting with the planning commission.

I have seen the plans for this project and my wife works in logistics so we can speak to the impact in this community. The current site at 20846 Normandie Ave is a blight on our community. It has been marked as a light industrial property for decades and remains derelict. The land there is contaminated with toxic waste from many years in the past and would require an EPA intervention to make it suitable for any other usage other than a distribution center where the contaminated soil would be sealed under a layer of concrete and asphalt.

A distribution center of the size proposed at this location would provide jobs, property improvements and improvements to the local economy without catastrophic impacts to the community; Indeed, the net gains overcome any other possible use of the site.

There was an attempt in the past to repurpose the site for residential properties, but as the soil was too toxic, those plans failed. To attempt to turn this site into a retail property or a park would meet a similar fate due to the existing contamination.

As such, I and my wife have decided to support the Bridge Point development as it has been proposed. It will help improve out community and will provide jobs and tax base for the county. It will also eliminate the existing blighted property and replace it with something that will be a benefit for out community.

I thank you for your consideration.

James Bell
20815 Raymond Avenue
Torrance, CA 90502

Apr 21, 2020

To the Los Angeles County Regional Planning Commission,

I would first like you to THINK and remember we are people, human beings who have families and concerns about their and our own safety and health; regarding the Normandie Ave and Torrance Blvd. Development. Please try to see pass the green $. Imagine if this was built a block or two or across the street from your home.

My family and I do not want to see this project go forward for several reasons.

First of all NO to 24hr - 7 days a week - we are a neighborhood here.

Most of us enjoy not only living peacefully inside our homes but outside in our yards as well. We garden, play with our children, walk, people walk their dogs and we have barbques too. As it is now we already have problems with the trucking noise across West of Normandie & North of Torrance Blvd. I hear them nightly and I have insulation in my walls and I still hear them & the horns, bells etc., as do others. But we knew they were there when we bought our homes and made the decision to live here; it was not forced upon us.
I do not buy into the "sell" that these trucks being inside for loading and unloading will be quiet.
Our streets and air quality WILL be affected also and NOT in a good way.

I read they will only use one entrance ...
• Will that entrance area be wide enough for **one direct** entrance where the truckers do not have to back up, go forward, & back up, to make an entry?
• Or will these trucks be interrupting an already busy flow of traffic & blocking our streets?
• Plus, will the doors make a beeping bell or horn sound when they open & close?
• Will the trucks themselves be making LOUD noises using loud horns, bells, whistles? You know the warning noise trucks make when backing up - BEEP, BEEP, BEEP?
• Will the entry way EVER be blocked inside? Backing MORE THEN ONE truck up on the outside?

I read they say no to this , that they will have appts and say they can only come in on their designated time.

• BUT … WHAT IF the trucks are LATE or EARLY?
• EXACTLY WHERE WILL THESE LATE or EARLY TRUCKS PARK?
• Will these EARLY or LATE trucks be idling, spewing more chemicals in our air while they await entry?

Our streets are already damaged enough by heavy traffic and huge trucks.

• IF late or early and not allowed entrance obviously they are not going to drive a long distance away from their assigned entry …

SO where will they go?
Will they be blocking up areas along the main streets and or parking in our neighborhoods?
AND ALL OF THIS AT ALL HOURS EVERY SINGLE DAY????

Normandie is already constantly full of potholes from all the trucks. Even when filled they rarely last a month.

A dark shadow foresees:
• Backed up traffic endangering our streets.
• Bad air quality endangering our lungs.
• LOUD Noise levels affecting our sleep, **quality of life**, and stress levels.

THINK about this by your home. WE homeowners, even renters chose this neighborhood for the quality of life it afforded us and to be able to live safely.

WOW, During it's operation, this Proposed Project last I heard is expected to generate approximately **74 heavy-duty, diesel-fueled truck trips a day,"** that is a lot more than someone posted **as less than 40 a day**.

Another BIG, HUGE concern is in this report on air quality, dust, and potential for cancer risk IS that it is viewing "this site" and the work that will be done as a **singular influence** which honestly is incorrect and UNACCEPTABLE.
The study needs to be combined WITH the air quality emissions we are ALREADY bombarded with.
Our neighborhoods will not be just them emitting dust, debris, and cancer causing toxins BUT any study or report should ALSO include the Torrance Refineries emissions.

WHAT WILL BE THE TOTAL OF ALL THE EMISSIONS BOTH COMBINED? Because that, IS what we WILL be ACTUALLY breathing.
If cancers and respiratory illnesses rise, IF our quality of life, If our peace and quiet, IF our streets are overburdened, maybe we can go back and get ALL of your names who are approving this hazard and hold each one of you accountable for negligence.

I do not see how this proposed construction and influx of way too many trucks for way too many hours & way too many days, will be safe or beneficial to our neighborhood and us, WE the people, who live here.

I've had lung cancer in the past and do believe it will be an issue for those with immunity issues, the elderly, small children, those with breathing issues, and YES, even those who are healthy. Another consideration is how will all this dust, debris, and supposedly low cancer risk emissions affect Harbor General a nearby hospital.

I am thankful for this opportunity to voice my opinion against this construction going forward. But please don't just pass our voices and letters over with an already made up mind. REALLY listen to them.
It would be nice if those of you on this and other committees for
ONCE THOUGHT OF THE PEOPLE WHO ACTUALLY LIVE IN THE NEIGHBORHOOD
before making thoughtless and dangerous decisions.
Again please imagine this next to your home before you decide.

Barbranne Herrera
1049 W 210th St
Torrance CA 90502

Comments submitted via the chat feature during the Regional Planning Commission's virtual public hearing held on April 22, 2020

9:30:30 From 24 - John Vidovich (Public) to All panelists: On behalf of the Los Angeles Harbor Boys & Girls Club, I am hear Tom offer our full support of the Bridge Point South Bay project. This $40 million dollar investment will make a significant economic impact in the immediate areas that surround the Boys & Girls Club service area. As a nonprofit that sees the impact of gangs and crime, we applaud the efforts to breathe new life into this dilapidated corner. The plans sustainability features including a solar ready roof is in alignment with what we teach our kids to be good stewards of the environment and minimizing the impacts of climate change with the use of low emission electric trucks. We have seen Bridge Development team's engagement within the community, specifically with the Boys & Girls Club. Bridge has supported our holiday toy drive which assisted providing outreach to 2,600 youth per day. With the current CoVid emergency, 5e Boys & Girls Club has provided 350 meals to residents in this immediate area. As our employees are community members who lif

09:35:33 From 24 - John Vidovich (Public) to All panelists: Additional for Boys & Girls Club: As our employees are community members who live and work near the site, we care about this new investment which will have a direct impact and from our prospective will bring a tremendous benefit to the entire South Bay Area. we ask the County of Los Angeles to move forward with approving this important project to our community. Thank you.

10:04:35 From 5 - Cynthia Babich (Public) to All panelists: Public comment should be given additional time to match the overage of the applicants presentation.

11:21:23 From Florence Gharibian (commented) to All panelists: The Boys and Girls club in our community is next door to a chlorine facility/not the one that spoke since the company promises jobs/it will be leased to another company, I question the 100s of job statement.

11:45:41 From Florence Gharibian (commented) to All panelists: The del Amo Action Committee wants rebuttal.

11:57:48 From Florence Gharibian (commented) to All panelists: The soil contamination at 16ft only applies to the DDT on the Eastern portion of the site. Other areas of contamination are not limited to 16ft.

12:00:24 From Dan Mikkelsen (commented) to All panelists: I respectfully asked panel members to address the petition confusion issue (residents signing in favor petitions thinking they were signing to oppose). Bridge did not respond and it is highly deserving of clarification.

12:04:08 From DON GARSTANG to All panelists: Could someone please point out the warehouse next door to Bridge does not operate 24/7. Why should Bridge be any different?

12:10:10 From Cynthia Babich (commented) to All panelists: Can you go over appeal process, please.

Submitted May 18, 2020

Overview of Comments Submitted Prior to April 22, 2020 Regional Planning Commission Hearing

Comments were submitted to the Los Angeles Regional Planning Department (LADRP) preceding the County Regional Planning Commission hearing scheduled at 9:00 am, April 22, 2020. Several comments expressed opinions in favor of or in opposition to the proposed project. Others included comments regarding the adequacy of the information and analyses provided in the draft and final Mitigated Negative Declaration materials, prepared in accordance with the California Environmental Quality Act and the County's local CEQA implementation procedures.

The CEQA-related comments were submitted mostly by parties who had previously submitted comments concerning the Mitigated Negative Declaration (MND) prepared for the County. These comments were primarily reiterations of issues raised in prior comments and did not raise any new issues or introduce any significant new information that would affect the determinations reached in the MND that was prepared for the County.

Responses to the comments submitted by Blum Collins and the Del Amo Action Committee are provided below and in the following pages.

BLUM COLLINS – LETTER DATED APRIL 21, 2020, WITH ATTACHMENT OF LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS' TRAFFIC IMPACT ANALYSIS GUIDELINES

This letter follows a previous letter stating the same range of concerns, dated March 17, 2020, which was submitted 116 days after the close of the 61-day public review and comment period on the draft MND. Detailed responses to all of those comments were provided in the Responses to Comments document included as Attachment G of Planning's staff report to the Regional Planning Commission.

Comment 1: On behalf of the Golden State Environmental Justice Alliance and local resident Brendan Virey, this is to comment under the California Environmental Quality Act ("CEQA") upon the Final Mitigated Negative Declaration ("MND") and the Responses to Comments for the above-captioned proposed distribution center for the lot at 20850 Normandie Avenue in the unincorporated Los Angeles County community of West Carson, at the southeast corner of Torrance Boulevard and Normandie Avenue ("the Project"). We submit these comments today because we did not see the Department of Regional Planning's ("DRP's") responses to our comments until April 17, 2020 (and they were not released until April 16).

Response 1: This comment is an introduction to the primary comments that are listed under various topics included in the Draft MND. No response is required.

<u>Responses to Our Earlier Comments</u>

<u>Air Quality</u>

Comment 2: *Threshold d. Would the Project expose sensitive receptors to substantial pollutant concentrations?*

<u>Inadequate Assessment.</u> We previously commented on the Draft MND that there was no quantitative construction health risk assessment ("HRA"), and other commenters noted (1) that the County had not used EMFAC2017 in preparing its operational HRA, which is significant because EMFAC2017 would increase the quantities of particulate matter anticipated, and (2) that an assumption of TRUs running for

only ½ hour onsite was not warranted because TRUs can run for as long as two hours (and they will run for two hours or more if the Project site does not offer refrigeration). In response, the County prepared a quantitative HRA for construction, and it re-ran the HRA for operations to incorporate EMFAC2017. The HRA for construction resulted in a maximum of 3.8 cancers in a million for residences on the eastern boundary of the site. This number should have been added to the revised result of an HRA for operations, which would have been a number in excess of the 4.6 in a million previously obtained under EMFAC2014 with the assumption that TRUs would only run for ½ hour. We'd venture to guess that the County's consultants actually did this and got a number higher than 10 in a million. However, in re-running the operational HRA for the purposes of public review, the County eliminated its previous assumption that 20% of trucks visiting the site would have transport refrigeration units ("TRUs"), such that, according to the County, the risk from operations went down to only 1.5 cancers in a million. Eliminating the assumption of TRUs is not warranted absent a Project Design Feature or Mitigation Measure, enforceable under CEQA, which prohibits trucks with TRUs from entering the site. PDF 17-1 doesn't do this; while it prohibits the site from operating as a cold storage use, it does not bar trucks with TRUs from entering the site.

Response 2: These concerns were raised in an earlier letter submitted by Blum Collins, dated March 17, 2020. Responses to those prior comments (comments 3-6) are provided in the Supplemental LADRP staff report dated April 16, 2020, Attachment 2, to the County Regional Planning Commission. As explained in the prior responses, the HRA followed all current methodologies and applied all required data inputs for such assessments, as specified by the California Office of Environmental Health Hazards Assessment, the California Air Resources Board and the South Coast Air Quality Management District.

A construction HRA was prepared in January 2020 to address public comments received requesting this additional analysis. It should be noted that the SCAQMD, which is the agency that provides the applicable HRA Guidelines for the project as well as the cancer and non-cancer (acute and chronic) thresholds utilized in the IS/MND, does not request or require projects to prepare construction-related HRAs. As such the construction-related HRA was not included in the Draft IS/MND. The construction HRA prepared in January 2020 found that the construction-related cancer risk would be 3.8 per million persons which is well below the 10 in one million threshold. The original operational HRA conservatively accounted for emissions from up to 20% of the trucks being equipped with transportation refrigeration units (TRUs), even though the Project would not be a cold storage warehouse, and found that the highest calculated cancer risk at any sensitive receptor location would be 4.6 in one million, well below the SCAQMD threshold of 10 in one million. An updated operational HRA ("Updated HRA") was prepared with the more recent EMFAC 2017 emission factors developed by CARB and without any TRU's, since the project will be prohibited from being designed/operated as a cold storage facility by PDF 17-1 and CUP Condition No. 55 ("Vehicles with transfer refrigeration units (TRUs) are not permitted on the Project site."). The Updated HRA analysis concluded that the calculated cancer risk during project operations was reduced to a maximum of 1.5 in 10 million and thus further below the SCAQMD significance threshold as compared to the original operational HRA.

As such, the MND properly relied on the findings of the Updated HRA to support a determination that the project would not expose sensitive receptors to substantial pollutant concentrations. See in Topical Response No. 4: Health Risk Assessment and Air Quality Modeling for additional discussion and summary of the project's Health Risk Assessments and impact analysis.

When combined, the construction and operational cancer risk would be as high as 5.3 in 10 million persons (3.8+1.5), which is well below the SCAQMD threshold of 10 per million. This analysis conservatively

includes OEHHA- and SCAQMD-recommended sensitivity factors and breathing rates for the first 2 years of a project that generate the greatest cancer risk (i.e., from 0 to 2 years old), as shown in Table 3-9 of the Final IS-MND (health risk is calculated by multiplying the PM10 concentrations by 342 for the first two years (0 to 2 years old). The analysis is also conservative because both the construction HRA and updated operational HRA included analysis of the first 2 years, resulting in doublecounting of these impacts. Therefore, impacts are anticipated be less than 5.3 in 10 million.

Comment 3: Additionally, the operational HRA and revised operational HRA are excessively optimistic because they are based upon the assumption that only 37 trucks will be visiting the site per day. The County concluded this using default values from CalEEMod for the relative number of truck and car trips per day. Those assumptions are not warranted as the South Coast Air Quality Management District ("SCAQMD") has indicated that analyses for distribution centers should assume at least 40% of trips are from trucks. While SCAQMD may not have made that comment on this individual comment, it is the agency's longstanding position, and the County should have made the appropriate assumptions in this MND, which would have led to the requirement for an environmental impact report ("EIR") because there is substantial evidence of a fair argument that a significant impact could occur.

Response 3: The HRAs appropriately assume 37 trucks will be visiting the site. The traffic study calculated that the project would generate 74 truck trips per day. This was calculated using trip generation rates from the Institute of Transportation Engineers' (ITE) Trip Generation, 10th Edition and applying the vehicle mix from the City of Fontana Truck Trip Generation Study for Heavy Warehouse uses, August 2003 ("Fontana Study"). The commenter cites an SCAQMD study in Footnote 21, which recommends that high cube warehouses should assume that 40% of project trips are from trucks. While this SCAQMD study is relevant to high cube warehouse projects, it is not relevant to this project. The project's Conditions of Approval specifically prohibit the operation of a high cube warehouse facility.[1] The referenced SCAQMD study is titled, "High Cube Warehouse Trip Rate Study for Air Quality Analysis,"[2] and analyzes high cube warehouse projects only. Any projects that are not high cube warehouses, such as e-commerce and parcel warehouses, were intentionally removed from the study as outliers. Therefore, the very projects that may have been representative of this project were removed from the SCAQMD study.

As stated in the SCAQMD study, the Fontana Study "is not characteristic of high cube warehouses." However, the Fontana Study is characteristic of the project, which due to its physical characteristics such as site layout, limited truck/trailer parking, and truck loading bay on only one side, does not have the characteristics of a high cube warehouse.

Further, conditions of approval ensure the project will not function as a high cube warehouse. High cube warehouses are in large part characterized by their ability to handle high throughput of goods which is a principal reason they generate higher truck volumes than traditional warehouse. Here, the project is restricted to 74 truck trips per day by Condition 29 which states that, "Daily truck trips to and from the site shall not exceed 74 single trips or 37 round trips each day. A master, daily log shall be maintained onsite, and made available to Zoning Enforcement upon request." This enforceable condition ensures there will be a limit on trucks visiting the site and also ensures the project cannot function a high cube warehouse. Additionally, Project Design Feature ("PDF") 17-1, which is an enforceable measure through

[1] Condition 55 states, "The warehouse building shall not operate as a cold storage or high cube warehouse facility."
[2] https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/high-cube-warehouse

the Mitigation Monitoring and Reporting Program ("MMRP"), prohibits the facility from being operated as a high cure warehouse facility.

Comment 4: It appears that the construction HRA was prepared based upon the assumption that equipment and trucks would idle for no more than three minutes. While Mitigation Measure ("M") 8-3 and PDF 3-4 purport to require construction idling for no more than two minutes, this Measure and PDF are toothless, because the contractor will clearly simply comply with it only on any rare instances in which the DRP sends an inspector out to the field. Therefore, both the construction HRA and the operational HRA are overly optimistic, and there is substantial evidence of a fair argument that a significant impact to public health may occur.

Response 4: Mitigation Measure 8-3 and PDF 3-4, like all of the mitigation measures and project design features included in the Project's Mitigation Monitoring and Reporting Program (MMRP) along with the additional Conditions of Approval adopted by the Regional Planning Commission, are legally enforceable by the County on the applicant and future owners,[3] and the MMRP identifies responsibilities by all parties involved in implementing and monitoring the mitigation measures and project design features. CEQA requires the County to make the MMRP enforceable through permit conditions, agreements or other measures. (Pub. Res. Code Section 21081.6(a)(1); CEQA Guidelines Section 15091(d).) Condition 13 requires compliance with the MMRP and incorporates the MMRP into the Conditions of Approval. Conditions 11 and 15 require the project applicant to fund County staff resources to monitor and enforce compliance with the MMRP and Conditions of Approval. Condition 14 requires the applicant to record a covenant with the property title agreeing to the Conditions of Approval and all of the measures in the MMRP. Condition 27 requires that the MMRP and Conditions of Approval be provided to all tenants, and that tenants provide a signed acknowledgement that they will comply. Additionally, violation of a condition in a permit issued by the County is a misdemeanor pursuant to Los Angeles County Code Section 22.242.030. The commenter's lack of faith in the County's enforcement is not substantial evidence that supports a fair argument that a significant air impact may occur. [4] As such, it was appropriate to include the assumption that mitigation measures and project design features will be enforced.

Comment 5: Inadequate Mitigation. Because there is substantial evidence of a fair argument that a significant impact to residents may occur, the County had to adopt all feasible mitigation to reduce impacts to less than significant, or else it had to prepare an EIR. There are numerous loopholes in the Mitigation Measures and PDFs. For example, the County relies upon its PDF 3-4 which purports to require that trucks visiting the Project site only idle 2 minutes or less. As with M 8-3, there is no evidence this requirement will be enforced. There is no indication there will be an "onsite manager" outside to assure that the requirement is followed, and there is no indication in the MMRP that DRP will visit the site ever once it is operational, and the MMRP merely requires it to "verify signage during field inspections." The County cites to PDF 3-3 requiring the applicant to include a requirement in leases or a covenant recorded in future ownership changes that all off-road equipment be non-diesel, but there is nothing to assure that tenants will comply with their leases. The County says that emissions will be reduced by a "clean truck incentive program" funded by the developer, PDF 3-10, but the PDF provides for developer to furnish the funds to lessees whether or not "such funds can be used for cleaner trucks." See MMRP, PDF 3-10(f). The County points to a further incentive offered by the developer of $50,000 every three years to each tenant

[3] Los Angeles County Code Section 22.02.090 (Approvals Run with the Land).

[4] "[T]he courts ordinarily presume that the government … will comply with the law." *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal. 4th 341, 365.

demonstrating compliance with to increase use of the site by model year ("MY") 2014 or later trucks and near-zero and zero-emission trucks, PDF 3-12, but while the goals are admirable, the tenant or tenants are more likely to make more money by disregarding those incentives and increasing volume at the site.[5] We also note that the County has failed to include a Mitigation Measure or PDF limiting site access to MY 2014 or later trucks for operations. There is no excuse for this omission, as the requirement could simply have been included in tenant leases like any other condition of approval.[6]

Response 5: See Response 4 above. As explained above, all of the mitigation measures and project design features included in the project's Mitigation Monitoring and Reporting Program (MMRP), along with the additional Conditions of Approval adopted by the Regional Planning Commission, are legally enforceable by the County on the applicant and future owners, and the MMRP identifies responsibilities by all parties involved in implementing and monitoring the mitigation measures and project design features. The project applicant is required to fund County staff resources to monitor and enforce compliance with the MMRP and Conditions of Approval. The applicant will also be required to record a covenant with the property title acknowledging agreement with all of the Conditions of Approval and all of the measures in the MMRP, and to prepare an annual compliance report for the County Department of Regional Planning, describing the status of compliance with these measures. Violations of the Conditions of Approval are also a misdemeanor pursuant to Los Angeles County Code Section 22.242.030. The commenter's lack of faith in the County's enforcement is not substantial evidence that supports a fair argument that a significant air impact may occur. As such, it was appropriate to include the assumption that mitigation measures and project design features will be enforced.

The clean truck incentive program identified by the commenter is not a mitigation measure that is necessary to reduce impacts to less than significant levels. Rather, it is a measure that would further reduce emissions below what has been identified in the MND. The MND conservatively took no credit for the clean truck incentive program and made no assumptions about the targets identified in that program would be achieved, therefore emissions would only be further lowered by achievement of the goals identified in the program.

Additionally, the updated HRA did not take credit for other operational measures that would further reduce diesel emissions that contribute to health risks in calculating the project's cancer risks even though these measures are fully enforceable through the MMRP; therefore, it is expected that the cancer risk would be lower than the levels identified in the updated HRA. These include:

PDF 3-4: limiting on-site construction and operational trucks to idling for no more than 2 minutes

PDF 8-1: requires that EV-ready parking spaces be provided for all truck parking and truck loading docks; EV-ready parking shall mean that conduits are installed from an electrical room on site to each truck parking and loading dock

Other emission reduction measures for which no credit was applied in the MND's quantitative analysis includes:

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[5] While the developer has indicated a willingness to accept a condition of approval limiting daily truck trips to those analyzed for the site, 74, the County has ***not*** included this in the MMRP as a PDF or Mitigation Measure.

[6] While the County claims that due to proximity the Ports, "many" of the trucks will be MY 2014 or later based on the requirements of the Clean Truck Program, at ***most*** only half the trucks visiting the site will be going to or coming from the Ports, since the warehouse would serve as a way-station for the Ports in a best-case scenario.

PDF 8-2: requires installation of 0.45 megawatts of solar panels on the roof of the warehouse building, which is anticipated to provide sufficient solar capacity to supply net-neutral electricity demand for the warehouse building and its operations

PDF 8-3: requires that 10 percent of automobile parking spaces be equipped with EV-chargers and another 20 percent be equipped with EV-ready electrical conduits; this exceeds the requirement of CalGreen, which requires that only six percent of parking spaces (for a project with over 200 parking spaces) have EV chargers

Comment 6: The MND should have assessed cumulative impacts in its HRA to address the impacts of the many other recently developed facilities including the Farmers Bros. distribution center developed by Bridge Point. We note that the approximately 512,000 sf Farmers Bros. warehouse project was apparently not included in your cumulative projects list although it is just up the street.

Response 6: The Farmers Bros. distribution center was included in the traffic study, identified as project 12 in Table C "Cumulative Project Trip Generation Summary" and shown as project 12 on Figure 12 (traffic study is Appendix M of the Draft and Final MND).

In response to the comment about whether the MND assessed cumulative impacts in the HRA to address recently developed facilities (including the Farmers Bros. distribution center) in the vicinity of the project, consistent with agency guidance, the MND evaluated the potential for the project to cause cumulative health risk impacts to nearby sensitive receptors in combination with existing sources in the community. As summarized next, the MND concluded that cumulative air quality and health risks were less than significant.

First, Health Risk Assessments were prepared to assess the project's potential to contribute to health impacts during construction and operations. The Health Risk Assessments analyze the project's incremental contribution to health risks based on guidelines and methodology adopted by the California Office of Environmental Health Hazard Assessment ("OEHHA") and the SCAQMD, the leading expert agencies with respect to air quality and health risk issues. OEHHA and SCAQMD's health risk guidance is based on years of technical analysis and case studies that represent the best available science endorsed by the relevant expert agencies for modeling and estimating health risks. The most stringent health risk standards adopted by OEHHA and the SCAQMD have been used in the MND's Health Risk Assessment. For instance, OEHHA's guidelines for preparation of health risk assessments, adopted in 2015, require the use of age sensitivity factors that include multiplying the cancer risk by 10 for the first 2.3 years of the project in order to account for the enhanced risk of a pregnant woman living in one of the nearby homes on opening day of the project, and a child living at the same house for the next 30 years. In addition, the breathing rates adopted by SCAQMD in 2017 were utilized that require the use of the 95th percentile breathing rates (this assumes that the people living in the nearby homes will breath faster than 95 percent of the general population).

As described on page 67 of the MND, the SCAQMD significance thresholds for air emissions and health risks were conservatively set at low levels to account for a project's potential to contribute to existing conditions. The SCAQMD thresholds were established as indicators of a cumulatively considerable contribution to an existing or potential violation of health-based air quality standards. Based on this conservative approach for establishing the significance thresholds, projects that do not exceed SCAQMD's

recommended significance thresholds or can be mitigated to less-than-significant levels at a project level do not contribute a cumulatively considerable level of emissions on a regional or cumulative basis. The MND and Health Risk Assessments demonstrate that the project is well below the significance thresholds for air emissions and health risks during construction and operations.

Moreover, as detailed in Topical Response No. 4: Health Risk Assessment and Air Quality Modeling, the project incorporated a number of additional Project Design Features and Mitigation Measures to further reduce emissions and health risks even though the project would not cause significant air impacts or health risks. These additional measures include, but are not limited to, requiring state-of-the-art Tier 4 equipment during construction, requiring all heavy-duty trucks during construction meet Model Year 2014 or later, limiting all construction equipment and construction trucks to idling on-site for no longer than two minutes, requiring installation of 0.45 megawatts of solar panels, installing electric vehicle charging stations and implementing an incentive program to encourage zero-emissions or near zero-emissions trucks. Therefore, the project is expected to produce even fewer emissions than disclosed in the quantitative assessments, meaning the results presented in the Health Risk Assessments are likely conservative (i.e., present a conservatively high estimate of risk). See Topic Response 4 for additional discussion and summary of the project's Health Risk Assessments and impact analysis.

Second, in addition to the quantitative assessment of health impacts, the MND evaluated the project's potential to impact the surrounding community with respect to air quality and health risks by assessing the project's consistency with the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, SCAQMD's Air Quality Management Plan and the California Air Resources Board (CARB) Air Quality and Land Use Handbook: A Community Health Perspective, and concluded that the project would be consistent with these guidance documents. (See MND at p. 66 and Response to Comment 21 by the SCAQMD.) The project site has been zoned for light industrial use, including warehouses, for a number of years, and the project is consistent with the County's land use policies and corresponding zoning standards, which take into account which uses are appropriate for certain areas. As summarized above, no significant air quality impacts or health risks have been identified in the MND due to the proposed warehouse design, truck traffic or other construction or operational activities. See Topical Responses 1-5 for a more detailed discussion of the MND's analysis and conclusion that that project does not significantly impact the surrounding community.

Third, the MND analyzed whether project's air emissions would exceed health-based "Local Significance Thresholds" established by the SCAQMD to evaluate a project's local air quality impacts. The MND applied the "Localized Significance Threshold Methodology" developed by the SCAQMD to study local air quality impacts (see MND, p. 60). This methodology accounts for the health impacts from localized concentrations of air pollutant emissions.[7] As discussed on page 67 of the MND, the local concentrations of criteria pollutant emissions produced in the nearby vicinity of the project that may expose sensitive receptors to substantial concentrations were calculated for both construction and operations. As shown in Tables 3-4 and 3-6 of the MND, project emissions would be below the Local Significance Thresholds, meaning local impacts will be less than significant. This conclusion applies to both project-level and cumulative local impacts. (See MND, p. 67.)

[7] SCAMQD, Localized Significance Threshold Methodology, available at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2

Comment 7: *Threshold b. Would the Project violate any air quality standard or contribute to an existing or projected air quality violation?*

The County re-ran its operational HRA using EMFAC2017. The County did not, apparently, use EMFAC2017 in evaluating criteria pollutant impacts using SCAQMD's regional or local thresholds, and if it had, there might well have been a significant impact, particularly since the LST analysis disclosed a significant impact from demolition activities and the County only avoided this significant through adopting further dust mitigation activities. Additionally, the County did not model TRU emissions, which it should have absent a PDF or Mitigation Measure which clearly prohibits TRUs and not just cold storage. Both NOx and PM10 would have been higher in a proper analysis.

Response 7:

As explained above, PDF 17-1 and Condition 55 ensure that TRUs will be prohibited from the site. The most current version of the CalEEMod model (version 2016.3.2) was utilized to analyze the regional and local criteria pollutant emissions (i.e., the LST analysis) for the proposed project. The SCAQMD, as the expert agency for evaluating air quality and health risk impacts, currently recommends using this version of CalEEMod for land use development projects. The MND followed this SCAQMD recommendation and is consistent with industry standard for air quality assessments.

The comment raises a possibility that using EMFAC2017 for the criteria pollutant and LST impact analysis would have resulted in a significant impact but this is not consistent with the record and available information. As noted in the comments, the LST impact for PM10 required mitigation to reduce the impact to less than significance, as described on pages 60-62 of the MND. The PM10 impact in question was primarily based on fugitive dust emissions from construction equipment. The Environmental Protection Agency's "AP-42" emission factor for fugitive dust has not changed. Any slight variation in emissions rates between the EMFAC2014 and EMFAC2017 models would not result in any change in significance for local air quality impacts. Similarly, use of EMFAC2017 is not expected to change the LST or criteria pollutant impact conclusions and, as noted above, is not recommended by the SCAQMD. The SCAQMD commented on the MND and did not recommend use of EMFAC2017 in this manner. Accordingly, the MND properly analyzed the project's air quality impacts and concluded such impacts would be below the applicable significance thresholds.

<u>Energy</u>

Comment 8: As we stated in our March letter, the two questions the Draft MND asked to determine if energy impacts are significant were insufficient under CEQA and Appendix F to the CEQA Guidelines. The County did not revise its MND to address these points and instead asserted that it had complete discretion in defining thresholds. This is untrue. Again, the County must comply with CEQA and Appendix F to the Guidelines.

Our comment that the MND simply looked to compliance with Building Codes stands. The only thing the County cites to is Table 6-4 in the MND, which compares the Project's use to overall countywide historic use, which is not adequate.

The writer of the response to our comments asserts:

On page 88 of the Final MND, it is noted that the project will be required to comply with the 2019 California Building Energy Efficiency Standards, which are more stringent than the 2016 standards which applied at the time the Project application was submitted.

It's our understanding that a project is subject to the standards applicable when it is ***approved.*** And that means the MND proves our point: it relies on the California Building Standards Code to establish compliance.

The Draft MND, which is the one circulated, relied solely upon code compliance and a comparison to overall countywide use. Neither provides the proper basis for determining lack of significance.

Response 8: The responses to the prior Energy comments are provided on pages 9-13 in the Supplemental LADRP Staff Report dated April 16, 2020, Attachment 2. As explained therein, the County thresholds are appropriate and consistent with the CEQA Guidelines, and the discussion presented in the MND support the determination that the project would not result in significant impacts due to wasteful or inefficient energy consumption or conflict with an adopted state or local plan or program designed to increase renewable energy sources and energy efficiency in building design and construction.

Comment 9: Greenhouse Gas Emissions

There is substantial evidence of a fair argument there may be a significant impact regarding greenhouse gases ("GHGs") because the MND fails to demonstrate compliance with the 2017 Scoping Plan Update or the SB 32 2030 goal or the Executive Order S-3- 05 2050 goal.

The MND improperly analyzed compliance with the County Climate Action Plan ("CCAP"), which had a horizon year of 2020, even though the Project won't be complete and operational until 2021 or 2022. While the County contends that "The strategies identified in the CCAP are not time based, they are action based," the point is that they do not call for the massive reductions that SB32 and E.O. S-3-05 require. This is obvious, and the 2017 Scoping Plan made this very point.[8] We presume that the County will include the 2017 Scoping Plan in the administrative record for this Project, since you have quoted from it, but if we are wrong, here is the url: www3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Under prevailing CEQA case law, it is now a part of the record.

Response 9: These comments repeat concerns raised in comments 11-14, in the prior letter dated March 17, 2020. Responses to the prior comments are provided on pages 13-25 of Attachment 2 to the Supplemental LADRP staff report to the Regional Planning Commission, dated April 16, 2020. As described in those responses, the analysis properly considered the Project's consistency with the CCAP and the 2016 Scoping Plan as well as the State's long term climate goals under SB 32 and Executive Order S-3-05. Specifically, as described in the MND, the California Air Resources Board adopted the original and subsequent updates to the Scoping Plan as a means to implement AB 32 and subsequent legislation. The 2017 Scoping Plan implements the 2030 statewide target pursuant to SB 32 (reduce emissions to 40 percent below 1990 levels) and sets the state on a pathway to achieve compliance with Executive Order S-3-05.[9]

[8] Pointing to other language in the 2017 Scoping Plan also does not help the County avoid the language that is actually on point.

[9] 2017 Scoping Plan, pp. 5, 18.

The Project includes locational attributes and design measures and mitigation that achieves goals for new development projects as recommended by the 2017 Scoping Plan to meet the state's 2030 and 2050 climate goals. Consistent with the 2017 Scoping Plan, the Project would reduce GHG emissions by providing on-site electric vehicle infrastructure for passenger vehicles and light and heavy duty trucks, utilizing renewable energy from a 0.45 MW rooftop solar PV system, incorporating a variety of building energy efficiency measures, and providing a variety of incentives to achieve a phase-in of low and zero emissions trucks used by warehouse tenants. The Project's onsite measures both reduce GHG emissions and other pollutants.

In addition, as an infill development located near the Ports and existing development, the Project advances key goals of the RTP/SCS. The MND considers the RTP/SCS's strategies to reduce post-2020 VMT and GHGs within the South Coast Air Basin in accordance with SB 375 and California's climate goals. For example, the MND determines that "[a]s an infill development located near existing industrial uses such as the Ports, the project is the type of infill land use development located near existing infrastructure and development that is encouraged by the RTP/SCS to reduce regional VMT." The inclusion of additional Mitigation Measures and PDFs in the final MND further support the Project's consistency with the RTP/SCS. PDFs 3-9 thru 3-12, in particular, which provide strong incentives to the warehouse tenant(s) to phase in electrically powered and other alternative, cleaner fuel powered trucks over time, directly implementing a primary RTP/SCS strategy pertaining to regional goods movement that is discussed in the Goods Movement Appendix to the RTP/SCS. As described on page 114-15 of the MND, the Project's facilitates meeting the RTP/SCS goals which reduce emissions and GHGs through 2030 and thereafter.

Comment 10: In response to the "various factors" which the County cites under the 2017 Scoping Plan,

- The Project is not likely to reduce regional VMT, it is likely to increase it;
- CARB specifically said that onsite measures that provide co-benefits of reducing GHG emissions and air pollutants would be a happy result of the ***updated*** CAPs it said local agencies should adopt;
- "Increasing the number of zero-emission trucks, primarily for 'last mile' delivery trucks in California" was but ***one instance*** in which CARB called for zero- emission trucks: CARB also noted that the Sustainable Freight Action Plan, which calls for them, was another necessary measure.

Response 10: All of the references to prior responses below refer to the Attachment G Responses to Comments in Planning's staff report to the Regional Planning Commission.

In response to the first bullet point raised in this comment, as detailed in responses to comments on page 25 of Attachment G of Planning's staff report to the Regional Planning Commission, the project site is located in close proximity to I-110, which provides for an efficient distribution of goods from the Ports to the proposed warehouse/distribution center. Based on its location, relative vehicle miles traveled (VMT) is expected to be reduced compared to a similar warehouse distribution center located far from the Ports, such as a distribution center in the Inland Empire where many regional and national distribution centers tend to be located.

As an infill development located near existing industrial uses such as the Ports, the project is the type of infill land use development located near existing infrastructure and development that is encouraged by the RTP/SCS to reduce regional VMT. The Project is consistent with RTP/SC goals of encouraging infill development near existing uses for the intended benefit of reducing regional VMT from the transportation sector, which has the benefit of reducing GHG emissions and other pollutants.

Moreover, as explained in Responses to Comments by Blum Collins for Golden State Environmental Justice Alliance, page 18 (located in Attachment 2 of the Supplemental LADRP staff report dated April 16, 2020), the Project is consistent with the 2017 Scoping Plan goal to encourage infill development, which is expected to result in a relative reduction in regional VMT. Moreover, as detailed in Responses to Comments by Blum Collins for Golden State Environmental Justice Alliance, pages 17-22, the Project's design features are consistent with the RTP/SCS and Scoping Plan based on a variety of factors.

In response to the second bullet point raised in this comment, as detailed in Responses to Comments by Blum Collins for Golden State Environmental Justice Alliance, page 18, the Project is consistent with the Scoping Plan's recommendation to include onsite measures that provide "co-benefits" of reducing GHG emissions and air pollutants The Project includes a number of Project Design Features and Mitigation Measures that provide such co-benefits, as summarized on pages 14-16 of the Responses to Comments by Blum Collins for Golden State Environmental Justice Alliance. With these measures, the Project would reduce onsite GHG and pollutant emissions by providing on-site electric vehicle infrastructure for passenger vehicles and light and heavy duty trucks, utilizing renewable energy from a 0.45 MW rooftop solar PV system, incorporating a variety of building energy efficiency measures consistent with LEED certification, and providing a variety of incentives to achieve a phase-in of low and zero emission trucks used by warehouse tenants.

In response to the third bullet raised in this comment, it is not clear whether the commenter is simply making a statement or raising a new comment related to the Project. However, as detailed in Responses to Comments by Blum Collins for Golden State Environmental Justice Alliance, pages 17-22, the Project is consistent with the 2017 Scoping Plan, including the Scoping Plan's encouragement of (1) infill development to reduce regional VMT by locating development near existing uses and (2) incorporating measures that reduce onsite emissions, such as installing onsite renewable generation, EV chargers, and building energy efficiency measures. The Project is consistent with the applicable 2017 Scoping Plan strategies, as summarized in the table on pages 18-22 of the Responses to Comments by Blum Collins for Golden State Environmental Justice Alliance. In addition to being an infill project located near the Ports and other existing development, the Project would reduce onsite GHG and other pollutant emissions by providing on-site electric vehicle infrastructure for passenger vehicles and light and heavy duty trucks, utilizing renewable energy from a 0.45 MW rooftop solar PV system, incorporating a variety of building energy efficiency measures, and providing a variety of incentives to achieve a phase-in of low and zero emissions trucks used by warehouse tenants.

Comment 11: Regarding the County's "demonstration" of consistency with SCAG's RTP/SCS, we noted that the County identifies several factors that have nothing to do with GHG reduction. Further, zoning consistency is not necessarily all that is required for RTP/SCS consistency. Finally, the Project ***does not have*** zoning consistency, as it may only go forward after the County grants a Conditional Use Permit.

Response 11: Regarding the comment about zoning consistency, the MPD Zone authorizes any use permitted in Zone M-1.5 subject to approval of a CUP and enumerated development standards. (County Code Section 22.22.090.A.2; Table 22.22.030-B [identifying permitted uses in Zone M-1-5].) Uses allowed in the MPD Zone with a CUP include warehousing and distribution uses. Additionally, among the stated purposes of the MPD Zone is to accommodate warehousing and distribution uses. (County Code Section 22.22.010.B.6.) As such, the Project is consistent with the MPD Zone notwithstanding the CUP requirement.

The comment incorrectly suggests that zoning consistency is all that is required for RTP/SCS. Zoning consistency is only one component to considering compliance with the RTP/SCS. The MND at pages 114-117 analyzed consistency with the RTP/SCS. The MND determines that "[a]s an infill development located near existing industrial uses such as the Ports, the project is the type of infill land use development located near existing infrastructure and development that is encouraged by the RTP/SCS to reduce regional VMT." The inclusion of additional Mitigation Measures and PDFs in the final MND further support the Project's consistency with the RTP/SCS. PDFs 3-9 thru 3-12, in particular, which provide strong incentives to the warehouse tenant(s) to phase in electrically powered and other alternative, cleaner fuel powered trucks over time, directly implement a primary RTP/SCS strategy pertaining to regional goods movement that is discussed in the Goods Movement Appendix to the RTP/SCS. See also Response to Comment 13 of the Responses to Comments by Blum Collins for Golden State Environmental Justice Alliance (located in Attachment 2 of the Supplemental LADRP staff report dated April 16, 2020) for additional discussion of the Project's consistency with the RTP/SCS.

Hazards & Hazardous Materials

Comment 12: The MND acknowledges that EPA has documented DDT on the site at 8-24 feet below ground surface (bgs), and the situation has not been remedied. The site had and has drainage across it on the eastern half from the nearby Montrose Superfund Site and it is considered a part of the Montrose Superfund site. Although the former owner of the site, ECI, excavated soils in the eastern portion of the site and eventually disposed of them, the eastern portion has not been subject to "extensive testing" as the County and developer repeatedly promise. This is apparent at page 748 of the PDF that is the County's general Response to Comments document (Exhibit G). That map shows the EPA-mapped area of likely contamination (the slough), and the much smaller areas of excavation, marked in red and with green outlining. While the County asserts that "Post- excavation soil sampling in these areas have verified that clean import soil was used for backfill," other documents in the record demonstrate that the soil was neither "clean" nor "imported" – for this we can cite to the results of the Los Angeles County Department of Public Health's ("LACDPH's") mandated testing program disclosing residual DDT at shallow levels on the site, as well as Ardent Environmental's 2018 Human Health Risk Assessment ("HHRA"), which acknowledges that ECI used soils from other portions of the site to fill the areas it had excavated. The County does not, by repeating ad nauseum that "The extent of the remaining DDT has been extensively characterized, both vertically and laterally," establish the statement as reality. By our count, before LACDPH achieved an additional 20, there had been only 44 borings since 2010, and those were scattered all over the site.

With respect to the 20 borings that LACDPH achieved earlier this year, (1) they disclosed residual DDT and other pesticides, and (2) the applicant persuaded LADPH that only the top four feet bgs had to be surveyed, which was entirely inappropriate, given that the developer is planning, at least based on LACDPH's comments, on grading to 17 feet bgs.[10]

The County claims that after grading the Project will cover "most of the site (90 percent) with impervious surfaces (i.e., the warehouse building and parking and driveway areas) that would prevent stormwater infiltration into the contaminated soil layers." This ignores the eastern portion of the site, where the developer now plans to place ***landscaping*** in the easternmost 22-25 linear feet. The County asserts that

[10] The County repeatedly attempts to assuage the public's well-grounded fear by asserting that "Soils deeper than ***16 feet*** which have contamination concentrations exceeding regulatory guidelines will not be disturbed or graded for the protection of worker safety and the environment," but apparently this is not true.

the landscape areas "would provide erosion control" and "would not be in a place where people would gather," though it would appear that that "qualitative" ecological assessment that Ardent Environmental prepared in 2018 would no longer be valid, as birds and other wildlife do use trees.

The response to our comments states that EPA and DTSC "continue to provide oversight concerning the evaluation of contaminants at the project site," and that a Soil Management Plan is required. They claim that due to the supposedly extensive characterization of the site, "there is a low likelihood that unknown environmental concerns will be encountered," but if they are, cleanup activities would be required. It is unclear if further DDT, DDE, and DDD, which are known to be present on the site, would be considered an "unknown environmental concern," but we would suspect not.

The MND also relies upon SCAQMD's Rule 1466, which provides minimal oversight: in particular, there is monitoring of particulate matter emanating from the site (though reports regarding violations of permissible quantities of emissions do not necessarily lead to any enforcement actions), and there is no testing of those emissions for pesticides, heavy metals, or anything else.[11]

The response to our comments attempts to assure us that excavations will be "periodically" sprayed with water, and that trackout will be "immediately" cleaned with a street sweeper, though our understanding of Rule 1466 is that it should be vacuumed so it does not disperse. Residents are promised a Final Grading Environmental Oversight Report, all though this does them little good when the contaminants will have been dispersed.

The response to our comments states that the applicant will only grade to 9 feet bgs in the eastern portion of the site. We are not confident that contaminated material will not be uncovered however, since the soils in this portion of the site were only excavated in some of the area covered by the former and current drainage.

Response 12: Comments repeat concerns raised in Blum Collin's previous letter dated March 17, 2020, comments 15-19. Responses to these concerns were provided in the full set of responses to the prior letter (Attachment 2 of the LADRP Supplemental Staff Report dated April 16, 2020) and demonstrate the sufficiency of soil testing, site characterization, the Soil Management Plan and the added safeguards to be provided through compliance with Rule 1466.

The known DDT impacted soil located in the eastern portion of the site (shown in Appendix G, Figures 1 and 2) has been fully characterized under the direction and oversight of the EPA. Excavation activities which took place in 2006 and 2015 (including ECI's excavation of DDT impacted soil in 2015) are shown in Appendix G, Figure 3, of the Final MND. Post-excavation soil sampling in these areas have verified that clean import soil was used for backfill. This included two borings drilled in 2017 in the location of ECI's 2015 excavation to verify that clean backfill soils were used. These two soil borings were drilled to a depth of approximately 15 feet bgs and soil samples were collected continuously from surface to the bottom of the boreholes. No stained or odorous soil was encountered and field instrument readings indicated no volatile organic compounds (VOCs). The extent of the remaining DDT has been extensively investigated and fully characterized, both vertically and laterally. As noted above, the EPA has reviewed these data and concurs that no further work is needed.

Nonetheless, to address Los Angeles County Department of Public Health (LACDPH) comments requesting further characterization of the surface soils within the eastern part of the site, 20 additional near-surface

[11] We are uncertain as to whether the promised use of a photoionization detector ("PID") will detect DDT or other organochlorine pesticides or their metabolites, or how often one will be used.

soil borings were drilled in February 2020 resulting in a total of 60 additional soil samples collected and tested.

As shown in Table 2 of Appendix G, DDT, and to a lesser extent chlordane and DDT's breakdown products DDE and DDD, were detected in the eastern portion of the site at concentrations below the regulatory screening levels. Based on these results, the residual concentrations detected in the eastern portion of the site would not pose a significant health risk to future occupational and construction workers at the site, and therefore impacts would be less than significant.

With the additional samples and testing conducted in February 2020, 210 soil borings have been drilled for the collection of soil samples from surface to approximately 28 feet bgs. This has resulted in 649 soil samples taken throughout the project site, between 2005 and 2020. The 649 soil samples that have been chemically analyzed were taken at the following depths:

- 70 at 0.5 feet
- 22 at 1 feet
- 92 at 2 feet
- 40 at 3 feet
- 20 at 4 feet
- 94 at 5 feet
- 18 at 7 feet
- 52 at 8 feet
- 16 at 10 feet
- 53 at 12 feet
- 8 at 15 feet
- 54 at 16 feet
- 52 at 20 feet
- 50 at 24 feet
- 1 at 26 feet
- 7 at 28 feet

The extent of the remaining DDT has been extensively investigated and fully characterized, both vertically and laterally, and therefore, no further soil sampling is necessary. With the exception of known DDT in deep soils in the eastern portion of the site, no other area of possible environmental concern has been identified. As noted above, the EPA has reviewed these data and concurs that no further work is needed.

Of the 649 soil samples collected, 412 of those were located in the eastern area, therefore this area has been extensively tested.

In addition, 70 soil gas points have been installed and sampled throughout the site. Laboratory results have indicated no detectable to very low concentrations of volatile organic compounds (VOCs).

Within the eastern portion of the site, the soil from surface to 16 feet bgs have concentrations of DDT below federal and state screening levels for the protection of workers. Therefore, the soil from surface to

16 feet bgs can be safely handled during grading activities. It is acknowledged that DDT is present in deep soils in the eastern portion of the site. However, soils deeper than 16 feet which have contaminant concentrations exceeding regulatory guidelines will not be disturbed or graded for the protection of worker safety and the environment. Further, since DDT is not volatile and does not migrate rapidly in soil, no vapor intrusion risk or threat to groundwater is present.

A total of four Human Health Risk Assessments (HHRAs) were completed in 2006, 2010, 2018 and most recently in 2020 (see updated Appendix G of the IS/MND) which analyzed the eastern portion of the site. Each of these determined that the residual soil contaminants and soil vapor do not represent a significant threat to construction workers or future on-site employees, provided the land is restricted to some form of industrial or commercial use through recordation of a covenant to be attached to the land title. The 2018 HHRA was reviewed and approved by the USEPA and the California Department of Toxic Substances Control (DTSC). Correspondence from both agencies concurring with the methods and findings of the latest HHRA is provided in Appendix G of this Initial Study. A 2020 supplemental HHRA was prepared at the direction of the LACDPH, to incorporate new soils testing from near surface soils in the eastern part of the site where DDT had previously been document. That supplemental HHRA, which is included as Appendix G of the Final IS/MND, confirmed the results of the 2018 HHRA that soil disturbance in accordance with the proposed grading plan would not result in a significant health risk for on-site construction workers or off-site residents. Soils from surface to approximately 16 feet below the existing grade do not contain concentrations of chemicals that would be harmful to workers, residences, or future occupants, as demonstrated by four human health risk assessments (HHRAs) that have been independently prepared and reviewed by state and local agencies.

As noted in previous reports, DDT impacted stormwater historically flowed from the Montrose facility onto the eastern portion of the site via an unlined slough. These activities continued until the 1960s when a concrete covered culvert was installed by the Los Angeles County Flood Control (LACFC). Therefore, the area of impacted soil is located approximately 16 feet lower than the current site elevation. The contaminants in the eastern portion of the site have been buried under 16 feet of soil for years. Since these types of chemicals do not rapidly migrate through soils and are non-volatile, no health risk or environmental threat are present, therefore, the EPA has not required remediation of these materials. The proposed redevelopment will not disturb these soils, but rather leave them in-place. The existing and proposed grade changes in different areas along the eastern portion of the site, and grading is proposed to different depths within the eastern area primarily for geotechnical purposes. Most of this area will have grading from 0 to 5 feet in depth, and only a small area near the northeast is proposed to have grading to a maximum depth of 10 feet. In no area will grading get close to the 16 foot depth where elevated concentrations of contaminants are found, and all grading plans will be reviewed by the EPA and Los Angeles County.

Regarding landscaping, elevated concentrations of DDT will remain at depths of approximately 16 feet below the ground surface, and therefore, there is no direct exposure route to future workers, occupants, residents, or biota. The concentrations of residual DDT detected in shallow soils have been proven to be low and do not pose a health risk. Further, Condition 46 requires that the applicant employ an independent, qualified biologist and conduct soil sampling and laboratory analysis to identify chemical or physical soil properties that may adversely affect plant growth or establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected, based on the above-referenced testing procedures and results.

Regarding Rule 1466, the use of a street sweeper and "vacuuming", the project's Soil Management Plan (SMP) requires use of a street sweeper to clean and remove soil track-outs from the site, as needed. A "street sweeper" is a generic term for a machine that cleans the streets of dust and track-out soil. The street sweeper applies water from jets to keep dust particles to a minimum, while spinning brushes scrub the dirt free from the streets. A vacuum then sucks the loosened debris into a container that will trap dust particles achieving a 99.97% capture efficiency for 0.3 micron particles.

Transportation and Traffic

Comment 13: The County relies on 2016 and 2018 traffic counts because the "base year" for analysis is 2018. We see no basis for doing this with a 2020 MND for a project that won't be operational until 2021 or 2022. It also appears to be contrary to the County's own guidelines. *See* Attachment A, bottom of page 2 to top of page 3.

Further, we commented that the County had to consult with transportation planning agencies and public agencies with transportation facilities in affected jurisdictions because the Project was of statewide, regional or areawide significance. While the County responds that none of the neighboring jurisdictions commented on the MND, they should have been consulted in ***preparing*** the MND, and clearly, they were not.

Response 13: These comments challenge the use of 2016 and 2018 traffic counts as a basis for analysis of the project's traffic impacts, allege that the traffic study methodology does not comply with the County's traffic study guidelines, and suggest that the County did not adequately consult with other jurisdictions regarding traffic impacts. These concerns were raised in Blum Collins' previous letter dated March 17, 2020, in comment 20a, 20e, 20j, and 21 and were responded to in detail as part of a comprehensive response to all of the comments in that letter, provided in Attachment 2 of the Supplemental LADRP Staff Report dated April 16, 2020. The responses therein (see pages 31-36) explain that the 2016 traffic volumes used at some intersections were converted to 2018 volumes by applying growth rates from the Los Angeles County Congestion Management Plan ("CMP"). The scoping agreement was approved by the County in June 2018. Based on the length of time it takes to prepare and adopt a CEQA document, it is not unusual for the environmental review process to extend over a year. Regardless, the County's traffic study guidelines acknowledge a ten percent daily variation in peak volumes is not uncommon, and for this project, this variation far exceeds the traffic growth rate since 2018. The Transportation Impact Analysis Guidelines from the CMP provides a growth rate for the area is 0.212% per annum. If applied to the 2018 (or 2016) counts, this would result in a growth of 0.414 (or 0.818 for 2016), which would be well within the 10% variation anticipated by the County. Therefore, the traffic study prepared for the project's MND was in compliance with the County's traffic study guidelines. The traffic impact analysis prepared for the MND was reviewed and approved by the County Department of Public Works and supported by consultations with Caltrans and the City of Los Angeles, who maintain key intersections in the traffic study area. These new comments do not raise any new issues or provide any new information that would alter the determinations of the MND with respect to the project's less than significant impacts involving transportation and traffic.

