

Alex Medina

From: Scott Kinsey
Sent: Thursday, April 13, 2023 5:36 PM
To: Alex Medina
Subject: FW: Support for Mosaic Project from AMMATOLI

Importance: High

Categories: Yellow category

Please send the below email to the Clerk's office for the 4/18 appeal hearing at city council.

Scott Kinsey, AICP

Planner V

Long Beach Development Services | Planning Bureau

411 W. Ocean Blvd., 3rd Fl. | Long Beach, CA 90802

Office: 562.570.6461



From: Christopher Koontz <Christopher.Koontz@longbeach.gov>

Sent: Wednesday, April 12, 2023 8:32 PM

To: Scott Kinsey <Scott.Kinsey@longbeach.gov>

Subject: Fw: Support for Mosaic Project from AMMATOLI

Importance: High

From: info@ammatali.com <info@ammatali.com>

Sent: Wednesday, April 12, 2023 8:29 PM

To: Christopher Koontz <Christopher.Koontz@longbeach.gov>

Subject: Support for Mosaic Project from AMMATOLI

-EXTERNAL-

Dear Mr. Koontz:

We are sending this email to express our strong support for the proposed Mosaic Project, which is the subject of an appeal on tonight's City Council agenda. As a result of the many economic and community benefits, both direct and indirect from the project, We would strongly encourage the Council to reject an appeal from CREED Los Angeles and allow the project to move forward.

The Downtown area generally, and the site of the proposed Mosaic project specifically, is in dire need of additional economic stimulus, housing and other enhancements. The current site is beyond repair and the proposed project is necessary to revitalize the City's downtown core. The project will have an immediate impact on improving the safety of the downtown area and will utilize good paying union jobs. Lastly, the housing provided by this project will significantly

accelerate the deployment of much needed units into our City which is facing an unprecedented housing shortage. As an added benefit, the Mosaic project will provide more affordable units than almost any other single project in the downtown area.

We appreciate your consideration.

Best,
Sam and Dima Habibeh

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AMMATOLI

Website: www.AMMATOLI.com

285 E. 3rd St., Long Beach, CA 90802

Work: [\(562\) 435-0808](tel:5624350808)

Email: info@AMMATOLI.com

Marcus & Millichap

111 W Ocean Avenue
Suite 1025
Long Beach, CA 90802

Tel: (562) 257-1259

Sent via email to
Christopher.koontz@longbeach.gov

Re: Support for Mosaic Project

Dear Mr. Koontz:

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I appreciate your consideration.

Thank you,



Kyle Blair
Associate

Marcus & Millichap

111 W Ocean Avenue
Suite 1025
Long Beach, CA 90802

Tel: (562) 257-1246

Sent via email to
Christopher.koontz@longbeach.gov

Re: Support for Mosaic Project

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I appreciate your consideration.

Thank you,



Kevin King
Senior Managing Director | Investments

Marcus & Millichap

111 W Ocean Avenue
Suite 1025
Long Beach, CA 90802

Tel: (562) 257-1257

Sent via email to
Christopher.koontz@longbeach.gov

Re: Support for Mosaic Project

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I appreciate your consideration.

Thank you,



Bill Lanting

Managing Director

Marcus & Millichap Capital Corporation



ATTORNEYS AT LAW

18101 Von Karman Avenue
Suite 1800
Irvine, CA 92612
T 949.833.7800
F 949.833.7878

Robert D. Thornton
D 949.477.7600
rthornton@nossaman.com

Refer To File # 502421-0004

VIA HAND DELIVERY

April 10, 2023

Mayor Rex Richardson and Members of the City Council
City of Long Beach
411 West Ocean Blvd. 11th Floor
Long Beach, CA 90802

Re: THE MOSAIC PROJECT; Applicant's Response to Appeal from Planning Commission Decisions; CITY COUNCIL AGENDA OF APRIL 18, 2023.

Dear Mayor Richardson and Members of the City Council:

This letter is submitted on behalf of the Long Beach Center Loan LLC (Applicant) and the Waterford Property Company regarding the Mosaic Project (Project) located at 450 The Promenade North/501-599 Long Beach Blvd in the Downtown Plan Planned Development District. This letter responds to the inaccurate assertions raised in the appeal of the Planning Commission's decision approving the Project within the January 27, 2023 letter filed by Adams, Broadwell, Joseph and Cardozo representing CREED LA (CREED), specifically that the Project Addendum does not comply with the California Environmental Quality Act ("CEQA").

1. The Applicant Supports the City Staff Recommendation.

The **Applicant supports the City Staff recommendation**, and requests that the City Council (i) deny the Appeal, (ii) uphold the decision of the Planning Commission to approve the Project, and (iii) approve and certify the Environmental Impact Report Addendum (EIRA-02-22) to the Downtown Plan Program Environmental Impact Report (SCH No. 2009071006).

2. The Project.

The Project is a mixed use development with 900 residential units in two mid-rise buildings, including 54 units that are required to be affordable at the Very-Low Area median Income (VLI) level, and also includes some commercial-retail uses. The Project is consistent with the General Plan and will assist the City in achieving the goals of the Downtown Plan including infill residential development and affordable housing in a walkable community with excellent access to public transit. As the City Staff Report concludes:

City staff finds that the project complies with the requirements of the Downtown Plan, is consistent with the General Plan, and forwards the City's planning goals by accomplishing and implementing major policies of the Housing Element, Land Use

Element, Mobility Element, and Urban Design Element. The project will create a walkable environment with new residential units that significantly further the City's housing goals.

(Staff Report, p. 6.) The Staff Report also notes the Project's critical contribution to the City's affordable housing goals:

While approval and construction of the overall 900-unit project is a major step toward the City's achievement of Regional Housing Needs Assessment (RHNA) targets on its own, the construction of these 54 VLI affordable housing units is especially critical because these VLI units offset a deficit of affordable housing units created through development on other identified housing production opportunity sites that did not or will not achieve RHNA VLI targets.

(Staff Report, p. 5.)

3. Applicant's Response to CREED Appeal of Planning Commission Decision.

a. Summary.

CREED **does not challenge** any of the Planning Commission's land use-related findings and determinations regarding the Project's consistency with the General Plan, Downtown Plan, the Downtown Plan Land Use Equivalency Program, or the City ordinances. Nor does CREED challenge any of the findings of the Planning Commission and the City staff that the Project will implement and fulfill major housing and development policies of the City and the State of California.

Providing affordable infill residential development in a walkable urban infill community with excellent access to public transit, and services is the goal of the aforementioned City Planning policies and programs.

Rather, the CREED appeal is limited to narrow issues concerning a few Project mitigation measures. As we demonstrate below, the Appeal is based on a misunderstanding of the Project, and a mischaracterization of the Mosaic Project Addendum.

As documented in the Staff Report, the Mosaic Addendum, the City's Responses to Comments, and in the attached memorandum prepared by LSA Associates (LSA Memorandum, April 7, 2023)], the Project will not result in any new or more severe significant environmental effects requiring the preparation of a supplemental or subsequent EIR. Contrary to Appellant's claims:

- **The Mosaic Addendum documents that the Project will not result in new or more severe significant effects** that require major revisions to the Downtown Plan Final EIR as revised by the Land Use Equivalency Program (LUEP) Addendum.

- The **Project does not include backup generators during Project operations.** The Addendum's air quality analysis included emissions from the use of generators during construction. Therefore the Addendum does not understate potential air emissions from use of generators on the Project;
 - The **Project includes the latest and most rigorous indoor air filtration technology** (Minimum Efficiency Reporting Value (MERV) -- MERV-13 filters). Therefore Addendum Air Quality Mitigation Measures AQ-4(b) and AQ-2 are effective and enforceable measures that comply with CEQA standards;
 - The **Project diesel construction equipment will comply with the Tier 4 Best Available Control Technology standards established by the California Air Resources Board (CARB).** Construction equipment meeting Tier 4 standards is available, and is required by CARB regulations. Therefore, Addendum Air Quality Mitigation Measure AQ-1(c) is an effective and enforceable measure that complies with CEQA; and
 - The **Downtown Plan EIR, and the Land Use Equivalency Program Addendum, and the Mosaic Project Addendum, evaluated the health effects of diesel particulate matter emissions.** The Mosaic Project Addendum concludes that Project particulate matter emissions are below the Localized Significance Thresholds established by the South Coast Air Quality Management District (SCAQMD) to protect human health. The Project's use of diesel construction equipment complying with CARB's most rigorous regulatory standards provides additional evidence that the Project will not have significant health effects.
- b. **The Mosaic Project Addendum Complies with CEQA. Substantial Evidence Supports the Planning Commission and City Staff Determination that the Project Does Not Require the Preparation of a Subsequent EIR.**

The Mosaic Project Addendum follows two prior CEQA documents approved by the City evaluating the environmental effects of the Downtown Plan -- the Downtown Plan EIR, and the Land Use Equivalency Program (LUEP) Addendum. The comparison of the Project's effects against the effects of the Downtown Plan Final EIR as modified by the LUEP Addendum complies with CEQA.

When a lead agency has previously approved an EIR for a project or program (like the Downtown Plan Final EIR), CEQA **prohibits** the agency from requiring the preparation of a subsequent or supplemental EIR unless the agency determines that substantial changes to the project, substantial new circumstances, or substantial new information will result in new or more adverse significant effects that require major revisions to the prior EIR. (Pub.Resources Code, § 21166; CEQA Guidelines, §§ 15162, 15163, 15168, subd. (c)(2).). The agency may prepare an Addendum to a previously certified EIR if some changes or additions are necessary, but these changes or additions do not trigger the requirement for a subsequent or supplemental EIR. (CEQA Guidelines, § 15164, subd. (a). *Friends of College of San Mateo Gardens v. San Mateo*

Community College Dist. (2016) 1 Cal.5th 937, 946.) Courts are required to defer to the agency determination if it is supported by substantial evidence. (Kosta & Zischke, Practice Under the California Environmental Quality Act, § 10.21.)

