



# MEMORANDUM

To: Betty Donovanik, Senior Planner

From: Tracy Zinn, Principal

Re: **GOODMAN LOGISTICS CENTER - RESPONSE TO EIR ADDENDUM COMMENTS**

Date: June 13, 2018

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As the California Environmental Quality Act (CEQA) consultant for the Goodman Logistics Center project, you asked that I supply responses to two (2) e-mails received by the City of El Monte related to the EIR Addendum. Although CEQA does not require that written responses be prepared to comments on EIR Addenda, responses are nonetheless provided to supplement the project's administrative record. Copies of the two e-mails are attached to this memorandum, and responses to the substantive comments are provided below.

**South Coast Air Quality Management District (SCAQMD)**  
**E-mail dated June 6, 2018; from: Lijin Sun, Program Supervisor**

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Summary of Comments: The SCAQMD's e-mail acknowledged the proposed project, the EIR Addendum, and the City's General Plan EIR. The e-mail also acknowledged the SCAQMD's adopted 2016 Air Quality Management Plan (AQMP), which sets goals to reduce nitrogen oxide (NOx) emissions in the South Coast Air Basin, within which the City of El Monte is located. The SCAQMD expressed an interest in the project's air quality analysis and mitigation measures pertaining to NOx emissions. The e-mail provided no detailed comments on the project's technical air quality analysis or the content of the EIR Addendum. The email states that SCAQMD staff should be consulted and afforded the adequate opportunity to weigh in on the technical adequacy and mitigation measures.

Conclusion: No revisions to the EIR Addendum are warranted as a result of the SCAQMD's e-mail.

Detailed Response: The EIR Addendum clearly acknowledges the SCAQMD's 2016 AQMP as the primary regional planning document pertaining to air quality (EIR Addendum pp. 3-11 and 5-8, 5-9, and 5-10). In order to evaluate the Goodman Logistics Center project's air quality emissions, an Air Quality Impact Analysis (AQIA) was prepared and is included as *Technical Appendix A* of the EIR Addendum.

Pertaining to the SCAQMD's interest in NOx emission reductions, the EIR Addendum explains that NOx emissions will occur from the project's construction and operation and that the project's operational NOx emissions would exceed the SCAQMD's daily significance thresholds. The City's General Plan EIR made the same significance conclusion regarding NOx emissions. A large majority of the project's NOx emissions result from mobile source (vehicle tailpipe) emissions. The control of tailpipe emissions is heavily regulated by the federal and State





government through requirements placed on auto makers, fuel producers and dispensers, and the operators of heavy-duty commercial vehicles. CEQA requires that mitigation measures applied to a project be within the jurisdictional authority of the CEQA lead agency, and the City of El Monte has no jurisdictional authority to control the types of vehicles permitted to travel on public roads to and from the project site. To minimize the project's NOx emissions from project-related activities that *are* within the City of El Monte's ability to control and enforce, the EIR Addendum recommends the following be applied to the project as conditions of approval:

Project Construction

COA 5.3-2: Prior to the issuance of grading permits and building permits, the developer shall submit a signed letter from the construction contractor(s) to the City of El Monte agreeing that all construction equipment used on the Project site over 150 horsepower will be rated by the United States Environmental Protection Agency as having Tier 3 or higher exhaust emission limits. Construction contractors shall permit periodic inspection of the construction site by City of El Monte staff or its designee to confirm compliance. Also, this requirement shall be specified in bid documents issued to prospective construction contractors.

COA 5.3-3: As a condition of building permits, on-site electrical power shall be made available to the construction contractor(s) to encourage the use of electric-powered construction equipment.

COA 5.3-4: Prior to the issuance of grading permits and building permits, the developer shall submit a signed letter from the construction contractor(s) to the City of El Monte verifying that all construction equipment engines to be used on the Project site are properly serviced and maintained per manufacturer's standards and have been tuned-up in the past 6 months. Construction contractors shall permit periodic inspection of the construction site by City of El Monte staff or its designee to confirm compliance.

COA 5.3-5: As conditions of grading permits and building permits, construction contractors shall be required to post signs on the site that instruct construction equipment operators to turn off equipment when not in use and limit idling to a maximum of 5 consecutive minutes. Construction contractors shall be required to permit periodic inspection of the construction site by City of El Monte staff or its designee to confirm compliance.

COA 5.3-7: As conditions of grading permits and building permits, simultaneous soil disturbance shall be limited to a maximum of 5 acres per day. Construction and demolition contractors shall be required to ensure compliance and permit periodic inspection of the construction site by City of El Monte staff or its designee to confirm compliance. Also, this requirement shall be specified in bid documents issued to prospective construction contractors.



Project Operation

COA 5.3-8: As a condition of building occupancy permits, signs shall be required to be posted in all loading dock and delivery areas that state the following: “Turn off all diesel engines when not in use. Trucks shall not idle for more than five (5) five minutes. Report violations to [telephone numbers shall be listed for the building facilities manager and the California Air Resources Board to report violations].

COA 5.3-9: As a condition of building occupancy permit issuance, there shall be a provision stated in building lease and sale agreements that yard trucks shall not be fueled with diesel. Verification of the provision shall be provided to the City of El Monte or its designee to confirm inclusion. The building owner and occupant shall allow periodic inspection of the site by the City of El Monte or its designee to confirm compliance.

**California Air Resources Board (CARB)**

**E-mail dated June 5, 2018; from: Robbie Morris, MSPH**

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Summary of Comments: The CARB’s e-mail acknowledged the proposed project, the EIR Addendum, and the City’s General Plan EIR. The e-mail also acknowledged the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017) and stated that disadvantaged communities near the project site have high air pollution exposure burdens. Thus, CARB urged the City of El Monte to apply viable mitigation measures to the project. CARB attached a comment letter it submitted to the City of Perris in February 2017 in response to a Notice of Preparation issued by the City of Perris for a warehouse project unrelated to the Goodman Logistics Center. CARB suggested that the City of El Monte consider CARB’s suggestions on the City of Perris project as possible mitigation measures for the Goodman Logistics Center.

Conclusion: No revisions to the EIR Addendum are warranted as a result of the CARB’s e-mail.

Detailed Response: T&B Planning evaluated CARB’s suggestions for the 2017 City of Perris warehouse project for applicability to the Goodman Logistics Center project and determined that many of the suggestions are either mandated by regulatory requirements, are already recommended as conditions of approval, or are inapplicable. A summary follows:

- Suggestion to incorporate zero- and near-zero-emission technologies.

The EIR Addendum already recommends the following be applied to the project as conditions of approval to support the use of zero- and near-zero technologies:

COA 5.3-9: As a condition of building occupancy permit issuance, there shall be a provision stated in building lease and sale agreements that yard trucks shall not be fueled with diesel. Verification of the provision shall be provided to the City of El Monte or its designee to confirm inclusion. The building owner and occupant shall allow periodic inspection of the site by the City of El Monte or its designee to confirm compliance.

COA 5.7-4: As a condition of building permits, at least 15% of the building's roof is required to be solar ready, and passenger car electric vehicle (EV) charging stations shall be installed, consistent with CBSC requirements. [Use of solar energy and encouragement of EV use reduces GHG emissions associated with fossil fuel consumption.]

COA 5.7-7: Construction plans shall show adequate electrical capacity in the buildings to accommodate the future installation of EV charging facilities where most appropriately located on the Project site.

COA 5.7-8: As a condition of building permits, outdoor electrical outlets shall be installed on buildings to support the use of electric lawn and garden equipment, and other tools that would otherwise be run with small gas engines or portable generators. [Use of electric-powered equipment reduces GHG emissions from the use of combustion engines.]

- *Suggestion to plan infrastructure to support zero- and near-zero-emission technology vehicles.*  
The EIR Addendum already recommends the following be applied to the project as a condition of approval to support the use of zero- and near-zero-emission vehicles:

COA 5.7-4: As a condition of building permits, at least 15% of the building's roof is required to be solar ready, and passenger car electric vehicle (EV) charging stations shall be installed, consistent with CBSC requirements. [Use of solar energy and encouragement of EV use reduces GHG emissions associated with fossil fuel consumption.]

COA 5.7-7: Construction plans shall show adequate electrical capacity in the buildings to accommodate the future installation of EV charging facilities where most appropriately located on the Project site.

COA 5.7-8: As a condition of building permits, outdoor electrical outlets shall be installed on buildings to support the use of electric lawn and garden equipment, and other tools that would otherwise be run with small gas engines or portable generators. [Use of electric-powered equipment reduces GHG emissions from the use of combustion engines.]

- *Suggestion to implement and plan sufficient plug-in capabilities for transport refrigeration units.*  
The EIR Addendum already recommends the following be applied to the project, which will apply to plug-in capabilities for refrigerated tractor trailers:

COA 5.7-7: Construction plans shall show adequate electrical capacity in the buildings to accommodate the future installation of EV charging facilities where most appropriately located on the Project site.

COA 5.7-8: As a condition of building permits, outdoor electrical outlets shall be installed on buildings to support the use of electric lawn and garden equipment, and other tools that would otherwise be run

with small gas engines or portable generators. [Use of electric-powered equipment reduces GHG emissions from the use of combustion engines.]

- *Suggestion to ensure the use of the cleanest possible construction practices and equipment.*  
The EIR Addendum already recommends the following be applied to the project as conditions of approval to ensure clean construction practices:

COA 5.3-1: As a condition of grading permits and building permits, the developer shall prepare, submit for review, and obtain approval from the City of El Monte of a dust control plan in accordance with SCAQMD Rule 403 and Rule 1186. Construction contractors shall be required to ensure compliance with the dust control plan and permit periodic inspection of the construction site by City of El Monte staff or its designee to confirm compliance. Also, the requirement to comply with the dust control plan shall be specified in bid documents issued to prospective construction contractors.

COA 5.3-2: Prior to the issuance of grading permits and building permits, the developer shall submit a signed letter from the construction contractor(s) to the City of El Monte agreeing that all construction equipment used on the Project site over 150 horsepower will be rated by the United States Environmental Protection Agency as having Tier 3 or higher exhaust emission limits. Construction contractors shall permit periodic inspection of the construction site by City of El Monte staff or its designee to confirm compliance. Also, this requirement shall be specified in bid documents issued to prospective construction contractors.

COA 5.3-3: As a condition of building permits, on-site electrical power shall be made available to the construction contractor(s) to encourage the use of electric-powered construction equipment.

COA 5.3-4: Prior to the issuance of grading permits and building permits, the developer shall submit a signed letter from the construction contractor(s) to the City of El Monte verifying that all construction equipment engines to be used on the Project site engines are properly serviced and maintained per manufacturer's standards and have been tuned-up in the past 6 months. Construction contractors shall permit periodic inspection of the construction site by City of El Monte staff or its designee to confirm compliance.

COA 5.3-5: As conditions of grading permits and building permits, construction contractors shall be required to post signs on the site that instruct construction equipment operators to turn off equipment when not in use and limit idling to a maximum of 5 consecutive minutes. Construction contractors shall be required to permit periodic inspection of the construction site by City of El Monte staff or its designee to confirm compliance.

COA 5.3-6: As a condition of building permits, paint products must comply with the VOC requirements specified in SCAQMD Rule 1113. Construction contractors shall be required to ensure compliance and permit periodic inspection of the construction site by City of El Monte staff or its designee to confirm

compliance. Also, this requirement shall be specified in bid documents issued to prospective construction contractors.

- *Suggestion to require trucks to meet or exceed 2010 emission standards and support the deployment of zero- and near-zero-emission technologies.*

CARB's Truck and Bus Regulation will require that diesel trucks and buses operating in California with a gross vehicle weight rating (GVWR) of 14,001+lbs meet particulate matter (PM) filter requirements and upgrade to 2010 model year (MY) or newer engines by January 1, 2023. The EIR Addendum already recommends the following be applied to the project as conditions of approval to support zero- and near-zero-emission technologies:

COA 5.3-9: As a condition of building occupancy permit issuance, there shall be a provision stated in building lease and sale agreements that yard trucks shall not be fueled with diesel. Verification of the provision shall be provided to the City of El Monte or its designee to confirm inclusion. The building owner and occupant shall allow periodic inspection of the site by the City of El Monte or its designee to confirm compliance.

COA 5.7-4: As a condition of building permits, at least 15% of the building's roof is required to be solar ready, and passenger car electric vehicle (EV) charging stations shall be installed, consistent with CBSC requirements. [Use of solar energy and encouragement of EV use reduces GHG emissions associated with fossil fuel consumption.]

COA 5.7-7: Construction plans shall show adequate electrical capacity in the buildings to accommodate the future installation of EV charging facilities where most appropriately located on the Project site.

- *Suggestion to add provisions in building leases pertaining to compliance with State air quality laws.*  
Building users will be bound to comply with applicable State laws and other regulatory requirements pertaining to air quality. As such, requiring mandatory compliance with State laws in building leases is not warranted.
- *Suggestion to add provisions in building leases pertaining to use of future clean technologies as they become available and feasible.*  
Building users will be bound to comply with applicable State laws and other regulatory requirements pertaining to clean technologies. As such, requiring mandatory compliance with State laws in building leases is not warranted. The City of El Monte has no ability or legal authority to be party to, or a governing authority over, the provisions of private lease agreements between the building owner and building occupant.
- *Request for revisions to a City of Perris project's air quality analysis and health risk assessment report.*  
An Air Quality Impact Analysis (AQIA) and a Health Risk Assessment (HRA) report were prepared for the Goodman Logistics Center project and are included as *Technical Appendices A and B* of the EIR

Addendum, respectively. The CARB's general comments on the City of Perris project were addressed appropriately as part of *Technical Appendices A and B*. The CalEEMod was used, the OEHHA guidance was applied, and the project site's existing and proposed conditions were assessed. Refer to EIR Addendum pp. 5-8 through 5-34.

- *Request to coordinate with the community on truck routes.*

This comment specifically relates to the City of Perris project. A Traffic Impact Analysis (TIA) was prepared for the Goodman Logistics Center project and is included as *Technical Appendix I* of the EIR Addendum. City staff worked with the project's traffic consultant to determine the most likely distribution pattern for the Project's passenger vehicles and trucks, taking designated truck routes into consideration. It was determined based on trip length, number of traffic signals, and other factors, that 80% of the project's traffic is likely to use Baldwin Avenue south of Lower Azusa Road, 10% is likely to use Lower Azusa Road east toward I-605, 5% is likely to use Baldwin Avenue north of Lower Azusa Road, and 5% is likely to use Lower Azusa Road west of the project site.

- *Request to consider the California Sustainable Freight Action Plan.*

The California Sustainable Freight Action Plan is the result of Governor Brown's 2015 Executive Order B-32-15, which provides a vision for California's transition to a more efficient, more economically competitive, and less polluting freight transport system. CARB was directed to develop a plan to achieve these goals. As of March 2018, the CARB had developed potential concepts to reduce emissions from large freight facilities, but no rules, requirements, or policies are yet in place. Listed above in this memorandum are several conditions of approval that the EIR Addendum recommends be placed on the project to reduce its air pollutant emissions. The project's construction and operational activities also will be bound by law to comply with all applicable federal and State requirements and SCAQMD Rules pertaining to air pollutant emission reductions.

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**Subject:** FW: Goodman Logistics Project - City of El Monte LETTER FROM SCAQMD  
**Attachments:** Goodman Logistics Center in the City of El Monte  
**Importance:** High

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From: Lijin Sun <LSun@aqmd.gov>  
Sent: Thursday, June 7, 2018 1:41 PM  
To: Paula Kelly  
Cc: Michael Krause  
Subject: RE: Goodman Logistics Project - City of El Monte

Hi Paula,

Please accept the attached e-mail, dated June 6, 2018, as SCAQMD staff's comments on the Addendum to the City of El Monte General Plan and Zone Code Update Environmental Impact Report for the Goodman Logistics Project.

Thank you,  
Lijin Sun, J.D.  
Program Supervisor, CEQA IGR  
South Coast Air Quality Management District  
21865 Copley Drive, Diamond Bar, CA 91765  
Direct: (909) 396-3308  
Fax: (909) 396-3324  
Please note that the SCAQMD is closed on Mondays.

From: Lijin Sun <LSun@aqmd.gov>  
Sent: Wednesday, June 06, 2018 9:00 AM  
To: bdonavanik@elmonteca.gov  
Cc: Planning@elmonteca.gov; Michael Krause <MKrause@aqmd.gov>  
Subject: Goodman Logistics Center in the City of El Monte

Ms. Donavanik,

SCAQMD staff received the Addendum to the Final EIR for the Goodman Logistics Center (Proposed Project). The Proposed Project will, among other things, demolish all onsite structures totaling 1.3 million square feet and build two industrial buildings with a total floor area of 1.2 million square feet. Although the Lead Agency found that the Proposed Project's operational NOx emissions would exceed SCAQMD air quality CEQA significance threshold, this was not a new or more severe impact that had not been adequately addressed in the Final EIR. The Final EIR was previously certified in 2008. The City of El Monte (City) Planning Commission will consider the Proposed Project on June 14, 2018, at 7 p.m.

As you may know, the 2016 Air Quality Management Plan (AQMP), which was approved in 2017, is a regional blueprint for air quality. The 2016 AQMP states that the most significant air quality challenge in the South Coast Air Basin is to achieve an additional 45 percent reduction NOx emissions in 2023 and an additional 55 percent NOx reduction beyond 2031 levels for ozone attainment. To achieve NOx emissions reductions in a timely manner is critical to attaining the National Ambient Air Quality Standard for ozone before the 2023 and 2031 deadlines. Since the Proposed Project contributes to the Basin's NOx emissions during operation, the SCAQMD is interested in the Project and the associated air quality analysis and mitigation measures.

Notwithstanding the general CEQA requirement that an addendum need not be circulated for public review, SCAQMD staff recognizes that the City, as the CEQA Lead Agency, has the discretion and responsibility to determine the appropriate CEQA document for the Proposed Project. The SCAQMD is a CEQA commenting agency with expertise in air quality and health risk analyses. SCAQMD staff reviews and may comment on the technical adequacy of the air quality analysis and health risk assessment, as well as recommend mitigation measures, as appropriate (CEQA Guidelines Section 15209). Our goal is to ensure that project's emissions and health risk impacts are adequately and sufficiently evaluated, disclosed, and mitigated to the maximum extent feasible. Here, since the Addendum to the Final EIR for the Proposed Project included two new air quality analysis components (e.g., a localized air quality analysis and a health risk analysis), SCAQMD staff should be consulted and afforded the adequate opportunity to weigh in on the technical adequacy and mitigation measures.

If you have any questions about this e-mail, please contact me.

Thank you,

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765

Direct: (909) 396-3308

Fax: (909) 396-3324

Please note that the SCAQMD is closed on Mondays.

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**Subject:** FW: Addendum to the City of El Monte General Plan (Addendum) And Zoning Code Update Final Environmental Impact Report (EIR)  
**Attachments:** City of Perris - Duke Warehouse Proposed Project NOP.pdf

**From:** Morris, Robbie@ARB [<mailto:robbie.morris@arb.ca.gov>]

**Sent:** Tuesday, June 12, 2018 6:54 AM

**To:** Betty Donavanik

**Subject:** Addendum to the City of El Monte General Plan (Addendum) And Zoning Code Update Final Environmental Impact Report (EIR)

Good day.

Thank you for the opportunity to comment on the Addendum to the City of El Monte General Plan (Addendum) And Zoning Code Update Final Environmental Impact Report (EIR) for the Goodman Logistics Center (Proposed Project). The Proposed Project includes demolition of all onsite structures and construction and operations of two warehouse industrial buildings totaling 1.2 million square feet.

Based on results of the air quality analysis, the City of El Monte found that the Proposed Project's air quality operational (NOx) and construction impacts will remain significant and unavoidable; however these impacts are not new or more severe than concluded in the 2011 EIR. Even where impacts will remain significant and unavoidable after mitigation, CEQA nevertheless requires that all feasible mitigation measures be incorporated (see Cal. Pub. Resources Code § 21081; 14 CCR § 15126.2(b)).

Furthermore, the State of California has recently placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those near the Proposed Project. The Proposed Project is located in a designated disadvantaged community, as defined by the California Environmental Protection Agency (CalEPA). CalEPA defines a disadvantaged community as a community that scores within the top 25 percent of all census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen).

Therefore, CARB urges the Lead Agency to ensure that the community is not adversely impacted by the Proposed Project by incorporating viable mitigation, as outlined in our attached comments on the proposed Duke Warehouse Project in Perris, California (Elizabeth Yura to Nathan Perez, February 24, 2017, see sections titled "Project Design Features and Mitigation Measures" and "Other Recommendations").

Sincerely,

Robbie Morris, MSPH  
California Air Resources Board  
Risk Reduction Branch  
Transportation and Toxics Division



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# Air Resources Board



**Matthew Rodriguez**  
Secretary for  
Environmental Protection

**Mary D. Nichols, Chair**  
1001 I Street • P.O. Box 2815  
Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)

**Edmund G. Brown Jr.**  
Governor

February 24, 2017

Mr. Nathan Perez  
Associate Planner  
Planning Division  
135 North "D" Street  
Perris, California 92570

Dear Mr. Perez:

Thank you for providing the Air Resources Board (ARB) the opportunity to comment on the Notice of Preparation (NOP) for the Duke Warehouse at Southwest Corner of Indian Avenue and Markham Street (Project) Draft Environmental Impact Report (DEIR). The proposed Project consists of constructing a 668,681 square foot warehouse building and associated infrastructure on a 31-acre site.

The Project site is currently vacant land, surrounded by primarily, mixed use, commercial and industrial businesses, undeveloped agricultural land and public roads. The NOP indicates that the proposed Project is being constructed as speculative, meaning the developer will find an operator for the warehouse after the Project is entitled. Features of the proposed Project include 271 employee/visitor parking stalls, 162 truck stalls, and 104 truck docks.

Should the results of the DEIR analysis find an increase in health risk in the immediate area, the proposed Project should utilize all existing and emerging zero-emission technology and implement land use decisions that minimize diesel particulate matter (PM) exposure to the neighboring community. The final Project conditions should provide for the use of those technologies now and in the future. This will serve to better protect the health of nearby residents from the harmful effects of fine particle pollution, including diesel PM, and help achieve emission reductions required to attain air quality standards for all pollutants and reduce greenhouse gases.

Additionally, a full health risk assessment should be conducted and the air quality and health risk assessment should use both the existing conditions baseline and a future conditions baseline.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

Furthermore, the DEIR should include an analysis of the significant cumulative impacts of the proposed Project for both operational and construction air quality impacts (California Environmental Quality Act (CEQA) Guidelines, Section 15130). Cumulative impact is referred to as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts” (CEQA Guidelines Section 15355).

### **Project Design Features and Mitigation Measures**

If the results of the DEIR analysis find an increase in health risk, the majority of the potential localized cancer risk for the proposed Project will likely be attributable to an increase in diesel PM from the construction and long-term operation of the facility. Consequently, ARB staff recommends actions to support the deployment of zero and near-zero emission technology to reduce localized health risk and regional emissions. If the analysis shows significant health or air quality impacts, the following project design features should be included and/or further developed as a mitigation measure:

- 1) Incorporate zero and near-zero emission technologies that are commercially available now and in the future. Support the deployment of zero emission technologies including zero emission (such as battery electric or fuel cell electric) forklifts, battery electric and hybrid electric medium-duty trucks to the fullest extent feasible. These technologies are commercially available today. Additional advancements, especially for on-road trucks, are expected in the next three to five years. ARB’s Technology and Fuels Assessments provide information on the current and projected development of mobile source technologies and fuels, including current and anticipated costs at widespread deployment. The assessments can be found at <http://www.arb.ca.gov/msprog/tech/tech.htm>.
- 2) Implement, and plan accordingly for, the necessary infrastructure to support the zero emission and near-zero emission technology vehicles and equipment that will be operating onsite. This includes physical (e.g. needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
- 3) Given that the future tenant is unknown, implement and plan accordingly to provide sufficient plug-in capabilities for transport refrigeration units (TRUs) to eliminate the amount of time that a transport refrigeration system powered by a fossil-fueled internal combustion engine can operate at the Project site. Use of zero emission all-electric plug-in transport refrigeration systems, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration is encouraged.

ARB's Technology Assessment for Transport Refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at [https://www.arb.ca.gov/msprog/tech/techreport/tru\\_07292015.pdf](https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf).

- 4) Ensure the cleanest possible construction practices and equipment is utilized. For off-road construction equipment, utilize those that meet Tier 4 emission standards where possible and Tier 3, at a minimum. Other practices include eliminating idling of diesel-powered equipment, requiring the use of zero and near-zero emission equipment and tools, and providing the necessary infrastructure (e.g. electric hookups), to support that equipment. In addition, require that all construction fleets be in compliance with all current air quality regulations. ARB staff is available to provide assistance in implementing this recommendation.
- 5) Require that all medium-heavy and heavy-heavy duty trucks, including any alternative fuel vehicles, meet or exceed the 2010 emission standards. Support the deployment of zero and near-zero technologies including utilizing zero emission (such as battery electric or fuel cell electric) forklifts and battery electric and hybrid electric medium-duty trucks to the fullest extent feasible. ARB's Technology and Fuels Assessments provide information on the current and projected development of mobile source technologies and fuels, including current and anticipated costs at widespread deployment. The assessments can be found at <http://www.arb.ca.gov/msprog/tech/tech.htm>.
- 6) Consider including contractual language in tenant lease agreements that includes tenants be in and monitor compliance with all current air quality regulations for on-road trucks including ARB's Heavy-Duty Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation. ARB staff is available to provide assistance in implementing this recommendation.
- 7) Consider including contractual language in tenant lease agreements that require future tenants use cleaner technologies over time as they become available and feasible. This can be accomplished by requiring tenants to develop an annual Technology Review Program to identify any new emissions-reduction technologies that may reduce emissions at warehouse distribution centers, including the feasibility of zero and near-zero emissions technologies for heavy-duty trucks, yard equipment, forklift, and pallet jacks. If the technology review demonstrates the new technology will be effective in reducing emissions and the City of Perris (City) determines that installation or use of the technology

is feasible, the tenant shall implement such technology within 12 months of the City's determination.

### **Air Quality Analysis and Health Risk Assessment**

A health risk assessment (HRA), dated January 2017, is currently available for public review. This HRA should be revised to include the following:

- 1) Evaluate proposed Project criteria air pollutant and greenhouse gas emissions using the California Emission Estimator Model (CalEEMod). The most recent version of CalEEMod is available at [www.caleemod.com](http://www.caleemod.com).
- 2) The health risk assessment should utilize the most current Office of Environmental Health Hazard Assessment guidance for that assessment, which is presently the 2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments available at [http://oehha.ca.gov/air/hot\\_spots/hotspots2015.html](http://oehha.ca.gov/air/hot_spots/hotspots2015.html).
- 3) Include a health risk and air quality analysis utilizing both the existing conditions baseline (current conditions) and a future conditions baseline (full build out year, without the Project). This analysis will be useful to the public in understanding the full impacts of the Project. It is important to ensure that the public has a complete understanding of the environmental impacts of the proposed Project, as compared to both existing conditions and future conditions.
- 4) Table 3 in the HRA used an average daily truck traffic (ADT) rate for the proposed Project of 230 ADTs. ARB concurs with the South Coast Air Quality Management District (SCAQMD) that the ADT should be based on daily vehicle trips of 1.68 and 0.64 daily truck trips per 1,000 square feet of warehouse space. Therefore, revise Table 3 utilizing this formula.

### **Other Recommendations**

- 1) Although the proposed Project includes use of a truck route approved under the 2012 Perris Valley Commerce Center Specific Plan, ARB recommends additional coordination with the existing local community while considering truck traffic impacts and circulation that will result from the proposed Project.
- 2) Develop and consider a project design that incorporates applicable guiding principles, as well as potential criteria in evaluating projects proposed by State or local agencies, as outlined in the California Sustainable Freight Action Plan

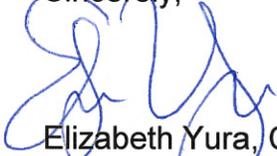
Mr. Nathan Perez  
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(Action Plan). The Action Plan can be found at <http://www.dot.ca.gov/casustainablefreight/theplan.html>. ARB staff is available to assist in implementing this recommendation.

ARB staff appreciates the opportunity to comment on the NOP for the proposed Project and is able to provide assistance for successful implementation and deployment of a state-of-the-art facility that serves the region's distribution and air quality needs, while protecting public health.

Please include ARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. If you have questions, please contact Robbie Morris, Air Pollution Specialist, at (916) 322-0006 or via email at [Robbie.Morris@arb.ca.gov](mailto:Robbie.Morris@arb.ca.gov).

Sincerely,



Elizabeth Yura, Chief  
Emission Assessment Branch  
Transportation and Toxics Division

cc: See next page.

Mr. Nathan Perez  
February 24, 2017  
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cc: State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

Dr. Jillian Wong  
Planning and Rules Manager  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, California 91765

Connell Dunning  
Transportation Team Supervisor  
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MEMORANDUM

To: Betty Donovanik, Senior Planner

From: Tracy Zinn, Principal

Re: **GOODMAN LOGISTICS CENTER - RESPONSE TO TEMPLE CITY COMMENTS**

Date: June 22, 2018

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As the California Environmental Quality Act (CEQA) consultant for the Goodman Logistics Center project, you asked that I supply responses to comments submitted by Temple City’s Community Development Department on the project’s Traffic Impact Analysis (TIA) and EIR Addendum. Although CEQA does not require that written responses be prepared to comments on EIR Addenda, responses are nonetheless provided to supplement the project’s administrative record. A copy of Temple City’s comment letter is attached to this memorandum. Responses to the substantive comments are provided below; these responses were prepared in collaboration with City of El Monte staff and the TIA report author Urban Crossroads, Inc.

**Temple City Community Development Department**  
**Letter dated June 11, 2018 from: Michael D. Forbes, Community Development Director**

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Summary of Comments: Temple City staff asked for three conditions of approval to be placed on the project and supplied 12 comments on the project’s TIA, which is *Technical Appendix I* to the EIR Addendum. A detailed response to each request and comment is provided below.

Conclusion: No revisions to the EIR Addendum are warranted as a result of Temple City’s letter. Several non-substantive revisions to the TIA were warranted, and updated pages of the TIA are attached to this memorandum. None of the TIA’s conclusions changed.