General Response to Comments Document

Comment 14: ***Topical Response 1: Transportation and Circulation.*** The County claims there will be no more than 37 trucks or 74 truck trips per day at the site. While the County says this will be an enforceable

condition of approval for the Project, that condition is not incorporated into a PDF or Mitigation Measure, and it must be so that the public can enforce it.

The County asserts that the site provides "136 feet of driveway on-site between Normandie Avenue and the truck court" so that trucks can queue on the site rather than backing up on Normandie. By the County's own calculations, though, this is space for fewer than two trucks. And we are fairly certain (actually we know) that the HRA did not calculate truck idling on Normandie next to or near residences.

Response 14: This comment states there should be an enforceable condition to limit the project's truck traffic to no more than 37 trucks or 74 total daily truck trips. This is included as Condition of Approval 29, which has been adopted by the County Regional Planning Commission.

This comment also speculates that there would be truck idling on Normandie Avenue near residences and that the HRA should have modeled those idling emissions. This comment was addressed in detail as part of a comprehensive response to Blum Collins' previous letter dated March 17, 2020. This comprehensive response is provided in Attachment 2 of the Supplemental LADRP Staff Report dated April 16, 2020. Given that only 37 total trucks would be traveling to the project over a 24 hour period (the other 37 trucks would be leaving the project) trucks would be turning into the project driveway from Normandie Ave. only intermittently throughout a 24 hour period. The highest peak hour delay for vehicles turning left in the southbound direction is forecast to be less than 10 seconds, which occurs during the p.m. peak hour. Only 2 trucks are anticipated to make that turn during the p.m. peak hour, where the delay for that movement is highest. In addition, the driveway is 40 feet wide, and can accommodate more than two trucks side-by-side. Therefore, no queuing or idling would occur on Normandie Ave. that exceeds normal waiting times to turn left into the project site. Therefore, there was no need to model idling emissions on Normandie Ave. The HRA did evaluate potential truck idling emissions within the site and determined that onsite diesel emission sources would not result in a significant health risk impact. Further, this analysis conservatively assumed longer idling times than permitted by the two minutes maximum permitted by the project's MMRP (the analysis was conducted prior to incorporation of this measure); therefore, impacts from idling would be even less than shown in the MND.

Comment 15: ***Topical Response 2: Noise.*** The County asserts that noise impacts will be less than significant based in part upon PDF 13-2, which it says will prohibit the use of back-up beepers. PDF 13-2 does not prohibit backup beepers, however. It says:

> No trucks shall utilize back-up or reverse beepers while on the project site:
> ***however, all truck operations shall be consistent with OSHA requirements to ensure the safety of on-site workers.***

This latter provision recognizes that OSHA requires back-up beepers, according to a November 26, 2012 interpretive letter. See osha.gov/laws- regs/standard interpretations/2012-11-26-0. (While this interpretation related to a forklift, the rule for trucks would be the same because it relies upon OSHA's general authority.) The mitigation measure therefore can be interpreted only as an attempt to mislead the public as to the true impacts of the Project. Noise impacts therefore were not modeled and they will be significant. There is more than substantial evidence of a fair argument that the Project may have a significant impact.

Response 15: The OSHA Standard Interpretation cited by the commenter is dated November 26, 2012, and states that "OSHA does not specify that powered industrial trucks must be equipped with flashing

lights and/or back-up beepers."[12] Therefore, this interpretation does not state that OSHA requires back-up beepers for industrial trucks. In addition, the cited interpretation is not generally applicable (contrary to the commenter's assertion) as vehicles used for earth moving or over-the-road haulage are not covered by this OSHA Standard.[13]

OSHA does have back-up beeper requirements for construction trucks, but these only apply when motor vehicles have an obstructed view to the rear. OSHA Standard Interpretation, dated March 2, 2010, titled "Re: Permissible methods of operating trucks in reverse on construction sites" explains that trucks can be equipped with a camera system or other technology to prevent an obstructed view, such that the back-up beeper requirement is not triggered.[14] In addition, OSHA regulations provide that a signaling person or "flagman" can be used to provide warnings to people near moving trucks instead of back up beepers.[15] OSHA Standard Interpretation, dated November 3, 1988, titled "Re: §1926.52, 1926.601(b)(4), and 1926.602(a)(9)," describes this flexibility ("The Agency has explained that these requirements allow employers some flexibility in determining the best method to warn of the danger of a backing vehicle. Specifically, when a driver's view to the rear is obstructed, the vehicle must be either equipped with an alarm or an observer must signal the driver that it is safe to proceed."). [16] OSHA Standard Interpretation, dated September 27, 2004, titled "Re: §§1926.601(b)(4) and 1926.602(a)(9)" also reiterates this: "§§1926.601(b)(4) and 1926.602(a)(9) by their terms give employers flexibility beyond the use of alarms—both provisions permit the use of an observer/signal person instead."[17]

Therefore, PDF 13-2 is permitted by OSHA, is feasible and enforceable, and allows for the use of flagmen or technology to prevent an obstructed view.

Comment 16: ***Topical Response 3: Hazards and Soil Management Plan.*** The Response asserts again that the soils have been "fully characterized," but Appendix A to the Response to Comments document, Figure 3, at PDF page 748 discloses that the extent of excavation in 2005 and 2015 did not cover the entire extent of the historical Montrose Chemical drainage as delineated by EPA. The fact that 20 shallow borings of up to four feet done at LACDPH's behest earlier this year did not disclose DDT or its metabolites above industrial levels of concern does not make the planned grading or Project safe.

We also haven't seen the backup for the analysis that Ardent Environmental did in response to LACDPH's requests. Figure 3 clarifies that though the site may have been subject to 210 borings, by no means all of

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[12] https://www.osha.gov/laws-regs/standardinterpretations/2012-11-26-0

[13] ("[A] powered industrial truck is defined as a mobile, power-driven vehicle used to carry, push, pull, lift, stack, or tier material. Vehicles that were commonly referred to as high lift trucks, counterbalanced trucks, cantilever trucks, rider trucks, forklift trucks; high lift platform trucks; low lift trucks, low lift platform trucks; motorized hand trucks, pallet trucks; narrow aisle rider trucks, straddle trucks; reach rider trucks; single side loader rider trucks; high lift order picker rider trucks; motorized hand/rider trucks; or counterbalanced front/side loader lift trucks. Vehicles used for earth moving or over-the-road haulage are excluded from the scope of the consensus standard, and consequently from coverage by the OSHA standard.") https://www.osha.gov/laws-regs/federalregister/1998-12-01-1

[14] https://www.osha.gov/laws-regs/standardinterpretations/2010-03-02

[15] Title 29 CFR 1926.601(b)(4) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:
(i) The vehicle has a reverse signal alarm audible above the surrounding noise level or:
(ii) The vehicle is backed up only when an observer signals that it is safe to do so.

[16] https://www.osha.gov/laws-regs/standardinterpretations/1998-11-03-0

[17] https://www.osha.gov/laws-regs/standardinterpretations/2004-09-27

them occurred on the eastern portion of the site which is the greatest concern because of DDT contamination and the residences immediately next door.

Response 16: Appendix G of the Final MND includes all back up data associated with the soil analysis prepared for the MND and requested by the Department of Public Health. This includes the analytical results of the soil borings and tests; illustrations showing the sample points, results of the EPA Data Quality Objective (DQO) Visual Sampling Plan (a statistical evaluation program required by the Department of Public Health); the laboratory reports for the soil tests; and chain-of-custody forms associated with the soil testing.

Of the 649 soil samples collected from the 210 soil boring, 412 of those soil samples were located in the eastern area of greatest concern related to DDT contamination. This covers the entire area of potential historical on-site contamination from the Montrose facility. Therefore, as discussed above in Response 12, this area has been extensively tested.

Comment 17: ***Topical Response 4: HRA and Air Quality Modeling.*** The Project requires a CUP because warehousing is considered a Restricted Heavy Manufacturing Zone activity, yet the County planners assert that they have been "careful." The residents obviously overwhelmingly disagree. As noted previously, there is no requirement that operational trucks be MY 2014 (or 2010 for that matter), although in our experience this is a common requirement for CEQA-reviewed distribution centers and warehouses.

The County says it developed a new "Health Scoping Document," but apparently this was not enough for LACDPH which is requiring another analysis, a Rapid Health Impact Assessment, which should be distributed and reviewed before CEQA review is complete, and not tacked on as a requirement to be completed before a certificate of occupancy is issued. This is basic under CEQA, which requires assessment before a Project is approved, as the Supreme Court clarified in *No Oil,* and as countless other cases make clear as well.

Staff argues that "warehouses near the Ports – such as the project site –are also environmentally beneficial by reducing the number of miles trucks have to travel from the Ports to unload cargo for local destinations." Apparently, the residents do not think so.

Response 17: The MPD Zone authorizes any use permitted in Zone M-1.5 subject to approval of a CUP and enumerated development standards. (County Code Section 22.22.090.A.2; Table 22.22.030-B [identifying permitted uses in Zone M-1-5].) While the M-1-5 Zone is titled "Restrictive Heavy Manufacturing Zone", the MPD Zone's CUP requirement enables the County to evaluate proposed industrial uses for consistency with the General Plan and applicable General Plan policies and MPD Zone development standards to ensure that projects are designed and conditioned to be compatible with surrounding uses. Uses allowed in the MPD Zone with a CUP include warehousing and distribution uses. Additionally, among the specifically stated purposes of the MPD Zone is to accommodate warehousing and distribution uses. (County Code Section 22.22.010.B.6.) A Conditional Use Permit is required for this project to enable a closer review of project design and operational features and to impose restrictions, as warranted, to reduce impacts and increase compatibility with surrounding land uses. This type of permit is common for a variety of projects in many zoning districts and does not signify that a particular land use represents something that is necessarily incompatible or that typically generates substantial impacts.

The use of model year 2014 trucks or newer is sometimes applied to construction trucks for projects, not operational trucks. PDF 3-2 does require that all heavy-duty trucks during construction meet Model Year 2014 or later.

This comment also indicates that the requirement to prepare a Rapid Health Impact Assessment (per MM 21-1 in the MMRP provided as Exhibit H of the LADRP staff report) should not be deferred until post-project approval. This measure was recommended by the County Department of Public Health during the preparation of responses to comments on the draft MND as an additional way to address potential community concerns, outside of the CEQA process. The RHIA is not a mitigation measure needed to reduce impacts to less than significant – the MND identified no significant impacts from the project. The RHIA does not affect the findings and conclusions of the MND.

These comments do not raise any new issues or provide any new information that would alter the determinations of the MND with respect to the project's less than significant impacts involving hazards and hazardous materials.

Comment 18: ***Attorney General's Comments.*** While the Attorney General's Office can and often does speak for itself, we were appalled by your seemingly deliberately misleading response that:

> Recognizing the characteristics of the community within which the project would be located has helped inform project site planning and mitigation to ensure the Project does not cause an incremental increase in pollutants that would significantly impact neighboring communities.

Of course, the Project causes "an incremental increase in pollutants that would significantly impact neighboring communities." There is no way it would not. As the AG and CARB have noted, the area is significantly overburdened already, and it has some of the highest percentiles possible for pollution burden in CalEnviroScreen 3.0. In addition, the County claims that the Project will convert the site into a less intensive use, and that it will eliminate risk from DDT and other pesticides, petroleum hydrocarbons and metals on the site. Actually, it will be a ***more*** intensive use, which is why a CUP is required, and it will stir up the very chemicals on the site which pose a risk to neighbors.

Staff writes:

> Through careful site planning, technical studies, analysis of potential impacts on surrounding uses, and mitigation, the Project demonstrates its compatibility with surrounding uses.

We would note that supposedly "careful planning" has not involved neighbors, who did not get notice of EPA's activities regarding ECI's cleanup, and did not get notice of the public hearing the County arranged for CEQA review of the Project.

We agree with the Attorney General's reasoning that the Project has a significant impact because it conflicts with several policies in the County's General Plan. County staff's lengthy attempt to justify the project based on policies ***other*** than those identified by the AG is lipstick on a pig, as another resident has indicated regarding other obfuscations.

Response 18: These comments do not raise any new issues or provide any new information that would alter the determinations of the MND with respect to the project's less than significant impacts involving hazards and hazardous materials or of the project's consistency with the County's land use policies and

zoning regulations. Further, since responses were transmitted to the Attorney General's Office which incorporated numerous new sustainability measures and operational/design features for the project, the Attorney General's Office has not provided further comment.

The Project was thoroughly assessed for conformance with the requirements for approval of a CUP in the Staff Report. Exhibit C – Findings to the Staff Report thoroughly addresses General Plan and Zoning Code consistency, including development standards, for projects in the MPD Zone. Additionally, Exhibit J – Applicant's Burden of Proof sets forth additional analysis and supporting evidence with respect to each CUP finding required by County Code Section 22.158.050.

The Project site is designated Light Industrial ("IL") in the County's General Plan Land Use Element. The IL designation, was considered and most recently adopted by the Board of Supervisors in October 2015, when the County adopted its 2035 General Plan. The Land Use Element contains policies governing the location, type and intensity of land uses appropriate throughout the unincorporated County, including the Project site. The IL designation is intended for a range of light industrial uses that include light manufacturing, assembly, warehouses and distribution.

The Project site's MPD Zone is consistent with the General Plan's IL designation as both authorize light manufacturing, assembly, warehouses and distribution uses. While the MPD Zone allows a range of uses also permitted in the Restricted Heavy Manufacturing Zone (M-1-5) such as warehousing and distribution uses, a CUP is required for such uses. Among the specifically stated purposes of the MPD Zone is to accommodate warehousing and distribution uses. (County Code Section 22.22.010.B.6.) The MPD Zone's CUP requirement enables the County to evaluate industrial uses for consistency with the General Plan and applicable General Plan policies to ensure that projects are designed and conditioned to be compatible with surrounding uses.

With respect to policies identified in the comment letter from the Attorney General, it identified three specific policies of concern which are all addressed in the responses to the letter (Exhibit G, Response to Comments of the Final MND) The Project is consistent with the General Plan Policies (N 1.11, ED 2.2, and LU 7.1) that are cited in the Attorney General letter. These polices provide as follows:

- General Plan Policy N 1.11: Maximize buffer distances and design and orient sensitive receptor structures (hospitals, residential, etc.) to prevent noise and vibration transfer from commercial/light industrial uses.

- General Plan Policy ED 2.2: Utilize adequate buffering and other land use practices to facilitate the compatibility between industrial and non-industrial uses.

- General Plan Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques

These policies exist to ensure that buffers, site planning and design are all utilized to ensure compatibility with surrounding uses. Consistent with these policies, the Project has been designed to ensure compatibility with surrounding residential uses through the use of buffers and design techniques. The Project's site plan and operational features, as listed below, include many measures and design elements, including the buffer on the eastern side of the Project site, to mitigate potential impacts to nearby residents.

To ensure that the Project reduces the impacts on surrounding residential uses and to demonstrate compatibility with General Plan Policies N 1.11, ED 2.2, and LU 7.1, the Project's site plan and operations include the following design elements and operational measures:

Design Elements

- The Project provides at least a 220-foot buffer between the closest truck loading dock and residential homes;

- The Project site design limits truck loading bays to the south side of the building and truck/trailer parking directly south of the loading docks, facing adjacent industrial uses, rather than facing residences (Figure 4, Final IS/MND);

- The truck court area has been inset into the building, such that the building itself acts as a barrier between the loading docks and closest homes (Figure 4, Final IS/MND);

- Along the eastern boundary, a 10-foot high sound wall will be erected to serve as a visual and noise barrier to residences east of the Project site; and

- The eastern boundary contains a landscaped buffer area ranging from approximately 22 to 25 feet wide with 37 trees, in 36-inch box containers. Trees have been identified as one strategy to improve air quality. The adjacent on-site driveway has also been narrowed down to the minimum required 28 feet.

- The building has been setback 74 feet from the eastern site boundary.

- The Project is proposed to have approximately 138 trees on-site which is more than double the code requirement;

Operational Measures

- All truck access will be restricted to the Normandie Avenue driveway at the southwest corner of the site pursuant to PDF 3-3, to ensure that no trucks would travel on-site within 250 feet of the residences bordering the eastern boundary. PDF 3-3 has been revised to require that signs be posted at the Normandie Avenue driveways prohibiting truck access, and that structural or physical barriers be installed at the two Torrance Boulevard drives to prevent truck access at those locations, while allowing for emergency vehicle access;

- PDF 13-1 and Condition No. 53b prohibit outdoor operations, including but not limited to, trucks or automobile movements, maintenance activities, trash pick-up or employee parking, overnight (between 8 pm and 7 am) within 74 feet of the eastern site boundary;

- The loading and unloading activities, including use of forklifts, will be confined inside the warehouse building pursuant to PDF 13-3 and the truck trailers would directly line up and be nearly flush with the warehouse opening for each trailer, thus limiting the amount of interior noise which could be heard outside the building;

- PDF 8-1 requires that EV-ready parking spaces be provided for all truck parking and truck loading docks; EV-ready parking shall mean that conduits are installed from an electrical room on site to each truck parking and loading dock;

- PDF 8-2 requires a solar-ready roof, to requiring installation of 0.45 megawatts of solar panels on the roof of the warehouse building, which is anticipated to provide sufficient solar capacity to supply net-neutral electricity demand for the warehouse building and its operations;

- PDF 8-3 requires that 10 percent of automobile parking spaces be equipped with EV-chargers and another 20 percent be equipped with EV-ready electrical conduits; this exceeds the requirement of CalGreen, which requires that only six percent of parking spaces (for a project with over 200 parking spaces) have EV chargers;

- PDF 8-4 requires the Project to achieve LEED certification;

- PDF 3-4 limits trucks during operations to idling on-site for no longer than two minutes;

- PDF 3-3 requires that all off-road equipment used during operation of the project (e.g., forklifts) be powered by non-diesel fuels;

- Mitigation Measure 8-5 requires only electrical-powered landscape maintenance equipment, such as lawn mowers and leaf blowers on site;

- PDF 3-10 requires the project applicant to create a $250,000 clean truck incentive program fund. To promote the use of alternative fuels, money from the fund shall be made available no later than the commencement of operations of the first tenant to reimburse the tenant for costs associated with the provision of new alternative fuel/near zero emission trucks or the conversion of existing trucks to alternative fuel/near zero emission trucks provided such trucks will utilize the Project;

- PDF 3-12 establishes stricter goals every three years for the life of the project permit for the percentage of near-zero and zero-emission trucks accessing the project site. As an ongoing effort to promote an accelerated transition to clean trucks and alternative fuels, the applicant will provide an additional Tenant incentive of $50,000 for each triennial report where the pertinent goal is met or exceeded. In later years of the 15-year CUP, the target is 100% of all truck trips to the Site will be by zero-emission trucks. In the event that the incentive is not paid due to failure to meet the target, then the applicant shall provide the incentive to an organization or project which promotes clean technology in the South Bay or nearby area; and

- PDF 3-11 reflects the applicant's agreement to promote alternative fuels and help support clean truck fleets, tenants will be provided with written information related to the SCAQMD's Carl Moyer Program, or other such programs that promote truck retrofits or "clean" vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. Tenant leases will be required to include a signed acknowledgment by the lessee that it has received and reviewed the written information provided.

Comment 19: *LACDPH Comments.* LACDPH asked the County to clarify why different soil data was used for the resident, occupational worker, and construction worker calculations. We're not sure from the response this actually happened; we do not understand the response as having explained such a discrepancy. The County does argue that if there is no risk to on-site construction workers there would be none to residents, but we are not sure this is true. Offsite residents are potentially exposed for more hours

each day and probably will exposed for a longer time period than a year. We also disagree that the only exposure pathway would be through inhalation. It could also be through soil deposition. While we're at it, DDT is an endocrine disruptor. Thus, it poses more threats to residents than merely cancer. From what we have read, women exposed to workers who worked with DDT have had spontaneous abortions, among other things that endocrine disruption can cause.

LACDPH appears to believe the developer is grading to 17 feet bgs. This is a concern based on earlier repeated statements that the soils of concern are at 16 feet bgs and below.

Finally, the Response to Comments document at PDF page 823 (Appendix B) discloses that DDT was detected at 170 ppm (mg/kg) in 2010. We're not sure this soil was removed from the site. We're not sure what depth it was at. Since the EPA has written that soil at 17 ppm at nearby residences represented an unacceptable cancer threat, *see* EPA's Unilateral Administrative Order of October 30, 2015, we are very concerned with potentially disturbing soil with ten times that level.

Response 19: To analyze potential risk to off-site residential receptors during construction, the HHRA included in the draft MND used the on-site construction worker model and the resulting risk values were compared to acceptable values for residential properties. This methodology is conservative for several reasons. The on-site construction worker parameters have more potential pathways of exposure, including dermal contact, incidental ingestion, and inhalation of dust and vapors, compared to off-site residents, who only have an exposure route through inhalation of windblown dust. Additionally, the default exposure factors used to evaluate health risk for construction workers, such as inhalation rate and soil ingestion volume, are higher and more conservative than the recommended exposure factors based on a residential scenario. Therefore, using the on-site construction worker exposure factors results in greater impacts than those to off-site residents during construction. The risk values calculated using the construction worker model were less than the thresholds established for residents, therefore it was concluded that the chemical concentrations in soil would not pose an unacceptable health risk to off-site residents during construction from inhalation of dust. Ardent is not aware of an exposure pathway called "soil deposition" referenced by the commenter that is applicable to this evaluation. Soil deposition is a geologic process in which sediment is deposited onto a land-mass, usually through some kind of erosion. The Human Health Risk Assessments (HHRAs) completed for the site evaluated data based on exposure pathways including dermal contact, inhalation, and ingestion, consistent with standard methodology.

In addition to the analysis included in the draft MND, supplemental HHRA analyses were prepared by Ardent and are included in the final MND as required by the County Department of Public Health. The additional analyses included the use of EPA's *Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites*, dated December 2002, to further assess screening levels that are protective of off-site residents. This document presents equations provided by the EPA to calculate soil screening levels for chronic inhalation of carcinogenic and non-carcinogenic fugitive dust for an off-site residence. Based on the data collected in the eastern portion of the site from surface to 16 feet (i.e. the depth of the proposed geotechnical grading activities), no significant human health risk to off-site residents was identified. The chlordane concentration was modified, based on the February 2020 shall soil analytical results. This analysis was based on very conservative values, including the maximum individual contaminant concentration and EPA's default parameters. Appendix B of the Response to Comments document includes a summary of these findings and the backup data/calculations.

For the LACDPH-requested evaluation for potential health risk to nearby residences during construction activities, the highest concentrations evaluated during the previous HHRAs were used in the EPA-model. For clarification purposes, the soil concentration references are provided in the table included in Appendix

B. As discussed above, the chlordane concentration was modified based on the current shallow soil analytical results. Based on the results, no significant health risk has been identified for off-site residences during construction activities, and therefore, impacts would be less than significant.

Furthermore, the risk posed to off-site residents from potential inhalation of dust will also be minimized by compliance with required SCAQMD regulations. Grading activities will be monitored for VOCs in accordance with SCAQMD Rule 1166 and for dust in accordance with SCAQMD Rule 1466. SCAQMD Rule 1466 was adopted in 2017 to minimize the amount of off-site fugitive dust generated during grading, and work will be completed under the direction and oversight of the SCAQMD Dust Control Supervisors, with certification from SCAQMD's Fugitive Dust Control Class, will complete continuous air and wind monitoring during grading. To further minimize fugitive dust from leaving the property, the site will be encompassed with a windscreen equipped on a 6-foot chain-link fence.

The HHRAs prepared to evaluate construction risk demonstrate that completion of the project would not pose an unacceptable health risk to off-site residents. Additionally, compliance with regulatory requirements will further reduce the potential for off-site residences to be exposed to possible unhealthful dust.

As stated in Section 9 of the Final IS/MND and in the Topical Responses to comments, soils deeper than 16 feet which have contaminant concentrations exceeding regulatory guidelines will not be disturbed or graded for the protection of worker safety and the environment.

The USEPA and DTSC continue to provide oversight concerning the evaluation of contaminants at this project site, to ensure that future site development does not exacerbate the scope or volatility of contamination or threaten to release harmful substances to the environment or adversely affect neighboring land uses. A Soil Management Plan (SMP) was approved by the EPA in 2019 and specifies monitoring requirements for grading activities. The SMP is included in Appendix I of the MND. This SMP provides oversight and monitoring of grading activities to ensure that there are no releases of contaminated soils in dust generated by grading and outlines further control measures in the event that "unknown environmental concerns" are encountered. "Unknown environmental concerns" would include VOC-contaminated soil exceeding 50 parts per million [ppm], as measured with a photoionization detector (PID). Due to the number of environmental studies that have been completed at the site, there is a low likelihood that unknown environmental concerns will be encountered. If unknown environmental concerns are discovered, cleanup activities would be completed to the satisfaction of the appropriate regulatory agency or to the standards proposed in the SMP. The details of the SMP are included in the Topical Responses to Comments attached to Planning's staff report.

Comment 20: Conclusion

Given the many, many reasons an EIR should have been prepared if this Project is to be pursued, we hope that the Regional Planning Commission will defer decision on this Project and ask for the decision of the Board of Supervisors upon it.

Please advise us if and when the Regional Planning Commission acts on this Project, at collins@blumcollins.com and bentley@blumcollins.com, and add us to your notification list for all future CEQA actions under Public Resources Code § 21092.2. Thank you for your consideration.

Response 20: These comments do not raise any new issues or provide any significant new information that would alter the determinations of the MND with respect to the project's less than significant impacts.

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April 21, 2020

Erica Gutierrez
Los Angeles County Department of Regional Planning (DRP)
320 W. Temple St.
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egutierrez@planning.lacounty.gov.

Via Email & U.S. Mail

Re: *California Environmental Quality Act Comments on Final Mitigated Negative Declaration for Bridge Point South Bay II Project, and Responses to Comments (Project No. R2017-004820, Case No. RPPL2017010467)*

Dear Ms. Gutierrez, Los Angeles County Department of Regional Planning, and Regional Planning Commissioners:

On behalf of the Golden State Environmental Justice Alliance and local resident Brendan Virey, this is to comment under the California Environmental Quality Act ("CEQA") upon the Final Mitigated Negative Declaration ("MND") and the Responses to Comments for the above-captioned proposed distribution center for the lot at 20850 Normandie Avenue in the unincorporated Los Angeles County community of West Carson, at the southeast corner of Torrance Boulevard and Normandie Avenue ("the Project"). We submit these comments today because we did not see the Department of Regional Planning's ("DRP's") responses to our comments until April 17, 2020 (and they were not released until April 16). 1

Responses to Our Earlier Comments

Air Quality

Threshold d. Would the Project expose sensitive receptors to substantial pollutant concentrations?

Inadequate Assessment. We previously commented on the Draft MND that there was no quantitative construction health risk assessment ("HRA"), and other commenters noted (1) that the County had not used EMFAC2017 in preparing its operational HRA, which is significant because EMFAC2017 would increase the quantities of particulate matter 2

anticipated, and (2) that an assumption of TRUs running for only ½ hour onsite was not warranted because TRUs can run for as long as two hours (and they ***will*** run for two hours or more if the Project site does not offer refrigeration). In response, the County prepared a quantitative HRA for construction, and it re-ran the HRA for operations to incorporate EMFAC2017. The HRA for construction resulted in a maximum of 3.8 cancers in a million for residences on the eastern boundary of the site. This number should have been ***added*** to the revised result of an HRA for operations, which would have been a number ***in excess of*** the 4.6 in a million previously obtained under EMFAC2014 with the assumption that TRUs would only run for ½ hour. We'd venture to guess that the County's consultants actually did this and got a number higher than 10 in a million. However, in re-running the operational HRA ***for the purposes of public review***, the County ***eliminated*** its previous assumption that 20% of trucks visiting the site would have transport refrigeration units ("TRUs"), such that, according to the County, the risk from operations went down to only 1.5 cancers in a million. Eliminating the assumption of TRUs is not warranted absent a Project Design Feature or Mitigation Measure, enforceable under CEQA, which ***prohibits*** trucks with TRUs from entering the site. PDF 17-1 doesn't do this; while it prohibits the site from operating as a cold storage use, it does ***not*** bar trucks with TRUs from entering the site. 2

Additionally, the operational HRA and revised operational HRA are excessively optimistic because they are based upon the assumption that only 37 trucks will be visiting the site per day. The County concluded this using default values from CalEEMod for the relative number of truck and car trips per day. Those assumptions are not warranted as the South Coast Air Quality Management District ("SCAQMD") has indicated that analyses for distribution centers should assume at least 40% of trips are from trucks. While SCAQMD may not have made that comment on this individual comment, it is the agency's longstanding position, and the County should have made the appropriate assumptions in this MND, which would have led to the requirement for an environmental impact report ("EIR") because there is substantial evidence of a fair argument that a significant impact could occur. 3

It appears that the construction HRA was prepared based upon the assumption that equipment and trucks would idle for no more than three minutes. While Mitigation Measure ("M") 8-3 and Project Design Feature ("PDF") 3-4 ***purport*** to require construction idling for no more than two minutes, this Measure and PDF are toothless, because the contractor will clearly simply comply with it only on any rare instances in which the DRP sends an inspector out to the field. Therefore, both the construction HRA and the operational HRA are overly optimistic, and there is substantial evidence of a fair argument that a significant impact to public health may occur. 4

Inadequate Mitigation. Because there is substantial evidence of a fair argument that a significant impact to residents may occur, the County had to adopt all feasible mitigation to reduce impacts to less than significant, or else it had to prepare an EIR. There are numerous loopholes in the Mitigation Measures and PDFs. For example, the County relies upon its PDF 3-4 which purports to require that trucks visiting the Project site only 5

idle 2 minutes or less. As with M 8-3, there is no evidence this requirement will be enforced. There is no indication there will be an "onsite manager" outside to assure that the requirement is followed, and there is no indication in the Mitigation Monitoring and Reporting Program ("MMRP") that DRP will visit the site ever once it is operational, and the MMRP merely requires it to "verify signage during field inspections." The County cites to PDF 3-3 requiring the applicant to include a requirement in leases or a covenant recorded in future ownership changes that all off-road equipment be non-diesel, but there is nothing to assure that tenants will comply with their leases. The County says that emissions will be reduced by a "clean truck incentive program" funded by the developer, PDF 3-10, but the PDF provides for developer to furnish the funds to lessees whether or not "such funds can be used for cleaner trucks." *See* MMRP, PDF 3-10(f). The County points to a further incentive offered by the developer of $50,000 every three years to each tenant demonstrating compliance with to increase use of the site by model year ("MY") 2014 or later trucks and near-zero and zero-emission trucks, PDF 3-12, but while the goals are admirable, the tenant or tenants are more likely to make more money by disregarding those incentives and increasing volume at the site.[1] We also note that the County has ***failed*** to include a Mitigation Measure or PDF limiting site access to MY 2014 or later trucks for operations. There is no excuse for this omission, as the requirement could simply have been included in tenant leases like any other condition of approval.[2] 5

The MND should have assessed cumulative impacts in its HRA to address the impacts of the many other recently developed facilities including the Farmers Bros. distribution center developed by Bridge Point. We note that the approximately 512,000 sf Farmers Bros. warehouse project was apparently not included in your cumulative projects list although it is just up the street. 6

Threshold b. Would the Project violate any air quality standard or contribute to an existing or projected air quality violation? The County re-ran its operational HRA using EMFAC2017. The County did not, apparently, use EMFAC2017 in evaluating criteria pollutant impacts using SCAQMD's regional or local thresholds, and if it had, there might well have been a significant impact, particularly since the LST analysis disclosed a significant impact from demolition activities and the County only avoided this significant through adopting further dust mitigation activities. Additionally, the County did not model TRU emissions, which it should have absent a PDF or Mitigation Measure which clearly prohibits TRUs and not just cold storage. Both NO_x and PM_{10} would have been higher in a proper analysis. 7

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[1] While the developer has indicated a willingness to accept a condition of approval limiting daily truck trips to those analyzed for the site, 74, the County has ***not*** included this in the MMRP as a PDF or Mitigation Measure.

[2] While the County claims that due to proximity the Ports, "many" of the trucks will be MY 2014 or later based on the requirements of the Clean Truck Program, at ***most*** only half the trucks visiting the site will be going to or coming from the Ports, since the warehouse would serve as a way-station for the Ports in a best-case scenario.

Energy

As we stated in our March letter, the two questions the Draft MND asked to determine if energy impacts are significant were insufficient under CEQA and Appendix F to the CEQA Guidelines. The County did not revise its MND to address these points and instead asserted that it had complete discretion in defining thresholds. This is untrue. Again, the County must comply with CEQA and Appendix F to the Guidelines.

Our comment that the MND simply looked to compliance with Building Codes stands. The only thing the County cites to is Table 6-4 in the MND, which compares the Project's use to overall countywide historic use, which is not adequate.

8

The writer of the response to our comments asserts:

> On page 88 of the Final MND, it is noted that the project will be required to comply with the 2019 California Building Energy Efficiency Standards, which are more stringent than the 2016 standards which applied at the time the Project application was submitted.

It's our understanding that a project is subject to the standards applicable when it is ***approved***. And that means the MND proves our point: it relies on the California Building Standards Code to establish compliance.

The Draft MND, which is the one circulated, relied solely upon code compliance and a comparison to overall countywide use. Neither provides the proper basis for determining lack of significance.

Greenhouse Gas Emissions

There is substantial evidence of a fair argument there may be a significant impact regarding greenhouse gases ("GHGs") because the MND fails to demonstrate compliance with the 2017 Scoping Plan Update or the SB 32 2030 goal or the Executive Order S-3-05 2050 goal.

The MND improperly analyzed compliance with the County Climate Action Plan ("CCAP"), which had a horizon year of 2020, even though the Project won't be complete and operational until 2021 or 2022. While the County contends that "The strategies identified in the CCAP are not time based, they are action based," the point is that they do not call for the massive reductions that SB32 and E.O. S-3-05 require. This is obvious, and the 2017 Scoping Plan made this very point.[3] We presume that the County will include the 2017 Scoping Plan in the administrative record for this Project, since you have quoted from it, but if we are wrong, here is the url: www3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Under prevailing CEQA case law, it is now a part of the record.

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[3] Pointing to other language in the 2017 Scoping Plan also does not help the County avoid the language that is actually on point.

In response to the "various factors" which the County cites under the 2017 Scoping Plan,

- The Project is not likely to reduce regional VMT, it is likely to increase it;
- CARB specifically said that onsite measures that provide co-benefits of reducing GHG emissions and air pollutants would be a happy result of the ***updated*** CAPs it said local agencies should adopt;
- "Increasing the number of zero-emission trucks, primarily for 'last mile' delivery trucks in California" was but ***one instance*** in which CARB called for zero-emission trucks: CARB also noted that the Sustainable Freight Action Plan, which calls for them, was another necessary measure.

10

Regarding the County's "demonstration" of consistency with SCAG's RTP/SCS, we noted that the County identifies several factors that have nothing to do with GHG reduction. Further, zoning consistency is not necessarily all that is required for RTP/SCS consistency. Finally, the Project ***does not have*** zoning consistency, as it may only go forward after the County grants a Conditional Use Permit.

11

Hazards & Hazardous Materials

The MND acknowledges that EPA has documented DDT on the site at 8-24 feet below ground surface (bgs), and the situation has ***not*** been remedied. The site had and has drainage across it on the eastern half from the nearby Montrose Superfund Site and it is considered a part of the Montrose Superfund site. Although the former owner of the site, ECI, excavated soils in the eastern portion of the site and eventually disposed of them, the eastern portion has not been subject to "extensive testing" as the County and developer repeatedly promise. This is apparent at page 748 of the PDF that is the County's general Response to Comments document (Exhibit G). That map shows the EPA-mapped area of likely contamination (the slough), and the much smaller areas of excavation, marked in red and with green outlining. While the County asserts that "Post-excavation soil sampling in these areas have verified that clean import soil was used for backfill," other documents in the record demonstrate that the soil was ***neither*** "clean" nor "imported" – for this we can cite to the results of the Los Angeles County Department of Public Health's ("LACDPH's") mandated testing program disclosing residual DDT at shallow levels on the site, as well as Ardent Environmental's 2018 Human Health Risk Assessment ("HHRA"), which acknowledges that ECI used soils from other portions of the site to fill the areas it had excavated. The County does not, by repeating *ad nauseum* that "The extent of the remaining DDT has been extensively characterized, both vertically and laterally," establish the statement as reality. By our count, before LACDPH achieved an additional 20, there had been only 44 borings since 2010, and those were scattered all over the site.

12

With respect to the 20 borings that LACDPH achieved earlier this year, (1) they disclosed residual DDT and other pesticides, and (2) the applicant persuaded LADPH that only the top four feet bgs had to be surveyed, which was entirely inappropriate, given that the

developer is planning, at least based on LACDPH's comments, on grading to ***17 feet*** bgs.[4]

The County claims that after grading the Project will cover "most of the site (90 percent) with impervious surfaces (i.e., the warehouse building and parking and driveway areas) that would prevent stormwater infiltration into the contaminated soil layers." This ignores the eastern portion of the site, where the developer now plans to place ***landscaping*** in the easternmost 22-25 linear feet. The County asserts that the landscape areas "would provide erosion control" and "would not be in a place where people would gather," though it would appear that that "qualitative" ecological assessment that Ardent Environmental prepared in 2018 would no longer be valid, as birds and other wildlife do use trees.

The response to our comments states that EPA and DTSC "continue to provide oversight concerning the evaluation of contaminants at the project site," and that a Soil Management Plan is required. They claim that due to the supposedly extensive characterization of the site, "there is a low likelihood that unknown environmental concerns will be encountered," but if they are, cleanup activities would be required. It is unclear if further DDT, DDE, and DDD, which are known to be present on the site, would be considered an "unknown environmental concern," but we would suspect not. The MND also relies upon SCAQMD's Rule 1466, which provides minimal oversight: in particular, there is monitoring of particulate matter emanating from the site (though reports regarding violations of permissible quantities of emissions do not necessarily lead to any enforcement actions), and there is no testing of those emissions for pesticides, heavy metals, or anything else.[5] 12

The response to our comments attempts to assure us that excavations will be "periodically" sprayed with water, and that trackout will be "immediately" cleaned with a street sweeper, though our understanding of Rule 1466 is that it should be ***vacuumed*** so it does not disperse. Residents are promised a Final Grading Environmental Oversight Report, all though this does them little good when the contaminants will have been dispersed.

The response to our comments states that the applicant will only grade to 9 feet bgs in the eastern portion of the site. We are not confident that contaminated material will not be uncovered however, since the soils in this portion of the site were only excavated in some of the area covered by the former and current drainage.

<u>Transportation and Traffic</u>

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[4] The County repeatedly attempts to assuage the public's well-grounded fear by asserting that "Soils deeper than ***16 feet*** which have contamination concentrations exceeding regulatory guidelines will not be disturbed or graded for the protection of worker safety and the environment," but apparently this is not true.

[5] We are uncertain as to whether the promised use of a photoionization detector ("PID") will detect DDT or other organochlorine pesticides or their metabolites, or how often one will be used.

The County relies on 2016 and 2018 traffic counts because the "base year" for analysis is 2018. We see no basis for doing this with a 2020 MND for a project that won't be operational until 2021 or 2022. It also appears to be contrary to the County's own guidelines. *See* Attachment A, bottom of page 2 to top of page 3.

Further, we commented that the County had to consult with transportation planning agencies and public agencies with transportation facilities in affected jurisdictions because the Project was of statewide, regional or areawide significance. While the County responds that none of the neighboring jurisdictions commented on the MND, they should have been consulted in ***preparing*** the MND, and clearly, they were not. 13

General Response to Comments Document

Topical Response 1: Transportation and Circulation. The County claims there will be no more than 37 trucks or 74 truck trips per day at the site. While the County says this will be an enforceable condition of approval for the Project, that condition is not incorporated into a PDF or Mitigation Measure, and it must be so that the public can enforce it. 14

The County asserts that the site provides "136 feet of driveway on-site between Normandie Avenue and the truck court" so that trucks can queue on the site rather than backing up on Normandie. By the County's own calculations, though, this is space for ***fewer than two*** trucks. And we are fairly certain (actually we know) that the HRA did not calculate truck idling on Normandie next to or near residences.

Topical Response 2: Noise. The County asserts that noise impacts will be less than significant based in part upon PDF 13-2, which it says will prohibit the use of back-up beepers. PDF 13-2 does not prohibit backup beepers, however. It says:

> No trucks shall utilize back-up or reverse beepers while on the project site; ***however, all truck operations shall be consistent with OSHA requirements to ensure the safety of on-site workers.***

This latter provision recognizes that OSHA requires back-up beepers, according to a November 26, 2012 interpretive letter. *See* osha.gov/laws-regs/standardinterpretations/2012-11-26-0. (While this interpretation related to a forklift, the rule for trucks would be the same because it relies upon OSHA's general authority.) The mitigation measure therefore can be interpreted only as an attempt to mislead the public as to the true impacts of the Project. Noise impacts therefore were not modeled and they will be significant. There is more than substantial evidence of a fair argument that the Project may have a significant impact. 15

Topical Response 3: Hazards and Soil Management Plan. The Response asserts again that the soils have been "fully characterized," but Appendix A to the Response to Comments document, Figure 3, at PDF page 748 discloses that the extent of excavation in 2005 and 2015 did not cover the entire extent of the historical Montrose Chemical 16

drainage as delineated by EPA. The fact that 20 shallow borings of up to four feet done at LACDPH's behest earlier this year did not disclose DDT or its metabolites above industrial levels of concern does not make the planned grading or Project safe.

We also haven't seen the backup for the analysis that Ardent Environmental did in response to LACDPH's requests.

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Figure 3 clarifies that though the site may have been subject to 210 borings, by no means all of them occurred on the eastern portion of the site which is the greatest concern because of DDT contamination and the residences immediately next door.

Topical Response 4: HRA and Air Quality Modeling. The Project requires a CUP because warehousing is considered a Restricted Heavy Manufacturing Zone activity, yet the County planners assert that they have been "careful." The residents obviously overwhelmingly disagree. As noted previously, there is no requirement that operational trucks be MY 2014 (or 2010 for that matter), although in our experience this is a common requirement for CEQA-reviewed distribution centers and warehouses.

The County says it developed a new "Health Scoping Document," but apparently this was not enough for LACDPH which is requiring another analysis, a Rapid Health Impact Assessment, which should be distributed and reviewed before CEQA review is complete, and not tacked on as a requirement to be completed before a certificate of occupancy is issued. This is basic under CEQA, which requires assessment before a Project is approved, as the Supreme Court clarified in *No Oil,* and as countless other cases make clear as well.

17

Staff argues that "warehouses near the Ports – such as the project site –are also environmentally beneficial by reducing the number of miles trucks have to travel from the Ports to unload cargo for local destinations." Apparently, the residents do not think so.

Attorney General's Comments. While the Attorney General's Office can and often does speak for itself, we were appalled by your seemingly deliberately misleading response that:

> Recognizing the characteristics of the community within which the project would be located has helped inform project site planning and mitigation to ensure the Project does not cause an incremental increase in pollutants that would significantly impact neighboring communities.

18

Of course the Project causes "an incremental increase in pollutants that would significantly impact neighboring communities." There is no way it would not. As the AG and CARB have noted, the area is significantly overburdened already, and it has some of the highest percentiles possible for pollution burden in CalEnviroScreen 3.0. In addition, the County claims that the Project will convert the site into a less intensive use, and that it will eliminate risk from DDT and other pesticides, petroleum hydrocarbons

and metals on the site. Actually, it will be a ***more*** intensive use, which is why a CUP is required, and it will stir up the very chemicals on the site which pose a risk to neighbors.

Staff writes:

> Through careful site planning, technical studies, analysis of potential impacts on surrounding uses, and mitigation, the Project demonstrates its compatibility with surrounding uses.

We would not that supposedly "careful planning" has not involved neighbors, who did not get notice of EPA's activities regarding ECI's cleanup, and did not get notice of the public hearing the County arranged for CEQA review of the Project. 18

We agree with the Attorney General's reasoning that the Project has a significant impact because it conflicts with several policies in the County's General Plan. County staff's lengthy attempt to justify the project based on policies ***other*** than those identified by the AG is lipstick on a pig, as another resident has indicated regarding other obfuscations.

LACDPH Comments. LACDPH asked the County to clarify why different soil data was used for the resident, occupational worker, and construction worker calculations. We're not sure from the response this actually happened; we do not understand the response as having explained such a discrepancy. The County does argue that if there is no risk to on-site construction workers there would be none to residents, but we are not sure this is true. Offsite residents are potentially exposed for more hours each day and probably will exposed for a longer time period than a year. We also disagree that the only exposure pathway would be through inhalation. It could also be through soil deposition. While we're at it, DDT is an endocrine disruptor. Thus, it poses more threats to residents than merely cancer. From what we have read, women exposed to workers who worked with DDT have had spontaneous abortions, among other things that endocrine disruption can cause. 19

LACDPH appears to believe the developer is grading to 17 feet bgs. This is a concern based on earlier repeated statements that the soils of concern are at 16 feet bgs and below.

Finally, the Response to Comments document at PDF page 823 (Appendix B) discloses that DDT was detected at 170 ppm (mg/kg) in 2010. We're not sure this soil was removed from the site. We're not sure what depth it was at. Since the EPA has written that soil at 17 ppm at nearby residences represented an unacceptable cancer threat, *see* EPA's Unilateral Administrative Order of October 30, 2015, we are very concerned with potentially disturbing soil with ten times that level.

Conclusion

Given the many, many reasons an EIR should have been prepared if this Project is to be pursued, we hope that the Regional Planning Commission will defer decision on this Project and ask for the decision of the Board of Supervisors upon it.

Please advise us if and when the Regional Planning Commission acts on this Project, at collins@blumcollins.com and bentley@blumcollins.com, and add us to your notification list for all future CEQA actions under Public Resources Code § 21092.2. Thank you for your consideration. 20

Sincerely,

Craig M. Collins
Blum Collins LLP

Attachments: Attachment A (LA County Traffic Assessment Guidance)

Traffic Impact Analysis Report Guidelines

DRAFT

December 2013

Prepared by the County of Los Angeles
Department of Public Works

Gail Farber
Director of Public Works

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DRAFT

I. Introduction

The County of Los Angeles Department of Public Works has established the following Guidelines for the preparation of Traffic Impact Analysis (TIA) reports. The purpose of these Guidelines is to establish procedures to ensure consistency of analysis and the adequacy of information presented and timely review by County staff. It is strongly recommended that the applicant's traffic engineer consult with County staff before beginning the study to establish the scope and basic assumptions of the study and any deviations from these Guidelines to avoid unnecessary delays or revisions. For assistance in the TIA scoping process, the Traffic and Lighting Division, Traffic Studies Unit, can be contacted at (626) 300-4820.

II. Requirements

Generally, the Department staff is concerned with adverse impacts on traffic if:

1. Traffic generated by a project considered alone or cumulatively with other related projects, when added to existing traffic volumes, exceeds certain capacity thresholds of an intersection or roadway, contributes to an unacceptable level of service (LOS), or exacerbates an existing congested condition.

2. Project generated traffic interferes with the existing traffic flow (e.g., due to the location of access roads, driveways, and parking facilities).

3. Proposed access locations do not provide for adequate safety (e.g., due to limited visibility on curving roadways).

4. Nonresidential uses generate commuter or truck traffic through a residential area.

5. Project generated traffic significantly increases on a residential street and alters its residential character.

   A traffic report must be prepared by a registered Civil or Traffic Engineer. A traffic report is generally needed if a project generates over 500 trips per day or where other possible adverse impacts as discussed in the Analysis and Impact Section (see page 4) of these Guidelines are identified. Before a full review is conducted, the County staff will check the completeness of the TIA report using the attached check list (Exhibit A). If the report is missing any of the check list items, it will be returned for revision.

III. TIA Report Contents

A. Project Description

The following information is required:

1. A description of the project, including those factors which quantify traffic generators, e.g., dwelling units, square feet of office space, persons to be employed, restaurant seats, acres of raw land, etc. For residential developments, the description should indicate the type of residence, (e.g., one level or townhouse condominiums, and if its use is for families, adults or retirees).

2. A plot plan showing proposed driveways, streets, internal circulation, and any new parking facilities on the project site.

3. A vicinity map showing the site location and the study area relative to other transportation systems.

4. A brief history of the projects that are part of the phased Master Plan or a parent tract/parcel map.

B. Transportation Circulation Setting

The following information is required:

1. <u>Existing and Proposed Site Uses</u>

A description of the permitted and/or proposed uses of the project site in terms of the various zoning and land use categories of the County, and the status and the usage of any facilities currently existing on the site.

2. <u>Existing and Proposed Roadways and Intersections</u>

A description of existing streets and roadways, both within the project site (if any) and in the surrounding area. Include information on the roadway classifications (per the Highway Plan), the number of lanes and roadway widths, signalized intersections, separate turn lanes, and the signal phases for turning movements.
Existing daily directional and peak-hour through and turning traffic volumes on the roadways surrounding and/or logically associated

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with the project site, including Secondary and Major highways and freeways. Local streets affected by the project should also be shown. Each report shall include appendices providing count data used in the preparation of the report. The source and date of the traffic volume information shall be indicated. Count data should not be over one year old. Since peak volumes vary considerably, a ten percent daily variation is not uncommon, especially on recreational routes or roadways near shopping centers; therefore, representative peak-hour volumes are to be chosen carefully.

All assumed roadways and intersections or any other transportation circulation improvements must be identified and discussed. The discussion should include the scope and the status of the assumed improvements including the construction schedule and financing plan. It should be noted that all assumed roadways and intersections or any other transportation circulation improvements will be made a condition of approval for the project to be in place prior to the issuance of building permits. If assumed improvements do not get built on time due to an unforeseeable condition, traffic conditions for a different assumed highway network or other mitigation measures will be considered if a traffic study is submitted with a different assumed network or other measures are recommended to mitigate the traffic impact in question.

C. Analysis and Impact

The following information is required:

1. <u>Trip Generation Analysis</u>

Tabulate the estimated number of daily trips and a.m. and p.m. peak-hour trips generated by the proposed project entering and exiting the site. Trip generation factors and source are to be included. The trip generation rates contained in the latest edition of the Institute of Transportation Engineers Trip Generation manual should generally be used, except in the case of condominiums/townhomes when the following rates should be used per unit:

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	ADT	A.M.-Peak	P.M.-Peak
		Outgoing/Incoming	Outgoing/Incoming
Condominiums/ Townhomes	8.0	0.48/0.06	0.26/0.47

There may be a trip reduction due to internal and/or pass-by trips. Internal trip reduction can only be applied for mixed-use types of developments and pass-by trip reduction for retail/commercial types of developments. Internal or pass-by trip reduction assumptions will require analytical support based on verifiable actual similar developments to demonstrate how the figures were derived and will require approval by the County.

2. Trip Distribution

Diagrams showing the percentages and volumes of the project and nearby project's a.m. and p.m. peak-hour trips logically distributed on the roadway system must be provided. The Regional Daily Trip Distribution Factors (Exhibit D-3) contained in the Congestion Management Program (CMP) Land Use Analysis Guidelines shall be referenced for regional trip distribution assumptions. If it is assumed that new routes will alter traffic patterns, adequate backup including traffic distribution maps must be provided showing how and why these routes will alter traffic patterns.

The study area should include arterial highways, freeways, and intersections generally within a one-mile radius of the project site.

Note: This distance may be greater than one-mile for rural areas depending on the proximity to nearby signalized intersections and the availability of master plan access routes.

3. Related Projects List

A list of related projects that are approximately within a one-and-a-half mile radius of the project site and would reasonably be expected to be in place by the project's build out year must be included in the report. Related projects shall include all pending,

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approved, recorded, or constructed projects that are not occupied at the time of the existing traffic counts.

The County of Los Angeles Department of Regional Planning (DRP) and other public agencies (if necessary) should be contacted to obtain the latest listings. A table and a map showing the status, project/zone change/conditional use permit/parcel map/tract number, and the location of each project must be provided. For a computer printout of the listing of all filed projects within the County, Land Development Management Section of the DRP, at (213) 974-6481 can be contacted.

4. <u>LOS Analysis</u>

If it appears that the project's generated traffic alone or together with other projects in the area could worsen the LOS of an intersection or roadway, a "before" and "after" LOS analysis is necessary. The Intersection Capacity Utilization (ICU) or Critical Movement Analysis are two methods often used to assess existing and future LOS at intersections.

If the ICU planning method is used, a maximum of 1,600 vehicles per hour per lane should be used (2,880 vehicles per hour should be used for dual left-turn lanes) and a ten percent yellow clearance cycle should be included. Intersection LOS analysis and calculation work sheets, as well as diagrams showing turning volumes shall be included in the report for the following traffic conditions.

(a) Traffic conditions in the vicinity of the project as they exist at the time the notice of preparation (NOP) is published, or if no NOP is published, at the time environmental analysis is commenced;
(b) Traffic in (a) plus project traffic;
(c) Traffic in (b) with the proposed mitigation measures (if necessary);
(d) Traffic in (b) plus the cumulative traffic that includes project and other known developments at the time the notice of preparation (NOP) is published, or if no NOP is published, at the time environmental analysis is commenced; and
(e) Traffic in (d) with the proposed mitigation measures (if necessary).

The project's impact on two-lane roadways should also be analyzed for all of the above traffic conditions if those two-lane roadways are used for access. LOS service analysis contained in the Highway Capacity Analysis, Chapter 8, Two-Lane Highways, should be used to evaluate the project's impact. For simplified analysis, use the established significant impact thresholds for two-lane roadways as shown on page 6.

5. **Significant Impact Threshold**

For intersections, the impact is considered significant if the project related increase in the volume to capacity (v/c) ratio equals or exceeds the threshold shown below.

INTERSECTIONS		
Preproject		Project V/C Increase
LOS	V/C	
C	0.71 to 0.80	0.04 or more
D	0.81 to 0.90	0.02 or more
E/F	0.91 or more	0.01 or more

The project is deemed to have a significant impact on two-lane roadways when it adds the following percentages based on LOS of the preproject conditions.