In compliance with CEQA, the Mosaic Project Addendum evaluates the effects of the Project to determine whether the Project will result in new, or more severe, significant effects that require major revisions to the Downtown Plan Final EIR as revised by the LUEP Addendum. The Mosaic Addendum documents that the scope of the Project is within the scope of the environmental effects evaluated in the Downtown Plan Final EIR and the LUEP Addendum.

As discussed below, substantial evidence supports the findings and conclusions of the Planning Commission, and in the Mosaic Addendum, that the Project will not have significant new adverse environmental effects that require major revisions to the Downtown Plan Final EIR. Therefore the Project Addendum complies with CEQA, and no additional CEQA documentation is required.

c. The Project Does Not Include Backup Generators During Project Operations. The Project Addendum Does Not Understate Air Emissions from Use of Generators During Construction.

CREED claims that the Project includes the use of backup generators during Project operations. CREED is wrong. The Project does not include use of backup generators during Project operations, and therefore the Addendum does not understate air emissions associated with Project operations.

CREED is also incorrect in asserting that the Addendum did not evaluate generator emissions during construction. Table M of the Air Quality and Greenhouse Gas Analysis (Addendum, Exhibit B) includes the use of a generator set for up to 8 hours per day during the building construction phase. The use of the generator set during construction is included in the construction-related air quality emissions (Addendum, Table 3), maximum localized construction emissions (Addendum Table 5), and amortized construction GHG emissions (Addendum Table 7). Thus, the Addendum evaluated the health effects associated with the use of the generator set during construction. (Mosaic Addendum, Tables 3 and 7; Exhibit B [Air Quality Analysis], Table M.)

Therefore, CREED's assertions are factually incorrect. The Mosaic Addendum does not understate emissions from the use of generators during the construction phase of the Project.

d. The Project Includes the Latest and Most Rigorous Indoor Air Filtration Technology -- MERV-13 Filters.

CREED claims that the Project is not required to utilize MERV-13 air filters -- the latest air filtration technology (MERV-13). Once again, CREED is wrong. The Addendum clearly requires the use of MERV-13 filters. Mitigation Measure AQ-4(b) requires the use of MERV technology. The Mosaic Project Energy Memorandum states that the proposed project would

utilize high efficiency heating, ventilation, and air conditioning (HVAC) equipment with MERV-13 filters. Mitigation Measure AQ-2 states the project is required to meet the Title 24 standards in effect at the time of building permit issuance. The most recent version of the Title 24 standards requires the installation of MERV-13 filters. (Addendum, p. 59.) Mitigation Measures AQ-4(b) and AQ-2 are specific, and enforceable.

The Applicant understands that compliance with the referenced mitigation measures are proposed to be imposed by City Planning staff as a condition of the approval of the Project. The measures comply with CEQA mitigation standards. (Pub.Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4, subd. (a)(2).)

e. The Project Diesel Construction Equipment will comply with the Tier 4 California Air Resources Board Best Available Control Technology Standards. The Tier 4 Mitigation Measure Is Enforceable.

Mitigation Measure AQ-1(c) provides that “[a]ll offroad diesel-powered construction equipment greater than 50 horsepower (hp) shall meet the Tier 4 emission standards” established by the CARB. Tier 4 emission standards are the most rigorous and the Best Available Control Technology adopted by CARB to regulate emissions from off-road diesel engines. Nonetheless, CREED asserts that the Measure AQ-1(c) is not enforceable. CREED is wrong.

Compliance with agency adopted regulatory standards is a valid, enforceable CEQA mitigation measure. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906.) Mitigation Measure AQ-1(c) is an enforceable measure because diesel construction equipment is available to meet the Tier 4 emissions standards, the Project conditions of approval require the Project to use Tier 4 equipment, and the air quality regulations requiring Tier 4 engines are enforceable. Moreover, the Applicant has confirmed that the construction equipment meeting Tier 4 emission standards is available.

All contractors using off-road diesel equipment are subject to these regulations and are responsible for compliance with their requirements. Implementation of the CARB standards was staggered based on fleet size, with large fleets beginning compliance in 2014, medium fleets in 2017, and small fleets in 2019. The compliance schedule requires that Best Available Control Technology (BACT) be fully implemented by 2023 in all equipment for large fleets (fleets with more than 5,000 horsepower) and medium fleets (fleets with 2,501 to 5,000 horsepower) and by 2028 for small fleets (fleets with less than or equal to 2,500 horsepower). Any heavy-duty diesel equipment manufactured in 2015 or later is required to meet the Tier 4 Final emission standards. (Addendum, Response to Comment 8.)

In November 2022, CARB adopted amendments to its regulations governing air emissions from off-road diesel equipment to impose even more stringent Tier 4 requirements on diesel equipment fleets. (CARB Resolution No. 22-19 (November 17, 2022.)) The CARB staff report accompanying the new regulations states that as of July 2022, engines receiving Tier 4 final emission factors comprise 54 percent of applicable diesel engines. (CARB Staff Report,

Public Hearing to Consider Proposed Amendments to the In Use Off-Road Diesel Fueled Fleet Regulation (Sept. 20, 2022.)

f. The Downtown Plan EIR, and the Land Use Equivalency Program Addendum, and the Mosaic Project Addendum, Evaluated the Health Effects of Diesel Particulate Matter Emissions.

The Mosaic Project Addendum concludes that Project particulate matter emissions are below the Localized Significance Thresholds established by the SCAQMD to protect the health of sensitive persons. The Project's compliance with CARB's most rigorous standards controlling diesel particulate matter emissions provides additional evidence that the Project will not have significant health effects. CREED nevertheless claims that Mitigation Measure AQ-1(b) does not address the health effects of diesel particulate matter emissions because the Localized Significance Thresholds are set based on criteria air pollutants and not toxic air contaminants (TAC).

Localized Significance Thresholds applied were established by the SCAQMD to assist agencies in disclosing and evaluating potentially significant health effects from project air emissions. As explained by the SCAQMD, Localized Significance Thresholds "represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard." (<http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>; See also SCAQMD, Final Localized Significance Threshold Methodology (July 2008).) The federal and state ambient air quality standards, in turn, are set at levels to protect the health of sensitive individuals with a margin of safety. Therefore, the Localized Significance Thresholds for particulate matter less than 10 microns (PM10) and less than 2.5 microns (PM2.5) also serve to protect against human health effects of diesel particulate matter emissions.

As documented in the City's response to the CREED comment letter, the Downtown Plan Final EIR and LUEP Addendum evaluated exposure to TAC. (Mosaic Addendum, p. 56). The Mosaic Addendum also evaluated exposure to TACs (Addendum, p. 66). The City adopted Mitigation Measure AQ-1(b) in its approval of the Downtown Plan and LUEP. The City required that projects proposed within the Downtown Plan area conduct a project-level CEQA analysis. The required project-level analysis includes a detailed SCAQMD Localized Significance Thresholds analysis of construction generated emissions if the project is located within 1,500 feet of sensitive receptors.

The Mosaic Addendum disclosed that Project construction activities would result in the generation of diesel particulate matter emissions. (Mosaic Addendum, p. 66.) The Addendum found that because the use of off-road heavy-duty diesel equipment during construction of the project would be temporary, and CARB's regulation of diesel particulate emissions from construction equipment emissions, the Project would not expose sensitive receptors to significant

health effects of diesel particulate matter emissions. In particular, project construction emissions, including PM10 and PM2.5, would be well below the SCAQMD regional and Localized Significance Thresholds and within the construction emissions identified in the Downtown Plan Final EIR and LUEP Addendum. (Addendum, Table 3 and Table 4, pp. 61-62.)

The Office of Environmental Health Hazard Assessment (OEHHA) guidance indicates that diesel particulate emissions are the surrogate for whole diesel exhaust. OEHHA guidance for evaluating health risk of diesel engine emissions use PM10 emissions to represent DPM emissions. As shown in Table 3 of the Addendum, PM10 emissions, which are a surrogate for TAC emissions during construction, would be 4.7 pounds per day -- well below the SCAQMD threshold of 150 pounds per day. This evidence supports the finding that the Project would not result in significant mass emissions of PM10 and that would have result in a significant health risk. (See LSA Memorandum, p. 5 [attached].)

4. Conclusion.

CREED's appeal is without merit. The Mosaic Project Addendum documents that the Project is within the scope of the environmental effects evaluated in the Downtown Plan Final EIR and the LUEP Addendum, and that the Project will not result in new or more severe significant environmental effects that require major revisions to the Downtown Plan Final EIR. The mitigation measures in the Addendum are incorporated into Conditions of Approval for the Project, are specific and enforceable, and comply with CEQA standards. The Appeal should be denied.

Very truly yours,



Robert D. Thornton
Nossaman LLP

cc (w/encl): Christopher Koontz
Director of Development Services
City of Long Beach

RDT:lmb



MEMORANDUM

DATE: April 7, 2023

To: Oren Hillel, Long Beach Center Loan LLC

FROM: Amy Fischer, President
Cara Cunningham, Associate

SUBJECT: Mosaic Project Air Quality and Greenhouse Gas Analysis - Response to Comments

LSA has reviewed comments from Kelilah Federman of Adams Broadwell Joseph & Cardozo on the Downtown Plan Program Environmental Impact Report (PEIR) Addendum for The Mosaic Project prepared by ESA dated December 2022. LSA prepared the Air Quality and Greenhouse Gas Analysis for the proposed project dated October 2022 (Appendix B of the Addendum). The findings from the report were used as the basis for the findings in the Addendum. LSA reviewed the comments related to backup generator emissions, air quality and greenhouse gas (GHG) mitigation measures, and construction health risk analysis (pages 8 through 13 of the comment letter).