Detailed Response: A summary of Temple City’s requests and comments are listed below followed by a response. Refer to Temple City’s comment letter attached to this memorandum for a full account of their requests and comments. The below responses address Temple City’s “Attachment A” comments first followed by responses to the three requests contained in the cover letter.

Attachment A Comments

- 1. Suggestion to prepare an addendum to the TIA if the building user(s) generates more traffic than a high-cube warehouse.  
This item is addressed by Condition of Approval #7 (see Planning Commission Resolution No. 3508).
- 2. Suggestion to prepare a new circulation plan if the building(s) are divided for multiple users.



This item is addressed by Condition of Approval #7 (see Planning Commission Resolution No. 3508).

- 3. Request to check calculations related to TIA Exhibits 4-3, 4-4, 4-5, and 4-6.

The exhibits were checked and are correct. Although not shown on the exhibits, the inbound trips from the freeway cannot travel the same route they went outbound because the freeway interchange configurations do not allow the same outbound/inbound trip distributions. For example, TIA Exhibit 4-1 shows 20% going westbound (out) on the I-10 Freeway via Temple City Boulevard. However, there is no off-ramp for these return trips to exit at the same interchange, so they exit and utilize the Baldwin interchange. The same methodology applies to the eastbound trips on the I-10 Freeway – outbound trips are shown to use Baldwin Avenue, while inbound trips are shown to use Santa Anita.
- 4. Request to direct project traffic away from Arden Drive in Temple City and other residential streets.

The project's TIA was prepared based on a reasonably foreseeable traffic distribution scenario. The TIA's trip distribution assumed that no project trucks would use Arden Drive north of Lower Azusa Road. For passenger cars, the TIA assumed that 5% of the project's passenger car traffic would use Arden Drive north of Lower Azusa Road, primarily to account for employees that live north of the site. The 5% assumption was not assumed for cut-through traffic. The City of El Monte acknowledges Temple City's efforts to implement traffic calming measures on Arden Drive.
- 5. Suggestion to restrict turning movements at the project's driveways connecting with Lower Azusa Road to right-in/right-out only.

The project's two proposed driveways connecting with Lower Azusa Road (identified as Driveway 4 and Driveway 5 in the TIA) are designed for passenger cars only. No trucks will use these driveways. Driveway 4 on Lower Azusa Road (identified as intersection #18 in the TIA) was evaluated as right-in/right-out only. Driveway 5 on Lower Azusa Road (identified as intersection #19 in the TIA) was evaluated as right-in/right-out/left-in only per the TIA's trip distribution Exhibit 4-1. The left-in at this location is preferable to passenger vehicles attempting a U-turn at Baldwin Avenue. TIA Exhibits 4-6, 5-2, and 6-4 were inadvertently missing the westbound left-in turn volume at Driveway 5 (#19). Updated exhibits are attached to this memorandum. The 5% of passenger cars (only) turning left into the site at Driveway 5 equates to only 1 vehicle trip inbound in both the AM and PM peak hours. This item is addressed by Condition of Approval #112 (see Planning Commission Resolution No. 3508).
- 6. Request for a signing and striping plan for Lower Azusa Road along the project's frontage.

Condition of Approval #112 (see Planning Commission Resolution No. 3508) address striping plans, replacement/removal of existing improvements and curb painting.

The items above will be addressed prior to occupancy of the first tenant. Written confirmation will be requested from the City of Temple City confirming that the items above have been addressed to their satisfaction.

- 7. Request for a queueing analysis at Shirley Avenue and Ryland Avenue to verify adequate stacking space.

Up to 10% of the Project's truck traffic is expected to use Lower Azusa Road east toward I-605, which calculates to approximately 54 trucks per day (about 2 per hour on average over a 24-hour period), and a total of 3 trucks during the AM peak hour and 4 trucks during the PM peak hour using this route. As such, stacking distance for one truck is needed at the referenced turn pockets. The westbound left turn pocket on Lower Azusa at Shirley is currently approximately 40 feet striped. A WB-67 truck is approximately 70-feet in length. In comparison, WB-50 trucks are roughly 50 feet in length. Although the distance between Ryland and Shirley is only 100 feet, considering where the truck and car would pull out to make their turns, the separation distance is approximately 130-feet. Currently, there are back to back lefts striped at this location. With restriping to two-way left turn lane, the 130-foot space could accommodate 1 truck at Shirley and 1 passenger car at Ryland back to back. The next street east of Ryland (Birchland) is also available to the residents on Ryland, should they wish to avoid the Ryland turn pocket.

- 8. Request for line-of-sight studies.

Parking will be prohibited on eastbound Lower Azusa Road along the project site's frontage. As such, adequate line-of-site is assured.

- 9. Request for compatibility with the Temple City Bicycle Master Plan.

Parking will be prohibited on eastbound Lower Azusa Road along the project site's frontage. There are no known incompatibility issues related to Temple City's plan to implement a Class II bike lane on Lower Azusa Road.

- 10. Request for a full traffic signal warrant analysis at the intersection of Shirley Avenue and Lower Azusa Road.

The peak hour, volume-based warrant analysis determined that a traffic signal is not warranted at the intersection of Shirley Avenue/Lower Azusa Road based on traffic volumes. Additional warrant analysis is beyond the scope of a typical TIA and would be futile, as the spacing between this intersection and the existing signal at the Baldwin Avenue/Lower Azusa Road intersection is too short (less than 400 feet) to enable the efficient operation of a signal at Shirley Avenue/Lower Azusa Road.

- 11. Request to check the analysis of the Santa Anita Avenue/Lower Azusa Road intersection.

The analysis was checked and TIA Table 7-3 had a typographical error for intersections #22 and #23. The corrected table is attached to this memorandum. As shown on the corrected Table 7-3, the only recommended improvement at this intersection of Santa Anita Avenue/Lower Azusa Road (#22) is restriping the northbound right turn lane as a 3rd northbound through lane. This is consistent with the City of El Monte General Plan, which states that parking would need to be restricted during the peak hours 500 feet north and south of Lower Azusa Road on the east side to accommodate this improvement.

- 12. Request for typographical error corrections in City names.



The keyword reference for the “City of El Monte” was missing in TIA Chapter 1 on pages 1, 3, 4, 6, and 19. Updated, corrected pages are attached to this memorandum.

Requests in the Cover Letter

- 1. Request for median on Lower Azusa Road, a traffic signal at the Shirley Avenue/Lower Azusa Road intersection, and right-in/right-out islands to limit turning movements at the project’s driveways connecting with Lower Azusa Road.  
Refer to Attachment A responses #5 and #10, above.
- 2. Request that the Planning Commission hold a public hearing if the building user(s) generate more traffic than a high-cube warehouse or if an application is submitted to subdivide either building.  
These items are already addressed by Condition of Approval #7.
- 3. Request to rehabilitate the existing AC pavement on Lower Azusa Road.  
This request addresses an existing condition in the public right-of-way and falls outside the purview of CEQA. The City of El Monte Public Works Department evaluated the pavement condition of Lower Azusa Road and found that the roadway is in very good condition and may require slurry seal in approximately two years. Slurry seal could be implemented with the striping plan for Lower Azusa Road, to be coordinated with the City of Temple City, El Monte Public Works and the Project Applicant. However, should Lower Azusa Road be damaged during construction activities, the Project Applicant shall re-pave and/or re-slurry Lower Azusa Road as stated in Condition of Approval #112. Also refer to Attachment A response #6, above.

# 1 INTRODUCTION

This report presents the results of the traffic impact analysis (TIA) for the proposed Goodman Logistics Center (“Project”) located on the southeast corner of Shirley Avenue and Lower Azusa Road in the City of El Monte as shown on Exhibit 1-1.

The purpose of this TIA is to evaluate the potential circulation system deficiencies that may result from the development of the proposed Project and recommend improvements to achieve acceptable circulation system operational conditions. In addition, the Project Applicant is proposing an addendum to the City of El Monte General Plan and Zoning Code Update Environmental Impact Report (EIR) (referred to as the “General Plan Update EIR”). (1) This TIA has been prepared to also compare the Project’s impacts with the impacts of the Project analyzed in the General Plan Update EIR.

As directed by City of El Monte staff, this TIA has been prepared in accordance with the Los Angeles County Traffic Impact Analysis Report Guidelines (January 1, 1997). (2) This traffic study has also been prepared in accordance with the California Department of Transportation (Caltrans) Guide for the Preparation of Traffic Impact Studies (December 2002), and consultation with City of El Monte staff during the scoping process. (3) The approved Project Traffic Study Scoping agreement is provided in Appendix 1.1 of this TIA.

## 1.1 PROJECT OVERVIEW

It is our understanding that the Project is proposed to consist of 1,235,340 square feet of high cube transload and short-term storage warehouse use within two buildings (572,240 square feet for Building 1 and 663,100 square feet for Building 2). The proposed land use is consistent with the City’s General Plan. For the purposes of this analysis, the Project is anticipated to be developed in a single phase with an Opening Year of 2020.

Trips generated by the Project’s proposed land uses have been estimated based on trip generation rates collected by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition, 2017. (4) The Project is estimated to generate a net total of 2,561 passenger car equivalent (PCE) trip-ends per day on a typical weekday with approximately 146 PCE AM peak hour trips and 181 PCE PM peak hour trips. The assumptions and methods used to estimate the Project’s trip generation characteristics are discussed in greater detail in Section 4.1 *Project Trip Generation* of this report.

## 1.2 ANALYSIS SCENARIOS

For the purposes of this traffic study, potential impacts to traffic and circulation have been assessed for each of the following conditions:

- Existing (2017)
- Existing plus Project (E+P)
- Opening Year Cumulative (2020) Without and With Project
- Horizon Year (2035) Without and With Project

### 1.2.1 EXISTING CONDITIONS

Existing physical conditions have been disclosed to represent the baseline traffic conditions as they existed at the time this report was prepared.

### 1.2.2 EXISTING PLUS PROJECT CONDITIONS

The Existing plus Project (E+P) analysis determines circulation system deficiencies that would occur on the existing roadway system in the scenario of the Project being placed upon Existing conditions. Traffic being generated by the existing facility on the Project site was found to be nominal. As such, no credit was taken for the existing uses and Project traffic was added to the Existing baseline in an effort to conduct a conservative analysis.

### 1.2.3 OPENING YEAR CUMULATIVE (2020) CONDITIONS

The Opening Year Cumulative conditions analysis determines the Project's contribution to near-term cumulative traffic impacts based on a comparison of the With Project traffic scenario to the Without Project traffic scenario. To account for background traffic growth, traffic associated with other known cumulative development projects in conjunction with an ambient growth from Existing (2017) conditions of 1.49% (0.49% per year, compounded over three years) is included for Opening Year Cumulative (2020) traffic conditions, as well as traffic generated by cumulative projects that could affect the study intersections.

The generalized growth factors provided in 2010 Los Angeles (LA) County Congestion Management Program (CMP) indicates a growth factor of 1.131 for ten years (2010 to 2035) or 0.49% per year for the Regional Statistical Area (RSA) 25 (Pasadena) in which the Project is located.

### 1.2.4 HORIZON YEAR (2035) CONDITIONS

The Horizon Year conditions analysis is utilized to determine if improvements funded through local and regional transportation mitigation fee programs, or other approved funding mechanism can accommodate long-term cumulative traffic growth at the target level of service (LOS) identified by the City of El Monte and surrounding jurisdictions.

Horizon Year Without Project traffic conditions include an ambient traffic growth factor of 9.27% (0.49% per year over 18 years) based on the growth factors provided in LA County CMP for RSA

25. A growth factor of 1.131 was estimated for 25 years (from 2010 to 2035) in LA County CMP, which is equivalent to 0.49% per year growth. Lastly, traffic generated by cumulative projects that could affect the study intersections was added on top of the ambient growth.

### **1.3 STUDY AREA**

The Project study area was defined in coordination with the City of El Monte. The City does not have their own traffic study guidelines. As directed by City of El Monte staff, this TIA has been prepared in accordance with the Los Angeles County Traffic Impact Analysis Report Guidelines (January 1, 1997). (2) Consistent with County’s traffic study guidelines, the study area includes any intersection of “Collector” or higher classification street with other “Collector” or higher classification streets, at which the proposed project will add 50 or more peak hour trips. Exhibit 1-2 presents the study area and intersection analysis locations.

The “50 peak hour trip” criteria generally represents a minimum number of trips at which a typical intersection would have the potential to be substantively impacted by a given development proposal. Although each intersection may have unique operating characteristics, this traffic engineering rule of thumb is a widely-utilized tool for estimating a potential area of impact (i.e., study area). To ensure that this TIA satisfies the needs of the City of El Monte, Urban Crossroads, Inc. prepared a Project specific traffic study scoping agreement for review by City staff prior to the preparation of this TIA. The agreement provides an outline of the study area, trip generation, trip distribution, and analysis methodology. The agreement approved by the City of El Monte is included in Appendix 1.1.

#### **1.3.1 INTERSECTIONS**

The following 27 study area intersections shown on Exhibit 1-2 and listed in Table 1-1 were selected for this TIA based on consultation with City of El Monte staff. It should be noted that the study area includes study area intersections that were not evaluated in the General Plan Update EIR. These locations were added at the request of City staff.

**TABLE 1-1: INTERSECTION ANALYSIS LOCATIONS**

ID	Intersection Location	Jurisdiction
1	Temple City Bl. & Lower Azusa Rd.	Temple City
2	Kauffman Av./Ellis Ln. & Lower Azusa Rd.	El Monte, Temple City
3	Temple City Bl. & Valley Bl.	Rosemead
4	Temple City Bl. & Loftus Dr.	Rosemead
5	Temple City Bl. & Olney St.	Rosemead
6	Baldwin Av. & Las Tunas Dr.	Arcadia
7	Baldwin Av. & Lower Azusa Rd.	El Monte, Temple City
8	Baldwin Av. & Gidley St.	El Monte
9	Baldwin Av. & Rose Av.	El Monte
10	Baldwin Av. & Valley Bl.	El Monte
11	Baldwin Av. & Loftus Dr.	El Monte
12	Baldwin Av. & I-10 Eastbound Ramps	Caltrans, El Monte
13	Shirley Av. & Lower Azusa Rd.	El Monte, Temple City
14	Shirley Av. & Driveway 1 – Future Intersection	El Monte
15	Shirley Av. & Driveway 2 – Future Intersection	El Monte
16	Shirley Av. & Gidley St.	El Monte
17	Shirley Av. & Driveway 3 – Future Intersection	El Monte
18	Driveway 4 & Lower Azusa Rd. – Future Intersection	El Monte, Temple City
19	Driveway 5 & Lower Azusa Rd. – Future Intersection	El Monte, Temple City
20	Arden Dr. & Lower Azusa Rd.	El Monte, Temple City
21	Arden Dr. & Valley Bl.	El Monte
22	Santa Anita Av. & Lower Azusa Rd.	El Monte
23	Santa Anita Av. & Valley Bl.	El Monte
24	Santa Anita Av. & Ramona Bl.	El Monte
25	Santa Anita Av. & I-10 Westbound Ramps	Caltrans, El Monte
26	Santa Anita Av. & I-10 Eastbound Ramps	Caltrans, El Monte
27	Peck Rd. & Lower Azusa Rd.	El Monte

**1.3.2 ROADWAY SEGMENTS**

The following 9 study area roadway segments listed in Table 1-2 were selected for this TIA based on consultation with City of El Monte staff.

Eastbound Approach: One left turn lane, one through lane, and one shared through-right turn lane.

Westbound Approach: One left turn lane, one through lane, and one shared through-right turn lane.

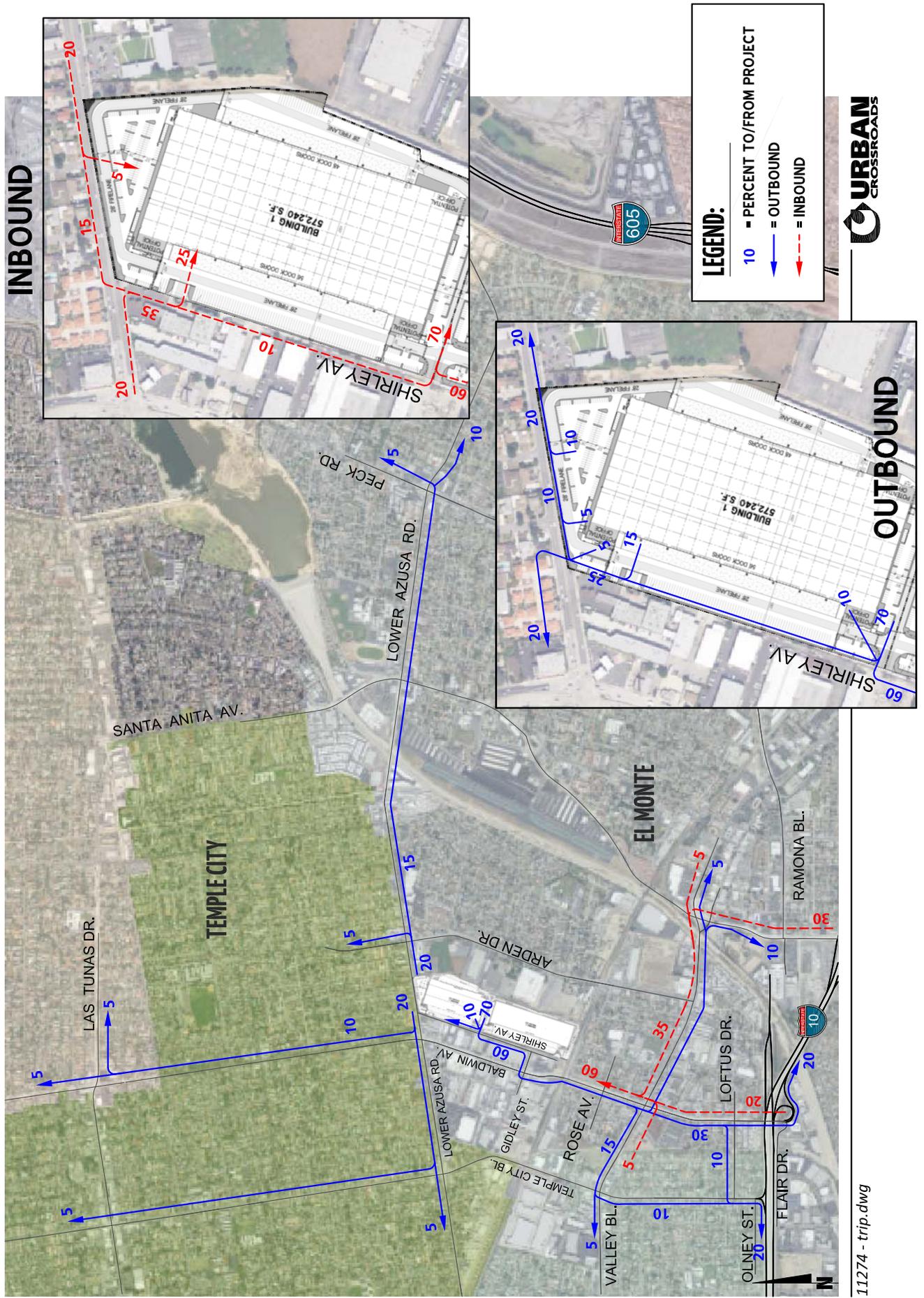
On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the Project site.

Sight distance at each project access point should be reviewed with respect to standard Caltrans and City of El Monte sight distance standards at the time of preparation of final grading, landscape and street improvement plans.

## **1.8 TRUCK ACCESS AND CIRCULATION**

Due to the typical wide turning radius of large trucks, a truck turning template has been overlaid on the site plan at each applicable Project driveway and site adjacent intersection anticipated to be utilized by heavy trucks in order to determine appropriate curb radii and to verify that trucks will have sufficient space to execute turning maneuvers (see Exhibit 1-4). As shown, Driveways 1, 2, and 3 (all which provide access for heavy trucks) are anticipated to accommodate the turning movements of heavy trucks based on the design shown on the preliminary site plan.

EXHIBIT 4-1: PROJECT TRIP DISTRIBUTION (BUILDING 1-PASSENGER CARS)



**EXHIBIT 4-2: PROJECT TRIP DISTRIBUTION (BUILDING 2-PASSENGER CARS)**

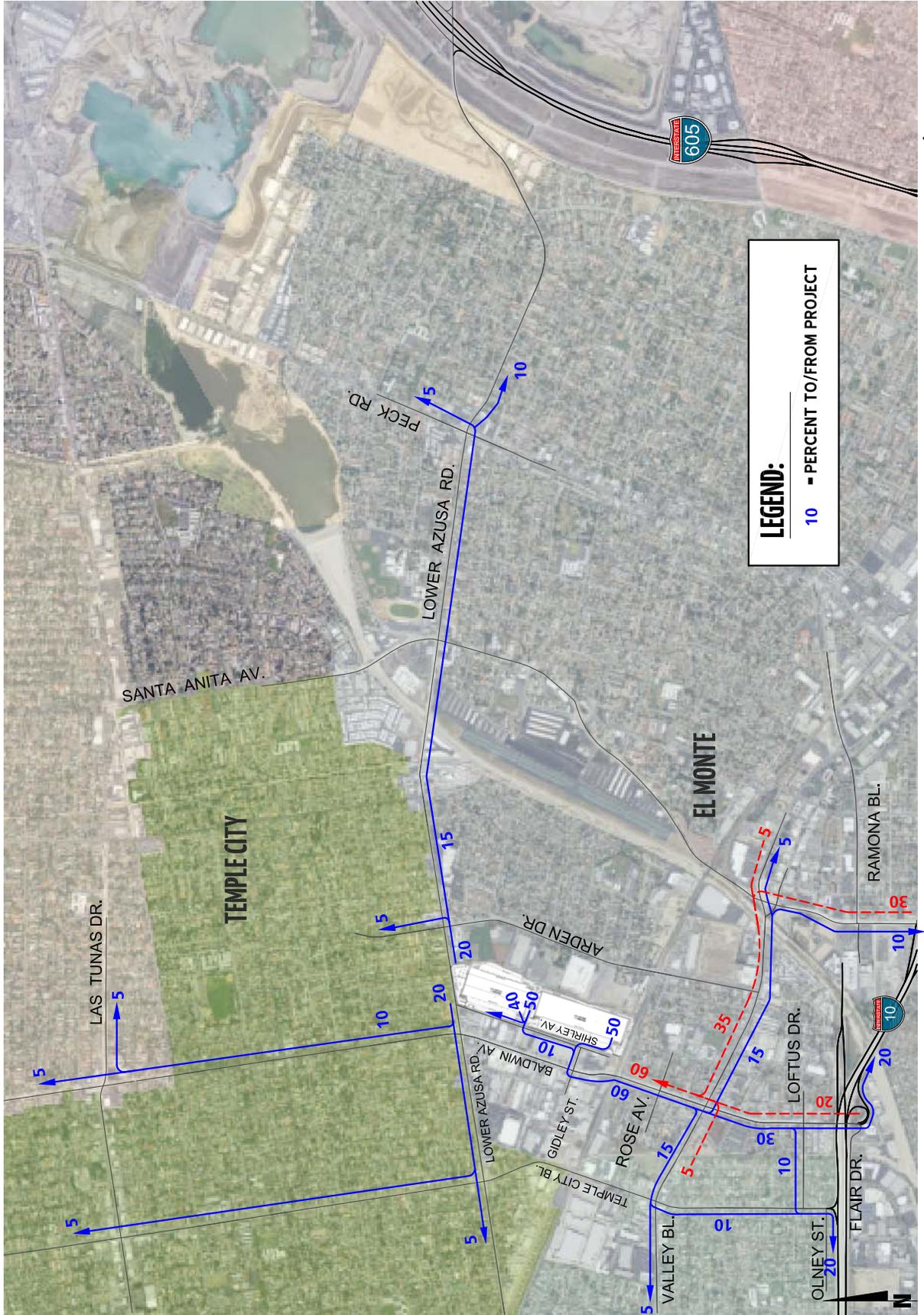
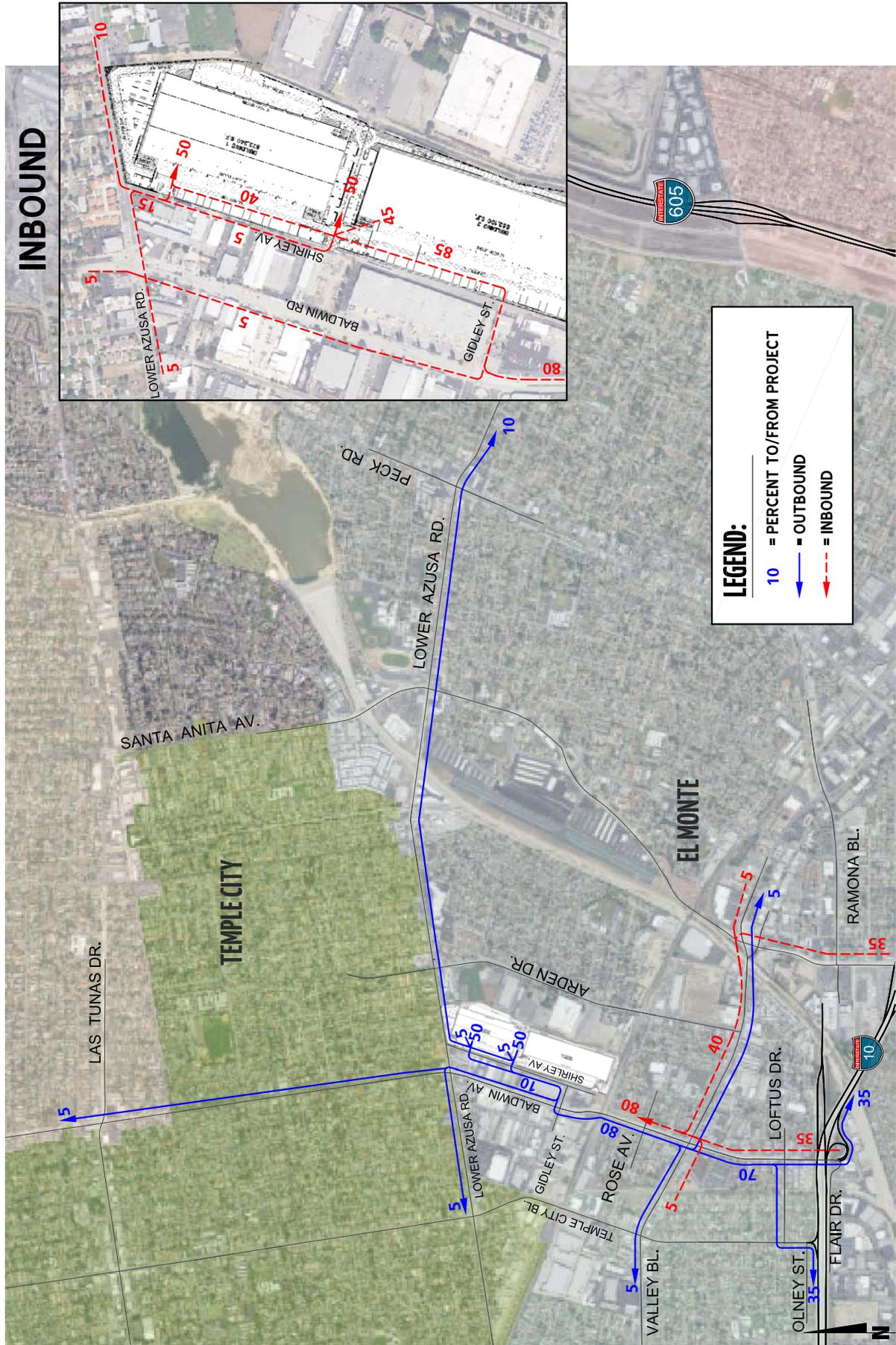


EXHIBIT 4-3: PROJECT TRIP DISTRIBUTION (BUILDING 1-TRUCKS)





**EXHIBIT 4-6: PROJECT TRAFFIC VOLUMES (IN PCE)**

<p><b>1</b> Temple City Bl. &amp; Lower Azusa Rd.</p>	<p><b>2</b> Kauffman Av./ Ellis Ln. &amp; Lower Azusa Rd.</p>	<p><b>3</b> Temple City Bl. &amp; Valley Bl.</p>	<p><b>4</b> Temple City Bl. &amp; Loftus Dr.</p>	<p><b>5</b> Temple City Bl. &amp; Olney St.</p>	<p><b>6</b> Baldwin Av. &amp; Las Tunas Dr.</p>
<p><b>7</b> Baldwin Av. &amp; Lower Azusa Rd.</p>	<p><b>8</b> Baldwin Av. &amp; Gidley St.</p>	<p><b>9</b> Baldwin Av. &amp; Rose Av.</p>	<p><b>10</b> Baldwin Av. &amp; Valley Bl.</p>	<p><b>11</b> Baldwin Av. &amp; Loftus Dr.</p>	<p><b>12</b> Baldwin Av. &amp; Flair Dr./ I-10 EB Ramps</p>
<p><b>13</b> Shirley Av. &amp; Lower Azusa Rd.</p>	<p><b>14</b> Shirley Av. &amp; Dwy. 1</p>	<p><b>15</b> Shirley Av. &amp; Dwy. 2</p>	<p><b>16</b> Shirley Av. &amp; Gidley St.</p>	<p><b>17</b> Shirley Av. &amp; Dwy. 3</p>	<p><b>18</b> Dwy. 4 &amp; Lower Azusa Rd.</p>
<p><b>19</b> Dwy. 5 &amp; Lower Azusa Rd.</p>	<p><b>20</b> Arden Dr. &amp; Lower Azusa Rd.</p>	<p><b>21</b> Arden Dr. &amp; Valley Bl.</p>	<p><b>22</b> Santa Anita Av. &amp; Lower Azusa Rd.</p>	<p><b>23</b> Santa Anita Av. &amp; Valley Bl.</p>	<p><b>24</b> Santa Anita Av. &amp; Ramona Bl.</p>
<p><b>25</b> Santa Anita Av. &amp; I-10 WB Ramps</p>	<p><b>26</b> Santa Anita Av. &amp; I-10 EB Ramps</p>	<p><b>27</b> Peck Rd. &amp; Lower Azusa Rd.</p>	<p><b>LEGEND:</b> 10(10) = AM(PM) PEAK HOUR INTERSECTION VOLUMES</p>		