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TWO-LANE ROADWAYS				
		Percentages Increase in Passenger Car Per Hour (PCPH) by Project		
		Preproject LOS		
Directional Split	Total Capacity (PCPH)	C	D	E/F
50/50	2,800	4	2	1
60/40	2,650	4	2	1
70/30	2,500	4	2	1
80/20	2,300	4	2	1
90/10	2,100	4	2	1
100/0	2,000	4	2	1

6. Analysis Discussion

Discuss conclusions regarding the adverse impacts caused by the proposed project on the roadway system. If the cumulative traffic impact of this and other projects require mitigation measures, such as traffic signals, then estimate the percent share using the project percent share formula given in the Section III D of the TIA Guidelines. When the proposed project and other nearby developments are expected to significantly impact adjacent roadways, the developer may be required to enter into a secured agreement to contribute to a benefit district to fund major roadway and bridge improvements in the region. Also, for all recommendations to increase the number of travel lanes on a street or at an intersection as a mitigation measure, the report must clearly identify the impacts associated with such a change such as whether or not additional right of way will be required and whether it is feasible to acquire the right of way based on the level of development of the adjacent land and buildings (if any).

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Discuss other possible adverse impacts on traffic. Examples of these are: (1) the limited visibility of access points on curved roadways; (2) the need for pavement widening to provide left-turn and right-turn lanes at access points into the proposed project; (3) the impact of increased traffic volumes on local residential streets; and (4) the need for road realignment to improve sight distance.

Projects which propose to amend the County's General Plan Land Use and substantially increase potential traffic generation must provide an analysis of the project at current planned land use versus proposed land use in the build out condition for the project area. The purpose of such analysis is to provide decision makers with the understanding of the planned circulation network=s ability to accommodate additional traffic generation caused by the proposed General Plan Land Use amendments.

D. Traffic Models and Model Generated TIAs

Computerized traffic models are planning tools used to develop future traffic projections based on development growth patterns. The Department currently operates two traffic models, one for the Santa Clarita Valley and another for the Ventura Corridor area. The Department can test proposed development project traffic impacts for the public in these areas for a fee. For assistance in the traffic modeling, the Planning Division, Transportation Planning/Assessments Section, can be contacted at (626) 458-4351.
For TIAs prepared using data from outside traffic modeling, the following information is required:

1. The type of modeling software used to generate the traffic analysis report data (i.e., TRANPLAN, EMME/2, etc.).

2. The list of land use assumptions by traffic analysis zones (TAZs) and their sources used in the traffic model in lieu of a related projects list.

3. A copy of the computerized roadway network assumed to be in place at the time of the project. Streets should be color-coded by street type. Also, TAZs and their

corresponding centroidal connectors, as well as number of lanes should be displayed.

4. The list of trip generation rates used in the traffic model and their sources.

5. Model runs (plots) identifying both the with and without project scenarios. The volumes displayed on the plots should be in 100's for Average Daily Vehicle Trips (ADT) and 10's for peak-hour plots.

E. Traffic Signals

The following information is required:

Traffic signal warrant analysis using the State of California Department of Transportation (Caltrans) Peak-Hour (Figures 9-8 and 9-9 of Caltrans Traffic Manual) and Estimated Average Daily (Figure 9-4 of Caltrans Traffic Manual) Traffic Warrant Analysis should be provided. If the installation of signals is warranted with the addition of the project's traffic, then the installation will be the sole responsibility of the project. If it is warranted with cumulative traffic of the project and other related projects, the following formula should be used to calculate the project percent share.

$$\textbf{Project Percentage Share} = \frac{\textbf{Project Traffic}}{\textbf{Project+Other Related Projects Traffic}}$$

The project percent share should be based on the peak-hour volumes that warrant signals. If both peak hours satisfy the installation of signals, the average of the two peak-hour volumes should be used in the percent share analysis.

F. Mitigation Measures

The following information is required.

Identify feasible mitigation measures which would mitigate the project and/or other related projects' significant impacts to a level of insignificance. Also, identify those mitigation measures which will be implemented by others. Those mitigation measures that are assumed to be implemented by others will be made a

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condition of approval for the project to be in place prior to issuance of building permits. Mitigation measures may include, but are not limited to, the following:

1. **Traffic Engineering Techniques.**

   a. Locate access points to optimize visibility and reduce potential conflict.
   b. Design parking facilities to avoid queuing into public streets during peak arrival periods.
   c. Provide additional off-street parking.
   d. Dedicate visibility easements to assure adequate sight distance at intersections and driveways.
   e. Signalize or modify traffic signals at intersections.
   f. Install left-turn phasing and/or multiple turning lanes to accommodate particularly heavy turning movements.
   g. Widen the pavement to provide left- or right-turn lanes to lessen the interference with the traffic flow.[1]
   h. Widen intersection approaches to provide additional capacity.
   I. Prohibit left turns to and from the proposed development.
   j. Restrict on-street parking during peak hours to increase street capacity.[1]

2. **Contribute to a benefit district to fund major capital improvements**

   a. Construct a grade separation.
   b. Improve or construct alternate routes.
   c. Complete proposed routes shown on the Los Angeles Highway Plan.
   d. Improve freeway interchanges (bridge, widening, modifications, and etc.).

3. **Transportation System Management (TSM) Techniques[2]**

[1] Physical roadway improvements to improve capacity should be considered before considering parking restrictions.

a. Establish flexible working hours.
b. Encourage employee use of carpools and public transportation (specific measures must be indicated).
c. Establish preferential parking for carpools.
d. Restrict truck deliveries to Major and Secondary highways and encourage deliveries during the off-peak hours.
e. Establish a monitoring program to ensure that project traffic volumes do not exceed projected traffic demand.

Note: When it appears that other jurisdictions will be impacted by a development, the Department will request that the involved jurisdiction also review the TIA. A written response from that jurisdiction should be provided with appropriate follow-up to the lead County agency.

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[2] Contributions to a benefit district and/or TSM techniques may not be used to lower LOS in the capacity calculations.

G. CMP Guidelines

The following information is required:

≠ Where the project meets the criteria established in the County of Los Angeles' CMP Land Use Analysis Guidelines, a CMP analysis must be provided. A copy of the latest Guidelines will be available upon request. A CMP TIA is required for all projects required to prepare an Environmental Assessment based on local determination or projects requiring a traffic study. The geographic area examined in the TIA must include the following, at a minimum.

≠ $All CMP arterial monitoring intersections (see Exhibit B of the Guidelines), including freeway on- or off-ramp intersections, where the proposed project will add 50 or more trips during either the a.m. or p.m. peak hours.

≠ $Main line freeway monitoring locations (see Exhibit C of the Guidelines) where the project will add 150 or more trips, in either direction, during the a.m. or p.m. weekday peak hours.

≠ $Caltrans must also be consulted to identify other specific locations to be analyzed on the State highway system.

If, based on these criteria, the TIA identifies no facilities for study, no further traffic analysis is required.

AN:

(10/13)

Attach.

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TRAFFIC IMPACT ANALYSIS REPORT CONTENTS CHECK LIST

Note: Before a full review is conducted, PW's staff will check the completeness of the Traffic Impact Analysis Report. If the Report is missing any of the items listed below, it will be returned for revision.

CONTENT	YES/ NO	COMMENT
Site Plan $ Access locations $ Interior circulation		
Trip Generation Rates $ Institute of Transportation Engineers (ITE) trip generation rates $ Documentation for alternate rates		
Trip Distribution $ Regional $ Local project (am/pm) $ Local related projects(am/pm)		
Traffic Counts $ Taken within one year $ Date/Time		
Discounting $ Internal trip discounts for mixed use developments $ Pass-by trip discounts for commercial/retail developments $ Backup		
Level of Service Calculations $ Intersection Capacity Utilization (ICU) or Criteria Movement Analysis $ 10 percent yellow clearance for ICU planning method $ 1,600 vehicles per lane (vpl); 2,880 vpl for dual left-turn lanes for ICU planning method $ Calculation sheets $ Scenarios as required per Guidelines $ Existing/Future lane configurations		
Signal Warrant Analysis $ Peak-hour/Average Daily Traffic per the State of California Department of Transportation standards		
Mitigation Measures $ Project impacts $ Cumulative developments impacts $ Projects percent share of the cost to mitigate cumulative development impacts		
Congestion Management Program Analysis		

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DEL AMO ACTION COMMITTEE, LETTER DATED APRIL 20, 2020

Comment 1: Del Amo Action Committee (DAAC) has already provided extensive comments on the draft IS/MND for the above-referenced warehouse project proposed by Bridgepoint (Bridge). After reviewing Bridge's response to comments, DACC and the below signatories respectfully submit these comments – including the attached expert traffic and environmental comments (Exhibit A and B, respectively). By this reference, DACC incorporates in their entirety these expert comments, as well as any other comments made by the public or public agencies.

Response 1: This comment is an introduction to the primary comments that are listed under various topics included in the Draft MND. No response is required.

Comment 2: First, as fully discussed in the attached expert comments, the IS/MND analysis of traffic, air quality, greenhouse gas emissions, human health, environmental justice, and cumulative impacts (to name a few) is fundamentally flawed by the IS/MND's underestimating the Project's truck trips. So too, current conditions of approval, purporting to prohibit the Project from operating as a high cube warehouse or exceed the IS/MND's assumed truck trips (i.e., 37 round-trips or 74 one-way trips) is not adequately enforceable. This condition must be made more stringent to ensure compliance.

Response 2: The Project is restricted to 74 truck trips per day by Condition 29 which states that, "Daily truck trips to and from the site shall not exceed 74 single trips or 37 round trips each day. A master, daily log shall be maintained onsite, and made available to Zoning Enforcement upon request." Project Design Feature 17-1 provides that the facility "shall not operate as a cold storage or high cube warehouse facility" and Project Design Feature 17-2 limits truck loading bays to the south side of the building and limits truck/trailer parking to the one row of parking spaces opposite the loading bays. Further, Condition 55 states that "The warehouse building shall not operate as a cold storage or high cube warehouse facility."

All mitigation measures and project design features included in the Project's Mitigation Monitoring and Reporting Program (MMRP) along with all Conditions of Approval adopted by the Regional Planning Commission are legally enforceable by the County on the applicant and future owners.[18] Conditions 11 and 15 require the project applicant to fund County staff resources to monitor and enforce compliance with the MMRP and Conditions of Approval. Condition 14 requires the applicant to record a covenant with the property title agreeing to the Conditions of Approval and all of the measures in the MMRP. Condition 27 requires that the MMRP and Conditions of Approval be provided to all tenants, and that tenants provide a signed acknowledgement that they will comply. The commenter's lack of faith in the County's enforcement is not substantial evidence to contradict the findings of the MND.

Topical Response 1, in the Response to Comment document provided as Exhibit G in the LADRP Staff report prepared for the Regional Planning Commission, provides a detailed explanation of why the trip rates developed for the purpose of analyzing all impacts associated with both passenger vehicles and truck traffic were well founded and reasonably applied to this warehouse project, as it is designed to operate, including the County-imposed prohibitions on operating as a cold storage or high cube type of warehouse. As noted therein, even if the project's traffic was to be evaluated as a potential high cube warehouse, the trip generation would be lower than the rates assumed for the TIA prepared for the MND, based on Institute for Transportation Engineers (ITE) trip generation rates. Applying the warehouse trip factors developed for the TIA, therefore, results in higher peak hour and daily traffic volumes compared to a high cube warehouse of the same size. The assumptions made in the modeling and analysis of the project's

[18] Los Angeles County Code Section 22.02.090 (Approvals Run with the Land).

truck trips were reviewed and approved by the County Department of Public Works and were also shared with neighboring jurisdictions to ensure their concurrence with findings regarding traffic volumes and level of service impacts at affected outgoing intersections. None of these agencies have disputed the trip generation assumptions included in the MND traffic study.

Comment 3: Second, noise conditions have not been adequately addressed; especially concerns that have been raised about 24 hours, seven days a week operation that is commonplace for high cube warehouse facilities. These same noise concerns were raised in 2015 against the prior business operating on this site unpermitted for 20-plus years. Adjacent businesses currently operated under a conditional use permit that restricts operations from 7 AM to 6 PM Monday through Friday and 8 AM to 1 PM on Saturday to be more compatible with adjacent residential areas.

Response 3: Noise associated with the project was fully analyzed in the MND as discussed in Topical Response No. 2: Noise and Vibration, in the Response to Comment document provided as Exhibit G in the LADRP Staff report prepared for the Regional Planning Commission. A comprehensive analysis of noise impacts associated with the proposed project is provided in Section 13 of the draft MND, pages 135 to 152, which included an analysis of on-site operational noise and roadway noise. Based on the detailed technical analysis included in the MND, and the project's design features and operational restrictions, the project's noise impacts were determined to be less than significant for both on-site operations and roadway noise levels, and noise from adjacent roadways would actually be reduced at some adjacent homes to the east as a result of the 10-foot eastern wall to be constructed as part of the project.

Additionally, other industrial buildings on Normandie Ave. across from the project site operate on a 24 hour, 7 days a week basis. The industrial building across from the site at the northwest corner of Normandie Ave. and Torrance Blvd. operates 24/7, as does the industrial building north of that. The industrial building south of the project site has restrictions on hours of operation, but that building is located immediately adjacent to residential homes with no buffer. As described throughout the Responses to Comments, the project's site plan features and operational restrictions have all been proposed to minimize noise to adjacent residential uses.

Comment 4: Third, given how woefully inadequate the draft IS/MND was, the Commission should take great pause before it relies on Bridge's self-enforcement of conditions of approval. Here, numerous public agencies comment on the inadequacy of the draft IS/MND, such as the Attorney General, California Air Resources Board, County of Los Angeles Public Health Department, and South Coast Air Quality Management District. Bridge only made revisions to the IS/MNDs analysis and mitigation after it failed to fly under the radar. Yet, the Final IS/MND sill fails to cure the Project's significant underestimation of truck trips, which directly impacts the lives of the surrounding residents in this known environmental justice community.

Response 4: As discussed in Response 2, the conditions of approval will be enforced by the County, not by the applicant. All mitigation measures and project design features included in the Project's Mitigation Monitoring and Reporting Program (MMRP) along with all Conditions of Approval adopted by the Regional Planning Commission are legally enforceable by the County on the applicant and future owners.[19] Conditions 11 and 15 require the project applicant to fund County staff resources to monitor and enforce compliance with the MMRP and Conditions of Approval. With regard to the agency comments cited, additional project design features, mitigation measures, site design features, and conditions of approval

[19] Los Angeles County Code Section 22.02.090 (Approvals Run with the Land).

were added to the project in response to comments by agencies and members of the public, and detailed written responses with these project updates were sent to each agency. The Attorney General's Office, CARB, and SCAQMD provided no further letters since receiving these responses to their comments, and the County Department of Public Health issued a letter dated March 4, 2020 stating that with the additional information provided and mitigation measures, "DPH has no further objections at this time and considers all conditions met."

Comment 5: In sum, notwithstanding the revisions to the Project's IS/MND, it is still fundamentally flawed with underestimated truck trip assumptions and not adequately conditioned. This Project has long-lasting consequences that should be decided by the Board of Supervisors. For these reasons, and the reason discussed elsewhere in the Project's record, DAAC and the below signatures respectfully request the Regional Planning Commission the following:

- Stay approval of the Project's conditional use permit (CUP) and environmental approvals until a CEQA-compliant environmental impact report for the Project is prepared; or

- Refer the item to the Board of Supervisors with the recommendation that at minimum the CUP be subject to the following conditions:

    - Place a restrictive covenant that explicit caps no more than 74 truck trips and/or 469 PCE total trips at the site, subject regular mandatory reporting requirements currently proposed under SCAQMD's proposed Warehouse Indirect Source Rule ("ISR") or alternative reporting requirement relying on verifiable traffic counts. At minimum, the required monitoring should include – in addition to a master daily log maintained and made available to County Zoning Enforcement upon request – that: daily counts are monitored in real-time via video surveillance of each driveway accessing the site on a publicly available website; that the future tenant(s) submit monthly or quarterly reports to the County of the daily master log entries with corresponding video files; require monthly/quarterly reports to adequately explain any discrepancies between the daily master log entireties and video files; and that any exceedance of trips (beyond 74 truck single-trips, 37 truck round-trips, or 496 PCE trips) is subject to further discretionary approval by the County.

    - The Project should be limited to hours of operations similar to other nearby industrial uses, such as 7 AM to 6 PM Monday through Friday and 8 AM to 1 PM on Saturdays.

Response 5: This comment is part of the record and has been considered by the Regional Planning Commission and will be considered by the Board of Supervisors. A restrictive covenant is already required by the project's conditions of approval limiting the project to 74 truck trips daily. Condition 14 requires the applicant to record a covenant agreeing to the Conditions of Approval and all of the measures in the MMRP, and Condition 29 states that, "Daily truck trips to and from the site shall not exceed 74 single trips or 37 round trips each day. A master, daily log shall be maintained onsite, and made available to Zoning Enforcement upon request." Further, Conditions 11 and 15 require the project applicant to fund County staff resources to monitor and enforce compliance with the MMRP and Conditions of Approval, and the County may choose any reasonable and appropriate method of monitoring and enforcing these conditions, which may include periodic monitoring reports. Additionally, violation of a condition in a permit issued by the County is a misdemeanor pursuant to Los Angeles County Code Section 22.242.030.

As discussed above, other similar nearby industrial uses operate on a 24 hour, 7 day a week basis. The industrial building across from the site at the northwest corner of Normandie Ave. and Torrance Blvd. operates 24/7, as does the industrial building north of that. The industrial building south of the project site has restrictions on hours of operation, but that building is located immediately adjacent to residential homes with no buffer. In contrast, the project includes a 74 foot buffer from the eastern boundary with the closest adjacent residences, which also includes a 22 foot to 25 foot landscape buffer.

Since the project already has less than significant environmental impacts, limiting the hours of operation is not needed to eliminate any significant impact under CEQA. Further, restricting the operating hours would result in negative environmental impacts. Restricting hours of operation to daytime only (when the greatest number of cars are on the road) would compress the hours when trucks can access the site, resulting in more trucks on streets in the daytime and resulting in greater congestion. This would also result in higher diesel emissions from trucks idling in traffic. Allowing truck travel at night has environmental benefits for both traffic and air quality, since trucks can quickly drive into and out of the site without waiting in traffic, which also reduces idling time.

Finally, limiting the hours of operation would reduce the number of jobs generated by the project. If the building could not operate overnight, for instance, an entire shift of overnight jobs would be eliminated.

Staff
Cynthia Babich
Director

Board of Directors
Florence Gharibian
Board Chair

Cynthia Medina
Board Member/Resident

Jan Kalani
Homeowner/Resident

Mallory Graves
Board Member

Bruce Bansen
Homeowner/Resident

Emeritus Board
Lizabeth Blanco
Homeowner/Resident

Lydia Valdez
Homeowner/Resident

In Memoriam
Nick Blanco
Homeowner/Resident

Barbara Stockwell
Homeowner

Brenda Bibee
Board Member

April 20, 2020

Regional Planning Commission
c/o Erica Gutierrez, Senior Regional Planner
Department of Regional Planning
County of Los Angeles, CA 90012
egutierrez@planning.lacounty.gov

Subject: Item 6, Regional Planning Commission Hearing April 22, 2020 Bridgepoint South Bay II IS/MND (Project NO. R2017-004820, Conditional Use Permit No. RPPL2017010467, Environmental Assessment No. RPPL2017010468)

Dear Regional Planning Commissioners,

Del Amo Action Committee (DAAC) has already provided extensive comments on the draft IS/MND for the above-referenced warehouse project proposed by Bridgepoint (Bridge). After reviewing Bridge's response to comments, DAAC and the below signatories respectfully submit these comments—including the attached expert traffic and environmental comments (Exhibit A and B, respectively). By this reference, DAAC incorporates in their entirety these expert comments, as well as any other comments made by the public or public agencies. 1

First, as fully discussed in the attached expert comments, the IS/MND analysis of traffic, air quality, greenhouse gas emissions, human health, environmental justice, and cumulative impacts (to name a few) is fundamentally flawed by the IS/MND's underestimating the Project's truck trips. So too, current conditions of approval, purporting to prohibit the Project from operating as a high cube warehouse or exceed the IS/MND's assumed truck trips (i.e., 37 round-trips or 74 one-way trips), is not adequately enforceable. This condition must be made more stringent to ensure compliance. 2

Second, noise conditions have not been adequately addressed; especially concerns that have been raised about 24 hours, seven days a week operation that is commonplace for high cube warehouse facilities. These same noise concerns were raised in 2015 against the prior business operating on this site unpermitted for 20-plus years. Adjacent businesses currently operate under a conditional use permit that restricts operations from 7 AM to 6 PM Monday through Friday and 8 AM to 1 PM on Saturday to be more compatible with adjacent residential areas. 3

Third, given how woefully inadequate the draft IS/MND was, the Commission should take great pause before it relies on Bridge's self-enforcement of conditions of approval. Here, numerous public agencies comment on the inadequacy of the draft IS/MND, such as the Attorney General, California Air Resources Board, County of Los Angeles Public Health Department, and South Coast Air Quality Management District. Bridge only made revisions to the 4

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Office: 661-256-7144

IS/MND/s analysis and mitigation after it failed to fly under the radar. Yet, the Final IS/MND still fails to cure the Project's significant underestimation of truck trips, which directly impacts the lives of the surrounding residents in this known environmental justice community. 4

In sum, notwithstanding the revisions to the Project's IS/MND, it is still fundamentally flawed with underestimated truck trip assumptions and not adequately conditioned. This Project has long-lasting consequences that should be decided by the Board of Supervisors. For these reasons, and the reasons discussed elsewhere in the Project's record, DAAC and the below signatures respectfully request the Regional Planning Commission the following:

- Stay approval of the Projects conditional use permit (CUP) and environmental approvals until a CEQA-compliant environmental impact report for the Project is prepared; or
- Refer the item to the Board of Supervisors with the recommendation that at minimum the CUP be subject to the following conditions:
    - Place a restrictive covenant that explicit caps no more than 74 truck trips and/or 469 PCE total trips at the site, subject regular mandatory reporting requirements akin to the reporting requirements currently proposed under SCAQMD's proposed Warehouse Indirect Source Rule ("ISR")31 or alternative reporting requirement relying on verifiable traffic counts.32 At a minimum, the required monitoring should include—in addition to a master daily log maintained and made available to County Zoning Enforcement upon request—that: daily counts are monitored in real-time via video surveillance of each driveway accessing the site on a publicly available website; that the future tenant(s) submit monthly or quarterly reports to the County of the daily master log entries with corresponding video files; require monthly/quarterly reports to adequately explain any discrepancies between the daily master log entireties and video files; and that any exceedance of trips (beyond 74 truck single-trips, 37 truck round-trips, or 496 PCE trips) is subject to further discretionary approval by the County. 5
    - The Project should be limited to hours of operations similar to other nearby industrial uses, such as 7 AM to 6 PM Monday through Friday and 8 AM to 1 PM on Saturdays.

Sincerely,

Del Amo Action Committee
Cynthia Babich
Cynthia Medina
Florence Gharibian
Jan Kalani
Bruce Bansen
Rosa Vega

Attachments:

Exhibit A: Expert Traffic Letter
Exhibit B: Expert SWAPE Letter

Exhibit A to DAAC Letter: Smith Engineering & Management Letter

Comment 1: I have reviewed the September 2019 Draft Initial Study/Mitigated Negative Declaration (the "IS/MND") and relevant sections of its 10,029-page appendix (the "Appendix"), including the September 2019 Traffic Impact Analysis (the "TIA"), for the 203,877 square feet ("SF") warehouse (the "Project") in Los Angeles County (the "County") and related documents. My comments are specific to traffic and transportation matters.

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and 51 years of professional practice in those fields. My professional resume is attached hereto.

Response 1: This comment is an introduction to the primary comments that are listed under various topics included in the Draft MND. No response is required.

Comment 2: In short, the IS/MND's 74 truck trip assumption is not supported by substantial evidence, and Project Design Feature 17-1 and Condition of Approval 29 is inadequate to ensure the Project is limited to only 74 truck trips. At minimum, monthly/quarterly reporting that includes real-time video surveillance of Site driveways is necessary to allow the County and public to verify truck traffic will not exceed volumes assumed in the IS/MND.

Findings of my review are summarized below.[20]

Response 2: The Project as approved by the County includes Condition 29 that provides, "Daily truck trips to and from the site shall not exceed 74 single trips or 37 round trips each day. A master, daily log shall be maintained onsite, and made available to Zoning Enforcement upon request." All Conditions of Approval adopted by the Regional Planning Commission, are legally enforceable by the County on the applicant and future owners. Condition 11 and Condition 15 requires the project applicant to fund County staff resources to monitor and enforce compliance with the MMRP and Conditions of Approval. The applicant is also required by condition 14 to record a covenant with the property title acknowledging agreement with all of the Conditions of Approval and all of the measures in the MMRP. Further Condition 27 requires that the tenant acknowledge compliance with the conditions of approval and the MMRP. The commenter's lack of faith in the County's enforcement is not substantial evidence that supports a fair argument that a significant air impact may occur. As such, it was appropriate to include the assumption that mitigation measures and project design features will be enforced.

Comment 3: Project Description Is Too Vague with Conflicting Data Suggesting Future Tenants Could Use the Project for High-Cube Warehouse Uses, Such as Short-Term Storage, E-Commerce Fulfillment Operations, or Cold Storage.

Here, pursuant to the Institute of Transportation Engineers ("ITE") Tenth Edition Trip Generation Manual, the IS/MND analyzed the Project's trip generation as a *generic warehouse* (i.e., ITE Land Use Code 150)—finding the Project would generate only 283 passenger car trips and 74 truck trips, or 469 Passenger Car Equivalent ("PCE") trips (IS/MND, pp. 164-166). This is premised on the assumption that the future Project tenants—which are admittedly unknown at this time—will not operate as a High Cube Warehouse ("HCW") or cold storage facility because, according to the IS/MND, the Project is limited to truck bays/loading docks on only one side of the building and has a purported limited truck court directly south

[20] Page citations contained herein are to the page's stated pagination (referenced herein as "p. #"), or to the page's location in the referenced PDF document (referenced herein as "PDF p. #").

of the loading docks (IS/MND, pp. 7-8, 57, 60, 81, 84, 164-165). As explained below, this assumption is inaccurate and substantial evidence shows that the Project could operate as HCW of varying types.

Potential use as a Short-Term Storage or E-Commerce/Fulfillment HCW.

The IS/MND arbitrarily ignores core Project features that are prototypical of HCW uses. As highlighted in the HCW Vehicle Trip Generation Analysis Study ("Study") prepared by the ITE and South Coast Air Quality Management District ("SCAQMD"),[21] *typical features of HCWs—which are shared here by the Project*—include:

- *Building Square Footage*: HCWs are 200,000 gross square feet or greater, such as the case here with a 203,877 square foot Project (*compare* SCAQMD/ITE Study, p. 3 *with* IS/MND, p. 7).
- *Ceiling Heights*: HCWs have ceiling heights of 24 feet or more, such as the case here with a 32-foot ceiling Project (*compare* SCAQMD/ITE Study, p. 3 *with* IS/MND, p. 7).
- *Uses*: HCWs are used primarily for the storage and/or consolidation of manufactured goods (raw materials to a lesser extent) prior to their distribution to retail locations or other warehouses, such as the case here where the Project's entitlements would allow for the assembly, warehousing, and/or distribution of finished or partially finished goods and materials (*compare* SCAQMD/ITE Study, p. 3 *with* IS/MND, pp. 7, 57).
- *Time of Operations*: HCWs often operate 24 hours a day, every day of the year, such as the case here with a 24-hour, seven-day a week Project (*compare* SCAQMD/ITE Study, p. 7 *with* IS/MND, p. 9).
- *FAR*: HCWs floor-area-ratio ("FAR") ranges between 0.35:1 and 0.60:1, such as the case here with a 0.52:1 FAR Project (*compare* SCAQMD/ITE Study, p. 7 *with* IS/MND, p. 133).
- *Origin/Destination of Goods*: Of the 34 surveyed HCW responding to SCAQMD/ITE's business survey, 22 reported the origins and destination of goods flowing from their facilities, including 42 percent of HCWs receiving goods from the Ports of Los Angeles and Long Beach (i.e., the largest share of all reported origins) and nearly 35 percent delivering goods to SoCal stores (i.e., the largest share of all reported origins) (*see* SCAQMD/ITE Study, Business Survey Component, p. 11).[22] Such is the case here with the IS/MND assuming many of the Project trucks will be driving to/from the Port of Los Angeles and Long Beach and delivering goods to local and regional areas in Southern California with an average trip length of 25.2 miles (*see* IS/MND, p. 58, 105, 166; *see also* Appendix, p. 53).

Additionally, the SCAQMD/ITE Study breaks down HCWs into five different sub- categories (e.g., Transload, Short-Term Storage, Cold Storage, Fulfillment Center, and Parcel Hub), and describes *typical features of a Short-Term Storage HCWs—which are shared here by the Project*—include:

- *Location*: Short-Term Storage HCWs are typically located in areas with convenient freeway access, such as the case here with the 110 and 405 freeways approximately 0.6 and 1.3 miles (respectively) from the Project (*compare* SCAQMD/ITE Study, p. 5 *with* IS/MND, pp. 101, 105-106 and Appendix, p. 9401).
- *Truck & Trailer Parking*: Short-Term Storage HCWs typically have truck parking space varying

[21] SCAQMD/ITE (Oct. 2016) HCW Vehicle trip Generation Analysis Study, http://bit.ly/2OG7qJ1.

[22] SCAQMD (Jun. 2014) HCW Study: White Paper Summary of Business Survey Results, p. 11, http://bit.ly/2UIIYKF.

between 0.5 to 1.5 for every loading dock, similar to the case here where trucks/trailer parking is limited to the row of the 37 parking spaces directly opposite the 21 loading docks (i.e., 1.76 spaces per dock) (*compare* SCAQMD/ITE Study, p. 5 *with* IS/MND, pp. 8, 21 [Fig. 4 showing 37 parking spaces directly south of 21 loading bays]).[23]

- *Loading Dock Location*: Short-Term Storage HCWs may have loading docks on either one or two sides of the building, such as the case here with the 21 loading bays on the southern side of the Project (*compare* SCAQMD/ITE Study, p. 5 *with* IS/MND, p. 8).
- *Building Dimensions*: Short-Term Storage HCWs typical have a 2:1 length versus depth building design that is shallower than standard warehouses, such as the case here with an approximately 608-foot long and 290-foot deep Project (i.e., 2.09 length v. depth) (*compare* SCAQMD/ITE Study, p. 5 *with* Appendix, p. 9642 [Fig. 2 in the Noise Impact Analysis]).
- *Number of Docks*: Short-Term Storage HCWs typical have one dock for every 10,000 square feet or lower, such as the case here where the 21- dock/203,877-SF warehouse equates to one dock for every 9,708 SF (*compare* SCAQMD/ITE Study, p. 6 *with* IS/MND, p. 7).

Also, as it relates to Fulfillment Center HCWs (i.e., storage and direct distribution of e-commerce product to end-users), the SCAQMD/ITE Study describes *typical features of E-Commerce Fulfillment HCWs—which are shared here by the Project*—include:

- *Mezzanine Levels*: E-Commerce Fulfillment HCWs often are as high as 40 feet to accommodate up to three levels of interior mezzanine levels (appx. 13'-4'' each level), such as the case here with the 32-foot ceiling Project with a mezzanine level (*compare* SCAQMD/ITE Study, p. 4, 6 *with* Appendix, p. 9642 [Fig. 2 in the Noise Impact Analysis listing mezzanine level]).
- *Truck & Trailer Parking*: E-Commerce Fulfillment HCWs have significantly higher truck parking ratios than for other HCWs (e.g., 0.5 to 1.5 for every loading dock for Short-Term Storage HCWs), such as the case here with the Project's 1.76 spaces per dock (discussed *supra*).
- *Location*: Commerce Fulfillment HCWs are often near parcel hub or United States Postal Service ("USPS") facilities due to time sensitivity of freight, such as the case here with 58 USPS and other mail service facilities within approximately 7.5 miles of the Project Site.[24] Similarly, e- commerce businesses have sought fulfillment centers and third-party logistics providers ("3PLs") in close proximity to major markets,[25] such as the case here with more than 60 e-commerce businesses and 3PLs located in zip codes within 7.5 miles of the Project site.[26]

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[23] It should be noted that, with the exception of the site plan provided in Fig. 4 of the IS/MND, nowhere in the IS/MND or Appendix is it clearly stated how many truck/trailer parking stalls will be provided. So too, there appears to be an inconsistency of how many total parking spaces will be provided. *Compare* IS/MND, p. 8 (stating 219 surface vehicle parking spaces) *with* pp. 135 and Appendix, pp. 15, 51, 9638, 9665-9675 (stating 221 spaces). This frustrates public disclosure of important Project features.

[24] See e.g., Google Maps (showing 16 USPS facilities within approximately 7.5 mile radius of the Project Site), http://bit.ly/39rVn9Y; Google Maps (showing 19 United Parcel Service or "UPS" facilities within approximately 7.5 mile radius of the Project Site), http://bit.ly/31KLS36; Google Maps (showing 18 FedEx facilities within approximately 7.5 mile radius of the Project Site) http://bit.ly/37hl4J3; Google Maps (showing 5 DHL Worldwide Express facilities within approximately 7.5 mile radius of the Project Site), http://bit.ly/2vrVR1q;

[25] *See* SCAG, *infra* fn. 15, PDF pp. 40, 150-151

[26] *See* SCAQMD, *supra* fn. 3, PDF pp. 33-39 (listing 65 facility where surveys were sent to warehouse facilities located in zip codes 90059, 90220-90221, 90275, 90278, 90501-90502, 90731, 90744-90746, 90749, 90805-90807,

Furthermore, the Project's lack of cross-docking and the purported small truck court is not determinative of whether the Project can or will operate as a HCW.

- *Cross-Docking*: First, cross-docking is not mandatory for either Short-Term Storage or E-Commerce Fulfillment Center HCWs (*see* SCAQMD/ITE Study, p. 5 [noting Short-Term Storage HCW can have docks on "either one or two sides" and making no mention for Fulfillment Centers]). While the SCAQMD/ITE Study included only one Fulfillment Center site (*id*. at p. 12), a subsequent study conducted by the Western Riverside Council of Governments ("WRCOG") surveyed 11 fulfillment centers in the Riverside area,[27] with more than a third of sites not operating truck trailers on opposite ends of their respective buildings (as if cross- docking operations were occurring).[28, 29]
- *Truck Court Size*: Second, the IS/MND lacks any criteria to substantiate its claim that the Project's truck court is "small" and unable to accommodate truck maneuvering to support high levels of through-put typical of HCW uses (IS/MND, p. 164). Here, the truck court directly south of the Project's loading docks is approximately 178-185 feet deep (Appendix, p. 9642 [Fig. 2 of the Noise Study]),[30] akin to the 145-195 foot truck courts projects that have been characterize by warehouse developer/owners as "allow[ing] for easy maneuvering,"[31] "provid[ing] superior distribution efficiency,"[32] "expansive" with "capacity to meet high through-put distribution" sought after by 3PLs,[33] and "well suited for logistics and e-commercecustomers."[34]

As shown above, substantial evidence indicates that the Project as designed can operate as a HCW, particularly as a Short-Term Storage or E-Commerce Fulfillment facility serving e-commerce tenants or 3PLs handling e-commerce fulfillment needs like same day service.[35] These types of tenants generate high levels of truck traffic due to high throughout-put/turn-over rate via automated equipment, internet

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90810, or 90813; such as companies like business and logistic providers Office Depot, Herbalife, Price Transfer, Rubbermaid Office Products, Southern Counties Express, UPS Supply Chain Solutions, Damco (division of Maersk), Americold Logistics, Vanguard Logistics, etc.).

[27] *See* WRCOG (1/29/19) TUMF High-Cube Warehouse Trip Generation Study, PDF p. 46, http://bit.ly/31J3v3e.

[28] *See e.g.,* Google Maps (ACT Fulfillment Center facility at 3155 Universe Drive, Jurupa Valley, CA) http://bit.ly/2UHZVFb; Google Maps (Petco's facility at 4345 Parkhurst Street, Jurupa Valley, CA) http://bit.ly/2w9EjYa; Google Maps (Komer's facility at 11850 Riverside Drive, Jurupa Valley, CA) http://bit.ly/2ShOv9t; Google Maps (Amazon's large facility at 24208 San Michele Rd, Moreno Valley, CA 92551) http://bit.ly/3bu5b5k.

[29] *See also* March Joint Powers Authority (Apr. 2019) K4 Warehouse and Cactus Channel Improvements Project EIR, pp. ES-3, 2-13 (proposed 718-000-SF HCW e-commerce/fulfillment project with only one side containing loading docks), http://bit.ly/2SBpOUn.

[30] *See also* City (3/5/20) Report to The Regional Planning Commission, p. 2, http://bit.ly/38wNJKI.

[31] *See* Prologis (2020) Torrance Distribution Center Webpage (characterization of 559,000-SF warehouse project with 167-foot truck court in Torrance, CA), http://bit.ly/31LmwlD.

[32] *See* Bridge Point (2018) Bridge Point Vernon Brochure (characterization of 117,360-SF warehouse with 145-foot truck court in Vernon, CA), http://bit.ly/2P1aBeD.

[33] *See* Prologis (2020) Prologis Capelin Distribution Center Webpage (characterization of 272,000-SF warehouse project with 180-foot truck court in Torrance, CA), http://bit.ly/2vtfHsP.

[34] *See* Goodman (Jul. 2019) Goodman Logistics Center Fontana Brochure (characterization of 208,571-508,002-SF warehouse lease option with 195-foot truck court in Fontana, CA), http://bit.ly/2vl3uqn.

[35] *See* Southern California Association of Governments ("SCAG") (Apr. 2018) Final Industrial Warehousing in the SCAG Region, PDF pp. 22, 29-30, 91, 144, 149-150, 178, 222, 257-258, 419 (highlighted for your convenience), http://bit.ly/37kNcL8.

technology ("IT"), and other efficiency measures.[36] This is echoed by ITE's Trip Generation Manual, which describes HCW as having a high level of on-site automation and logistics management that enable highly-efficient processing of goods through the HCW.[37] According to the ITE, while Short-Term Storage HCW (Land Use Code 154) often feature custom/special features built into structure for movement of large volumes of freight with only short-term storage of products, Fulfillment Center HCW (Land Use Code 155) often contain multiple mezzanine levels and have significant storage for direct distribution of e- commerce products to end-users.

Here, however, the Project's future tenants and interior improvements—such as the installation of automated equipment, conveyor belts, and other efficiency systems—is unknown (IS/MND, p. 7, 57, 81, 123). The current language of Project Design Feature 17-1 (IS/MND, pp. 8, 164-165) provides no criteria, performance metric, or other objective standards to prevent the Project from being built, leased to a future tenant for 3PL/e-commerce and start operating and generating traffic levels akin to HCWs.

Response 3: The commenter compares the project's various site features such as loading docks and height, which are characteristic of many warehouse types, to a high cube warehouse. However, the comments do not consider the project's distinguishing features and actual conditions that prohibit a high cube warehouse use and restrict daily truck trips to 74 single trips or 37 round trips each day. A high cube warehouse is characterized by a high throughput, which is facilitated by greater automation and loading bays on multiple sides of the warehouse. Specifically, a high cube transload and short-term storage warehouse is defined in Land Use Code 154, as follows: "A high-cube warehouse (HCW) is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. A typical HCW has a high level of on-site automation and logistics management. The automation and logistics enable highly-efficient processing of goods through the HCW. The HCWs included in this land use include transload and short-term facilities. Transload facilities have a primary function of consolidation and distribution of pallet loads (or larger) for manufacturers, wholesalers, or retailers. They typically have little storage duration, high throughput, and are high-efficiency facilities. Short-term HCWs are high-efficiency distribution facilities often with custom/special features built into structure for movement of large volumes of freight with only short-term storage of products. Warehousing (Land Use 150), high-cube fulfillment center warehouse (Land Use 155), high-cube parcel hub warehouse (Land Use 156), and high-cube cold storage warehouse (Land Use 157) are related land uses."

As pointed out in the MND project description, a HCW is characterized by site plan features different from the proposed Project. To accommodate the high throughput and automation of a HCW described in the Trip Generation Manual, 10th edition quote above and in the comment, a HCW typically has truck bays on at least two sides and significant truck/trailer parking areas. These features are absent from the Project site plan which has truck bays on only one side and has limited space to accommodate truck/trailer parking directly opposite the loading bays (See, Draft IS/MND, Figure 4, Proposed Site Plan). Additionally, because of the high-level of automation at a HCW, fewer employees are needed so HCWs require fewer employee parking spaces and less office space than a traditional warehouse. In contrast, the Project Proposed Site Plan includes 219 surface parking spaces for employees. Consistent with the greater trip generation of cars compared to trucks, Condition 29 of the Project's Conditions of Approval also limits

[36] *Ibid*., PDF pp. 40, 60, 135-138, 171, 173-176, 177-178, 320-321.

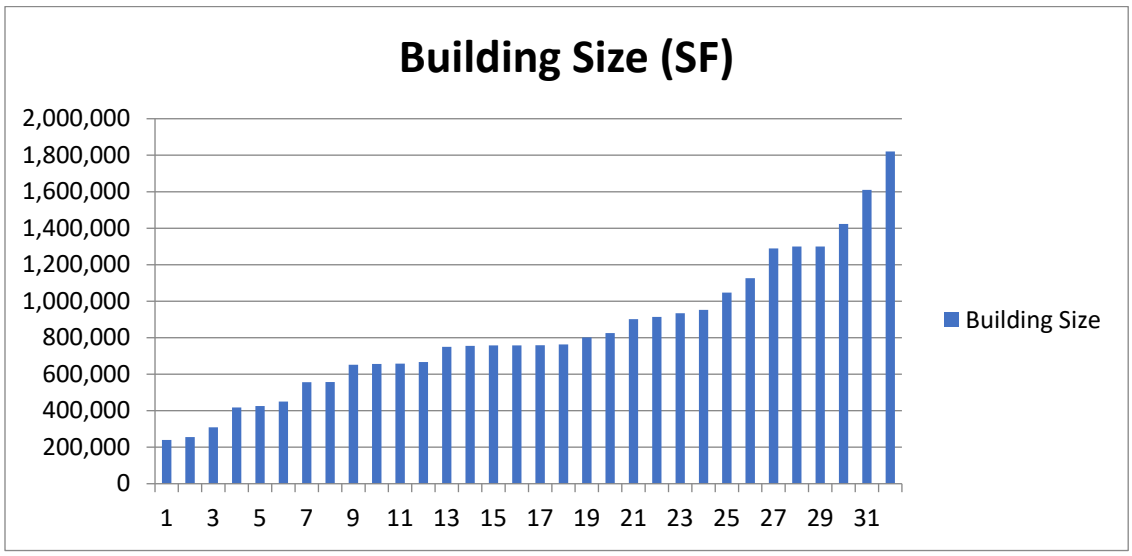
[37] *See* ITE (10th ed.) Trip Generation Manual, Land Use Codes 154 (Short-Term Storage HCW) and 155 (Fulfillment Center HCW).

truck trips to 37 round trips, as discussed above. Additionally, the Project provides approximately 10,000 square feet of office space.

The warehouse land use classification was selected for the purpose of estimating the Project's traffic generation characteristics, based on studies conducted by the Institute of Transportation Engineers, published in their Trip Generation manual, 10th edition. The Trip Generation manual defines warehouses under Land Use 150, as "…primarily devoted to the storage of materials, but it may also include office and maintenance areas."

The Project's traditional warehouse use is further reinforced by Project Design Features. Project Design Feature 17-1 and Condition 55 provide that the facility "shall not operate as a cold storage or high cube warehouse facility" and Project Design Feature 17-2 limits truck loading bays to the south side of the building and limits truck/trailer parking to the one row of parking spaces opposite the loading bays. Additionally, the Project will be conditioned to prohibit trucks with transport refrigeration units (TRU) further buttressing the prohibition on the facility operating as a cold storage warehouse. Even though the total Project square footage exceeds 200,000 square feet, approximately 10,000 square feet is office space. The actual warehouse space is less than the minimum 200,000 square feet that characterizes a HCW.

The comment references the 34 sites included in the business survey conducted by SCAQMD. Of the 34 sites, the smallest site considered to be High Cube Warehouse was approximately 240,000 square feet (see chart below). Therefore, the project is not comparable with the SCAQMD survey projects.



Building Sizes of Non-Outlier Sites from SCAQMD Survey[38]

Even if the Project's size could be applicable to a high cube warehouse, as defined above, the trip generation rate for a HCW is substantially lower than those for traditional warehousing uses. The Project's traffic analysis based on traditional warehousing uses results in higher trip generation rates than if it were a HCW. Thus, the Project trip generation rates present a more conservative analysis under the California Environmental Quality Act (CEQA) than a HCW. If the ITE HCW short-term transload rates were applied, the trip generation for the proposed project would have been 284 daily trips with 16 trips during the a.m. peak hour and 20 trips during the p.m. peak hour. In contrast, the warehousing use would generate 353

[38] The data represented in this chart is from the SCAQMD study cited by the commenter, available at https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/high-cube-warehouse

daily trips with 35 trips during the a.m. peak hour and 39 trips during the p.m. peak hour. Applying the warehouse classification trip rates presents a reasonable worst-case analysis, and in any event, the Project will be prohibited from functioning as a HCW.

Further, as described in Response No. 2 above, the number of truck trips is capped by the project's conditions of approval regardless of the ITE rate applied.

Comment 4: Potential use as a Cold Storage Facility or TRU Truck Trips.

According to the ITE Trip Generation Manual, HCW Cold Storage Warehouses (Land Use Code 157) is typically at least 200,000 SF, with ceiling heights of 24 feet or more, and typified by temperature-controlled environments for frozen food or other perishable products. Here, as discussed above, the Project exceeds 200,000 SF, exceeds 24-foot ceiling heights, and even the IS/MND's Health Risk Assessment ("HRA") included 20 percent of the total trucks visiting the Project would have operational transport refrigeration units ("TRU") (Appendix, pp. 55, 58-59)—which implies future refrigerated goods can be stored on-site and conflicts with Project Design Feature 17-1 (IS/MND, pp. 8, 164-15). Even if temperature-controlled storage is not conducted within the warehouse, the HRA admittedly demonstrates that TRU trucks can access the Site and generate at least an interim stop that is becoming more common as e-commerce has forced more frequent shipments to 3PLs.[39]

In sum, the lack of cross-docking, purported small truck court, and vague Project Design Features 17-1 and 17-2 do not prevent the Project from operating as a HCW in the future. So too, the IS/MND is inconsistent with the Site's potential use for Cold Storage operations. These uses have distinctly different traffic generation profiles as compared to a generic warehouse (i.e., ITE Land Use Code 150).

Response 4: The project is prohibited from being designed/operated as a cold storage facility and TRU-equipped trucks would be prohibited by PDF 17-1 and CUP Condition No. 55 ("The warehouse building shall not operate as a cold storage or high cube warehouse facility. Vehicles with transfer refrigeration units (TRUs) are not permitted on the Project site.") As described above, all project design features, mitigation measures, and conditions of approval will be monitored and enforced by the County. Condition 11 and Condition 15 requires the project applicant to fund County staff resources to monitor and enforce compliance with the MMRP and Conditions of Approval. The applicant is also required by condition 14 to record a covenant with the property title acknowledging agreement with all of the Conditions of Approval and all of the measures in the MMRP. Further, Condition 27 requires that the tenant acknowledge compliance with the conditions of approval and the MMRP. The commenter's lack of faith in the County's enforcement is not substantial evidence that supports a fair argument that a significant air impact may occur. As such, it was appropriate to include the assumption that mitigation measures and project design features will be enforced.

Comment 5: The Traffic Analysis Underestimates Heavy Truck Traffic and Trip Generation in Passenger Car Equivalents.

Here, the IS/MND traffic analysis assumes roughly 80 percent of the Project's trip generation would be from passenger cars and the remaining 20 percent would be from trucks based on the City of Fontana Truck Trip Generation Study—resulting in 74 truck trips or 0.362 truck trips per thousand square feet ("TSF") (IS/MND, pp. 165-166; Appendix, p. 9789). However, the Fontana study was published in 2003,

[39] *See* SCAG, *supra* fn. 16, PDF pp. 40, 150-151.

involved a study sample of only four heavy warehouses, two of which reported zero data points and did not report 24-hour truck trips.[40] For these reasons, SCAQMD found the study to have limited applicability and not characteristic of HCWs.[41] In contrast, the SCAQMD/ITE Study looked at more than 100 individual sites, including trip counts for 91 transloading/short-term storage HCWs, nine cold storage facilities, one fulfillment center—reporting an average truck trip rate ranging from 0.454-0.717 truck trips per TSF (SCAQMD/ITE Study, pp. 1, 11-13). This is echoed in the SCAQMD/ITE Study's business survey that included self-reported truck trips from 23 HCWs, ranging from 0.05 – 1.76 with an average of 0.53 truck trips per TSF[42] – which SCAQMD staff recommends be applied for non-cold storage HCW projects.[43], [44]

So too, AQMD recommends that truck traffic be assumed to comprise 40 percent of total warehouse traffic (as estimated using ITE *Trip Generation* rates).[45]

Because it is unclear whether the Project will operate as a Short-Term Storage or E-Commerce Fulfillment HCW (as previously discussed), the most appropriate method to conservatively estimate truck traffic from the Project would be either applying SCAQMD's 0.53/TSF truck trip rate or attributing 40 percent of Project ADTs to truck trips as recommended by SCAQMD.

Utilizing SCAQMD Recommended 0.53/TSF Truck Trip Rate.

Under the first method (and summarized in the below table), the 203.877-TSF Project would generate 1.74 Average Daily Trips ("ADTs") per TSF (per ITE Land Use Code 150 as used in the IS/MND), amounting to approximately 355 total ADTs. This includes approximately 108 truck trips (applying SCAQMD-recommended 0.53/TSF truck trip rate or roughly 30 percent of total ADTs), and approximate 247 passenger car trips (the remaining 1.21/TSF rate or roughly 70 percent of total ADTs). To account for truck trips representing roughly 30 percent of all ADTs, the IS/MND's existing truck mix needs to be adjusted up by 50 percent for each category of trucks (i.e., 2-, 3-, and 4-axle trucks). When the truck mix is adjusted, the Project would generate a total of roughly 520 PCE trips.

Project Trip Generation			
Project (TSF)	Total ADTs (1.74/TSF) [a]	Truck Trips (0.53/TSF) [b]	Passenger Trips (1.21/TSF) [c]
203.877	354.75	108.05 *	246.69 *
	ADT Mix	**30.46% ***	**69.54% ***

Passenger Car Equivalent Rate Calculations					
	IS/MND Fleet Mix [d]	Adjusted Fleet Mix [e]	Actual Trips [f]	PCE Factor [g]	PCE Trips [h]

[40] *See* City of Fontana (Aug. 2003) Truck Trip Generation Study, p. 35, http://bit.ly/39rOQw0.

[41] *See* SCAQMD Mobile Source Committee (Jul. 2014) Warehouse Truck Trip Study Data Results and Usage Presentation, p. 10, http://bit.ly/2tORpcx.

[42] *See* SCAQMD, *supra* fn. 3, p. 10.

[43] *See* SCAQMD (7/25/14) Warehouse Truck Trip Study Data Results and Usage Presentation, p. 12, http://bit.ly/2tORpcx.

[44] So too, the 0.53 truck trips per TSF of HCW use is consistent with SCAG's 0.56 trucks trips per TSF reported in its heavy-duty truck ("HDT") sub-model within SCAG 2016 Regional Transportation Plan ("RTP") model. *See* Riverside County Transportation Commission (Oct. 2017) RCTC Truck Study and Regional Logistics Mitigation Fee: Warehouse-Related Land Use Data & Truck Travel Patterns, pp. 42-43, 46, http://bit.ly/3buJphD.

[45] *See* CAPCOA (Jul. 2013) CalEEMod Appendix E: Technical Source Documentation, PDF p. 15, http://bit.ly/38qMzkU.

Passenger	79.57%	69.36% *	246.03 *	1.0	246.03
Trucks	20.43%	30.65% *	108.71 *	1.34	273.83
2-Axle	*3.46%*	*5.19%*	*18.41*	*1.5*	*27.61*
3-Axle	*4.64%*	*6.96%*	*24.69*	*2.0*	*49.38*
4-Axle	*12.33%*	*18.50%*	*65.61*	*3.0*	*196.83*
Total	**100.00%**	**100.00%**	**354.75**	**2.55**	**519.86**

Notes:

- * Minor discrepancies between Project Trip Generation and PCE Calculations are negligible.
- a: Per Land Use 150 - "Warehousing" from ITE Trip Generation (10th Ed.).
- b: Per SCAQMD Recommended Truck Trip Rate for HCW.
- c: Calc: (Total ADTs) – (Truck Trips).
- d: Per IS/MND, p. 165 (based on Fontana Study).
- e: Adjusted to account for truck trips accounting for appx. 30 percent of all ADTS by increasing IS/MND's truck mix (i.e., 2-, 3-, 4-axle truck percentages) by 50 percent with remaining percentage allocated to passenger trips.
- f: Calc: (354.75 total ADTs) x (Adjusted Fleet Mix).
- g: Per IS/MND with exception of Trucks and total PCE rate calculated by (PCE Trips) / (203.877 TSF Project).
- h: Calc. (Actual Trips) x (PCE Factor).

Utilizing SCAQMD Recommended 40 Percent Truck Mix.

Under the second method (and summarized in the below table), the 203.877-TSF Project would again generate 1.74 ADTs per TSF or approximately 355 ADTs in total (as done before). However, to apply SCAQMD-recommend 40 percent of all ADTs attributed to truck trips, the IS/MND's existing truck mix needs to be adjusted up by 100 percent (i.e., double) for each category of trucks (i.e., 2-, 3-, and 4-axle trucks). When the truck fleet is adjusted, the Project would generate approximately 145 and 210 truck and passenger trips (respectively), equivalent to approximately 575 PCE trips.