BACKUP GENERATOR EMISSIONS

The comment letter asserts that emergency backup generators may be used during project construction and operation and that the analysis should consider air quality, GHG, and public health impacts associated with emergency backup generators.

The comment letter also states that Table M of the Air Quality and Greenhouse Gas Analysis (Appendix B of the Addendum) identifies that generator sets may be used for up to 8 hours per day and that the analysis should analyze emissions associated with emergency backup generators. As discussed on Page 50 of the Air Quality and Greenhouse Gas Analysis, the California Emission Estimator Model version 2020.4.0 (CalEEMod) computer program was used to calculate emissions from on-site construction equipment and emissions from worker and vehicle trips to the site. The analysis utilizes CalEEMod default assumptions for construction equipment, which are identified in Table M of the Air Quality and Greenhouse Gas Analysis. As shown in Table M of the Air Quality and Greenhouse Gas Analysis, one generator set would be used for up to 8 hours per day during the building construction phase, which is estimated to occur from April 29, 2024 to May 21, 2027. The use of the generator set during construction is included in the construction-related air quality emissions shown in Table 3 of the Addendum, maximum localized construction emissions shown in Table 5 of the Addendum, and amortized construction GHG emissions shown in Table 7 of the Addendum. The health effects associated with the use of the generator set during construction is included in the localized analysis for the project. As such, use of the generator set is included in the construction-related air quality and GHG analyses, and no additional analysis is required.

As discussed on Page 1 of the Air Quality and Greenhouse Gas Analysis, once operational, the proposed project would not include any emergency backup generators. The proposed project would provide emergency lighting and egress/path lighting on a centralized battery inverter, which would be electric. Because backup generators would not be used during project operations, there would be no new significant or more severe air quality or health effect. As such, no additional analysis is required.

AIR QUALITY AND GREENHOUSE GAS MITIGATION MEASURES

The comment letter asserts that Mitigation Measure AQ-1(c) provides that “[a]ll offroad diesel-powered construction equipment greater than 50 horsepower (hp) shall meet the Tier 4 emission standards, where available” and that “where available” is not enforceable. As such, the comment letter claims that Mitigation Measure AQ-1 is insufficient mitigation to reduce the proposed project’s air quality, public health, and GHG emissions to the greatest extent feasible. Mitigation Measure AQ-1(c) is an enforceable measure because construction equipment is available to meet the Tier 4 emissions standards, and the air quality regulations requiring Tier 4 engines are enforceable. The Applicant has confirmed that the construction equipment on the project is available and would comply with Tier 4 emissions standards.

As outlined on page 12 of the Addendum, Mitigation Measure AQ-1(c) states that post-January 1, 2015, all offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, Mitigation Measure AQ-1(c) states that all construction equipment shall be outfitted with best available control technology (BACT) devices certified by the California Air Resources Board (CARB) and that any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

Mitigation Measure AQ-1(c) requires that a copy of each unit’s certified tier specification, BACT documentation, and CARB or the South Coast Air Quality Management District (SCAQMD) operating permit shall be provided at the time of mobilization of each applicable unit of equipment. All contractors using off-road diesel equipment are subject to these regulations and are responsible for compliance with their requirements. Implementation of the CARB standards was staggered based on fleet size (which is the total of all off-road horsepower under common ownership or control), with large fleets beginning compliance in 2014, medium fleets in 2017, and small fleets in 2019. The compliance schedule requires that Best Available Control Technology (BACT) turn overs or retrofits (Verified Diesel Emission Control Strategies [VDECS] installation) be fully implemented by 2023 in all equipment for large fleets (fleets with more than 5,000 total horsepower) and medium fleets (fleets with 2,501 to 5,000 total horsepower) and by 2028 for small fleets (fleets with less than or equal to 2,500 horsepower). Any heavy-duty diesel equipment manufactured in 2015 or later is required to meet the Tier 4 Final emission standards.

Mitigation Measure AQ-1(c) is an enforceable measure because the construction equipment is available to meet the Tier 4 emissions standards. The Applicant has confirmed that the construction equipment on the project would comply with Tier 4 emissions standards. Therefore, Measure AQ-1(c) is enforceable and complies with CEQA mitigation standards. The proposed project’s

construction equipment would consist of a medium fleet and would comply with CARB's compliance schedule for BACT.

Table 3 and Table 4 of the Addendum demonstrate that project construction emissions, including exhaust PM_{10} and $PM_{2.5}$, would be below the SCAQMD regional and localized significance thresholds and within the construction emissions identified in the PEIR. Therefore, additional mitigation is not required.

The comment letter also states that Mitigation Measure AQ-4(b) provides that Minimum Efficiency Reporting Value (MERV) technology will be utilized and that the Addendum states that MERV-13 filters will be utilized. The comment letter states that if the air quality emissions calculations were conducted based on MERV-13 specifications, but MERV-13 filters are not legally required under the MMRP, then the indoor air quality may be worse than estimated in the Addendum. The comment letter goes on to assert that absent the use of the most protective MERV filter, indoor air quality impacts may be significant and unmitigated and that the City must revise MM AQ-4(b) to require the most protective MERV filter available to ensure the safest indoor air quality in binding mitigation before the project can be approved. Mitigation Measure AQ-2, on page 59 of the Addendum, also states the project would be required to meet the Title 24 standards in effect at the time of building permit issuance. The most recent version of the Title 24 standards requires the installation of MERV-13 filters.

As identified in the Mosaic Project Energy Memorandum (Appendix D of the Addendum), the proposed project would utilize high efficiency heating, ventilation, and air conditioning (HVAC) equipment with MERV-13 filters. As such, the use of MERV-13 filters is considered part of the project, and is an enforceable requirement.

CONSTRUCTION HEALTH RISKS

The comment letter asserts that Mitigation Measure AQ-1(b) does not provide mitigation for construction-generated diesel particulate matter (DPM) because the proposed localized significance thresholds (LST) analysis addresses only criteria pollutants, and not toxic air contaminants (TACs) like DPM. The comment letter also asserts that Mitigation Measure AQ-1(b) also constitutes impermissibly deferred analysis of the project's air quality impacts.

As discussed on page 56 of the Addendum, the PEIR and Land Use Equivalency Program (LUEP) Addendum evaluated exposure to TAC from land uses in the Downtown Plan. As discussed on pages 66 and 67 of the Addendum, the Addendum also evaluated exposure to TAC. Mitigation Measure AQ-1(b) was included as mitigation for the certified Downtown Plan PEIR. As such, it required that projects proposed within the Downtown Plan area conduct a project-level CEQA analysis that includes a detailed SCAQMD LST analysis of construction generated emissions if the project is located within 1,500 feet of sensitive receptors. The Addendum included all mitigation measures from the Certified PEIR's adopted Mitigation Monitoring and Reporting Program (MMRP), including Mitigation Measure AQ-1(b).

Mitigation Measure AQ-1(b) does not impermissibly defer analysis of TAC emissions. First, the Certified PEIR provided a programmatic-level analysis of environmental impacts and required

proposed projects to prepare a project-level analysis of LST impacts. In accordance with Mitigation Measure AQ-1(b), the Addendum conducted a detailed LST analysis of construction-generated emissions of NO_x, CO, PM₁₀, and PM_{2.5}, as shown in Table 5, Unmitigated Localized Construction Emissions. As discussed on page 56 of the Addendum, the proposed project would be required to implement Mitigation Measures AQ-1 through AQ-6 from the PEIR. Mitigation Measures AQ-1(a) and AQ-1(b), require implementation of the City's Enhanced Exhaust Control Practices.

Mitigation Measure AQ-1(b) requires that prior to construction of each development phase of onsite land uses that are proposed within 1,500 feet of sensitive receptors, each project applicant shall perform a project-level CEQA analysis that includes a detailed LST analysis of construction-generated emissions of NO₂, CO, PM₁₀, and PM_{2.5} to assess the impact at nearby sensitive receptors. As discussed on pages 64 and 65 of the Addendum, an LST analysis was prepared for the proposed project, consistent with the requirements of Mitigation Measure AQ-1(b). Based on the SCAQMD's Final Localized Significance Threshold Methodology¹, SCAQMD staff developed LSTs similar to the regional significance thresholds, that is based on the pounds of emissions per day generated by a proposed project that would cause or contribute to adverse localized air quality impacts. Emissions were assumed to be uniformly distributed across a flat proposed project site over an eight-hour workday. Receptors distances are measured in meters from the proposed project boundary. The same emissions estimated for regional significant thresholds should be compared to allowable emissions presented the LST lookup tables for the source/receptor area closest to the proposed project. Based on the SCAQMD's Methodology, screening procedures are by design conservative, that is, the predicted impacts tend to overestimate the actual impacts. If the predicted impacts are acceptable using the LST approach presented, then a more detailed evaluation is not necessary. As identified in Table 5 of the Addendum, the proposed project's on-site maximum localized construction emissions would be below the SCAQMD localized significance thresholds. As such, the proposed project complies with the requirements of Mitigation Measure AQ-1(b). As discussed on pages 66 and 67 of the Addendum, the PEIR and LUEP Addendum found that implementation of the Downtown Plan would result in short-term emissions of DPM exhaust from heavy-duty construction equipment. As discussed on page 66 of the Addendum, project construction activities would result in the generation of DPM emissions from the use of off-road diesel equipment required for demolition, site grading and excavation, building construction, paving, and architectural coating. The Addendum found that, as stated in the Certified PEIR and LUEP Addendum, because the use of off-road heavy-duty diesel equipment during construction of the project would be temporary, that DPM is highly dispersive, and that United States Environmental Protection Agency (USEPA) and CARB regulations that minimize exhaust emissions are mandated to be implemented by construction contractors, construction-related TAC emissions would not expose sensitive receptors to substantial emissions of TACs. As discussed in the Addendum, project construction would be required to implement Mitigation Measure AQ-1(a), which includes enhanced exhaust control practices on off-road vehicle and off-road construction equipment. In addition, as shown in Table 3 and Table 5 of the Addendum, project construction emissions, including exhaust PM₁₀ and PM_{2.5}, would be below the SCAQMD regional and localized significance thresholds and within the construction emissions

¹ South Coast Air Quality Management District (SCAQMD). 2008. *Final Localized Significance Threshold Methodology*. July. Website: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2> (accessed March 2023)

identified in the Certified PEIR and LUEP Addendum. As a result, it was determined that the proposed project would not result in new significant construction TAC impacts and would not result in a substantial increase in the severity of impacts identified in the Certified PEIR and LUEP Addendum.