**EXHIBIT 5-2: E+P TRAFFIC VOLUMES (IN PCE)**

<p><b>1</b> Temple City Bl. &amp; Lower Azusa Rd.</p> <p>77(59) ↓ 631(567) ↓ 154(177) ↓</p> <p>121(104) ← 675(434) ← 179(119) ←</p> <p>81(100) → 392(590) → 83(35) →</p> <p>83(88) ↑ 662(677) ↑ 10(23) ↑</p>	<p><b>2</b> Kauffman Av./ Ellis Ln. &amp; Lower Azusa Rd.</p> <p>7(5) ↓ 7(4) ↓ 955(610) ↓ 177(84) ↓</p> <p>500(735) → 62(48) →</p> <p>56(37) ↑ 181(254) ↑</p>	<p><b>3</b> Temple City Bl. &amp; Valley Bl.</p> <p>301(196) ↓ 518(669) ↓ 226(234) ↓</p> <p>239(187) ← 930(606) ← 84(104) ←</p> <p>163(253) → 599(899) → 42(73) →</p> <p>203(156) ↑ 791(713) ↑ 58(61) ↑</p>	<p><b>4</b> Temple City Bl. &amp; Loftus Dr.</p> <p>413(586) ↓ 217(216) ↓</p> <p>90(95) ← 344(472) ←</p> <p>936(874) ↑ 289(197) ↑</p>	<p><b>5</b> Temple City Bl. &amp; Olney St.</p> <p>72(61) ↓ 722(1010) ↓</p> <p>28(15) →</p> <p>1256(1074) ↑</p>	<p><b>6</b> Baldwin Av. &amp; Las Tunas Dr.</p> <p>88(146) ↓ 744(890) ↓ 110(190) ↓</p> <p>266(165) ← 1073(591) ← 97(102) ←</p> <p>114(125) → 418(778) → 89(70) →</p> <p>75(93) ↑ 922(776) ↑ 74(92) ↑</p>
<p><b>7</b> Baldwin Av. &amp; Lower Azusa Rd.</p> <p>203(155) ↓ 779(643) ↓ 128(198) ↓</p> <p>174(125) ← 857(522) ← 210(101) ←</p> <p>146(230) → 422(786) → 108(77) →</p> <p>96(68) ↑ 597(812) ↑ 169(241) ↑</p>	<p><b>8</b> Baldwin Av. &amp; Gidley St.</p> <p>7(4) ↓ 1068(867) ↓ 11(4) ↓ 17(20) ↓ 2(0) ↓ 35(120) ↓</p> <p>5(12) → 1(2) → 25(60) →</p> <p>69(20) ↑ 936(1029) ↑ 89(43) ↑</p>	<p><b>9</b> Baldwin Av. &amp; Rose Av.</p> <p>47(29) ↓ 1003(951) ↓ 54(44) ↓</p> <p>102(46) ← 23(11) ← 26(4) ←</p> <p>26(28) → 29(24) → 38(21) →</p> <p>10(9) ↑ 977(1031) ↑ 51(39) ↑</p>	<p><b>10</b> Baldwin Av. &amp; Valley Bl.</p> <p>122(139) ↓ 793(722) ↓ 138(171) ↓</p> <p>155(145) ← 942(675) ← 184(169) ←</p> <p>147(121) → 513(896) → 200(167) →</p> <p>158(152) ↑ 700(816) ↑ 181(191) ↑</p>	<p><b>11</b> Baldwin Av. &amp; Loftus Dr.</p> <p>269(186) ↓ 865(679) ↓ 3(196) ↓</p> <p>28(119) ← 71(516) ← 246(101) ←</p> <p>88(237) → 27(783) → 427(76) →</p> <p>31(64) ↑ 820(822) ↑ 93(241) ↑</p>	<p><b>12</b> Baldwin Av. &amp; Flair Dr./ I-10 EB Ramps</p> <p>727(167) ↓ 870(783) ↓</p> <p>36(160) → 71(350) →</p> <p>38(21) ↑ 889(1042) ↑</p>
<p><b>13</b> Shirley Av. &amp; Lower Azusa Rd.</p> <p>1(3) ↓ 0(0) ↓ 1(0) ↓</p> <p>2(2) ← 1268(725) ← 34(13) ←</p> <p>2(6) → 702(1224) → 31(20) →</p> <p>5(18) ↑ 0(0) ↑ 13(33) ↑</p>	<p><b>14</b> Shirley Av. &amp; Dwy. 1</p> <p>56(29) ↓ 9(4) ↓</p> <p>1(6) ← 4(17) ←</p> <p>16(44) ↑ 12(5) ↑</p>	<p><b>15</b> Shirley Av. &amp; Dwy. 2</p> <p>22(43) ↓ 18(8) ↓</p> <p>5(21) ← 12(47) ←</p> <p>20(23) ↑ 43(19) ↑</p>	<p><b>16</b> Shirley Av. &amp; Gidley St.</p> <p>31(88) ↓ 2(2) ↓</p> <p>58(36) → 36(19) →</p> <p>37(46) ↑ 6(5) ↑</p>	<p><b>17</b> Shirley Av. &amp; Dwy. 3</p> <p>30(14) ↓ 9(35) ↓</p>	<p><b>18</b> Dwy. 4 &amp; Lower Azusa Rd.</p> <p>1304(740) ←</p> <p>716(1256) → 0(0) →</p> <p>0(1) ↑</p>
<p><b>19</b> Dwy. 5 &amp; Lower Azusa Rd.</p> <p>1304(740) ← 1(1) ←</p> <p>716(1257) → 0(0) →</p> <p>1(3) ↑</p>	<p><b>20</b> Arden Dr. &amp; Lower Azusa Rd.</p> <p>111(23) ↓ 23(24) ↓ 25(28) ↓</p> <p>44(30) ← 905(905) ← 9(42) ←</p> <p>55(14) → 1003(1019) → 55(39) →</p> <p>25(3) ↑ 29(11) ↑ 39(44) ↑</p>	<p><b>21</b> Arden Dr. &amp; Valley Bl.</p> <p>187(113) ↓ 3(3) ↓ 606(351) ↓</p> <p>387(255) ← 1198(809) ← 6(17) ←</p> <p>82(115) → 694(1024) → 8(15) →</p> <p>5(15) ↑ 1(0) ↑ 4(11) ↑</p>	<p><b>22</b> Santa Anita Av. &amp; Lower Azusa Rd.</p> <p>84(97) ↓ 882(877) ↓ 241(331) ↓</p> <p>275(250) ← 757(546) ← 187(161) ←</p> <p>106(67) → 427(747) → 79(85) →</p> <p>129(157) ↑ 748(784) ↑ 94(160) ↑</p>	<p><b>23</b> Santa Anita Av. &amp; Valley Bl.</p> <p>409(155) ↓ 860(584) ↓ 43(45) ↓</p> <p>21(39) ← 964(616) ← 51(84) ←</p> <p>185(271) → 548(721) → 12(18) →</p> <p>425(374) ↑ 552(899) ↑ 36(56) ↑</p>	<p><b>24</b> Santa Anita Av. &amp; Ramona Bl.</p> <p>66(88) ↓ 1220(868) ↓ 78(64) ↓</p> <p>82(62) ← 78(58) ← 207(144) ←</p> <p>45(100) → 54(127) → 82(165) →</p> <p>89(82) ↑ 877(1165) ↑ 258(232) ↑</p>
<p><b>25</b> Santa Anita Av. &amp; I-10 WB Ramps</p> <p>408(371) ↓ 1011(813) ↓</p> <p>370(261) ← 207(142) ← 455(346) ←</p> <p>250(438) → 926(1289) →</p>	<p><b>26</b> Santa Anita Av. &amp; I-10 EB Ramps</p> <p>1145(946) ↓ 321(213) ↓</p> <p>375(570) → 118(167) → 343(501) →</p> <p>801(1156) ↑ 313(161) ↑</p>	<p><b>27</b> Peck Rd. &amp; Lower Azusa Rd.</p> <p>220(184) ↓ 1015(673) ↓ 91(161) ↓</p> <p>90(71) ← 862(591) ← 197(175) ←</p> <p>186(170) → 473(891) → 177(134) →</p> <p>235(228) ↑ 793(765) ↑ 74(173) ↑</p>	<p><b>LEGEND:</b></p> <p>10(10) = AM(PM) PEAK HOUR INTERSECTION VOLUMES</p>		

**EXHIBIT 6-4: OPENING YEAR CUMULATIVE (2020) WITH PROJECT TRAFFIC VOLUMES (IN PCE)**

<p><b>1</b> Temple City Bl. &amp; Lower Azusa Rd.</p> <p>↙ 77(59) ↘ 634(571) ↖ 155(178)</p> <p>↖ 122(105) ↗ 681(444) ↘ 179(119)</p> <p>↖ 81(100) ↗ 401(596) ↘ 91(51)</p> <p>↖ 93(100) ↗ 665(681) ↘ 10(23)</p>	<p><b>2</b> Kauffman Av./ Ellis Ln. &amp; Lower Azusa Rd.</p> <p>↙ 7(5)</p> <p>↖ 7(4) ↗ 962(621) ↘ 177(84)</p> <p>↖ 509(742) ↗ 62(48)</p> <p>↖ 56(37) ↗ 181(254)</p>	<p><b>3</b> Temple City Bl. &amp; Valley Bl.</p> <p>↙ 301(196) ↘ 518(669) ↖ 237(254)</p> <p>↖ 252(203) ↗ 937(612) ↘ 108(134)</p> <p>↖ 163(253) ↗ 603(909) ↘ 42(73)</p> <p>↖ 203(156) ↗ 791(713) ↘ 75(88)</p>	<p><b>4</b> Temple City Bl. &amp; Loftus Dr.</p> <p>↙ 437(616) ↘ 217(216)</p> <p>↖ 90(95) ↗ 344(472)</p> <p>↖ 953(901) ↗ 289(197)</p>	<p><b>5</b> Temple City Bl. &amp; Olney St.</p> <p>↙ 72(61) ↘ 746(1040)</p> <p>↖ 28(15)</p> <p>↖ 1273(1101)</p>	<p><b>6</b> Baldwin Av. &amp; Las Tunas Dr.</p> <p>↙ 88(146) ↘ 756(909) ↖ 110(190)</p> <p>↖ 266(165) ↗ 1073(591) ↘ 100(108)</p> <p>↖ 114(125) ↗ 418(778) ↘ 89(70)</p> <p>↖ 75(93) ↗ 936(793) ↘ 78(97)</p>
<p><b>7</b> Baldwin Av. &amp; Lower Azusa Rd.</p> <p>↙ 203(155) ↘ 791(666) ↖ 131(200)</p> <p>↖ 176(129) ↗ 862(531) ↘ 218(115)</p> <p>↖ 146(230) ↗ 430(791) ↘ 109(80)</p> <p>↖ 99(70) ↗ 613(830) ↘ 180(253)</p>	<p><b>8</b> Baldwin Av. &amp; Gidley St.</p> <p>↙ 7(4) ↘ 1090(906) ↖ 11(4)</p> <p>↖ 17(20) ↗ 2(0) ↘ 35(120)</p> <p>↖ 5(12) ↗ 1(2) ↘ 25(60)</p> <p>↖ 69(20) ↗ 965(1061) ↘ 89(43)</p>	<p><b>9</b> Baldwin Av. &amp; Rose Av.</p> <p>↙ 47(29) ↘ 1037(996) ↖ 54(44)</p> <p>↖ 102(46) ↗ 23(11) ↘ 26(4)</p> <p>↖ 26(28) ↗ 29(24) ↘ 38(21)</p> <p>↖ 10(9) ↗ 1008(1073) ↘ 51(39)</p>	<p><b>10</b> Baldwin Av. &amp; Valley Bl.</p> <p>↙ 144(168) ↘ 800(728) ↖ 144(181)</p> <p>↖ 166(159) ↗ 952(684) ↘ 184(169)</p> <p>↖ 162(142) ↗ 518(911) ↘ 217(191)</p> <p>↖ 175(179) ↗ 705(823) ↘ 181(191)</p>	<p><b>11</b> Baldwin Av. &amp; Loftus Dr.</p> <p>↙ 269(186) ↘ 889(709) ↖ 31(96)</p> <p>↖ 28(119) ↗ 71(516) ↘ 246(101)</p> <p>↖ 88(237) ↗ 27(783) ↘ 427(76)</p> <p>↖ 31(64) ↗ 841(855) ↘ 93(241)</p>	<p><b>12</b> Baldwin Av. &amp; Flair Dr./ I-10 EB Ramps</p> <p>↙ 727(167) ↘ 854(813)</p> <p>↖ 36(160) ↗ 71(350)</p> <p>↖ 38(23) ↗ 910(1075)</p>
<p><b>13</b> Shirley Av. &amp; Lower Azusa Rd.</p> <p>↙ 1(3) ↘ 0(0) ↖ 1(0)</p> <p>↖ 2(2) ↗ 1283(751) ↘ 34(13)</p> <p>↖ 2(6) ↗ 724(1243) ↘ 31(20)</p> <p>↖ 5(18) ↗ 0(0) ↘ 13(33)</p>	<p><b>14</b> Shirley Av. &amp; Dwy. 1</p> <p>↙ 56(29) ↘ 9(4)</p> <p>↖ 1(6) ↗ 4(17)</p> <p>↖ 16(44) ↗ 12(5)</p>	<p><b>15</b> Shirley Av. &amp; Dwy. 2</p> <p>↙ 22(43) ↘ 18(8)</p> <p>↖ 5(21) ↗ 12(47)</p> <p>↖ 20(23) ↗ 43(19)</p>	<p><b>16</b> Shirley Av. &amp; Gidley St.</p> <p>↙ 31(88) ↘ 2(2)</p> <p>↖ 58(36) ↗ 36(19)</p> <p>↖ 37(46) ↗ 6(5)</p>	<p><b>17</b> Shirley Av. &amp; Dwy. 3</p> <p>↙ 30(14) ↘ 9(35)</p>	<p><b>18</b> Dwy. 4 &amp; Lower Azusa Rd.</p> <p>↖ 738(1275) ↗ 0(0)</p> <p>↖ 0(1)</p> <p>↖ 1319(766)</p>
<p><b>19</b> Dwy. 5 &amp; Lower Azusa Rd.</p> <p>↖ 1319(766) ↘ 1(1)</p> <p>↖ 738(1276) ↗ 0(0)</p> <p>↖ 1(3)</p>	<p><b>20</b> Arden Dr. &amp; Lower Azusa Rd.</p> <p>↙ 112(24) ↘ 23(24) ↖ 25(28)</p> <p>↖ 44(30) ↗ 919(930) ↘ 12(44)</p> <p>↖ 56(15) ↗ 1024(1037) ↘ 55(39)</p> <p>↖ 25(3) ↗ 29(11) ↘ 41(48)</p>	<p><b>21</b> Arden Dr. &amp; Valley Bl.</p> <p>↙ 187(113) ↘ 3(3) ↖ 610(359)</p> <p>↖ 395(261) ↗ 1220(833) ↘ 6(17)</p> <p>↖ 82(115) ↗ 705(1049) ↘ 8(15)</p> <p>↖ 5(15) ↗ 1(0) ↘ 4(11)</p>	<p><b>22</b> Santa Anita Av. &amp; Lower Azusa Rd.</p> <p>↙ 84(97) ↘ 885(885) ↖ 246(334)</p> <p>↖ 278(255) ↗ 775(573) ↘ 197(181)</p> <p>↖ 106(67) ↗ 449(769) ↘ 79(85)</p> <p>↖ 129(157) ↗ 753(789) ↘ 108(174)</p>	<p><b>23</b> Santa Anita Av. &amp; Valley Bl.</p> <p>↙ 410(156) ↘ 871(609) ↖ 43(46)</p> <p>↖ 22(39) ↗ 965(617) ↘ 51(84)</p> <p>↖ 186(272) ↗ 549(722) ↘ 25(48)</p> <p>↖ 452(401) ↗ 570(916) ↘ 36(56)</p>	<p><b>24</b> Santa Anita Av. &amp; Ramona Bl.</p> <p>↙ 66(88) ↘ 1284(934) ↖ 87(72)</p> <p>↖ 87(76) ↗ 78(58) ↘ 207(144)</p> <p>↖ 45(100) ↗ 54(127) ↘ 82(165)</p> <p>↖ 89(82) ↗ 922(1264) ↘ 258(232)</p>
<p><b>25</b> Santa Anita Av. &amp; I-10 WB Ramps</p> <p>↙ 428(392) ↘ 1055(857)</p> <p>↖ 393(311) ↗ 207(142) ↘ 455(346)</p> <p>↖ 250(438) ↗ 949(1338)</p>	<p><b>26</b> Santa Anita Av. &amp; I-10 EB Ramps</p> <p>↙ 1160(961) ↘ 350(243)</p> <p>↖ 388(600) ↗ 118(167) ↘ 343(501)</p> <p>↖ 810(1175) ↗ 313(161)</p>	<p><b>27</b> Peck Rd. &amp; Lower Azusa Rd.</p> <p>↙ 221(185) ↘ 1016(676) ↖ 94(162)</p> <p>↖ 91(74) ↗ 882(636) ↘ 199(182)</p> <p>↖ 187(171) ↗ 510(919) ↘ 181(144)</p> <p>↖ 245(234) ↗ 796(767) ↘ 81(175)</p>	<p><b>LEGEND:</b></p> <p>10(10) = AM(PM) PEAK HOUR INTERSECTION VOLUMES</p>		

**EXHIBIT 7-4: HORIZON YEAR (2035) WITH PROJECT TRAFFIC VOLUMES (IN PCE)**

<p><b>1</b> Temple City Bl. &amp; Lower Azusa Rd.</p> <p>84(64) ↓ 689(619) ↓ 167(193) ↓</p> <p>132(113) ↑ 737(474) ↑ 196(129) ↑</p> <p>89(109) → 428(644) → 90(38) →</p> <p>90(96) ↑ 723(739) ↑ 10(25) ↑</p>	<p><b>2</b> Kauffman Av./ Ellis Ln. &amp; Lower Azusa Rd.</p> <p>7(5) ↓</p> <p>7(4) ↓ 1043(665) ↓ 193(92) ↓</p> <p>546(803) → 68(52) →</p> <p>61(40) ↑ 198(277) ↑</p>	<p><b>3</b> Temple City Bl. &amp; Valley Bl.</p> <p>328(214) ↓ 566(731) ↓ 247(256) ↓</p> <p>261(204) ↑ 1015(662) ↑ 91(113) ↑</p> <p>178(276) → 653(981) → 45(79) →</p> <p>221(170) ↑ 864(779) ↑ 62(66) ↑</p>	<p><b>4</b> Temple City Bl. &amp; Loftus Dr.</p> <p>451(640) ↓ 237(235) ↓</p> <p>98(104) ↑ 375(513) ↑</p> <p>1022(954) ↑ 314(215) ↑</p>	<p><b>5</b> Temple City Bl. &amp; Olney St.</p> <p>78(67) ↓ 788(1100) ↓</p> <p>31(16) →</p> <p>1370(1172) ↑</p>	<p><b>6</b> Baldwin Av. &amp; Las Tunas Dr.</p> <p>96(160) ↓ 812(972) ↓ 120(207) ↓</p> <p>291(180) ↑ 1172(646) ↑ 105(111) ↑</p> <p>125(137) → 456(850) → 97(76) →</p> <p>82(101) ↑ 1007(847) ↑ 80(100) ↑</p>
<p><b>7</b> Baldwin Av. &amp; Lower Azusa Rd.</p> <p>221(169) ↓ 850(703) ↓ 139(216) ↓</p> <p>190(135) ↑ 936(570) ↑ 229(110) ↑</p> <p>159(251) → 460(859) → 118(84) →</p> <p>104(74) ↑ 652(887) ↑ 185(263) ↑</p>	<p><b>8</b> Baldwin Av. &amp; Gidley St.</p> <p>8(4) ↓ 1167(947) ↓ 1(4) ↓</p> <p>18(21) ↑ 2(0) ↑ 36(122) ↑</p> <p>5(13) → 1(2) → 27(65) →</p> <p>75(22) ↑ 1022(1124) ↑ 90(43) ↑</p>	<p><b>9</b> Baldwin Av. &amp; Rose Av.</p> <p>51(32) ↓ 1093(1030) ↓ 59(48) ↓</p> <p>111(50) ↑ 25(12) ↑ 28(4) ↑</p> <p>28(31) → 32(26) → 41(23) →</p> <p>11(10) ↑ 1060(1123) ↑ 55(43) ↑</p>	<p><b>10</b> Baldwin Av. &amp; Valley Bl.</p> <p>132(151) ↓ 865(783) ↓ 150(185) ↓</p> <p>167(158) ↑ 1029(738) ↑ 201(185) ↑</p> <p>159(131) → 560(979) → 219(182) →</p> <p>172(166) ↑ 761(890) ↑ 197(208) ↑</p>	<p><b>11</b> Baldwin Av. &amp; Loftus Dr.</p> <p>293(200) ↓ 944(739) ↓ 3(214) ↓</p> <p>30(129) ↑ 78(564) ↑ 268(110) ↑</p> <p>94(258) → 29(856) → 466(83) →</p> <p>34(70) ↑ 893(897) ↑ 101(263) ↑</p>	<p><b>12</b> Baldwin Av. &amp; Flair Dr./ I-10 EB Ramps</p> <p>794(182) ↓ 949(852) ↓</p> <p>39(175) → 77(382) →</p> <p>41(25) ↑ 968(1137) ↑</p>
<p><b>13</b> Shirley Av. &amp; Lower Azusa Rd.</p> <p>1(3) ↓ 0(0) ↓ 1(0) ↓</p> <p>2(2) ↑ 1385(792) ↑ 36(14) ↑</p> <p>2(7) → 767(1337) → 33(21) →</p> <p>5(18) ↑ 0(0) ↑ 13(34) ↑</p>	<p><b>14</b> Shirley Av. &amp; Dwy. 1</p> <p>60(30) ↓ 9(4) ↓</p> <p>1(6) ↑ 4(17) ↑</p> <p>16(46) ↑ 12(5) ↑</p>	<p><b>15</b> Shirley Av. &amp; Dwy. 2</p> <p>23(45) ↓ 18(8) ↓</p> <p>5(21) ↑ 12(47) ↑</p> <p>21(25) ↑ 43(19) ↑</p>	<p><b>16</b> Shirley Av. &amp; Gidley St.</p> <p>32(90) ↓ 2(2) ↓</p> <p>58(37) → 37(19) →</p> <p>39(47) ↑ 6(5) ↑</p>	<p><b>17</b> Shirley Av. &amp; Dwy. 3</p> <p>30(14) ↓ 9(35) ↓</p>	<p><b>18</b> Dwy. 4 &amp; Lower Azusa Rd.</p> <p>1423(807) ↑</p> <p>781(1371) → 0(0) →</p> <p>0(1) ↑</p>
<p><b>19</b> Dwy. 5 &amp; Lower Azusa Rd.</p> <p>1423(807) ↑ 1(1) ↓</p> <p>781(1372) → 0(0) →</p> <p>1(3) ↑</p>	<p><b>20</b> Arden Dr. &amp; Lower Azusa Rd.</p> <p>120(25) ↓ 25(26) ↓ 27(31) ↓</p> <p>48(33) ↑ 988(988) ↑ 10(46) ↑</p> <p>60(15) → 1095(1111) → 60(43) →</p> <p>27(3) ↑ 32(12) ↑ 42(48) ↑</p>	<p><b>21</b> Arden Dr. &amp; Valley Bl.</p> <p>204(123) ↓ 3(3) ↓ 662(383) ↓</p> <p>423(278) ↑ 1307(883) ↑ 6(19) ↑</p> <p>89(126) → 757(1117) → 9(16) →</p> <p>5(16) ↑ 1(0) ↑ 4(11) ↑</p>	<p><b>22</b> Santa Anita Av. &amp; Lower Azusa Rd.</p> <p>91(105) ↓ 964(958) ↓ 263(361) ↓</p> <p>300(273) ↑ 825(596) ↑ 204(175) ↑</p> <p>115(73) → 466(815) → 86(92) →</p> <p>140(171) ↑ 817(857) ↑ 103(175) ↑</p>	<p><b>23</b> Santa Anita Av. &amp; Valley Bl.</p> <p>447(169) ↓ 940(638) ↓ 47(49) ↓</p> <p>22(43) ↑ 1052(672) ↑ 56(91) ↑</p> <p>202(296) → 598(787) → 13(19) →</p> <p>463(408) ↑ 603(982) ↑ 39(61) ↑</p>	<p><b>24</b> Santa Anita Av. &amp; Ramona Bl.</p> <p>72(96) ↓ 1332(947) ↓ 85(70) ↓</p> <p>90(67) ↑ 85(63) ↑ 226(157) ↑</p> <p>49(109) → 58(139) → 90(180) →</p> <p>97(89) ↑ 957(1272) ↑ 282(253) ↑</p>
<p><b>25</b> Santa Anita Av. &amp; I-10 WB Ramps</p> <p>445(405) ↓ 1105(888) ↓</p> <p>403(284) ↑ 226(155) ↑ 497(378) ↑</p> <p>273(478) ↑ 1011(1408) ↑</p>	<p><b>26</b> Santa Anita Av. &amp; I-10 EB Ramps</p> <p>1250(1033) ↓ 351(233) ↓</p> <p>409(623) → 129(182) → 374(547) →</p> <p>875(1263) ↑ 341(176) ↑</p>	<p><b>27</b> Peck Rd. &amp; Lower Azusa Rd.</p> <p>240(201) ↓ 1109(735) ↓ 99(175) ↓</p> <p>98(77) ↑ 941(645) ↑ 215(191) ↑</p> <p>257(249) ↑ 866(836) ↑ 80(189) ↑</p>	<p><b>LEGEND:</b></p> <p>10(10) = AM(PM) PEAK HOUR INTERSECTION VOLUMES</p>		

Table 7-3

Intersection Analysis for Horizon Year (2035) Conditions With Improvements

#	Intersection	Traffic Control <sup>3</sup>	Intersection Approach Lanes <sup>1</sup>												ICU or Delay <sup>2</sup> (v/c or secs.)		Level of Service	
			Northbound			Southbound			Eastbound			Westbound			AM	PM	AM	PM
			L	T	R	L	T	R	L	T	R	L	T	R				
10	Baldwin Av. & Valley Bl.																	
	- Without Improvements	TS	1	2	1	1	2	0	1	2	d	1	2	d	0.940	0.915	E	E
	- With Improvements <sup>5</sup>	TS	1	2	1	1	2	0	1	<b>3</b>	<b>0</b>	1	<b>3</b>	<b>0</b>	0.868	0.851	D	D
11	Baldwin Av. & Loftus Dr.																	
	- Without Improvements	TS	1	2	0	1	1	1	0	2	0	0	1	0	<b>1.238</b>	<b>1.482</b>	F	F
	- With Improvements <sup>4</sup>	TS	1	2	0	1	1	1	0	2	0	0	1	<b>1</b>	<b>1.219</b>	<b>1.401</b>	F	F
22	Santa Anita Av. & Lower Azusa Rd.																	
	- Without Improvements	TS	1	2	1	1	2	d	1	2	0	1	2	0	<b>0.943</b>	<b>0.986</b>	E	E
	- With Improvements	TS	1	<b>3</b>	<b>0</b>	1	2	d	1	2	0	1	2	0	<b>0.912</b>	<b>0.933</b>	E	E
23	Santa Anita Av. & Valley Bl.																	
	- Without Improvements	TS	2	3	0	1	3	0	1	2	0	2	2	0	<b>0.996</b>	0.804	E	D
	- With Improvements	TS	2	3	<b>1</b>	1	3	<b>1</b>	1	2	0	2	2	0	<b>0.986</b>	0.769	E	C

<sup>1</sup> When a right turn is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes.

L = Left; T = Through; R = Right; > = Right-Turn Overlap Phasing; d= Defacto Right Turn Lane; **1** = Improvement

<sup>2</sup> Per the 2010 Highway Capacity Manual, overall average intersection delay and level of service are shown for unsignalized all-way stop controlled intersections. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements having a single lane) are shown. The Intersection Capacity Utilization (ICU) volume-to-capacity ratio has been reported for all signalized intersections.

<sup>3</sup> TS = Traffic Signal

<sup>4</sup> Recommendation is to prohibit on-street parking at the intersection in order to restripe and accommodate a westbound right turn lane. Improvement will reduce the impact to less than significant levels.

<sup>5</sup> Prohibit on-street parking during the peak hours to accommodate the recommended restriping.



## COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF TEMPLE CITY 9701 LAS TUNAS DR. TEMPLE CITY, CA 91780 (626) 285-2171

June 11, 2018

El Monte Planning Commission  
11333 Valley Boulevard  
El Monte, CA 91731

**Subject: Proposed Goodman Logistics Center (10150 Lower Azusa Road)**

Honorable Chairman and Commissioners,

On Tuesday, June 5, Temple City staff met with your planning staff to review the proposed Goodman Logistics Center and its potential impacts on Temple City. While the project site is located within El Monte, the site is serviced by Lower Azusa Road, which is within Temple City's boundaries. As such, Temple City has some concerns about the traffic study that was prepared for the project, including potential safety issues unaddressed by the study, incomplete analysis, and the need for restricted turn movements to and from the site. Normally some of this analysis would be completed or reviewed by El Monte's City Engineer, however since the roadway servicing this project is not in El Monte these issues were not fully or appropriately analyzed.

Temple City respectfully requests that three conditions be placed on the project as listed below. The first two conditions address the traffic study concerns that are summarized above and discussed in detail in Attachment A. The third condition is a standard condition of approval for new, non-residential projects and addresses the project's impact on Temple City's infrastructure.

1. The applicant shall revise the traffic study to address the issues raised by the City of Temple City in its letter dated June 11, 2018. The traffic study shall be reviewed and approved by the City Engineer of Temple City and El Monte prior to any building permit or encroachment permit being issued. The traffic study may require the applicant to make on and offsite improvements stemming from analysis in the traffic impact analysis including, but not limited to:
  - a. Median(s) along Lower Azusa Road
  - b. Traffic signal at Shirley Avenue and Lower Azusa Road
  - c. Right in/right out island(s) limiting movements to and from driveways on Lower Azusa Road
2. The Planning Commission shall hold a public hearing and review this conditional use permit if either of the following occurs:

- a. The proposed tenant will generate a higher trip generation than a High Cube Warehouse.
- b. An application is submitted to subdivide either building.