Project Trip Generation			
Project (TSF)	Total ADTs (1.74/TSF) [a]	Truck Trip Percentage (Trips) [b]	Passenger Trip Percentage (Trips) [c]
203.877	354.75	40.86 % (144.95 trips)	59.14 % (209.80 trips)

Passenger Car Equivalent Rate Calculations					
	IS/MND Fleet Mix [d]	Adjusted Fleet Mix [e]	Actual Trips [f]	PCE Factor [g]	PCE Trips [h]
Passenger	79.57%	59.14%	209.80	1.0	209.80
Trucks	20.43%	40.86%	144.95	1.79	365.10
2-Axle	*3.46%*	*92%*	*24.55*	*1.5*	*36.82*
3-Axle	*4.64%*	*28%*	*32.92*	*2.0*	*65.84*
4-Axle	*12.33%*	*24.66%*	*87.48*	*3.0*	*262.44*
Total	**100.00%**	**100.00%**	**354.75**	**2.82**	**574.90**

Notes:

- a: Per Land Use 150 - "Warehousing" from ITE Trip Generation (10th Ed.).
- b: Per SCAQMD Recommended truck mix for HCW.
- c: Calc: (Total ADTs) – (Truck Trips).
- d: Per IS/MND, p. 165 (based on Fontana Study).
- e: Adjusted to account for truck trips accounting for appx. 40 percent of all ADTS by increasing IS/MND's truck mix (i.e., 2-, 3-, 4-axle truck percentages) by 100 percent with remaining percentage allocated to passenger trips.

f: Calc: (354.75 total ADTs) x (Adjusted Fleet Mix).

g: Per IS/MND with exception of Trucks and total PCE rate calculated by (PCE Trips) / (203.877 TSF Project).

h: Calc. (Actual Trips) x (PCE Factor).

The IS/MND's claimed 74 truck trips or 469 total PCE trips (IS/MND, pp. 165-166) is premised on a single, outdated Fontana study that has been rendered obsolete by subsequent warehouse studies.[46] Substantial evidence demonstrates that the Project will generate between 109-145 truck trips and between 520-575 total PCE trips (depending on which SCAQMD method used), which is more than the CARB/CAPCOA "100 trucks per day" threshold whereby it is recommended to provide a 1,000 foot distance between distribution centers and sensitive uses[47]—like residents here. Contrary to claims made in the IS/MND's Response to Comments, the above CARB/CAPCOA "100 truck per day" threshold makes no reference to applying to "delivery" trucks, which would imply a threshold of 200 total trips (i.e., 100 in-bound and 100 out-bound trips).[48] According to the CARB guidance, the referenced risk was expected for "a facility with *truck volumes in the range of 100 per day*." (Emphasis added).[49] From a traffic perspective, the only reasonable interpretation of the above language is a threshold of 100 total trips a day, not 100 truck delivery trips for a total of 200 truck trips.

In sum, the assumption of 74 truck trips is a fatal flaw to the IS/MND's analysis of daily traffic generation and AM/PM peak-hour traffic generation. So too, this error is fatal to non-traffic impact analysis (e.g., noise, air quality, greenhouse gas emission) to the extent the IS/MND relies on the flawed TIA and traffic generation assumptions.

Response 5: As discussed earlier, the project is not a High Cube Warehouse, which is the land use type evaluated and reported by SCAQMD. The commenter's cited SCAQMD study recommends an assumption that 40% of high cube warehouse project trips are from trucks. While this SCAQMD study is relevant to high cube warehouse projects, it is not relevant to this project. Due to the project's site layout, limited truck/trailer parking, and truck loading bay on only one side, it does not have the characteristics of a high cube warehouse. Project Design Feature 17-2 limits truck loading bays to the south side of the building and limits truck/trailer parking to the one row of parking spaces opposite the loading bays. Further, the project's Conditions of Approvals specifically prohibit the operation of a high cube warehouse facility.[50] In contrast to a highly automated HCW, the Project Proposed Site Plan includes 219 surface parking spaces for employees.

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[46] Contrary to claims made in the Response to Comments, the Fontana Study is not a "comprehensive study" for the reasons discussed herein. *See* Michael Baker International, Inc., *infra* fn. 28, PDF p. 294.

[47] *See* CARB (Apr. 2005) Air Quality and Land Use Handbook: A Community Health Perspective, p. 4 (Tbl. 1-1), http://bit.ly/2TzW8J2; *see also* CAPCOA (Jul. 2009) Health Risk Assessments for Proposed Land Use Projects, p. 9 (Tbl. 2), http://bit.ly/2QqMC9B.

[48] Michael Baker International, Inc. (Feb. 2020) Response to Comments, PDF p. 90 ("Both the CAPCOA[fn] and CARB[fn] guidance documents provide a screening distance of 1,000 feet from a Distribution Center that has 100 truck *deliveries* per day (each delivery representing 2 trips, in and out, for a total of 200 trips) or 40 truck *deliveries* with operational transport refrigeration units (TRUs) per day (80 truck trips). The proposed project would generate 37 truck *deliveries* per day (74 truck trips), with no TRU-equipped trucks. Therefore, the project does not fall within this screening criteria, and the 1,000 foot screening recommendation does not apply to the proposed project." Emph. added), http://bit.ly/2VXxnbn.

[49] *See* CARB, *supra* fn. 26, p. 13.

[50] Condition 55 states, "The warehouse building shall not operate as a cold storage or high cube warehouse facility."

The SCAQMD study is titled, "High Cube Warehouse Trip Rate Study for Air Quality Analysis,"[51] and analyzes high cube warehouse projects only. Any projects that are not high cube warehouses, such as e-commerce and parcel warehouses, were intentionally removed from the study as "outliers." Since the SCAQMD study is limited to high cube warehouses, it is not applicable to the Project. Further, as stated above, regardless of the ITE rate applied, the project's conditions of approval clearly limit the number of permitted truck trips to and from the project, which will be monitored and enforced by the County. The Project is restricted to 74 truck trips per day by Condition 29 which states that, "Daily truck trips to and from the site shall not exceed 74 single trips or 37 round trips each day. A master, daily log shall be maintained onsite, and made available to Zoning Enforcement upon request." This enforceable condition ensures there will be a limit on trucks visiting the site.

The traffic study calculated that the project would generate 74 truck trips per day using trip generation rates from the Institute of Transportation Engineers' (ITE) Trip Generation, 10th Edition and applying the vehicle mix from the Fontana Study. The SCAQMD has stated that the Fontana Study has ***limited*** applicability in that it is not applicable to high cube warehouses; however, it is the only source of local data for Land Use 150 (Warehousing).[52] The Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition, further corroborates this and finds that for Land Use 150 (Warehousing), truck trips accounted for 20 percent of the weekday traffic. While data collection by the ITE limited and is based on one surveyed site, it confirms that the findings of the Fontana Study are still valid for warehousing use (Land Use 150).

Comment 6: **The Project Lacks Adequate Mitigation and Project Design Features.**

The Above Changes to PCE Trip Generation May Alter Conclusions Regarding Impacts, Extent of Mitigation and Project Fair Share Contributions.

As a consequence of the above changes to PCE trip generation, the Project's impacts at the Existing + Project and Existing + Cumulative + Project levels may be increased, the necessary mitigation be increased and the Project's fair share of mitigation cost may be increased. The IS/MND should be revised to recompile Tables 17-3 and 17-4 in light of the PCE generation increases, reassess impacts, mitigation needs, and fair share costs and recirculate the IS/MND in draft status.

Response 6: No changes are required to the conclusions or analysis in the traffic study or MND.

Comment 7: ***Project Design Feature 17-1 Must be Revised.***

Here, contrary to the claims made in the IS/MND, the vague Project Design Feature 17-1 (i.e., warehouse building shall not operate as a cold storage or HCW facility) lacks any meaningful criteria that can be objectively enforced (IS/MND, pp. 8, 165). Nor does Condition of Approval 29 (i.e., limiting site to 74 single trips or 37 round-trips subject to merely a "master, daily log shall be maintained onsite, and made available to Zoning Enforcement upon request")[53] fails to ensure adequate enforcement. Absent a revised

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[51] *See* SCAQMD Trip Counts https://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/trip-counts.zip?sfvrsn=2

[52] *See* SCAQMD (07/25/14) Warehouse Truck Trip Study Data Results and Usage http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymsc072514.pdf?sfvrsn=2

[53] City, *supra* fn. 11, PDF p. 67 (March 5, 2020 Staff Report, Exhibit D, p. 7 of 13).

TIA utilizing assumptions supported by substantial evidence, Project Design Feature 17-1 and Condition of Approval 29 must be flushed out with enforceable, performance-based criteria. Such revisions should include, but not limited to:

- Require a restrictive covenant that prohibits the use of TRUs within the Site.
- Place a restrictive covenant that explicit caps no more than 74 truck trips and/or 469 PCE total trips at the Site, subject regular mandatory reporting requirements akin to the reporting requirements currently proposed under SCAQMD's proposed Warehouse Indirect Source Rule ("ISR")[54] or alternative reporting requirement relying on verifiable traffic counts.[55] At minimum, the required monitoring should include—*in addition to a master daily log maintained and made available to County Zoning Enforcement upon request*—that: daily counts are *monitored in real-time via video surveillance* of each driveway accessing the Site on a publicly available website; that the *future tenant(s) submit monthly or quarterly reports* to the County of the daily master log entries with corresponding video files; require *monthly/quarterly reports to adequately explain any discrepancies between the daily master log entries and video files*; and that *any exceedance of trips (beyond 74 truck single-trips, 37 truck round-trips, or 496 PCE trips) is subject to further discretionary approval* by the County.

Response 7: The commenter requests that a restrictive covenant be required to prohibit the use of TRUs within the site and explicitly caps the project to 74 truck trips and mandatory reporting requirements. This has already been provided for and required by the project's conditions of approval. Condition 14 requires the applicant to record a covenant with the property title acknowledging agreement with all of the Conditions of Approval and all of the measures in the MMRP. Since TRUs are prohibited by CUP Condition No. 55 ("The warehouse building shall not operate as a cold storage or high cube warehouse facility. Vehicles with transfer refrigeration units (TRUs) are not permitted on the Project site."), compliance with this condition will be included in a restrictive covenant on the site. Similarly, Condition 29 provides that "Daily truck trips to and from the site shall not exceed 74 single trips or 37 round trips each day. A master, daily log shall be maintained onsite, and made available to Zoning Enforcement upon request." Therefore, this restriction will also be included in a restrictive covenant on the site. Finally, the County may choose any reasonable and appropriate method of monitoring and enforcing these conditions, which may include periodic monitoring reports.

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[54] *See* SCAQMD (11/13/19) Proposed Rule 2305: Warehouse Indirect Source Rule, pp. 2305-6 – 2305-10, http://bit.ly/2OM3vuc; *see also* SCAQMD (11/13/19) Warehouse ISR Working Group Presentation, pp. 12-18, http://bit.ly/31Kn4Iy; SCAQMD (9/19/19) Warehouse ISR Working Group Presentation, pp. 8, 12, http://bit.ly/2UM7P07; SCAQMD (8/23/19) Warehouse ISR Working Group Presentation, pp. 20, http://bit.ly/2SkkJkp.

[55] *See e.g.,* SCAQMD/ITE Study, *supra* fn. 2, p. 21 (describing year-long counts, by simultaneous video and tube counts, and in accordance with ITE procedures); WRCOG, *supra* fn. 8, PDF p. 46- 47 (describing 72-hour, mid-week driveway counts collected by video with human viewer verification of vehicle types);

SMITH ENGINEERING & MANAGEMENT

April 20, 2020

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Subject: Bridgepoint South Bay II IS/MND, (Project No. R2017-004820, Case No. RPPL 2017-010467). P 19042

Dear Regional Planning Commissioners:

I have reviewed the September 2019 Draft Initial Study/Mitigated Negative Declaration (the "IS/MND") and relevant sections of its 10,029-page appendix (the "Appendix"), including the September 2019 Traffic Impact Analysis (the "TIA"), for the 203,877 square feet ("SF") warehouse (the "Project") in Los Angeles County (the "County") and related documents. My comments are specific to traffic and transportation matters. 1

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and 51 years of professional practice in those fields. My professional resume is attached hereto.

In short, the IS/MND's 74 truck trip assumption is not supported by substantial evidence, and Project Design Feature 17-1 and Condition of Approval 29 is inadequate to ensure the Project is limited to only 74 truck trips. At minimum, monthly/quarterly reporting that includes real-time video survellance of Site driveways is necessary to allow the County and public to verify truck traffic will not exceed volumes assumed in the IS/MND. 2

Findings of my review are summarized below.[1]

[1] Page citations contained herein are to the page's stated pagination (referenced herein as "p. #"), or to the page's location in the referenced PDF document (referenced herein as "PDF p. #").

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1. Project Description Is Too Vague with Conflicting Data Suggesting Future Tenants Could Use the Project for High-Cube Warehouse Uses, Such as Short-Term Storage, E-Commerce Fulfillment Operations, or Cold Storage.

Here, pursuant to the Institute of Transportation Engineers ("ITE") Tenth Edition Trip Generation Manual, the IS/MND analyzed the Project's trip generation as a *generic warehouse* (i.e., ITE Land Use Code 150)—finding the Project would generate only 283 passenger car trips and 74 truck trips, or 469 Passenger Car Equivalent ("PCE") trips (IS/MND, pp. 164-166). This is premised on the assumption that the future Project tenants—which are admittedly unknown at this time—will not operate as a High Cube Warehouse ("HCW") or cold storage facility because, according to the IS/MND, the Project is limited to truck bays/loading docks on only one side of the building and has a purported limited truck court directly south of the loading docks (IS/MND, pp. 7-8, 57, 60, 81, 84, 164-165). As explained below, this assumption is inaccurate and substantial evidence shows that the Project could operate as HCW of varying types.

1.1. Potential use as a Short-Term Storage or E-Commerce/Fulfillment HCW.

3

The IS/MND arbitrarily ignores core Project features that are prototypical of HCW uses. As highlighted in the HCW Vehicle Trip Generation Analysis Study ("Study") prepared by the ITE and South Coast Air Quality Management District ("SCAQMD"),[2] *typical features of HCWs—which are shared here by the Project*—include:

- *Building Square Footage*: HCWs are 200,000 gross square feet or greater, such as the case here with a 203,877 square foot Project (*compare* SCAQMD/ITE Study, p. 3 *with* IS/MND, p. 7).
- *Ceiling Heights*: HCWs have ceiling heights of 24 feet or more, such as the case here with a 32-foot ceiling Project (*compare* SCAQMD/ITE Study, p. 3 *with* IS/MND, p. 7).
- *Uses*: HCWs are used primarily for the storage and/or consolidation of manufactured goods (raw materials to a lesser extent) prior to their distribution to retail locations or other warehouses, such as the case here where the Project's entitlements would allow for the assembly, warehousing, and/or distribution of finished or partially finished goods and materials (*compare* SCAQMD/ITE Study, p. 3 *with* IS/MND, pp. 7, 57).
- *Time of Operations*: HCWs often operate 24 hours a day, every day of the year, such as the case here with a 24-hour, seven-day a week Project (*compare* SCAQMD/ITE Study, p. 7 *with* IS/MND, p. 9).

[2] SCAQMD/ITE (Oct. 2016) HCW Vehicle trip Generation Analysis Study, http://bit.ly/2OG7qJ1.

- *FAR*: HCWs floor-area-ratio ("FAR") ranges between 0.35:1 and 0.60:1, such as the case here with a 0.52:1 FAR Project (*compare* SCAQMD/ITE Study, p. 7 *with* IS/MND, p. 133).
- *Origin/Destination of Goods*: Of the 34 surveyed HCW responding to SCAQMD/ITE's business survey, 22 reported the origins and destination of goods flowing from their facilities, including 42 percent of HCWs receiving goods from the Ports of Los Angeles and Long Beach (i.e., the largest share of all reported origins) and nearly 35 percent delivering goods to SoCal stores (i.e., the largest share of all reported origins) (*see* SCAQMD/ITE Study, Business Survey Component, p. 11).[3] Such is the case here with the IS/MND assuming many of the Project trucks will be driving to/from the Port of Los Angeles and Long Beach and delivering goods to local and regional areas in Southern California with an average trip length of 25.2 miles (*see* IS/MND, p. 58, 105, 166; *see also* Appendix, p. 53).

Additionally, the SCAQMD/ITE Study breaks down HCWs into five different sub-categories (e.g., Transload, Short-Term Storage, Cold Storage, Fulfillment Center, and Parcel Hub), and describes *typical features of a Short-Term Storage HCWs—which are shared here by the Project*—include: 3

- *Location*: Short-Term Storage HCWs are typically located in areas with convenient freeway access, such as the case here with the 110 and 405 freeways approximately 0.6 and 1.3 miles (respectively) from the Project (*compare* SCAQMD/ITE Study, p. 5 *with* IS/MND, pp. 101, 105-106 and Appendix, p. 9401).
- *Truck & Trailer Parking*: Short-Term Storage HCWs typically have truck parking space varying between 0.5 to 1.5 for every loading dock, similar to the case here where trucks/trailer parking is limited to the row of the 37 parking spaces directly opposite the 21 loading docks (i.e., 1.76 spaces per dock) (*compare* SCAQMD/ITE Study, p. 5 *with* IS/MND, pp. 8, 21 [Fig. 4 showing 37 parking spaces directly south of 21 loading bays]).[4]
- *Loading Dock Location*: Short-Term Storage HCWs may have loading docks on either one or two sides of the building, such as the case here with the 21 loading bays on the southern side of the Project (*compare* SCAQMD/ITE Study, p. 5 *with* IS/MND, p. 8).

[3] SCAQMD (Jun. 2014) HCW Study: White Paper Summary of Business Survey Results, p. 11, http://bit.ly/2UIIYKF.

[4] It should be noted that, with the exception of the site plan provided in Fig. 4 of the IS/MND, nowhere in the IS/MND or Appendix is it clearly stated how many truck/trailer parking stalls will be provided. So too, there appears to be an inconsistency of how many total parking spaces will be provided. *Compare* IS/MND, p. 8 (stating 219 surface vehicle parking spaces) *with* pp. 135 and Appendix, pp. 15, 51, 9638, 9665-9675 (stating 221 spaces). This frustrates public disclosure of important Project features.

- *Building Dimensions*: Short-Term Storage HCWs typical have a 2:1 length versus depth building design that is shallower than standard warehouses, such as the case here with an approximately 608-foot long and 290-foot deep Project (i.e., 2.09 length v. depth) (*compare* SCAQMD/ITE Study, p. 5 *with* Appendix, p. 9642 [Fig. 2 in the Noise Impact Analysis]).
- *Number of Docks*: Short-Term Storage HCWs typical have one dock for every 10,000 square feet or lower, such as the case here where the 21-dock/203,877-SF warehouse equates to one dock for every 9,708 SF (*compare* SCAQMD/ITE Study, p. 6 *with* IS/MND, p. 7).

Also, as it relates to Fulfillment Center HCWs (i.e., storage and direct distribution of e-commerce product to end-users), the SCAQMD/ITE Study describes *typical features of E-Commerce Fulfillment HCWs—which are shared here by the Project*—include:

- *Mezzanine Levels*: E-Commerce Fulfillment HCWs often are as high as 40 feet to accommodate up to three levels of interior mezzanine levels (appx. 13'-4'' each level), such as the case here with the 32-foot ceiling Project with a mezzanine level (*compare* SCAQMD/ITE Study, p. 4, 6 *with* Appendix, p. 9642 [Fig. 2 in the Noise Impact Analysis listing mezzanine level]). 3
- *Truck & Trailer Parking*: E-Commerce Fulfillment HCWs have significantly higher truck parking ratios than for other HCWs (e.g., 0.5 to 1.5 for every loading dock for Short-Term Storage HCWs), such as the case here with the Project's 1.76 spaces per dock (discussed *supra*).
- *Location*: Commerce Fulfillment HCWs are often near parcel hub or United States Postal Service ("USPS") facilities due to time sensitivity of freight, such as the case here with 58 USPS and other mail service facilities within approximately 7.5 miles of the Project Site.[5] Similarly, e-commerce businesses have sought fulfillment centers and third-party logistics providers ("3PLs") in close proximity to major markets,[6] such as the case here with more than 60 e-commerce businesses and 3PLs located in zip codes within 7.5 miles of the Project site.[7]

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[5] See e.g., Google Maps (showing 16 USPS facilities within approximately 7.5 mile radius of the Project Site), http://bit.ly/39rVn9Y; Google Maps (showing 19 United Parcel Service or "UPS" facilities within approximately 7.5 mile radius of the Project Site), http://bit.ly/31KLS36; Google Maps (showing 18 FedEx facilities within approximately 7.5 mile radius of the Project Site) http://bit.ly/37hl4J3; Google Maps (showing 5 DHL Worldwide Express facilities within approximately 7.5 mile radius of the Project Site), http://bit.ly/2vrVR1q;
[6] *See* SCAG, *infra* fn. 15, PDF pp. 40, 150-151.
[7] *See* SCAQMD, *supra* fn. 3, PDF pp. 33-39 (listing 65 facility where surveys were sent to warehouse facilities located in zip codes 90059, 90220-90221, 90275, 90278, 90501-90502, 90731, 90744-90746, 90749, 90805-90807, 90810, or 90813; such as companies like business and logistic providers Office Depot, Herbalife, Price Transfer, Rubbermaid Office Products, Southern Counties Express, UPS Supply Chain Solutions, Damco (division of Maersk), Americold Logistics, Vanguard Logistics, etc.).

Furthermore, the Project's lack of cross-docking and the purported small truck court is not determinative of whether the Project can or will operate as a HCW.

- *Cross-Docking*: First, cross-docking is not mandatory for either Short-Term Storage or E-Commerce Fulfillment Center HCWs (*see* SCAQMD/ITE Study, p. 5 [noting Short-Term Storage HCW can have docks on "either one or two sides" and making no mention for Fulfillment Centers]). While the SCAQMD/ITE Study included only one Fulfillment Center site (*id*. at p. 12), a subsequent study conducted by the Western Riverside Council of Governments ("WRCOG") surveyed 11 fulfillment centers in the Riverside area,[8] with more than a third of sites not operating truck trailers on opposite ends of their respective buildings (as if cross-docking operations were occurring).[9, 10]
- *Truck Court Size*: Second, the IS/MND lacks any criteria to substantiate its claim that the Project's truck court is "small" and unable to accommodate truck maneuvering to support high levels of through-put typical of HCW uses (IS/MND, p. 164). Here, the truck court directly south of the Project's loading docks is approximately 178-185 feet deep (Appendix, p. 9642 [Fig. 2 of the Noise Study]),[11] akin to the 145-195 foot truck courts projects that have been characterize by warehouse developer/owners as "allow[ing] for easy maneuvering,"[12] "provid[ing] superior distribution efficiency,"[13] "expansive" with "capacity to meet high through-put distribution" sought after by 3PLs,[14] and "well suited for logistics and e-commerce customers."[15]

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[8] *See* WRCOG (1/29/19) TUMF High-Cube Warehouse Trip Generation Study, PDF p. 46, http://bit.ly/31J3v3e.
[9] *See e.g.,* Google Maps (ACT Fulfillment Center facility at 3155 Universe Drive, Jurupa Valley, CA) http://bit.ly/2UHZVFb; Google Maps (Petco's facility at 4345 Parkhurst Street, Jurupa Valley, CA) http://bit.ly/2w9EjYa; Google Maps (Komer's facility at 11850 Riverside Drive, Jurupa Valley, CA) http://bit.ly/2ShOv9t; Google Maps (Amazon's large facility at 24208 San Michele Rd, Moreno Valley, CA 92551) http://bit.ly/3bu5b5k.
[10] *See also* March Joint Powers Authority (Apr. 2019) K4 Warehouse and Cactus Channel Improvements Project EIR, pp. ES-3, 2-13 (proposed 718-000-SF HCW e-commerce/fulfillment project with only one side containing loading docks), http://bit.ly/2SBpOUn.
[11] *See also* City (3/5/20) Report to The Regional Planning Commission, p. 2, http://bit.ly/38wNJKI.
[12] *See* Prologis (2020) Torrance Distribution Center Webpage (characterization of 559,000-SF warehouse project with 167-foot truck court in Torrance, CA), http://bit.ly/31LmwID.
[13] *See* Bridge Point (2018) Bridge Point Vernon Brochure (characterization of 117,360-SF warehouse with 145-foot truck court in Vernon, CA), http://bit.ly/2P1aBeD.
[14] *See* Prologis (2020) Prologis Capelin Distribution Center Webpage (characterization of 272,000-SF warehouse project with 180-foot truck court in Torrance, CA), http://bit.ly/2vtfHsP.
[15] *See* Goodman (Jul. 2019) Goodman Logistics Center Fontana Brochure (characterization of 208,571-508,002-SF warehouse lease option with 195-foot truck court in Fontana, CA), http://bit.ly/2vl3uqn.

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As shown above, substantial evidence indicates that the Project as designed can operate as a HCW, particularly as a Short-Term Storage or E-Commerce Fulfillment facility serving e-commerce tenants or 3PLs handling e-commerce fulfillment needs like same day service.[16] These types of tenants generate high levels of truck traffic due to high throughout-put/turn-over rate via automated equipment, internet technology ("IT"), and other efficiency measures.[17] This is echoed by ITE's Trip Generation Manual, which describes HCW as having a high level of on-site automation and logistics management that enable highly-efficient processing of goods through the HCW.[18] According to the ITE, while Short-Term Storage HCW (Land Use Code 154) often feature custom/special features built into structure for movement of large volumes of freight with only short-term storage of products, Fulfillment Center HCW (Land Use Code 155) often contain multiple mezzanine levels and have significant storage for direct distribution of e-commerce products to end-users.

Here, however, the Project's future tenants and interior improvements—such as the installation of automated equipment, conveyor belts, and other efficiency systems—is unknown (IS/MND, p. 7, 57, 81, 123). The current language of Project Design Feature 17-1 (IS/MND, pp. 8, 164-165) provides no criteria, performance metric, or other objective standards to prevent the Project from being built, leased to a future tenant for 3PL/e-commerce and start operating and generating traffic levels akin to HCWs.

3

1.2. Potential use as a Cold Storage Facility or TRU Truck Trips.

According to the ITE Trip Generation Manual, HCW Cold Storage Warehouses (Land Use Code 157) is typically at least 200,000 SF, with ceiling heights of 24 feet or more, and typified by temperature-controlled environments for frozen food or other perishable products. Here, as discussed above, the Project exceeds 200,000 SF, exceeds 24-foot ceiling heights, and even the IS/MND's Health Risk Assessment ("HRA") included 20 percent of the total trucks visiting the Project would have operational transport refrigeration units ("TRU") (Appendix, pp. 55, 58-59)—which implies future refrigerated goods can be stored on-site and conflicts with Project Design Feature 17-1 (IS/MND, pp. 8, 164-15). Even if temperature-controlled storage is not conducted within the warehouse, the HRA admittedly demonstrates that TRU trucks can access the Site and generate at least an interim stop that is becoming more common as e-commerce has forced more frequent shipments to 3PLs.[19]

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[16] *See* Southern California Association of Governments ("SCAG") (Apr. 2018) Final Industrial Warehousing in the SCAG Region, PDF pp. 22, 29-30, 91, 144, 149-150, 178, 222, 257-258, 419 (highlighted for your convenience), http://bit.ly/37kNcL8.
[17] *Ibid*., PDF pp. 40, 60, 135-138, 171, 173-176, 177-178, 320-321.
[18] *See* ITE (10th ed.) Trip Generation Manual, Land Use Codes 154 (Short-Term Storage HCW) and 155 (Fulfillment Center HCW).
[19] *See* SCAG, *supra* fn. 16, PDF pp. 40, 150-151.

In sum, the lack of cross-docking, purported small truck court, and vague Project Design Features 17-1 and 17-2 do not prevent the Project from operating as a HCW in the future. So too, the IS/MND is inconsistent with the Site's potential use for Cold Storage operations. These uses have distinctly different traffic generation profiles as compared to a generic warehouse (i.e., ITE Land Use Code 150). 4

2. The Traffic Analysis Underestimates Heavy Truck Traffic and Trip Generation in Passenger Car Equivalents.

Here, the IS/MND traffic analysis assumes roughly 80 percent of the Project's trip generation would be from passenger cars and the remaining 20 percent would be from trucks based on the City of Fontana Truck Trip Generation Study—resulting in 74 truck trips or 0.362 truck trips per thousand square feet ("TSF") (IS/MND, pp. 165-166; Appendix, p. 9789). However, the Fontana study was published in 2003, involved a study sample of only four heavy warehouses, two of which reported zero data points and did not report 24-hour truck trips.[20] For these reasons, SCAQMD found the study to have limited applicability and not characteristic of HCWs.[21] In contrast, the SCAQMD/ITE Study looked at more than 100 individual sites, including trip counts for 91 transloading/short-term storage HCWs, nine cold storage facilities, one fulfillment center—reporting an average truck trip rate ranging from 0.454-0.717 truck trips per TSF (SCAQMD/ITE Study, pp. 1, 11-13). This is echoed in the SCAQMD/ITE Study's business survey that included self-reported truck trips from 23 HCWs, ranging from 0.05 – 1.76 with an average of 0.53 truck trips per TSF[22]--which SCAQMD staff recommends to be applied for non-cold storage HCW projects.[23, 24] So too, AQMD recommends that truck traffic be assumed to comprise 40 percent of total warehouse traffic (as estimated using ITE *Trip Generation* rates).[25] 5

Because it is unclear whether the Project will operate as a Short-Term Storage or E-Commerce Fulfillment HCW (as previously discussed), the most appropriate method to conservatively estimate truck traffic from the Project would be either applying SCAQMD's 0.53/TSF truck trip rate or attributing 40 percent of Project ADTs to truck trips as recommended by SCAQMD.

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[20] *See* City of Fontana (Aug. 2003) Truck Trip Generation Study, p. 35, http://bit.ly/39rOQw0.
[21] *See* SCAQMD Mobile Source Committee (Jul. 2014) Warehouse Truck Trip Study Data Results and Usage Presentation, p. 10, http://bit.ly/2tORpcx.
[22] *See* SCAQMD, *supra* fn. 3, p. 10.
[23] *See* SCAQMD (7/25/14) Warehouse Truck Trip Study Data Results and Usage Presentation, p. 12, http://bit.ly/2tORpcx.
[24] So too, the 0.53 truck trips per TSF of HCW use is consistent with SCAG's 0.56 trucks trips per TSF reported in its heavy-duty truck ("HDT") sub-model within SCAG 2016 Regional Transportation Plan ("RTP") model. *See* Riverside County Transportation Commission (Oct. 2017) RCTC Truck Study and Regional Logistics Mitigation Fee: Warehouse-Related Land Use Data & Truck Travel Patterns, pp. 42-43, 46, http://bit.ly/3buJphD.
[25] *See* CAPCOA (Jul. 2013) CalEEMod Appendix E: Technical Source Documentation, PDF p. 15, http://bit.ly/38qMzkU.

2.1. Utilizing SCAQMD Recommended 0.53/TSF Truck Trip Rate.

Under the first method (and summarized in the below table), the 203.877-TSF Project would generate 1.74 Average Daily Trips ("ADTs") per TSF (per ITE Land Use Code 150 as used in the IS/MND), amounting to approximately 355 total ADTs. This includes approximately 108 truck trips (applying SCAQMD-recommended 0.53/TSF truck trip rate or roughly 30 percent of total ADTs), and approximate 247 passenger car trips (the remaining 1.21/TSF rate or roughly 70 percent of total ADTs). To account for truck trips representing roughly 30 percent of all ADTs, the IS/MND's existing truck mix needs to be adjusted up by 50 percent for each category of trucks (i.e., 2-, 3-, and 4-axle trucks). When the truck mix is adjusted, the Project would generate a total of roughly 520 PCE trips.

Project Trip Generation			
Project (TSF)	Total ADTs (1.74/TSF) [a]	Truck Trips (0.53/TSF) [b]	Passenger Trips (1.21/TSF) [c]
203.877	354.75	108.05 *	246.69 *
	ADT Mix	**30.46% ***	**69.54% ***

Passenger Car Equivalent Rate Calculations					
	IS/MND Fleet Mix [d]	Adjusted Fleet Mix [e]	Actual Trips [f]	PCE Factor [g]	PCE Trips [h]
Passenger	79.57%	69.36% *	246.03 *	1.0	246.03
Trucks	20.43%	30.65% *	108.71 *	1.34	273.83
2-Axle	*3.46%*	*5.19%*	*18.41*	*1.5*	*27.61*
3-Axle	*4.64%*	*6.96%*	*24.69*	*2.0*	*49.38*
4-Axle	*12.33%*	*18.50%*	*65.61*	*3.0*	*196.83*
Total	**100.00%**	**100.00%**	**354.75**	**2.55**	**519.86**

Notes:

- * Minor discrepancies between Project Trip Generation and PCE Calculations are negligible.
- a: Per Land Use 150 - "Warehousing" from ITE Trip Generation (10th Ed.).
- b: Per SCAQMD Recommended Truck Trip Rate for HCW.
- c: Calc: (Total ADTs) – (Truck Trips).
- d: Per IS/MND, p. 165 (based on Fontana Study).
- e: Adjusted to account for truck trips accounting for appx. 30 percent of all ADTS by increasing IS/MND's truck mix (i.e., 2-, 3-, 4-axle truck percentages) by 50 percent with remaining percentage allocated to passenger trips.
- f: Calc: (354.75 total ADTs) x (Adjusted Fleet Mix).
- g: Per IS/MND with exception of Trucks and total PCE rate calculated by (PCE Trips) / (203.877 TSF Project).
- h: Calc. (Actual Trips) x (PCE Factor).

5

2.2. Utilizing SCAQMD Recommended 40 Percent Truck Mix.

Under the second method (and summarized in the below table), the 203.877-TSF Project would again generate 1.74 ADTs per TSF or approximately 355 ADTs in total (as done before). However, to apply SCAQMD-recommend 40 percent of all ADTs attributed to truck trips, the IS/MND's existing truck mix needs to be adjusted up by 100 percent (i.e., double) for each category of trucks (i.e., 2-, 3-, and 4-axle trucks). When the truck fleet is adjusted, the Project would generate approximately 145 and 210 truck and passenger trips (respectively), equivalent to approximately 575 PCE trips.

Project Trip Generation			
Project (TSF)	Total ADTs (1.74/TSF) [a]	Truck Trip Percentage (Trips) [b]	Passenger Trip Percentage (Trips) [c]
203.877	354.75	40.86 % (144.95 trips)	59.14 % (209.80 trips)

Passenger Car Equivalent Rate Calculations					
	IS/MND Fleet Mix [d]	Adjusted Fleet Mix [e]	Actual Trips [f]	PCE Factor [g]	PCE Trips [h]
Passenger	79.57%	59.14%	209.80	1.0	209.80
Trucks	20.43%	40.86%	144.95	1.79	365.10
2-Axle	*3.46%*	*6.92%*	*24.55*	*1.5*	*36.82*
3-Axle	*4.64%*	*9.28%*	*32.92*	*2.0*	*65.84*
4-Axle	*12.33%*	*24.66%*	*87.48*	*3.0*	*262.44*
Total	**100.00%**	**100.00%**	**354.75**	**2.82**	**574.90**

Notes:

a: Per Land Use 150 - "Warehousing" from ITE Trip Generation (10th Ed.).

b: Per SCAQMD Recommended truck mix for HCW.

c: Calc: (Total ADTs) – (Truck Trips).

d: Per IS/MND, p. 165 (based on Fontana Study).

e: Adjusted to account for truck trips accounting for appx. 40 percent of all ADTS by increasing IS/MND's truck mix (i.e., 2-, 3-, 4-axle truck percentages) by 100 percent with remaining percentage allocated to passenger trips.

f: Calc: (354.75 total ADTs) x (Adjusted Fleet Mix).

g: Per IS/MND with exception of Trucks and total PCE rate calculated by (PCE Trips) / (203.877 TSF Project).

h: Calc. (Actual Trips) x (PCE Factor).

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The IS/MND's claimed 74 truck trips or 469 total PCE trips (IS/MND, pp. 165-166) is premised on a single, outdated Fontana study that has been rendered obsolete by subsequent warehouse studies.[26] Substantial evidence demonstrates that the Project will generate between 109-145 truck trips and

[26] Contrary to claims made in the Response to Comments, the Fontana Study is not a "comprehensive study" for the reasons discussed herein. *See* Michael Baker International, Inc., *infra* fn. 28, PDF p. 294.

between 520-575 total PCE trips (depending on which SCAQMD method used), which is more than the CARB/CAPCOA "100 trucks per day" threshold whereby it is recommended to provide a 1,000 foot distance between distribution centers and sensitive uses[27]—like residents here. Contrary to claims made in the IS/MND's Response to Comments, the above CARB/CAPCOA "100 truck per day" threshold makes no reference to applying to "delivery" trucks, which would imply a threshold of 200 total trips (i.e., 100 in-bound and 100 out-bound trips).[28] According to the CARB guidance, the referenced risk was expected for "a facility with *truck volumes in the range of 100 per day*." (Emphasis added).[29] From a traffic perspective, the only reasonable interpretation of the above language is a threshold of 100 total trips a day, not 100 truck delivery trips for a total of 200 truck trips. 5

In sum, the assumption of 74 truck trips is a fatal flaw to the IS/MND's analysis of daily traffic generation and AM/PM peak-hour traffic generation. So too, this error is fatal to non-traffic impact analysis (e.g., noise, air quality, greenhouse gas emission) to the extent the IS/MND relies on the flawed TIA and traffic generation assumptions.

3. The Project Lacks Adequate Mitigation and Project Design Features.

3.1. The Above Changes to PCE Trip Generation May Alter Conclusions Regarding Impacts, Extent of Mitigation and Project Fair Share Contributions.

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As a consequence of the above changes to PCE trip generation, the Project's impacts at the Existing + Project and Existing + Cumulative + Project levels may be increased, the necessary mitigation be increased and the Project's fair share of mitigation cost may be increased. The IS/MND should be revised to recompile Tables 17-3 and 17-4 in light of the PCE generation increases, reassess impacts, mitigation needs, and fair share costs and recirculate the IS/MND in draft status.

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[27] *See* CARB (Apr. 2005) Air Quality and Land Use Handbook: A Community Health Perspective, p. 4 (Tbl. 1-1), http://bit.ly/2TzW8J2; *see also* CAPCOA (Jul. 2009) Health Risk Assessments for Proposed Land Use Projects, p. 9 (Tbl. 2), http://bit.ly/2QqMC9B.

[28] Michael Baker International, Inc. (Feb. 2020) Response to Comments, PDF p. 90 ("Both the CAPCOA[fn] and CARB[fn] guidance documents provide a screening distance of 1,000 feet from a Distribution Center that has 100 truck *deliveries* per day (each delivery representing 2 trips, in and out, for a total of 200 trips) or 40 truck *deliveries* with operational transport refrigeration units (TRUs) per day (80 truck trips). The proposed project would generate 37 truck *deliveries* per day (74 truck trips), with no TRU-equipped trucks. Therefore, the project does not fall within this screening criteria, and the 1,000 foot screening recommendation does not apply to the proposed project." Emph. added), http://bit.ly/2VXxnbn.

[29] *See* CARB, *supra* fn. 26, p. 13.

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3.2. Project Design Feature 17-1 Must be Revised.

Here, contrary to the claims made in the IS/MND, the vague Project Design Feature 17-1 (i.e., warehouse building shall not operate as a cold storage or HCW facility) lacks any meaningful criteria that can be objectively enforced (IS/MND, pp. 8, 165). Nor does Condition of Approval 29 (i.e., limiting site to 74 single-trips or 37 round-trips subject to merely a "master, daily log shall be maintained onsite, and made available to Zoning Enforcement upon request[]")[30] fails to ensure adequate enforcement. Absent a revised TIA utilizing assumptions supported by substantial evidence, Project Design Feature 17-1 and Condition of Approval 29 must be flushed out with enforceable, performance-based criteria. Such revisions should include, but not limited to:

- Require a restrictive covenant that prohibits the use of TRUs within the Site. 7
- Place a restrictive covenant that explicit caps no more than 74 truck trips and/or 469 PCE total trips at the Site, subject regular mandatory reporting requirements akin to the reporting requirements currently proposed under SCAQMD's proposed Warehouse Indirect Source Rule ("ISR")[31] or alternative reporting requirement relying on verifiable traffic counts.[32] At minimum, the required monitoring should include—*in addition to a master daily log maintained and made available to County Zoning Enfrocement upon request*—that: daily counts are *monitored in real-time via video survellance* of each driveway accessing the Site on a publicly available website; that the *future tenant(s) submit monthly or quartlery reports* to the County of the the daily master log entries with corresponding video files; require *monthly/quarterly reports to adequatly expalin any discrepencies between the daily master log entereies and video files*; and that *any exceedence of trips (beyond 74 truck single-trips, 37 truck round-trips, or 496 PCE trips) is subject to further discretionary approval* by the County.

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[30] City, *supra* fn. 11, PDF p. 67 (March 5, 2020 Staff Report, Exhibit D, p. 7 of 13).
[31] *See* SCAQMD (11/13/19) Proposed Rule 2305: Warehouse Indirect Source Rule, pp. 2305-6 – 2305-10, http://bit.ly/2OM3vuc; *see also* SCAQMD (11/13/19) Warehouse ISR Working Group Presentation, pp. 12-18, http://bit.ly/31Kn4ly; SCAQMD (9/19/19) Warehouse ISR Working Group Presentation, pp. 8, 12, http://bit.ly/2UM7P07; SCAQMD (8/23/19) Warehouse ISR Working Group Presentation, pp. 20, http://bit.ly/2SkkJkp.
[32] *See e.g.,* SCAQMD/ITE Study, *supra* fn. 2, p. 21 (describing year long counts, by simultaneous video and tube counts, and in accordance with ITE procedures); WRCOG, *supra* fn. 8, PDF p. 46-47 (describing 72-hour, mid-week driveway counts collected by video with human viewer verification of vehicle types);

Conclusion

This concludes my current comments on the subject Project.

Sincerely,

Smith Engineering & Management
A California Corporation

Daniel T. Smith Jr., P.E.
President

SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21'st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

TRAFFIC • TRANSPORTATION • MANAGEMENT

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Transportation Centers. Project manager for Daly City Intermodal Study which developed a $7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo

County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and
experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on
neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on
bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene,
Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for
development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective
retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS
Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS
Residential Street Design and Traffic Control, with W. Homburger *et al*. Prentice Hall, 1989.
Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.
Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.
Improving The Residential Street Environment, with Donald Appleyard et al., U.S. Department of Transportation,
1979.
Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control
Systems, Berkeley, California, 1979.
Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research
Record 570, 1976.
Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with
Donald Appleyard, 1979.

Exhibit B to DAAC Letter: SWAPE Letter

Comment 1: At the request of the Law Office of Gideon Kracov, we have reviewed the March 2020 Final IS/MND ("IS/MND") for the Bridge Point South Bay II Project ("Project") located in the County of Los Angeles ("County"). The Project proposes to construct 203,877 square feet of warehouse, including 10,000 square feet of office space, as well as 219 parking spaces on the 8.98-acre Project site.

Our review concludes that the IS/MND fails to adequately evaluate the Project's Air Quality, Health Risk, and Greenhouse Gas impacts, specifically by failing to adequately evaluate the Project's mobile-source truck traffic. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated DEIR should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment.

Response 1: This comment is an introduction to the primary comments that are listed under various topics included in the Draft MND. No response is required.

Air Quality

Comment 2: ***Use of a Potentially Underestimated Number of Daily Truck Trips***

According to the IS/MND, "the Project is estimated to generate approximately 74 daily truck trips" (p. 194). However, we find this value to be potentially underestimated based on the relevant SCAQMD guidance and applicable ITE Trip Generation rates, as discussed below.

Review of the SCAQMD's "HCW Vehicle Trip Generation Analysis Study" demonstrates that the proposed Project is consistent with the typical characteristics of both Short-Term Storage High Cube Warehouses and E-Commerce Fulfillment High Cube Warehouses, based on building square footage, ceiling height, purpose, FAR, location, truck & trailer parking, and mezzanine levels, among other characteristics.[56] Based on this classification, as well as the SCAQMD-reported average of 0.53 truck trips per thousand square feet (TSF) for Short-Term Storage High Cube Warehouses, the 203,877-SF warehouse would be expected to generate approximately 108 daily trips.[57] Alternatively, based on the SCAQMD and CAPCOA's recommendation that truck traffic be assumed to comprise 40 percent of total warehouse traffic, as well as a value of 1.74 Average Daily Trips ("ADTs") as utilized in the IS/MND, the proposed Project is would be expected to generate approximately 145 daily truck trips (p. 183, Table 17- 2).[58] Based on these two daily truck trip numbers of 108 and 145, both of which are consistent with SCAQMD and CAPCOA guidance, 74 daily truck trips may underestimate the actual number of daily truck trips for the Project. In order to rely upon this potentially underestimated number of daily truck trips for the Project's air quality and greenhouse gas ("GHG") analyses, an updated CEQA analysis should be prepared demonstrating a

[56] SCAQMD/ITE (Oct. 2016) HCW Vehicle trip Generation Analysis Study, https://www.ite.org/pub/?id=a3e6679a-e3a8-bf38-7f29-2961becdd498.

[57] SCAQMD (Jun. 2014) HCW Study: White Paper Summary of Business Survey Results, p. 11, http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/business-survey-summary.pdf.

[58] See CAPCOA (Jul. 2013) CalEEMod Appendix E: Technical Source Documentation, pp. 15, http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality- analysis/high-cube-resource-caleemod-appendix-e.pdf?sfvrsn=2.

commitment to enforcing and monitoring the limited number of 74 daily truck trips indicated by the IS/MND and Traffic Impact Study ("TIS").

Response 2: As stated earlier, the SCAQMD study is based on High Cube Warehousing uses. The traffic counts from the SCAQMD analysis were conducted in two rounds starting in August 5, 2013 to February 12, 2014. About 14 counts were conducted during the "peak traffic season" (Oct – Dec.) of the year. The remainder of the counts were conducted before or after this period. A total of 39,479 trip occurred to and from these facilities during the counting days. This total accounts for 27,336 autos and 12,143 trucks. The overall daily truck trip rate is 30.7% (12,143 /39,479) of the total daily rate. Using this rate, the truck trip generation would be approximately 87 trucks per day. As stated earlier, the proposed project does not meet the characteristics of buildings included in the AQMD business surveys or trip generation surveys. In addition, the project will be restricted to an average of 74 truck trips per day.

Comment 3: ***Unsubstantiated Input Parameters Used to Estimate Project Emissions***

The IS/MND's air quality analysis relies on emissions calculated with CalEE Mod.2016.3.2.[59] 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.[60] Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters were utilized in calculating the Project's air pollutant emissions and make known which default values were changed as well as provide justification for the values selected.[61]

Review of the Project's air modeling demonstrates that the IS/MND underestimates emissions associated with Project activities. As previously stated, the IS/MND's air quality analysis relies on air pollutant emissions calculated using CalEEMod. When reviewing the Project's CalEEMod output files, provided as Appendix B to the IS/MND, we found that several of the values inputted into the model were not consistent with information disclosed in the IS/MND. As a result, the Project' construction and operational emissions are underestimated. An updated DEIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

Response 3: The commenter asserts that the Project's CalEEMod output files are not consistent with information disclosed in the IS/MND without providing specific examples within this comment. Please see other responses to comments that raise specific modeling questions. In response to this comment, as described in the MND, the MND relied on the SCAQMD-recommended CalEEMod to estimate the

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

[60] CAPCOA (November 2017) CalEEMod User's Guide http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 1, 9.

[61] CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, fn 1, p. 11, 12 -13. A key feature Of the CalEEMod Program is the "remarks feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.

Project's emissions. The analysis was completed consistent with industry standard practice for applying CalEEMod and SCAQMD guidance.

The comment incorrectly assumes that the CalEEMod analysis underestimated emissions. To the contrary, emissions were likely overestimated based on a variety of conservative assumptions in the MND and because the modeling did not take credit for all the reduced emissions anticipated to be achieved from the Project Design Features and Mitigation Measures (see Response to Comment 11, Responses to Comments by Blum Collins for Golden State Environmental Justice Alliance, dated March 17, 2020, describing how the MND did not take credit for a variety of Project measures that are expected to further reduce emissions compared to the emissions analyzed in the MND).

In addition, as explained in Topical Response 4, the analysis did not take credit for certain local improvements in air quality that are anticipated to occur. For example, to be conservative, the MND did not take credit for the strict emission requirements applicable to trucks that will be traveling to and from the project site from the Ports of Los Angeles and/or Long Beach. Given the project's very close proximity, it is anticipated that the project will be used extensively by trucks traveling to and from the Ports, which have very strict truck emission requirements. As discussed on page 58 of the Draft MND, the two Ports have jointly adopted the San Pedro Bay Ports Clean Air Action Plan, which includes the Clean Truck Program and applies to all trucks accessing the Ports. The Clean Truck Program regulations, which went into effect in 2018, require that new trucks entering the Ports' Truck Registry must have a 2014 engine model year or newer. Trucks with 2014 model year engines provide the current cleanest engine emissions level coupled with on-board diagnostics to assist in maintaining that level. The Clean Truck Program also requires that, beginning in early 2020, following promulgation of California's near-zero-emission heavy-duty engine standard, all heavy-duty trucks will be charged a fee to enter the Ports' terminals, with exemptions for trucks that are certified to meet this near-zero standard or better. Under the previous Clean Trucks Program, which imposed a fee on older trucks, roughly 90% of the trucks were replaced within three years with cleaner models while 10% chose to pay the fee in the short term. Thus, the assessment of the truck fee could result in a significant turnover to near-zero-emissions trucks in the near-term, which would result in reduced emissions that the MND did not take credit for (i.e., the MND conservatively assumed these reductions would not occur).

See Topical Response No. 4: Health Risk Assessment and Air Quality Modeling for additional discussion about the Project's methodology for analyzing air quality and health risk impacts.

Comment 4: ***Use of Incorrect Vehicle Fleet Mix***

The IS/MND relies upon an artificially low truck trip rate and truck fleet mix percentages to model the Project's operational emissions, and as a result, the Project's mobile-source emissions are underestimated.

According to the IS/MND, the Project relies on the August 2003 City of Fontana *Truck Trip Generation Study ("Fontana Study")*[62] to determine the number of passenger car and heavy-duty truck trips the Project will generate during operation (p. 184). However, the South Coast Air Quality Management

[62] "Truck Trip Generation Study." City of Fontana, County of San Bernardino, State of California, August 2003, available at: http://www.fontana.org/DocumentCenter/Home/View/622

District's (SCAQMD) staff has determined that the Fontana Study has limited applicability to warehouse projects. As a result, the Fontana Study should not be relied upon to determine the Project's mobile-source emissions.

The IS/MND proposes to construct 203,877 square feet of warehouse. According to the SCAQMD this qualifies as a high cube warehouse.[63] According to the SCAQMD staff, the Fontana Study, by itself, is not characteristic of high cube warehouses.[64] Furthermore, SCAQMD staff finds the following additional issues with the Fontana Study: [65]

- The overall trip rate is based on only four warehouses total, which includes two warehouses with zeros. In other words, the results of the Fontana Study were based on only two data points. As is disclosed in the Fontana Study, the daily trip rate was only based on data from a Target warehouse and a TAB warehouse.
- The Fontana Study does not report any 24-hour daily truck trip rates. According to the Fontana Study, "Trip generation statistics for daily truck trips were not calculated because vehicle classifications counts could not be obtained from the driveway 24-hour counts.[66]
- The trip rates using the Fontana study are calculated based on a 20 percent truck fleet mix, which is inconsistent with SCAQMD's recommendation that agencies use a truck fleet mix of 40%.

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[63] "SCAQMD High Cube Warehouse Truck Trip Study White Paper Summary of Business Survey Results," *SCAQMD,* June 2014, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/business-survey-summary.pdf, p. 2

[64] "Warehouse Truck Trip Study Data Results and Usage" Presentation, SCAQMD Mobile Resource Committee. July 2014, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymsc072514.pdf?sfvrsn=2, p. 10

[65] "Warehouse Truck Trip Study Data Results and Usage" Presentation, SCAQMD Mobile Resource Committee. July 2014, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymsc072514.pdf?sfvrsn=2, p. 10

[66] "Truck Trip Generation Study." City of Fontana, County of San Bernardino, State of California, August 2003, available at: http://www.fontana.org/DocumentCenter/Home/View/622, p. 6

The IS/MND claims it utilizes the following fleet mix: 79.6 percent cars, 3.5 percent 2-axle trucks, 4.6 percent 3-axle trucks and 12.3 percent 4-axle trucks (see excerpt below) (p. 183).