The SCAQMD *CEQA Air Quality Handbook*¹ states that emissions of TACs are considered significant if a health risk assessment (HRA) shows an increased risk of greater than 10 in 1 million. The California Office of Environmental Health Hazard Assessment (OEHHA) *Air Toxic Hot Spots Program Risk Assessment Guidelines*² has determined that long-term exposure to diesel exhaust particulates poses the highest cancer risk of any TAC it has evaluated. In addition, CARB has also identified DPM emitted by off-road, diesel-fueled engines emit DPM as a TAC.³ As such, the TAC of concern would be DPM associated with the use of diesel engines during project construction. For risk assessment procedures, the OEHHA specifies that the surrogate for whole diesel exhaust is DPM.⁴ HRA analyses typically use PM₁₀ emissions to represent DPM emissions, consistent with OEHHA guidance. As shown in Table 3 of the Addendum, PM₁₀ emissions, which are a surrogate for TAC emissions during construction, would be 4.7 pounds per day, which is well below the SCAQMD threshold of 150 pounds per day, indicating that a significant mass emissions of PM₁₀ would not occur and a significant health risk would also not occur. Additionally, Mitigation Measure AQ-1(a) requires enhanced exhaust control practices that would further reduce emissions. Also, Mitigation Measure AQ-1(b) requires that all off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards. The use of Tier 4 equipment substantially reduces emissions of PM.⁵ As such, all health risk levels to nearby residents from construction-related emissions of TACs are expected to be below the SCAQMD's HRA thresholds. Once the proposed project is constructed, the proposed project would not be a source of substantial emissions. Therefore, implementation of the proposed project would not result in new sources of TACs. Therefore, the project would not expose sensitive receptors to substantial levels of TACs.

This concludes our response to comments. Please contact Cara Cunningham at cara.cunningham@lsa.net if you have any additional questions.

¹ SCAQMD. 1993. *CEQA Air Quality Handbook* (currently under revision).

² California Environmental Protection Agency Office of Environmental Health Hazard Assessment (OEHHA). 2015. *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. March. Website: <https://oehha.ca.gov/air/air-toxics-hot-spots> (accessed April 2023).

³ California Air Resources Board (CARB). 2022. *Proposed Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation*. November 17. Website: <https://ww2.arb.ca.gov/sites/default/files/barcu/board/res/2022/res22-19.pdf> (accessed April 2023).

⁴ OEHHA. 2015. *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. Appendix D: Risk Assessment Procedures to Evaluate Particulate Emissions from Diesel-Fueled Engines*. February. Website: <https://oehha.ca.gov/media/downloads/cnr/2015gmappendicesaf.pdf> (accessed April 2023).

⁵ Ibid.

Marcus & Millichap

111 W Ocean Avenue
Suite 1025
Long Beach, CA 90802

Tel: (562) 257-1233

Sent via email to
Christopher.koontz@longbeach.gov

Re: Support for Mosaic Project

Dear Mr. Koontz:

I am sending this email to express my strong support for the proposed Mosaic Project, which is the subject of an appeal on tonight's City Council agenda. As a result of the many economic and community benefits, both direct and indirect from the project, I would strongly encourage the Council to reject the an appeal from CREED Los Angeles and allow the project to move forward.

The Downtown area generally, and the site of the proposed Mosaic project specifically, is in dire need of additional economic stimulus, housing and other enhancements. The current site is beyond repair and the proposed project is necessary to revitalize the City's downtown core. The project will have an immediate impact on improving the safety of the downtown area and will utilize good paying union jobs. Lastly, the housing provided by this project will significantly accelerate the deployment of much needed units into our City which is facing an unprecedented housing shortage. As an added benefit, the Mosaic project will provide more affordable units than almost any other single project in the downtown area.

I appreciate your consideration.

Thank you,

A handwritten signature in black ink, appearing to read 'M. Porter', written in a cursive style.

Martin Porter
Associate
Director – National Retail Group

Alex Medina

From: Scott Kinsey
Sent: Thursday, April 13, 2023 5:31 PM
To: Alex Medina
Subject: FW: We need development in DTLB to prevent crime!! Re: Support for Mosaic Project
Categories: Yellow category

Please forward the below email to the Clerk's office for the 4/18 appeal hearing at city council. Thanks.

Scott Kinsey, AICP
Planner V

Long Beach Development Services | Planning Bureau
411 W. Ocean Blvd., 3rd Fl. | Long Beach, CA 90802
Office: 562.570.6461



From: Christopher Koontz <Christopher.Koontz@longbeach.gov>
Sent: Wednesday, April 12, 2023 11:49 AM
To: Scott Kinsey <Scott.Kinsey@longbeach.gov>
Subject: Fw: We need development in DTLB to prevent crime!! Re: Support for Mosaic Project

From: Louisa Lawless <louisa@salonrow.com>
Sent: Wednesday, April 12, 2023 11:28 AM
To: Christopher Koontz <Christopher.Koontz@longbeach.gov>; Ever Chapa <ever@salonrow.com>; Blake Nyman <blake@salonrow.com>; Jennifer Hawkins <jen@salonrow.com>; alex@ekapr.com <alex@ekapr.com>
Subject: We need development in DTLB to prevent crime!! Re: Support for Mosaic Project

-EXTERNAL-

Dear Mr. Koontz:

I am sending this email to express my strong support for the proposed Mosaic Project, which is the subject of an appeal on tonight's City Council agenda. As a result of the many economic and community benefits, both direct and indirect from the project, I would strongly encourage the Council to reject the an appeal from CREED Los Angeles and allow the project to move forward.

The Downtown area generally, and the site of the proposed Mosaic project specifically, is in dire need of additional economic stimulus, housing and other enhancements. The current site is beyond repair and the proposed project is necessary to revitalize the City's downtown core. The

project will have an immediate impact on improving the safety of the downtown area and will utilize good paying union jobs. Lastly, the housing provided by this project will significantly accelerate the deployment of much needed units into our City which is facing an unprecedented housing shortage. As an added benefit, the Mosaic project will provide more affordable units than almost any other single project in the downtown area.

Our business has had multiple break-ins and crime due to the vacant buildings and lack of foot traffic in the area. As small business owners struggling to make it, we implore you to continue the momentum of the project. If it doesn't open you will be forcing businesses all over the DTLB BID to close their doors. We expect more.

I appreciate your consideration.

Best,

Louisa Lawless | Salon Row

Co-Founder

(C) 310.872.7997

(O) 562.277.1776

Check us out @ [Salon Row](#)

Alex Medina

From: Scott Kinsey
Sent: Tuesday, April 18, 2023 9:01 AM
To: Alex Medina
Subject: FW: Support for Mosaic Project

Importance: High

Alex, please forward this message to the Clerk's office for agenda item #26 at City Council tonight. Thanks.

Scott Kinsey, AICP

Planner V

Long Beach Development Services | Planning Bureau

411 W. Ocean Blvd., 3rd Fl. | Long Beach, CA 90802

Office: 562.570.6461



From: Christopher Koontz <Christopher.Koontz@longbeach.gov>

Sent: Tuesday, April 18, 2023 8:55 AM

To: Scott Kinsey <Scott.Kinsey@longbeach.gov>

Subject: FW: Support for Mosaic Project

Importance: High

From: Yolanda Baltazar <YBaltazar@coreland.com>

Sent: Monday, April 17, 2023 2:35 PM

To: Christopher Koontz <Christopher.Koontz@longbeach.gov>

Subject: Support for Mosaic Project

Importance: High

-EXTERNAL-

Dear Mr. Koontz:

I am sending this email to express my strong support for the proposed Mosaic Project, which is the subject of an appeal on tonight's City Council agenda. As a result of the many economic and community benefits, both direct and indirect from the project, I would strongly encourage the Council to reject the appeal from CREED Los Angeles and allow the project to move forward.

The Downtown area generally, and the site of the proposed Mosaic project specifically, is in dire need of additional economic stimulus, housing, and other enhancements. Coreland manages retail properties in the area. We have seen the degradation of the neighborhood and its impact on local businesses (our tenants). The increased housing will facilitate more residents that will spur demand and support local businesses.

In my opinion, the proposed project is absolutely necessary to revitalize the City's downtown as it will have an immediate impact on improving safety. As property manager for downtown properties, concern for the safety of customers and employees is what I hear consistently from our small businesses. These tenants, still trying to stabilize their operations, keep employees and make a profit, need the additional customers and increased activity for the health of their business.

As an added benefit, the Mosaic project will provide more affordable units than almost any other single project in the downtown area, and it will do so by utilizing good paying union jobs.

I appreciate your consideration.