To assist the Planning Commission in its review, the applicant shall prepare a supplemental traffic study to address the changes in trip generation and/or changes in circulation or other factors resulting from the change in use or building subdivision. The traffic study shall be reviewed and approved by the City Engineers of El Monte and Temple City prior to Planning Commission consideration. The Planning Commission shall have the authority to modify the conditions for the conditional use permit as necessary to address any issues identified in the supplemental traffic study.

3. The applicant shall rehabilitate existing AC street pavement on Lower Azusa Road from Shirley Avenue to the eastern property line for the full street width, as directed by the Temple City City Engineer or his/her designee. Grind existing pavement to a depth of two inches and overlay new AC.

Lastly, the project is proposing to significantly increase traffic on Lower Azusa Road and Baldwin Avenue. This will lead to accelerated street deterioration, especially given the weight of the trucks serving this use. Temple City is interested in the public benefits that the applicant may be providing to El Monte under the development agreement and requests that these benefits be extended to Temple City, if appropriate.

Thank you for considering our concerns and for your attention to this matter. If your planning staff has any questions regarding this matter, they can contact me at [mforbes@templecity.us](mailto:mforbes@templecity.us) or (626) 285-2171.

Sincerely,



Michael D. Forbes, AICP  
Community Development Director

Cc: Betty Donovanik

Attachment: Temple City Review of Goodman Project Traffic Impact Analysis

## Attachment A

### Temple City Review of Goodman Project Traffic Impact Analysis

1. The Traffic Impact Analysis (TIA) is based on a High Cube Warehouse use, if the final use of the project, when a tenant is found, changes to a project that will generate a higher trip generation than a High Cube Warehouse, then an addendum to the TIA should be submitted, and the City of Temple City given an opportunity to provide comments on the assumptions.
2. If any changes are made to the project mix or a building is divided that allows several different uses than a new circulation plan showing on-site as well as off-site circulation plan should be completed submitted for review.
3. The distribution of percentages of project traffic versus project only traffic volumes do not match. Please check the calculations (Exhibits 4-3, 4-4, 4-5 compared to Exhibit 4-6).
4. No project traffic will be allowed on residential streets in Temple City. The project should make all necessary efforts to guide or direct all project traffic to larger classified streets. This includes Arden and Kauffman. The neighbors living along Arden Drive have in the past complained about a significant amount of cut-through traffic and the City has in place several traffic calming items to reduce the speed and volume of traffic on this street north of Lower Azusa Road. The project has assumed that 10 percent of passenger car traffic from buildings 1 and 2 will use Arden Drive. (Figures 4-1 and 4-2).
5. All project driveways along Lower Azusa Road should be restricted to right turn in and right turn out onto Lower Azusa Road as assumed in the Traffic Impact Analysis (Exhibit 4-6 and Figure 5-2). Although Exhibit 4-1 assumed 5 percent of project traffic would enter into driveway 5 making a left from Lower Azusa Rd this condition was not included in the analysis (Exhibit 4-6 intersections #18 and #19 illustrates no project traffic making a left into the site). A right in/right out island or some other hard scape device at the driveways should be installed to restrict left turns in/out of the driveways.
6. A signing and striping plan from Shirley Avenue to the eastern edge of the project site should be prepared that illustrates the necessary striping along Lower Azusa Road in front of the project.
7. A queueing analysis should be completed showing the stacking needs of westbound left turning traffic at Shirley Avenue as well as any eastbound left turning traffic that is using Ryland Avenue. The existing westbound left turn pocket is approximately 47 feet long with the eastbound left turn pocket to Ryland Ave 32 feet long. Assuming some trucks (not in PCE's) will be using Shirley to enter the site, the existing westbound left turn pocket at Shirley will not allow a 60-foot truck to wait in the left turn pocket without blocking the

eastbound left turn pocket at Ryland Avenue. The plan on how this will work should be included in the striping plan to be submitted to Temple City for approval.

8. A line of sight analysis at each of the project driveways as well as at the intersection of Shirley Avenue and Lower Azusa Road should be compiled to determine if any parking restrictions are needed.
9. Parking needs and any changes to Lower Azusa Road should reflect that the Temple City Bicycle Master Plan calls for Class II bike lanes along Lower Azusa Road.
10. A full traffic signal warrant, not just peak hour, as well as a gap analysis should be completed for the intersection of Shirley Avenue at Lower Azusa Road since this will be the main driveway onto Lower Azusa Road and will be comprised of a mix of trucks making left turns across Lower Azusa Road. Accident history should also be considered.
11. The intersection of Santa Anita Avenue and Lower Azusa Road calls for mitigation of an additional northbound through lane as well as a southbound right turn lane. It seems from the analysis that a southbound right turn lane was already considered as a de facto turn lane. The northbound curb lane is already used in peak hours as a third travel lane with parking restricted. Is the assumption that parking will be eliminated the entire day? Has parking impacts along this road been considered? In addition, a conceptual striping plan should be completed showing how this mitigation is possible as a "restriping option".
12. There are some "housekeeping" fixes that call out the wrong City names or some missing/gaps in the report. These should be changed before final submittal.



MEMORANDUM

To: Betty Donovanik, Senior Planner

From: Tracy Zinn, Principal

Re: **GOODMAN LOGISTICS CENTER - RESPONSE TO EIR ADDENDUM COMMENTS – GIDEON KRACOV**

Date: June 22, 2018

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As the California Environmental Quality Act (CEQA) consultant for the Goodman Logistics Center project, you asked that I supply responses to comments submitted by Gideon Kracov, Attorney at Law, on the EIR Addendum. Although CEQA does not require that written responses be prepared to comments on EIR Addenda, responses are nonetheless provided to supplement the project's administrative record. A copy of Gideon Kracov's comment letter is attached to this memorandum. Responses to the substantive CEQA-related comments are provided below. Responses are not provided to general comments or to quotes from the CEQA Statutes, CEQA Guidelines, or case law decisions; these comments are acknowledged but do not warrant a response. Responses provided on comments pertaining to the subject matters of air pollutant emissions and noise were prepared in collaboration with Urban Crossroads, Inc.

**Gideon Kracov, Attorney at Law**  
**Letter dated June 16, 2018**

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Comment (p. 2): *Claim that land use findings cannot be made for the project.*

Response: Please refer to the entitlement findings in Resolution No. 3508.

Comment (pp. 5, 6, 7, 9, 11, 15): *The EIR Addendum does not address the potential for refrigerated warehouse space.*

Response: This item is addressed by Condition of Approval #7 (see Planning Commission Resolution No. 3508). Urban Crossroads prepared a calculation to determine the extent of warehouse space that could be refrigerated, with the resulting environmental effects remaining within the scope of impacts disclosed in the General Plan Update and Zoning Code Final Program EIR (FPEIR) and the EIR Addendum. Accordingly, a limitation on refrigerated warehouse space is placed on the project by Condition of Approval #7. Should refrigerated warehouse space be proposed as part of building design, mandatory compliance with the California Code of Regulations §2477.17 "Facility Reporting" would be required under the law.



*Comment (pp. 5, 6, 7, 9, 15): The EIR Addendum does not address the potential for the building to be used as an e-commerce distribution center.*

Response: This item is addressed by Condition of Approval #7 (see Planning Commission Resolution No. 3508). If the City determines through assessment of the operational characteristics of new building users that the resulting traffic, air quality, noise and greenhouse gas emissions are not reasonably within the scope of those impacts previously disclosed, a separate CUP application will be required for review and approval by the Planning Commission.

*Comment (pp. 5, 6): The EIR Addendum does not address potential redevelopment of the property to the east, thereby piecemealing review under CEQA.*

Response: The proposed Goodman Logistics Center is a single project and is not a smaller piece of a larger project. As such, there is no piecemealing. The Project Applicant does not own, control, or otherwise have interest in the property to the east (east of the project site and south of Gidley Elementary School). Other than a proposed water line installation across the property to the immediate east, which is evaluated in the EIR Addendum, there is no connection between the project site and the property to the east. The driveway stub shown at the Goodman Logistic Center's eastern boundary is designed for the convenience of the property to the east, should it ever be redeveloped. There are no redevelopment plans known to the City for that property at this time.

*Comment (p. 7): Concern about trucks turning left onto Shirley Avenue from westbound Lower Azusa Road and queuing at the project's driveway (Driveway C) on Shirley Avenue closest to the Shirley Avenue/ Lower Azusa Road intersection.*

Response: Up to 10% of the Project's truck traffic is expected to use westbound Lower Azusa Road from I-605, which calculates to approximately 54 trucks per day (about 2 per hour on average over a 24-hour period), and a total of 3 trucks during the AM peak hour and 4 trucks during the PM peak hour using this route. As such, stacking distance for one truck is needed at the referenced turn pockets. The westbound left turn pocket on Lower Azusa at Shirley is currently approximately 40 feet striped. A WB-67 truck is approximately 70-feet in length. In comparison, WB-50 trucks are roughly 50 feet in length. Although the distance between Ryland and Shirley is only 100 feet, considering where the truck and car would pull out to make their turns, the separation distance is approximately 130-feet. Currently, there are back to back lefts striped at this location. With restriping to create a two-way left turn lane, the 130-foot space could accommodate 1 truck at Shirley and 1 passenger car at Ryland back-to-back. At the project's first entry driveway on Shirley, there is adequate stacking space for the 1 truck, so there is no reasonable potential that trucks would queue on Shirley Avenue at this location.



Comment (p. 9): Request for enforcement of truck trips.

Response: This item is addressed by Condition of Approval #7 (see Planning Commission Resolution No. 3508). CEQA requires that a project be evaluated based on reasonable assumptions and foreseeable actions. The number of truck trips that the Project is expected to generate is based on Institute of Transportation Engineers (ITE) and SCAQMD recommendations for high cube transload warehouses, which rely on surveyed data from other high cube warehouses, which is reasonable and reliable information. Instituting an enforceable cap on the number of trucks that can access the project's building is not required under CEQA, nor would it be feasible for the City of El Monte to monitor and enforce such a requirement. The traffic analysis prepared for the EIR Addendum has made reasonable assumptions based on substantial evidence by using ITE and SCAQMD recommendations based on the Project's design and expected occupant type. For this reason, it is not necessary to impose and enforce a numerical cap on the number of trucks that the project attracts during its daily operation. As stated in the project's Condition of Approval #7, If the City determines through assessment of the operational characteristics of new building users that the resulting traffic, air quality, noise and greenhouse gas emissions are not reasonably within the scope of those impacts previously disclosed, a separate CUP application will be required for review and approval by the Planning Commission.

Comment (pp. 11, 12, 15 and the SWAPE Attachment): The Fontana Truck Trip Study should not have been used.

Response: The Fontana Truck Trip Study was not used. The notation to that study in the project's air quality and greenhouse gas (GHG) reports was an editing error, and the references to the Fontana Study should be stricken. As stated in the project's Traffic Impact Analysis (TIA) report, which the air quality and GHG analyses rely upon for project-generated traffic volumes, the "truck mix (percentage of 2-axle, 3-axle, and 4+-axle trucks) is based on the South Coast Air Quality Management District's (SCAQMD) recommended truck mix, by axle type for high-cube warehouse uses" (Urban Crossroads, TIA, p. 55). Of the project's estimated 1,729 vehicle trips, 539 are expected to be trucks (31.2% of the total trips in actual vehicles and 53.5% of the total trips in passenger car equivalents (PCE)). The overall trip rate is based on the latest Institute of Transportation Engineers (ITE) *Trip Generation Manual, Tenth Edition* (published in 2017) and the vehicle mix source was obtained from the High Cube Warehouse Vehicle Trip Generation Analysis (published in 2016) that was a joint effort by the SCAQMD and ITE to better understand truck trips and fleet mix associated with warehouse uses. These data sources are the most current and readily accepted industry-wide data sources available for trip rates and vehicle mixes. As such, all emissions calculations in the EIR Addendum and its technical appendices are correct and based on substantial evidence; no changes are required to the truck trip rates or fleet mix assumptions.

Comment (pp. 12, 13): Daily construction hours will be longer than analyzed.

Response: Even though construction activities are legally permitted to occur up to 13 hours per day pursuant to the City of El Monte Noise Ordinance, the construction equipment used for the project's construction activity would not be used during every hour of the day. Rather, the air quality analysis, consistent with industry standards and typical construction practices, assumes that each piece of equipment would operate up to 8 total hours per day, or approximately 2/3 of the period during which construction activities are allowed pursuant to



the City's Noise Ordinance. For example, during grading operations water trucks would not operate continuously over a 13-hour period but would instead be used as necessary to minimize fugitive dust. In fact, most pieces of equipment likely would operate far fewer than 8 hours per day as was analyzed. Accordingly, the assumptions used in the air quality analysis disclose a reasonable and likely overstated evaluation of the project's potential construction-related air pollutant emissions.

In addition, the following Condition of Approval will be imposed on the project:

#### Construction and Operational Buffer Areas

**Buffer Area Definition.** "Buffer Areas" are defined as the parking area north of Building 1 (Lower Azusa Buffer), the parking area south of Building 2 (Railroad Buffer) and the area within 100 feet of the Gidley School property line (School Buffer) (see Resolution No. 3508 – Exhibit 1).

- a. Construction staging shall be prohibited from all three Buffer Areas.
- b. Construction activities shall be limited to 7:00 a.m. to 6:00 p.m. on Monday through Saturday for the Lower Azusa Road Buffer Area and the Railroad Buffer Area. No construction activities shall occur on Sundays or Federal holidays.
  - i. To allow activity outside the hours noted above, the Project Applicant shall submit a written request to the City Planner outlining the construction activity, construction time and justification. Upon acceptance of the City Planner, the Project Applicant shall send written notification to the school and all property owners and occupants within 150 feet of the Property a minimum of five (5) days prior to the activity. The notice shall also include the Project Applicant's contact information.
- c. The Project Applicant shall work with Gidley Elementary School and the School District to identify preferred construction times for activities within the Gidley Elementary School Buffer Area. The agreed upon construction schedule shall be submitted to the Planning Division.

Comment (p. 13 and the SWAPE Attachment): *Localized significance thresholds were incorrectly applied.*

Response: For operational activity, the SCAQMD's look-up tables are used as a screening tool and represent a conservative estimate of potential impacts as identified in the EIR Addendum (Air Quality Report, Appendix A, pp. 46). The SCAQMD look-up tables of 5-acres are used to determine localized significance thresholds for operational activity. Although the project site is greater than 5 acres, the LST lookup tables can be used as a conservative measure to show that even if the daily emissions from all project operations were emitted on a 5-acre site (and therefore concentrated over a smaller area which would result in greater site adjacent concentrations), if the impacts are less than significant, then a more detailed evaluation is not necessary. In an effort to establish a maximum potential impact scenario for analytic purposes, the emissions shown in the EIR Addendum represent all on-site project-related stationary (area) sources and five percent (5%) of the project-related mobile sources. Considering that the weighted trip length used in CalEEMod for the project is approximately 45.89 miles, 5% of this total would represent an on-site travel distance for each car and truck of approximately 2.29 miles or 12,091.2 feet, thus the 5% assumption is conservative and would tend to overstate the actual impact. Modeling based on these assumptions demonstrates that even within broad encompassing parameters, project operational-source emissions would not exceed applicable LSTs. As shown in the EIR Addendum, emissions during operational activity would not exceed the SCAQMD's localized significance thresholds for any criteria pollutant and a less than significant impact would occur.

Comment (p. 14): *The EIR Addendum “cherry picks” consistency with the FPEIR’s mitigation measures.*

Response: Attachment B of the EIR Addendum lists every mitigation measure identified in the FPEIR and discusses the applicability of the mitigation measure to the proposed project. If the measure is not applicable to the project, then the measure is not applied. This is not cherry picking; rather, the EIR presents a rational application of the PEIR’s mitigation measures to the specific project at hand. Not every mitigation measure applied to the City’s General Plan and Zoning Code Update is applicable to the proposed project. Specifically related to the two FPEIR mitigation measures cited in the comment:

FPEIR MM 3-2: The upgrading of a bus stop along Lower Azusa Road with additional design features is outside of the project applicant’s and City’s control, and there is no evidence to suggest that a bus stop with a bench, canopy, or turnout would have any measurable effect on the number of transit riders or result in a measurable reduction in the project’s air quality, GHG, or other environmental effects.

FPEIR MM 3-3: This measure applies to new sensitive receptors, and particularly those that would be located in close proximity to a freeway. The Goodman Logistics Center is not a sensitive receptor. Further, the project’s health risk analysis analytically determined that the project would have a less than significant impact on human health. Therefore, mitigation is not required.

Comment (pp. 14, 15, 16, 17, 18 and the SWAPE Attachment): *Greenhouse gas (GHG) and climate change impacts were not adequately addressed.*

Response: As previously discussed in this memorandum, the input parameters for the project’s GHG analysis were correct and based on substantial evidence. As such, the conclusions are supported and the emissions estimates in the Project’s CalEEMod modeling are correct and no changes are needed. The EIR Addendum includes an analysis of consistency with SB 32 and the Long-Term Statewide Goals (see EIR Addendum pp. 5-63 through 5-67). It should be noted however, that SB 32 does not specifically address the 2050 targets for which there is no adopted plan in place. The California Supreme Court in 2017 published its opinion in *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497 and held that the lead agency did not violate CEQA by deciding not to analyze the project’s consistency with Executive Order S-3-05 (2050 target). It is noteworthy that the project at issue in the case was a regional transportation plan, which is far greater in scope than the subject project. The Addendum correctly evaluates GHG emissions associated with the project and provides a comparison to the emissions that would otherwise occur as a result of buildout of the site as analyzed by the FPEIR. The purpose of the EIR Addendum is to determine if the project would cause any new impacts or substantially more severe impacts, which it would not.

Comment (p. 19): *Traffic-related noise conclusion of less-than-significant needs more explanation.*

Response: The residential noise level standards referenced in the comment are from the City of El Monte Municipal Code for stationary noise sources during daytime and nighttime hours and are based on specific sample periods such as the median or L<sub>50</sub> (50th percentile) for noise levels occurring during 50-percent of a



given hour. These standards do not apply to the 24-hour off-site traffic noise levels evaluated in Section 7 of the project's Noise Study, because transportation noise is assessed based on the 24-hour Community Noise Equivalent Level (CNEL) metric which adds penalties to the more sensitive evening and nighttime hours. As such, applicable 24-hour CNEL criteria must be used for a one-to-one comparison which takes into account these penalties. This approach is consistent with both the City's General Plan Noise Element Land Use Compatibility Standards (Exhibit 3-A of the Noise Study) and the approach to off-site traffic noise levels used in the City's General Plan and Zoning Code Update EIR, Section 5.9, Noise. The off-site traffic noise analysis is based on actual vehicle average daily traffic (ADT) volumes obtained from the project's Traffic Impact Analysis. By using actual vehicle volumes, rather than passenger car equivalent (PCE) volumes, the Noise Study accounts for the additional noise levels generated by medium and heavy trucks on the study area roadway network due to the Project's off-site ADT volumes. Therefore, the off-site traffic noise levels generated by project truck traffic are not underestimated in the analysis.

*Comment (p. 19): Construction noise values may not reflect the actual construction scenario.*

Response: The EIR Addendum and the Noise Study appended to the Addendum conclude that project-related construction noise levels would exceed the significance threshold at the two closest receiver locations, R4 and R5, which represent Gidley Elementary School. This is directly due to the proximity of these receiver locations to the Project's construction activity. Mitigation measures are imposed to reduce the impact to less than significant. The construction noise levels at the remaining residential receiver locations are shown to satisfy the construction noise level thresholds because these receiver locations benefit from additional attenuation provided by greater distances to the noise source, and some receivers benefit from additional attenuation due to intervening structures (e.g., existing noise barriers), as shown on Tables 10-2 to 10-7 of the Noise Study. The reference construction noise levels used in the analysis include multiple pieces of equipment operating at once. The highest reference noise level used in the construction noise analysis is represented by a Dozer Pass-by at 79.6 dBA Leq at 50 feet. This measurement includes a dozer pass-by event closest to the sound level meter, with background scraper and dozer activities occurring simultaneously. In addition, the reference noise level measurement was collected during on-going grading activities throughout the reference construction site. Therefore, the highest reference noise source used in the project construction noise analysis represents multiple pieces of construction equipment operating simultaneously so as to conservatively estimate Project construction noise levels.

Section 7 of the Noise Study demonstrates that the off-site daily project trips (1,729 per day) will result in less than significant off-site traffic noise level increases of up to 1.3 dBA CNEL. For reference, an increase of 1 dBA is almost imperceptible outside of a laboratory setting to the average human ear. Therefore, project construction-related trips would need to exceed the future operational project trips to result in increases greater than what were already analyzed in the Noise Study. Based on the Air Quality Impact Analysis assumptions for truck haul trips during project construction, it is expected that project-related construction-only trips will be less than what is already analyzed in Section 7 of the Noise Study. Further, construction-only traffic volumes would need to double the existing roadway volumes on any given study area roadway segment to result in a barely perceptible increase of 3 dBA CNEL, which is not reasonably foreseeable.

In addition, the following Condition of Approval will be imposed on the project:

### Construction and Operational Buffer Areas

**Buffer Area Definition.** “Buffer Areas” are defined as the parking area north of Building 1 (Lower Azusa Buffer), the parking area south of Building 2 (Railroad Buffer) and the area within 100 feet of the Gidley School property line (School Buffer) (see Resolution No. 3508 – Exhibit 1).

- d. Construction staging shall be prohibited from all three Buffer Areas.
- e. Construction activities shall be limited to 7:00 a.m. to 6:00 p.m. on Monday through Saturday for the Lower Azusa Road Buffer Area and the Railroad Buffer Area. No construction activities shall occur on Sundays or Federal holidays.
  - i. To allow activity outside the hours noted above, the Project Applicant shall submit a written request to the City Planner outlining the construction activity, construction time and justification. Upon acceptance of the City Planner, the Project Applicant shall send written notification to the school and all property owners and occupants within 150 feet of the Property a minimum of five (5) days prior to the activity. The notice shall also include the Project Applicant’s contact information.
- f. The Project Applicant shall work with Gidley Elementary School and the School District to identify preferred construction times for activities within the Gidley Elementary School Buffer Area. The agreed upon construction schedule shall be submitted to the Planning Division.

*Comment (pp. 22-27): Mitigation measures are inadequate.*

**Response:** The conditions of approval that will be imposed on the project adequately address the project’s compliance with the FPEIR’s mitigation measures. No additional, feasible measures with a proportional nexus to the project’s impacts are warranted.

**Conclusion:** Recirculation of the EIR Addendum is not required. CEQA Guidelines §15088.5 describes the conditions under which an EIR (or Addendum thereto) that was circulated for public review is required to be re-circulated for additional public review and comment. CEQA Guidelines §15088.5 states that new information added to an EIR is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

- a. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- b. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- c. A feasible project alternative or mitigation measure considerably different from the others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
- d. The EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.



Based on the comments the City of El Monte received on the EIR Addendum and responses prepared thereto, there were no public comments or changes to the text or analysis contained in the EIR Addendum that resulted in the identification of any new significant environmental effect or a substantial increase in the severity of an environmental effect. Based on comments received on the EIR Addendum, no revisions to the Project's mitigation measures were necessary. Conditions of approval placed on the project by the City of El Monte further reduce the project's environmental effects and provide assurance that the operating characteristics of the building users would not result in new or more severe environmental impacts than disclosed in the City General Plan and Zoning Code Update EIR and Goodman Logistics Center EIR Addendum. Additionally, the General Plan Update and Zoning EIR and the Goodman Logistics Center EIR Addendum were fundamentally and basically adequate, and all conclusions within the EIR and EIR Addendum were supported by evidence provided within the EIR, EIR Addendum, or the administrative record for the proposed project. Furthermore, public comment letters on the EIR Addendum did not identify any alternatives to the proposed project that would reduce its significant and unavoidable environmental effects.

Based on the foregoing, recirculation of the EIR Addendum is not warranted according to the guidance set forth in §15088.5 of the CEQA Guidelines.

**GIDEON KRACOV**

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June 14, 2018

**VIA EMAIL:**

Betty Donovanik, Senior Planner  
City Planning Commission  
City of El Monte  
11333 Valley Boulevard  
El Monte, California 91731  
[bdonavanik@elmonteca.gov](mailto:bdonavanik@elmonteca.gov)

**Re: Goodman Logistics Center (10150 Lower Azusa Road);  
CUP No. 03-18, Design Review No. 01-18, Modification No. 02-18, DA No. 01-18;  
Addendum to 2011 General Plan Program EIR (SCH No. 2008071012)**

Dear Ms. Donovanik and the Honorable Planning Commission:

On behalf of El Monte residents Joe Blackburn, Aaron Montenegro and unincorporated association Communities Advocating Responsible Environmental Security ("CARES") (collectively "Commentors"), this Office respectfully provides the City of El Monte ("City") the following comments regarding the Addendum ("ADM")<sup>1</sup> to the City's General Plan final program environmental impact report ("FPEIR") prepared for the referenced logistics facility development ("Project"), proposed by Goodman Logistics ("Applicant"), located on a 55.7-acre site within the City's Northwest Industrial District ("Site"). Specifically, we raise concerns related to the Project's compliance with the El Monte Municipal Code ("EMMC" or "Code") and the California Environmental Quality Act, Pub. Res. Code § 21000 *et seq.*, ("CEQA").

*We respectfully apologize that these comments could not be provided to you earlier, and we realize you are hearing the Project tonight, but the Addendum for this huge project was only made available to the public about ten days ago. Frankly, the public and you need more time to review all the documents including additional environmental mitigation conditions listed on pages 21-27 of this letter to impose on the Project. Any decision on the Project tonight should be postponed. In any event, all comments received before or at tonight's hearing including this comment letter are part of any court record should Commentors sue this Project. Galante Vineyards v. Monterey Peninsula Water Management Dist. (1997) 60 Cal.App.4th 1109, 1120.*

We write because the Addendum fails to accurately analyze the Project's traffic trips, which therefore understates the impact analysis for traffic, air quality, greenhouse gas ("GHG"), and noise. Furthermore, the Addendum relies on various project design features and conditions of approval, intended to mitigate Project impacts, but are unenforceable. These and other errors discussed herein must be cured in a CEQA-compliant environmental impact report ("EIR").

<sup>1</sup> Inclusive of all appendices, referenced herein as ("APP") followed by volume designation (e.g., APP-A). All documents are provided on the City website at: <http://ca-elmonte.civicplus.com/499/Current-Projects>.



Because the Applicant requests discretionary entitlements, the City may reject the Project as proposed and demand more for its residents, such as additional mitigation measures proposed by Commentors in this letter. At this time, the various mandatory land use findings under EMMC §§ 17.20, 17.22, 17.24 and 17.84 cannot be made. Commentors respectfully request the City refuse to approve the Addendum and Project land use entitlements at this hearing. Continue the matter. Allow the Applicant, the City, and Commentors to determine whether these significant environmental issues can be resolved and better mitigated.

## I. PROJECT BACKGROUND

The project consists of the demolition of all onsite structures totaling 1,036,371 square feet (“SF”), and the construction and operation of a new industrial park development on a 55.86-acre site at 10150 Lower Azusa Road on property zoned General Manufacturing (M-2). The site is located at the southeast corner of Lower Azusa Road and Shirley Avenue and is the site of the former Von/Safeway Distribution Center. The proposed project consists of two concrete tilt-up industrial buildings that will have a total floor area of 1,235,340 SF.

Requested entitlements include a Conditional Use Permit for new development within 150 feet of a residentially zoned (“CUP”); Design Review for the new industrial buildings (“DR”); a Modification to allow certain walls/fences to be a maximum of 14 feet high, in lieu of the maximum of eight feet allowed; and a Development Agreement to allow for certain development rights in exchange for public benefits (“DA”) (collectively “Entitlements”). The Entitlements are subject to various mandatory land use findings under EMMC §§ 17.20, 17.22, 17.24 and 17.84 including, but not limited to (emphasis added):

- The granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;
- The design of the proposed project would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, textures, and colors that will remain appealing and will retain a reasonably adequate level of maintenance;
- The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development, and will not result in vehicular and/or pedestrian hazards;
- The use applied for at the location indicated is properly one for which a conditional use permit is authorized; and
- The site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

For the reasons discussed below, these findings for the Entitlements cannot be made tonight – there are too many environmental impacts not adequately addressed or mitigated in the Addendum. Commentors object for all the reasons set forth herein.

## II. STANDING OF COMMENTORS

Commentors live in El Monte in the vicinity of the Project and will be directly affected by the air quality, traffic, noise and other impacts of the Project. *Bozung v. LAFCO*, 13 Cal.3d 263, 272 (1975) (“Bozung and the Ventura County Environmental Coalition have alleged that they will be harmed by the environmental effects of the challenged annexation; that allegation is sufficient”); *Bakersfield Citizens v. Bakersfield*, 124 Cal.App.4th 1184, 1199 (2004) (“[o]ne of BCLC’s members is a homeowner residing near Gosford and he spoke in opposition to the projects . . . This is sufficient to satisfy CEQA’s liberal standing requirement.”)

Furthermore, this comment letter is made to exhaust remedies under Pub. Res. Code § 21177 and incorporates by this reference all written and oral comments submitted on the Project by any commenting party/agency. It is well-established that any party, as Commentors here, who participate in the administrative process can assert all factual/legal issues raised by anyone. See *Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875.

## III. BACKGROUND ON CEQA

CEQA requires lead agencies to analyze the potential environmental impacts of its actions in an environmental impact report (“EIR”). See, e.g., Pub. Res. Code § 21100; *Cmtys. for a Better Env’t v. S. Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310. The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Cmtys. for a Better Env’t v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 109; see also *Lincoln Place Tenants Ass’n. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 443-44 (“[t]he fundamental goals of environmental review under CEQA are information, participation, mitigation, and accountability.”) (citing Cal. Code Regs. (“CEQA Guidelines” or “Guidelines”) § 15002).

**CEQA’S PURPOSE:** CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. See CEQA Guidelines § 15002(a)(1). To this end, public agencies must ensure that its analysis “stay in step with evolving scientific knowledge and state regulatory schemes.” *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (“Cleveland II”) (2017) 3 Cal.5th 497, 504. Hence, an analysis which “understates the severity of a project’s impacts impedes meaningful public discussion and skews the decisionmaker’s perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval.” *Id.*, on remand (“Cleveland III”) 17 Cal.App.5th 413, 444; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564 (quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392).