Table 17-2 – Project Trip Generation

Land Use	Units	Peak Hour						Daily
		AM Peak Hour			PM Peak Hour			
		In	Out	Total	In	Out	Total	
Total Vehicle Rates								
Trip Generation Rates[1]	Per TSF	0.131	0.039	0.170	0.051	0.139	0.190	1.740
PCE Inbound/Outbound Splits		77%	23%	100%	27%	73%	100%	50%/ 50%
Passenger Car Equivalent Rates Calculations								
Passenger Cars								
Recommended Mix (%)[2]		79.57%	79.57%	79.57%	79.57%	79.57%	79.57%	79.57%
PCE Factor[3]		1.0	1.0	1.0	1.0	1.0	1.0	1.0
PCE Rates		0.613	0.031	0.135	0.041	0.110	0.151	1.385
2-Axle Trucks								
Recommended Mix (%)[2]		3.46%	3.46%	3.46%	3.46%	3.46%	3.46%	3.46%
PCE Factor[3]		1.5	1.5	1.5	1.5	1.5	1.5	1.5
PCE Rates		0.007	0.002	0.009	0.003	0.007	0.010	0.090
3-Axle Trucks								
Recommended Mix (%)[2]		4.64%	4.64%	4.64%	4.64%	4.64%	4.64%	4.64%
PCE Factor[3]		2.0	2.0	2.0	2.0	2.0	2.0	2.0
PCE Rates		0.012	0.004	0.016	0.005	0.013	0.018	0.161
4-Axle Trucks								
Recommended Mix (%)[2]		12.33%	12.33%	12.33%	12.33%	12.33%	12.33%	12.33%
PCE Factor[3]		3.0	3.0	3.0	3.0	3.0	3.0	3.0
PCE Rates		0.048	0.014	0.063	0.019	0.051	0.070	0.644
Warehouse Net PCE Rate		**0.680**	**0.051**	**0.223**	**0.067**	**0.182**	**0.249**	**2.280**

This fleet mix, however, is not consistent with recommendations set forth by SCAQMD, and does not accurately represent the percentage of trucks that access a high-cube warehouse on a daily basis. Rather, SCAQMD recommends that lead agencies assume a truck fleet mix of 40%. According to Appendix E: Technical Source Documentation of the CalEEMod User's Guide, "in order to avoid underestimating the number of trucks visiting the warehouse facilities," SCAQMD staff "recommends that lead agencies conservatively assume that an average of 40% of total trips are truck trips [(0.48*10 + 0.2*4)/(10+4)=0.4)]."[67] If Project-specific data is not available, such as detailed trip rates based on a known tenant schedule, this average of 40% provides a reasonably conservative value based on currently available data. Since the future tenant is unknown, the tenant schedule is also likely not known; therefore, a 40% truck fleet mix should also be assumed. Thus, according to SCAQMD and the CalEEMod User's Guide, the following fleet mix percentage should have been used within the Project's CalEEMod modeling (see table below).

CalEEMod Parameter		IS/MND	SWAPE Model Input
Operational Mobile Fleet Mix	Passenger Cars (LDA)	79.6%	59.14%
	2 Axle Trucks (LHDT1)	3.5%	6.92%
	3 Axle Trucks (MHD)	4.6%	9.28%
	4+ Axle Trucks (HHDT)	12.3%	24.66%

The "Operational Mobile Fleet Mix" percentages for trucks (LHDT1, MHD, and HHDT) in the table above were adjusted to reflect a truck trip percentage of approximately 40 percent, which is consistent with

[67] "Appendix E Technical Source Documentation." CalEEMod User's Guide, July 2013, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/high-cube-resource-caleemod-appendix-e.pdf?sfvrsn=2, pp. 15

recommended procedures set forth by SCAQMD staff. This fleet mix more accurately represents the number of trips that are likely to occur during Project operation.

The SCAQMD has also made similar comments regarding the use of the Fontana Truck Trip Study in other proposed land use development projects subject to CEQA. For example, the SCAQMD commented that the Addendum to the Heartland Specific Plan EIR, located in Beaumont, should have also used a "more typical 40% truck fleet mix" instead of the truck fleet mix utilized by the Addendum to the EIR.[68]

Furthermore, proposed warehouses in the City of Fontana are using the truck fleet mixes recommended by the SCAQMD instead of the Fontana Study. According to the Traffic Impact Analysis prepared by Urban Crossroads for the West Valley Logistics Center,

> "The SCAQMD is currently recommending the use of the ITE Trip Generation manual in conjunction with their truck mix by axle-type to better quantify trip rates associated with local warehouse and distribution projects, as truck emission represent more than 90 percent of air quality impacts from these projects. This recommended procedure has been utilized for the purposes of this analysis in effort to be consistent with other technical studies being prepared for the Project."[69]

Therefore, to demonstrate consistency with analyses for other warehouse projects within SCAQMD jurisdiction and the City of Fontana itself, the IS/MND should have used the truck fleet percentages recommended by the SCAQMD. As such, an updated air quality analysis should be prepared in an updated DEIR that adequately assesses the Project's air quality and GHG impacts.

Response 4: As stated earlier, the SCAQMD recommendation is for High Cube Warehouses and not traditional warehouses. The commenter is correct that the SCAQMD has stated that the Fontana Study has ***limited*** applicability in that it is not applicable to high cube warehouses, but is the only source of local data for Land Use 150 (Warehousing). The Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition, further corroborates this and finds that for Land Use 150 (Warehousing), truck trips accounted for 20 percent of the weekday traffic. While data collection by the ITE limited and is based on one surveyed site, it confirms that the findings of the Fontana Study are still valid for warehousing use (Land Use 150).

Further, the commenter's assertions that the Project's truck trip estimates are not representative fails to account for the Project's actual Condition of Approval limiting truck trips. The Project is restricted to 74 truck trips per day by Condition 29 which states that, "Daily truck trips to and from the site shall not exceed 74 single trips or 37 round trips each day. A master, daily log shall be maintained onsite, and made available to Zoning Enforcement upon request." This enforceable condition ensures there will be a limit on trucks visiting the site."

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[68] "Review of the Addendum to the Heartland Specific Plan Certified EIR," *SCAQMD*, June 2013, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2013/june/heartland-specific-plan.pdf p. 3

[69] "Traffic Impact Analysis, West Valley Logistics Center," *Urban Crossroads*, October 2017, *available at:* https://www.fontana.org/DocumentCenter/View/24049, p. 100

Table I.1 Truck Trip Generation Information in *Trip Generation Manual*, 9th Edition

Land Use Code	Land Use	Truck Trips Information
010	Waterport/Marine Terminal	Truck trips accounted for approximately 38 percent of the total weekday traffic at container terminals and 60 percent at break-bulk terminals.
021	Commercial Airport	Truck trips accounted for less than 1 percent of the weekday and weekend traffic at the sites surveyed.
022	General Aviation Airport	Truck trips accounted for 3 to 5 percent of the weekday traffic at the airports surveyed.
030	Intermodal Truck Terminal	At one site, 70 percent of the site-generated driveway volume was truck traffic. At an additional site located on the waterfront, 34 percent of the driveway volume was truck traffic.
130	Industrial Park	Truck trips accounted for 1 to 31 percent of the weekday traffic. The average was approximately 13 percent. This average was based on all sites surveyed.
150	Warehousing	Truck trips accounted for 20 percent of the weekday traffic at one of the sites surveyed.
151	Mini-Warehouse	Truck trips accounted for 2 to 15 percent of the weekday traffic at the sites where data were available.

Comment 5: Furthermore, review of the CalEEMod output files demonstrates that the fleet mix included the model is inconsistent with what is described in the TIA. The CalEEMod output files reveal that the "Operational Mobile Fleet Mix" percentages for heavy duty heavy duty trucks (LHD, MHD, and HHD) were adjusted to reflect a fleet mix percentage of zero (see excerpt below) (Appendix B, pp. 443, 471, 500, 528).

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Parking Lot	0.000000	0.000000	0.000000	0.000000	0.130000	0.045000	0.230000	0.595000	0.000000	0.000000	0.000000	0.000000	0.000000
Unrefrigerated Warehouse-No Rail	0.594000	0.050000	0.217000	0.134000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.005000	0.000000	0.000000

As you can see in the above excerpt, fleet mix percentages for light-, medium-, and heavy-duty trucks were reduced to zero. Thus, in addition to the TIA's incorrect reliance on the Fontana Study, the fleet mix included in the air model is inconsistent with what is described in the TIA. As a result, the IS/MND may underestimate the Project's mobile--source operational emissions.

Response 5: The commenter is incorrect that the fleet mix included in the model is inconsistent with the MND's traffic study (TIA). The CalEEMod modeling analysis correctly describes the fleet mix based on the TIA as shown in the row immediately above the row highlighted by the comment. The commenter incorrectly highlighted the "zeros" entered for trucks because the project's trucks were correctly entered into the row directly above. The project's trucks and vehicles were analyzed in CalEEMod consistent with SCAQMD guidance, which directs trucks and non-truck vehicles to be input separately for industrial uses to account for different trip lengths. This approach is conservative because it assumes truck trip lengths will be longer than the "default" trip length for unrefrigerated warehouse uses. Consistent with that conservative guidance, trucks were removed from the "Unrefrigerated Warehouse" row, resulting in the

"zeros" cited by the commenter for trucks in that row, leaving the remaining 283 non-truck trips analyzed within this category. The 74 truck trips (i.e., the number of truck trips identified by the TIA) were input into the "Parking Lot" row. "Parking Lot" use is used simply because the parking lot use generates no vehicle trips on its own (the row's default are "zeros") so it was an available placeholder allowing analysis solely of the project's trucks without mixing the trucks with any other trip-generating use. This approach and the reasoning is explained on page 39 of the Air Report (Appendix B of the MND). Page 136 of the Air Report shows the Trip Summary Information from the CalEEMod model run, with 74 daily truck trips analyzed in the parking lot row and the remaining 283 non-truck daily trips analyzed under the Unrefrigerated Warehouse Land Use, consistent with agency guidance. Both of these figures came directly from the TIA; thus, the CalEEMod is consistent with the TIA assumptions.

Comment 6: ***Incorrectly Applied Construction Mitigation Measure***

Review of the Project's CalEEMod output files demonstrates that the model included construction equipment mitigation that was not properly justified by the IS/MND, and as a result the model may underestimate the Project's construction emissions.

Review of the Project's CalEEMod output files demonstrates that the model applied the "Replace Ground Cover" and "Water Exposed Area" Construction mitigation measures to the model (see excerpt below) (Appendix B, pp. 430, 458, 487, 515).

As you can see in the excerpt above, the model included "Replace Ground Cover" and "Water Exposed Area" mitigation measures. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults to be justified. 16 According to the "User Entered Comments & Non-Default Data table of the CalEEMod output files, the justification provided for the application of these measures is: Per SCAQMD Rule 403 minimum requirements, water exposure 3x per day selected and a 48% reduction for Replace Ground Cover of area disturbed (Appendix B, pp. 422, 450, 479, 507).

However, review of the IS/MND and SCAQMD Rule 403 reveals that the replacement of ground cover and the 48% reduction are not mentioned or justified. Furthermore, the IS/MND states that,

> "Demolition and grading emission based on standard construction practices in adherence with fugitive dust suppression requirements from SCAQMD Rule 403, i.e. watering

3.1 Mitigation Measures Construction

Replace Ground Cover

Water Exposed Area

> uncovered ground areas twice a day" (p. 59).

Thus, the IS/MND justifies watering exposed area twice each day, not three times each day. Thus, these mitigation measures were unjustified and applied incorrectly, and, and as a result, the air model should not be relied upon to determine Project significance.

Response 6: This comment is similar to comments previously responded to in the Response to Comment document provided as Exhibit G in the Planning staff report prepared for the Regional Planning Commission. The quoted excerpt from the Draft MND that refers to twice a day grading pertains to the CalEEMod modeling of dust emissions, to determine whether emission levels would exceed the SCAQMD

regional significance thresholds for criteria pollutants, including PM10. As noted in Table 3-3 in the MND, with twice a day watering, the regional emissions during demolition and construction would be well below the applicable thresholds. Analysis of construction emissions with respect to SCAQMD Localized Significance Thresholds (LST), summarized in Table 3-4 in the Draft MND, indicates that prior to additional mitigation measures, localized concentrations of PM10 would exceed the applicable LST. However, the MND include Mitigation Measure 3-1, which requires watering three times daily, application of chemical stabilizers on inactive areas, and suspending activities when winds exceed 25 miles per hour. With incorporation of Mitigation Measure 3-1, the levels of PM10 would be reduced to less than significant levels.[70] This finding is identified in Table 3-5 in the Final MND and the accompanying narrative. Further, as noted in Topical Response 4 in the Response to Comment document, all soil disturbing activities must also comply with Rule 1466, which requires regular monitoring of wind speeds and particulate emissions with special devices, and installation of a wind screen around the perimeter of the site will be required throughout all construction phases. Given all of these considerations, the analysis demonstrates that Mitigation Measure 3-1 would be adequate to reduce PM10 levels to below less than significant levels. Mitigation measure 3-1 is included in the Final MMRP, which was adopted by the Regional Planning Commission as Exhibit H of the LADRP staff report and is legally binding on the project.

Comment 7: ***Unsubstantiated Application of Mobile Mitigation Measures***

Review of the Project's CalEEMod output files demonstrates that two mobile mitigation measures were included in the model without proper justification.

The Project's CalEEMod output files demonstrate that "Increase Transit Accessibility" and "Improve Pedestrian Network" were applied to the model (see excerpt below (Appendix B, pp. 442, 470, 499, 527).

4.1 Mitigation Measures Mobile

Increase Transit Accessibility

Improve Pedestrian Network

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults by justified.[71] According to the "User Entered Comments and Non-Default Data" table, the justification for these measures is: "Nearest transit stop approx. 0.02 miles from project site. Improve pedestrian network on and offsite" (Appendix B, pp. 422, 450, 479, 507). According to the IS/MND, in regards to the Project's consistency with Pedestrian Network Improvements, the Project would be **Neutral.** This action is typically implemented by local governments through their capital improvement programs. The proposed project will maintain the existing public sidewalks adjacent to the project site that provide a pedestrian

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[70] Mitigation Measure 3-1 requires: "The construction contractor shall:

a) Water a minimum of three times daily to control dust during any activities that generate dust,

b) Apply chemical soil stabilizers on inactive areas (i.e., disturbed areas within the site that are unused for four consecutive days) during grading operations,

c) Suspend any dust-generating operations when wind speeds exceed 25 miles per hour,

d) At least once a day during ground-disturbing activities, operate PM10-efficient street sweepers or roadway-washing trucks on adjacent roadways to remove dirt dropped by construction vehicles or dried mud carried off by trucks moving or bringing materials, and

e) Schedule construction activities in accordance with specific SCAQMD directives.

[71] CalEEMod User Guide, *available at:* http://www.caleemod.com/ p. 2,

connection to a nearby bus stop at the northeast corner of Torrance Boulevard and Normandie Avenue" (p. 109, Table 8-2). However, simply being located near a bus stop and maintaining existing public sidewalks does not mean that the Project will increase transit accessibility and improve the pedestrian network. Thus, we cannot verify the implementation of these mitigation measures. Until further justification for these mitigation measures is provided, we assume that the model may underestimate emissions.

Response 7: Although the Increased Transit Accessibility and Improved Pedestrian Network are listed under Mitigation in CalEEMod, these *are existing conditions* for the project site, since there are already sidewalks on the project site street frontages and bus stops on both Torrance Boulevard and Normandie Avenue, in the vicinity of the project site. The justification for including these two measures is provided on page 39 of the Air Report. Since these two items already exist, they are included in the baseline for the CalEEMod modeling in order to provide accurate air emissions calculations for a project that has the benefits of sidewalks and nearby transit.

Comment 8: ***Unsubstantiated Application of Waste Mitigation Measure***

Review of the Project's CalEEMod output file demonstrates that the model included a waste-related mitigation measure without sufficient justification, and as a result, the Project's operational emissions may be underestimated.

The CalEEMod output files demonstrate that the Institute Recycling and Composting Services mitigation measure was included in the model (see excerpt below) (Appendix B, pp. 447, 475, 504, 532).

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[72] According to the "User Entered Comments and Non-Default Data" table, the justification provided for this mitigation measure is: "50% reduction in waste selected"422, 450, 479, 507). However, this explanation fails to adequately justify the implementation of the mitigation measure or the 50% reduction in waste. Regarding recycling, the IS/MND states, "the property owner shall provide both recycling bins and trash bins" (p. 114). However, stating that the property owner would provide recycling bins as part of the proposed Project does not mean that the Project would implement any composting services for the Project. As the mitigation measure includes both recycling and composting, while the IS/MND fails to mention composting, the application of the mitigation measure cannot be verified. Furthermore, the IS/MND fails to justify, explain, or show the calculations for the 50% reduction in waste that is mentioned in the User Entered Comments. As a result, the mitigation measure and associated waste reduction cannot be verified and the model may underestimate the Project's emissions.

Response 8: The justification for taking credit for recycling is provided on page 40 of the Air Report, which indicates that AB 341 requires that 75 percent of all waste in California is to be redirected from landfills through strategies to reduce, recycle or compost solid waste. Only 50 percent of the reduction was accounted for, since the CalEEMod model is based on the 2006 IPCC Guidelines for Waste Generation, which accounted for a nominal amount of waste reduction that was occurring at that time. In other words,

[72] CalEEMod User Guide, *available at:* http://www.caleemod.com/ p. 2, 9

the modeling conservatively assumed only 50 percent reduction even though it is expected that 75 percent will occur under AB 341.

It is also noted that the County Climate Action Plan, Action SW-1, calls for implementation of the 75% reduction of waste detailed in AB 341. Mitigation Measure 8-6 has been included in the MMRP to help meet the requirements of Action SW-1 by requiring the project to provide both recycling bins and trash bins in all trash enclosures.

Comment 9: ***Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated***

The IS/MND concludes that the proposed Project would have a less than significant impact on the health of sensitive receptors near the Project site by conducting a quantified construction health risk assessment ("HRA"). Furthermore, while the IS/MND conducts a quantified HRA for the Project operation, it only considers mobile emissions. However, this is incorrect for several reasons.

First, while the IS/MND conducted an HRA for the increased cancer risk due to operational diesel mobile-source emissions, provided as Appendix B to the IS/MND, the HRA failed to include the Project's *entire* operational emissions. According the CalEEMod User's Guide, a Project's operational emissions include the following sources: on-road mobile vehicle traffic, fugitive dust associated with roads, architectural coating activities, off-road equipment used during operation, landscaping equipment, emergency generators, fire pumps, process boilers, consumer products, parking lot degreasers, fertilizers/pesticides, cleaning supplies, wood stoves and hearth usage, electricity usage in buildings, electricity usage from lighting in parking lots and lighting, ventilation and elevators for parking, water usage, and solid waste disposal.[73] Thus, by only conducting *mobile* emissions, the model underestimates the Project's operational emissions and excess cancer risk to nearby sensitive receptors. Thus, the IS/MND cannot conclude less than significant health risk impacts resulting from the Project without quantifying emissions and the excess cancer risk to nearby sensitive receptors resulting from the Project's *entire* operational emissions.

Response 9: From the list provided by the commenter, the project may emit TAC emissions from on-road mobile traffic, which was analyzed in the HRA. Diesel powered off-road equipment has the potential to create TAC emissions, however Project Design Feature 3-3 is included in the MMRP to prohibit the use of diesel powered off-road equipment during project operations. Based on PDF 3-3, the HRA did not analyze diesel emissions from off-road equipment during operations.

The commenter suggests that other products should have been included in the HRA but the evidence supports that these products either would not be used or would not have the potential to contribute to significant health risks. Specifically, the potential sources listed in the comment either are not expected to be used on the project site, do not emit any toxic air contaminants, or when used in accordance with manufacturer recommendations, produce such nominal amounts of TAC emissions that neither the SCAQMD nor OEHHA HRA Guidelines state that these sources should be analyzed in HRAs. The commenter also mentions sources such as emergency generators, fire pumps, and process boilers, which are not included in the project design. All of these items would require a permit from the South Coast Air Quality Management District prior to installation of and operation if the project design is changed in the future to include such a source. If the equipment is a known source of TAC emissions, SCAQMD will require preparation of a subsequent HRA at that time and will not allow installation of the equipment if it exceeds

[73] "CalEEMod User's Guide." CAPCOA, November 2017, available at: http://www.caleemod.com/

a 1 per million person cancer risk threshold, which is 10 times stricter than the 10 per million threshold for land use projects.

It is further noted that the proposed warehouse would not, and industrial buildings in general do not have wood stoves or hearths, and this would not be a source of emissions for this project.

The updated HRA demonstrates that health risks would be substantially below the significance threshold of 10 in a million. Even if some nominal source of TAC emissions were not included in the HRA (which does not appear to be the case), such nominal emissions would not materially change the HRA results, let alone cause the project to have a significant impact.

Comment 10: Second, the IS/MND fails to sum the cancer risk calculated for each age group for both Project construction and operation. This is incorrect and, as a result, the IS/MND's evaluation and significance conclusion cannot be relied upon. According to OEHHA guidance, the "excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk at the receptor location."[74]

However, review of the IS/MND and HRA demonstrates that, while the health risk was conducted to nearby, existing third trimester, infant, child, and adult receptors for mobile-source emissions, the HRA fails to evaluate the cumulative lifetime cancer risk to nearby, existing receptors as a result of Project construction *and* operation together, including all aspects of Project operation. Therefore, the HRA should have quantified the Project's *entire* construction and operational health risk, as well as compared the combined construction and operational health risks to SCAQMD's specific numeric threshold of 10 in one million.[75]

Response 10: These concerns were raised in an earlier letter submitted by Blum Collins, dated March 17, 2020. Responses to those prior comments (comments 3-6) are provided in Attachment 2 of the Supplemental LADRP staff report dated April 16, 2020, to the County Regional Planning Commission. As explained in the prior responses, the HRA followed all current methodologies and applied all required data inputs for such assessments, as specified by the California Office of Environmental Health Hazards Assessment, the California Air Resources Board and the South Coast Air Quality Management District.

A construction HRA was prepared in January 2020 to address public comments received requesting this additional analysis. It should be noted that the SCAQMD, which is the agency that provides the applicable HRA Guidelines for the project as well as the cancer and non-cancer (acute and chronic) thresholds utilized in the IS/MND, does not request or require projects to prepare construction-related HRAs. As such the construction-related HRA was not included in the Draft IS/MND. The construction HRA prepared in January 2020 found that the construction-related cancer risk would be 3.8 per million persons which is well below the 10 in one million threshold. The original operational HRA conservatively accounted for emissions from up to 20% of the trucks being equipped with transportation refrigeration units (TRUs), even though the Project would not be a cold storage warehouse, and found that the highest calculated cancer risk at any sensitive receptor location would be 4.6 in one million, well below the SCAQMD

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[74] "Guidance Manual for preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf p. 8-4

[75] South Coast AQMD Air Quality Significance Thresholds." SCAQMD, April 2019. *Available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2

threshold of 10 in one million. An updated operational HRA ("Updated HRA") was prepared with the more recent EMFAC 2017 emission factors developed by CARB and without any TRU's, since the project will be prohibited from being designed/operated as a cold storage facility by PDF 17-1 and CUP Condition No. 55 ("Vehicles with transfer refrigeration units (TRUs) are not permitted on the Project site."). The Updated HRA analysis concluded that the calculated cancer risk during project operations was reduced to a maximum of 1.5 in 10 million and thus further below the SCAQMD significance threshold as compared to the original operational HRA.

As such, the MND properly relied on the findings of the Updated HRA to support a determination that the project would not expose sensitive receptors to substantial pollutant concentrations. See in Topical Response No. 4: Health Risk Assessment and Air Quality Modeling for additional discussion and summary of the project's Health Risk Assessments and impact analysis.

When combined, the construction and operational cancer risk would be as high as 5.3 in 10 million persons (3.8+1.5), which is well below the SCAQMD threshold of 10 per million. This analysis conservatively includes OEHHA- and SCAQMD-recommended sensitivity factors and breathing rates for the first 2 years of a project that generate the greatest cancer risk (i.e., from 0 to 2 years old), as shown in Table 3-9 of the Final IS-MND (health risk is calculated by multiplying the PM10 concentrations by 342 for the first two years (0 to 2 years old). The analysis is also conservative because both the construction HRA and updated operational HRA included analysis of the first 2 years, resulting in doublecounting of these impacts. Therefore, impacts are anticipated be less than 5.3 in 10 million.

Comment 11: Third, the IS/MND's HRA should not be relied upon to determine Project significance as it relies upon a flawed CalEEMod model, as discussed above. This is incorrect, as the IS/MND's model underestimates the Project's emissions.

Finally, review of the Project documents demonstrates that the IS/MND fails to evaluate the cumulative health risk posed to nearby sensitive receptors as a result of Project construction and operation in conjunction with existing and proposed industrial sites around the Project. Therefore, the Project may result in a cumulatively significant impact that was not evaluated in the IS/MND.

Response 11: In response to the comments about the MND's use of CalEEMod, please see the responses to specific comments above. The MND utilized the SCAQMD-recommended CalEEMod model and included a number a conservative assumptions to estimate the project's potential air quality and health risk impacts, resulting in a conclusion that the project's emissions are below the applicable air quality and health risk significance thresholds. Please see Topical Response No. 4: Health Risk Assessment and Air Quality Modeling for more details about and a summary of the project's air quality analysis and Health Risk Assessments.

In response to the comment about cumulative impacts, consistent with agency guidance, the MND evaluated the potential for the project to cause cumulative health risk impacts to nearby sensitive receptors in combination with existing sources in the community. As summarized next, the MND concluded that cumulative air quality and health risks were less than significant.

First, Health Risk Assessments were prepared to assess the project's potential to contribute to health impacts during construction and operations. The Health Risk Assessments analyze the project's incremental contribution to health risks based on guidelines and methodology adopted by the California Office of Environmental Health Hazard Assessment ("OEHHA") and the SCAQMD, the leading expert

agencies with respect to air quality and health risk issues. OEHHA and SCAQMD's health risk guidance is based on years of technical analysis and case studies that represent the best available science endorsed by the relevant expert agencies for modeling and estimating health risks. The most stringent health risk standards adopted by OEHHA and the SCAQMD have been used in the MND's Health Risk Assessment. For instance, OEHHA's guidelines for preparation of health risk assessments, adopted in 2015, require the use of age sensitivity factors that include multiplying the cancer risk by 10 for the first 2.3 years of the project in order to account for the enhanced risk of a pregnant woman living in one of the nearby homes on opening day of the project, and a child living at the same house for the next 30 years. In addition, the breathing rates adopted by SCAQMD in 2017 were utilized that require the use of the 95th percentile breathing rates (this assumes that the people living in the nearby homes will breath faster than 95 percent of the general population).

As described on page 67 of the MND, the SCAQMD significance thresholds for air emissions and health risks were conservatively set at low levels to account for a project's potential to contribute to existing conditions. The SCAQMD thresholds were established as indicators of a cumulatively considerable contribution to an existing or potential violation of health-based air quality standards. Based on this conservative approach for establishing the significance thresholds, projects that do not exceed SCAQMD's recommended significance thresholds or can be mitigated to less-than-significant levels at a project level do not contribute a cumulatively considerable level of emissions on a regional or cumulative basis. The MND and Health Risk Assessments demonstrate that the project is well below the significance thresholds for air emissions and health risks during construction and operations.

Moreover, as detailed in Topical Response No. 4: Health Risk Assessment and Air Quality Modeling, the project incorporated a number of additional Project Design Features and Mitigation Measures to further reduce emissions and health risks even though the project would not cause significant air impacts or health risks. These additional measures include, but are not limited to, requiring state-of-the-art Tier 4 equipment during construction, requiring all heavy-duty trucks during construction meet Model Year 2014 or later, limiting all construction equipment and construction trucks to idling on-site for no longer than two minutes, requiring installation of 0.45 megawatts of solar panels, installing electric vehicle charging stations and implementing an incentive program to encourage zero-emissions or near zero-emissions trucks. Therefore, the project is expected to produce even fewer emissions than disclosed in the quantitative assessments, meaning the results presented in the Health Risk Assessments are likely conservative (i.e., present a conservatively high estimate of risk). See Topic Response 4 for additional discussion and summary of the project's Health Risk Assessments and impact analysis.

Second, in addition to the quantitative assessment of health impacts, the MND evaluated the project's potential to impact the surrounding community with respect to air quality and health risks by assessing the project's consistency with the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, SCAQMD's Air Quality Management Plan and the California Air Resources Board (CARB) Air Quality and Land Use Handbook: A Community Health Perspective, and concluded that the project would be consistent with these guidance documents. (See MND at p. 66 and Response to Comment 21 by the SCAQMD.) The project site has been zoned for light industrial use, including warehouses, for a number of years, and the project is consistent with the County's land use policies and corresponding zoning standards, which take into account which uses are appropriate for certain areas. As summarized above, no significant air quality impacts or health risks have been identified in the MND due to the proposed warehouse design, truck traffic or other construction or operational

activities. See Topical Responses 1-5 for a more detailed discussion of the MND's analysis and conclusion that that project does not significantly impact the surrounding community.

Third, the MND analyzed whether project's air emissions would exceed health-based "Local Significance Thresholds" established by the SCAQMD to evaluate a project's local air quality impacts. The MND applied the "Localized Significance Threshold Methodology" developed by the SCAQMD to study local air quality impacts (see MND, p. 60). This methodology accounts for the health impacts from localized concentrations of air pollutant emissions.76 As discussed on page 67 of the MND, the local concentrations of criteria pollutant emissions produced in the nearby vicinity of the project that may expose sensitive receptors to substantial concentrations were calculated for both construction and operations. As shown in Tables 3-4 and 3-6 of the MND, project emissions would be below the Local Significance Thresholds, meaning local impacts will be less than significant. This conclusion applies to both project-level and cumulative local impacts. (See MND, p. 67.)

Comment 12: ***Screening-Level Assessment Indicates Significant Impact***

In an effort to demonstrate the potential health risk posed by Project construction and operation to nearby sensitive receptors, we prepared a simple screening-level HRA. The result of our assessment, as described below, provide substantial evidence that the Project's construction and operational DPM emissions may result in a potentially significant health risk impact that was not previously identified.

In order to conduct our screening level risk assessment, we relied upon AERSCREEN, which is a screening level air quality dispersion model.[77] The model replaced SCREEN3, and AERSCREEN is included in the OEHHA[78] and the California Air Pollution Control Officers Associated (CAPCOA)[79] guidance as the appropriate air dispersion model for Level 2 health risk screening assessments ("HRSAs"). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

We prepared a preliminary HRA of the Project's construction and operational health-related impact to sensitive receptors using the annual PM_{10} exhaust estimates from the SWAPE annual CalEEMod output files. According to the IS/MND, the closest residential receptor is located approximately 70 feet, or roughly 21 meters, west of the Project site (p. 152). The closest receptor distance when utilizing AERSCREEN is 25 meters, so we used this distance value to evaluate health risk to the closest exposed residential receptor. Consistent with recommendations set forth by OEHHA, we assumed that residential exposure begins during the third trimester stage of life. The SWAPE construction CalEEMod output files indicate that construction activities will generate approximately 326 pounds of DPM over the approximately 364-day construction period. The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the

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[76] SCAMQD, Localized Significance Threshold Methodology, available at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2

[77] "AERSCREEN Released as the EPA Recommended Screening Model," USEPA April 11 2011 *available at:* http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

[78] 2015, "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

[79] "Health Risk Assessments for Proposed Land Use Projects," CAPCOA, July 2009, *available at:* http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf

variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{325.6\ lbs}{362\ days} x\ \frac{453.6\ grams}{lbs}\ x\ \frac{1\ day}{24\ hours}\ x\ \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.004696\ g/s}$$

Using this equation, we estimated a construction emission rate of 0.004696 grams per second (g/s). Subtracting the 364-day construction duration from the total residential duration of 30 years, we assumed that after Project construction the MEIR would be exposed to the Project's operational DPM for an additional 29 years approximately. SWAPE's updated operational CalEEMod emissions indicate that operational activities will generate approximately 110 pounds of DPM per year throughout operation. Applying the same equation used to estimate the construction DPM rate, we estimated the following emission rate for Project operation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{110.2\ lbs}{365\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.001585\ g/s}$$

Using this equation, we estimated an operational emission rate of 0.001585 g/s. Construction and operational activity was simulated as an 8.98-acre rectangular area source in AERSCREEN with dimensions of 212 meters by 171.5 meters. A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%.[80] As previously stated, there are residential receptors located approximately 25 meters from the Project boundary. The single-hour concentration estimated by AERSCREEN for Project construction is approximately 3.465 µg/m^3 DPM at approximately 25 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.3465 µg/m^3 for Project construction at the nearest sensitive receptor. For Project operation, the single-hour concentration estimated by AERSCREEN is 1.169 µg/m^3 DPM at approximately 25 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.1169 µg/m^3 for Project operation at the nearest sensitive receptor.

The IS/MND's health risk analysis relies on SCAQMD guidance from 2003 and 2017 and OEHHA guidance from 2015 (p. 71). Consistent with this guidance, we used Age Sensitivity Factors (ASFs) to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution. According to this guidance, quantified cancer risk should be multiplied by a factor of ten during the third trimester of pregnancy and during the first two years of life (infant) and should be multiplied by a factor of three during the child stage of life (2 to 16 years). Furthermore, in accordance with guidance set forth by OEHHA, we

[80] "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised." EPA, 1992, *available at*: https://www3.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf; *see also* Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf p. 4-36

used the 95th percentile breathing rates for infants.[81] Finally, according to SCAQMD guidance, we used a Fraction of Time At Home (FAH) Value of 1 for the 3rd trimester and infant receptors.[82] We used a cancer potency factor of 1.1 $(mg/kg\text{-}day)^{-1}$ and an averaging time of 25,550 days. Consistent with OEHHA guidance, exposure to the MEIR was assumed to begin in the third trimester to provide the most conservative estimate of air quality hazards. The results of our calculations are shown below.

The Closest Exposed Individual at an Existing Residential Receptor

	Duratio	Concentration	Breathing		Cancer
Activity	(years)	(ug/m3)	Rate (L/kg-day)	ASF	with ASFs*
Construction	0.25	0.3465	361	10	4.7E-06
3rd Trimester Duration	***0.25***			***3rd Trimester Exposure***	***4.7E-06***
Construction	0.75	0.3465	1090	10	4.3E-05
Operation	1.25	0.1169	1090	10	2.4E-05
Infant Exposure Duration	***2.00***			***Infant Exposure***	***6.7E-05***
Operation	14.00	0.1169	572	3	4.2E-05
Child Exposure Duration	***14.00***			***Child Exposure***	***4.2E-05***
Operation	14.00	0.1169	261	1	4.7E-06
Adult Exposure Duration	***14.00***			***Adult Exposure***	***4.7E-06***
Lifetime Exposure	**30.00**			**Lifetime**	**1.2E-04**

As indicated in the table above, the excess cancer risk posed to adults, children, infants, and during the third trimester of pregnancy at the closest receptor, located approximately 25 meters away, over the course of Project construction and operation are approximately 4.7, 42, 67, and 4.7 in one million, respectively. The excess cancer risk over the course of a residential lifetime (30 years) at the closest receptor is approximately 120 in one million, thus resulting in potentially significant health risk impact that was not previously identified or addressed by the IS/MND.

An agency must include an analysis of health risks that connects the Project's air emissions with the health risk posed by those emissions. Our analysis represents a screening-level HRA, which is known to be

[81] "Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics 'Hot Spots' Information and Assessment Act," June 5, 2015, *available at:* http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588-risk-assessment-guidelines.pdf?sfvrsn=6, p. 19.

[82] "Risk Assessment Procedures for Rules 1401, 1401.1, and 212."SCAQMD, August 2017, *available at:* http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7

conservative and tends to err on the side of health protection.[83] The purpose of the screening-level construction HRA shown above is to demonstrate the link between the proposed Project's emissions and the potential health risk. Our screening-level HRA demonstrates that construction of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up- to-date, applicable guidance are used. Therefore, since our screening-level construction HRA indicates a potentially significant impact, the County should prepare an EIR with a revised HRA which makes a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors. Thus, the County should prepare an updated, quantified air pollution model as well as an updated, quantified refined health risk assessment which adequately and accurately evaluates health risk impacts associated with both Project construction and operation.

Response 12: This comment refers to use of a screening tool to assess potential health risks, known as AERSCREEN. As this comment notes, the purpose of this model is to provide a preliminary assessment, based on a limited amount of site-specific information, to determine whether a further, more precise analysis of health risks is warranted. In this case, the MND completed a more precise analysis of health risks using the more detailed and comprehensive AERMOD model; therefore, the less precise and less detailed AERSCREEN analysis is not applicable.

Specifically, the HRA was based on AERMOD as recommended by the SCAQMD for health risk assessments (see: https://www.aqmd.gov/home/air-quality/meteorological-data/modeling-guidance#Submittals). The SCAQMD is the expert agency with jurisdiction over the project area with regard to air quality and health risk impacts. AERSCREEN modeling is not appropriate if an AERMOD analysis is completed because AERMOD is a much more rigorous modeling program that accounts for a broader scope of meteorological conditions, local sensitive receptors, and site-specific emissions sources to more precisely evaluate the dispersion and concentrations of diesel particulate emissions. As such, the HRA prepared for the MND is more precise and accurate than the AERSCREEN-based assessment provided in this comment.

The project HRA was prepared in accordance with the latest OEHHA and SCAQMD protocols, which include a number of very conservative assumptions that are protective of public health (see Topical Response 4 in the Response to Comments document, provided as Exhibit G in the LADRP staff report for the Regional Planning Commission). An updated HRA, incorporating emission factors developed by CARB after publication of the draft MND was prepared, is included as Appendix C of the Response to Comments Document.

The HRAs prepared for the MND were reviewed by CARB, SCAQMD and the County Department of Public Health, none of which questioned used of AERMOD as the modeling tool. Likewise, the inputs concerning local meteorology, sensitive receptor locations, risk exposure factors, etc. were not questioned or commented upon by any of these agencies. Thus, the HRA properly analyzed potential health risks from the project's trucking emissions. The HRA followed the latest agency guidance to conclude that the maximum cancer risk at the nearest sensitive receptor would be 1.5 in one million, which is well below the SCAQMD threshold of 10 in one million. Please see Topical Response No. 4: Health Risk Assessment and Air Quality Modeling for additional discussion of the project's health impacts analysis.

Comment 13: **Greenhouse Gas: Failure to Adequately Evaluate Greenhouse Gas Impacts**

[83] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 1-5

The IS/MND concludes that the Project's GHG impact would be consistent with the Los Angeles County Community Climate Action Plan (CCAP) and SCAG's 2016-2040 RTP/SCS RTP/SCS. Specifically, the IS/MND states:

> "[T]he project is consistent with the County CCAP and the RTP/SCS. Accordingly, the project's GHG emissions will result in a less than significant impact" (p. 104).

Furthermore, the IS/MND states:

> "[T]he project's GHG footprint would be well below 3,000 MTCO2e, which is the lowest project level screening threshold discussed by the SCAQMD GHG Working Group in 2010 that could apply to a warehouse project permitted by a local agency. That threshold has not been formally adopted by SCAQMD or by the County of Los Angeles; therefore, it is presented for informational purposes regarding the project's consistency with the CCAP and other GHG reduction plans, policies and programs" (p. 103-104).

However, these justifications and subsequent less than significant determinations are incorrect for several reasons:

1. The LA County CAP is not applicable to the Project;
2. The 2016 SCAP RTP/SCS cannot be relied upon to determine Project significance;
3. The IS/MND fails to demonstrate the Project's consistency with the 2016 SCAG RTP/SCS
4. The GHG analysis relies upon an incorrect and unsubstantiated analysis of the Project's emissions; and
5. (5) Updated analysis indicates significant impact

(1) The LA County CAP is Not Applicable to the Project

As previously mentioned, the Project relies upon consistency with the LA County CCAP to determine Project significance. However, review of the CCAP demonstrates that the County has failed to include goals or targets beyond 2020. Specifically, the CCAP states,

> "To reduce the impacts of climate change, the County has set a target to reduce GHG emissions from community activities in the unincorporated areas of Los Angeles County by at least 11% below 2010 levels by 2020. This Community Climate Action Plan (CCAP) describes the County's plan for achieving this goal, including specific strategy areas for each of the major emissions sectors, and provides details on the 2010 and projected 2020 emissions in the unincorporated areas."[84]

As indicated in the excerpt above, the LA County CCAP aims to reduce GHG emissions by 2020 and fails to include specific targets beyond then. As the IS/MND estimates a construction duration of approximately 1 year and the Project has yet to be approved, it is reasonable to assume that the Project will not become operational until after 2020 (Appendices, pp. 428, 456, 485, 513, 655). Furthermore, because the LA County CCAP does not include goals or targets beyond 2020, the CAP is only applicable to projects that will be fully operational by 2020. As a result, the LA County CCAP is not applicable to the Project. Thus, we

[84] "Unincorporated Los Angeles County Community Climate Action Plan 2020." County of Los Angeles, August 2015, *available at*: http://planning.lacounty.gov/assets/upl/project/ccap_final-august2015.pdf, p. ES-1

require that an updated DEIR be prepared to include an adequate evaluation and mitigation of the proposed Project's GHG emissions to ensure that impacts are reduced to a less than significant level.

(2) The 2016 SCAG RTP/SCS Cannot be Relied Upon to Determine Project Significance

The IS/MND determines that the Project would be consistent with the 2016 SCAG RTP/SCS. However, this plan does not qualify as a Climate Action Plans (CAP). CEQA Guidelines §§ 15064.4(b)(3) and 15183(b) allows a lead agency to consider a project's consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. When read in conjunction, CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1) make clear qualified GHG reduction plans or CAPs should include the following features:

1. **Inventory:** Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction);
2. **Establish GHG Reduction Goal:** Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
3. **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
4. **Craft Performance Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
5. **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

The above-listed CAP features provide the necessary *substantial evidence demonstrating a project's incremental contribution is not cumulative considerable*, as required under CEQA Guidelines § 15064.4(b)(3).[85] Here, however, the IS/MND fails to demonstrate that the plan includes the above-listed requirements to be considered a qualified CAP for the County (e.g., no County-specific inventorying of current and future GHG emissions; no County-specific GHG reduction goal; no estimated GHG emissions for County-specific projects; no County-specific performance-based mitigation measures tied to County-specific GHG reduction goal; no County-specific monitoring ensuring County-specific GHG reduction goals are met). As such, the IS/MND leaves an analytical gap showing that compliance with said plans can be used for a project-level significance determination. Thus, the IS/MND's GHG analysis regarding the 2016 SCAG RTP SCS should not be relied upon to determine Project significance.

[85] *See Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 200-201(Upheld qualitative GHG analysis when based on city's adopted its greenhouse gas strategy that contained "multiple elements" of CEQA Guidelines § 15183.5(b), "quantification of [city's] baseline levels of [GHG] emissions and planned reductions[,]" approved by the regional air district, and "[a]t the heart" of the city's greenhouse gas strategy was "specific regulations" and measures to be implemented on a "project-by-project basis… designed to achieve the specified citywide emission level.").

(3) Failure to Demonstrate Consistency with the 2016 SCAG RTP/SCS

Even if SCAG's RTP/SCS was a qualified CAP, which it is not (as discussed above), the IS/MND fails to show the Project is consistent with the plan. The IS/MND relies upon the Project's consistency with the 2016 SCAG RTP/SCS to conclude that the Project's GHG impact will be less than significant. However, this is incorrect, as the IS/MND fails to substantiate this conclusion.

First, the IS/MND fails to commit to the implementation of these mitigation measures or discuss how they will be implemented, monitored, and enforced. Without further analysis by the IS/MND describing how the proposed Project will apply these mitigation measures, we cannot assume that they will be implemented or enforced. Furthermore, the IS/MND fails to address several of the mitigation measures that are included in the 2016 SCAG RTP/SCS (see table below).

SB 375 and SCAG's RTP/SCS Strategies SCAG 2012-2035 and 2016-2040 RTP/SCS and PEIR	
In September 2008, SB 375 (Gov. Code § 65080(b) et seq.) was instituted to help achieve AB 32 goals through, inter alia requiring regional agencies to prepare a Sustainable Communities Strategy ("SCS") to be incorporated into their Regional Transportation Plan ('RTP") that effectively links land use planning with the regional transportation system so that the region can grow smartly and sustainably, while also demonstrating how the region will meet targets set by CARB that reduce the per capita GHG emission from passenger vehicles in the region.[86] Pursuant to SB 375, CARB set the per capita GHG emission reduction targets for the SCAG region at 8 percent below 2005 per capita emissions levels by 2020, and 13 percent below 2005 per capita emissions levels by 2035.[87] In April 2012, SCAG adopted its 2012-2035 RTP/SCS ("2013 RTP/SCS"), which proposed specific land use policies and transportation strategies for local governments to implement that will help the region achieve GHG emission reductions of 9 percent per capita in 2020 and 16 percent per capita in 2035.[88] In April 2016, SCAG adopted the 2016-2040 RTP/SCS ("2016 RTP/SCS"), which incorporates and builds upon the policies and strategies in the 2012 RTP/SCS,[89] that will help the region achieve GHG emission reductions that would reduce the region's per capita transportation emissions by eight percent by 2020 and 18 percent by 2035.[90] For both the 2012 and 2016 RTP/SCS, SCAG prepared Program Environmental Impact Reports ("PEIR") that include Mitigation Monitoring Programs ("MMRP") that list project-level environmental mitigation measures that directly and/or indirectly relate to a project's GHG impacts and contribution to the region's GHG emissions.[91] These environmental mitigation measures serve to help local municipalities when identifying mitigation to reduce impacts on a project-specific basis that can and should be implemented when they identify and mitigate project-specific environmental impacts.[92] The table below outlines applicable land use policies, transportation strategies, and project-level mitigation measures identified in the 2012 and 2016 RTP/SCS and PEIRs.	
Land Use Policies[93]	***Project Inconsistency***
Affordable Housing: Local municipalities should incorporate strategies such as collaborate with local jurisdictions and agencies to acquire a regional fair share housing allocation that reflects existing and future needs.	Here, the IS/MND fails to address strategies to collaborate with local jurisdictions and agencies to acquire a regional fair share housing allocation that reflects existing and future needs. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.
Combating Gentrification and Displacement: Adding to the local housing stock rather than maintaining	Here, the IS/MND fails to address adding to the local housing stock rather than maintaining the current stock by changing the residential population, as well as pursuing the production of permanent affordable housing that will provide some

[86] SCAG (Apr. 2012) 2012 RTP/SCS, p. xiii (Resolution No. 12-538-2), http://rtpscs.scag.ca.gov/Documents/2012/final/f2012RTPSCS.pdf

[87] *Ibid*., p. 3, 108, 151-156, 197.

[88] *Ibid*., p. 107-164

[89] SCAG (Apr. 2016) 2016 RTP/SCS, p. 69, 75-115, http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf

[90] *Ibid*., p. 8, 15, 153, 166

[91] *Ibid*., p. 116-124; *see also* SCAG 2012 RTP/SCS, *supra* fn. 31, p. 77-86

[92] SCAG 2012 RTP/SCS, *supra* fn. 31, p. 77; *see also* SCAG 2016 RTP/SCS, *supra* fn. 34, p. 115

[93] SCAG 2012 RTP/SCS, *supra* fn. 31, Tbls. 4.3 4.7; *see also* SCAG 2016 RTP/SCS, *supra* fn. 34, p. 75-114

the current stock by changing the residential population, as well as pursuing the production of permanent affordable housing that will provide some units for affordable to lower- income households.	units for affordable to lower-income households. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.
Provide More Options for Short Trips: Given 38 percent of all trips in the SCAG region are less than three miles, projects that further policies that encourage replacing motor vehicle use with Neighborhood Electric Vehicle ("NEV") is encouraged. These land use policies shifting retail growth from large centralized retail strip malls to smaller distributed centers and the creation of these mixed-use districts by co-locating housing, employment, and a mix of retail and services that meet most daily needs of local residents with the opportunity to patronize their local area and run daily errands by walking or cycling rather than traveling by automobile.	Here, the IS/MND fails to incorporate land use policies shifting retail growth from large centralized retail strip malls to smaller distributed centers and the creation of these mixed-use districts by co- locating housing, employment, and a mix of retail and services that meet most daily needs of local residents with the opportunity to patronize their local area and run daily errands by walking or cycling rather than traveling by automobile. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.
Transportation Network Strategies	***Project Inconsistency***
Transit Fare Discounts: Incorporating strategies such as encourage transit fare discounts and local vendor product and service discounts for residents and employees of TOD/HQTAs, or for a jurisdiction's local residents in general who have fare media.	Here, the IS/MND fails to incorporate transit fare discounts and local vendor product and service discounts for residents and employees of TOD/HQTAs, or for a jurisdiction's local residents in general who have fare media. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.
Transit Integration Strategies: This refers to a suite of strategies designed to better integrate active transportation and transit by improving access for pedestrians, bicyclists and other people traveling under their own power around transit stations. Strategies include: Bike share services in closely packed bike rental kiosks in heavily urbanized areas designed to replace short-distance motor vehicle trips, reduce parking demand and complement local bus services such as DASH in the City of Los Angeles; Education/encouragement campaigns such as advertising, public service announcements and media kits designed to educate the public on the importance of safety.	Here, the IS/MND states that the Project would provide a total of 32 bicycle parking spaces on the project site and install changing/shower facilities in order to provide "end-of-trip" space to change clothes after arriving by bicycle (Table 8-2, p. 110). However, the Project fails to incorporate other strategies such as bike share services in closely packed bike rental kiosks in heavily urbanized areas designed to replace short-distance motor vehicle trips and reduce parking demand and complement local bus services. The Project also fails to incorporate education/encouragement campaigns such as advertising, public service announcements and media kits designed to educate the public on the importance of safety. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.

Transportation Demand Management (TDM) Strategies[94]	***Project Inconsistency***
Expand and encourage the implementation of TDM strategies to their fullest extent such as: • Rideshare incentives and rideshare matching • Parking management and parking cash- out policies • Preferential parking or parking subsidies for carpoolers, • Intelligent parking programs, • Promotion and expansion of Guaranteed Ride Home programs, • Incentives for telecommuting and flexible work schedules, • Integrated mobility hubs and first/last mile strategies, • Incentives for employees who bike and walk to work, • Investments in active transportation infrastructure, and • Investments in Safe Routes to School programs and infrastructure.	The IS/MND states that the Project Proponent will work with future tenants to encourage and facilitate employer sponsored ride and bike sharing programs that may be initiated by those businesses" (Table 8-2 p. 111). However, this is all that is stated and as such, the proposed Project fails to demonstrate a commitment to implementation, monitoring, and enforcement of the measure. Thus, we cannot verify that the measure will actually be applied or required at the Project site. The proposed Project includes 18 designated-ride sharing parking spots (Table 8-2, p. 111). However, this is all that is stated and as such, the IS/MND fails to demonstrate a commitment to implementation, monitoring, and enforcement of the measure. Thus, we cannot verify that the measure will actually be applied or required at the Project site.
Clean Vehicle Strategies[95]	***Project Inconsistency***
Anticipating Shared Mobility Platforms, Car-To- Car Communication, and Automated Vehicle Technologies: Shared Mobility encompasses a wide range of services including Return Trip Car Sharing, Point-to-Point Car Sharing, Peer-to-Peer Car Sharing, Ridesourcing, Dynamic On-Demand Private Transit, Vanpool and Private Employer Charters.	Here, the proposed project fails to incorporate Shared Mobility Platforms, Car-To-Car Communication, and Automated Vehicle Technologies. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.

As the above table indicates, the IS/MND fails to provide sufficient information and analysis, or reconcile Project inconsistencies with various measures and goals/policies under SCAG's RTP/SCS. The IS/MND discusses each of the 2016-2040 RTP/SCS goals, then goes on to claim that the Project would be consistent with the goals (p. 115). This assessment of the Project's compliance with the RTP/SCS is incorrect and unsubstantiated, as the RTP/SCS goals are only applicable at the *plan level* to inform implementation of the RTP/SCS. Thus, the IS/MND incorrectly relies upon the plan-level goals outlined in the RTP/SCS, which are not applicable at the project level, to claim consistency with the RTP/SCS as a whole. In the RTP/SCS, SCAG states,

> "The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental

[94] *Ibid.*

[95] *Ibid.*

justice, and public health. Ultimately, the Plan is intended to help guide transportation and land use decisions and public investments" (2016-2040 RTP/SCS, p. 63).

The RTP/SCS goes on to assert,

> "This Plan's goals are intended to carry out our vision for improved mobility, a strong economy and sustainability" (2040 RTP/SCS, p. 65).

As the above excerpts demonstrate, the goals outlined in the RTP/SCS are intended to inform regional, plan-level efforts and are therefore not an applicable measure of any proposed *project's* GHG impact. Thus, the IS/MND's claim that "the project is consistent with the goals 2016-2040 RTP/SCS is incorrect (p. 115). The IS/MND cannot rely on plan-level goals to determine whether GHG emissions would be cumulatively considerable at the project level.

(4) The GHG Analysis Relies on an Incorrect and Unsubstantiated Air Model

As discussed above, IS/MND's CalEEMod model relies upon incorrect input parameters to estimate the Project's criteria air pollutant and GHG emissions, resulting in an underestimation of Project emissions. Therefore, we find the IS/MND's quantitative GHG analysis to be incorrect and unreliable.

(5) Updated Analysis Indicates Significant Impact

Notwithstanding the flawed GHG evaluation discussed above, applicable thresholds demonstrate that the Project would have a significant GHG impact.

First, the IS/MND's use of the 3,000 MT CO_2e threshold is incorrect. The guidance referenced by the IS/MND, the SCAQMD's 2008 *Interim CEQA GHG Significance Threshold for Stationary Sources, Rules, and Plans* report is based on AB 32 and thus, only includes thresholds for 2020. Thus, as the Project will not become operational until after 2020, as previously discussed, these thresholds are inapplicable to the proposed Project. As a result, the IS/MND should have instead relied upon the SCAQMD's 2035 efficiency threshold of 3.0 MT CO_2e per Service Population per year.[96]

The CalEEMod output files disclose the Project's mitigated GHG emissions, which include approximately 618 MT CO_2e of total construction emissions and approximately 1,413 MT CO_2e/year of annual operational emissions (sum of area, energy, mobile, waste, and water-related emissions). According to CAPCOA's CEQA & Climate Change Report service population is defined as "the sum of the number of residents and the number of jobs supported by the project."[97] The IS/MND states that "there could be roughly 140 employees on-site" (p. 171). As the Project has no residential land uses, we estimate that the Project's service population would be 140. Dividing the Project's GHG emissions by a service population value of 140 people, we find that the Project would emit approximately 9.9 MT CO2e/year.[98]

When we compare the Project's per service population GHG emissions to the SCAQMD 2035 efficiency target of 3.0 MT CO_2e/SP/year, we find that the Project would result in a significant GHG impact (see table below).

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[96] "GHG CEQA Significance Threshold Stakeholder Working Group #15." SCAQMD, September 2010, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf), p. 2.

[97] CAPCOA (Jan. 2008) CEQA & Climate Change, p. 71-72, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf.