Best,

Yolanda M. Baltazar

Real Estate Manager

Lic. #01211025



17542 E. 17th Street, Suite 420, Tustin, CA 92780

D: 714-210-6710 | O: 714-573-7780

ybaltazar@coreland.com

www.coreland.com

From: Stephanie El Tawil [mailto:StephanieE@dlba.org]
Sent: Tuesday, April 18, 2023 9:52 AM
To: CityClerk <CityClerk@longbeach.gov>
Cc: Connor Lock <Connor.Lock@longbeach.gov>; Cindy Allen <Cindy.Allen@longbeach.gov>; Mary Zendejas <Mary.Zendejas@longbeach.gov>; Lynn Ward <Lynn.Ward@longbeach.gov>; Tom Modica <Tom.Modica@longbeach.gov>; Shawna Stevens <Shawna.Stevens@longbeach.gov>; Rex Richardson <Rex.Richardson@longbeach.gov>; john@edmondgroupllc.com; ohillel@waterfordco.com; mg@turnbridgeeq.com; srawson@waterfordco.com; Christopher Koontz <Christopher.Koontz@longbeach.gov>; Austin Metoyer <austinm@dlba.org>; Morris Mills <MorrisM@dlba.org>
Subject: City Council Meeting (4/18) - Agenda Item #26 - 450 The Promenade

-EXTERNAL-

Good Morning,

Please find the attached DLBA position letter regarding tonight's City Council agenda item on the Site Plan Review Approval of 450 The Promenade:

- [Agenda Item #26 Uphold Site Plan Review Approval of 450 The Promenade North and 501-599 Long Beach Blvd.](#)

Please file this letter into the public record for the April 18, 2023 City Council meeting under agenda item #R-26.

Thank you,



**STEPHANIE
EL TAWIL**

Economic Development & Policy Manager
100 W. Broadway, Ste. 120
Long Beach, CA 90802

✉ StephanieE@dlba.org

☎ 562-485-3137

📞 562-708-0508



DowntownLongBeach.org #DTLB

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**DOWNTOWN
LONG BEACH
ALLIANCE**

April 18, 2023

Long Beach City Council
Civic Center Plaza
411 West Ocean Blvd.
Long Beach, CA 90802

RE: Uphold Site Plan Review Approval of 450 The Promenade North and 501-599 Long Beach Blvd., Agenda Item #26

Dear Honorable Mayor and Members of the City Council,

Please accept this correspondence on behalf of the Downtown Long Beach Alliance (DLBA) Board of Directors and enter into the public record for the City Council meeting scheduled on Tuesday, April 18, 2023, our support of the proposed mixed-used development located at 450 The Promenade North and 501-599 Long Beach Blvd. and deny the appeal and uphold the Planning Commission's approval of the Site Plan Review.

DLBA is a non-profit organization that represents more than 1,600 businesses and 4,000 commercial and residential property owners within the two Business Improvement Districts (BIDs) in Downtown Long Beach. As one of the leading voices for the Downtown community, we want to express our support for this project and urge the Planning Commission to uphold the previously approved Site Plan Review. The project aligns with DLBA's goal of supporting increased density near High-Quality Transit Areas as outlined in our DTLB: Vision 2020 Strategic Plan, and the design standards outlined in the City's Downtown Plan (PD-30).

The Downtown Plan, the guiding planning document for Downtown, was created to encourage impactful, community-oriented mixed-use developments in the area. The proposed development at 450 The Promenade North and 501-599 Long Beach Blvd. has both high-density housing and ground floor commercial space, offering the highest and best use for the property. DLBA supports this proposed development as it complies with all PD-30 requirements and will provide much needed vibrancy to the area. The addition of 854 market rate units, plus 56 affordable rate units will support the growing demand for residential accommodation, while the ground floor retail offers much needed amenities for residents, workers, and visitors of DTLB.

We appreciate the opportunity to share our support for the continued implementation of the Downtown Plan, and we encourage the City Council to support this proposed investment in our developing and diverse Downtown.

Thank you for your consideration.

Sincerely,

Austin Metoyer
President & CEO, DLBA

cc: Mayor Rex Richardson, City of Long Beach
DLBA Board of Directors
Tom Modica, City Manager
Christopher Koontz, Director of Development Services
Oren Hillel for Waterford Co.

April 17, 2023

Mr. Christopher Koontz
Director, Development Services Department
City of Long Beach
VIA EMAIL: christopher.koontz@longbeach.gov

RE: Proposed Housing Development (450 The Promenade North, 501-599 Long Beach Blvd.);
Support from active business & local area residents

Dear Mr. Koontz,

We are writing this letter today both on behalf of our company, Coreland Companies, which conducts business in Downtown Long Beach, as well as residents of the surrounding area.

We bought our first home at Marina Pacifica and currently reside in Los Alamitos. We spend many of our weekends watching our sons games at Heartwell or El Dorado Parks; dining on and off 2nd, and enjoying entertainment Downtown or at CSULB, including last weekend's Grand Prix. In addition, I spent seven years working Downtown off Pine Street.

We write to you as a couple that has observed and been a part of Long Beach's redevelopment efforts for more than two decades. We have worked alongside so many who have dedicated their lives to making Long Beach the vibrant city that we know it to be, complete with a seashore for all to enjoy, numerous restaurants, a great university, various entertainment options and a central business district.

As a real estate business, we have purposefully increased our presence in Long Beach by taking on Property Management and Leasing assignments in Downtown. It has enabled us to stay connected and invest in the City. However, it has also provided a front row seat to the **significant challenges that businesses face downtown**. Issues that are only exacerbated as more small businesses shut down or move elsewhere.

Despite creating a beautiful skyline, **office buildings do not make a downtown**. It is the people within the buildings, and especially those that live, dine and seek entertainment downtown, that create vibrancy. **Residents having "eyes on the street," is one of the most critical elements in public safety. If you want to make a city safer, more people must call it home.** More local residents must fall in love with the local coffee shop or hair salon. More local residents must invest to protect their homes and keep streets clean. We know this firsthand as our company

represents owners of more than 12 million square feet of retail properties primarily throughout Los Angeles County, Orange County and the Inland Empire.

Vacant storefronts and empty buildings DO NOT positively contribute to the economy, enhance the environment, or stimulate the community in any way. **Responsible housing development is the type of investment needed Downtown.**

In understanding the above, and with a genuine passion to see Downtown Long Beach shine, we ask you and the City Council to deny the recent appeal relating to the Housing Development projects at 450 The Promenade North and 501-599 Long Beach Boulevard.

We greatly appreciate your time and attention.

Sincerely,



Vicky Hammond, Managing Principal
CORELAND COMPANIES



Matthew Hammond, Principal
CORELAND COMPANIES

LETTER OF SUPPORT

April 18, 2023

Long Beach City Council
Civic Center Plaza
411 West Ocean Blvd.
Long Beach, CA 90802

RE: Uphold Site Plan Review Approval of 450 The Promenade North and 501-599 Long Beach Blvd.,
Agenda Item #26

Dear Honorable Mayor and Members of the City Council,

We kindly request that you accept this letter and include it in the public record for the upcoming City Council meeting scheduled for Tuesday, April 18, 2023. We express our full support of the proposed mixed-use development located at 450 The Promenade North and urge you to please deny the appeal and support the Planning Commission's approval of the Site Plan Review.

Dreamkreator Studio is a non-profit organization that fosters communities through media, art, and technology. We strive to enrich the creative economy by providing programs that cater to youths, artists, and intergenerational communities locally and abroad. As voice of impact in the community, Dreamkreator fully supports this project and encourages the Planning Commission to stand by the previously approved Site Plan Review. The proposed development aligns with the city's strategic plan and vision for Downtown Long Beach, and the Downtown Plan.

The development is designed with optimal use for property. The high-density housing meets the growing demand for residential dwellings, and add a great deal of accommodations to the area. The ground floor commercial/retail space provides essential amenities for residents, workers, and visitors. The open-spaces throughout the development makes it suitable for supporting the city's vision for more arts and culture within the community. Overall, we believe the project adds vibrancy and high-level attraction to our Downtown.

Thank you for the opportunity to express our support for this project. We ask the City Council to please join us in supporting this proposed investment in the improvement of Downtown Long Beach.

Sincerely,



Rhonda Love
President & CEO
Dreamkreator

THE MOSAIC PROJECT

Downtown Plan Program EIR Addendum

Response to Appeal Letter 4.18.23

1. Main Attorney Letter

Comment A: The Staff Report Fails to Resolve the Addendum’s Unsupported Reliance on Nonbinding Mitigation to Mitigate the Project’s Significant Air Pollution and GHG Impacts

Response:

- Mitigation Measure AQ-1(c) is an enforceable measure because the construction equipment is available to meet the Tier 4 emissions standards. The Applicant has confirmed that the construction equipment on the project will comply with Tier 4 emissions standards. The phrase, “where available” was added when the Certified PEIR was prepared in 2010 and Tier 4 was a relatively new technology and thus not as widely available. As discussed on page 59 of the Addendum, the proposed project would utilize a low-emissions construction fleet meeting the current emission standards of CARB’s In-Use Off-Road Diesel Vehicle Regulation (California Code of Regulations [CCR] Title 13, Section 2449. Regardless of the project construction contractor’s fleet size, construction equipment greater than 50 hp used for the proposed project will comply with the enforceable Tier 4 emission standards and CARB Level 3 diesel emissions control strategy via Certified PEIR Mitigation Measure AQ-1(c).
- Additional evidence of the availability of cleaner construction equipment meeting the Tier 4 standard is provided in the CARB OFFROAD model, which is CARB’s inventory tool for off-road diesel equipment that provides the population, emissions, fuel, and equipment information for off-road diesel vehicles. Any heavy-duty diesel equipment manufactured in 2015 or later is required to meet the Tier 4 Final emission standards.
- Page 12 of the Addendum, Mitigation Measure AQ-1(c) specifically says “prior to issuance of grading permit” which is an enforceable condition. As outlined on page 12, “a copy of each unit’s certification tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment”, which is also an enforceable condition. Under Mitigation Measure AQ-1(c) the requirement of all off-road diesel-powered construction equipment greater than 50 hp to meet Tier 4 emissions standards, where available, is both enforceable, as it is required that a copy of each unit’s tier certification be provided at the time of equipment mobilization prior to issuance of a grading permit, and effective, as Tier 4 equipment will reduce air quality and GHG emissions over Tier 1 through 3 equipment.