Second, CEQA requires public agencies to avoid or reduce environmental damage by requiring implementation of “environmentally superior” alternatives and all feasible mitigation measures. CEQA Guidelines § 15002(a)(2) & (3); see also *Citizens of Goleta Valley*, 52 Cal.3d at 564. If a project has a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any significant unavoidable effects on the environment are “acceptable due to overriding concerns.” Pub. Res. Code § 21081; see also Guidelines § 15092(b)(2)(A) & (B).

**PROGRAM EIRS & ADDENDUMS:** A program EIR is to be used for “general criteria to govern the conduct of an ongoing program.” Guidelines § 15168(a)(3). “A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis . . . no further environmental documents would be required.” *Id.* section (c)(5). In determining whether additional, project-specific CEQA review is required, the agency must determine whether the “effects were fully analyzed in the program EIR.” *Id.* at discussion. If changes in the later project or new information show any new significant environmental effects or increase the severity of environmental effects identified in the program EIR, the agency must prepare an additional CEQA analysis. Pub. Res. Code § 21166; Guidelines § 15162.

“An EIR is required for a site specific project within the larger program if the project may cause significant effects.” *American Canyon Community v. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1073. Thus, numerous courts require supplemental CEQA review where a prior EIR fails to analyze significant changes in a future project or where there are previously unanalyzed or increased significant impacts. *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association* (1986) 42 Cal.3d 929, 934 (public entity violated CEQA when it failed to prepare a Supplemental EIR for significant project changes and new information); *American Canyon*, 145 Cal.App.4th at 1073 (increase in size and project changes is substantial change triggering subsequent environmental review).

**SUBSTANTIAL EVIDENCE:** Under CEQA, substantial evidence includes facts, a reasonable assumption predicated upon fact, or expert opinion supported by fact; not argument, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. *See e.g.*, Pub. Res. Code §§ 21080(e), 21082.2(c), and CEQA Guidelines §§ 15064(f)(5) & 15384. As defined under CEQA Guidelines § 15384(a), substantial evidence is “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached . . . .” (emphasis added). As such, courts will not blindly trust bare conclusions, bald assertions, and conclusory comments without the “disclosure of the ‘analytic route the . . . agency traveled from evidence to action.’” *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 405 (quoting *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515); *see also Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568-569; *Cleveland III*, 17 Cal.App.5th at 441 (agency “obliged to disclose what it reasonably can . . . [or] substantial evidence showing it could not do so.”).

#### IV. THE PROJECT FAILS TO SATISFY CEQA REQUIREMENTS

##### A. INACCURATE PROJECT DESCRIPTION & RECIRCULATION

An “accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” *San Joaquin Raptor Rescue Ctr. v. Cnty. of Merced* (2007) 149 Cal.App.4th 645, 654-655 (quoting *Cnty. of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199) (emphasis in original). As one court explained, “only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the ‘no project’ alternative), and weigh other alternatives in the balance.” *Citizens for a Sustainable Treasure Island v. City & Cnty. of San Francisco* (2014) 227 Cal.App.4th 1036, 1052. Hence, an accurate project

description is an “indispensable component of a valid EIR.” *Western Placer Citizens for an Agr. and Rural Env’t v. Cnty. of Placer* (2006) 144 Cal.App.4th 890, 898.

Here, the project description states the Project includes a 1,235,340 SF modern HCW use that will operate 25-hours a day year-round. ADM, pp. 2:1, 2:19.<sup>2</sup> However, while no refrigerated warehouse space is proposed (ADM, p. 2:20), none of the proposed mitigation measures or conditions of approval prevents the Project Site from being used as such. This is a significant flaw given the air quality and GHG modeling assumes “Unrefrigerated Warehouse” use. See APP-A, PDF pp. 79, 106-108, 111, 138-140, 143, 171-173, 176, 204-206, 211, 219, 221, 225, 233, 235, 239, 248-250, 253, 262-264.<sup>3</sup>

Similarly, nothing prevents the Project Site from being used as an e-commerce distribution center like an Amazon fulfillment facility. Admittedly, the Applicant has a long-term relationship with Amazon which includes nearly 6 million SF of constructed and/or planned development in the Inland Empire West and Greater Los Angeles logistics markets,<sup>4</sup> including a similar 53-acre facility in Santa Fe Springs,<sup>5</sup> and a 205-acre facility in Eastvale.<sup>6</sup> The Addendum modeled the Project’s trip-generation as a transload and short-term warehouse HCW use. See ADM, pp. 5:10, 5:15, 5:55, 5:138, 5:141-142; see also APP-I, pp. 1, 55-58. As discussed below, this use has a significantly lower trip-generation than a cold storage or fulfillment center HCW use. This too is a significant flaw given the trip-generation is fundamental to the Addendum’s impact analysis (e.g., air quality, GHG, traffic impacts, noise, etc.).

In short, absent meaningful conditions of approval that prevent the Project Site as a cold-storage warehouse or e-commerce fulfillment center, the project description is misleading and fails to provide an accurate accounting of potential uses at the Site, which infects the Addendum’s entire analysis as it relates to traffic, air quality and GHG emissions, and noise impacts.

## **B. IMPROPER PROJECT PIECEMEALING**

A project’s CEQA review must assess “the whole of an action” to ensure that all of the project’s environmental impacts are considered. CEQA Guidelines § 15378; *see also Santee v. County of San Diego*, 214 Cal.App.3d at 1454; *San Joaquin Raptor/Wildlife Rescue Center v. Cnty. of Stanislaus* (1994) 27 Cal.App.4th 713, 730 (held use of “truncated project concept” violated CEQA where EIR was otherwise adequate). CEQA mandates “that environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment - which cumulatively may have disastrous consequences.” *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283-284; *see also City of Santee*, 214 Cal.App.3d at 1452.

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<sup>2</sup> Herein, page citations to the ADM are provided by sections followed by page number. For example, the “Proposed Operational Characteristics” of the project is located in the section 2.0 starting on page 19 (i.e., ADM, p. 2:19).

<sup>3</sup> Multiple documents are attached to ADM Appendix A (APP-A) and are not sequentially number throughout the entire document. Page citations to these documents are to the page location within the App-A PDF document. For example, the CalEEMod output files start at page 79 of the App-A PDF document (i.e., APP-A, PDF p. 79).

<sup>4</sup> <https://www.prnewswire.com/news-releases/goodman-expands-partnership-with-amazon-in-the-united-states-leasing-an-additional-one-million-square-feet-at-goodman-commerce-center-eastvale-california-300406685.html>.

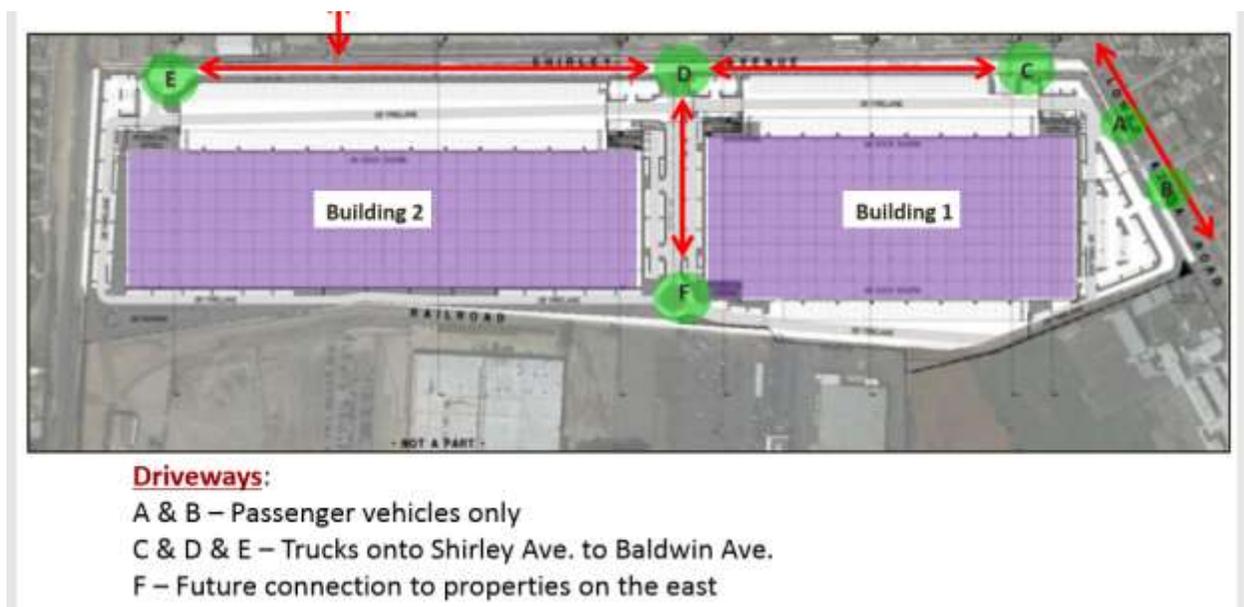
<sup>5</sup> <http://www.areadevelopment.com/newsItems/4-2-2018/goodman-group-goodman-logistics-center-santa-fe-springs-california.shtml>.

<sup>6</sup> <https://www.pe.com/2016/05/26/logistics-what-amazon-means-to-eastvale/>.

Before undertaking a project, the lead agency must assess the environmental impacts of all reasonably foreseeable phases of a project, and a public agency may not segment a large project into two or more smaller projects to mask serious environmental consequences or evade CEQA review. *See e.g.*, CEQA Guidelines § 15378(a); *McQueen v. Bd. of Supervisors* (1988) 202 Cal.App.3d 1136, 1146-47. Nor, may an agency limiting its ability to consider feasible project alternatives or mitigation measures by approving project-related agreements before completion of a CEQA-compliant review. *See e.g. Kings County Farm Bureau*, 221 Cal.App.3d at 736; *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116

Here, according to the PowerPoint presentation provided during a May 16, 2018 City public hearing on the Project (“City PPT Presentation”), the Project includes a vehicle access point between the two proposed buildings to a potential “[f]uture connection to properties on the east” of the Project Site (see below Fig. 1 location F). The Project as proposed furthers an expect future project but is not disclosed or analyzed in the Addendum. This must be cured, to ensure that the impacts caused by the proposed Project and future project to the east of the Site are not chopped up in a truncated CEQA review that masks the full impacts of the City’s decision-making process.

Figure 1: Proposed Access Point (City PPT Presentation)



### C. TRAFFIC IMPACTS

**HCW TRIP-GENERATION:** Here, the Addendum claims that the Project’s proposed transload, short-term HCW use would generate substantially fewer trips than the General Plan Buildout land uses considered in the General Plan FPEIR, and therefore traffic impacts would also be substantially less. ADM, pp. 5:141-142. However, as discussed above, the Project as proposed may, in fact, be used as a cold-storage warehouse or as an e-commerce fulfillment center – no mitigation conditions prevent these uses. As such, Commentors question the factors used for determining vehicle trips. Recent data and studies have shown vehicle trips are dramatically undercounted for HCW. Online shopping has dramatically increased in the last several years, and delivery of goods has also significantly changed. While a couple of days for delivery used to be acceptable, consumers are now seeking deliveries next day, same day, within the next four hours or even within the next hour from

placing their orders. Studies show that this has changed the traffic patterns for HCWs, from larger trucks to small trucks and passenger vehicles, and significantly increased the trips generated. In fact, a recent study entitled High-Cube Warehouse Vehicle Trip Generation Analysis prepared by the Institute of Transportation Engineers (“2016 HCW Study”)<sup>7</sup> demonstrates the vehicle generator factors used in the Addendum significantly underestimated the Project’s expected trip-generation.

The 2016 HCW Study “identified significant weakness in the ability to forecast vehicle trips with confidence.” 2016 HCW Study, p. 16. HCW use is very different and much higher regarding vehicle trips generated than those used by in the Addendum, which used a weighted average of 0.08 and 0.10 vehicle trips per 1,000 SF for AM and PM peak hour (respectively). ADM, p. 5:142; see also APP-I, pp. 57-58. However, the 2016 HCW Study found that HCW fulfillment centers have “a significantly higher rate for passenger cars during both the AM and PM peak hour[,]” with a weighted average of 0.841 and 1.979 vehicle trips per 1,000 SF for AM and PM peak hour (respectively) (2016 HCW Study, p. 17)—roughly 10 times more AM peak hour trips and 20 times more PM peak hour trips.

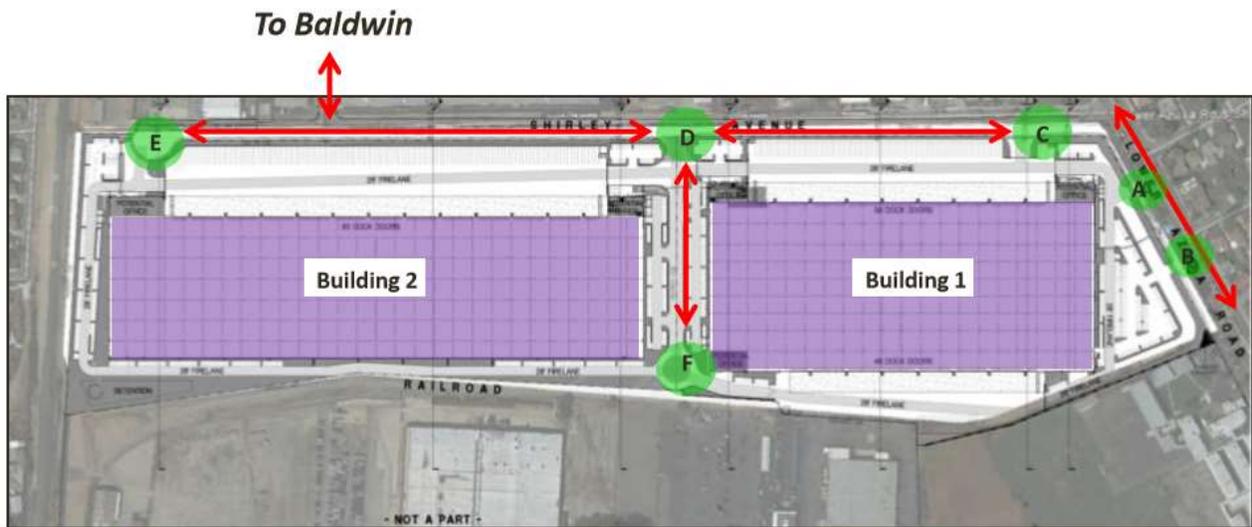
Commentors believe that the Addendum is inadequate given this situation, and the identified potential significant weakness in the ability of the ITE factors to accurately assess potential vehicle trips generated by the proposed Project. The potential impacts to the environment from significant increased traffic, including noise and air pollution, need to be thoroughly reviewed and evaluated. Commentors should not unduly suffer the burdens on traffic generated from the Project Site. While traffic mitigation is proposed, it must be based on sound analysis. Moreover, given the Project’s traffic-generation is fundamental to the Addendum’s impact analysis—particularly to air quality/GHG emissions and noise—potential significant impacts are masked and feasible mitigation measures avoided due to this significant flaw in the Addendum traffic assumptions.

**TRUCK QUEUING:** Here, as shown in the City PPT Presentation, trucks may access the Site from Lower Azusa Road (see below Fig. 2). The access point identified as Access Point “C” is practically at the Shirley Avenue/Lower Azusa Road intersection. Shirley is a narrow street with one lane for each direction, while Lower Azusa Road is slightly larger with two lanes each direction and with a minimal turn lane for vehicles traveling west and turning onto Shirley Avenue (see below Fig. 3). If multiple trucks attempt to enter the Site at Access Point C, trucks will overflow onto Lower Azusa potentially blocking eastbound traffic on Lower Azusa Rd., and/or induce excessive queuing at the abovementioned turn lane, which could block access to Ryland Avenue. The associated traffic, emissions, and noise caused by queued trucks will acutely affect sensitive residential uses north of the Project Site. This issue has not been adequately addressed in the Addendum.

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<sup>7</sup> <http://library.ite.org/pub/a3e6679a-e3a8-bf38-7f29-2961becdd498>.

*Figure 2: Proposed Access Points*



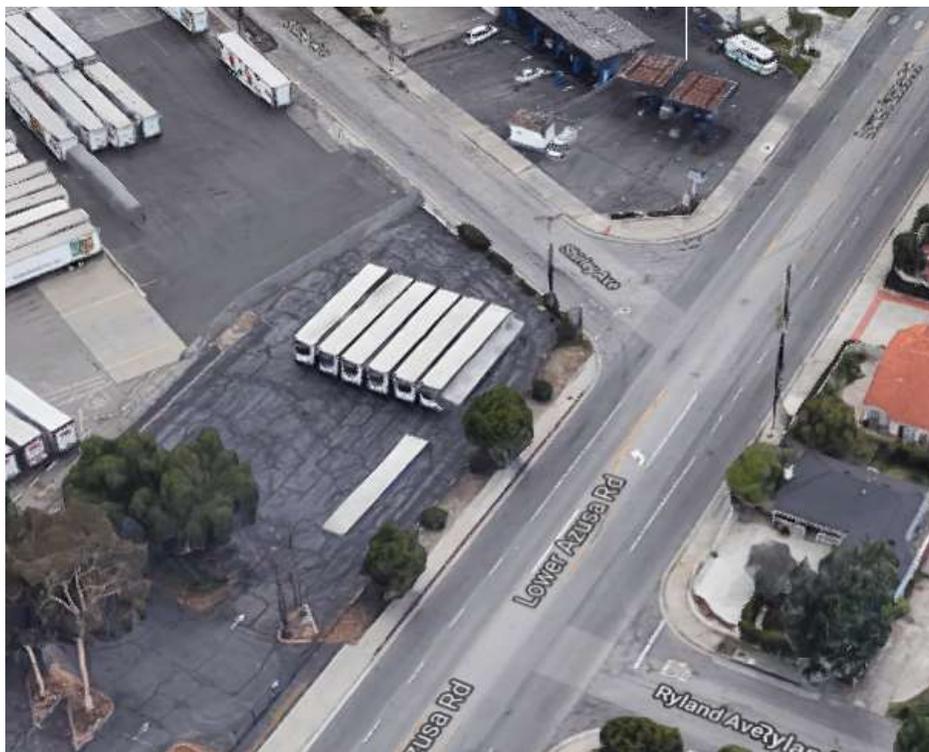
**Driveways:**

A & B – Passenger vehicles only

C & D & E – Trucks onto Shirley Ave. to Baldwin Ave.

F – Future connection to properties on the east

*Figure 3: Google Map Image*



**PROJECT MUST INCLUDE ENFORCEABLE LIMITS ON TRUCK TRIPS:** For the abovementioned reasons, serious doubts are raised that the project will be limited to the 539 daily truck trips assumed under the Addendum. ADM, pp. ES:13, 2:20, 5:27. This is particularly concerning given the truck trips are fundamental to the Addendum's impact analysis for traffic, air quality, health risk assessment, GHG, and noise impacts. See e.g., APP-A, PDF p. 248, 262; APP-B, p. 11; APP-E, PDF pp. 135; APP-H, p. 39-40. Therefore, meaningful conditions of approval ("COAs") must be incorporated to ensure the Project does not exceed the 539 daily truck trips. In addition to a real-time tracking of daily truck activity, there must be an explicit protocol that ensures excessive truck activity is timely ceased and precautions taken by the Applicant to avoid future exceedances. Critically, the enforcement mechanism cannot be contingent on the discretion of Applicant or future tenant who can defer action indefinitely. Furthermore, the City should also include COAs that the Project Site will not be used for cold-storage or e-commerce distribution without first undergoing a additional City approval pursuant to adequate CEQA review, while observing all applicable due process rights that ensure CEQA's informed public decision making purpose is satisfied.

#### **D. AIR QUALITY IMPACTS**

Air quality impacts and their concomitant impacts on human health must be studied in CEQA documents. See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184, 1220 (quoting CEQA Guidelines § 15126.2(a)). Courts have recognized the threat of toxic air contaminants ("TACs"), such as the carcinogenic threat posed by diesel particulate matter ("DPM") emitted from highway vehicles and particularly from heavy-duty trucks. *Cleveland III*, 17 Cal.App.5<sup>th</sup> at 438-439 (citing a growing body of scientific evidence, including several studies and estimates by California Air Resources Board, showing proximity to heavy traffic volumes is associated with increased respiratory symptoms, risk of heart and lung disease, elevated mortality rates, and that DPM resulted in 720 excess cancer cases per million in the San Diego region in 2000). Hence, CEQA requires an agency to correlate transportation-related emissions to anticipated adverse health impacts. *Id.* at 33; see also *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comrs.* (2001) 91 Cal.App.4<sup>th</sup> 1344, 1367-1371. Here, the Addendum's air quality analysis is flawed for the several reasons discussed below.

**FAILURE TO ANALYZE COLD STORAGE WAREHOUSE EMISSIONS:** The Addendum relies on emissions calculated from the California Emissions Estimator Model Version CalEEMod.2016.3.1 ("CalEEMod").<sup>8</sup> 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 CEQA requires that substantial evidence justifies such changes.<sup>9</sup> 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, which can be found in Appendix A of the Addendum (starting at APP-A, PDF p. 79), 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 a justification for the values selected.<sup>10</sup>

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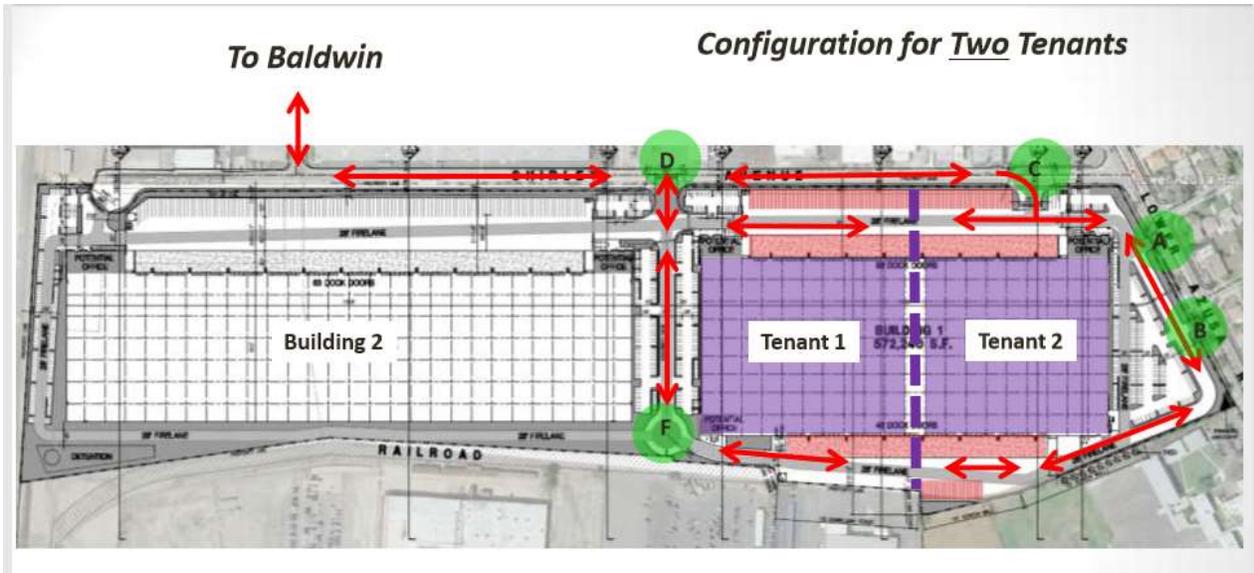
<sup>8</sup> CalEEMod website, <http://www.caleemod.com/>.

<sup>9</sup> CalEEMod User Guide (Nov. 2017), pp. 1, 12, <http://www.caleemod.com/>.

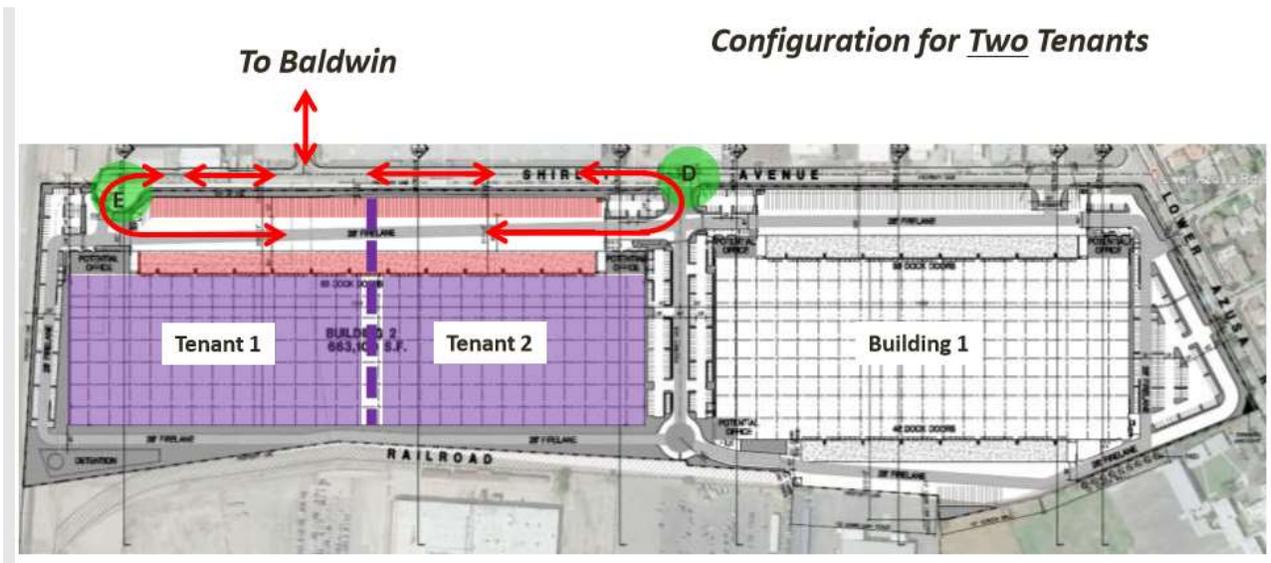
<sup>10</sup> *Id.* at pp. 12-13 (A key feature of the CalEEMod program is that users can explain why a default setting was replaced by a "user defined" value). These remarks are included in the report under "User Entered

Here, as discussed above, the CalEEMod output files shows that the Project was analyzed as an “Unrefrigerated Warehouse.” However, as currently proposed, nothing prevents the Site from being used as a cold-storage warehouse, which typically uses transport refrigeration units (“TRUs”) that generate additional emissions. Nowhere in the Addendum are the future tenants identified. Furthermore, according to the documents provided during a May 16, 2018 Project presentation, up to four unknown tenants could be located in the two buildings (see below Figs. 4 and 5):

*Figure 4: Truck Circulation-Building 1*



*Figure 5: Truck Circulation-Building 2*



Comments & Non-Default Data.” See e.g., APP-A, PDF pp. 79, 111, 143, 176, 211, 225, 239, 253, 269, 287, 305, 323.

Since the Project's future uses are not entirely clear, it is reasonable to assume that the tenants could also require TRUs. Therefore, to provide the most conservative analysis, as is required by CEQA,<sup>11</sup> emissions from TRUs should have been assessed. Furthermore, since the Project is proposing to construct 175 total trucking docks (ADM, p. 2:5), the Project must adhere to the Cal. Cod Regs § 2477.17,<sup>12</sup> which requires facilities with 20 or more loading dock spaces that serve refrigerated areas to submit a Facility Report to the California Air Resources Board ("CARB"). Section 2477.17 requires reporting to assess the number of truck trips and type of truck trips that a project would generate. The section also requires the following information to be included in the report:

*The number of refrigerated trailers (as defined) that are used at the facility for cold storage, the total annual number of hours of TRU engine operation associated with these refrigerated trailers, and the total annual number of hours of operation using electric standby associated with these refrigerated trailers.*

Since the Project may have tenants that require on-site refrigeration, it is reasonable to assume that the tenants would also require refrigerated docks. In this case, the tenants would be required to comply with section 2477.17 to document the number of TRU trips, the TRU engine operation hours, and the number of hours that the TRU trucks would be on electric standby at the Project site. Thus, to provide the most conservative analysis, not only should have the potential emissions from the TRU trips been evaluated in the Addendum, but the Project Applicant should have also estimated the number of hours and resulting emissions that would be generated by TRUs relying on electric standby on-site during Project operation. By failing to analyze the potential emissions associated with TRU trips and electric standby, the Addendum's air quality analysis is greatly underestimated and should not be used to determine Project significance.

**INCORRECT USAGE OF FONTANA TRUCK TRIP STUDY FOR FLEET MIX AND USE OF UNDERESTIMATED TRUCK TRIP RATE:** According to the Project's GHG Report (APP-E), the Addendum relies on the August 2003 City of Fontana Truck Trip Generation Study ("Fontana Study")<sup>13</sup> to determine the number of passenger car and heavy-duty truck trips the Project will generate during operation. APP-E, p. 42. However, according to the South Coast Air Quality Management District's ("SCAQMD") the Fontana Study, by itself, "is not characteristic of high cube warehouses."<sup>14</sup> Furthermore, SCAQMD staff finds the following additional issues with the Fontana Study:<sup>15</sup>

- The overall trip rate is based on only four warehouses total, which includes two warehouses with zeros data points. In other words, the results of the Fontana Study were based on only

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<sup>11</sup> SCAQMD Inland Empire Logistics Council (Jun. 2014) Warehouse Truck Trip Study Data Results and Usage Presentation, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc\\_6-19-2014.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc_6-19-2014.pdf?sfvrsn=2).

<sup>12</sup> CARB, Final Regulation Order, pp. 51-53, [https://www.arb.ca.gov/diesel/tru/documents/fro\\_10-16-12.pdf](https://www.arb.ca.gov/diesel/tru/documents/fro_10-16-12.pdf).

<sup>13</sup> Fontana, County of San Bernardino, State of California ("Fontana Study") (Aug. 2003) Truck Trip Generation Study, <http://www.tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf>.

<sup>14</sup> SCAQMD Mobile Source Committee, (Jul. 2014), Warehouse Truck Trip Study Data Results and Usage Presentation, p. 10, <http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymsc072514.pdf?sfvrsn=2>.

<sup>15</sup> Id. at p. 10.