[98] Calculated: (1,379.3 MT CO_2e/year) / (140 service population) = (9.85 MT CO_2e/SP/year)

SWAPE Annual Greenhouse Gas Emissions	
Project Phase	**Proposed Project (MT CO_2e/year)**
Construction (amortized over 30 years)	20.6
Area	0.0
Energy	331.3
Mobile	711.2
Waste	96.4
Water	219.8
Total	**1,379.3**
Service Population	140
Service Population Efficiency	9.85
Threshold	3.0
Exceed?	***Yes***

As demonstrated in the table above, when we compare the Project's per service population emissions to the SCAQMD threshold of 3.0 $MTCO_2e$/SP/yr for 2035, we find that the Project's emissions would exceed the threshold, thus resulting in a potentially significant impact. According to CEQA Guidelines § 15064.4(b), if there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, a full CEQA analysis must be prepared for the project. Thus, the results of the above analysis provide substantial evidence that the proposed Project's GHG emissions are still cumulatively considerable notwithstanding its purported compliance with the LA County CCAP and SCAG RTP/SCS (as challenged herein). Therefore, an updated CEQA analysis must be prepared for the Project, and mitigation should be implemented where necessary, per CEQA Guidelines.

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

Response 13: This comment makes various comments about the MND's analysis of the Project's GHG emissions. A formal significance threshold has not been developed and adopted for land use projects such as the proposed Project. Therefore, the County analyzed the significance of the Project's GHG emissions on a case-by-case basis in accordance with the CEQA Guidelines and the CEQA Guidelines Appendix G questions, specifically, considering whether the Project would:

- Generate greenhouse gas (GHGs) emissions, either directly or indirectly, that may have a significant impact on the environment?

- Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

First, consistent with CEQA Guidelines Section 15064.4(a), the MND quantified the Project's estimated GHG emissions for construction and operations using the SCAQMD-recommended CalEEMod model. As shown in Table 8-1 of the MND, the Project would result in an estimated annual emission of 1,708 metric tons of CO2 equivalent per year. The emissions presented in Table 8-1 are conservative because the MND does *not* take credit for a number of Project Design Features and Mitigation Measures that would further reduce GHG emissions:

- **PDF 3-3**. Diesel-powered forklifts and other off-road equipment during operations must be powered by batteries, alternative fuels or other non-diesel sources.

- **PDF 8-1**. EV-ready parking spaces at the warehouse facility shall be provided for all truck parking and truck loading docks (including to accommodate light-duty and/or heavy duty vehicle charging stations). EV-ready parking shall mean that conduits are installed from an electrical room on site to each truck parking and loading dock.

- **PDF 8-2.** 0.45 megawatts of solar panels shall be installed on the roof of the warehouse building, which is anticipated to provide sufficient solar capacity to supply net-neutral electricity demand for the warehouse building and its operations.

- **Project Design Feature 8-3**. 10% of all car parking spaces shall be equipped with electrical vehicle (EV) charging stations, and a total of 20% of all automobile parking spaces shall be equipped with EV-ready electrical conduits.

- **Project Design Feature 8-4**: The project shall be designed, constructed and certified in accordance with LEED green building certification standards.

- **Air Quality PDF 3-8**: All off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction shall be electric powered, provided that it is commercially available, which may be plug-in, or battery powered.

- **Air Quality PDF 3-10**: The applicant/owner shall create a $250,000 clean truck incentive program fund and include information about the fund in its agreements with Tenants. To promote the use of alternative fuels, money from the fund shall be made available no later than the commencement of operations of the first tenant in the Project and administered as follows:

  a) Details of the clean truck incentive program shall be provided to DRP for review and approval no later than issuance of the first building permit for the Project.

  b) Details will include provisions to reimburse tenant(s) for costs associated with the provision of new alternative fuel/near zero emission trucks or the conversion of existing trucks to alternative fuel/near zero emission trucks provided such trucks will utilize the Project. Fund money will be made available to any tenant that occupies the warehouse facility

  c) Information concerning the fund will be marketed and shared with potential tenants.

d) Evidence that the clean truck incentive program has been provided in tenant agreements shall be provided to DRP.

e) On an annual basis included with the MMRP report, the applicant/owner shall provide an update on the use of the incentive fund and usage details for installed EV charging stations.

f) Tenant leases shall inform lessee(s) that it is required to use best efforts to utilize the fund to facilitate implementation of cleaner trucks or provide applicant/owner and the DRP with an explanation about why such funds cannot be used for cleaner trucks. Such explanation shall also include a suggestion about what other sustainability measures can implemented with the incentive funds.

- **Air Quality PDF 3-12**: Every three years, the applicant/owner and its tenant shall provide a report to DRP on the number of near-zero and zero-emission vehicles currently utilized at the site and the status of the tenants' voluntary attainment of the following goals. Further, as an ongoing effort to promote an accelerated transition to clean trucks and alternative fuels, the applicant/owner shall provide an additional tenant incentive of $50,000 (per tenant) for each year report where the pertinent goal is met or exceeded (the details of the ongoing tenant incentive plan shall be provided to the tenant(s) and DRP in the same form and process as outlined in Sections 2(a) – 2(d) above):

  a) Project Opening to 2023: 50% of all truck trips to the Site will be 2014+ trucks and 50% alternative fuel/near-zero emission/zero-emission.

  b) 2024 to 2027: 70% of all truck trips to the Site will be by zero-emission trucks and 30% alternative fuel/near-zero emission.

  c) 2028 to 2031: 85% of all truck trips to the Site will be by zero-emission trucks and 15% alternative fuel/near-zero emission.

  d) 2032 to 2035: 100% of all truck trips to the Site will be by zero-emission trucks.

In the event that any target outlined in a. through d. above is not met, DRP, the applicant/owner and the tenant shall meet to discuss: a) why meeting the target was not achievable; b) options and strategies to meet the target for the following three-year period; and c) whether the Tenant was sufficiently close to meeting the target to be paid the incentive. In the event the incentive is not paid due to failure to meet the target, then the applicant/owner shall provide the total incentive amount (e.g., $100,000 for two tenants who do not meet the target) to an organization or project which promotes clean technology in the South Bay or nearby area.

- **Air Quality PDF 3-9**: The Applicant/Owner shall include written information regarding CARB's proposed ACT Rule and the Clean Truck Programs at the Ports of Long Beach and Los Angeles as exhibits to all tenant leases and require a signed acknowledgment by the lessee that it is has received and reviewed the written information provided pursuant to this condition. Permittee shall also provide annual information to lessees about updates to both the ACT Rule and the Clean Trucks Program.

- **Air Quality PDF 3-11**: To further promote alternative fuels and help support clean truck fleets, tenants shall be provided with written information related to the SCAQMD's Carl Moyer Program, or other such programs that promote truck retrofits or "clean" vehicles and

information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. Tenants will also be provide with written information about the availability of (1) alternatively fueled cargo handling equipment; (2) grant programs for diesel-fueled vehicle engine retrofit and/or replacement; (3) designated truck parking locations in the project vicinity; (4) access to alternative fueling stations proximate to the site that supply alternative fuels, including but not limited to, compressed natural gas, hydrogen, and electricity; and (5) the US Environmental Protection Agency's SmartWay program. The applicant/owner shall ensure that its tenant leases include a signed acknowledgment by the lessee that it has received and reviewed the written information provided pursuant to this condition. This information shall be maintained by the onsite property manager/owner.

Los Angeles County Climate Action Plan ("CCAP") – Next, the MND assessed the significance of the Project's GHG emissions. With "the global nature of climate change, the GHG emissions from a single project do not automatically constitute a significant impact." (MND, p. 104.) Because a bright-line significance threshold has not been adopted for warehouse land use projects, the MND analyzed the significance of the Project's GHG emissions by: tiering off the Los Angeles County Climate Action Plan ("CCAP") (see MND, p. 107); and evaluating whether the project conflicts with or is consistent with the RTP/SCS and the Scoping Plan (see MND, p. 103). For informational purposes, the MND also presented information about whether the Project's annual GHG emissions were below draft screening thresholds identified by the SCAQMD Working Group (see MND, p. 103-104), as discussed more below. The MND concluded that the Project's GHG emissions were less than significant. See Responses to Comments 11-14 in the by Blum Collins for Golden State Environmental Justice Alliance for additional discussion of the Project's GHG analysis.

County Climate Action Plan Comment – This comment asserts that the CCAP is not applicable to the Project because it does not identify target reductions beyond 2020 and the Project construction will not be finalized prior to the end of the 2020. This claim is not accurate. As explained on page 97 of the draft MND, the CCAP is a qualified GHG reduction plan and is appropriate for a consistency analysis under CEQA. According to the CCAP, "[t]o reduce the impacts of climate change, the County has set a target to reduce GHG emissions from community activities in the unincorporated areas of Los Angeles County by at least 11% below 2010 levels by 2020….Projects that demonstrate consistency with applicable CCAP actions can be determined to have a less than significant cumulative impact on GHG emissions and climate change (notwithstanding substantial evidence that warrants a more detailed review of project-level GHG emissions)." (MND, p. 103 [citing the CCAP, pp. 1-2].)

As presented in MND Table 8-2 and the supporting analysis, the Project is consistent with the CCAP. As shown in MND Table 8-1, Project emissions would be 23.6 percent lower than if the same project had been built in 2010. Since the Project emissions would more than achieve the 11 percent reduction from the 2010 scenario, as targeted in the CCAP, the Project would not conflict with the GHG reduction objective of the CCAP. As such, the Project is consistent with the CCAP, which supports a determination that the Project's GHG emissions are less than significant. (MND, p. 103.) Moreover, the additional PDFs and Mitigation Measures described above would further reduce the Project's GHG emissions and support consistency with the CCAP.

The CCAP incorporates the State's climate goals and the Scoping Plan strategies at the local level. It is appropriate to assess the Project's consistency with the CCAP, even if it has a horizon year of 2020 and the Project will not be fully operational until after 2020. (See MND, p. 106.) The key land use strategies

identified in the CCAP are not time based, they are action based, and will continue to provide GHG reduction benefits beyond 2020. (*See*, CCAP, Chapter 4, Actions to Reduce Greenhouse Gas Emissions.) Project consistency with applicable strategies of the CCAP is an appropriate component for assessing whether the Project's GHG emissions are significant. As summarized on page 107 of the MND, "[s]ince the project would be consistent with those measures that can be practically addressed with the proposed warehouse/distribution facility, it is considered to be consistent with the CCAP and the project's GHG emissions would be less than cumulatively considerable and therefore less than significant." Moreover, as discussed below, the MND also considered the Project's consistency with the RTP/SCS, Scoping Plan and draft screening thresholds from the SCAQMD to evaluate the significance of the Project's GHG emissions after 2020.

RTP/SCS Comments – This comment further claims that the MND improperly relied upon the 2016 RTP/SCS because it is not a Climate Action Plan, and that even if it were, the project is not consistent with the RTP/SCS. The MND does not attempt to identify the RTP/SCS as a Climate Action Plan such as the CCAP discussed above. Rather, the RTP/SCS is identified as an applicable greenhouse gas reduction plan because it was prepared in accordance with SB 375 and Scoping Plan to achieve GHG reduction targets from the land use and transportation sectors through 2035 to facilitate achievement of the state's climate change goals. As stated in the MND at p. 101, the RTP/SCS was evaluated to determine whether the Project "[c]onflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases." The commenter is incorrect that only Climate Action Plans are relevant to a GHG consistency determination; it is appropriate to consider the Project's consistency with the RTP/SCS given the RTP/SCS's key role in implementing SB 375.[99]

The comment incorrectly states that the Project is not consistent with the RTP/SCS. The MND and responses to comments include a detailed analysis that demonstrates the Project's consistency with the RTP/SCS. The 2016 RTP/SCS is intended to achieve 2035 target reductions in per capita levels of GHG emissions associated with passenger vehicle travel, through a variety of land use and transportation measures aimed at reducing the number and lengths of automobile trips and thus reducing the level of GHGs emitted during such trips. The MND determines that "[a]s an infill development located near existing industrial uses such as the Ports, the project is the type of infill land use development located near existing infrastructure and development that is encouraged by the RTP/SCS to reduce regional VMT." The inclusion of additional Mitigation Measures and PDFs described above further support the Project's consistency with the RTP/SCS. PDFs 3-9 thru 3-12, in particular, which provide strong incentives to the warehouse tenant(s) to phase in electrically powered and other alternative, cleaner fuel powered trucks over time, directly implement a primary RTP/SCS strategy pertaining to regional goods movement that is discussed in the Goods Movement Appendix to the RTP/SCS. See Response to Comment 13 to the Blum Collins for Golden State Environmental Justice Alliance for additional discussion of the Project' RTP/SCS consistency.

The comment also included specific comments asserting the Project's inconsistency with various "land use policies" within the RTP/SCS. Individual responses are provided in the table below.

[99] See *City of Long Beach v. City of Los Angeles*, 19 Cal. App. 5th, 493-494 (2018) (court upheld EIR that determined a project's GHG emissions were less than significant based on consistency with applicable GHG reduction plans that included non-Climate Action Plans).

Comment: Land Use Policies[100]	***Comment***	**Response**
Affordable Housing: *Local municipalities should incorporate strategies such as collaborate with local jurisdictions and agencies to acquire a regional fair share housing allocation that reflects existing and future needs.*	*Here, the IS/MND fails to address strategies to collaborate with local jurisdictions and agencies to acquire a regional fair share housing allocation that reflects existing and future needs. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.*	This RTP/SCS strategy applies to local jurisdictions and does not apply to, and is not mandatory for, a private warehouse development project that does not involve a residential component. However, the Project is not zoned for residential use and does not impact local efforts to provide affordable housing. Since the proposed warehouse project is a permitted use in the County's MPD (Manufacturing-Industrial Planned) Zone, and is light industrial use envisioned in the County's General Plan for locations designated as IP(Light Industrial), the Project is consistent with the County's land use policies and thereby the land use policies of the RTP/SCS. The Project consistency analysis provided in Table 8-3 of the MND addresses the key goals of the RTP/SCS. See Responses to Comments 11, 17 and 18 herein describing the Project's consistency with local zoning and land use requirements, which supports consistency with the RTP/SCS and local land use and housing policies. In addition, the Project includes a number of onsite Project Design Features and Mitigation Measures to reduce both GHG emissions and criteria pollutant emissions that are consistent with the RTP/SCS strategies such as the one identified here. The Project also supports community goals of reducing GHGs generated by medium and heavy duty trucks and expanding use of low emission or zero emission trucks for last mile deliveries, through the clean truck incentives program specified in Project Design Features 3-9 thru 3-12. See Response to Comment 13 to the Blum Collins for Golden State Environmental Justice Alliance for additional discussion of the Project's RTP/SCS consistency.
Combating Gentrification and Displacement: *Adding to the local housing stock rather than maintaining the current stock by changing the residential population,*	*Here, the IS/MND fails to address adding to the local housing stock rather than maintaining the current stock by changing the residential population, as well as pursuing the production of*	This RTP/SCS strategy applies to local jurisdictions and does not apply to, and is not mandatory for, a private warehouse development project that does not involve a

[100] SCAG 2012 RTP/SCS, *supra* fn. 31, Tbls. 4.3 4.7; *see also* SCAG 2016 RTP/SCS, *supra* fn. 34, p. 75-114

as well as pursuing the production of permanent affordable housing that will provide some units for affordable to lower- income households.	*permanent affordable housing that will provide some units for affordable to lower-income households. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.*	residential component. See prior response for additional discussion.
Provide More Options for Short Trips: *Given 38 percent of all trips in the SCAG region are less than three miles, projects that further policies that encourage replacing motor vehicle use with Neighborhood Electric Vehicle ("NEV") is encouraged. These land use policies shifting retail growth from large centralized retail strip malls to smaller distributed centers and the creation of these mixed-use districts by co-locating housing, employment, and a mix of retail and services that meet most daily needs of local residents with the opportunity to patronize their local area and run daily errands by walking or cycling rather than traveling by automobile.*	*Here, the IS/MND fails to incorporate land use policies shifting retail growth from large centralized retail strip malls to smaller distributed centers and the creation of these mixed-use districts by co- locating housing, employment, and a mix of retail and services that meet most daily needs of local residents with the opportunity to patronize their local area and run daily errands by walking or cycling rather than traveling by automobile. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.*	This strategy is not applicable to, and is not mandatory for, a private warehouse project. Nevertheless, the Project is consistent with the goal of facilitating reduction in VMT and alternatives to traditional motor vehicle use. The Project supports RTP/SCS goals of reducing GHGs generated by medium and heavy duty trucks and expanding use of low emission or zero emission trucks for last mile deliveries, through the clean truck incentives program specified in Project Design Features 3-9 thru 3-12, and the Project also will include EV chargers for passenger vehicles and heavy duty trucks, thereby encouraging the use of zero or near-zero emission vehicles. The MND also determines that "[a]s an infill development located near existing industrial uses such as the Ports, the project is the type of infill land use development located near existing infrastructure and development that is encouraged by the RTP/SCS to reduce regional VMT." See Response to Comment 13 to the Blum Collins for Golden State Environmental Justice Alliance for additional discussion of the Project's RTP/SCS consistency.
Transportation Network Strategies	***Project Inconsistency***	
Transit Fare Discounts: *Incorporating strategies such as encourage transit fare discounts and local vendor product and service discounts for residents and employees of TOD/HQTAs, or for a jurisdiction's local residents in general who have fare media.*	*Here, the IS/MND fails to incorporate transit fare discounts and local vendor product and service discounts for residents and employees of TOD/HQTAs, or for a jurisdiction's local residents in general who have fare media. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.*	This strategy applies to a local jurisdiction to encourage transit fare discounts and does not directly apply to, and is not mandatory for, a private warehouse project. Nonetheless, the Project includes features that encourage alternative modes of transportation. As noted above, the Project supports RTP/SCS goals of reducing GHGs generated by medium and heavy duty trucks and expanding use of low emission or zero emission trucks for last mile deliveries through the clean truck incentives program specified in Project Design Features 3-9 thru 3-12, and the Project will include EV chargers for passenger vehicles and heavy duty trucks, thereby encouraging the use of zero or near-zero emission vehicles. See See Response to Comment 13 to the Blum Collins for Golden State Environmental Justice Alliance for

		additional discussion of the Project's RTP/SCS consistency.
Transit Integration Strategies: This refers to a suite of strategies designed to better integrate active transportation and transit by improving access for pedestrians, bicyclists and other people traveling under their own power around transit stations. *Strategies include:* *Bike share services in closely packed bike rental kiosks in heavily urbanized areas designed to replace short-distance motor vehicle trips, reduce parking demand and complement local bus services such as DASH in the City of Los Angeles; Education/encouragement campaigns such as advertising, public service announcements and media kits designed to educate the public on the importance of safety.*	*Here, the IS/MND states that the Project would provide a total of 32 bicycle parking spaces on the project site and install changing/shower facilities in order to provide "end-of-trip" space to change clothes after arriving by bicycle (Table 8-2, p. 110). However, the Project fails to incorporate other strategies such as bike share services in closely packed bike rental kiosks in heavily urbanized areas designed to replace short-distance motor vehicle trips and reduce parking demand and complement local bus services. The Project also fails to incorporate education/encouragement campaigns such as advertising, public service announcements and media kits designed to educate the public on the importance of safety. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.*	This strategy applies to a local jurisdiction to integrate transportation and transit fare policies and does not directly apply to, and is not mandatory for, a private warehouse project. Nonetheless, as described in Table 8-3 of the MND, the project will provide for 30 bicycle parking and Mitigation Measure 8-2 will be imposed, which requires the installation of employee lockers and a private changing area (including a shower), in order to provide "end-of-trip" facilities. The project will also construct full width sidewalk along the property frontage on Normandie Avenue and Torrance Boulevard, and will provide landscaping along both street frontages, which will improve the walkability of the area. See Response to Comment 13 to the Blum Collins for Golden State Environmental Justice Alliance for additional discussion of the Project's RTP/SCS consistency.
Transportation Demand Management (TDM) Strategies[101]	***Project Inconsistency***	
Expand and encourage the implementation of TDM strategies to their fullest extent such as: • *Rideshare incentives and rideshare matching* • *Parking management and parking cash- out policies* • *Preferential parking or parking subsidies for carpoolers,* • *Intelligent parking programs,* • *Promotion and expansion of Guaranteed Ride Home programs,* • *Incentives for telecommuting and flexible work schedules,* • *Integrated mobility hubs and first/last mile strategies,* • *Incentives for employees who bike and walk to work,* • *Investments in active transportation infrastructure, and* • *Investments in Safe Routes to School programs and infrastructure.*	*The IS/MND states that the Project Proponent will work with future tenants to encourage and facilitate employer sponsored ride and bike sharing programs that may be initiated by those businesses" (Table 8-2 p. 111). However, this is all that is stated and as such, the proposed Project fails to demonstrate a commitment to implementation, monitoring, and enforcement of the measure. Thus, we cannot verify that the measure will actually be applied or required at the Project site.* *The proposed Project includes 18 designated-ride sharing parking spots (Table 8-2, p. 111). However, this is all that is stated and as such, the IS/MND fails to demonstrate a commitment to implementation, monitoring, and enforcement of the measure. Thus, we cannot verify that the measure will actually be applied or required at the Project site.*	The Project does not have a significant transportation or air quality impact that would require the need for a TDM program. This strategy is not directly applicable to, and is not mandatory for, the Project. Nonetheless, the Project includes a number of features that advance the strategies identified. See prior comment about the Project's measures to encourage bicycle use and walkability. The Project advances goals of encouraging the reduction in trips and VMT consistent with a TDM program. The MND determines that "[a]s an infill development located near existing industrial uses such as the Ports, the project is the type of infill land use development located near existing infrastructure and development that is encouraged by the RTP/SCS to reduce regional VMT." The Project supports RTP/SCS goals of reducing GHGs generated by medium and heavy duty trucks and expanding use of low emission or zero emission trucks for last mile deliveries through the clean truck incentives program specified in Project Design Features 3-9 thru 3-12, and the Project also will include EV chargers for passenger vehicles and heavy duty

[101] *Ibid.*

		trucks, thereby encouraging the use of zero or near-zero emission vehicles. See Response to Comment 13 to the Blum Collins for Golden State Environmental Justice Alliance for additional discussion of the Project's RTP/SCS consistency.
Clean Vehicle Strategies[102]	***Project Inconsistency***	
Anticipating Shared Mobility Platforms, Car-To- Car Communication, and Automated Vehicle Technologies: *Shared Mobility encompasses a wide range of services including Return Trip Car Sharing, Point-to-Point Car Sharing, Peer-to-Peer Car Sharing, Ridesourcing, Dynamic On-Demand Private Transit, Vanpool and Private Employer Charters.*	*Here, the proposed project fails to incorporate Shared Mobility Platforms, Car-To-Car Communication, and Automated Vehicle Technologies. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.*	This strategy does not directly apply to and is not mandatory for a private warehouse project. Nevertheless, see prior response discussing the Project's features that achieve transportation goals of the RTP/SCS. See Response to Comment 13 to the Blum Collins for Golden State Environmental Justice Alliance for additional discussion of the Project' RTP/SCS consistency.

Air Model Comments – This comment also claims that the GHG analysis provided in the MND relies upon an incorrect and unsubstantiated analysis of the Project's emissions without providing specific details. See Response to Comment 11 for discussion of the Project's air quality and GHG modeling, which is consistent with SCAQMD guidance and industry standards for preparing CEQA documents. As explained in the earlier response to the first comment concerning the modeling of the project's mobile emissions, the mobile sources of GHGs from the project's truck and passenger vehicle trips were calculated with CalEEMod on the basis of the trip generation and vehicle mix developed for the traffic study, which were determined to be suitable, accurate, and reasonable for analyzing the project's impacts related to traffic generation. This method of quantification of the project's GHG emissions is typical of the method applied for any other development project in the South Coast Air Basin, and generally throughout the state.

GHG Service Population Comment – The final claim of an inadequate analysis of GHG impacts is that the MND applied an incorrect quantitative threshold as a basis for determining the project's impact significance. This comment states that the MND should have applied a draft and un-adopted service population metric by the SCAQMD Working Group. This comment does not correctly describe the MND analysis because the MND did not rely on any quantitative threshold of significance to reach a conclusion that the project impacts would be less than significant. See description above in this response to comment summarizing the GHG significance determination for the Project.

The service population metric described by this comment was never adopted by SCAQMD or by any lead agency in the South Coast Air Basin, including the County of Los Angeles. The comment incorrectly describes the service population metric as an "applicable" threshold. It is not. The comment does not point to agency guidance indicating that this draft service population metric would be applicable to evaluating the GHG emissions for a warehouse project. In addition to not being applicable to the Project or the MND, the comment does not account for the GHG reductions that would occur from the Project Design Features and Mitigation Measures discussed above that are expected to reduce GHG emissions below the levels presented in the MND or the reductions in GHG emissions expected by the year 2035 (the target date of the service population metric) as state, regional and local agencies implement

[102] *Ibid.*

additional rules and policies to reduce GHG emissions from the land use and transportation sectors. The information presented in this comment is not applicable to the Project and is not indicative of the significance of the Project's GHG emissions.

This comment also incorrectly describes the informational purpose of describing the SCAQMD Working Group draft screening thresholds in the MND. As explained in the MND, it is appropriate to consider the screening thresholds for informational purposes when considering consistency with the CCAP and RTP/SCS. As described in the MND, the informational screening threshold discussed in the MND (the 3,000 annual metric tons screening threshold) was the lowest screening threshold identified by SCAQMD and was designed for residential projects, and, in fact, a higher threshold of 10,000 annual metric tons was recommended for industrial sources. (See MND, p. 104.) As shown in Table 8-1 in the MND, the proposed Project would generate a total of approximately 1,708 annual metric tons of GHG, well below either of these draft screening thresholds. See Responses to Comments 11-14 in the by Blum Collins for Golden State Environmental Justice Alliance for additional discussion of the Project's GHG analysis.

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April 20, 2020

Regional Planning Commission
c/o Erica Gutierrez, Senior Regional Planner
County of Los Angeles
320 West Temple Street
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Subject: Comments on the Bridge Point South Bay II Project

Dear Regional Planning Commissioner,

At the request of the Law Office of Gideon Kracov, we have reviewed the March 2020 Final IS/MND ("IS/MND") for the Bridge Point South Bay II Project ("Project") located in the County of Los Angeles ("County"). The Project proposes to construct 203,877 square feet of warehouse, including 10,000 square feet of office space, as well as 219 parking spaces on the 8.98-acre Project site.

Our review concludes that the IS/MND fails to adequately evaluate the Project's Air Quality, Health Risk, and Greenhouse Gas impacts, specifically by failing to adequately evaluate the Project's mobile-source truck traffic. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An updated DEIR should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment. 1

Air Quality

Use of a Potentially Underestimated Number of Daily Truck Trips

According to the IS/MND, "the Project is estimated to generate approximately 74 daily truck trips" (p. 194). However, we find this value to be potentially underestimated based on the relevant SCAQMD guidance and applicable ITE *Trip Generation* rates, as discussed below. 2

Review of the SCAQMD's "HCW Vehicle Trip Generation Analysis Study" demonstrates that the proposed Project is consistent with the typical characteristics of both Short-Term Storage High Cube Warehouses and E-Commerce Fulfillment High Cube Warehouses, based on building square footage, ceiling height, purpose, FAR, location, truck & trailer parking, and mezzanine levels, among other characteristics. [1] Based on this classification, as well as the SCAQMD-reported average of 0.53 truck trips per thousand square feet (TSF) for Short-Term Storage High Cube Warehouses, the 203,877-SF warehouse would be expected to generate approximately 108 daily trips.[2] Alternatively, based on the SCAQMD and CAPCOA's recommendation that truck traffic be assumed to comprise 40 percent of total warehouse traffic, as well as a value of 1.74 Average Daily Trips ("ADTs") as utilized in the IS/MND, the proposed Project is would be expected to generate approximately 145 daily truck trips (p. 183, Table 17-2).[3] Based on these two daily truck trip numbers of 108 and 145, both of which are consistent with SCAQMD and CAPCOA guidance, the IS/MND's purported number of 74 daily truck trips may underestimate the actual number of daily truck trips for the Project. In order to rely upon this potentially underestimated number of daily truck trips for the Project's air quality and greenhouse gas ("GHG") analyses, an updated CEQA analysis should be prepared demonstrating a commitment to enforcing and monitoring the limited number of 74 daily truck trips indicated by the IS/MND and Traffic Impact Study ("TIS").

2

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The IS/MND's air quality analysis relies on emissions calculated with CalEEMod.2016.3.2.[4] 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.[5] Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters were utilized in calculating the Project's air pollutant emissions and make known which default values were changed as well as provide justification for the values selected.[6]

3

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[1] SCAQMD/ITE (Oct. 2016) HCW Vehicle trip Generation Analysis Study, https://www.ite.org/pub/?id=a3e6679a-e3a8-bf38-7f29-2961becdd498.

[2] SCAQMD (Jun. 2014) HCW Study: White Paper Summary of Business Survey Results, p. 11, http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/business-survey-summary.pdf.

[3] *See* CAPCOA (Jul. 2013) CalEEMod Appendix E: Technical Source Documentation, pp. 15, http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/high-cube-resource-caleemod-appendix-e.pdf?sfvrsn=2.

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

[5] CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 1, 9.

[6] CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, fn 1, p. 11, 12 – 13. A key feature

Review of the Project's air modeling demonstrates that the IS/MND underestimates emissions associated with Project activities. As previously stated, the IS/MND's air quality analysis relies on air pollutant emissions calculated using CalEEMod. When reviewing the Project's CalEEMod output files, provided as Appendix B to the IS/MND, we found that several of the values inputted into the model were not consistent with information disclosed in the IS/MND. As a result, the Project's construction and operational emissions are underestimated. An updated DEIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality. 3

Use of Incorrect Vehicle Fleet Mix

The IS/MND relies upon an artificially low truck trip rate and truck fleet mix percentages to model the Project's operational emissions, and as a result, the Project's mobile-source emissions are underestimated.

According to the IS/MND, the Project relies on the August 2003 City of Fontana *Truck Trip Generation Study* ("Fontana Study")[7] to determine the number of passenger car and heavy-duty truck trips the Project will generate during operation (p. 184). However, the South Coast Air Quality Management District's (SCAQMD) staff has determined that the Fontana Study has limited applicability to warehouse projects. As a result, the Fontana Study should not be relied upon to determine the Project's mobile-source emissions. 4

The IS/MND proposes to construct 203,877 square feet of warehouse. According to the SCAQMD this qualifies as a high cube warehouse.[8] According to the SCAQMD staff, the "Fontana Study, by itself, is not characteristic of high cube warehouses."[9] Furthermore, SCAQMD staff finds the following additional issues with the Fontana Study: [10]

- The overall trip rate is based on only four warehouses total, which includes two warehouses with zeros. In other words, the results of the Fontana Study were based on only two data points. As is disclosed in the Fontana Study, the daily trip rate was only based on data from a Target warehouse and a TAB warehouse.[11]

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of the CalEEMod program is the "remarks" feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.

[7] "Truck Trip Generation Study." City of Fontana, County of San Bernardino, State of California, August 2003, *available at*: http://www.fontana.org/DocumentCenter/Home/View/622

[8] "SCAQMD High Cube Warehouse Truck Trip Study White Paper Summary of Business Survey Results," *SCAQMD,* June 2014, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/business-survey-summary.pdf, p. 2

[9] "Warehouse Truck Trip Study Data Results and Usage" Presentation. SCAQMD Mobile Source Committee, July 2014, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymsc072514.pdf?sfvrsn=2, p. 10

[10] "Warehouse Truck Trip Study Data Results and Usage" Presentation. SCAQMD Mobile Source Committee, July 2014, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymsc072514.pdf?sfvrsn=2, p. 10

[11] "Truck Trip Generation Study." City of Fontana, County of San Bernardino, State of California, August 2003, *available at*: http://www.fontana.org/DocumentCenter/Home/View/622, p. 35

- The Fontana Study does not report any 24-hour daily truck trip rates. According to the Fontana Study, "Trip generation statistics for daily truck trips were not calculated because vehicle classifications counts could not be obtained from the driveway 24-hour counts."[12]
- The trip rates using the Fontana study are calculated based on a 20 percent truck fleet mix, which is inconsistent with SCAQMD's recommendation that agencies use a truck fleet mix of 40%.

The IS/MND claims it utilizes the following fleet mix: 79.6 percent cars, 3.5 percent 2-axle trucks, 4.6 percent 3-axle trucks and 12.3 percent 4-axle trucks (see excerpt below) (p. 183).

Table 17-2 – Project Trip Generation

Land Use	Units	Peak Hour						Daily
		AM Peak Hour			PM Peak Hour			
		In	Out	Total	In	Out	Total	
Total Vehicle Rates								
Trip Generation Rates[1]	Per TSF	0.131	0.039	0.170	0.051	0.139	0.190	1.740
PCE Inbound/Outbound Splits		77%	23%	100%	27%	73%	100%	50%/ 50%
Passenger Car Equivalent Rates Calculations								
Passenger Cars								
Recommended Mix (%)[2]		79.57%	79.57%	79.57%	79.57%	79.57%	79.57%	79.57%
PCE Factor[3]		1.0	1.0	1.0	1.0	1.0	1.0	1.0
PCE Rates		0.613	0.031	0.135	0.041	0.110	0.151	1.385
2-Axle Trucks								
Recommended Mix (%)[2]		3.46%	3.46%	3.46%	3.46%	3.46%	3.46%	3.46%
PCE Factor[3]		1.5	1.5	1.5	1.5	1.5	1.5	1.5
PCE Rates		0.007	0.002	0.009	0.003	0.007	0.010	0.090
3-Axle Trucks								
Recommended Mix (%)[2]		4.64%	4.64%	4.64%	4.64%	4.64%	4.64%	4.64%
PCE Factor[3]		2.0	2.0	2.0	2.0	2.0	2.0	2.0
PCE Rates		0.012	0.004	0.016	0.005	0.013	0.018	0.161
4-Axle Trucks								
Recommended Mix (%)[2]		12.33%	12.33%	12.33%	12.33%	12.33%	12.33%	12.33%
PCE Factor[3]		3.0	3.0	3.0	3.0	3.0	3.0	3.0
PCE Rates		0.048	0.014	0.063	0.019	0.051	0.070	0.644
Warehouse Net PCE Rate		**0.680**	**0.051**	**0.223**	**0.067**	**0.182**	**0.249**	**2.280**

This fleet mix, however, is not consistent with recommendations set forth by SCAQMD, and does not accurately represent the percentage of trucks that access a high-cube warehouse on a daily basis. Rather, SCAQMD recommends that lead agencies assume a truck fleet mix of 40%. According to *Appendix E: Technical Source Documentation* of the CalEEMod User's Guide, "in order to avoid underestimating the number of trucks visiting warehouse facilities," SCAQMD staff "recommends that lead agencies conservatively assume that an average of 40% of total trips are truck trips [(0.48*10 + 0.2*4)/(10+4)=0.4)]."[13] If Project-specific data is not available, such as detailed trip rates based on a known tenant schedule, this average of 40% provides a reasonably conservative value based on currently available data. Since the future tenant is unknown, the tenant schedule is also likely not

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[12] "Truck Trip Generation Study." City of Fontana, County of San Bernardino, State of California, August 2003, *available at*: http://www.fontana.org/DocumentCenter/Home/View/622, p. 6

[13] "Appendix E Technical Source Documentation." CalEEMod User's Guide, July 2013, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/high-cube-resource-caleemod-appendix-e.pdf?sfvrsn=2, pp. 15

known; therefore, a 40% truck fleet mix should also be assumed. Thus, according to SCAQMD and the CalEEMod User's Guide, the following fleet mix percentage should have been used within the Project's CalEEMod modeling (see table below).

CalEEMod Parameter		IS/MND	SWAPE Model Input
Operational Mobile Fleet Mix	Passenger Cars (LDA)	79.6%	59.14%
	2 Axle Trucks (LHDT1)	3.5%	6.92%
	3 Axle Trucks (MHD)	4.6%	9.28%
	4+ Axle Trucks (HHDT)	12.3%	24.66%

The "Operational Mobile Fleet Mix" percentages for trucks (LHDT1, MHD, and HHDT) in the table above were adjusted to reflect a truck trip percentage of approximately 40 percent, which is consistent with recommended procedures set forth by SCAQMD staff. This fleet mix more accurately represents the number of trips that are likely to occur during Project operation.

The SCAQMD has also made similar comments regarding the use of the Fontana Truck Trip Study in other proposed land use development projects subject to CEQA. For example, the SCAQMD commented that the Addendum to the Heartland Specific Plan EIR, located in Beaumont, should have also used a "more typical 40% truck fleet mix" instead of the truck fleet mix utilized by the Addendum to the EIR.[14] Furthermore, proposed warehouses in the City of Fontana are using the truck fleet mixes recommended by the SCAQMD instead of the Fontana Study. According to the Traffic Impact Analysis prepared by Urban Crossroads for the West Valley Logistics Center, 4

> "The SCAQMD is currently recommending the use of the ITE Trip Generation manual in conjunction with their truck mix by axle-type to better quantify trip rates associated with local warehouse and distribution projects, as truck emission represent more than 90 percent of air quality impacts from these projects. This recommended procedure has been utilized for the purposes of this analysis in effort to be consistent with other technical studies being prepared for the Project."[15]

Therefore, to demonstrate consistency with analyses for other warehouse projects within SCAQMD jurisdiction and the City of Fontana itself, the IS/MND should have used the truck fleet percentages recommended by the SCAQMD. As such, an updated air quality analysis should be prepared in an updated DEIR that adequately assesses the Project's air quality and GHG impacts.

[14] "Review of the Addendum to the Heartland Specific Plan Certified EIR," *SCAQMD*, June 2013, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2013/june/heartland-specific-plan.pdf, p. 3
[15] "Traffic Impact Analysis, West Valley Logistics Center," *Urban Crossroads*, October 2017, *available at:* https://www.fontana.org/DocumentCenter/View/24049, p. 100

Furthermore, review of the Project's CalEEMod output files demonstrates that the fleet mix included in the model is inconsistent with what is described in the TIA. The CalEEMod output files reveal that the "Operational Mobile Fleet Mix" percentages for heavy duty trucks (LHD, MHD, and HHD) were adjusted to reflect a fleet mix percentage of zero (see excerpt below) (Appendix B, pp. 443, 471, 500, 528).

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Parking Lot	0.000000	0.000000	0.000000	0.000000	0.130000	0.045000	0.230000	0.595000	0.000000	0.000000	0.000000	0.000000	0.000000
Unrefrigerated Warehouse-No Rail	0.594000	0.050000	0.217000	0.134000	0.000000	0.000000	0.000000	0.000000	0.000000	0.000000	0.005000	0.000000	0.000000

5

As you can see in the above excerpt, fleet mix percentages for light-, medium-, and heavy-duty trucks were reduced to zero. Thus, in addition to the TIA's incorrect reliance on the Fontana Study, the fleet mix included in the air model is inconsistent with what is described in the TIA. As a result, the IS/MND may underestimate the Project's mobile-source operational emissions.

Incorrectly Applied Construction Mitigation Measure

Review of the Project's CalEEMod output files demonstrates that the model included construction equipment mitigation that was not properly justified by the IS/MND, and as a result the model may underestimate the Project's construction emissions.

Review of the Project's CalEEMod output files demonstrates that the model applied the "Replace Ground Cover" and "Water Exposed Area" construction mitigation measures to the model (see excerpt below) (Appendix B, pp. 430, 458, 487, 515).

3.1 Mitigation Measures Construction

Replace Ground Cover

Water Exposed Area

6

As you can see in the excerpt above, the model included "Replace Ground Cover" and "Water Exposed Area" mitigation measures. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[16] According to the "User Entered Comments & Non-Default Data" table of the CalEEMod output files, the justification provided for the application for the application of these measures is: "Per SCAQMD Rule 403 minimum requirements, water exposure 3x per day selected and a 48% reduction for Replace Ground Cover of area disturbed" (Appendix B, pp. 422, 450, 479, 507). However, review of the IS/MND and SCAQMD Rule 403 reveals that the replacement of ground cover and the 48% reduction are not mentioned or justified. Furthermore, the IS/MND states that,

> "Demolition and grading emission based on standard construction practices in adherence with fugitive dust suppression requirements from SCAQMD Rule 403, i.e. watering uncovered ground areas twice a day" (p. 59).

[16] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9

Thus, the IS/MND justifies watering exposed area twice each day, not three times each day. Thus, these mitigation measures were unjustified and applied incorrectly, and, and as a result, the air model should not be relied upon to determine Project significance. 6

Unsubstantiated Application of Mobile Mitigation Measures

Review of the Project's CalEEMod output files demonstrates that two mobile mitigation measures were included in the model without proper justification.

The Project's CalEEMod output files demonstrate that "Increase Transit Accessibility" and "Improve Pedestrian Network" were applied to the model (see excerpt below) (Appendix B, pp. 442, 470, 499, 527).

4.1 Mitigation Measures Mobile

Increase Transit Accessibility

Improve Pedestrian Network

7

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[17] According to the "User Entered Comments & Non-Default Data" table, the justification for these measures is: "Nearest transit stop approx. 0.02 miles from project site. Improve pedestrian network on and offsite" (Appendix B, pp. 422, 450, 479, 507). According to the IS/MND, in regards to the Project's consistency with Pedestrian Network Improvements, the Project would be, "**Neutral.** This action is typically implemented by local governments through their capital improvement programs. The proposed project will maintain the existing public sidewalks adjacent to the project site that provide a pedestrian connection to a nearby bus stop at the northeast corner of Torrance Boulevard and Normandie Avenue" (p. 109, Table 8-2). However, simply being located near a bus stop and maintaining existing public sidewalks does not mean that the Project will increase transit accessibility and improve the pedestrian network. Thus, we cannot verify the implementation of these mitigation measures. Until further justification for these mitigation measures is provided, we assume that the model may underestimate emissions.

Unsubstantiated Application of Waste Mitigation Measure

Review of the Project's CalEEMod output files demonstrates that the model included a waste-related mitigation measure without sufficient justification, and as a result, the Project's operational emissions may be underestimated.

The CalEEMod output files demonstrate that the "Institute Recycling and Composting Services" mitigation measure was included in the model (see excerpt below) (Appendix B, pp. 447, 475, 504, 532). 8

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

[17] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[18] According to the "User Entered Comments & Non-Default Data" table, the justification provided for this mitigation measure is: "50% reduction in waste selected" (pp. 422, 450, 479, 507). However, this explanation fails to adequately justify the implementation of the mitigation measure or the 50% reduction in waste. Regarding recycling, the IS/MND states, "the property owner shall provide both recycling bins and trash bins" (p. 114). However, stating that the property owner would provide recycling bins as part of the proposed Project does not mean that the Project would implement any composting services for the Project. As the mitigation measure includes both recycling and composting, while the IS/MND fails to mention composting, the application of the mitigation measure cannot be verified. Furthermore, the IS/MND fails to justify, explain, or show the calculations for the 50% reduction in waste that is mentioned in the User Entered Comments. As a result, the mitigation measure and associated waste reduction cannot be verified and the model may underestimate the Project's emissions. 8

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The IS/MND concludes that the proposed Project would have a less than significant impact on the health of sensitive receptors near the Project site by conducting a quantified construction health risk assessment ("HRA"). Furthermore, while the IS/MND conducts a quantified HRA for Project operation, it only considers mobile emissions. However, this is incorrect for several reasons.

First, while the IS/MND conducted an HRA for the increased cancer risk due to operational diesel mobile-source emissions, provided as Appendix B to the IS/MND, the HRA failed to include the Project's *entire* operational emissions. According to the CalEEMod User's Guide, a Project's operational emissions include the following sources: on-road mobile vehicle traffic, fugitive dust associated with roads, architectural coating activities, off-road equipment used during operation, landscaping equipment, emergency generators, fire pumps, process boilers, consumer products, parking lot degreasers, fertilizers/pesticides, cleaning supplies, wood stoves and hearth usage, electricity usage in buildings, electricity usage from lighting in parking lots and lighting, ventilation and elevators for parking, water usage, and solid waste disposal.[19] Thus, by only conducting an HRA for the Project's operational *mobile* emissions, the model underestimates the Project's operational emissions and excess cancer risk to nearby sensitive receptors. Thus, the IS/MND cannot conclude less than significant health risk impacts resulting from the Project without quantifying emissions and the excess cancer risk to nearby sensitive receptors resulting from the Project's *entire* operational emissions. 9

Second, the IS/MND fails to sum the cancer risk calculated for each age group for both Project construction and operation. This is incorrect and, as a result, the IS/MND's evaluation and significance conclusion cannot be relied upon. According to OEHHA guidance, "the excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk at the receptor location."[20] 10

[18] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9
[19] "CalEEMod User's Guide." CAPCOA, November 2017, *available at:* http://www.caleemod.com/, p. 2.
[20] "Guidance Manual for preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf p. 8-4

However, review of the IS/MND and HRA demonstrates that, while the health risk was conducted to nearby, existing third trimester, infant, child, and adult receptors for mobile-source emissions, the HRA fails to evaluate the cumulative lifetime cancer risk to nearby, existing receptors as a result of Project construction *and* operation together, including all aspects of Project operation. Therefore, the HRA should have quantified the Project's *entire* construction and operational health risk, as well as compared the combined construction and operational health risks to the SCAQMD's specific numeric threshold of 10 in one million.[21] 10

Third, the IS/MND's HRA should not be relied upon to determine Project significance, as it relies upon a flawed CalEEMod model, as discussed above. This is incorrect, as the IS/MND's model underestimates the Project's emissions.

Finally, review of the Project documents demonstrates that the IS/MND fails to evaluate the cumulative health risk posed to nearby sensitive receptors as a result of Project construction and operation in conjunction with existing and proposed industrial sites around the Project. Therefore, the Project may result in a cumulatively significant impact that was not evaluated in the IS/MND. 11

Screening-Level Assessment Indicates Significant Impact

In an effort to demonstrate the potential health risk posed by Project construction and operation to nearby sensitive receptors, we prepared a simple screening-level HRA. The result of our assessment, as described below, provide substantial evidence that the Project's construction and operational DPM emissions may result in a potentially significant health risk impact that was not previously identified.

In order to conduct our screening level risk assessment, we relied upon AERSCREEN, which is a screening level air quality dispersion model. [22] The model replaced SCREEN3, and AERSCREEN is included in the OEHHA[23] and the California Air Pollution Control Officers Associated (CAPCOA) [24] guidance as the appropriate air dispersion model for Level 2 health risk screening assessments ("HRSAs"). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project. 12

We prepared a preliminary HRA of the Project's construction and operational health-related impact to sensitive receptors using the annual PM_{10} exhaust estimates from the SWAPE annual CalEEMod output files. According to the IS/MND, the closest residential receptor is located approximately 70 feet, or

[21] "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, April 2019, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2

[22] "AERSCREEN Released as the EPA Recommended Screening Model," USEPA, April 11, 2011, *available at:* http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

[23] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

[24] "Health Risk Assessments for Proposed Land Use Projects," CAPCOA, July 2009, *available at:* http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf

roughly 21 meters, west of the Project site (p. 152). The closest receptor distance when utilizing AERSCREEN is 25 meters, so we used this distance value to evaluate health risk to the closest exposed residential receptor. Consistent with recommendations set forth by OEHHA, we assumed that residential exposure begins during the third trimester stage of life. The SWAPE construction CalEEMod output files indicate that construction activities will generate approximately 326 pounds of DPM over the approximately 364-day construction period. The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{325.6\ lbs}{364\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.004696\ g/s}$$

Using this equation, we estimated a construction emission rate of 0.004696 grams per second (g/s). Subtracting the 364-day construction duration from the total residential duration of 30 years, we assumed that after Project construction, the MEIR would be exposed to the Project's operational DPM for an additional 29 years approximately. SWAPE's updated operational CalEEMod emissions indicate that operational activities will generate approximately 110 pounds of DPM per year throughout operation. Applying the same equation used to estimate the construction DPM rate, we estimated the following emission rate for Project operation: 12

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{110.2\ lbs}{365\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.001585\ g/s}$$

Using this equation, we estimated an operational emission rate of 0.001585 g/s. Construction and operational activity was simulated as a 8.98-acre rectangular area source in AERSCREEN with dimensions of 212 meters by 171.5 meters. A release height of three meters was selected to represent the height of exhaust stacks on operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%.[25] As previously stated, there are residential receptors located approximately 25 meters from the Project boundary. The single-hour concentration estimated by AERSCREEN for Project construction is approximately 3.465 µg/m^3 DPM at approximately 25 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.3465 µg/m^3 for Project

[25] "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised." EPA, 1992, *available at*: http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf; *see also* "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf p. 4-36.

construction at the nearest sensitive receptor. For Project operation, the single-hour concentration estimated by AERSCREEN is 1.169 µg/m^3 DPM at approximately 25 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.1169 µg/m^3 for Project operation at the nearest sensitive receptor.

The IS/MND's health risk analysis relies on SCAQMD guidance from 2003 and 2017 and OEHHA guidance from 2015 (p. 71). Consistent with this guidance, we used Age Sensitivity Factors (ASFs) to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution. According to this guidance, quantified cancer risk should be multiplied by a factor of ten during the third trimester of pregnancy and during the first two years of life (infant) and should be multiplied by a factor of three during the child stage of life (2 to 16 years). Furthermore, in accordance with guidance set forth by OEHHA, we used the 95th percentile breathing rates for infants.[26] Finally, according to SCAQMD guidance, we used a Fraction of Time At Home (FAH) Value of 1 for the 3rd trimester and infant receptors.[27] We used a cancer potency factor of 1.1 (mg/kg-day)$^{-1}$ and an averaging time of 25,550 days. Consistent with OEHHA guidance, exposure to the MEIR was assumed to begin in the third trimester to provide the most conservative estimate of air quality hazards. The results of our calculations are shown below.

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The Closest Exposed Individual at an Existing Residential Receptor

Activity	Duration (years)	Concentration (ug/m3)	Breathing Rate (L/kg-day)	ASF	Cancer Risk with ASFs*
Construction	0.25	0.3465	361	10	4.7E-06
3rd Trimester Duration	***0.25***			***3rd Trimester Exposure***	***4.7E-06***
Construction	0.75	0.3465	1090	10	4.3E-05
Operation	1.25	0.1169	1090	10	2.4E-05
Infant Exposure Duration	***2.00***			***Infant Exposure***	***6.7E-05***
Operation	14.00	0.1169	572	3	4.2E-05
Child Exposure Duration	***14.00***			***Child Exposure***	***4.2E-05***
Operation	14.00	0.1169	261	1	4.7E-06
Adult Exposure Duration	***14.00***			***Adult Exposure***	***4.7E-06***
Lifetime Exposure Duration	**30.00**			**Lifetime Exposure**	**1.2E-04**

[26] "Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics 'Hot Spots' Information and Assessment Act," June 5, 2015, *available at:* http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588-risk-assessment-guidelines.pdf?sfvrsn=6, p. 19.
"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

[27] "Risk Assessment Procedures for Rules 1401, 1401.1, and 212." SCAQMD, August 2017, *available at:* http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7.

As indicated in the table above, the excess cancer risk posed to adults, children, infants, and during the third trimester of pregnancy at the closest receptor, located approximately 25 meters away, over the course of Project construction and operation are approximately 4.7, 42, 67, and 4.7 in one million, respectively. The excess cancer risk over the course of a residential lifetime (30 years) at the closest receptor is approximately 120 in one million, thus resulting in potentially significant health risk impact that was not previously identified or addressed by the IS/MND.

An agency must include an analysis of health risks that connects the Project's air emissions with the health risk posed by those emissions. Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection. [28] The purpose of the screening-level construction HRA shown above is to demonstrate the link between the proposed Project's emissions and the potential health risk. Our screening-level HRA demonstrates that construction of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. Therefore, since our screening-level construction HRA indicates a potentially significant impact, the County should prepare an EIR with a revised HRA which makes a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors. Thus, the County should prepare an updated, quantified air pollution model as well as an updated, quantified refined health risk assessment which adequately and accurately evaluates health risk impacts associated with both Project construction and operation. 12

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The IS/MND concludes that the Project's GHG impact would be less than significant as a result of consistency with the Los Angeles County Community Climate Action Plan (CCAP) and SCAG's 2016-2040 RTP/SCS. Specifically, the IS/MND states,

> "[T]he project is consistent with the County CCAP and the RTP/SCS. Accordingly, the project's GHG emissions will result in a less-than-significant impact" (p. 104).

Furthermore, the IS/MND states, 13

> "[T]he project's GHG footprint would be well below 3,000 MTCO2e, which is the lowest project-level screening threshold discussed by the SCAQMD GHG Working Group in 2010 that could apply to a warehouse project permitted by a local agency. That threshold has not been formally adopted by SCAQMD or by the County of Los Angeles; therefore, it is presented for informational purposes regarding the project's consistency with the CCAP and other GHG reduction plans, policies and programs" (p. 103-104).

However, these justifications and subsequent less than significant determinations are incorrect for several reasons:

[28] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 1-5

(1) The LA County CAP is not applicable to the Project;
(2) The 2016 SCAP RTP/SCS cannot be relied upon to determine Project significance;
(3) The IS/MND fails to demonstrate the Project's consistency with the 2016 SCAG RTP/SCS
(4) The GHG analysis relies upon an incorrect and unsubstantiated analysis of the Project's emissions; and
(5) Updated analysis indicates significant impact

(1) The LA County CAP is Not Applicable to the Project

As previously mentioned, the Project relies upon consistency with the LA County CCAP to determine Project significance. However, review of the CCAP demonstrates that the County has failed to include goals or targets beyond 2020. Specifically, the CCAP states,

> "To reduuce the impacts of climate change, the County has set a target to reduce GHG emissions from community activities in the unincorporated areas of Los Angeles County by at least 11% below 2010 levels by 2020. This Community Climate Action Plan (CCAP) describes the County's plan for rachieving this goal, including specific strategy areas for each of the major emissions sectors, and provides details on the 2010 and projected 2020 emissions in the unincorporated areas."[29]

As indicated in the excerpt above, the LA County CCAP aims to reduce GHG emissions by 2020 and fails to include specific targets beyond then. As the IS/MND estimates a construction duration of approximately 1 year and the Project has yet to be approved, it is reasonable to assume that the Project will not become operational until after 2020 (Appendices, pp. 428, 456, 485, 513, 655). Furthermore, because the LA County CCAP does not include goals or targets beyond 2020, the CAP is only applicable to projects that will be fully operational by 2020. As a result, the LA County CCAP is not applicable to the Project. Thus, we require that an updated DEIR be prepared to include an adequate evaluation and mitigation of the proposed Project's GHG emissions to ensure that impacts are reduced to a less than significant level.