Comment B: The Staff Report Fails to Correct the Addendum’s Omission of Back-Up Generator Emissions, thus Further Underestimating the Project’s Potentially Significant Air Quality, GHG, and Health Impacts

Response:

- The Addendum discloses all the anticipated project features on pages 2 and 5. Additionally, page 1 of Appendix B states that the proposed project is not anticipated to include any emergency generators and further, are not required by applicable regulations or are considered reasonably foreseeable. Emergency generators are not required by the local jurisdiction. The commenter’s assertion that the project would include a back-up generator is not supported by substantial evidence, is speculative, and does not require further evaluation per CEQA Guidelines Section 15145 (“If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.”).
- However, for informational purposes, if the project were to include an emergency generator, the generator would be required to comply with South Coast Air Quality Management District Rule 1470 *Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines*. Under Rule 1470, the project would produce additional emissions related to the occasional maintenance and testing for a maximum of 50 hours per year and these emissions would not cause the operating emissions provided in Table 4 *Unmitigated Maximum Regional Operational Emissions*, found on page 63 of the Addendum, to exceed the stated significance thresholds because the projected operational emissions are well below the significance threshold.
- In regard to the comment concerning unscheduled events such as PSPS or EHEs, the exact number of events and hours of operation of the generators cannot be reliably estimated, and thus analysis of the potential use of backup generators and associated emissions is speculative and not required per CEQA Section 15145. Therefore, emissions are not considered to be underestimated.

Comment C: The Staff Report Fails to Correct the Addendum Failure to Disclose Health Risks from Construction Emissions

Response:

- The emissions modeling analysis quantifies all DPM emissions associated with the Project, including DPM emissions that would be generated from heavy-duty construction equipment. The DPM emissions are reported by the modeling software as PM10 and PM2.5 emissions because the modeling software uses exhaust emission factors that represents all DPM emissions from such equipment as PM10 and PM2.5. Therefore, the emissions modeling analysis accounts for DPM emissions (represented in the quantitative analysis as exhaust PM10 and PM2.5), including from Project construction. The potential for health risk impacts from TAC emissions was considered in the Certified PEIR and LUEP Addendum. Consistent with the Certified PEIR and LUEP Addendum, the Project would implement Certified PEIR and LUEP Addendum Mitigation Measures AQ-1(a) and AQ-1(c), which would reduce TACs,

including DPM emissions, because they require the use of off-road construction equipment that meet the Tier 4 standards, which are the most stringent emissions standards for heavy-duty construction equipment in the United States, and the use of on-road diesel haul trucks that meet the model year 2010 and newer standards, which are the most stringent emissions standards for on-road heavy-duty trucks. Because the Project would implement the most stringent requirements of the Certified PEIR and LUEP Addendum Mitigation Measures, the Project would not result in new significant construction TAC impacts and would not result in a substantial increase in the severity of impacts identified in the Certified PEIR and LUEP Addendum.

2. Clark and Associates Letter

Comment 1: The City's EIR Addendum Fails To Identify All Of The Sensitive Receptors Within a ¼ Mile Radius of the Project Site.

Response:

- The air quality analysis evaluates the potential for the Project to result in localized air quality impacts by applying the South Coast Air Quality Management District (SCAQMD) *Final Localized Significance Threshold Methodology*. As described on page 53 and 54 of the *Air Quality and Greenhouse Gas Analysis* in Appendix B of the Draft Addendum, the localized significance thresholds corresponding to the closest sensitive receptors to the Project Site were used (i.e., sensitive receptors located with 25 meters of the Project Site). Sensitive receptors located further than 25 meters from the Project Site would experience Project-related localized air quality impacts to a lesser degree than the nearest receptors because the Project's localized emissions would disperse in the atmosphere with increasing distance. The air quality analysis determined that localized impacts would be less than significant as the Project would not exceed the localized significance thresholds at the nearest sensitive receptors.
- The schools referenced in the comment are located at distances greater than 25 meters from the Project Site. Based on the modeling provided in the Addendum, the localized impacts at the referenced schools would also be less than significance because the Project would also not exceed the localized significance thresholds at the more distant school receptors. Therefore, the quantitative analysis in the Addendum also adequately evaluates the potential for localized air quality impacts at the references schools and no further analysis is warranted.

Comment 2: The City Incorrectly Assert That A Health Risk Analysis Is Not Required Since The Local Significance Thresholds (LSTs) For Criteria Pollutants Were Not Exceeded.

Response:

- The analysis of localized impacts was conducted in accordance with the SCAQMD *Final Localized Significance Threshold Methodology*. Page 3-3 of the SCAQMD *Final Localized Significance Threshold Methodology* states in no uncertain terms that "Projects with boundaries located closer than 25 meters to the nearest receptor should use the LSTs for receptors located at 25 meters." Furthermore, page 4-1 of the SCAQMD *Final Localized Significance Threshold Methodology* states that "Screening procedures are by design conservative, that is, the predicted impacts tend to overestimate the actual impacts. If the predicted impacts are acceptable using the LST approach presented here, then a more detailed evaluation is not necessary." The localized significance threshold analysis provided in the Addendum is consistent with the requirements in the SCAQMD *Final Localized Significance Threshold Methodology*. As localized impacts were determined to

- be less than significant based on SCAQMD’s methodology, a more detailed evaluation is not necessary.
- With respect to health risk impacts from toxic air contaminant emissions (TACs), namely diesel particulate matter (DPM), the Project would reduce emissions of TACs, including DPM, through the required implementation of Certified PEIR and LUEP Addendum Mitigation Measures AQ-1(a) and AQ-1(c). Certified PEIR and LUEP Addendum Mitigation Measures AQ-1(a) and AQ-1(c) in particular would reduce TACs, including DPM emissions, because they require the use of off-road construction equipment that meet the Tier 4 standards, which are the most stringent emissions standards for heavy-duty construction equipment in the United States, and the use of on-road diesel haul trucks that meet the model year 2010 and newer standards, which are the most stringent emissions standards for on-road heavy-duty trucks. Because the Project would implement the most stringent requirements of the Certified PEIR and LUEP Addendum Mitigation Measures, the Project would not result in new significant construction TAC impacts and would not result in a substantial increase in the severity of impacts identified in the Certified PEIR and LUEP Addendum.

Comment 3: Air Quality Analysis Failed To Assess The Impacts Of A Potentially Significant Source of Diesel Particulate Matter (DPM) Emissions Onsite –The On-Site Backup Generator

Response:

- See responses for Comment B above

From: Alisha C. Pember [mailto:apember@adamsbroadwell.com]

Sent: Tuesday, April 18, 2023 1:57 PM

To: Mayor <Mayor@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 1 <District1@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>; City Manager <CityManager@longbeach.gov>; CityClerk <CityClerk@longbeach.gov>; Scott Kinsey <Scott.Kinsey@longbeach.gov>

Cc: Christina Caro <ccaro@adamsbroadwell.com>; Aidan P. Marshall <amarshall@adamsbroadwell.com>

Subject: Agenda Item No. 26: Appeal to City Council of Planning Commission Decision to Approve the Mosaic Project (23-009PL, 450 The Promenade North)

-EXTERNAL-

Good afternoon,

Please see the attached **Comments re Agenda Item No. 26: Appeal to City Council of Planning Commission Decision to Approve the Mosaic Project (23-009PL, 450 The Promenade North) and Exhibit A.**

We are also providing a Dropbox link containing supporting references: <https://www.dropbox.com/scl/fo/qd8ks16wodlvbbmr4er0n/h?dl=0&rlkey=uzd8drtlfihdczam564phnia>

If you have any questions, please contact Aidan Marshall.

Thank you.

Alisha Pember

Alisha C. Pember
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
(650) 589-1660 voice, Ext. 24
apember@adamsbroadwell.com

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ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062

amarshall@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
RACHAEL E. KOSS
AIDAN P. MARSHALL
TARA C. RENGIFO

Of Counsel

MARC D. JOSEPH
DANIEL L. CARDOZO

April 18, 2023

Via Email Only

City of Long Beach City Council
Mayor Rex Richardson
Vice Mayor Cindy Allen
Councilmember Mary Zendejas
Councilmember Kristina Duggan
Councilmember Daryl Supernaw
Councilmember Megan Kerr
Councilmember Dr. Suely Saro
Councilmember Roberto Uranga
Councilmember Al Austin
Councilmember Dr. Joni Ricks-Oddie
City Manager Thomas B. Modica
City Clerk Monique De La Garza
411 West Ocean Blvd.
Long Beach, CA 90802

mayor@longbeach.gov;
district2@longbeach.gov;
district1@longbeach.gov;
district3@longbeach.gov;
district4@longbeach.gov;
district5@longbeach.gov;
district6@longbeach.gov;
district7@longbeach.gov;
district8@longbeach.gov;
district9@longbeach.gov;
citymanager@longbeach.gov;
Cityclerk@longbeach.gov

Via Email Only

Scott Kinsey, AICP, Project Planner
Scott.kinsey@longbeach.gov

Re: Agenda Item No. 26: Appeal to City Council of Planning Commission Decision to Approve the Mosaic Project (23-009PL, 450 The Promenade North)

Dear Mayor Richardson, Vice Mayor Allen, Councilmembers: Zendejas, Duggan, Supernaw, Kerr, Dr. Saro, Uranga, Austin, Dr. Ricks-Oddie, City Manager Modica, City Clerk De La Garza, and Mr. Kinsey:

We are writing on behalf of Coalition for Responsible Equitable Economic Development Los Angeles (“CREED LA”) in support of our appeal of the City of Long Beach Planning Commission’s January 19th, 2023 decision to approve the Mosaic Project (SCH No. 2009071006) (“Project”), located at 450 The Promenade North/501-599 Long Beach Blvd. proposed by Oren Hillel for Waterford Property Company and Long Beach Center Loan, LLC (collectively, “Applicant”).¹

¹ City of Long Beach, Planning Commission, Staff Report, Agenda Item No. 1, (January 19, 2023), <http://longbeach.legistar.com/View.ashx?M=F&ID=11576482&GUID=90AC49BA-C7C9-4B77-9469-D7740D27570A>.