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.<sup>16</sup>

- 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.”<sup>17</sup>
- 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 Addendum relies on a total truck fleet mix of approximately 31 percent per the Fontana Study: 68.8 percent cars, 5.2 percent 2-axle trucks, 6.5 percent 3-axle trucks and 19.5 percent 4-axle trucks. APP-A, p. 37-38; see also APP-I, p. 57. This fleet mix, however, is not consistent with recommendations set forth by the 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.”<sup>18</sup> 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, 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. As such, an updated air quality analysis should be prepared in a DEIR that adequately assesses the Project’s air quality and GHG impacts.

The notion that the Fontana Truck Trip Study should not be used to evaluate the air quality impacts for the proposed Project is further supported by SCAQMD staff’s previous comments for other 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.<sup>19</sup>

Therefore, to demonstrate consistency with analyses for other warehouse projects within SCAQMD jurisdiction, the Addendum should have used the truck fleet percentages recommended by the SCAQMD.

**IMPROPER USAGE OF CONSTRUCTION-HOURS.** As proposed, the construction of the Project will occur practically year-round over the 17-months period, including 13 hours during the work week, and 11 hours on the weekends. ADM, p. 5:111. However, according to the CalEEMod Output files,

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<sup>16</sup> Fontana Study, *supra* 13, p. 35.

<sup>17</sup> Fontana Study, *supra* 13, p. 6.

<sup>18</sup> CalEEMod User’s Guide (July 2013) Appendix E Technical Source Documentation, PDF p. 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>.

<sup>19</sup> SCAQMD (Jun. 2013) Review of the Addendum to the Heartland Specific Plan Certified EIR, p. 3, <http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2013/june/heartland-specific-plan.pdf>.

the Project assumes only an eight-hour workday. APP-A, PDF pp. 80, 112, 177. This discrepancy must be explained to ensure that the human health risk and emission impacts are not underestimated.

**INCORRECTLY APPLIED LOCALIZED SIGNIFICANCE THRESHOLDS:** The Addendum states that the Project’s construction and operational emissions would not exceed localized significance thresholds (“LSTs”). ADM, p. 5:9; see also APP-A, pp. 39-45. However, due to the Project’s type and size, LSTs should not be used to determine the proposed Project’s impacts.

The LST method allows a user to compare a Project’s CO, NOx, PM10, and PM2.5 emissions to mass rate look-up tables to determine if the Project would result in significant localized air quality impacts.<sup>20</sup> However, these mass rate look-up tables are limited in scope and, therefore, not applicable to all Projects proposed within SCAQMD jurisdiction. Table 3-2 from SCAQMD’s “Final Localized Significance Threshold Methodology” demonstrates which Projects cannot use the screening table (see excerpt below).<sup>21</sup>

**Table 3-2. Typical Projects Where Screening Tables May Not Apply**

Project Sites Larger than 5 acres	Projects that require more than one shift
Projects at RECLAIM facilities	Project sites where emissions are distinctly non-uniform across site
Projects at Title V facilities	Operational sources where fumigation or building downwash is anticipated
Large Combustion Sources	General Plans

Here, the Project is a 55-acre site (ADM, p. 2:2), which demonstrates that the LST screening tables are not applicable. Additionally, the Project’s emissions will not be uniform across the Project site. As discussed above, the Project includes potentially four unknown tenants accessing the Site from different streets, driveways located on the western boundary of the Site, and access different loading docks located on the western and eastern side of Building 1 and western side of Building 2. Therefore, emissions from trucks entering the Project site and/or idling to enter the site will only occur at the western and northern part of the Project Site instead of across the entire site. Alternatively, 158 docks are proposed for the western side of Buildings 1 and 2, as compared to the 17 docks proposed on the eastern side of Building 1 adjacent to the elementary school to the east and residential uses to the north. ADM, p. 2:5. Hence, there will be greater emissions from idling trucks west of the Project, while the emissions will be acuter to sensitive uses east and north of the Project. As a result, the Project’s emissions are not uniform across the site, and the LST screening tables are not applicable to this Project.

For these reasons, the LST methodology is not applicable to the Project and should not be relied upon to make a significance determination. Moreover, an air dispersion modeling should be prepared in accordance with SCAQMD recommendations.<sup>22</sup>

<sup>20</sup> SCAQMD (Rev. 2008) Final Localized Significance Threshold Methodology, p. 1:2, <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2>.

<sup>21</sup> Id. at p. 3:4 (Table 3-2).

<sup>22</sup> Id. at pp. 1:2-3, 2:9-11.

**FAILURE TO IMPLEMENT MITIGATION MEASURES CONSISTENT WITH THE SPIRIT OF FPEIR AIR QUALITY MITIGATION MEASURES:** Here, the Addendum cherry-picks consistencies with FPEIR mitigation measures related to reducing air quality impacts, particularly Mitigation Measure 3-2 and 3-3, which provides (emphasis added):

- **MM 3-2:** *The City of El Monte shall evaluate new development proposals within the City and require all developments to include access or linkages to alternative modes of transportation, such as transit stops, bike paths, and/or pedestrian paths (e.g., sidewalks).*

Here, while the Addendum identifies the bus stops at the northern portion of the Project Site (ADM, p. 5:33; see also below Fig. 6), it fails to discuss consider enhancements to these bus stops such as a bench and canopy improvements for waiting patrons, or a dedicated bus turnout for the bus stop on the southern side of Lower Azusa Road. These improvements, in addition to other mitigation measures discussed herein, would promote actual linkage to alternative transportation modes for the Project's future employees.

*Figure 6: Google Map Image*



- **MM 3-3:** *The City of El Monte shall evaluate new development proposals within the City for potential incompatibilities with regard to the California Air Resources Board's Air Quality and Land Use Handbook: A Community Health Perspective (April 2005). New development that is inconsistent with the recommended buffer distances shall only be approved if feasible mitigation measures, such as high efficiency Minimum Efficiency Reporting Value ["MERV"] filters, have been incorporated into the project design to protect future sensitive receptors from harmful concentrations of air pollutants as a result of proximity to existing air pollution sources.*

Here, while the Addendum lists some COAs related to MM- 3-3 (see ADM, p. 5:34), it entirely ignores the above language. MM 3-3 inherently recognize the risk of placing industrial uses nearby

sensitive uses, such as the case here with heavy-duty, diesel trucks operating 24-hours a day year-round immediately adjacent to the elementary school and residential uses. Providing upgrades to the air ventilation systems, such as MERV filters, for these sensitive uses is consistent with the protective nature of MM 3-3 and should be incorporated into the Project as an enforceable COA. Moreover, permanent air monitoring stations near these sensitive uses would ensure that COAs and mitigation measures imposed on the Project achieve claimed reduction in air quality impacts.

#### **E. GHG & CLIMATE CHANGE IMPACTS**

The California Supreme Court demands robust GHG analysis to assess a project's impact on climate change. Lead agencies must provide "the contours of their logical argument," leaving no "analytical gaps" in their analysis and supporting determinations "through substantial evidence and reasoned explanation." *Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* ("*Newhall Ranch*") (2015) 62 Cal.4th 204, 227; see also *Cleveland II*, 3 Cal.5th at 519 (analysis must be "based to the extent possible on scientific and factual data ... stay[ing] in step with evolving scientific knowledge and state regulatory schemes.") (quoting CEQA Guidelines § 15064(b)). Under CEQA Guidelines § 15064.4(b), acceptable methods include comparing the increased GHG emissions to (a) the pre-project baseline emissions, or (b) an adopted numeric threshold, or (c) determine the project complies with an officially adopted plan intended to reduce a project's cumulative contribution to the effects of climate change (e.g., climate action plans, GHG reduction plans). *Newhall Ranch*, 62 Cal.4th at 229-231; see also *Cleveland II*, 3 Cal.5th at 519 (to meet the state's long-term climate goals, "regulatory clarification, together with improved methods of analysis, may well change the manner in which CEQA analysis of long-term [GHG] emission impacts is conducted.").

**UNDERESTIMATED EMISSIONS:** The Addendum claims the Project will generate 18,774.12 MTCO<sub>2e</sub> annually, roughly 64 percent below business-as-usual ("**BAU**") as compared to the hypothetical industrial use of the site under the FPEIR, and therefore the Project would not result in any new impacts not previously identified. ADM, p. 5:56. However, this conclusion is premised on the CalEEMod modeling that relied on the abovementioned faulty trip-generation and non-refrigeration assumptions. *Id.* at p. 5:54-55; see also APP-E, p. 42-43. Therefore, the conclusion is unsupported given it relies on emission estimates that utilize incorrect input parameters.

**PROJECT TRIGGERS MULTIPLE SCAQMD INTERIM THRESHOLDS:** As recognized in the Addendum (APP-E, pp. 38-39), SCAQMD has identified multiple GHG emission thresholds for land use projects,<sup>23</sup> which the Project exceeds and/or fails to meet, including:

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<sup>23</sup> SCAQMD (Oct. 2008) Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold, p. 3:9-20, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf). According to the SCAQMD, if an industrial Project's emissions exceed the 10,000 MT CO<sub>2e</sub>/yr screening-level threshold, a more detailed review of the Project's GHG emissions is warranted. SCAQMD proposed per capita efficiency targets to conduct the detailed review. SCAQMD proposed a 2020 efficiency target of 4.8 MTCO<sub>2e</sub> per year per service population ("**MT CO<sub>2e</sub>/sp/yr**") for project-level analyses. Those per capita efficiency targets are based on the AB 32 GHG reduction target and the 2020 GHG emissions inventory prepared for ARB's 2008 Scoping Plan. SCAQMD also created 2035 efficiency thresholds by reducing the 2020 thresholds by 40 percent, resulting in an efficiency threshold at the project level of 3.0 MT CO<sub>2e</sub>/sp/yr. See e.g., SCAQMD (Dec. 5, 2008) Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2); AQMD (Sep. 28, 2010) Working Group Meeting 15 Minutes, [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?sfvrsn=2](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?sfvrsn=2).

- **TIER 2:** If the project is consistent with a GHG reduction plan that complies with AB 32 GHG reductions goals, includes an inventory of the local agencies' emission estimates with a tracking/monitoring mechanism, and analyzed under CEQA (commonly referred as a Climate Action Plan ["CAP"]). Here, the City's General Plan FPEIR Mitigation Measure 5-1 ("MM 5-1") required the City to adopt a CAP within two years after the adoption of the General Plan update that identified GHG reduction strategies to achieve 15 percent below 2011 emissions by 2020. ADM, p. 5:54; APP-E, p. 5. While MM 5-1 identified proposed strategies (discussed below), the City has yet to adopt a qualified CAP and, therefore, consistency with said strategies does not ensure the Project's GHG emissions are less than significant. Lead agencies are required to make mitigation measures legally enforceable to assure they remain in effect. *Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 445-446. Here, the City has failed to do so. Now the applicant is attempting to show consistency with this mitigation measures as if it has the force of an adopted CAP. If allowed, lead agencies could defer making mitigation measures enforceable, and allow project applicants to avoid compliance with said measures indefinitely. *Sierra Club v. County of San Diego*, 231 Cal.App.4th 1152 (2014). The Applicant here cannot receive a windfall of avoiding adequate CEQA review by relying on the City's failure to adopt a CAP.
- **TIER 3:** If an industrial project produces less than 10,000 MTCO<sub>2</sub>e per year.<sup>24</sup> Here, the Project's 18,774.12 MTCO<sub>2</sub>e annual emissions exceed this threshold.
- **TIER 4, Option 3:** If a project satisfies 2020 target of 4.8 MTCO<sub>2</sub>e for service populations ("SP") per year, which includes residents and employees, or 2035 target of 3.0 MTCO<sub>2</sub>e/SP/year. Here, the Project will total 18,774.12 MTCO<sub>2</sub>e per year (ADM, p. 5:56), for a service population of 1,079 employees (ADM, pp. 2:20, 5:122), resulting in a 17.339 MTCO<sub>2</sub>e/SP per year—far exceeding the 2020/2035 targets.

**FAILURE TO MEET LONG-TERM STATEWIDE GOALS:** The General Plan FPEIR and the Project ADM primarily examine consistency with the 2020 goal of reducing GHG emissions from 2011 levels by 15 percent (ADM, p. 5:54; see also APP-E, p. 5)—not the State's long-term goals for 2030 (40 percent below 1990 levels)<sup>25</sup> and 2050 (80 percent below 1990 levels by 2050).<sup>26</sup> Under CARB's 2017 Scoping Plan Update, the statewide goals for 2030 and 2050 cannot be achieved without "critical" land use actions made by local governments, such as reaching community-wide goal of no more than 6.0 MTCO<sub>2</sub>e per capita by 2030 and no more than 2.0 MTCO<sub>2</sub>e per capita by 2050—a goal that "expands upon the reduction of 15 percent ... previously recommended in the 2008 Scoping Plan." See 2017 Scoping Plan, p. 133-134.<sup>27</sup> In 2011, the City's emission per capita

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<sup>24</sup> *Supra* fn 23, p. 3:13.

<sup>25</sup> Set forth in 2015 when Governor issued Executive Order B-30-15; made law in 2016 with passage of SB 32. See Office of the Governor (Apr. 29, 2015) Governor Brown Establishes Most Ambitious Greenhouse Gas Reduction Target in North America State of California, <https://www.gov.ca.gov/news.php?id=18938>; see also SB32 text, [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB32](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32).

<sup>26</sup> Set forth by Executive Order S-3-05.

<sup>27</sup> CARB (Jan. 20, 2017) The 2017 Climate Change Scoping Plan Update: The Proposed Strategy For Achieving California's 2030 Greenhouse Gas Target, [https://www.arb.ca.gov/cc/scopingplan/2030sp\\_pp\\_final.pdf](https://www.arb.ca.gov/cc/scopingplan/2030sp_pp_final.pdf) (CARB's 2017 Scoping Plan notes that while programs such as renewable energy and energy efficiency are helping achieve the near-term 2020 target, "longer-term targets cannot be achieved without land use decisions that allows more efficient use and management of land and infrastructure." [pp. 133-134]. "[L]ocal actions are critical for implementation of California's ambitious climate agenda ... especially [an] important role in achieving reductions of GHG emissions generated from transportation." [pp. 27, 130, 132]. Local

was 8.6 MTCO<sub>2</sub>e/SP/yr. FPEIR, p. 5.5:6. Here, as discussed above, the Project will result in a 17.339 MTCO<sub>2</sub>e/SP/yr—far exceeding CARB’s 2030/2050 goals.

**FAILURE TO DEMONSTRATE CONSISTENCY WITH UNADOPTED CAP REDUCTION STRATEGIES:** The Addendum cherry-picks FPEIR MM 5-1 strategies (ADM, pp. 5:64-66), which were never vetted pursuant to an adequate CEQA review and do not qualify as enforceable mitigation measures pursuant to a properly adopted CAP. Nevertheless, the Addendum entirely ignores additional MM 5-1 strategies that could be incorporated into the Project to reduce GHG emissions further (see FPEIR, pp. 5.5:15-21; see also CEQA Findings of Facts and Statement of Overriding Considerations, pp. 12-16),<sup>28</sup> such as (emphasis added):

- Require that new developments design buildings to be energy efficient by siting buildings to take advantage of shade, prevailing winds, landscaping, and sun screening to reduce energy required for cooling.
- Evaluate the feasibility of implementing a Public Transit Fee to support Metro in developing additional transit service in the City.
- Establish policies and programs to reduce onsite parking demand and promote ridesharing and public transit at large events.
- Support and promote the use of low-and zero-emission vehicles by:
  - Encouraging the necessary infrastructure to facilitate the use of zero-emission vehicles and clean alternative fuels, such as electric vehicle charging facilities and conveniently located alternative fueling stations.
  - Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate zero-emission vehicles and/or plug-in electric hybrids.
  - Encouraging transportation fleet standards to achieve the lowest emissions possible, using a mix of alternate fuels, zero-emission vehicles, or better fleet mixes.
- Establish policies and programs that facilitate the siting of new renewable energy generation.
- Require that any building constructed in whole or in part with City funds incorporate passive solar design features, such as daylighting and passive solar heating, where feasible.
- Implement measures to reduce employee vehicle trips and to mitigate emissions impacts from municipal travel.
- Plant buffers of lush deciduous trees along the railroad right-of-way, adjacent to neighborhoods and industries, and in parks and at schools to create a noise buffer, filter air pollutants, and beautify the district.

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strategies include promoting the deployment of renewable, zero emission, and low carbon technologies such as zero net energy buildings, renewable fuel production facilities, zero emission charging stations, adopting beyond Title 24 “CALGreen” building code standards [pp. 27, 82]].

<sup>28</sup> <https://www.ci.el-monte.ca.us/DocumentCenter/View/1481/Environmental-Impact-Report>.

- Promote a clean industrial park image and reduce the impact of uses on neighboring properties or residences by adhering to the following considerations:
  - o Reduce the impact of industrial uses on adjacent properties with walls and landscaping, locating service, delivery, and loading areas far from adjacent uses and public streets.
  - o Require mitigation of noise, odor, lighting, and other impacts from affecting adjacent residential neighborhoods.

Here, the Project is inconsistent with these strategies for multiple reasons, including: (a) placing loading docks immediately adjacent to sensitive uses (i.e., 17 docks located at Building 1 facing the elementary school), (b) fails to include sun-roofs to provide natural lighting, (c) fails to provide landscaping along the building to reduce demand for air conditioning, (d) does not provide TDM strategies promoting public transit or ride sharing for employees, (e) demand all yard vehicles be electric-charged or provide EV-ready docks for future EV trailers, (f) demand solar panel to be installed to the fullest extent possible, and (g) provide adequate landscaping that shields the entirety of loading docks (see e.g. ADM, p. 2:9). These inconsistencies can be cured through feasible mitigation measures and alterations to the Project that should be incorporated into the Project.

**NEWHALL RANCH REQUIRES ADDITIONALITY:** Just because “a project is designed to meet high building efficiency and conservation standards ... does not establish that its [GHG] emissions from transportation activities lack significant impacts.” *Newhall Ranch*, 62 Cal.4<sup>th</sup> at 229 (citing Natural Resources Agency).<sup>29</sup> This concept is known as “additionality” whereby GHG emission reductions otherwise required by law or regulation are appropriately considered part of the baseline and, pursuant to CEQA Guideline § 15064.4(b)(1), a new project's emission should be compared against that existing baseline.<sup>30</sup> Hence, a “project should not subsidize or take credit for emissions reductions which would have occurred regardless of the project.”<sup>31</sup> In short, as observed by the Court, newer developments must be more GHG-efficient. *See Newhall Ranch*, 62 Cal.4<sup>th</sup> at 226.

Here, the Project fails to provide more aggressive mitigation measures required for newer developments to reach AB 32's long-term goals—such as the net-zero approach utilized in the wake of the Supreme Court's *Newhall Ranch* decision. *See Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* (2015) 62 Cal.4<sup>th</sup> 204, 226 (“a greater degree of reduction may be needed from new land use projects ...”); *see also Californians for Alternatives to Toxics v. Department of Food and Agriculture* (2005) 136 Ca1.App.4<sup>th</sup> 1, 17 (“[c]ompliance with the law is not enough to support a finding of no significant impact under the CEQA.”). More should be required for the Project,

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<sup>29</sup> Cal. Natural Resources Agency (Dec. 2009) Final Statement of Reasons for Regulatory Action: Amendments to State CEQA Guidelines Addressing Analysis and Mitigation of GHG Emissions Pursuant to SB-97 (“Final Statement of Reasons”), p. 23, [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf) (while a Platinum LEED® rating may be relevant to emissions from a building's energy use, “that performance standard may not reveal sufficient information to evaluate transportation-related emissions associated with that proposed project”).

<sup>30</sup> *See* Final Statement of Reasons, p. 89; *see also* California Air Pollution Control Officers Association (“CAPCOA”) (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, pp. 32, A3, <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf> (“in practice is that if there is a rule that requires, for example, increased energy efficiency in a new building, the project proponent cannot count that increased efficiency as a mitigation or credit unless the project goes beyond what the rule requires; and in that case, only the efficiency that is in excess of what is required can be counted.”).

<sup>31</sup> CAPCOA, p. A-3.

including those new, feasible mitigation measures found in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*, which attempt to reduce GHG levels. This could include the Applicant's commitment that the Project will meet LEED Silver Certification, meet the State's cost-effective 2019 Building Energy Efficiency Standards, which includes rooftop solar and lighting efficiencies,<sup>32</sup> and require construction equipment to meet Tier 4 emission standards.

For the abovementioned reasons, the Addendum's GHG analysis improperly rely on the outdated FPEIR, giving due consideration of *Newhall Ranch* and the new SB-32 targets. A revised analysis must include accurate emissions and including a good faith attempt to quantify claimed GHG reductions. Upon which, the City should consider all long-term thresholds and aggressive design features and mitigation measures to ensure the Project complies with the State's long-term climate goals.

#### **F. NOISE IMPACTS:**

CEQA requires disclosure and mitigation of noise impacts. *See Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019. These impacts must be explained with "plain language" and draw an explicit connection between increased exposures to their likely human-health effects (e.g., headaches, nuisance, etc.). CEQA Guidelines § 15140; *see also San Franciscans for Reasonable Growth v. City and County of San Francisco* (1987) 193 Cal.App.3d 1544, 1548; *Bakersfield Citizens*, 124 Cal.App.4th at 1219. Furthermore, a lead agency may not ignore cumulative noise impacts by claiming an area is already heavily impacted by noise and, therefore, project-related additions would be insignificant. *See Los Angeles Unified*, 58 Cal.App.4th at 1025. Here, both traffic-related and construction-related noise impacts downplayed, as discussed below.

**TRAFFIC-RELATED NOISE:** Here, the Addendum concedes that ambient noise standards for residential uses are limited to 50 dBA during the daytime and 45 dBA during the nighttime hours as reflected in the General Plan FPEIR. ADM, p. 5:91, 5:110, APP-H, p. 21. Although the Addendum recognizes that traffic-related noise will exceed these level (ADM, pp. 5:105-106), it finds that the Project will not be significant. This requires explanation. Additionally, the traffic noise is premised on the faulty truck trips analysis which underestimates loud truck traffic (discussed above), which in of itself, invalidates the noise-impact conclusions.

**CONSTRUCTION RELATED NOISE:** Here, the Addendum concedes construction equipment can individually cause noise levels up to more than 70 dBAs at 50 feet (see below Figs. 6 and 7). However, the Addendum only finds two of the eleven receiver locations (next to the elementary school) will exceed thresholds (see below Figs. 7 and 8). Given residential uses are nearby the Project Site (ADM, p. 5:95), Commenters question whether these values reflect the typical construction scenario where multiple pieces of equipment operate simultaneous operation. Furthermore, it does not appear that the noise levels reflect the cumulative effect of traffic-related noise which is exacerbated by the construction activities.

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<sup>32</sup> California Energy Commission ("CEC") (May 8, 2018) News Release: Energy Commission Adopts Standards Requiring Solar Systems for New Homes, First in Nation, [http://www.energy.ca.gov/releases/2018\\_releases/2018-05-09\\_building\\_standards\\_adopted\\_nr.html](http://www.energy.ca.gov/releases/2018_releases/2018-05-09_building_standards_adopted_nr.html); see also CEC (Mar. 2018) FAQ RE: 2019 Building Energy Efficiency Standards, [http://www.energy.ca.gov/title24/2019standards/documents/2018 Title 24 2019 Building Standards FA Q.pdf](http://www.energy.ca.gov/title24/2019standards/documents/2018_Title_24_2019_Building_Standards_FA_Q.pdf).

Figure 7: Construction Reference Noise Levels (ADM, p. 5:114)

ID	Noise Source	Reference Distance From Source (Feet)	Reference Noise Levels @ Reference Distance (dBA Leq)	Reference Noise Levels @ 50 Feet (dBA Leq) <sup>7</sup>
1	Truck Pass-Bys & Dozer Activity <sup>1</sup>	30'	63.6	59.2
2	Dozer Activity <sup>2</sup>	30'	68.6	64.2
3	Construction Vehicle Maintenance Activities <sup>2</sup>	30'	71.9	67.5
4	Foundation Trenching <sup>2</sup>	30'	72.6	68.2
5	Rough Grading Activities <sup>2</sup>	30'	77.9	73.5
6	Framing <sup>3</sup>	30'	66.7	62.3
7	Water Truck Pass-By & Backup Alarm <sup>4</sup>	30'	76.3	71.9
8	Dozer Pass-By <sup>4</sup>	30'	84.0	79.6
9	Two Scrapers & Water Truck Pass-By <sup>4</sup>	30'	83.4	79.0
10	Two Scrapers Pass-By <sup>4</sup>	30'	83.7	79.3
11	Scraper, Water Truck, & Dozer Activity <sup>4</sup>	30'	79.7	75.3
12	Concrete Mixer Truck Movements <sup>5</sup>	50'	71.2	71.2
13	Concrete Paver Activities <sup>5</sup>	30'	70.0	65.6
14	Concrete Mixer Pour & Paving Activities <sup>5</sup>	30'	70.3	65.9
15	Concrete Mixer Backup Alarms & Air Brakes <sup>5</sup>	50'	71.6	71.6
16	Concrete Mixer Pour Activities <sup>5</sup>	50'	67.7	67.7
17	Forklift, Jackhammer, & Metal Truck Bed Loading	50'	67.9	67.9

Figure 8: Unmitigated Construction Equipment Noise Level Summary (ADM, p. 5:115)

Receiver Location <sup>1</sup>	Construction Hourly Noise Levels (dBA Leq)						Highest Construction Noise Levels (dBA Leq) <sup>2</sup>	
	Mobile Equipment				Stationary Equipment		Mobile Equip.	Stationary Equip.
	Demolition	Site Preparation	Grading	Paving	Building Construction	Architectural Coating		
R1	48.0	59.7	53.6	51.7	44.9	44.2	59.7	44.9
R2	56.4	68.0	61.9	60.1	51.0	50.3	68.0	51.0
R3	60.8	72.5	66.4	64.5	49.8	49.1	72.5	49.8
R4	75.9	87.5	81.4	79.6	54.6	53.9	87.5	54.6
R5	75.9	87.5	81.4	79.6	56.1	55.4	87.5	56.1
R6	43.7	55.4	49.3	47.4	42.9	42.2	55.4	42.9
R7	43.3	55.0	48.9	47.0	42.4	41.7	55.0	42.4
R8	42.8	54.4	48.3	46.5	42.6	41.9	54.4	42.6
R9	50.7	62.4	56.3	54.4	46.4	45.7	62.4	46.4
R10	58.4	70.1	64.0	62.1	54.1	53.4	70.1	54.1
R11	55.9	67.6	61.5	59.6	50.6	49.9	67.6	50.6

### G. INADEQUATE MITIGATION MEASURES

CEQA requires lead agencies to “craft mitigation measures [“MMs”] that would satisfy enforceable performance criteria.” *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 407. MMs should be capable of reducing, minimizing, rectifying, compensating, or avoiding the impact altogether. See CEQA Guidelines § 15370. This approach helps “ensure the integrity of the process of decision making by precluding stubborn problems or serious criticism from being swept under the rug.” *Concerned Citizens of Costa Mesa, Inc. v. 32<sup>nd</sup> Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935; see also *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280–281. To this end, CEQA prohibits a host of improper or uncertain MMs:

- **NON-ENFORCEABLE:** MMs must be “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” CEQA Guidelines §§ 15126.4(a)(2), 15097; see also *Lincoln Place Tenants Ass’n v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508 (“Mitigating conditions are not mere expressions of hope.”); *Federation of Hillside & Canyon Ass’ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (“feasible mitigation measures will actually be implemented as a condition of development.”).
- **UNCERTAIN EFFICACY:** Project may not rely on compliance with existing laws or measures of uncertain efficacy or unlikely to be implemented. See e.g., *Cleveland III*, \_\_\_ Cal.App.5th \_\_\_ at 21 (“none of these measures had any probability of implementation, their inclusion in the EIR was illusory.”); *Californians for Alternatives to Toxics v. Department of Food and Agriculture* (2005) 136 Cal.App.4th 1, 17 (“[c]ompliance with the law is not enough to support a finding of no significant impact under the CEQA.”); *Kings County Farm Bureau*, 221 Cal.App.3d at 727 (finding groundwater purchase agreement inadequate mitigation because there was no evidence that replacement water was available).
- **DEFERRED:** CEQA disfavors formulation of MMs to post-approval studies with no performance standards to guide the mitigation. See e.g., CEQA Guidelines § 15126.4(a)(1)(B); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92-93; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884 (“There cannot be meaningful scrutiny [of an environmental review document] when the mitigation measures are not set forth at the time of project approval.”). A lead agency may only defer the formulation of mitigation measures when it possesses “‘meaningful information’ reasonably justifying an expectation of compliance.” *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308 (quoting *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 77 fn. 5); see also *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-29 (mitigation measures may be deferred only “for kinds of impacts for which mitigation is known to be feasible”).

Here, conditions of approval (“COAs”) imposed to mitigate Project-related impacts are illusory and fail to ensure full mitigation via specific, performance-based standards that are enforceable. *It is unquestionable that more can and must be done*, such as with regard to noise:

- COA 5.12-1 requires construction noise to be limited to 87 dBA, but does not ensure noise monitoring equipment is placed at the sensitive uses, nor provides a protocol to enforce said limit. Such a protocol must include a procedure, not left to the discretion of the Project contractors, whereby exceedances are reported, and stop-work orders are enforced. Further, the protocol must provide a procedure before recommencing work whereby

Project contractors explain what caused the exceedances and what measures will be incorporated to avoid future exceedances.

- COAs 5.12-2 and 5.12-3 requires the construction of noise barriers, but does not include performance standards recommended by the Applicant’s noise experts (APP-H, p. 2), providing:

*The barriers shall provide a weight of at least 4 pounds per square foot of face area with no decorative cutouts or line-of-sight openings between shielded areas and the roadways, and a minimum transmission loss of 20 dBA. (3) The barrier shall consist of a solid face from top to bottom. Unnecessary openings or decorative cutouts shall not be made. All gaps (except for weep holes) should be filled with grout or caulking. The noise barrier shall be constructed using the following materials: Masonry block; Earthen berm; Metal; Or any combination of construction materials capable of the minimum weight of 4 pounds per square foot and a minimum transmission loss of 20 dBA.*

- COA 5.12-4 requires construction equipment to be equipped with mufflers but provides no performance standards or requirement that state-of-the-art muffling devices are used.