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(2) The 2016 SCAG RTP/SCS Cannot be Relied Upon to Determine Project Significance

The IS/MND determines that the Project would be consistent with the 2016 SCAG RTP/SCS. However, this plan does not qualify as a Climate Action Plans (CAP). CEQA Guidelines §§ 15064.4(b)(3) and 15183(b) allows a lead agency to consider a project's consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.[33] When read in conjunction, CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1) make clear qualified GHG reduction plans or CAPs should include the following features:

(1) **Inventory**: Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction);

[29] "Unincorporated Los Angeles County Community Climate Action Plan 2020." County of Los Angeles, August 2015, *available at:* http://planning.lacounty.gov/assets/upl/project/ccap_final-august2015.pdf, p. ES-1.

(2) **Establish GHG Reduction Goal**: Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
(3) **Analyze Project Types**: Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
(4) **Craft Performance Based Mitigation Measures**: Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;
(5) **Monitoring**: Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

The above-listed CAP features provide the necessary *substantial evidence demonstrating a project's incremental contribution is not cumulative considerable*, as required under CEQA Guidelines § 15064.4(b)(3).[30] Here, however, the IS/MND fails to demonstrate that the plan includes the above-listed requirements to be considered a qualified CAP for the County (e.g., no County-specific inventorying of current and future GHG emissions; no County-specific GHG reduction goal; no estimated GHG emissions for County-specific projects; no County-specific performance-based mitigation measures tied to County-specific GHG reduction goal; no County-specific monitoring ensuring County-specific GHG reduction goals are met). As such, the IS/MND leaves an analytical gap showing that compliance with said plans can be used for a project-level significance determination. Thus, the IS/MND's GHG analysis regarding the 2016 SCAG RTP SCS should not be relied upon to determine Project significance. 13

(3) Failure to Demonstrate Consistency with the 2016 SCAG RTP/SCS

Even if SCAG's RTP/SCS was a qualified CAP, which it is not (as discussed above), the IS/MND fails to show the Project is consistent with the plan. The IS/MND relies upon the Project's consistency with the 2016 SCAG RTP/SCS to conclude that the Project's GHG impact will be less than significant. However, this is incorrect, as the IS/MND fails to substantiate this conclusion.

First, the IS/MND fails to commit to the implementation of these mitigation measures or discuss how they will be implemented, monitored, and enforced. Without further analysis by the IS/MND describing how the proposed Project will apply these mitigation measures, we cannot assume that they will be implemented or enforced. Furthermore, the IS/MND fails to address several of the mitigation measures that are included in the 2016 SCAG RTP/SCS (see table below).

[30] *See Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 200-201 (Upheld qualitative GHG analysis when based on city's adopted its greenhouse gas strategy that contained "multiple elements" of CEQA Guidelines § 15183.5(b), "quantification of [city's] baseline levels of [GHG] emissions and planned reductions[,]" approved by the regional air district, and "[a]t the heart" of the city's greenhouse gas strategy was "specific regulations" and measures to be implemented on a "project-by-project basis … designed to achieve the specified citywide emission level.").

SB 375 and SCAG's RTP/SCS Strategies SCAG 2012-2035 and 2016-2040 RTP/SCS and PEIR	
In September 2008, SB 375 (Gov. Code § 65080(b) *et seq*.) was instituted to help achieve AB 32 goals through, *inter alia*, requiring regional agencies to prepare a Sustainable Communities Strategy ("SCS") to be incorporated into their Regional Transportation Plan ("RTP") that effectively links land use planning with the regional transportation system so that the region can grow smartly and sustainably, while also demonstrating how the region will meet targets set by CARB that reduce the per capita GHG emission from passenger vehicles in the region.[31] Pursuant to SB 375, CARB set the per capita GHG emission reduction targets for the SCAG region at 8 percent below 2005 per capita emissions levels by 2020, and 13 percent below 2005 per capita emissions levels by 2035.[32] In April 2012, SCAG adopted its 2012-2035 RTP/ SCS ("2013 RTP/SCS"), which proposed specific land use policies and transportation strategies for local governments to implement that will help the region achieve GHG emission reductions of 9 percent per capita in 2020 and 16 percent per capita in 2035.[33] In April 2016, SCAG adopted the 2016-2040 RTP/SCS ("2016 RTP/SCS"), which incorporates and builds upon the policies and strategies in the 2012 RTP/SCS,[34] that will help the region achieve GHG emission reductions that would reduce the region's per capita transportation emissions by eight percent by 2020 and 18 percent by 2035.[35] For both the 2012 and 2016 RTP/SCS, SCAG prepared Program Environmental Impact Reports ("PEIR") that include Mitigation Monitoring and Reporting Programs ("MMRP") that list project-level environmental mitigation measures that directly and/or indirectly relate to a project's GHG impacts and contribution to the region's GHG emissions.[36] These environmental mitigation measures serve to help local municipalities when identifying mitigation to reduce impacts on a project-specific basis that can and should be implemented when they identify and mitigate project-specific environmental impacts.[37] The table below outlines applicable land use policies, transportation strategies, and project-level mitigation measures identified in the 2012 and 2016 RTP/SCS and PEIRs.	
Land Use Policies[38]	***Project Inconsistency***
Affordable Housing: Local municipalities should incorporate strategies such as collaborate with local jurisdictions and agencies to acquire a regional fair share housing allocation that reflects existing and future needs.	Here, the IS/MND fails to address strategies to collaborate with local jurisdictions and agencies to acquire a regional fair share housing allocation that reflects existing and future needs. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.
Combating Gentrification and Displacement: Adding to the local housing stock rather than maintaining the current stock by changing the residential population, as well as pursuing the	Here, the IS/MND fails to address adding to the local housing stock rather than maintaining the current stock by changing the residential population, as well as pursuing the production of permanent affordable

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[31] SCAG (Apr. 2012) 2012 RTP/SCS, p. xiii (Resolution No. 12-538-2), http://rtpscs.scag.ca.gov/Documents/2012/final/f2012RTPSCS.pdf.
[32] *Ibid*., p. 3, 108, 151-156, 197.
[33] *Ibid*., p. 107-164;
[34] SCAG (Apr. 2016) 2016 RTP/SCS, p. 69, 75-115, http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf.
[35] *Ibid*., p. 8, 15, 153, 166.
[36] *Ibid*., p. 116-124; *see also* SCAG 2012 RTP/SCS, *supra* fn. 31, p. 77-86.
[37] SCAG 2012 RTP/SCS, *supra* fn. 31, p. 77; *see also* SCAG 2016 RTP/SCS, *supra* fn. 34, p. 115.
[38] SCAG 2012 RTP/SCS, *supra* fn. 31, Tbls. 4.3 – 4.7; *see also* SCAG 2016 RTP/SCS, *supra* fn. 34, p. 75-114.

production of permanent affordable housing that will provide some units for affordable to lower-income households.	housing that will provide some units for affordable to lower-income households. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.
Provide More Options for Short Trips: Given 38 percent of all trips in the SCAG region are less than three miles, projects that further policies that encourage replacing motor vehicle use with Neighborhood Electric Vehicle ("NEV") is encouraged. These land use policies shifting retail growth from large centralized retail strip malls to smaller distributed centers and the creation of these mixed-use districts by co-locating housing, employment, and a mix of retail and services that meet most daily needs of local residents with the opportunity to patronize their local area and run daily errands by walking or cycling rather than traveling by automobile.	Here, the IS/MND fails to incorporate land use policies shifting retail growth from large centralized retail strip malls to smaller distributed centers and the creation of these mixed-use districts by co-locating housing, employment, and a mix of retail and services that meet most daily needs of local residents with the opportunity to patronize their local area and run daily errands by walking or cycling rather than traveling by automobile. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.
Transportation Network Strategies[39]	***Project Inconsistency***
Transit Fare Discounts: Incorporating strategies such as encourage transit fare discounts and local vendor product and service discounts for residents and employees of TOD/HQTAs, or for a jurisdiction's local residents in general who have fare media.	Here, the IS/MND fails to incorporate transit fare discounts and local vendor product and service discounts for residents and employees of TOD/HQTAs, or for a jurisdiction's local residents in general who have fare media. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.
Transit Integration Strategies: This refers to a suite of strategies designed to better integrate active transportation and transit by improving access for pedestrians, bicyclists and other people traveling under their own power around transit stations. Strategies include: • Bike share services in closely packed bike rental kiosks in heavily urbanized areas designed to replace short-distance motor vehicle trips, reduce parking demand and complement local bus services such as DASH in the City of Los Angeles; • Education/encouragement campaigns such as advertising, public service announcements and media kits designed to educate the public on the importance of safety.	Here, the IS/MND states that the Project would provide a total of 32 bicycle parking spaces on the project site and install changing/shower facilities in order to provide "end-of-trip" space to change clothes after arriving by bicycle (Table 8-2, p. 110). However, the Project fails to incorporate other strategies such as bike share services in closely packed bike rental kiosks in heavily urbanized areas designed to replace short-distance motor vehicle trips and reduce parking demand and complement local bus services. The Project also fails to incorporate education/encouragement campaigns such as advertising, public service announcements and media kits designed to educate the public on the importance of safety. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.

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[39] *Ibid*.

Transportation Demand Management (TDM) Strategies[40]	***Project Inconsistency***
Expand and encourage the implementation of TDM strategies to their fullest extent such as: • Rideshare incentives and rideshare matching • Parking management and parking cash-out policies • Preferential parking or parking subsidies for carpoolers, • Intelligent parking programs, • Promotion and expansion of Guaranteed Ride Home programs, • Incentives for telecommuting and flexible work schedules, • Integrated mobility hubs and first/last mile strategies, • Incentives for employees who bike and walk to work, • Investments in active transportation infrastructure, and • Investments in Safe Routes to School programs and infrastructure.	The IS/MND states that the "Project Proponent will work with future tenants to encourage and facilitate employer sponsored ride and bike sharing programs that may be initiated by those businesses" (Table 8-2 p. 111). However, this is all that is stated and as such, the proposed Project fails to demonstrate a commitment to implementation, monitoring, and enforcement of the measure. Thus, we cannot verify that the measure will actually be applied or required at the Project site. The proposed Project includes 18 designated-ride sharing parking spots (Table 8-2, p. 111). However, this is all that is stated and as such, the IS/MND fails to demonstrate a commitment to implementation, monitoring, and enforcement of the measure. Thus, we cannot verify that the measure will actually be applied or required at the Project site.
Clean Vehicle Technology Strategies[41]	***Project Inconsistency***
Anticipating Shared Mobility Platforms, Car-To-Car Communication, and Automated Vehicle Technologies: Shared Mobility encompasses a wide range of services including Return Trip Car Sharing, Point-to-Point Car Sharing, Peer-to-Peer Car Sharing, Ridesourcing, Dynamic On-Demand Private Transit, Vanpool and Private Employer Charters.	Here, the proposed project fails to incorporate Shared Mobility Platforms, Car-To-Car Communication, and Automated Vehicle Technologies. As such, the proposed Project fails to comply with this aspect of the SCAG 2016 RTP/SCS.

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As the above table indicates, the IS/MND fails to provide sufficient information and analysis, or reconcile Project inconsistencies with various measures and goals/policies under SCAG's RTP/SCS. The IS/MND discusses each of the 2016-2040 RTP/SCS goals, then goes on to claim that the Project would be consistent with the goals (p. 115). This assessment of the Project's compliance with the RTP/SCS is incorrect and unsubstantiated, as the RTP/SCS goals are only applicable at the *plan level* to inform implementation of the RTP/SCS. Thus, the IS/MND incorrectly relies upon the plan-level goals outlined in the RTP/SCS, which are not applicable at the project level, to claim consistency with the RTP/SCS as a whole. In the RTP/SCS, SCAG states,

[40] *Ibid*.
[41] *Ibid*.

> "The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. Ultimately, the Plan is intended to help guide transportation and land use decisions and public investments" (2016-2040 RTP/SCS, p. 63).

The RTP/SCS goes on to assert,

> "This Plan's goals are intended to help carry out our vision for improved mobility, a strong economy and sustainability" (2016-2040 RTP/SCS, p. 65).

As the above excerpts demonstrate, the goals outlined in the RTP/SCS are intended to inform regional, plan-level efforts and are therefore not an applicable measure of any proposed *project's* GHG impact. Thus, the IS/MND's claim that "the project is consistent with the goals 2016-2040 RTP/SCS" is incorrect (p. 115). The IS/MND cannot rely on plan-level goals to determine whether GHG emissions would be cumulatively considerable at the project level.

(4) The GHG Analysis Relies on an Incorrect and Unsubstantiated Air Model

As discussed above, IS/MND's CalEEMod model relies upon incorrect input parameters to estimate the Project's criteria air pollutant and GHG emissions, resulting in an underestimation of Project emissions. Therefore, we find the IS/MND's quantitative GHG analysis to be incorrect and unreliable. 13

(5) Updated Analysis Indicates Significant Impact

Notwithstanding the flawed GHG evaluation discussed above, applicable thresholds demonstrate that the Project would have a significant GHG impact.

First, the IS/MND's use of the 3,000 MT CO_2e threshold is incorrect. The guidance referenced by the IS/MND, the SCAQMD's 2008 *Interim CEQA GHG Significance Threshold for Stationary Sources, Rules, and Plans* report is based on AB 32 and thus, only includes thresholds for 2020. Thus, as the Project will not become operational until after 2020, as previously discussed, these thresholds are inapplicable to the proposed Project. As a result, the IS/MND should have instead relied upon the SCAQMD's 2035 efficiency threshold of 3.0 MT CO_2e per Service Population per year.[42]

The CalEEMod output files disclose the Project's mitigated GHG emissions, which include approximately 618 MT CO_2e of total construction emissions and approximately 1,413 MT CO_2e/year of annual operational emissions (sum of area, energy, mobile, waste, and water-related emissions). According to CAPCOA's CEQA & Climate Change report, service population is defined as "the sum of the number of residents and the number of jobs supported by the project."[43] The IS/MND states that "there could be roughly 140 employees on-site" (p. 171). As the Project has no residential land uses, we estimate that the Project's service population would be 140. Dividing the Project's GHG emissions by a service

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[42] "GHG CEQA Significance Threshold Stakeholder Working Group #15." SCAQMD, September 2010, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf), p. 2.

[43] CAPCOA (Jan. 2008) CEQA & Climate Change, p. 71-72, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf.

population value of 140 people, we find that the Project would emit approximately 9.9 MT CO_2e/year.[44] When we compare the Project's per service population GHG emissions to the SCAQMD 2035 efficiency target of 3.0 MT CO_2e/SP/year, we find that the Project would result in a significant GHG impact (see table below).

SWAPE Annual Greenhouse Gas Emissions	
Project Phase	**Proposed Project (MT CO_2e/year)**
Construction (amortized over 30 years)	20.6
Area	0.0
Energy	331.3
Mobile	711.2
Waste	96.4
Water	219.8
Total	**1,379.3**
Service Population	140
Service Population Efficiency	9.85
Threshold	3.0
Exceed?	***Yes***

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As demonstrated in the table above, when we compare the Project's per service population emissions to the SCAQMD threshold of 3.0 MTCO_2e/SP/yr for 2035, we find that the Project's emissions would exceed the threshold, thus resulting in a potentially significant impact. According to CEQA Guidelines § 15064.4(b), if there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, a full CEQA analysis must be prepared for the project. Thus, the results of the above analysis provide substantial evidence that the proposed Project's GHG emissions are still cumulatively considerable notwithstanding its purported compliance with the LA County CCAP and SCAG RTP/SCS (as challenged herein). Therefore, an updated CEQA analysis must be prepared for the Project, and mitigation should be implemented where necessary, per CEQA Guidelines.

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

[44] Calculated: (1,379.3 MT CO_2e/year) / (140 service population) = (9.85 MT CO_2e/SP/year)

otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties. 13

Sincerely,

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

Paul E. Rosenfeld, Ph.D.

Submitted May 18, 2020

Response to Appeal

Comment 1. On behalf of Brendan Virey, this is to appeal the Regional Planning Commission's approval of a Mitigated Negative Declaration ("MND") and Conditional Use Permit ("CUP") for Project No. R2017-004820-(2), CUP Case No. RPPL2017010467, and Environmental Review Case No. RPPL2017010468, which is the application for developing a 203,877 square foot warehouse at the southeast comer of Torrance Boulevard and Normandie Avenue in unincorporated West Carson by Bridge Point South Bay II, LLC (hereafter, "the Project").

We have two principal concerns. The first is that the Project does not meet the standards for a CUP. The second is there is substantial evidence of fair argument that the Project may have at least one significant impact on the environment under the California Environmental Quality Act ("CEQA"), such that the preparation, circulation, and approval of an MND was inappropriate. We therefore request that the Board of Supervisors deny the requested CUP and overrule the Regional Planning Commission's approval of the MND.

Response 1. The first paragraph introduces appellant Brendan Virey and identifies the Project and its case numbers. No response to the first paragraph is necessary. With respect to the general comments in the second paragraph, the Project was thoroughly assessed for conformance with the requirements for approval of a CUP in staff's Report to the Regional Planning Commission ("Staff Report"). Exhibit C – Findings to the Staff Report thoroughly addresses General Plan and Zoning Code consistency for projects in the MPD Zone with supporting evidence. Additionally, Exhibit J – Applicant's Burden of Proof sets forth additional analysis and supporting evidence with respect to each CUP finding required by the County Code. The MND thoroughly assessed potential environmental effects from the Project and concluded no significant impact with the imposition of mitigation and conditions. Contrary to the statement in the second paragraph, and as further explained in responses to the substance of the Appeal below, no substantial evidence has been introduced to support a fair argument that the Project may have a significant effect on the environment and the CUP findings and conclusions are supported by substantial evidence in the administrative record.

Comment 2.

I. The Project Does Not Meet the Standards for a CUP

Los Angeles County Code ("LACC") section 2.22.090 provides that a property in an MPD Zone may be approved for any use permitted in Zone M-1.5 if the applicant seeks a CUP in advance, and establishes that "[t]he proposed development, including the specific industrial uses proposed, shall not be in conflict with the objectives of the General Plan," LACC §§ 22.22.090.A.2(a), 22.22.090.B.2, that it "proper[ly] integrat[es] with the surrounding community," LACC § 22.158.010, and that it "will not" "[a]dversely affect the health, peace, comfort, or welfare of persons residing… in the surrounding area," "[b]e materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site," or "[j]eopardize, endanger, or otherwise constitute a menace to public health, safety, or the general welfare." LACC § 22.158.050.B.2.

Response 2. This Appeal point cites County Code provisions that govern the review and approval of uses in the Manufacturing – Industrial Planned Zone ("MPD Zone"). The MPD Zone authorizes any use permitted in Zone M-1.5 subject to approval of a CUP and enumerated development standards. (County Code Section 22.22.090.A.2; Table 22.22.030-B [identifying permitted uses in Zone M-1-5].) Uses allowed in the MPD Zone with a CUP include warehousing and distribution uses. Additionally, among the stated purposes of the MPD Zone is to accommodate warehousing and distribution uses. (County Code Section 22.22.010.B.6.)

Comment 3. The proposed Project is not consistent with the County's General Plan, as the state Attorney General's Office clarified in its comments on the Project:

> Conflict with applicable land use plans, policies, or regulations, adopted to avoid or mitigate environmental effects, qualifies as an environmental impact under CEQA. Furthermore, whenever there is a fair argument of significant environmental impact, such as an inconsistency with a local land use plan, the lead agency should prepare an environmental impact report. The Project conflicts with several provisions of the Los Angeles County General Plan and Climate Action Plan. The County General Plan has several policies that require a buffer between incompatible land uses, including Policy N 1.11, Policy ED 2.2, and Policy LU 7.1. Yet, as planned, the Project will construct an industrial warehouse on a site located 15 feet from residential homes. CARB recommends a 300-meter (1,000-foot) buffer between sensitive receptor locations and sources of truck traffic emissions, like distribution centers. A more substantial buffer is necessary to mitigate many of the Project's impacts on the surrounding community and to comply with General Plan policies.

Comments of the Attorney General's Office, Jan. 27, 2020 (footnotes omitted). County staff did not establish that there was no conflict with the County's General Plan in their Response to Comments, and accordingly, the CUP should not have been approved.

Response 3. The Appeal alleges that the Project is not consistent with the General Plan and cites to a statement taken from a comment letter submitted by the California Attorney General ("AG Letter"). A detailed response to the quoted statement from the AG Letter was prepared and provided in Exhibit G, Response to Comments of the Final MND, incorporated herein by this reference. Some Project site design features were enhanced in response to the AG Letter. It should be noted that the Attorney General provided no further comment after being provided with the detailed response to the AG Letter. As discussed in detail below, through careful site planning, technical studies, analysis of potential impacts on surrounding uses, and mitigation, the Project demonstrates its consistency with the General Plan and compatibility with surrounding uses.

The Project was thoroughly assessed for conformance with the requirements for approval of a CUP in the Staff Report. Exhibit C – Findings to the Staff Report thoroughly addresses General Plan and Zoning Code consistency, including development standards, for projects in the MPD Zone. Additionally, Exhibit J – Applicant's Burden of Proof sets forth additional analysis and supporting evidence with respect to each CUP finding required by County Code Section 22.158.050.

The Project site is designated Light Industrial ("IL") in the County's General Plan Land Use Element. The IL designation, was considered and most recently adopted by the Board of Supervisors in October 2015, when the County adopted its 2035 General Plan. The Land Use Element contains policies governing the location, type and intensity of land uses appropriate throughout the unincorporated County, including the Project site. The IL designation is intended for a range of light industrial uses that include light manufacturing, assembly, warehouses and distribution.

The Project site's MPD Zone is consistent with the General Plan's IL designation as both authorize light manufacturing, assembly, warehouses and distribution uses. While the MPD Zone allows a range of uses also permitted in the Restricted Heavy Manufacturing Zone (M-1-5) such as warehousing and distribution uses, a CUP is required for such uses. Among the specifically stated purposes of the MPD Zone is to accommodate warehousing and distribution uses. (County Code Section 22.22.010.B.6.) The MPD Zone's CUP requirement enables the County to evaluate industrial uses for consistency with the General Plan and applicable General Plan policies to ensure that projects are designed and conditioned to be compatible with surrounding uses.

The excerpt from the AG Letter identified three specific policies of concern which are all addressed in the responses to the AG Letter (Exhibit G, Response to Comments of the Final MND) The Project is consistent with the General Plan Policies (N 1.11, ED 2.2, and LU 7.1) that are cited in the AG Letter excerpt. These polices provide as follows:

- General Plan Policy N 1.11: Maximize buffer distances and design and orient sensitive receptor structures (hospitals, residential, etc.) to prevent noise and vibration transfer from commercial/light industrial uses.

- General Plan Policy ED 2.2: Utilize adequate buffering and other land use practices to facilitate the compatibility between industrial and non-industrial uses.

- General Plan Policy LU 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques

These policies exist to ensure that buffers, site planning and design are all utilized to ensure compatibility with surrounding uses. Consistent with these policies, the Project has been designed to ensure compatibility with surrounding residential uses through the use of buffers and design techniques. The Project's site plan and operational features, as listed below, include many measures and design elements, including the buffer on the eastern side of the Project site, to mitigate potential impacts to nearby residents.

To ensure that the Project reduces the impacts on surrounding residential uses and to demonstrate compatibility with General Plan Policies N 1.11, ED 2.2, and LU 7.1, the Project's site plan and operations include the following design elements and operational measures:

Design Elements

- The Project provides at least a 220-foot buffer between the closest truck loading dock and residential homes;

- The Project site design limits truck loading bays to the south side of the building and truck/trailer parking directly south of the loading docks, facing adjacent industrial uses, rather than facing residences (Figure 4, Final IS/MND);

- The truck court area has been inset into the building, such that the building itself acts as a barrier between the loading docks and closest homes (Figure 4, Final IS/MND);

- Along the eastern boundary, a 10-foot high sound wall will be erected to serve as a visual and noise barrier to residences east of the Project site; and

- The eastern boundary contains a landscaped buffer area ranging from approximately 22 to 25 feet wide with 37 trees, in 36-inch box containers. Trees have been identified as one strategy to improve air quality. The adjacent on-site driveway has also been narrowed down to the minimum required 28 feet.

- The Project is proposed to have approximately 138 trees on-site which is more than double the code requirement;

Operational Measures

- All truck access will be restricted to the Normandie Avenue driveway at the southwest corner of the site pursuant to PDF 3-5, to ensure that no trucks would travel on-site within 250 feet of the residences bordering the eastern boundary. PDF 3-5 has been revised to require that signs be posted at the Normandie Avenue driveways prohibiting truck access, and that structural or physical barriers be installed at the two Torrance Boulevard drives to prevent truck access at those locations, while allowing for emergency vehicle access;

- PDF 13-1 and Condition No. 53b prohibit outdoor operations, including but not limited to, trucks or automobile movements, maintenance activities, trash pick-up or employee parking, overnight (between 8 pm and 7 am) within 74 feet of the eastern site boundary;

- The loading and unloading activities, including use of forklifts, will be confined inside the warehouse building pursuant to PDF 13-3 and the truck trailers would directly line up and be nearly flush with the warehouse opening for each trailer, thus limiting the amount of interior noise which could be heard outside the building;

- PDF 8-1 requires that EV-ready parking spaces be provided for all truck parking and truck loading docks; EV-ready parking shall mean that conduits are installed from an electrical room on site to each truck parking and loading dock;

- PDF 8-2 requires installation of 0.45 megawatts of solar panels on the roof of the warehouse building, which is anticipated to provide sufficient solar capacity to supply net-neutral electricity demand for the warehouse building and its operations;

- PDF 8-3 requires that 10 percent of automobile parking spaces be equipped with EV-chargers and another 20 percent be equipped with EV-ready electrical conduits; this exceeds the requirement of CalGreen, which requires that only six percent of parking spaces (for a project with over 200 parking spaces) have EV chargers;

- PDF 8-4 requires the Project to achieve LEED certification;

- PDF 3-4 limits trucks during operations to idling on-site for no longer than two minutes;

- PDF 3-3 requires that all off-road equipment used during operation of the project (e.g., forklifts) be powered by non-diesel fuels;

- Mitigation Measure 8-5 requires only electrical-powered landscape maintenance equipment, such as lawn mowers and leaf blowers on site;

- PDF 3-10 requires the project applicant to create a $250,000 clean truck incentive program fund. To promote the use of alternative fuels, money from the fund shall be made available no later than the commencement of operations of the first tenant to reimburse the tenant for costs associated with the provision of new alternative fuel/near zero emission trucks or the conversion of existing trucks to alternative fuel/near zero emission trucks provided such trucks will utilize the Project;

- PDF 3-12 establishes stricter goals every three years for the life of the project permit for the percentage of near-zero and zero-emission trucks accessing the project site. As an ongoing effort to promote an accelerated transition to clean trucks and alternative fuels, the applicant will provide an additional Tenant incentive of $50,000 for each triennial report where the pertinent goal is met or exceeded. In later years of the 15-year CUP, the target is 100% of all truck trips to the Site will be by zero-emission trucks. In the event that the incentive is not paid due to failure to meet the target, then the applicant shall provide the incentive to an organization or project which promotes clean technology in the South Bay or nearby area; and

- PDF 3-11 reflects the applicant's agreement to promote alternative fuels and help support clean truck fleets, tenants will be provided with written information related to the SCAQMD's Carl Moyer Program, or other such programs that promote truck retrofits or "clean" vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. Tenant leases will be required to include a signed acknowledgment by the lessee that it has received and reviewed the written information provided.

With respect to CARB's recommended buffer mentioned in the AG Letter excerpt, given the site's very limited size and dimensions (555 feet long and 693 feet wide), as well as the need

to meet parking and circulation requirements, it is not feasible to provide a buffer zone of 1,000 feet from surrounding residential uses. However, the Project's MND provides extensive analysis supporting the Project's less than significant environmental impacts, including health risk impacts to nearby residents.

The 1,000-foot screening recommendation cited in the AG Letter excerpt comes from the document *Health Risk Assessments for Proposed Land Use Projects*, prepared by CAPCOA, July 2009, and from the *Air Quality and Land Use Handbook: A Community Health Perspective*, prepared by CARB, April 2005. Both the CAPCOA and CARB guidance documents recommend a screening distance of 1,000 feet from a Distribution Center that has 100 truck deliveries per day (each delivery representing 2 trips, in and out, for a total of 200 trips) or 40 truck deliveries with operational transport refrigeration units (TRUs) per day (80 truck trips). The proposed project would generate 37 truck deliveries per day (74 truck trips), with no TRU-equipped trucks which are prohibited from entering the site by CUP Condition No. 55. PDF 17-1 prohibits the site from being designed as a cold storage warehouse. Therefore, the Project does not fall within either the CAPCOA or CARB screening criteria, and the 1,000-foot screening recommendation does not apply to the Project.

Additionally, this guidance is not a prohibition against warehouse uses within the aforementioned radius; rather, the guidance recommends that HRAs be prepared for projects within this area. To ensure that the project is health-protective, an operational HRA was prepared for the proposed project to determine the health risk to nearby residences, which is included in Appendix B of the Draft MND. That HRA was also updated ("Updated HRA") in response to comments by CARB and the Los Angeles County Department of Public Health, and the Updated HRA is included in the updated Appendix B of the Final MND. The Updated HRA determined that the cancer risk from the project at the closest residence is 1.5 per million persons, which is well below the threshold of 10 per million persons. The Updated HRA therefore confirms that there is an adequate buffer between the nearby residences and the proposed truck loading/unloading area. The cancer risk at the nearest public schools is 0.0 at the Halldale Elementary School and 0.1 at the Van Deene Elementary School. A construction HRA ("Construction HRA") was also prepared in January 2020 to address public comments received requesting this additional analysis. It should be noted that the SCAQMD, which is the agency that provides the applicable HRA Guidelines for the Project as well as the cancer and non-cancer (acute and chronic) thresholds utilized in the MND, does not request or require projects to prepare construction-related HRAs. The Construction HRA found that the construction-related cancer risk would be 3.8 per million persons, which is well below the threshold of 10 per million persons. Even when combined, the construction and operational cancer risk falls well below the applicable 10 in one million threshold. To further ensure that the Project has been designed to be as health protective as possible, the Project's site plan and operations include the design elements and operational measures listed above to provide effective buffering and minimize impacts to nearby residents.

Comment 4. Additionally, the Regional Planning Commission erred in concluding that the Project "integrat[es] with the surrounding community" as required for a CUP because, among other things, the Project seeks to operate 24 hours a day, seven days a week, which is contrary to the operational permits of all the surrounding businesses, and contrary to the interests of all the residents who surround the Project site on three sides. ***Leaving aside*** the "health" of the "persons

residing...in the surrounding area," which we will address more fully in our discussion of the MND's lack of compliance with CEQA, the Project conflicts with the residents' "comfort" and "welfare," ***and*** it will be "materially detrimental" to the residents' use, enjoyment, and property values, ***and*** it will be a menace to the general welfare.

Response 4. The Project's 24-hour a day operations do not lead to the conclusion that the Project does not integrate with the community. The Appeal alleges without evidence that the Project is contrary to operational limits in permits that apply to surrounding businesses. Other similar nearby industrial uses operate on a 24 hour, 7 day a week basis. The industrial building across from the site at the northwest corner of Normandie Ave. and Torrance Blvd. operates 24/7, as does the industrial building north of that. The industrial building south of the project site has restrictions on hours of operation, but that building is located immediately adjacent to residential homes with no buffer. In contrast, the project includes a 74 foot buffer from the eastern boundary with the closest adjacent residences, which also includes a 22 foot to 25 foot landscape buffer.

With respect to the general statements concerning comfort and welfare of residents and their use, enjoyment, property values, and general welfare, see Response 1 concerning CUP findings and supporting evidence.

Measures have been imposed on the Project to ensure no significant impact from 24-hour operations as set forth in Response 3 and include:

- PDF 13-1 and Condition No. 53b prohibit outdoor operations, including but not limited to, trucks or automobile movements, maintenance activities, trash pick-up or employee parking, overnight (between 8 pm and 7 am) within 74 feet of the eastern site boundary.

- Loading and unloading activities, including use of forklifts, will be confined inside the warehouse building pursuant to PDF 13-3 and the truck trailers would directly line up and be nearly flush with the warehouse opening for each trailer, thus limiting the amount of interior noise that could be heard outside the building.

- The truck court area has been inset into the building, such that the building itself acts as a barrier between the loading docks and closest homes.

- A 10-foot high sound wall will be located along the eastern property boundary adjacent to residences. (Condition No. 49)

- During operations, no trucks are allowed to use back-up or reverse beepers on the Project site. (Condition No. 50)

- County Noise Ordinance standards will be in effect at all times. (Condition No. 52)

The implementation of these measures together with the MND's Noise analysis, technical reports and Health Risk Assessments discussed in more detail in additional responses below, all support the conclusion that the Project integrates with the surrounding community.

Comment 5.

II. There Is Substantial Evidence of a Fair Argument that the Project May Have at least One Significant Environmental Impact, Such that Circulation and Approval of an MND Was Inappropriate

As the Board no doubt knows, CEQA requires a lead agency to prepare an Environmental Impact Report ("EIR") "whenever it considers approval of a proposed project that '*may* have a *significant* effect on the environment.'" *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1601, quoting Pub. Resources Code § 21100. As you also know, CEQA requires the preparation of an EIR "***whenever*** it can be ***fairly argued*** on the basis of substantial evidence that the project ***may*** have significant environmental impact."*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75 (emphasis added); see also *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal. 4th 1112, 1123. There is a fair argument that the present Project may have a significant impact on air quality, energy, greenhouse gases, hazards and hazardous materials, and traffic, and reliance on an MND is therefore not appropriate.

Response 5. This comment provides introductory remarks, states the fair argument standard of judicial review and generally introduces the ensuing sections. No response is required.

Comment 6.

A. Air Quality

Threshold d. Would the Project expose sensitive receptors to substantial pollutant concentrations? The Project's initial Health Risk Assessment ("HRA") only included the operations phase and not the construction phase, it relied on the California Air Resources Board's ("CARB's") outdated EMFAC2014 model, and it assumed that trucks would constitute only 20% of the visits to the site, so there would be no more than 74 truck trips to the site on any day. The HRA was flawed for all three reasons.

In response to comments, County staff prepared a separate construction HRA. The construction HRA concluded that the incremental risk of cancer from the Project would be 3.8 in a million from construction alone, at a single-family residence to the east of the site. To that risk, of course, County staff had to add the results of a proper operational HRA. Contrary to multiple public comments to the effect that Transport Refrigeration Units ("TRUs") had to be modeled in sufficient quantity in the absence of a condition clearly prohibiting TRUs from the site, and that the County had severely underestimated the number of trucks likely to visit the site, County staff had the developer's consultants drastically reduce projected risks, rather than increasing them based on the reasonable projections that (a) over 20% of the trucks visiting the site would have TRUs and (b) that forty percent of the daily visits to the site would be from trucks.

The Del Amo Action Committee (DAAC), made up of nearby residents already battling toxic pollution as a result of two Superfund sites in the area and the historic pollution of the area by Montrose Chemical Corporation, submitted substantial evidence of a fair argument to the

Regional Planning Commission that there may be a significant impact from substantial pollutant concentrations from diesel particulate matter ("DPM"). Specifically, they submitted comments from air quality experts Soil Water Air Protection Enterprise ("SWAPE"), who conducted a Health Risk Screening Assessment ("HRSA"), that under proper assumptions, the Project would lead to a 30-year incremental cancer risk of far greater than ten in a million, which is the South Coast Air Quality Management District's ("SCAQMD's") threshold for significance. In addition to being substantial evidence of a fair argument of a significant environmental impact, SWAPE's analysis demonstrates that the Project presents health risks to surrounding residents, and this is a basis for denying the necessary CUP.

Response 6: These concerns were raised in an earlier letter submitted by Blum Collins, dated March 17, 2020 and April 21, 2020. Responses to the March 17 letter are provided in Attachment 2 of the Supplemental LADRP staff report dated April 16, 2020 to the County Regional Planning Commission. Responses to the April 21 letter are provided in responses dated May 18, 2020.

As explained in the prior responses, the HRA followed all current methodologies and applied all required data inputs for such assessments, as specified by the California Office of Environmental Health Hazards Assessment, the California Air Resources Board and the South Coast Air Quality Management District.

This comment refers to use of a screening tool to assess potential health risks, known as AERSCREEN. The purpose of this model is to provide a preliminary assessment, based on a limited amount of site-specific information, to determine whether a further, more precise analysis of health risks is warranted. In this case, the MND completed a more precise analysis of health risks using the more detailed and comprehensive AERMOD model; therefore, the less precise and less detailed AERSCREEN analysis is not applicable.

Specifically, the HRA was based on AERMOD as recommended by the SCAQMD for health risk assessments (see: https://www.aqmd.gov/home/air-quality/meteorological-data/modeling-guidance#Submittals). The SCAQMD is the expert agency with jurisdiction over the project area with regard to air quality and health risk impacts. AERSCREEN modeling is not appropriate if an AERMOD analysis is completed because AERMOD is a much more rigorous modeling program that accounts for a broader scope of meteorological conditions, local sensitive receptors, and site-specific emissions sources to more precisely evaluate the dispersion and concentrations of diesel particulate emissions. As such, the HRA prepared for the MND is more precise and accurate than the AERSCREEN-based assessment provided in this comment.

In addition to an operational HRA, a construction HRA was prepared in January 2020 to address public comments received requesting this additional analysis. It should be noted that the SCAQMD, which is the agency that provides the applicable HRA Guidelines for the project as well as the cancer and non-cancer (acute and chronic) thresholds utilized in the IS/MND, does not request or require projects to prepare construction-related HRAs. As such the construction-related HRA was not included in the Draft IS/MND. The construction HRA prepared in January 2020 found that the construction-related cancer risk would be 3.8 per million persons which is well below the 10 in one million threshold. The original operational HRA conservatively

accounted for emissions from up to 20% of the trucks being equipped with transportation refrigeration units (TRUs), even though the Project would not be a cold storage warehouse, and found that the highest calculated cancer risk at any sensitive receptor location would be 4.6 in one million, well below the SCAQMD threshold of 10 in one million. In addition, the operational HRA properly estimated the daily trucks on site, as the Project is restricted to 74 truck trips per day by Condition 29, which states that, "Daily truck trips to and from the site shall not exceed 74 single trips or 37 round trips each day." An updated operational HRA ("Updated HRA") was prepared with the more recent EMFAC 2017 emission factors developed by CARB and without any TRU's, since the project will be prohibited from being designed/operated as a cold storage facility by PDF 17-1 and CUP Condition No. 55 ("Vehicles with transfer refrigeration units (TRUs) are not permitted on the Project site."). The Updated HRA analysis concluded that the calculated cancer risk during project operations was reduced to a maximum of 1.5 in 10 million and thus further below the SCAQMD significance threshold as compared to the original operational HRA.

As such, the MND properly relied on the findings of the Updated HRA to support a determination that the project would not expose sensitive receptors to substantial pollutant concentrations. See in Topical Response No. 4: Health Risk Assessment and Air Quality Modeling for additional discussion and summary of the project's Health Risk Assessments and impact analysis.

When combined, the construction and operational cancer risk would be as high as 5.3 in 10 million persons (3.8+1.5), which is well below the SCAQMD threshold of 10 per million. This analysis conservatively includes OEHHA- and SCAQMD-recommended sensitivity factors and breathing rates for the first 2 years of a project that generate the greatest cancer risk (i.e., from 0 to 2 years old), as shown in Table 3-9 of the Final IS-MND (health risk is calculated by multiplying the PM10 concentrations by 342 for the first two years (0 to 2 years old). The analysis is also conservative because both the construction HRA and updated operational HRA included analysis of the first 2 years, resulting in doublecounting of these impacts. Therefore, impacts are anticipated be less than 5.3 in 10 million.

Comment 7. Staff argued that there would be no significant impact in part based upon a condition of approval (Condition of Approval 29) that purports to limit truck trips to the 74 a day that the developer's consultant modeled. However, the Condition of Approval is entirely unenforceable, because County staff is unlikely to do anything about it. DAAC's traffic consultant Daniel T. Smith proposed that the County could make the Condition truly enforceable by providing video monitoring of the site to show how many trucks were actually coming and going, and making these monitors available on a website for the public. The Regional Planning Commission ignored this request. Impacts must be deemed significant in the absence of truly enforceable conditions that the public can rely upon.

Response 7. The MND and HRAs appropriately assume 37 trucks will be visiting the site. The traffic study calculated that the project would create 74 truck trips per day. Further, the Project is restricted to 74 truck trips per day by Condition 29 which states that, "Daily truck trips to and from the site shall not exceed 74 single trips or 37 round trips each day. A master, daily log shall be maintained onsite, and made available to Zoning Enforcement upon request." This

enforceable condition ensures there will be a limit on trucks visiting the site. Conditions of Approval are legally enforceable by the County on the applicant and future owners.[1] Conditions 11 and 15 require the project applicant to fund County staff resources to monitor and enforce compliance with the Conditions of Approval, and the County may choose any reasonable and appropriate method of monitoring and enforcing these conditions utilizing this funding. Condition 14 requires the applicant to record a covenant with the property title agreeing to the Conditions of Approval. Additionally, violation of a condition in a permit issued by the County is a misdemeanor pursuant to Los Angeles County Code Section 22.242.030. The commenter's lack of faith in the County's enforcement in not substantial evidence that supports a fair argument that a significant air impact may occur. "[T]he courts ordinarily presume that the government … will comply with the law." *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal. 4th 341, 365.

Comment 8. Threshold b. Would the Project violate any air quality standard or contribute to an existing or projected air quality violation? In preparing a revised operational HRA to assess Toxic Air Contaminant risks from DPM, the County's consultant did use CARB's EMFAC2017 model, but the County did not have the consultant re-run the model to assess emissions of criteria pollutants for purposes of SCAQMD's regional or local thresholds, and again, it assumed that only 20% of the vehicles visiting the site would be trucks. If the analysis had been done correctly there may well have been a significant local or regional criteria pollutant impact - especially since there was a significant impact with respect to PM10 in the absence of additional dust mitigation even under the County's analysis. Again, there is substantial evidence of a fair argument that the Project may have a significant impact.

Response 8. As explained above, PDF 17-1 and Condition 55 ensure that TRUs will be prohibited from the site. The most current version of the CalEEMod model (version 2016.3.2) was utilized to analyze the regional and local criteria pollutant emissions (i.e., the LST analysis) for the proposed project. The SCAQMD, as the expert agency for evaluating air quality and health risk impacts, currently recommends using this version of CalEEMod for land use development projects. The MND followed this SCAQMD recommendation and is consistent with industry standard for air quality assessments.

The comment raises a possibility that using EMFAC2017 for the criteria pollutant and LST impact analysis would have resulted in a significant impact but this is not consistent with the record and available information. As noted in the comments, the LST impact for PM10 required mitigation to reduce the impact to less than significance, as described on pages 60-62 of the MND. The PM10 impact in question was primarily based on fugitive dust emissions from construction equipment. The Environmental Protection Agency's "AP-42" emission factor for fugitive dust that has not changed. Any slight variation in emissions rates between the EMFAC2014 and EMFAC2017 models would not result in any change in significance for local air quality impacts. Similarly, use of EMFAC2017 is not expected to change the LST or criteria pollutant impact conclusions and, as noted above, is not recommended by the SCAQMD. The SCAQMD commented on the MND and did not recommend use of EMFAC2017 in this manner.

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[1] Los Angeles County Code Section 22.02.090 (Approvals Run with the Land).

Accordingly, the MND properly analyzed the project's air quality impacts and concluded such impacts would be below the applicable significance thresholds.

Comment 9.

B. Energy

We pointed out to the Regional Planning Commission and County staff that the two questions the Draft MND asked to determine if energy impacts were significant were whether the Project will comply with the current Los Angeles County Green Building Standards Code, and whether the Project would involve the "inefficient" use of energy resources. Neither of these standards is sufficiently stringent to comply with CEQA. The CEQA Guidelines, Appendix F, call for the "wise and efficient use of energy," CEQA Guidelines, App. F, Section I, not simply avoiding wasteful and inefficient energy use, and compliance with building codes is simply insufficient to determine whether the Project is energy efficient under CEQA. Both *Cal. Clean Energy Comm. v. City of Woodland* ("CCEC') (2014) 225 Cal. App. 4th 173, and *Ukiah Citizens/or Safety First v. City of Ukiah* ("Ukiah Citizens") (2016) 248 Cal. App. 4th 256 require far more.

In response to our comment, County staff or their consultants wrote that:

On page 88 of the Final MND, it is noted that the project will be required to comply with the 2019 California Building Energy Efficiency Standards, which are more stringent than the 2016 standards which applied at the time the Project application was submitted.

As we said to the Regional Planning Commission in our April 21 letter, it is our understanding that a project is subject to the building codes applicable when a project is approved, so that the Project is in fact doing nothing more than relying on building codes to demonstrate compliance.

While it is true that the Project as revised in response to comments now includes solar panels, the Final MND was not revised to address proper thresholds of significance with respect to energy, and its analysis is insufficient to establish that there are no significant energy impacts.

Response 9. The responses to prior Energy comments are provided on pages 9-13 in the Supplemental LADRP Staff Report dated April 16, 2020, Attachment 2. As explained therein, the County thresholds are appropriate and consistent with the CEQA Guidelines, and the discussion presented in the MND support the determination that the project would not result in significant impacts due to wasteful or inefficient energy consumption or conflict with an adopted state or local plan or program designed to increase renewable energy sources and energy efficiency in building design and construction.

The MND utilized Energy thresholds as directed by the County, which are consistent with CEQA Guidelines, Appendices F and G for analyzing the project's potential impacts related to energy use. The County of Los Angeles, as the Lead Agency under CEQA with respect to the preparation and adoption of the MND, has full discretion to define environmental impact significance thresholds for review of any project subject to its land use authority. Although

optional thresholds are suggested by CEQA Guidelines, Appendix G, lead agencies may choose to develop their own thresholds. *Save Cuyama Valley v County of Santa Barbara*, (2013) 213 CA4th 1059, 1068. Further, the two thresholds in the MND achieve substantially the same purpose and are consistent with the two thresholds set forth in the current CEQA Guidelines, Appendix G, which is to assess whether the project may result in significant impacts related to energy use. County threshold (a) is equivalent to threshold (b) in Appendix G, because it also requires assessment of whether the project would conflict with a state or local plan for renewable energy or energy efficiency. Compliance with the County's Green Building Standards Code contains an implicit reference to the statewide Building Energy Efficiency Standards, set forth in Title 24, Part 6 of the California Government Code. County threshold (b) is substantially similar to threshold (a) in Appendix G, since it also requires an assessment of whether the project would result in a significant impact due to the inefficient use of energy resources. The County threshold also refers to Appendix F of the State CEQA Guidelines as a guide to provide additional direction for assessment of a project's impacts regarding energy conservation. The analysis and conclusion in the MND with respect to energy are informed by CEQA Guidelines, Appendix F that provides an analysis of energy impacts is required to have "particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy (see Public Resources Code section 21100(b)(3))." Therefore, the County's thresholds are both within their statutory authority to adopt and consistent with the language in the State CEQA Guidelines and the analysis and therefore, there is not evidence to support a fair argument of a significant impact with respect to energy.

It is simply not the case that the MND relied solely on compliance with building codes to reach a conclusion of no significant impact. The MND provides a full quantitative assessment of the project's construction, operations and transportation-related energy consumption and the impacts associated with that energy consumption, which is summarized in Table 6-4. Therefore, there has been no failure to disclose the project's energy consumption sources or quantities and no failure to examine the potential impacts of that consumption. Section 8. Energy of the MND begins with a discussion of the enactment of the County's Green Building Standards Code to help implement the goals set forth in Appendix F of the State CEQA Guidelines, i.e., to conserve energy supplies through decreasing overall per capita energy consumption, reduce reliance on fossil fuels and increase reliance on renewable energy sources.

The stated purpose of the County's Green Building Standards Code, as cited on page 80 of the MND, is to:

> "establish green building development standards for new projects with the intent to promote a healthier environment by encouraging sustainable construction practices in planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental air quality." (Emphasis added.)

By design, therefore, the County's Green Building Standards were adopted to achieve improved energy efficiency in the construction and operation of new buildings of all types. Compliance with these standards, which incorporate the statewide standards by reference, is thus a widely accepted strategy to ensure wise and efficient use of energy in new buildings.

The environmental benefits of implementing the statewide energy efficiency standards are summarized on page 87 of the Final MND. On page 88 of the Final MND, it is noted that the project will be required to comply with the 2019 California Building Energy Efficiency Standards, which are more stringent than the 2016 standards that applied at the time the project application was submitted. For example, the new standards are estimated to reduce energy consumption by non-residential buildings by 30% compared to the 2016 standards, due mainly to new lighting standards. In the response to threshold a), on page 88 of the Final MND, several of the project's code compliance design features that implement efficient energy strategies are noted, including installing dual-pane/low emission glass windows and highly efficient light emitting diode (LED) outdoor lighting fixtures with sensors to control the fixtures in response to actual lighting conditions.

The project would not be issued building permits or granted a certificate of occupancy, until all required building energy efficiency standards have been specified in the construction plans and the building energy systems are inspected to verify properly installation and functioning in the completed warehouse structure.

Subsequent to publication of the MND, as part of the response to comments on the Draft MND and preparation of the Final MND, the project added a number of project design features that go beyond code standards to further reduce reliance on fossil fuels and increase reliance on clean/renewable energy sources and reduce emissions of criteria air pollutants and greenhouse gases, as follows:

Construction Measures

- Mitigation Measure 8-4 has been revised to require electric-powered (includes installation of temporary electrical poles, as needed), battery-powered, natural gas, or hybrid off-road construction equipment. If substantial evidence is provided that such equipment is not commercially available, including a description of commercially reasonable efforts to secure such equipment, off-road diesel-powered construction equipment greater than 50 horsepower will meet USEPA Tier 4 off-road emission standards, but in no event shall less than forty (40%) of construction equipment be electric-powered, battery-powered, natural gas, or hybrid construction equipment. Further, all onsite generators shall be electric-powered, battery-powered, natural gas powered or hybrid;

- PDF 3-2 has been revised to require all heavy-duty trucks during construction meet Model Year 2014 or later (rather than Year 2010 or later as previously proposed); and

- PDF 3-4 has been added, and M 8-3 has been revised, to limit all construction equipment and construction trucks to idling on-site for no longer than two minutes.

Each of the above measures would reduce the amount of fossil-fuel consumption and related combustion engine emissions from construction-related trucks and off-road machinery. This is consistent with the statewide energy conservation goals identified in Appendix F of the CEQA Guidelines.

Operational Measures

- PDF 8-1 has been added which requires that EV-ready parking spaces be provided for all truck parking and truck loading docks; EV-ready parking shall mean that conduits are installed from an electrical room on site to each truck parking and loading dock;

- PDF 8-2 has been revised from requiring a solar-ready roof, to requiring installation of 0.45 megawatts of solar panels on the roof of the warehouse building, which is anticipated to provide sufficient solar capacity to supply net-neutral electricity demand for the warehouse building and its operations;

- PDF 8-3 has been added which requires that 10 percent of automobile parking spaces be equipped with EV-chargers and another 20 percent be equipped with EV-ready electrical conduits; this exceeds the requirement of CalGreen, which requires that only six percent of parking spaces (for a project with over 200 parking spaces) have EV chargers;

- PDF 8-4 has been added to require that the project achieve LEED certification;

- PDF 3-4 has been added to limit trucks during operations to idling on-site for no longer than two minutes;

- PDF 3-10 has been added to require the project applicant to create a $250,000 clean truck incentive program fund. To promote the use of alternative fuels, money from the fund shall be made available no later than the commencement of operations of the first tenant to reimburse the tenant for costs associated with the provision of new alternative fuel/near zero emission trucks or the conversion of existing trucks to alternative fuel/near zero emission trucks provided such trucks will utilize the Project;

- PDF 3-12 has been added to establish stricter goals every three years for the life of the project permit for the percentage of near-zero and zero-emission trucks accessing the project site. As an ongoing effort to promote an accelerated transition to clean trucks and alternative fuels, the applicant will provide an additional tenant incentive of $50,000 (per tenant) for each triennial report where the pertinent goal is met or exceeded. In later years of the 15-year CUP, the target is 100% of all truck trips to the Site will be by zero-emission trucks. In the event that the incentive is not paid due to failure to meet the target, then the applicant shall provide the incentive to an organization or project which promotes clean technology in the South Bay or nearby area;

- PDF 3-11 has been added, to reflect the applicant's agreement to promote alternative fuels and help support clean truck fleets, to provide that tenants will be provided with written information related to the SCAQMD's Carl Moyer Program, or other such programs that promote truck retrofits or "clean" vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, CARB regulations, and importance of not parking in residential areas. Tenant leases will be required to include a signed acknowledgment by the lessee that it has received and reviewed the written information provided. This information will be maintained by the onsite property manager/owner; and

- PDF 3-9 has been added, requiring the applicant to provide tenants with information and annual updates regarding CARB's proposed ACT Rule and the Clean Truck Programs at the Ports of Long Beach and Los Angeles.