This Appeal is taken from the following actions:

- 1) Planning Commission's January 19, 2023 approval of the Addendum (EIRA-02-22) to the Downtown Plan Program Environmental Impact Report (SCH No. 2009071006) ("Downtown Plan PEIR")²,
- 2) Planning Commission's January 19, 2023 approval of Site Plan Review for the construction of three (3) eight (8)-story apartment buildings with a total of 900 dwelling units and 38,405 square feet of ground floor commercial space, and 1,383 parking stalls in at-grade parking garages (SPR22-060),
- 3) Planning Commission's January 19, 2023 approval of Vesting Tentative Parcel Map No. 83693 to subdivide one 170,736-square-foot lot into two lots of 101,724 and 68,712 square feet (TPM22-002), located at 450 The Promenade North/501-599 Long Beach Blvd. in the Downtown Plan Planned Development District (PD-30).

CREED LA's Appeal letter and oral comments at the Planning Commission hearing on January 19, 2023 demonstrated that the Project may result in significant environmental impacts that were not analyzed or mitigated in the Downtown Plan PEIR, or are more severe than previously analyzed, and require preparation of a subsequent or supplemental environmental impact report ("EIR") pursuant to the California Environmental Quality Act ("CEQA"). In particular, the Addendum fails to adequately disclose, analyze, and mitigate the Project's new and more severe air quality, greenhouse gas, and public health impacts. As a result, the Planning Commission lacked substantial evidence to approve the Project, and the City's existing environmental review document fails to comply with CEQA.

On April 11, 2023, the City released a staff report in response to the Appeal. We reviewed the Addendum and the staff report with the assistance of air quality and health risk expert James Clark, Ph.D.³ The staff report contains responses to our comments prepared by the Applicant's consultants, Environmental Science Associates ("ESA") and LSA Associates ("LSA"). The consultants' responses fail to adequately address CREED LA's comments or resolve the errors and omissions identified in the comments. Notably, the responses do not resolve the Addendum's

² City of Long Beach, The Mosaic Project Downtown Plan Program EIR Addendum (December 2022), <http://longbeach.legistar.com/View.ashx?M=F&ID=11596311&GUID=6A73A66A-6DF0-4400-90BE-22F901626769> ("Addendum").

³ Dr. Clark's technical comments and curricula vitae are attached hereto as **Exhibit A** ("Clark Comments").

incorrect reliance on non-binding mitigation, failure to include reasonably foreseeable generator emissions in the impacts analysis, and failure to analyze health risk from exposure to Diesel Particulate Matter (“DPM”). As a result, the City’s decision to rely on an Addendum to approve the Project is still not supported by substantial evidence.

CREED LA respectfully requests the Council uphold our appeal, vacate the Planning Commission’s approval of the Project and remand the Project to staff to prepare a subsequent or supplemental EIR for the Project before the City Council considers approval of the Project.

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental impacts of the Project. The coalition includes the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Los Angeles.

Individual members of CREED LA and its member organizations, including Godfrey Wachira and others, live, work, recreate, and raise their families in the City of Long Beach, City of Los Angeles, and other surrounding communities. Accordingly, they would be directly affected by the Project’s environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

CREED LA seeks to ensure a sustainable construction industry over the long-term by supporting projects that have positive impacts for the community, and which minimize adverse environmental and public health impacts. CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

II. THE PLANNING COMMISSION'S RELIANCE AN ADDENDUM FOR PROJECT APPROVAL VIOLATED CEQA

As explained in our appeal letter, the City can only rely on an Addendum for the Project if **none** of the conditions described below exist calling for preparation of a subsequent or supplemental EIR:⁴

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the

⁴ CEQA Guidelines § 15162(b).

environment, but the project proponents decline to adopt the mitigation measure or alternative.⁵

Here, the Addendum does not simply provide “some changes or additions” to the EIR. Rather, it includes project-level analysis for construction of a new three (3) eight (8)-story apartment buildings with a total of 900 dwelling units and 38,405 square feet of ground floor commercial space, and 1,383 parking stalls in at-grade parking garages. Accordingly, the Project may have new or more severe significant impacts than previously analyzed in the Downtown Plan PEIR, and has site-specific impacts that were not analyzed in the program EIR and required project-level review at this stage pursuant to CEQA.⁶ And as described below, the Addendum’s site-specific analysis conducted for the Project is also flawed in several ways which were not resolved by the Staff Report. Therefore, the Planning Commission’s reliance on the Addendum for Project approval remains an abuse of discretion and contrary to law. The Planning Commission’s decision to adopt the Addendum should be vacated, and a subsequent or supplemental EIR be prepared for the Project.

A. The Staff Report Fails to Resolve the Addendum’s Unsupported Reliance on Nonbinding Mitigation to Mitigate the Project’s Significant Air Pollution and GHG Impacts

In our initial comments, we explained that the Addendum’s air and GHG study incorrectly assumes that all construction equipment would use Tier 4 Final emissions standards.⁷ Mitigation Measure AQ-1(c) provides that “[a]ll offroad diesel-powered construction equipment greater than 50 horsepower (hp) shall meet the Tier 4 emission standards, where available,” but we explained that this measure is non-binding because it only requires the Applicant to use Tier 4 equipment “where available.” Since Tier 4 equipment is less common and more expensive than less stringent standards of construction equipment,⁸ we commented that the Addendum’s reliance on this mitigation measure violates CEQA’s requirement that mitigation measures must be enforceable through permit conditions, agreements, or other legally binding instruments.⁹ Further, the Addendum’s air quality, GHG, and health analyses that rely on use of Tier 4 Final equipment are not supported by substantial evidence.

⁵ CEQA Guidelines § 15162(a)(1)-(3).

⁶ *Id.*; § 15164.

⁷ Addendum, Air Study, pg. 84, 85, 128, 129, 165, 166.

⁸⁸ San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects.” August 2015, *available at*:

https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf, pg. 6.

⁹ 14 CCR § 15126.4(a)(2).

In Response to Comment 8, the City contends that “Mitigation Measure AQ-1(c) is an enforceable measure because the construction equipment is available to meet the Tier 4 emissions standards... The Applicant has confirmed that the construction equipment on the project will comply with Tier 4 emissions standards.” However, this response is inadequate and does not correct the unenforceability of the language of Mitigation Measure AQ-1(c). Although off-road Tier 4 equipment is available for purchase, it may not yet be readily available at all construction equipment vendors, may require special procurement by the Applicant, and is more costly than lower tier equipment.¹⁰ And even if Tier 4 equipment is available currently, Mitigation Measure AQ-1(c) does not require the applicant to guarantee through any enforceable legal instrument that Tier 4 equipment will be readily available when construction begins, and will continue to be available throughout the four-year construction period.¹¹ To be enforceable, the City must remove the language “where available” from Mitigation Measure AQ-1(c) to make the use of Tier 4 equipment mandatory.

The Addendum’s emissions analysis and mitigation assumptions are also flawed for assuming that Tier 4 **Final** equipment would be utilized,¹² as Mitigation Measure AQ-1(c) only refers to Tier 4 equipment in general,.

Tier 4 Final equipment is not currently required exclusively in any construction fleet in California. Tier 4 emission standards were phased-in over the period of 2008-2015, and require that emissions of PM and NOx be further reduced by about 90%.¹³ However, lower-tiered construction equipment remains in use in many construction fleets. For example, construction fleets are not required to remove even the lowest tiered equipment – Tier 0 and Tier 1 – until 2029 – and Tier 2 and 3 equipment will remain on market for several years after that.¹⁴ As the Project will be constructed between 2023-2024, Tier 0 through Tier 3 construction equipment may still remain in use. Therefore, there is no “applicable” requirement

¹⁰ San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects.” August 2015, *available at*: https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf, pg. 6.

¹¹ Addendum, pg. 60.

¹² Addendum, Air Study, pg. 84, 85, 128, 129, 165, 166.

¹³ “Nonroad Diesel Engines.” DieselNet, *available at*: <https://dieselnet.com/standards/us/nonroad.php>.

¹⁴ “In-Use Off-Road Diesel Vehicle Regulation.” California Air Resources Board (CARB), *available at*: <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiiqJaWgPP7AhUgJTQIHbGcATUQFnoECBgQAQ&url=https%3A%2F%2Fww2.arb.ca.gov%2Fsites%2Fdefault%2Ffiles%2Fclassic%2Fmsprog%2Ffordiesel%2Ffaq%2Ftierlifefaq.pdf&usg=AOvVaw2N2wfOimH0tyGtgJxk26Rb>.

to use Tier 4 Final equipment for the Project unless the City specifically requires it with enforceable mitigation.