In addition to revising the Addendum to cure the error discussed herein, the Addendum must demonstrate that claimed mitigation will be achieved. To this end, Commenters urge the City to consider all enforceable, performance-based mitigation measures to mitigate all Project-related impacts to the extent feasible.

**PROPOSED MITIGATION MEASURES:** For the reasons discussed above and in addition to the additional noise mitigation identified directly above, Commentors urge the City to consider and impose additional mitigation measures and COAs, including:

1. **RESTRICTED USE.** The Site shall be prohibited from being used a cold storage warehouse, including any refrigerated units, or as an e-commerce fulfillment center and that the Applicant shall obtain approval from the City through the appropriate approval process, with notice to the 500-foot radius and in conjunction with appropriate environmental review and CEQA compliance.
2. **DOCKS.** Remove the 17 docks from the eastern portion of Building 1 adjacent to elementary school (ADM, p. 2:5).
3. **PLAN APPROVAL.** The property owner/operator shall file an appropriate application to the within five (5) years of issuance of the Certificate of Occupancy to allow the City to assess compliance with the conditions. Notice of the public hearing shall be provided within a 500-foot radius, and applicable fees shall be paid. At the hearing, the City will require the applicant to provide evidence of compliance by way of permits, certificates of occupancy, any supporting documents and photographs, etc. Failure to submit a completed plan approval application within the above time period constitutes a violation of the subject conditions and could result in the initiation of permit revocation proceedings.
  - a. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting

- in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the City will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner's compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
- b. The property owner/operator shall identify a contact person and provide a 24-hour "hotline" telephone number for any inquiries or complaints from the community regarding the subject facility. Before the utilization of this grant, the phone number shall be posted on the site, so that is readily visible to any interested party. The hotline shall be:
- posted at the entry, office, and customer service desk,
  - provided to the immediate neighbors, schools and the Neighborhood Council, and
  - responded to within 24-hours of any complaints/inquiries received on this hotline.
- c. The property owner/operator shall document and maintain a log of complaints received, the date and time received and the disposition of the response.
4. **ANTI-LOITERING:** The property owner/operator shall not permit any loitering on the premises or property adjacent to the premises and shall include in its leases security requirements that include nighttime patrols of the project boundary.
5. **LITTER-FREE:** The property owner/operator shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalks bordering the site and the rail line.
6. **2019 ENERGY EFFICIENCY STANDARDS:** The project applicant shall require that all building structures meet 2019 Title 24, Part 6 Commercial Standards and meet Green Building Code Standards (which includes rooftop solar and lighting efficiencies).
7. **SOLAR OR RENEWABLE ENERGY:** Consistent with General Plan Mitigation Measure 5-1, the project shall provide a rooftop solar installation or other renewable energy power source sized to offset the expected electrical consumption. A renewable energy system shall be installed upon issuance of the first Certificate of Occupancy. Within six (6) months of future tenant occupancy of the building, the owner of the property shall submit to the case file a letter from the power provider which indicates that a renewable energy system has been installed and sized to offset the expected electrical consumption.
8. **LEED SILVER:** Consistent with General Plan Mitigation Measure 5-1, amend COA 5.7-11 to require the Project buildings must be designed and built to meet the standard for LEED Silver Certification under the LEED v.4 Building Design and Construction Standards for Core and Shell Development set forth by the U.S. Green Building Council.
9. **ROOFTOP SKYLIGHTS.** Consistent with General Plan Mitigation Measure 5-1, a minimum of 2.75 percent of the total rooftop shall be covered with skylights for natural daylighting of the interior space.

10. **CONSTRUCTION-SOURCE AQ/GHG EMISSIONS:** Consistent with General Plan Mitigation Measure 5-1, amend COA 5.3-2 to require all construction equipment shall be rated Tier 4, or otherwise meet the Tier 4 emission standards. With some type of reporting compliance demonstration
11. **OPERATIONAL-AQ:** The air conditioning system for the Project shall use non-chlorofluorocarbon refrigerant.
12. **CONSTRUCTION-AQ:** Diesel-powered portable generators except for welding must not be used at any time.
13. **OPERATION-AQ:** Diesel-powered portable generators must not be used at any time.
14. **PASSENGER ELECTRIC VEHICLE PARKING.** Consistent with General Plan Mitigation Measure 5-1, the Project shall include at least 20 percent of the total number of passenger vehicle parking spaces capable of supporting future electric vehicle supply equipment (“EVSE”). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all-electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the twenty percent EV Ready parking, ten percent of the total number of passenger vehicle parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or ten percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
15. **TRAILER TRUCK ELECTRIC VEHICLE PARKING:** Consistent with General Plan Mitigation Measure 5-1, the Project shall include at least 20 percent of the total number of trailer truck parking spaces capable of supporting future EVSE. Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all-electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the twenty percent EV Ready parking, five percent of the total number of trailer truck parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
16. **LANDSCAPING:** The applicant shall work with the City to install the maximum number of street trees with the maximum feasible amount of street canopy within the newly constructed sidewalks along all street frontages abutting the subject property. The applicant shall be responsible for the maintenance of all street trees, including the replacement of any tree that does not survive the initial transplant, or that dies or is severely damaged during the life of the tree.

17. **LIGHTING:** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.

18. **TRANSPORTATION DEMAND MANAGEMENT.** Consistent with General Plan Mitigation Measure 5-1, Project shall include a specific Transportation Demand Management that includes:

- a. An on-site Transportation Information Center;
- b. Preferential rideshare loading/unloading or parking location;
- c. Subsidized/discounted transit passes for eligible project employees and tenants;  
Convenient parking and facilities for bicycle riders;
- d. Allowance for flexible and alternative work schedules;
- e. Administrative support for the formation of carpools/vanpools;
- f. Promotion of transit, walk, or bike to work events;
- g. Project design elements to ensure a bicycle, transit, and pedestrian-friendly environment;
- h. A Covenant and Agreement to ensure that the TDM program will be maintained;
- i. Provide an on-site TDM manager to assist in matching rideshare partners, determining transit routes and promoting the TDM program;
- j. Provide assistance with Transit Access Pass ("TAP") and EZ Transit Pass purchases, or similar transit pass, for employees;
- k. Provide bicycle spaces/bicycle sharing services for employees to encourage cycling, and
- l. Provide car-sharing service for employees to use as alternative modes of travel.

19. **TRUCK ROUTES AND PARKING:**

- a. No trucks which service the proposed project shall be permitted to park on any adjacent street or within any nearby residential neighborhood, nor shall any truck which services the proposed project be permitted to travel through any nearby residential neighborhood.
- b. Truck routes shall be clearly marked with trailblazer signs so that trucks will not enter residential areas.
- c. Signs shall be placed within the nearby residential neighborhood which informs truck drivers of the prohibition to park within the residential neighborhood.
- d. Develop, adopt, and enforce truck routes in and out of facilities.
- e. Limit the daily number of trucks allowed at the facility to levels analyzed in the Addendum (539 daily truck trips per day as analyzed in the Addendum [ADM, p. 2:20]). Daily recordkeeping logs shall be maintained to track this condition. Before higher daily truck volumes at the Site, the City shall reevaluate the project through the appropriate approval process and CEQA before allowing this land use or higher activity level.

20. **CLEAN TRUCK PROGRAM.** The project shall maintain consistency with the San Pedro Bay Ports Clean Air Action Plan ("CAAP") Clean Truck Program, including the California Air Resources Board phase-in of the use of 2010 trucks or newer by 2023, which shall be included in the lease. Some verification or spot check enforcement needed to ensure compliance with CAAP and CARB regulations.

21. **TRUCK REPAIR.** The applicant shall submit a revised Site Plan show a designated area(s) on site where all truck repairs shall occur. The designated area(s) shall be located out of view from the public right-of-way and a minimum of 300 feet away from the nearest residence.
22. **ON-SITE TRUCK QUEUING.** To prevent excessive queuing of trucks affecting traffic on Lower Azusa Rd., the project shall either (a) remove the truck driveway fronting Shirley Avenue near Lower Azusa Road (see ADM, Fig. 2-8 [driveway 3]), or (b) provide a reservoir at the truck access that allows for queuing for not less than four (4) trucks on-site.
23. **TRAFFIC, OPERATIONAL-SOURCE AQ/GHG EMISSIONS:** Enhanced existing bus stops shelter on Lower Azusa Road, including providing a bus turnout on the southern side of Lower Azusa Road.
24. **OPERATIONAL-SOURCE NOISE:** Include the following prohibitions:
  - a. To the extent allowed by CAL/OSHA, require no backup beepers or utilize alternate safety means for exterior operated vehicles between the hours of 10:00 p.m. and 7:00 a.m. This shall be included as a condition in any lease.
  - b. Loading and unloading shall be prohibited within 300 feet of any residential building between the hours of 10:00 p.m. and 7:00 a.m. the following day. This includes docks located at the north portion of Building 1 that may fall within the prescribed buffer zone. This shall be included as a condition in any lease.
  - c. Amend COAs 5.12-2 and 5.12-3 to require noise barrier along elementary school to include curved top design for maximum noise prevention, as reviewed by a noise experts, and incorporation of other recommendations already made by Project noise expert recommendations (see Appendix-H, p. 2 ["The barriers shall provide a weight of at least 4 pounds per square foot of face area with no decorative cutouts or line-of-sight openings between shielded areas and the roadways, and a minimum transmission loss of 20 dBA. (3) The barrier shall consist of a solid face from top to bottom. Unnecessary openings or decorative cutouts shall not be made. All gaps (except for weep holes) should be filled with grout or caulking. The noise barrier shall be constructed using the following materials: Masonry block; Earthen berm; Metal; Or any combination of construction materials capable of the minimum weight of 4 pounds per square foot and a minimum transmission loss of 20 dBA."])).
25. **CONSTRUCTION-SOURCE NOISE (DEMOLITION, GRADING, AND CONSTRUCTION ACTIVITIES):** Include the following prohibitions:
  - a. All construction equipment that is required to be equipped with a backup alarm shall utilize a broadband-style back alarm.
  - b. Construction and demolition shall be prohibited on Sundays.
  - c. Amend COA 5.12-4 to require that contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices that achieve

specific performance standard.

- d. Erect a temporary construction noise barrier 10-feet in height for the duration of construction activities along the northern boundary of the Project Site to protect sensitive residential uses along Lower Azusa Road.
- e. The barrier may be constructed with 1-inch plywood but shall be solid, without holes or cracks, and shall extend to the ground surface.
- f. Amend COA 5.12-1 to require noise monitoring equipment at sensitive receptors along the northern and north-eastern Project boundary (i.e., accounting for sensitive residential/school receptors).
- g. A construction mitigation monitoring program is required to document the decrease in noise levels obtained by the above-listed construction mitigation measures.

#### 26. ADDITIONAL COMMUNITY BENEFITS:

- a. For increase traffic/AQ/GHG emissions suffered by adjacent sensitive use, fund environmental enhancements directly to Gidley Elementary School for shade, landscaping, building and other improvements/programming, tied to a gate fee. Compliance reporting shall be made necessary for enforcement purposes.
- b. For noise and AQ impacts, some type of voucher program for triple-paned windows and upgraded ventilation/filtering systems along Lower Azusa Rd. and Gidley Elementary School, tied to gate fee, subject to similar reporting requirements.
- c. Installation of permanent noise and AQ monitoring stations adjacent to sensitive uses (i.e., residents along Lower Azusa Rd. and Gidley Elementary School), and provide an adequate protocol for the reporting, ceasing, and recommencing of construction operations until adequate measures are taken by the Project contractors.

### V. CONCLUSION

To summarize, Commentors are concerned with the various CEQA and Code issues raised herein, including the Project's significant, unmitigated GHG, traffic, air quality, noise and cumulative impacts. Substantial evidence shows potential significant impacts warranting full consideration under an EIR, which must include an adequate statement of overriding considerations for any unmitigated significant impact. Furthermore, because the various CEQA issues raised herein directly conflict with the required land use finding to grant the requested Entitlements, the City has clear legal authority to continue consideration of the Project, or disapprove it. At this time, the various mandatory land use findings under EMMC §§ 17.20, 17.22, 17.24 and 17.84 cannot be made. Again, this Project is discretionary, not by right.

Commentors reserve the right to supplement these comments at future hearings and proceedings for this Project. *See Cmtys. for a Better Env't*, 184 Cal.App.4<sup>th</sup> at 86 (EIR invalidated based on comments submitted after Final EIR completed); *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4<sup>th</sup> 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

Finally, on behalf of Commentors, this Office requests, to the extent not already on the notice list, all notices of CEQA actions and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. *See* Pub. Res. Code §§ 21080.4, 21083.9, 21092, 21092.2, 21108, 21167(f) and Gov. Code § 65092. Please send notice by electronic and regular mail to: Gideon Kracov, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, [gk@gideonlaw.net](mailto:gk@gideonlaw.net) (cc: [jordan@gideonlaw.net](mailto:jordan@gideonlaw.net)).

Thank you for consideration of these comments. We ask that this letter and any attachments are placed in the administrative record for the Project.

Sincerely,



Gideon Kracov  
Attorney for Commentors



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June 14, 2018

Gideon Kracov  
Attorney at Law  
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Los Angeles, CA 90017

**Subject:           Comments on the Goodman Logistics Center Project**

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Dear Mr. Kracov,

We have reviewed the June 2018 Addendum (“Addendum”) to the City of El Monte’s General Plan and Zoning Code Update Final Program Environmental Impact Report (FPEIR) for the Goodman Logistics Center Project (“Project”) located in the City of El Monte (“City”). The 55.7-acre Goodman Logistics Center property currently contains outdated warehousing facilities built in approximately 1956 that were used by the grocery industry (Vons) to store and distribute food products. Vons vacated the site in early 2018. The Project Applicant proposes to redevelop the property by demolishing all on-site features, including approximately 1,036,371 square feet of obsolete building space and other site improvements, to construct two (2) new state-of-the-art logistics warehouse buildings in addition to the installation of new landscaping, drive isles, truck courts, parking areas, and street frontage improvements to Lower Azusa Road and Shirley Avenue. Building 1 will total 572,240 square feet and Building 2 will total 663,100 square feet for an overall total of 1,235,340 square feet.

Our review concludes that the Addendum fails to adequately evaluate the Project’s Air Quality and Greenhouse Gas (GHG) impacts. As a result, emissions associated with the construction and operation of the proposed Project are underestimated and inadequately addressed. A Project-specific Environmental Impact Report (EIR) should be prepared to adequately assess and mitigate the potential air quality and GHG impacts the Project may have on the surrounding environment.

## **Air Quality**

### **Unsubstantiated Input Parameters Used to Estimate Pollutant Emissions**

The Addendum for the Project relies on emissions calculated from the California Emissions Estimator Model Version CalEEMod.2016.3.2 (“CalEEMod”).<sup>1</sup> CalEEMod provides recommended default values

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<sup>1</sup> CalEEMod website, available at: <http://www.caleemod.com/>

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 CEQA requires that such changes be justified by substantial evidence.<sup>2</sup> 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 criteria air pollutant and GHG emissions and make known which default values were changed as well as provide a justification for the values selected.<sup>3</sup>

When reviewing the Project's CalEEMod output files, located in Appendix A, Air Quality Impact Analysis and Appendix E, Greenhouse Gas Analysis, we found that several of the values inputted into the model are not consistent with information disclosed in the Addendum and are not consistent with guidance set forth by the South Coast Air Quality Management District (SCAQMD) for mixed-use projects. As a result, emissions associated with the Project are greatly underestimated. An EIR should be prepared that adequately assesses the potential impacts that construction and operation of the Project may have on regional and local air quality and global climate change.

*Failure to Consider Cold-Storage Requirements for Warehouse Buildings*

The Project's emissions were estimated assumes that the Project's warehouse land uses will be composed of unrefrigerated warehouses, exclusively, and as a result, the Project's operational emissions may be grossly underestimated.

According to the CalEEMod output files provided, the proposed industrial buildings were modeled as "Unrefrigerated Warehouse-No Rail" (see excerpt below) (Appendix A, pp. 79).

**1.0 Project Characteristics**

**1.1 Land Usage**

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Unrefrigerated Warehouse-No Rail	1,235.34	1000sqft	28.36	1,235,340.00	0

Assuming that the Project's proposed warehouse will be composed of entirely unrefrigerated warehouse space, however, is incorrect, since the Addendum specifically notes that the future tenants of the proposed warehouses are unknown (pp. 168). For this reason, it can be reasonably assumed that at least a portion of the proposed warehouse land uses will be made up of refrigerated warehouses, and therefore, should be modeled as such. Thus, assuming that the warehouse will be unrefrigerated is unsubstantiated. Since the Addendum states that the future tenants of the proposed warehouses are known and because CEQA requires that the most conservative analysis be conducted, a portion of the

<sup>2</sup> CalEEMod User Guide, p. 2, 9, available at: <http://www.caleemod.com/>

<sup>3</sup> CalEEMod User Guide, p. 7, 13, available at: <http://www.caleemod.com/> (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.)

warehouse building should have been modeled as refrigerated space, and the other portion as unrefrigerated space in order account for the additional emissions that refrigeration requirements could generate.

By modeling the Project's emissions assuming that no refrigerated warehouses will operate on-site, the Addendum greatly underestimates the actual emissions that would occur once the proposed Project is operational. Refrigerated warehouses release more air pollutants and GHG emissions when compared to unrefrigerated warehouses for several reasons. First, warehouses equipped with cold storage (refrigerators and freezers, for example) are known to consume more energy when compared to warehouses without cold storage.<sup>4</sup> Second, warehouses equipped with cold storage typically require refrigerated trucks, which are known to idle for much longer, even up to an hour, when compared to unrefrigerated hauling trucks.<sup>5</sup> Lastly, according to a July 2014 *Warehouse Truck Trip Study Data Results and Usage* presentation prepared by the SCAQMD, it was found that hauling trucks that require refrigeration result in greater truck trip rates when compared to non-refrigerated hauling trucks.<sup>6</sup>

As is discussed by the SCAQMD, "CEQA requires the use of 'conservative analysis' to afford 'fullest possible protection of the environment.'" <sup>7</sup> As a result, the most conservative analysis should be conducted. With this in mind, the proposed Project should be modeled as "Refrigerated Warehouse-No Rail," or at the very least, a portion of the proposed building should be modeled as "Refrigerated Warehouse-No Rail," with the remaining portion of the building modeled as "Unrefrigerated Warehouse-No Rail," so as to take into consideration the possibility that future tenants may require both cold storage and non-cold storage.

By not including refrigerated warehouses as a potential land use in the air quality model, the Project's operational emissions may be grossly underestimated, as the future tenants are currently unknown. Unless the Project Applicant can demonstrate that the future tenants of these proposed buildings will be limited to unrefrigerated warehouse uses, exclusively, it should be assumed that a mix of cold and non-cold storage will be provided on-site. A Project-specific EIR should be prepared to account for the possibility of refrigerated warehouse needs by future tenants.

### *Incorrect Usage of Fontana Truck Trip Study for Fleet Mix and Use of Underestimated Truck Trip Rate*

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<sup>4</sup> Managing Energy Costs in Warehouses, Business Energy Advisor, available at: <http://bizenergyadvisor.com/warehouses>

<sup>5</sup> "Estimation of Fuel Use by Idling Commercial Trucks," p. 8, available at: <http://www.transportation.anl.gov/pdfs/TA/373.pdf>

<sup>6</sup> "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/finaltrucktripstudymc072514.pdf?sfvrsn=2>, p. 7, 9

<sup>7</sup> "Warehouse Truck Trip Study Data Results and Usage" Presentation. SCAQMD Inland Empire Logistics Council, June 2014, available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc\\_6-19-2014.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc_6-19-2014.pdf?sfvrsn=2)

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

According to the Addendum and associated exhibits, the Project relies on the August 2003 City of Fontana *Truck Trip Generation Study* ("Fontana Study")<sup>8</sup> and the 2017 Institute of Transportation Engineers 10<sup>th</sup> Edition *Trip Generation Manual* ("Trip Generation Manual") to determine the number of passenger car and heavy-duty truck trips the Project will generate during operation (Appendix A, pp. 44). 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.

As is disclosed in the Addendum and associated appendices, the proposed industrial building will consist of high-cube distribution warehouses (Addendum, pp. 168). According to the SCAQMD staff, the "Fontana Study, by itself, is not characteristic of high cube warehouses."<sup>9</sup> Furthermore, SCAQMD staff finds the following additional issues with the Fontana Study:<sup>10</sup>

- The overall trip rate is based on only four warehouses total, which includes two warehouses with zeros data points. 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.<sup>11</sup>
- 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."<sup>12</sup>
- 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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<sup>8</sup> "Truck Trip Generation Study." City of Fontana, County of San Bernardino, State of California, August 2003, available at:

<http://www.tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf>

<sup>9</sup> "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

<sup>10</sup> "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

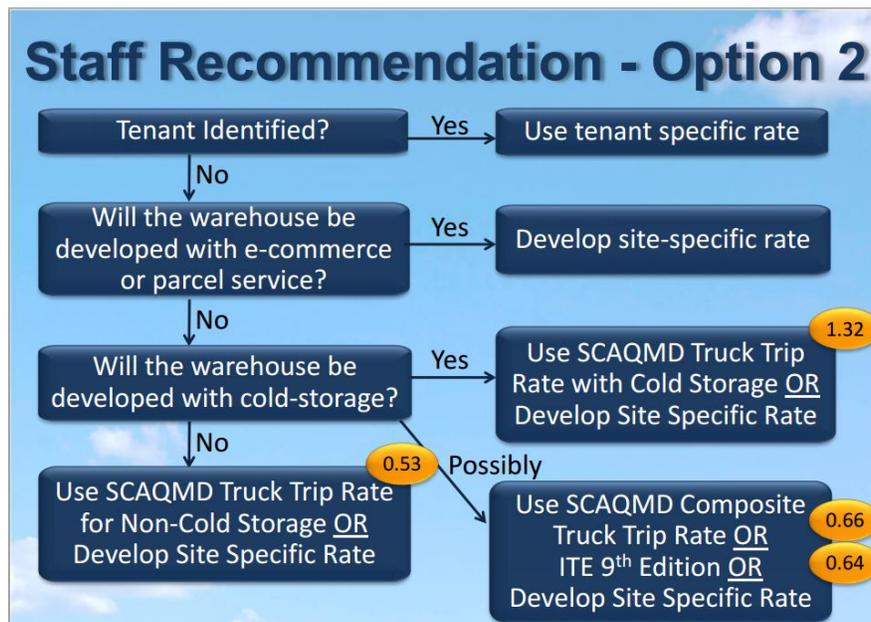
<sup>11</sup> "Truck Trip Generation Study." City of Fontana, County of San Bernardino, State of California, August 2003, available at:

<http://www.tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf>, p. 35

<sup>12</sup> "Truck Trip Generation Study." City of Fontana, County of San Bernardino, State of California, August 2003, available at:

<http://www.tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf>, p. 6

Due to these reasons, SCAQMD recommends that Project Applicants either “use ITE default values until Governing Board action” (Option 1) or refer to the flow chart below (Option 2).<sup>13</sup>



Review of the Project’s Traffic Impact Analysis (TIA) demonstrates that the Project’s operational mobile-source emissions were estimated utilizing a truck trip rate of 0.44 for high-cube warehouse/distribution center (see excerpt below) (ITE Code 154) (Table 4-1, Appendix I, pp. 69).

Land Use	Units <sup>2</sup>	ITE LU Code	AM Peak Hour			PM Peak Hour			Daily
			Inbound	Outbound	Total	Inbound	Outbound	Total	
<b>Project Trip Generation Rates<sup>1</sup></b>									
High Cube Transload and Short-Term Storage Warehouse <sup>3</sup>	TSF	154	0.06	0.02	0.08	0.03	0.07	0.10	1.40
	68.8% Passenger Cars		0.042	0.013	0.055	0.019	0.050	0.069	0.963
	5.2% 2-Axle Trucks		0.003	0.001	0.004	0.001	0.004	0.005	0.073
	6.5% 3-Axle Trucks		0.004	0.001	0.005	0.002	0.005	0.007	0.091
	19.5% 4-Axle+ Trucks		0.012	0.004	0.016	0.005	0.014	0.020	0.273

As seen above, the Project’s emissions were estimated using a truck trip rate of 0.44<sup>14</sup> and a passenger trip rate of 0.963, for a total trip rate of 1.40. Not only is this truck trip rate not recommended by the SCAQMD, but it also significantly underestimates the number of daily truck trips that will most likely occur during operation. According to the SCAQMD, “CEQA requires the use of a ‘conservative analysis’

<sup>13</sup> “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/finaltrucktripstudymisc072514.pdf?sfvrsn=2>, p. 11

<sup>14</sup> The 2-axle, 3-axle, and 4-axle trip rates were added together to obtain a trip rate of 0.44.

to afford the ‘fullest possible protection of the environment.’”<sup>15</sup> As a result, the most conservative analysis, or worst-case scenario, should be conducted. Therefore, the Project Applicant should have followed Option 2 (from the excerpt above) and utilized a truck trip rate of 1.32, since the Project possibly could require refrigerated warehouse uses in the future.

When the recommended truck trip rate of 1.32 is used to estimate the number of trips expected to occur throughout Project operation, rather than the 0.44 truck trip rate used within the TIA, we find that the Project’s truck trips increase by approximately 200%, resulting in an increase of approximately 1,087 truck trips per day or approximately 396,791 truck trips per year (see table below).

Building	Size (square feet)	Addendum Model		SWAPE Model	
		Truck Trip Rate	# of Daily Truck Trips	Truck Trip Rate	# of Daily Truck Trips
High-Cube Warehouse Building 1	572,240	0.44	252	1.32	755
High-Cube Warehouse Building 2	663,100	0.44	292	1.32	875
<b>Total Daily Truck Trips</b>		-	<b>544</b>	-	<b>1,631</b>
<b>Total Annual Truck Trips</b>		-	<b>198,396</b>	-	<b>595,187</b>
1. Truck trip Rate Per 1,000 Square Feet			<b>Increase in Daily Truck Trips</b>	<b>1,087</b>	
2. Increase in Trips = SWAPE Model -Addendum Model			<b>Increase in Annual Truck Trips</b>	<b>396,791</b>	
3. Annual Trips = Daily Trips x 365 Days			<b>Percent Increase</b>	<b>200%</b>	

Additionally, the Addendum and associated exhibits rely on a total truck fleet mix of approximately 31.2 percent, which is taken from the Fontana Study. As a result, the Project’s CalEEMod model utilizes the following fleet mix: 68.8 percent cars, 5.2 percent 2-axle trucks, 6.5 percent 3-axle trucks and 19.5 percent 4-axle trucks (Addendum, p. 5-15). This fleet mix, however, is not consistent with recommendations set forth by the 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  $[(0.48*10 + 0.2*4)/(10+4)=0.4]$ .”<sup>16</sup> 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. The following fleet mix percentage should have been used within the CalEEMod model.

<sup>15</sup> “Warehouse Truck Trip Study Data Results and Usage” Presentation. SCAQMD Inland Empire Logistics Council, June 2014, available at: [http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc\\_6-19-2014.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc_6-19-2014.pdf?sfvrsn=2)

<sup>16</sup> “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

CalEEMod Parameter	Addendum Model Input	SWAPE Model Input	
Operational Mobile Fleet Mix	Passenger Cars (LDA)	68.8%	60.0%
	2 Axle Trucks (LHDT1)	5.2%	8.1%
	3 Axle Trucks (MHD)	6.5%	9.4%
	4+ Axle Trucks (HHDT)	19.5%	22.4%

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. As such, an updated air quality analysis should be prepared in an EIR that adequately assesses the Project’s air quality impacts.

The notion that the Fontana Truck Trip Study should not be used to evaluate the air quality impacts for the proposed Project is further supported by comments provided by the SCAQMD, who has previously made similar comments for other 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.<sup>17</sup> Furthermore, proposed warehouses located in the City of Fontana are using the truck fleet mixes recommended by the SCAQMD, rather than the Fontana Truck Trip Study. For example, 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.”<sup>18</sup>

Therefore, to demonstrate consistency with analyses for other warehouse projects within SCAQMD jurisdiction and within the City of Fontana itself, the Addendum should have used the truck fleet percentages recommended by the SCAQMD.

For these reasons, we find the Project’s CalEEMod model to be insufficient in accurately estimating the Project’s construction and operational criteria air pollutant emissions. Until an updated air pollution model is prepared that more adequately estimates the Project’s potential emissions, the Project should not be approved.

<sup>17</sup> “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

<sup>18</sup> “Traffic Impact Analysis, West Valley Logistics Center,” Urban Crossroads, October 2017, available at: <https://www.fontana.org/DocumentCenter/View/24049>, p. 100

## Incorrect Comparison of Project Emissions to Localized Significance Thresholds

The Addendum states that emissions from construction and operational activities would not exceed the SCAQMD's localized significance thresholds (LSTs), and therefore, the Project's emissions would not conflict with the Air Quality Management Plan (p. 5-9). However, due to the Project's proposed land uses and size, the use of LSTs to determine the significance of the Project's impacts is improper, and thus, this conclusion is flawed. An EIR should be prepared to include a corrected evaluation of determining Project significance.

The LST method compares a Project's CO, NOx, PM10, and PM2.5 emissions to mass rate look-up tables to determine if the Project would result in a significant localized air quality impact.<sup>19</sup> According to the SCAQMD (emphasis added), "the LST lookup tables were developed to assist lead agencies with a simple tool for evaluating the impacts from *small typical* projects".<sup>20</sup> Additionally, the SCAQMD states that the LST tables are limited to projects with the following parameters:<sup>21</sup>

- Five acres or smaller in size
- Limited to eight-hours of operation per day
- Limited to operations during the day
- It is assumed emission sources are distributed evenly across proposed site

Furthermore, the SCAQMD's "Final Localized Significance Threshold Methodology" provides additional guidance on the types of projects that should and should not rely upon the LST screening tables (see excerpt below).<sup>22</sup>

**Table 3-2. Typical Projects Where Screening Tables May Not Apply**

Project Sites Larger than 5 acres	Projects that require more than one shift
Projects at RECLAIM facilities	Project sites where emissions are distinctly non-uniform across site
Projects at Title V facilities	Operational sources where fumigation or building downwash is anticipated
Large Combustion Sources	General Plans

The LST method is inappropriate for the proposed Project, for several reasons. First, the total acreage of the Project is 55.7-acres, which is substantially larger than the 5-acre maximum project size discussed in the guidance document (p. ES-2). Thus, as clearly defined in the SCAQMD's guidance, the use of these mass rate look-up tables to determine the significance of the Project's localized air quality impact is

<sup>19</sup> "Final Localized Significance Threshold Methodology." SCAQMD, July 2008, available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2>.