PDFs 8-1 and 8-3 would facilitate a shift from vehicles powered by fossil fueled internal combustion engines to cleaner, alternatively-powered vehicles. This is consistent with statewide goals to shift vehicle fleets from fossil fueled powered propulsion systems to cleaner propulsion systems. PDF 8-2 would implement a key statewide goal for expanding clean, renewable energy sources to provide electricity for buildings. The on-site solar PV system specified in PDF 8-2 would provide sufficient electricity to meet the warehouse's annual electrical energy needs. PDF 8-3, requiring LEED certification for the warehouse building, would further ensure that it is designed with energy efficient features that would reduce the total energy demand, consistent with statewide energy conservation goals. PDF 3-3 would reduce the amount of fossil fuel consumed by trucks on site, consistent with statewide goals to reduce reliance on fossil fuels for transportation purposes. PDFs 3-9 thru 3-12 would provide incentives to gradually achieve a low or zero emissions fleet of trucks associated with project operations, resulting in reductions in consumption of diesel fuel and expanded use of alternative fuels, including electric- powered trucks, that are less polluting. This is consistent with statewide goals to reduce reliance on fossil fuel-powered vehicles and to shift toward vehicles with cleaner fuel sources.

The comment cites to several CEQA cases and makes a general comment that the cases require "far more than just building code compliance." As explained above, the energy analysis in the MND comprehensively assesses the project's potential to cause a significant impact related to energy use, consistent with CEQA Guidelines Appendices F and G. CEQA requires a lead agency "to assess transportation, construction, and operation impacts resulting from the project." *Cal. Clean Energy Comm. v. City of Woodland* (2014) 225 Cal. App. 4th 173. As discussed above, the MND analyzed the Project's energy consumption using California Emissions Estimator Model outputs, and evaluated the impacts associated with construction-related energy demand, transportation-related energy demand, and building energy demand.

Comment 10.

C. Greenhouse Gas Emissions

As we and other commenters pointed out to the Regional Planning Commission, the MND fails to demonstrate compliance with the 2030 and 2050 goals for greenhouse gas (GHG) reduction, and as a result, and based on analysis that DAAC submitted from SWAPE, there is substantial evidence of a fair argument that the Project may have a significant impact.

As we wrote to the Regional Planning Commission, the MND improperly analyzed compliance with the County Climate Action Plan ("CCAP"), which had a horizon year of 2020, even though the Project won't be complete and operational until 2021 or 2022. Although staff wrote that "the strategies identified in the CCAP are not time based, they are action based," the point is that they do not call for the significant reductions required under SB 32 and Executive Order S-3-05. CARB was more than explicit in its 2017 Scoping Plan Update that a Climate Action Plan that is not up to date to reflect the goals of SB 32 and Executive Order S-3-05 does not at this time provide an adequate measure of compliance with CEQA's mandates relating to

GHGs. The second stated basis is SCAQMD's supposed threshold of 3,000 MTC02e. As SWAPE pointed out, this threshold, which SCAQMD never adopted for projects other than its own, was only intended to meet the requirements of AB 32's 2020 goal, and not anything beyond that; also, the MND did not properly assess GHG emissions because it grossly underestimated the number of trucks that will visit the site.

Additionally, regarding the second GHG threshold, whether the Project will conflict with any plan to reduce GHGs, the MND should have analyzed compliance with the 2017 Scoping Plan Update, and the Project clearly doesn't measure up under that Update's standards. We also incorporate the other points made in SWAPE's April 20 letter on behalf of DAAC.

Response 10.

These comments repeat concerns raised in comments 11-14, in the prior letter dated March 17, 2020. Responses to the prior comments are provided on pages 13-25 of Attachment 2 to the Supplemental LADRP staff report to the Regional Planning Commission, dated April 16, 2020. As described in those responses, the analysis properly considered the Project's consistency with the CCAP and the 2016 Scoping Plan as well as the State's long term climate goals under SB 32 and Executive Order S-3-05. Specifically, as described in the MND, the California Air Resources Board adopted the original and subsequent updates to the Scoping Plan as a means to implement AB 32 and subsequent legislation. The 2017 Scoping Plan implements the 2030 statewide target pursuant to SB 32 (reduce emissions to 40 percent below 1990 levels) and sets the state on a pathway to achieve compliance with Executive Order S-3-05.[2]

The Project includes locational attributes and design measures and mitigation that achieves goals for new development projects as recommended by the 2017 Scoping Plan to meet the state's 2030 and 2050 climate goals. Consistent with the 2017 Scoping Plan, the Project would reduce GHG emissions by providing on-site electric vehicle infrastructure for passenger vehicles and light and heavy duty trucks, utilizing renewable energy from a 0.45 MW rooftop solar PV system, incorporating a variety of building energy efficiency measures, and providing a variety of incentives to achieve a phase-in of low and zero emissions trucks used by warehouse tenants. The Project's onsite measures both reduce GHG emissions and other pollutants.

In addition, as an infill development located near the Ports and existing development, the Project advances key goals of the RTP/SCS. The MND considers the RTP/SCS's strategies to reduce post-2020 VMT and GHGs within the South Coast Air Basin in accordance with SB 375 and California's climate goals. For example, the MND determines that "[a]s an infill development located near existing industrial uses such as the Ports, the project is the type of infill land use development located near existing infrastructure and development that is encouraged by the RTP/SCS to reduce regional VMT." The inclusion of additional Mitigation Measures and PDFs in the final MND further support the Project's consistency with the RTP/SCS. PDFs 3-9 thru 3-12, in particular, which provide strong incentives to the warehouse tenant(s) to phase in electrically powered and other alternative, cleaner fuel powered trucks over time, directly implement a primary RTP/SCS strategy pertaining to regional goods movement

[2] 2017 Scoping Plan, pp. 5, 18.

that is discussed in the Goods Movement Appendix to the RTP/SCS. As described on page 114-15 of the MND, the Project facilitates meeting the RTP/SCS goals which reduce emissions and GHGs through 2030 and thereafter.

This comment asserts that the CCAP is not applicable to the Project because it does not identify target reductions beyond 2020 and the Project construction will not be finalized prior to the end of the 2020. This claim is not accurate. As explained on page 97 of the draft MND, the CCAP is a qualified GHG reduction plan and is appropriate for a consistency analysis under CEQA. According to the CCAP, "[t]o reduce the impacts of climate change, the County has set a target to reduce GHG emissions from community activities in the unincorporated areas of Los Angeles County by at least 11% below 2010 levels by 2020….Projects that demonstrate consistency with applicable CCAP actions can be determined to have a less than significant cumulative impact on GHG emissions and climate change (notwithstanding substantial evidence that warrants a more detailed review of project-level GHG emissions)." (MND, p. 103 [citing the CCAP, pp. 1-2].)

As presented in MND Table 8-2 and the supporting analysis, the Project is consistent with the CCAP. As shown in MND Table 8-1, Project emissions would be 23.6 percent lower than if the same project had been built in 2010. Since the Project emissions would more than achieve the 11 percent reduction from the 2010 scenario, as targeted in the CCAP, the Project would not conflict with the GHG reduction objective of the CCAP. As such, the Project is consistent with the CCAP, which supports a determination that the Project's GHG emissions are less than significant. (MND, p. 103.) Moreover, the additional PDFs and Mitigation Measures described above would further reduce the Project's GHG emissions and support consistency with the CCAP.

The CCAP incorporates the State's climate goals and the Scoping Plan strategies at the local level. It is appropriate to assess the Project's consistency with the CCAP, even if it has a horizon year of 2020 and the Project will not be fully operational until after 2020. (See MND, p. 106.) The key land use strategies identified in the CCAP are not time based, they are action based, and will continue to provide GHG reduction benefits beyond 2020. (*See*, CCAP, Chapter 4, Actions to Reduce Greenhouse Gas Emissions.) Project consistency with applicable strategies of the CCAP is an appropriate component for assessing whether the Project's GHG emissions are significant. As summarized on page 107 of the MND, "[s]ince the project would be consistent with those measures that can be practically addressed with the proposed warehouse/distribution facility, it is considered to be consistent with the CCAP and the project's GHG emissions would be less than cumulatively considerable and therefore less than significant." Moreover, as discussed below, the MND also considered the Project's consistency with the RTP/SCS, Scoping Plan and draft screening thresholds from the SCAQMD to evaluate the significance of the Project's GHG emissions after 2020.

This comment also incorrectly describes the informational purpose of describing the SCAQMD Working Group draft screening thresholds in the MND. As explained in the MND, it is appropriate to consider the screening thresholds for informational purposes when considering consistency with the CCAP and RTP/SCS. As described in the MND, the informational

screening threshold discussed in the MND (the 3,000 annual metric tons screening threshold) was the lowest screening threshold identified by SCAQMD and was designed for residential projects, and, in fact, a higher threshold of 10,000 annual metric tons was recommended for industrial sources. (See MND, p. 104.) As shown in Table 8-1 in the MND, the proposed Project would generate a total of approximately 1,708 annual metric tons of GHG, well below either of these draft screening thresholds. See Responses to Comments 11-14 in the by Blum Collins for Golden State Environmental Justice Alliance for additional discussion of the Project's GHG analysis.

Comment 11.

D. Hazards & Hazardous Materials

We pointed out to staff on April 21 that the Project site had and has drainage across it from the former Montrose Chemical plant's manufacture of DDT, and that the eastern portion of the site is indeed considered a part of the Montrose Superfund Site for this reason. Although the former owner of the site, ECI, excavated some of the soils in the eastern area, and eventually disposed of them, the eastern area has not been subject to "extensive testing" as staff and the developer repeatedly promise. This was made apparent by page 748 of the PDF that was staff's Response to Comments document on the MND before the Regional Planning Commission. That map discloses the extent of the slough that is the likely area of contamination, and a couple of smaller areas of excavation which occurred within that larger area, marked both in red and with green outlining. While staff asserted in the Response to Comments document that "Post-excavation soil sampling in these areas have verified that clean import soil was used for backfill," other documents demonstrate that the soil was neither "clean" nor "imported." Specifically, the County's own Department of Public Health ("LACDPH") disclosed residual DDT in the shallow levels tested on the site, so the soil wasn't "clean," and Ardent Environmental's 2018 Human Health Risk Assessment ("HHRA") acknowledged that ECI used soils from other portions of the site, so it wasn't "imported." By our count, before LACDPH achieved another 20, there were only 44 soil borings since 2010, and those were scattered all over the site, which also has other contamination issues besides DDT.

LACDPH expressed concern that the soils to be disturbed would go to 17 feet bgs, and even the developer has conceded that there is significant remaining contamination below 16 feet bgs. The residents in this area are at risk.

The Regional Planning Commission was apparently persuaded by staff and the developer's contentions that the Project will cover "most of the site (90 percent) with impervious surfaces i.e., the warehouse building and parking and driveway areas) that would prevent stormwater infiltration into the contaminated soil layers." This is palpably false. The developer plans to place landscaping in the easternmost 22-25 linear feet from the site boundary. Staff and the developer asserted in the MND that this was OK because the landscape areas "would not be in a place where people would gather," but (a) there is simply no protection against truckers literally picnicking on top of a DDT-contaminated area, (b) there is no basis for Ardent Environmental's "qualitative ecological assessment" concluding that biota would be unaffected, as birds and other wildlife do use trees, and (c) the developer concedes it is planning on grading

this area before the landscaping goes in, so there will be a significant risk to the already significantly environmentally overburdened residents in this area.

The response to our comments from County staff assured the Regional Planning Commission that excavations will be "periodically" sprayed with water, and that trackout will be "immediately" cleaned with a street sweeper, although there is no mitigation measure to this effect, and although Rule 1466 requires the use of a vacuum, not street sweeping equipment. There is overwhelming evidence of a fair argument that there may be a significant impact with respect to hazards and hazardous materials, and the Regional Planning Commission abused its discretion in concluding to the contrary.

Response 11. The allegations in this Appeal comment repeat concerns raised in Blum Collin's previous letter dated March 17, 2020, comments 15-19. Responses to these concerns were provided in the full set of responses to the prior letter (Attachment 2 of the LADRP Supplemental Staff Report dated April 16, 2020) and demonstrate the sufficiency of soil testing, site characterization, the Soil Management Plan and the added safeguards to be provided through compliance with Rule 1466. These same comments were raised in Blum Collin's April 21, 2020 letter and again responded to. This is the third time that these same concerns have been raised.

The known DDT impacted soil located in the eastern portion of the site (shown in Appendix G, Figures 1 and 2, of the Final MND) has been fully characterized under the direction and oversight of the EPA. Excavation activities which took place in 2006 and 2015 (including ECI's excavation of DDT impacted soil in 2015) are shown in Appendix G, Figure 3, of the Final MND. Post-excavation soil sampling in these areas have verified that clean import soil was used for backfill. This included two borings drilled in 2017 in the location of ECI's 2015 excavation to verify that clean backfill soils were used. These two soil borings were drilled to a depth of approximately 15 feet bgs and soil samples were collected continuously from surface to the bottom of the boreholes. No stained or odorous soil was encountered and field instrument readings indicated no volatile organic compounds (VOCs). The extent of the remaining DDT has been extensively investigated and fully characterized, both vertically and laterally. As noted above, the EPA has reviewed these data and concurs that no further work is needed.

Nonetheless, to address Los Angeles County Department of Public Health (LACDPH) comments requesting further characterization of the surface soils within the eastern part of the site, 20 additional near-surface soil borings were drilled in February 2020 resulting in a total of 60 additional soil samples collected and tested.

As shown in Table 2 of Appendix G, DDT, and to a lesser extent chlordane and DDT's breakdown products DDE and DDD, were detected in the eastern portion of the site at concentrations below the regulatory screening levels. Based on these results, the residual concentrations detected in the eastern portion of the site would not pose a significant health risk to future occupational and construction workers at the site, and therefore impacts would be less than significant.

With the additional samples and testing conducted in February 2020, 210 soil borings have been drilled for the collection of soil samples from surface to approximately 28 feet bgs.

This has resulted in 649 soil samples taken throughout the project site, between 2005 and 2020. The 649 soil samples that have been chemically analyzed were taken at the following depths:

- 70 at 0.5 feet
- 22 at 1 feet
- 92 at 2 feet
- 40 at 3 feet
- 20 at 4 feet
- 94 at 5 feet
- 18 at 7 feet
- 52 at 8 feet
- 16 at 10 feet
- 53 at 12 feet
- 8 at 15 feet
- 54 at 16 feet
- 52 at 20 feet
- 50 at 24 feet
- 1 at 26 feet
- 7 at 28 feet

The extent of the remaining DDT has been extensively investigated and fully characterized, both vertically and laterally, and therefore, no further soil sampling is necessary. With the exception of known DDT in deep soils in the eastern portion of the site, no other area of possible environmental concern has been identified. As noted above, the EPA has reviewed these data and concurs that no further work is needed.

Of the 649 soil samples collected, 412 of those were located in the eastern area, therefore this area has been extensively tested.

In addition, 70 soil gas points have been installed and sampled throughout the site. Laboratory results have indicated no detectable to very low concentrations of volatile organic compounds (VOCs).

Within the eastern portion of the site, the soil from surface to 16 feet bgs have concentrations of DDT below federal and state screening levels for the protection of workers. Therefore, the soil from surface to 16 feet bgs can be safely handled during grading activities. It is acknowledged that DDT is present in deep soils in the eastern portion of the site. However, soils deeper than 16 feet which have contaminant concentrations exceeding regulatory guidelines will not be disturbed or graded for the protection of worker safety and the environment. Further,

since DDT is not volatile and does not migrate rapidly in soil, no vapor intrusion risk or threat to groundwater is present.

A total of four Human Health Risk Assessments (HHRAs) were completed in 2006, 2010, 2018 and most recently in 2020 (see updated Appendix G of the IS/MND) which analyzed the eastern portion of the site. Each of these determined that the residual soil contaminants and soil vapor do not represent a significant threat to construction workers or future on-site employees, provided the land is restricted to some form of industrial or commercial use through recordation of a covenant to be attached to the land title. The 2018 HHRA was reviewed and approved by the USEPA and the California Department of Toxic Substances Control (DTSC). Correspondence from both agencies concurring with the methods and findings of the latest HHRA is provided in Appendix G of this Initial Study. A 2020 supplemental HHRA was prepared at the direction of the LACDPH, to incorporate new soils testing from near surface soils in the eastern part of the site where DDT had previously been document. That supplemental HHRA, which is included as Appendix G of the Final IS/MND, confirmed the results of the 2018 HHRA that soil disturbance in accordance with the proposed grading plan would not result in a significant health risk for on-site construction workers or off-site residents. Soils from surface to approximately 16 feet below the existing grade do not contain concentrations of chemicals that would be harmful to workers, residences, or future occupants, as demonstrated by four human health risk assessments (HHRAs) that have been independently prepared and reviewed by state and local agencies.

As noted in previous reports, DDT impacted stormwater historically flowed from the Montrose facility onto the eastern portion of the site via an unlined slough. These activities continued until the 1960s when a concrete covered culvert was installed by the Los Angeles County Flood Control (LACFC). Therefore the area of impacted soil is located approximately 16 feet lower than the current site elevation. The contaminants in the eastern portion of the site have been buried under 16 feet of soil for years. Since these types of chemicals do not rapidly migrate through soils and are non-volatile, no health risk or environmental threat are present, therefore, the EPA has not required remediation of these materials. The proposed redevelopment will not disturb these soils, but rather leave them in-place. The existing and proposed grade changes in different areas along the eastern portion of the site, and grading is proposed to different depths within the eastern area primarily for geotechnical purposes. Most of this area will have grading from 0 to 5 feet in depth, and only a small area near the northeast is proposed to have grading to a maximum depth of 10 feet. In no area will grading get close to the 16 foot depth where elevated concentrations of contaminants are found, and all grading plans will be reviewed by the EPA and Los Angeles County.

Regarding landscaping, elevated concentrations of DDT will remain at depths of approximately 16 feet below the ground surface, and therefore, there is no direct exposure route to future workers, occupants, residents, or biota. The concentrations of residual DDT detected in shallow soils have been proven to be low and do not pose a health risk. Further, Condition 46 requires that the applicant employ an independent, qualified biologist and conduct soil sampling and laboratory analysis to identify chemical or physical soil properties that may adversely affect plant growth or establishment. Soil amendments and fertilizer recommendations shall be applied and plant materials selected, based on the above-referenced testing procedures and results.

Regarding Rule 1466, the use of a street sweeper and "vacuuming", the project's Soil Management Plan (SMP) requires use of a street sweeper to clean and remove soil track-outs from the site, as needed. A "street sweeper" is a generic term for a machine that cleans the streets of dust and track-out soil. The street sweeper applies water from jets to keep dust particles to a minimum, while spinning brushes scrub the dirt free from the streets. A vacuum then sucks the loosened debris into a container that will trap dust particles achieving a 99.97% capture efficiency for 0.3 micron particles. Therefore, in accordance with Rule 1466, a vacuum is used to remove trackout. The project is required to comply with air monitoring and fugitive dust control measures in Rule 1466 under the dirction and oversight of the SCAQMD. (Final MND, pg. 131/215.)

Comment 12.

E. Transportation and Traffic

Finally, regarding transportation and traffic, DAAC submitted the comments of Daniel T. Smith of Smith Engineering & Management to the effect that the Project has all the characteristics of a "high cube" warehouse, so traffic modeling was inadequate because it severely underestimated the daily number of truck trips to the site. Again, absent a true condition of approval limiting trucks on site to the 74 per day modeled, there is more than substantial evidence of a fair argument that a significant impact may occur based on his comments.

Additionally, as we commented at the hearing before the Regional Planning Commissioners, the MND concludes that mitigation imposed by another jurisdiction - Caltrans - will reduce a significant impact from the Project. It is inappropriate under CEQA to assume that traffic mitigations planned by other agencies will occur. Accordingly, there is more than substantial evidence of a fair argument that a significant impact may occur for this reason as well.

Response 12. As noted in Response 7, above, the Project is restricted to 74 truck trips per day by Condition 29 which states that, "Daily truck trips to and from the site shall not exceed 74 single trips or 37 round trips each day. A master, daily log shall be maintained onsite, and made available to Zoning Enforcement upon request." This enforceable condition ensures there will be a limit on trucks visiting the site. Conditions of Approval are legally enforceable by the County on the applicant and future owners and violation of a condition in a permit issued by the County is a misdemeanor pursuant to Los Angeles County Code Section 22.242.030.

A high cube warehouse is characterized by a high throughput, which is facilitated by greater automation and loading bays on multiple sides of the warehouse. Specifically, a high cube transload and short-term storage warehouse is defined in Land Use Code 154, as follows: "A high-cube warehouse (HCW) is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. A typical HCW has a high level of on-site automation and logistics management. The automation and logistics enable highly-efficient processing of goods through the HCW. The HCWs included in this land use include transload and short-term facilities. Transload facilities have a primary function of consolidation and

distribution of pallet loads (or larger) for manufacturers, wholesalers, or retailers. They typically have little storage duration, high throughput, and are high-efficiency facilities. Short-term HCWs are high-efficiency distribution facilities often with custom/special features built into structure for movement of large volumes of freight with only short-term storage of products. Warehousing (Land Use 150), high-cube fulfillment center warehouse (Land Use 155), high-cube parcel hub warehouse (Land Use 156), and high-cube cold storage warehouse (Land Use 157) are related land uses."

As pointed out in the MND project description, a HCW is characterized by site plan features different from the proposed Project. To accommodate the high throughput and automation of a HCW described in the Trip Generation Manual and 10th edition quote above, a HCW typically has truck bays on at least two sides and significant truck/trailer parking areas. These features are absent from the Project site plan which has truck bays on only one side and has limited space to accommodate truck/trailer parking directly opposite the loading bays (See, Draft IS/MND, Figure 4, Proposed Site Plan). Additionally, because of the high-level of automation at a HCW, fewer employees are needed so HCWs require fewer employee parking spaces and less office space than a traditional warehouse. In contrast, the Project Proposed Site Plan includes 219 surface parking spaces for employees. Consistent with the greater trip generation of cars compared to trucks, Condition 29 of the Project's Conditions of Approval limits truck trips to 37 round trips, as discussed above. Additionally, the Project provides approximately 10,000 square feet of office space.

Caltrans is not requiring any project mitigation. As stated in the Final MND, Caltrans is currently constructing improvements at the Hamilton Avenue/I-110 SB Ramps but not because of any project impacts. (Final MND, pg. 195/215.) As stated in the MND, the project does not create a deficiency at the Hamilton Avenue/I-110 SB Ramps nor does the project result in any deficiencies at the Figueroa Street/I-110 NB Ramps. Caltrans has stated that "[u]pon review of the Bridge Point South Bay II Warehouse Project, Caltrans' believes that the proposed project will not add a significant amount of trips to the associated State Facilities (SR-405, SR-213, I-110)." (Email communication from Caltrans, June 19, 2019.)

NON-APPLICANT

Date May 1, 2020

Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

PROJECT NO./CUP NO.: Project No. R2017-004820-(2)
Conditional Use Permit Case No. RPPL2017010467
Environmental Review Case No. RPPL2017010468

APPLICANT: Bridge Point South Bay II, LLC

LOCATION: 20850 South Normandie Avenue, southeast corner of Normandie Avenue and Torrance Boulevard, in the unincorporated Los Angeles County community of West Carson, 90501

Zoned District: MPD

Related zoning matters:

CUP(s) or VARIANCE No. Conditional Use Permit Case No. RPPL2017010467

Change of Zone Case No.

Other

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented in person with a check or money order made payable to the "Board of Supervisors" (check or money order must be presented with personal identification), during regular business hours of 8:00 a.m. to 5:00 p.m. prior to the appeal deadline at the above address. (Appeal fees subject to change). Contact the Zoning Section of the Board of Supervisors for information: (213) 974-1426.

This is to appeal: (Check one)

_____ **The Denial of this request: $973.00***

X **The Approval of this request: $973.00***

***Except for Subdivision appeals: $130.00 of this appeal amount is allocated to the Board of Supervisors' Hearing**

Briefly, explain the reason for the appeal (attach additional information if necessary):

Please see Attachment A.

x

(Signed) **Appellant**

Craig M. Collins, Blum Collins LLP, Counsel for Golden State Env't'l Justice Alliance and Brendan Viley

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ATTACHMENT A
For Non-Applicant Appeal by Blum Collins, LLP
on behalf of Brendan Virey

May 1, 2020

Board of Supervisors
County of Los Angeles
c/o Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 W. Temple Street
Los Angeles, CA 90012
publichearing@bos.lacounty.gov

Via Email & U.S. Mail

Re: *Appeal of Regional Planning Commission's Approval of Mitigated Negative Declaration for Bridge Point South Bay II Project, Project No. R2017-004820-(2), CUP Case No. RPPL2017010467, Environmental Review Case No. RPPL2017010468*

Honorable Supervisors:

On behalf of Brendan Virey, this is to appeal the Regional Planning Commission's approval of a Mitigated Negative Declaration ("MND") and Conditional Use Permit ("CUP") for Project No. R2017-004820-(2), CUP Case No. RPPL2017010467, and Environmental Review Case No. RPPL2017010468, which is the application for developing a 203,877 square foot warehouse at the southeast corner of Torrance Boulevard and Normandie Avenue in unincorporated West Carson by Bridge Point South Bay II, LLC (hereafter, "the Project").

We have two principal concerns. The first is that the Project does not meet the standards for a CUP. The second is there is substantial evidence of a ***fair argument*** that the Project ***may*** have ***at least one*** significant impact on the environment under the California Environmental Quality Act ("CEQA"), such that the preparation, circulation, and approval of an MND was inappropriate. We therefore request that the Board of Supervisors deny the requested CUP and overrule the Regional Planning Commission's approval of the MND.

1

I. The Project Does Not Meet the Standards for a CUP

Los Angeles County Code ("LACC") section 2.22.090 provides that a property in an MPD Zone may be approved for any use permitted in Zone M-1.5 if the applicant seeks a CUP in advance, and establishes that "[t]he proposed development, including the specific industrial uses proposed, shall not be in conflict with the objectives of the General Plan," LACC §§ 22.22.090.A.2(a), 22.22.090.B.2, that it "proper[ly] integrat[es] with the surrounding community," LACC § 22.158.010, and that it "will not" "[a]dversely affect the health, peace, comfort, or welfare of persons residing . . . in the surrounding area," "[b]e materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site," or "[j]eopardize, endanger, or otherwise constitute a menace to public health, safety, or the general welfare." LACC § 22.158.050.B.2. 2

The proposed Project is ***not*** consistent with the County's General Plan, as the state Attorney General's Office clarified in its comments on the Project:

> Conflict with applicable land use plans, policies, or regulations, adopted to avoid or mitigate environmental effects, qualifies as an environmental impact under CEQA. Furthermore, whenever there is a fair argument of significant environmental impact, such as an inconsistency with a local land use plan, the lead agency should prepare an environmental impact report. The Project conflicts with several provisions of the Los Angeles County General Plan and Climate Action Plan. The County General Plan has several policies that require a buffer between incompatible land uses, including Policy N 1.11, Policy ED 2.2, and Policy LU 7.1. Yet, as planned, the Project will construct an industrial warehouse on a site located 15 feet from residential homes. CARB recommends a 300-meter (1,000-foot) buffer between sensitive receptor locations and sources of truck traffic emissions, like distribution centers. A more substantial buffer is necessary to mitigate many of the Project's impacts on the surrounding community and to comply with General Plan policies.

Comments of the Attorney General's Office, Jan. 27, 2020 (footnotes omitted). County staff did not establish that there was no conflict with the County's General Plan in their Response to Comments, and accordingly, the CUP should not have been approved. 3

Additionally, the Regional Planning Commission erred in concluding that the Project "integrat[es] with the surrounding community" as required for a CUP because, among other things, the Project seeks to operate 24 hours a day, seven days a week, which is contrary to the operational permits of all the surrounding businesses, and contrary to the interests of all the residents who surround the Project site on three sides. ***Leaving aside*** the "health" of the "persons residing . . . in the surrounding area," which we will address more fully in our discussion of the MND's lack of compliance with CEQA, the Project 4

conflicts with the residents' "comfort" and "welfare," ***and*** it will be "materially detrimental" to the residents' use, enjoyment, and property values, ***and*** it will be a menace to the general welfare.

4

II. There Is Substantial Evidence of a Fair Argument that the Project May Have at least One Significant Environmental Impact, Such that Circulation and Approval of an MND Was Inappropriate

As the Board no doubt knows, CEQA requires a lead agency to prepare an Environmental Impact Report ("EIR") "whenever it considers approval of a proposed project that '*may* have a *significant* effect on the environment.'" *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1601, *quoting* Pub. Resources Code § 21100. As you also know, CEQA requires the preparation of an EIR "***whenever*** it can be ***fairly argued*** on the basis of substantial evidence that the project ***may*** have significant environmental impact." *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75 (emphasis added); *see also Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal. 4th 1112, 1123. There is a fair argument that the present Project may have a significant impact on air quality, energy, greenhouse gases, hazards and hazardous materials, and traffic, and reliance on an MND is therefore not appropriate.

5

A. Air Quality

Threshold d. Would the Project expose sensitive receptors to substantial pollutant concentrations? The Project's initial Health Risk Assessment ("HRA") only included the operations phase and not the construction phase, it relied on the California Air Resources Board's ("CARB's") outdated EMFAC2014 model, and it assumed that trucks would constitute only 20% of the visits to the site, so there would be no more than 74 truck trips to the site on any day. The HRA was flawed for all three reasons.

In response to comments, County staff prepared a separate construction HRA. The construction HRA concluded that the incremental risk of cancer from the Project would be 3.8 in a million from construction ***alone***, at a single-family residence to the east of the site. To that risk, of course, County staff had to add the results of a proper operational HRA. Contrary to multiple public comments to the effect that Transport Refrigeration Units ("TRUs") had to be modeled in sufficient quantity in the absence of a condition clearly prohibiting TRUs from the site, and that the County had severely underestimated the number of trucks likely to visit the site, County staff had the developer's consultants drastically ***reduce*** projected risks, rather than ***increasing*** them based on the reasonable projections that (a) over 20% of the trucks visiting the site would have TRUs and (b) that forty percent of the daily visits to the site would be from trucks.

6

The Del Amo Action Committee (DAAC), made up of nearby residents already battling toxic pollution as a result of two Superfund sites in the area and the historic pollution of the area by Montrose Chemical Corporation, submitted substantial evidence of a fair argument to the Regional Planning Commission that there may be a significant impact

from substantial pollutant concentrations from diesel particulate matter ("DPM"). Specifically, they submitted comments from air quality experts Soil Water Air Protection Enterprise ("SWAPE"), who conducted a Health Risk Screening Assessment ("HRSA"), that under proper assumptions, the Project would lead to a 30-year incremental cancer risk of far greater than ten in a million, which is the South Coast Air Quality Management District's ("SCAQMD's") threshold for significance. In addition to being substantial evidence of a fair argument of a significant environmental impact, SWAPE's analysis demonstrates that the Project presents health risks to surrounding residents, and this is a basis for denying the necessary CUP. 6

Staff argued that there would be no significant impact in part based upon a condition of approval (Condition of Approval 29) that purports to limit truck trips to the 74 a day that the developer's consultant modeled. However, the Condition of Approval is entirely unenforceable, because County staff is unlikely to do anything about it. DAAC's traffic consultant Daniel T. Smith proposed that the County could make the Condition truly enforceable by providing video monitoring of the site to show how many trucks were actually coming and going, and making these monitors available on a website for the public. The Regional Planning Commission ignored this request. Impacts must be deemed significant in the absence of truly enforceable conditions that ***the public*** can rely upon. 7

Threshold b. Would the Project violate any air quality standard or contribute to an existing or projected air quality violation? In preparing a revised operational HRA to assess Toxic Air Contaminant risks from DPM, the County's consultant did use CARB's EMFAC2017 model, but the County did not have the consultant re-run the model to assess emissions of ***criteria*** pollutants for purposes of SCAQMD's regional or local thresholds, and again, it assumed that only 20% of the vehicles visiting the site would be trucks. If the analysis had been done correctly there may well have been a significant local or regional criteria pollutant impact – especially since there was a significant impact with respect to PM_{10} in the absence of additional dust mitigation even under the County's analysis. Again, there is substantial evidence of a fair argument that the Project ***may*** have a significant impact. 8

B. <u>Energy</u>

We pointed out to the Regional Planning Commission and County staff that the two questions the Draft MND asked to determine if energy impacts were significant were whether the Project will comply with the current Los Angeles County Green Building Standards Code, and whether the Project would involve the "inefficient" use of energy resources. Neither of these standards is sufficiently stringent to comply with CEQA. The CEQA Guidelines, Appendix F, call for the "*wise and efficient* use of energy," CEQA Guidelines, App. F, Section I, not simply avoiding wasteful and inefficient energy use, and compliance with building codes is simply insufficient to determine whether the Project is energy efficient under CEQA. Both *Cal. Clean Energy Comm. v. City of* 9

Woodland ("*CCEC*") (2014) 225 Cal. App. 4th 173, and *Ukiah Citizens for Safety First v. City of Ukiah* ("*Ukiah Citizens*") (2016) 248 Cal. App. 4th 256 require far more.

In response to our comment, County staff or their consultants wrote that:

> On page 88 of the Final MND, it is noted that the project will be required to comply with the 2019 California Building Energy Efficiency Standards, which are more stringent than the 2016 standards which applied at the time the Project application was submitted.

As we said to the Regional Planning Commission in our April 21 letter, it is our understanding that a project is subject to the building codes applicable when a project is ***approved***, so that the Project is in fact doing nothing more than relying on building codes to demonstrate compliance.

While it is true that the Project as revised in response to comments now includes solar panels, the Final MND was not revised to address proper thresholds of significance with respect to energy, and its analysis is insufficient to establish that there are no significant energy impacts.

9

C. Greenhouse Gas Emissions

As we and other commenters pointed out to the Regional Planning Commission, the MND fails to demonstrate compliance with the 2030 and 2050 goals for greenhouse gas (GHG) reduction, and as a result, and based on analysis that DAAC submitted from SWAPE, there is substantial evidence of a fair argument that the Project may have a significant impact.

As we wrote to the Regional Planning Commission, the MND improperly analyzed compliance with the County Climate Action Plan ("CCAP"), which had a horizon year of 2020, even though the Project won't be complete and operational until 2021 or 2022. Although staff wrote that "the strategies identified in the CCAP are not time based, they are action based," the point is that they do not call for the significant reductions required under SB 32 and Executive Order S-3-05. CARB was more than explicit in its 2017 Scoping Plan Update that a Climate Action Plan that is not up to date to reflect the goals of SB 32 and Executive Order S-3-05 does not at this time provide an adequate measure of compliance with CEQA's mandates relating to GHGs. The second stated basis is SCAQMD's supposed threshold of 3,000 $MTCO_2e$. As SWAPE pointed out, this threshold, which SCAQMD never adopted for projects other than its own, was only intended to meet the requirements of AB 32's 2020 goal, and not anything beyond that; also, the MND did not properly assess GHG emissions because it grossly underestimated the number of trucks that will visit the site.

10

Additionally, regarding the second GHG threshold, whether the Project will conflict with any plan to reduce GHGs, the MND should have analyzed compliance with the 2017 Scoping Plan Update, and the Project clearly doesn't measure up under that Update's

standards. We also incorporate the other points made in SWAPE's April 20 letter on behalf of DAAC. 10

D. <u>Hazards & Hazardous Materials</u>

We pointed out to staff on April 21 that the Project site had and has drainage across it from the former Montrose Chemical plant's manufacture of DDT, and that the eastern portion of the site is indeed considered a part of the Montrose Superfund Site for this reason. Although the former owner of the site, ECI, excavated ***some of*** the soils in the eastern area, and eventually disposed of them, the eastern area has ***not*** been subject to "extensive testing" as staff and the developer repeatedly promise. This was made apparent by page 748 of the PDF that was staff's Response to Comments document on the MND before the Regional Planning Commission. That map discloses the extent of the slough that is the likely area of contamination, and a couple of smaller areas of excavation which occurred within that larger area, marked both in red and with green outlining. While staff asserted in the Response to Comments document that "Post-excavation soil sampling in these areas have verified that clean import soil was used for backfill," other documents demonstrate that the soil was ***neither*** "clean" nor "imported." Specifically, the County's own Department of Public Health ("LACDPH") disclosed residual DDT in the shallow levels tested on the site, so the soil wasn't "clean," and Ardent Environmental's 2018 Human Health Risk Assessment ("HHRA") acknowledged that ECI used soils from ***other portions of the site***, so it wasn't "imported." By our count, before LACDPH achieved another 20, there were only 44 soil borings since 2010, and those were scattered all over the site, which also has other contamination issues besides DDT. 11

LACDPH expressed concern that the soils to be disturbed would go to 17 feet bgs, and even the developer has conceded that there is significant remaining contamination below 16 feet bgs. The residents in this area are at risk.

The Regional Planning Commission was apparently persuaded by staff and the developer's contentions that the Project will cover "most of the site (90 percent) with impervious surfaces (i.e., the warehouse building and parking and driveway areas) that would prevent stormwater infiltration into the contaminated soil layers." This is palpably false. The developer plans to place ***landscaping*** in the easternmost 22-25 linear feet from the site boundary. Staff and the developer asserted in the MND that this was OK because the landscape areas "would not be in a place where people would gather," but (a) there is simply no protection against truckers ***literally picnicking on top of a DDT-contaminated area***, (b) there is no basis for Ardent Environmental's "qualitative ecological assessment" concluding that biota would be unaffected, as birds and other wildlife do use trees, and (c) the developer concedes it is planning on ***grading*** this area before the landscaping goes in, so there will be a significant risk to the already significantly environmentally overburdened residents in this area.

The response to our comments from County staff assured the Regional Planning Commission that excavations will be "periodically" sprayed with water, and that trackout will be "immediately" cleaned with a street sweeper, although there is no mitigation measure to this effect, and although Rule 1466 requires the use of a ***vacuum***, not street sweeping equipment. There is overwhelming evidence of a fair argument that there ***may*** be a significant impact with respect to hazards and hazardous materials, and the Regional Planning Commission abused its discretion in concluding to the contrary. 11

E. <u>Transportation and Traffic</u>

Finally, regarding transportation and traffic, DAAC submitted the comments of Daniel T. Smith of Smith Engineering & Management to the effect that the Project has all the characteristics of a "high cube" warehouse, so traffic modeling was inadequate because it severely underestimated the daily number of truck trips to the site. Again, absent a true condition of approval limiting trucks on site to the 74 per day modeled, there is more than substantial evidence of a fair argument that a significant impact may occur based on his comments. 12

Additionally, as we commented at the hearing before the Regional Planning Commissioners, the MND concludes that mitigation imposed by another jurisdiction – Caltrans – will reduce a significant impact from the Project. It is inappropriate under CEQA to assume that traffic mitigations planned by other agencies will occur. Accordingly, there is more than substantial evidence of a fair argument that a significant impact may occur for this reason as well.

<u>Conclusion</u>

Please advise us of when the Board will be taking up this appeal, at collins@blumcollins.com and bentley@blumcollins.com. Thank you for your consideration.

Sincerely,

Hannah Bentley
Blum Collins LLP

Craig M. Collins Inc.
Operating Account
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Los Angeles, CA 90017
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Wells Fargo Bank, N.A.
707 Wilshire Blvd., 1st Floor
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16-24/1220
16-24/1220

000679

DATE 4/30/2020

PAY TO THE ORDER OF The Board of Supervisors $ **973.00

Nine Hundred Seventy-Three and 00/100********** DOLLARS

The Board of Supervisors
Hall of Administration, Rm 383
500 West Temple Street
Los Angeles, CA 90012

MEMO
Bridge Point II Appeal to Board Fee

AUTHORIZED SIGNATURE MP

Security Features Included Details on back.

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Craig M. Collins Inc. **000679**

The Board of Supervisors	4/30/2020	
Court Expenses		973.00
WF-9293	Bridge Point II Appeal to Board Fee	973.00

Craig M. Collins Inc. **000679**

The Board of Supervisors	4/30/2020	
Court Expenses		973.00
WF-9293	Bridge Point II Appeal to Board Fee	973.00

TO REORDER CALL 708-613-2452 OR VISIT www.carouselchecks.com.

NON-APPLICANT

Date May 1, 2020

Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

PROJECT NO./CUP NO.: Project No. R2017-004820-(2)
Conditional Use Permit Case No. RPPL2017010467
Environmental Review Case No. RPPL2017010468

APPLICANT: Bridge Point South Bay II, LLC

LOCATION: 20850 South Normandie Avenue, southeast corner of Normandie Avenue and Torrance Boulevard, in the unincorporated Los Angeles County community of West Carson, 90501

Zoned District: MPD

Related zoning matters:

CUP(s) or VARIANCE No. Conditional Use Permit Case No. RPPL2017010467

Change of Zone Case No.

Other

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X **The Approval of this request: $973.00***

***Except for Subdivision appeals: $130.00 of this appeal amount is allocated to the Board of Supervisors' Hearing**

Briefly, explain the reason for the appeal (attach additional information if necessary):

Please see Attachment A.

x

(Signed) **Appellant**

Craig M. Collins, Blum Collins LLP, Counsel for Golden State Env't'l Justice Alliance and Brendan Viley

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ATTACHMENT A
For Non-Applicant Appeal by Blum Collins, LLP
on behalf of Brendan Virey

May 1, 2020

Board of Supervisors
County of Los Angeles
c/o Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 W. Temple Street
Los Angeles, CA 90012
publichearing@bos.lacounty.gov

Via Email & U.S. Mail

Re: *Appeal of Regional Planning Commission's Approval of Mitigated Negative Declaration for Bridge Point South Bay II Project, Project No. R2017-004820-(2), CUP Case No. RPPL2017010467, Environmental Review Case No. RPPL2017010468*

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I. The Project Does Not Meet the Standards for a CUP

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The proposed Project is ***not*** consistent with the County's General Plan, as the state Attorney General's Office clarified in its comments on the Project:

> Conflict with applicable land use plans, policies, or regulations, adopted to avoid or mitigate environmental effects, qualifies as an environmental impact under CEQA. Furthermore, whenever there is a fair argument of significant environmental impact, such as an inconsistency with a local land use plan, the lead agency should prepare an environmental impact report. The Project conflicts with several provisions of the Los Angeles County General Plan and Climate Action Plan. The County General Plan has several policies that require a buffer between incompatible land uses, including Policy N 1.11, Policy ED 2.2, and Policy LU 7.1. Yet, as planned, the Project will construct an industrial warehouse on a site located 15 feet from residential homes. CARB recommends a 300-meter (1,000-foot) buffer between sensitive receptor locations and sources of truck traffic emissions, like distribution centers. A more substantial buffer is necessary to mitigate many of the Project's impacts on the surrounding community and to comply with General Plan policies.

Comments of the Attorney General's Office, Jan. 27, 2020 (footnotes omitted). County staff did not establish that there was no conflict with the County's General Plan in their Response to Comments, and accordingly, the CUP should not have been approved.

Additionally, the Regional Planning Commission erred in concluding that the Project "integrat[es] with the surrounding community" as required for a CUP because, among other things, the Project seeks to operate 24 hours a day, seven days a week, which is contrary to the operational permits of all the surrounding businesses, and contrary to the interests of all the residents who surround the Project site on three sides. ***Leaving aside*** the "health" of the "persons residing . . . in the surrounding area," which we will address more fully in our discussion of the MND's lack of compliance with CEQA, the Project

conflicts with the residents' "comfort" and "welfare," ***and*** it will be "materially detrimental" to the residents' use, enjoyment, and property values, ***and*** it will be a menace to the general welfare.

II. There Is Substantial Evidence of a Fair Argument that the Project May Have at least One Significant Environmental Impact, Such that Circulation and Approval of an MND Was Inappropriate

As the Board no doubt knows, CEQA requires a lead agency to prepare an Environmental Impact Report ("EIR") "whenever it considers approval of a proposed project that '*may* have a *significant* effect on the environment.'" *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1601, *quoting* Pub. Resources Code § 21100. As you also know, CEQA requires the preparation of an EIR "***whenever*** it can be ***fairly argued*** on the basis of substantial evidence that the project ***may*** have significant environmental impact." *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75 (emphasis added); *see also Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal. 4th 1112, 1123. There is a fair argument that the present Project may have a significant impact on air quality, energy, greenhouse gases, hazards and hazardous materials, and traffic, and reliance on an MND is therefore not appropriate.

A. Air Quality

Threshold d. Would the Project expose sensitive receptors to substantial pollutant concentrations? The Project's initial Health Risk Assessment ("HRA") only included the operations phase and not the construction phase, it relied on the California Air Resources Board's ("CARB's") outdated EMFAC2014 model, and it assumed that trucks would constitute only 20% of the visits to the site, so there would be no more than 74 truck trips to the site on any day. The HRA was flawed for all three reasons.

In response to comments, County staff prepared a separate construction HRA. The construction HRA concluded that the incremental risk of cancer from the Project would be 3.8 in a million from construction ***alone***, at a single-family residence to the east of the site. To that risk, of course, County staff had to add the results of a proper operational HRA. Contrary to multiple public comments to the effect that Transport Refrigeration Units ("TRUs") had to be modeled in sufficient quantity in the absence of a condition clearly prohibiting TRUs from the site, and that the County had severely underestimated the number of trucks likely to visit the site, County staff had the developer's consultants drastically ***reduce*** projected risks, rather than ***increasing*** them based on the reasonable projections that (a) over 20% of the trucks visiting the site would have TRUs and (b) that forty percent of the daily visits to the site would be from trucks.

The Del Amo Action Committee (DAAC), made up of nearby residents already battling toxic pollution as a result of two Superfund sites in the area and the historic pollution of the area by Montrose Chemical Corporation, submitted substantial evidence of a fair argument to the Regional Planning Commission that there may be a significant impact

from substantial pollutant concentrations from diesel particulate matter ("DPM"). Specifically, they submitted comments from air quality experts Soil Water Air Protection Enterprise ("SWAPE"), who conducted a Health Risk Screening Assessment ("HRSA"), that under proper assumptions, the Project would lead to a 30-year incremental cancer risk of far greater than ten in a million, which is the South Coast Air Quality Management District's ("SCAQMD's") threshold for significance. In addition to being substantial evidence of a fair argument of a significant environmental impact, SWAPE's analysis demonstrates that the Project presents health risks to surrounding residents, and this is a basis for denying the necessary CUP.

Staff argued that there would be no significant impact in part based upon a condition of approval (Condition of Approval 29) that purports to limit truck trips to the 74 a day that the developer's consultant modeled. However, the Condition of Approval is entirely unenforceable, because County staff is unlikely to do anything about it. DAAC's traffic consultant Daniel T. Smith proposed that the County could make the Condition truly enforceable by providing video monitoring of the site to show how many trucks were actually coming and going, and making these monitors available on a website for the public. The Regional Planning Commission ignored this request. Impacts must be deemed significant in the absence of truly enforceable conditions that ***the public*** can rely upon.

Threshold b. Would the Project violate any air quality standard or contribute to an existing or projected air quality violation? In preparing a revised operational HRA to assess Toxic Air Contaminant risks from DPM, the County's consultant did use CARB's EMFAC2017 model, but the County did not have the consultant re-run the model to assess emissions of ***criteria*** pollutants for purposes of SCAQMD's regional or local thresholds, and again, it assumed that only 20% of the vehicles visiting the site would be trucks. If the analysis had been done correctly there may well have been a significant local or regional criteria pollutant impact – especially since there was a significant impact with respect to PM_{10} in the absence of additional dust mitigation even under the County's analysis. Again, there is substantial evidence of a fair argument that the Project ***may*** have a significant impact.

B. <u>Energy</u>

We pointed out to the Regional Planning Commission and County staff that the two questions the Draft MND asked to determine if energy impacts were significant were whether the Project will comply with the current Los Angeles County Green Building Standards Code, and whether the Project would involve the "inefficient" use of energy resources. Neither of these standards is sufficiently stringent to comply with CEQA. The CEQA Guidelines, Appendix F, call for the "*wise and efficient* use of energy," CEQA Guidelines, App. F, Section I, not simply avoiding wasteful and inefficient energy use, and compliance with building codes is simply insufficient to determine whether the Project is energy efficient under CEQA. Both *Cal. Clean Energy Comm. v. City of*

Woodland ("*CCEC*") (2014) 225 Cal. App. 4th 173, and *Ukiah Citizens for Safety First v. City of Ukiah* ("*Ukiah Citizens*") (2016) 248 Cal. App. 4th 256 require far more.

In response to our comment, County staff or their consultants wrote that:

> On page 88 of the Final MND, it is noted that the project will be required to comply with the 2019 California Building Energy Efficiency Standards, which are more stringent than the 2016 standards which applied at the time the Project application was submitted.

As we said to the Regional Planning Commission in our April 21 letter, it is our understanding that a project is subject to the building codes applicable when a project is ***approved***, so that the Project is in fact doing nothing more than relying on building codes to demonstrate compliance.

While it is true that the Project as revised in response to comments now includes solar panels, the Final MND was not revised to address proper thresholds of significance with respect to energy, and its analysis is insufficient to establish that there are no significant energy impacts.

C. <u>Greenhouse Gas Emissions</u>

As we and other commenters pointed out to the Regional Planning Commission, the MND fails to demonstrate compliance with the 2030 and 2050 goals for greenhouse gas (GHG) reduction, and as a result, and based on analysis that DAAC submitted from SWAPE, there is substantial evidence of a fair argument that the Project may have a significant impact.

As we wrote to the Regional Planning Commission, the MND improperly analyzed compliance with the County Climate Action Plan ("CCAP"), which had a horizon year of 2020, even though the Project won't be complete and operational until 2021 or 2022. Although staff wrote that "the strategies identified in the CCAP are not time based, they are action based," the point is that they do not call for the significant reductions required under SB 32 and Executive Order S-3-05. CARB was more than explicit in its 2017 Scoping Plan Update that a Climate Action Plan that is not up to date to reflect the goals of SB 32 and Executive Order S-3-05 does not at this time provide an adequate measure of compliance with CEQA's mandates relating to GHGs. The second stated basis is SCAQMD's supposed threshold of 3,000 $MTCO_2e$. As SWAPE pointed out, this threshold, which SCAQMD never adopted for projects other than its own, was only intended to meet the requirements of AB 32's 2020 goal, and not anything beyond that; also, the MND did not properly assess GHG emissions because it grossly underestimated the number of trucks that will visit the site.

Additionally, regarding the second GHG threshold, whether the Project will conflict with any plan to reduce GHGs, the MND should have analyzed compliance with the 2017 Scoping Plan Update, and the Project clearly doesn't measure up under that Update's

standards. We also incorporate the other points made in SWAPE's April 20 letter on behalf of DAAC.

D. <u>Hazards & Hazardous Materials</u>

We pointed out to staff on April 21 that the Project site had and has drainage across it from the former Montrose Chemical plant's manufacture of DDT, and that the eastern portion of the site is indeed considered a part of the Montrose Superfund Site for this reason. Although the former owner of the site, ECI, excavated ***some of*** the soils in the eastern area, and eventually disposed of them, the eastern area has ***not*** been subject to "extensive testing" as staff and the developer repeatedly promise. This was made apparent by page 748 of the PDF that was staff's Response to Comments document on the MND before the Regional Planning Commission. That map discloses the extent of the slough that is the likely area of contamination, and a couple of smaller areas of excavation which occurred within that larger area, marked both in red and with green outlining. While staff asserted in the Response to Comments document that "Post-excavation soil sampling in these areas have verified that clean import soil was used for backfill," other documents demonstrate that the soil was ***neither*** "clean" nor "imported." Specifically, the County's own Department of Public Health ("LACDPH") disclosed residual DDT in the shallow levels tested on the site, so the soil wasn't "clean," and Ardent Environmental's 2018 Human Health Risk Assessment ("HHRA") acknowledged that ECI used soils from ***other portions of the site***, so it wasn't "imported." By our count, before LACDPH achieved another 20, there were only 44 soil borings since 2010, and those were scattered all over the site, which also has other contamination issues besides DDT.

LACDPH expressed concern that the soils to be disturbed would go to 17 feet bgs, and even the developer has conceded that there is significant remaining contamination below 16 feet bgs. The residents in this area are at risk.

The Regional Planning Commission was apparently persuaded by staff and the developer's contentions that the Project will cover "most of the site (90 percent) with impervious surfaces (i.e., the warehouse building and parking and driveway areas) that would prevent stormwater infiltration into the contaminated soil layers." This is palpably false. The developer plans to place ***landscaping*** in the easternmost 22-25 linear feet from the site boundary. Staff and the developer asserted in the MND that this was OK because the landscape areas "would not be in a place where people would gather," but (a) there is simply no protection against truckers ***literally picnicking on top of a DDT-contaminated area***, (b) there is no basis for Ardent Environmental's "qualitative ecological assessment" concluding that biota would be unaffected, as birds and other wildlife do use trees, and (c) the developer concedes it is planning on ***grading*** this area before the landscaping goes in, so there will be a significant risk to the already significantly environmentally overburdened residents in this area.

The response to our comments from County staff assured the Regional Planning Commission that excavations will be "periodically" sprayed with water, and that trackout will be "immediately" cleaned with a street sweeper, although there is no mitigation measure to this effect, and although Rule 1466 requires the use of a ***vacuum***, not street sweeping equipment. There is overwhelming evidence of a fair argument that there ***may*** be a significant impact with respect to hazards and hazardous materials, and the Regional Planning Commission abused its discretion in concluding to the contrary.

E. Transportation and Traffic

Finally, regarding transportation and traffic, DAAC submitted the comments of Daniel T. Smith of Smith Engineering & Management to the effect that the Project has all the characteristics of a "high cube" warehouse, so traffic modeling was inadequate because it severely underestimated the daily number of truck trips to the site. Again, absent a true condition of approval limiting trucks on site to the 74 per day modeled, there is more than substantial evidence of a fair argument that a significant impact may occur based on his comments.

Additionally, as we commented at the hearing before the Regional Planning Commissioners, the MND concludes that mitigation imposed by another jurisdiction – Caltrans – will reduce a significant impact from the Project. It is inappropriate under CEQA to assume that traffic mitigations planned by other agencies will occur. Accordingly, there is more than substantial evidence of a fair argument that a significant impact may occur for this reason as well.

Conclusion

Please advise us of when the Board will be taking up this appeal, at collins@blumcollins.com and bentley@blumcollins.com. Thank you for your consideration.

Sincerely,

Hannah Bentley
Blum Collins LLP