<sup>20</sup> *Ibid*, p. 3-3.

<sup>21</sup> *Ibid*, p. 3-4.

<sup>22</sup> SCAQMD *Final Localized Significance Threshold Methodology*, p. 3-4.

entirely incorrect for a project this size. The Addendum attempts to justify the use of this methodology by stating “Project construction activity would disturb less than five acres per day. Therefore, the SCAQMD’s screening look-up tables are utilized in determining impacts” (p. 5-22). The idea that the LST look-up tables can be used for Projects larger than 5-acres, however, is unsubstantiated, and actually contradicts what the SCAQMD’s “Final Localized Significance Threshold Methodology” recommends.<sup>23</sup> The document states, “The staff proposal recommends using the LST mass rate look-up tables only for projects that are less than or equal to five acres,” and continues on to recommend “that lead agencies perform project-specific air quality modeling for larger projects.”<sup>24</sup> SCAQMD states that “large industrial projects...are beyond the scope of these LST lookup tables,”<sup>25</sup> and that proposed projects that do not fit the specified criteria (i.e. less than or equal to 5 acres) “should complete a site specific localized significance analysis.”<sup>26</sup>

Additionally, as stated in the “Final Localized Significance Threshold Methodology” report and as noted above, the SCAQMD states that the LST screening tables should only be used for projects that are limited to eight-hour of operation per day. However, according to the Addendum, “the proposed buildings would be operational 24 hours per day, 365 days per year (p. 2-19). Thus, again, the use of these look-up tables is completely incorrect and results in a flawed analysis of the Project’s potential impacts. Due to these limitations, the Addendum cannot determine significance of Project emissions by utilizing LST lookup tables. An EIR should be prepared to include a site specific localized significance analysis.

## Greenhouse Gas

### Failure to Adequately Evaluate Greenhouse Gas Emissions

The Addendum determines that the proposed Project will generate approximately 18,774.12 metric tons of carbon dioxide equivalents per year (MT CO<sub>2</sub>e/yr) over the course of construction and operation (Appendix E, pp. 62). In an effort to comply with CEQA and the California Global Warming Solution Act, AB 32, the Addendum compares the Project’s GHG emissions to the emissions that would be generated by the Project in the absence of any GHG reduction measures, also known as Business-As-Usual (BAU) scenario.<sup>27</sup> According to the Addendum, “if the Project demonstrates a 15% reduction in GHG emissions as compared to the land use assumptions made in the General Plan EIR, the Project would be considered to have a less than significant impact and will not result or cause additional impacts on the environment” (Appendix E, pp. 61). The Addendum finds that the Project would achieve a 64 percent reduction in GHGs between the BAU and As Proposed scenario, which it asserts is consistent with the AB 32 Scoping Plan’s statewide reduction goals, and thus renders the Project’s GHG impact less than significant (Appendix E, pp. 61). However, this conclusion is incorrect, as there were several incorrect input parameters used to estimate the Project’s emissions within CalEEMod (discussed in the sections

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<sup>23</sup> <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2>

<sup>24</sup> SCAQMD *Final Localized Significance Threshold Methodology*, p. 1-1.

<sup>25</sup> SCAQMD *Final Localized Significance Threshold Methodology*, p. 3-3.

<sup>26</sup> SCAQMD *Final Localized Significance Threshold Methodology*, p. 3-4.

<sup>27</sup> <https://caselaw.findlaw.com/ca-supreme-court/1719578.html>

above), and therefore, this conclusion is unsupported, given that the emissions estimates provided in the Project's CalEEMod modeling are incorrect.

### Failure to Demonstrate Consistency with Long-Term Statewide Goals

The General Plan FPEIR and the Addendum prepared for the proposed Project primarily examines consistency with the 2020 goal of reducing GHG emissions from 2011 levels by 15 percent (Addendum, p. 5-54-57), rather than the State's long-term GHG reduction goals for 2030 (40 percent below 1990 levels)<sup>[1]</sup> and 2050 (80 percent below 1990 levels by 2050).<sup>[2]</sup> Under the California Air Resources Board's (CARB) 2017 Scoping Plan Update, the statewide goals for 2030 and 2050 cannot be achieved without "critical" land use actions made by local governments, such as reaching community-wide goal of no more than 6.0 MT CO<sub>2</sub>e per capita by 2030 and no more than 2.0 MT CO<sub>2</sub>e per capita by 2050—a goal that "expands upon the reduction of 15 percent ... previously recommended in the 2008 Scoping Plan." (See 2017 Scoping Plan, p. 133-34).<sup>[3]</sup> In 2011, the City's emission per capita was 8.6 MT CO<sub>2</sub>e/SP (see General Plan PEIR, PDF p. 264 [Table 5.5-2]).

As previously stated, according to the Addendum, the proposed Project will generate a total of 18,774.12 MTCO<sub>2</sub>e per year (pp. 150). Dividing the GHG emissions estimated in the Addendum by a service population of 1,079 people, we find that the Project would emit approximately 17.4 MT CO<sub>2</sub>e per service population per year (MT CO<sub>2</sub>e/sp/yr), which greatly exceeds the GHG reduction goals set forth by CARB for 2030 and 2050 (Addendum, pp. 60, p. 216). As a result, the Addendum's conclusion that the Project would not result in a significant GHG impact is unsupported and incorrect.

### Newhall Ranch Requires Additionality

Just because "a project is designed to meet high building efficiency and conservation standards ... does not establish that its [GHG] emissions from transportation activities lack significant impacts." *Newhall Ranch*, 62 Cal.4<sup>th</sup> at 229 (citing Natural Resources Agency).<sup>28</sup> This concept is known as "additionality" whereby GHG emission reductions otherwise required by law or regulation are appropriately considered part of the baseline and, pursuant to CEQA Guideline § 15064.4(b)(1), a new project's emission should be compared against that existing baseline.<sup>29</sup> Hence, a "project should not subsidize or take credit for

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<sup>28</sup> See Final Statement of Reasons for Regulatory Action: Amendments to State CEQA Guidelines Addressing Analysis and Mitigation of GHG Emissions Pursuant to SB-97 ("*Final Statement of Reasons*") (Dec. 2009), p. 23 available at [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf) (while a Platinum LEED® rating may be relevant to emissions from a building's energy use, "that performance standard may not reveal sufficient information to evaluate transportation-related emissions associated with that proposed project").

<sup>29</sup> See Final Statement of Reasons, p. 89; see also California Air Pollution Control Officers Association ("*CAPCOA*") (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, pp. 32, A3 available at <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf> ("in practice is that if there is a rule that requires, for example, increased energy efficiency in a new building, the project proponent cannot count that increased efficiency as a mitigation or credit unless the project goes beyond what the rule requires; and in that case, only the efficiency that is in excess of what is required can be counted.").

emissions reductions which would have occurred regardless of the project.”<sup>30</sup> In short, as observed by the Court, newer developments must be more GHG-efficient. See *Newhall Ranch*, 62 Cal.4<sup>th</sup> at 226.

The proposed Project fails to provide more aggressive mitigation measures required for newer developments to reach AB 32’s long-term goals—such as the net-zero approach utilized in the wake of the Supreme Court’s *Newhall Ranch* decision. See *Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* (2015) 62 Cal.4<sup>th</sup> 204, 226 (“a greater degree of reduction may be needed from new land use projects ....”); see also *Californians for Alternatives to Toxics v. Department of Food and Agriculture* (2005) 136 Ca1.App.4<sup>th</sup> 1, 17 (“[c]ompliance with the law is not enough to support a finding of no significant impact under the CEQA.”). More should be required for the Project, including those new, feasible mitigation measures found in CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures*, which attempt to reduce GHG levels.

### Inadequate Mitigation Measures to Reduce Project Impacts

There are additional mitigation measures that the Addendum failed to propose, which would further reduce the Project’s potential impacts. The following measures should be considered to reduce the Project’s impacts, including:

1. **Restricted Use.** The Site shall be prohibited from being used a cold storage warehouse, including any refrigerated units, or as an e-commerce distribution center until the applicant obtains approval from the City through the appropriate approval process, with notice to the 500-foot radius and in conjunction with appropriate environmental review and CEQA compliance.
2. **Docks.** Remove the 17 docks from the eastern portion of building 1 adjacent to Elementary school (Addendum, p. 2:5).
3. **Plan Approval.** The property owner/operator shall file an appropriate application to the within five (5) years of issuance of the Certificate of Occupancy to allow the City to assess compliance with the conditions. Notice of the public hearing shall be provided within a 500-foot radius and applicable fees shall be paid. At the hearing, the City will require the applicant to provide evidence of compliance by way of permits, certificates of occupancy, any supporting documents and photographs, etc. Failure to submit a completed plan approval application within the above time period constitutes a violation of the subject conditions and could result in the initiation of permit revocation proceedings.
  - a. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the City will have the right to require the petitioner(s) to file for a plan approval application together with the associated fees, to hold a public hearing to review the petitioner’s compliance with and the effectiveness of the conditions of the grant. The petitioner(s) shall

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<sup>30</sup> *Supra* fn 30.

submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.

- b. The property owner/operator shall identify a contact person and provide a 24-hour “hot line” telephone number for any inquiries or complaints from the community regarding the subject facility. Prior to the utilization of this grant, the phone number shall be posted on the site so that is readily visible to any interested party. The hot line shall be:
    - i. posted at the entry, office, and customer service desk,
    - ii. provided to the immediate neighbors, schools and the Neighborhood Council, and
    - iii. responded to within 24-hours of any complaints/inquiries received on this hot line.
  - c. The property owner/operator shall document and maintain a log of complaints received, the date and time received and the disposition of the response.
4. **Anti-Loitering:** The property owner/operator shall not permit any loitering on the premises or on property adjacent to the premises and shall include in its leases security requirements that include nighttime patrols of the project boundary.
  5. **Litter-Free:** The property owner/operator shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control, including the sidewalks bordering the site and the rail line.
  6. **2019 Energy Efficiency Standards:** The project applicant shall require that all building structures meet 2019 Title 24, Part 6 Commercial Standards and meet Green Building Code Standards (which includes rooftop solar and lighting efficiencies).
  7. **Solar or Renewable Energy:** Consistent with General Plan Mitigation Measure 5-1, the project shall provide a rooftop solar installation or other renewable energy power source sized to offset the expected electrical consumption. A renewable energy system shall be installed upon issuance of the first Certificate of Occupancy. Within six (6) months of future tenant occupancy of the building, the owner of the property shall submit to the case file a letter from the power provider which indicates that a renewable energy system has been installed and sized to offset the expected electrical consumption.
  8. **LEED Silver:** Consistent with General Plan Mitigation Measure 5-1, amend COA 5.7-11 to require the Project buildings must be designed and built to meet the standard for LEED Silver Certification under the LEED v.4 Building Design and Construction Standards for Core and Shell Development set forth by the U.S. Green Building Council.

9. **Rooftop Skylights.** Consistent with General Plan Mitigation Measure 5-1, a minimum of 2.75 percent of the total rooftop shall be covered with skylights for natural daylighting of the interior space.
10. **Construction-Source AQ/GHG Emissions:** Consistent with General Plan Mitigation Measure 5-1, amend COA 5.3-2 to require all construction equipment shall be rated Tier 4, or otherwise meet the Tier 4 emission standards. With some type of reporting compliance demonstration
11. **Operational-AQ:** The air conditioning system for the Project shall use non-chlorofluorocarbon refrigerant.
12. **Construction-AQ:** Diesel-powered portable generators except for welding must not be used at any time.
13. **Operation-AQ:** Diesel-powered portable generators must not be used at any time.
14. **Passenger Electric Vehicle Parking.** Consistent with General Plan Mitigation Measure 5-1, the Project shall include at least 20 percent of the total number of passenger vehicle parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the twenty percent EV Ready parking, ten percent of the total number of passenger vehicle parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or ten percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
15. **Trailer Truck Electric Vehicle Parking:** Consistent with General Plan Mitigation Measure 5-1, the Project shall include at least 20 percent of the total number of trailer truck parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the twenty percent EV Ready parking, five percent of the total number of trailer truck parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

- 16. Landscaping:** The applicant shall work with the City to install the maximum number of street trees with the maximum feasible amount of street canopy within the newly constructed sidewalks along all street frontages abutting the subject property. The applicant shall be responsible for the maintenance of all street trees, including the replacement of any tree that does not survive the initial transplant, or that dies or is severely damaged during the life of the tree.
- 17. Lighting:** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
- 18. Transportation Demand Management.** Consistent with General Plan Mitigation Measure 5-1, Project shall include a Transportation Demand Management that includes:
- a. An on-site Transportation Information Center;
  - b. Preferential rideshare loading/unloading or parking location;
  - c. Subsidized/discounted transit passes for eligible project employees and tenants; Convenient parking and facilities for bicycle riders;
  - d. Allowance for flexible and alternative work schedules;
  - e. Administrative support for the formation of carpools/vanpools;
  - f. Promotion of transit, walk, or bike to work events;
  - g. Project design elements to ensure a bicycle, transit, and pedestrian friendly environment;
  - h. A Covenant and Agreement to ensure that the TDM program will be maintained;
  - i. Provide an on-site TDM manager to assist in matching rideshare partners, determining transit routes and promoting the TDM program;
  - j. Provide assistance with Transit Access Pass (TAP) and EZ Transit Pass purchases, or similar transit pass, for employees;
  - k. Provide bicycle spaces/bicycle sharing services for employees to encourage cycling, and
  - l. Provide car sharing service for employees to use as alternative modes of travel.

**19. Truck Routes and Parking:**

- a. No trucks which service the proposed project shall be permitted to park on any adjacent street or within any nearby residential neighborhood, nor shall any truck which services the proposed project be permitted to travel through any nearby residential neighborhood.
- b. Truck routes shall be clearly marked with trailblazer signs, so that trucks will not enter residential areas.
- c. Signs shall be placed within the nearby residential neighborhood which inform truck drivers of the prohibition to park within the residential neighborhood.
- d. Develop, adopt, and enforce truck routes in and out of facilities.
- e. Limit the daily number of trucks allowed at the facility to levels analyzed in the Addendum (539 daily truck trips per day as analyzed in the Addendum [ADM, p. 2-20]). Daily recordkeeping logs shall be maintained to track this condition. Prior to higher daily truck

volumes at the Site, the City shall reevaluate the project through the appropriate approval process and CEQA prior to allowing this land use or higher activity level.

- 20. Clean Truck Program.** The project shall maintain consistency with the San Pedro Bay Ports Clean Air Action Plan (CAAP) Clean Truck Program, including the California Air Resources Board phase-in of the use of 2010 trucks or newer by 2023, which shall be included in lease. Some verification or spot check enforcement needed to ensure compliance with CAAP and CARB regulations.
- 21. Truck Repair.** The applicant shall submit a revised Site Plan show a designated area(s) on site where all truck repairs shall occur. The designated area(s) shall be located out of view from the public right-of-way and a minimum of 300 feet away from the nearest residence.
- 22. On-site Truck Queuing.** To prevent excessive queuing of trucks affecting traffic on Lower Azusa Rd., the project shall either (a) remove the truck driveway fronting Shirley Avenue near Lower Azusa Road (see ADM, Fig. 2-8 [driveway 3]), or (b) provide a reservoir at the truck access that allows for queuing for not less than four (4) trucks on-site.
- 23. Traffic, operational-source AQ/GHG Emissions:** Enhanced existing bus stops shelter on Lower Azusa Avenue, including providing a bus turnout on the southern side of Lower Azusa Avenue.
- 24.** For increased traffic, air quality, and GHG emissions suffered by adjacent sensitive use, fund environmental enhancements directly to Gidley Elementary School for shade, landscaping, building and other improvements/programming tied to a gate fee. In the case of the latter. Compliance reporting shall be made necessary for enforcement purposes.
- 25.** For noise and air quality impacts, some type of voucher program for triple paned windows and upgraded ventilation/filtering systems along Lower Azusa Road and Gidley Elementary School, tied to gate fee, subject to similar reporting requirements.
- 26.** Installation of permanent noise and air quality monitoring stations adjacent to sensitive uses including the residents along Lower Azusa Road and Gidley Elementary School, and provide adequate protocol for the reporting, ceasing, and recommencing of construction/operation activities until adequate measures are taken by the Project contractors/tenants.

Sincerely,



Paul E. Rosenfeld, Ph.D.



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

A handwritten signature in black ink that reads "Hadley Nolan". The signature is written in a cursive style with a large initial 'H' and a stylized 'N'.

Hadley Nolan

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**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

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

**Education:**

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

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

**Professional Certifications:**

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

**Professional Experience:**

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

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

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

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

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

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

**Executive Director:**

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

**Hydrogeology:**

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

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

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

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

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

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

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

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

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

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

### **Policy:**

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

Activities included the following:

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

principles into the policy-making process.

- Established national protocol for the peer review of scientific documents.

### **Geology:**

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

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

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

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

### **Teaching:**

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

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

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

### **Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

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

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

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

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

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

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

**Hagemann, M. F.**, Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F.**, 1994. Groundwater Characterization and Clean up at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.F.** and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F.**, 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

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**Hagemann, M.F.**, 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.



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## ***Paul Rosenfeld, Ph.D.***

**Chemical Fate and Transport & Air Dispersion Modeling**

*Principal Environmental Chemist*

**Risk Assessment & Remediation Specialist**

### **Education**

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on VOC filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

### **Professional Experience**

Dr. Rosenfeld is the Co-Founder and Principal Environmental Chemist at Soil Water Air Protection Enterprise (SWAPE). His focus is the fate and transport of environmental contaminants, risk assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling, oil spills, boilers, incinerators and other industrial and agricultural sources relating to nuisance and personal injury. His project experience ranges from monitoring and modeling of pollution sources as they relate to human and ecological health. Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing petroleum, chlorinated solvents, pesticides, radioactive waste, PCBs, PAHs, dioxins, furans, volatile organics, semi-volatile organics, perchlorate, heavy metals, asbestos, PFOA, unusual polymers, MtBE, fuel oxygenates and odor. Dr. Rosenfeld has evaluated greenhouse gas emissions using various modeling programs recommended by California Air Quality Management Districts.

### **Professional History:**

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

## **Publications:**

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

**Rosenfeld, P.E.** & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

**Rosenfeld, P.E.**, J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

**Rosenfeld, P. E.**, M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

- Rosenfeld P. E.,** J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.
- Rosenfeld, P.E.,** and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.
- Rosenfeld, P.E.,** and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49( 9), 171-178.
- Rosenfeld, P. E.,** Grey, M. A., Sellev, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.
- Rosenfeld, P.E.,** Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office, Publications Clearinghouse (MS-6)*, Sacramento, CA Publication #442-02-008.
- Rosenfeld, P.E.,** and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.
- Rosenfeld, P.E.,** and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.
- Rosenfeld, P.E.,** C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.
- Rosenfeld, P.E.,** and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.
- Rosenfeld, P.E.,** and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.
- Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.
- Rosenfeld, P. E.** (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).
- Rosenfeld, P. E.** (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).
- Rosenfeld, P. E.** (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.
- Rosenfeld, P. E.** (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.
- Rosenfeld, P. E.** (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

## **Presentations:**

**Rosenfeld, P.E.**, Sutherland, A.; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

**Rosenfeld, P.E.** (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

**Rosenfeld, P.E.** (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States” Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

**Rosenfeld, P. E.** (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld P. E.** (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

**Rosenfeld P. E.** (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florida, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

**Paul Rosenfeld Ph.D.** (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

**Paul Rosenfeld Ph.D.** (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

**Paul Rosenfeld Ph.D.** (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

**Paul Rosenfeld, Ph.D.** (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

**Paul Rosenfeld, Ph.D.** (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

**Rosenfeld, P. E.**, Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference Orlando, FL*.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

**Paul Rosenfeld, Ph.D.** (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

**Paul Rosenfeld, Ph.D.** (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association.* Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association.* Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association.* Lecture conducted from Vancouver Washington..

**Rosenfeld, P.E.** and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference.* Lecture conducted from Indianapolis, Maryland.

**Rosenfeld, P.E.** (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

**Rosenfeld, P.E.** (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

**Rosenfeld, P.E.** (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association.* Lecture conducted from Sacramento California.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings.* Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America.* Lecture conducted from Salt Lake City Utah.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

**Rosenfeld, P.E.,** C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings.* Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America.* Lecture conducted from Anaheim California.

## **Teaching Experience:**

UCLA Department of Environmental Health (Summer 2003 through 2010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

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

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

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

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

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

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

## **Academic Grants Awarded:**

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

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

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

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

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

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

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

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

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois  
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants  
Case No.: No. 0i9-L-2295  
Rosenfeld Deposition, 8-23-2017

In The Superior Court of the State of California, For The County of Los Angeles  
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC  
Case No.: LC102019 (c/w BC582154)  
Rosenfeld Deposition, 8-16-2017

In The Superior Court of the State of Washington, County of Snohomish  
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants  
Case No.: No. 13-2-03987-5  
Rosenfeld Deposition, February 2017  
Trial, March 2017

In The Superior Court of the State of California, County of Alameda  
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants  
Case No.: RG14711115  
Rosenfeld Deposition, September, 2015

In The Iowa District Court In And For Poweshiek County  
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants  
Case No.: LALA002187  
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County  
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County  
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia  
Robert Andrews, et al. v. Antero, et al.  
Civil Action N0. 14-C-30000  
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico  
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward  
DeRuyter, Defendants  
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County  
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant  
Case No 4980  
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17<sup>th</sup> Judicial Circuit, in and For Broward County, Florida  
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.  
Case Number CACE07030358 (26)  
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma  
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City  
Landfill, et al. Defendants.  
Case No. 5:12-cv-01152-C  
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas  
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.  
Case Number cc-11-01650-E  
Rosenfeld Deposition: March and September 2013  
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio  
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*  
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)  
Rosenfeld Deposition: October 2012

In the Court of Common Pleas for the Second Judicial Circuit, State of South Carolina, County of Aiken  
David Anderson, et al., *Plaintiffs*, vs. Norfolk Southern Corporation, et al., *Defendants*.  
Case Number: 2007-CP-02-1584

In the Circuit Court of Jefferson County Alabama  
Jaeanette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*  
Civil Action No. CV 2008-2076  
Rosenfeld Deposition: September 2010

In the Ninth Judicial District Court, Parish of Rapides, State of Louisiana  
Roger Price, et al., *Plaintiffs*, vs. Roy O. Martin, L.P., et al., *Defendants*.  
Civil Suit Number 224,041 Division G  
Rosenfeld Deposition: September 2008

In the United States District Court, Western District Lafayette Division  
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.  
Case Number 2:07CV1052  
Rosenfeld Deposition: July 2009

In the United States District Court for the Southern District of Ohio  
Carolyn Baker, et al., *Plaintiffs*, vs. Chevron Oil Company, et al., *Defendants*.  
Case Number 1:05 CV 227  
Rosenfeld Deposition: July 2008

In the Fourth Judicial District Court, Parish of Calcasieu, State of Louisiana  
Craig Steven Arabie, et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.  
Case Number 07-2738 G

In the Fourteenth Judicial District Court, Parish of Calcasieu, State of Louisiana  
Leon B. Brydels, *Plaintiffs*, vs. Conoco, Inc., et al., *Defendants*.  
Case Number 2004-6941 Division A

In the District Court of Tarrant County, Texas, 153<sup>rd</sup> Judicial District  
Linda Faust, *Plaintiff*, vs. Burlington Northern Santa Fe Rail Way Company, Witco Chemical Corporation A/K/A Witco Corporation, Solvents and Chemicals, Inc. and Koppers Industries, Inc., *Defendants*.  
Case Number 153-212928-05  
Rosenfeld Deposition: December 2006, October 2007  
Rosenfeld Trial: January 2008

In the Superior Court of the State of California in and for the County of San Bernardino  
Leroy Allen, et al., *Plaintiffs*, vs. Nutro Products, Inc., a California Corporation and DOES 1 to 100, inclusive, *Defendants*.  
John Loney, Plaintiff, vs. James H. Didion, Sr.; Nutro Products, Inc.; DOES 1 through 20, inclusive, *Defendants*.  
Case Number VCVVS044671  
Rosenfeld Deposition: December 2009  
Rosenfeld Trial: March 2010

In the United States District Court for the Middle District of Alabama, Northern Division  
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant*.  
Civil Action Number 2:09-cv-232-WHA-TFM  
Rosenfeld Deposition: July 2010, June 2011

In the Superior Court of the State of California in and for the County of Los Angeles  
Leslie Hensley and Rick Hensley, *Plaintiffs*, vs. Peter T. Hoss, as trustee on behalf of the Cone Fee Trust; Plains Exploration & Production Company, a Delaware corporation; Rayne Water Conditioning, Inc., a California Corporation; and DOES 1 through 100, *Defendants*.  
Case Number SC094173  
Rosenfeld Deposition: September 2008, October 2008

In the Superior Court of the State of California in and for the County of Santa Barbara, Santa Maria Branch  
Clifford and Shirley Adelhelm, et al., all individually, *Plaintiffs*, vs. Unocal Corporation, a Delaware Corporation; Union Oil Company of California, a California corporation; Chevron Corporation, a California corporation; ConocoPhillips, a Texas corporation; Kerr-McGee Corporation, an Oklahoma corporation; and DOES 1 through 100, *Defendants*.  
Case Number 1229251 (Consolidated with case number 1231299)  
Rosenfeld Deposition: January 2008

In the United States District Court for Eastern District of Arkansas, Eastern District of Arkansas  
Harry Stephens Farms, Inc. and Harry Stephens, individual and as managing partner of Stephens Partnership, *Plaintiffs*, vs. Helena Chemical Company, and Exxon Mobil Corp., successor to Mobil Chemical Co., *Defendants*.  
Case Number 2:06-CV-00166 JMM (Consolidated with case number 4:07CV00278 JMM)  
Rosenfeld Deposition: July 2010

In the United States District Court for the Western District of Arkansas, Texarkana Division  
Rhonda Brasel, et al., *Plaintiffs*, vs. Weyerhaeuser Company and DOES 1 through 100, *Defendants*.  
Civil Action Number 07-4037  
Rosenfeld Deposition: March 2010  
Rosenfeld Trial: October 2010

In the District Court of Texas 21<sup>st</sup> Judicial District of Burleson County  
Dennis Davis, *Plaintiff*, vs. Burlington Northern Santa Fe Rail Way Company, *Defendant*.  
Case Number 25,151  
Rosenfeld Trial: May 2009

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

Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.

Case 3:10-cv-00622

Rosenfeld Deposition: February 2012

Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland

Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants

Case Number: 03-C-12-012487 OT

Rosenfeld Deposition: September 2013

# HADLEY KATHRYN NOLAN

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Technical Consultation, Data Analysis and  
Litigation Support for the Environment

## SOIL WATER AIR PROTECTION ENTERPRISE

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Santa Monica, California 90405  
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Fax: (310) 452-5550  
Email: [hadley@swape.com](mailto:hadley@swape.com)

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## EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES B.S. ENVIRONMENTAL SCIENCES & ENVIRONMENTAL SYSTEMS AND SOCIETY JUNE 2016

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## PROJECT EXPERIENCE

SOIL WATER AIR PROTECTION ENTERPRISE

SANTA MONICA, CA

AIR QUALITY SPECIALIST

### SENIOR PROJECT ANALYST: CEQA ANALYSIS & MODELING

- Modeled construction and operational activities for proposed land use projects using CalEEMod to quantify criteria air pollutant and greenhouse gas (GHG) emissions.
- Organized presentations containing figures and tables that compare results of criteria air pollutant analyses to thresholds.
- Quantified ambient air concentrations at sensitive receptor locations using AERSCREEN, a U.S. EPA recommended screening level dispersion model.
- Conducted construction and operational health risk assessments for residential, worker, and school children sensitive receptors.
- Prepared reports that discuss adequacy of air quality and health risk analyses conducted for proposed land use developments subject to CEQA review by verifying compliance with local, state, and regional regulations.

### SENIOR PROJECT ANALYST: GREENHOUSE GAS MODELING AND DETERMINATION OF SIGNIFICANCE

- Evaluated environmental impact reports for proposed projects to identify discrepancies with the methods used to quantify and assess GHG impacts.
- Quantified GHG emissions for proposed projects using CalEEMod to produce reports, tables, and figures that compare emissions to applicable CEQA thresholds and reduction targets.
- Determined compliance of proposed land use developments with AB 32 GHG reduction targets, with GHG significance thresholds recommended by Air Quality Management Districts in California, and with guidelines set forth by CEQA.

### PROJECT ANALYST: ASSESSMENT OF AIR QUALITY IMPACTS FROM PROPOSED DIRECT TRANSFER FACILITY

- Assessed air quality impacts resulting from implementation of a proposed Collection Service Agreement for Exclusive Residential and Commercial Garbage, Recyclable Materials, and Organic Waste Collection Services for a community.
- Organized tables and maps to demonstrate potential air quality impacts resulting from proposed hauling trip routes.
- Conducted air quality analyses that compared quantified criteria air pollutant emissions released during construction of direct transfer facility to the Bay Area Air Quality Management District's (BAAQMD) significance thresholds.
- Prepared final analytical report to demonstrate local and regional air quality impacts, as well as GHG impacts.

### PROJECT ANALYST: EXPOSURE ASSESSMENT OF LEAD PRODUCTS FOR PROPOSITION 65 COMPLIANCE DETERMINATION

- Calculated human exposure and lifetime health risk for over 300 lead products undergoing Proposition 65 compliance review.
- Compiled and analyzed laboratory testing data and produced tables, charts, and graphs to exhibit emission levels.
- Compared finalized testing data to Proposition 65 Maximum Allowable Dose Levels (MADLs) to determine level of compliance.
- Prepared final analytical lead exposure Certificate of Merit (COM) reports and organized supporting data for use in environmental enforcement statute Proposition 65 cases.

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## ACCOMPLISHMENTS

- **Academic Honoree**, Dean's List, University of California, Los Angeles

MAR 2013, MAR 2014, JAN 2015, JAN 2016