There are also two types of Tier 4 engines – Tier 4 “Interim” and Tier 4 “Final.” Tier 4 2011 standards are referred to as “Tier 4 Interim,” while the 2015 limits represent “Tier 4 Final” standards.¹⁵ Tier 4 Interim equipment is less efficient and has higher emissions than Tier 4 Final equipment. While Tier 4 Final equipment achieves 90% PM/DPM reductions (the air pollutants responsible for the Project’s cancer risk), Tier 4 Interim has higher PM/DPM emissions (reducing PM/DPM by just 50-85%).¹⁶ Thus, even if MM AQ-1(c) were binding, it would still allow Tier 4 Interim equipment, which has less stringent emissions controls.¹⁷ Thus, Mitigation Measure AQ-1(c) does not require the use of Tier 4 Final equipment regardless whether Tier 4 equipment is available because it fails to specific “Tier 4 Final.” Because the Addendum’s analysis takes emission reductions for equipment not required by binding mitigation, the Project’s analysis of air quality, GHG, and health risk impacts is not supported by substantial evidence, and actual emissions exceed the levels stated in the Addendum.

Response to Comment 8 also contends that the Addendum’s analysis is adequate because the Project would utilize a low-emissions construction fleet meeting the current emission standards of CARB’s In-Use Off-Road Diesel Vehicle Regulation (California Code of Regulations [CCR] Title 13, Section 2449. But this regulation similarly does not require fleets to be entirely Tier 4 Final, as assumed in the Addendum’s calculations.¹⁸ For instance, the regulation allows fleets to reduce emissions using VDECS.¹⁹ VDECS can be verified to achieve Level 1 diesel PM reductions (at least 25 percent), Level 2 diesel PM reductions (at least 50 percent), or Level 3 diesel PM reductions (at least 85 percent).²⁰ These reductions are less than required by Tier 4 standards, which reduce emissions of PM and NOx by about 90% over uncontrolled emissions.²¹ As a result, the Addendum’s

¹⁵ *Id.*

¹⁶ See <https://dieselnet.com/standards/us/nonroad.php#tier4>; see EPA Final Rule, p. 38977 (“We expect in use PM reductions for these engines of over 50% (and large reductions in toxic hydrocarbons as well) over the five model years this standard would be in effect (2008–2012).”).

¹⁷ US EPA, Final Rule for Control of Emissions of Air Pollution From Nonroad Diesel Engines and Fuel, EPA-HQ-OAR-2003-0012, available at <https://www.govinfo.gov/content/pkg/FR-2004-06-29/pdf/04-11293.pdf>.

¹⁸ *Id.*

¹⁹ Available at <https://ww2.arb.ca.gov/sites/default/files/classic/msprog/ordiesel/documents/finalregorder-dec2011.pdf>.

²⁰ *Id.*, CCR Section 2449(c)(59) – definition of “Verified diesel emission control strategy” (VDECS).

²¹ See Emissions Standards, US Nonroad Diesel Engines, available at <https://dieselnet.com/standards/us/nonroad.php>.

assumption that all construction equipment would be Tier 4 Final is not based on substantial evidence, and actual construction emissions may far exceed the levels described in the Addendum.

B. The Staff Report Fails to Correct the Addendum’s Omission of Back-Up Generator Emissions, thus Further Underestimating the Project’s Potentially Significant Air Quality, GHG, and Health Impacts

CREED LA’s Appeal letter explained that the Addendum failed to include backup generator emissions in its air quality, greenhouse gas, and health risk analyses. Courts have explained that a complete description of a project must “address not only the immediate environmental consequences of going forward with the project, but also all “*reasonably foreseeable* consequence[s] of the initial project.”²² The Appeal letter explained that emergency backup generators are reasonably foreseeable for the Project’s operation due to the Project’s size and scope.

In Response to Comment 7, the City contends that a backup generator is not required by the local jurisdiction and would be speculative.²³ The City further argues that emergency backup generators would not be required because the Project would provide emergency lighting on a centralized battery inverter, which would be electric.²⁴

These comments do not address the point of CREED LA’s comment that the Project may install a backup generator to supply necessary standby and emergency power. The California Building Standards Code contains provisions that may require the Project to include standby and emergency power systems.²⁵ Section 1009.2.1 of the Building Code provides that “[i]n buildings where a required accessible floor is four or more stories above or below a level of exit discharge, not less than one required accessible means of egress shall be an elevator complying with Section 1009.4.”²⁶ Section 1009.4 provides that “[i]n order to be considered part

²² *Laurel Heights I*, 47 Cal. 3d 376, 398 (emphasis added); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.

²³ Staff Report, Attachment I, pg. 22.

²⁴ Staff Report, LSA Response to Comments, pg. 2.

²⁵ 2022 California Building Standards Code (Cal. Code Regs., Title 24) was published July 1, 2022, with an effective date of January 1, 2023. The building standards discussed in these comments have not been amended by the Long Beach Building Standards Code.

²⁶ Section 1009.2.1 includes two exceptions to this rule: (1) In buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the elevator shall not be required on floors provided with a horizontal exit and located at or above the levels of exit discharge; (2) In buildings equipped throughout with an automatic sprinkler system installed in

of an accessible means of egress, an elevator shall comply with Sections 1009.4.1 and 1009.4.2.” And Section 1009.4.1 states that “[t]he elevator shall meet the emergency operation and signaling device requirements of California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 6, Elevator Safety Orders. Standby power shall be provided in accordance with Chapter 27 and Section 3003.” Section 2702.1.5 provides that “[e]mergency power systems and standby power systems shall be designed to provide the required power for a minimum duration of 2 hours without being refueled or recharged, unless specified otherwise in this code.” Therefore, if the Project’s elevator or elevators are determined to be a required accessible means of egress, which is reasonably likely and nothing in the Staff Report demonstrates otherwise, the Project would be required to include a standby power system pursuant to State law.

Other provisions in the Building Code also contain potentially applicable provisions requiring standby or emergency power, depending on the Project’s final design. Section 2702.2 provides that emergency and standby power systems shall be provided for Elevators and Platform Lifts;²⁷ Emergency Responder Communication Coverage Systems;²⁸ Emergency Voice/Alarm Communication Systems;²⁹ Exhaust Systems;³⁰ Exit Signs;³¹ Gas Detection System;³² High-Rise Buildings and Group I-2 Occupancies Having Occupied Floors Located More Than 75 Feet Above the Lowest Level of Fire Department Vehicle Access;³³ Means of Egress Illumination;³⁴ and Smoke Control Systems.³⁵

The Project proposes 900 residential units and 38,405 square feet of leasable commercial/retail space. Diesel generators are typically used to power the standby and emergency power systems for large projects such as the instant Project.³⁶

accordance with Section 903.3.1.1 or 903.3.1.2, the elevator shall not be required on floors provided with a ramp conforming to the provisions of Section 1012.

²⁷ Section 2702.2.2

²⁸ Section 2702.2.3

²⁹ Section 2702.2.4

³⁰ Section 2702.2.5 (Standby power shall be provided for common exhaust systems for domestic kitchens located in multistory structures as required in Section 505.5 of the *California Mechanical Code*. Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures as required in Section 504.10 of the *California Mechanical Code* and Section 614.10 of the *California Fuel Gas Code*.)

³¹ Section 2702.2.6

³² Section 2702.2.7

³³ Section 2702.2.11.

³⁴ Section 2702.2.13.

³⁵ Section 2702.2.16.

³⁶ SCAQMD, Fact Sheet on Emergency Backup Generators, <http://www.aqmd.gov/home/permits/emergency-generators> (“Most of the existing emergency backup

Therefore, installation of diesel backup generators is a reasonably foreseeable consequence of the Project. Because the Addendum's air quality, greenhouse gas, and health risk analyses all fail to account for diesel generator emissions, the Project's impacts are underestimated,³⁷ and Addendum's conclusions are not supported by substantial evidence. These analyses must be corrected in a subsequent or supplemental EIR.

C. The Staff Report Fails to Correct the Addendum Failure to Disclose Health Risks from Construction Emissions

Diesel Particulate Matter ("DPM") would be emitted during construction by heavy equipment and diesel trucks, and during operations by the potential backup generator.³⁸ DPM is a type of Toxic Air Contaminant ("TAC").³⁹ DPM has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death. CREED LA's appeal letter explained that the City failed to analyze health risks from emissions of DPM, in violation of CEQA. The Staff Report perpetuates this error by contending that the analysis is not required, which is incorrect.

generators use diesel as fuel"); California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), available at <https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps> (showing that generators commonly rely on gasoline or diesel, and that use of generators during power outages results in excess emissions); NFPA, Chapter 5, Section 5.1.1, available at <https://up.codes/viewer/california/nfpa-110-2019/chapter/5/emergency-power-supply-eps-energy-sources-converters-and-accessories#5.1>.

³⁷ California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), available at <https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps> (showing that generators commonly rely on gasoline or diesel, and that use of generators during power outages results in excess emissions); California Air Resources Board, Use of Back-up Engines for Electricity Generation During Public Safety Power Shutoff Events (October 25, 2019), available at <https://ww2.arb.ca.gov/resources/documents/use-back-engines-electricity-generation-during-public-safety-power-shutoff> ("When electric utilities de-energize their electric lines, the demand for back-up power increases. This demand for reliable back-up power has health impacts of its own. Of particular concern are health effects related to emissions from diesel back-up engines. Diesel particulate matter (DPM) has been identified as a toxic air contaminant, composed of carbon particles and numerous organic compounds, including over forty known cancer-causing organic substances. The majority of DPM is small enough to be inhaled deep into the lungs and make them more susceptible to injury. Much of the back-up power produced during PSPS events is expected to come from engines regulated by CARB and California's 35 air pollution control and air quality management districts (air districts)").

³⁸ SCAQMD, Fact Sheet on Emergency Backup Generators, <http://www.aqmd.gov/home/permits/emergency-generators> ("Most of the existing emergency backup generators use diesel as fuel").

³⁹ Addendum, Air Study, pg. 7.

CEQA requires analysis of human health impacts. CEQA Guidelines Section 15065(a)(4) provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings. The Supreme Court has also explained that CEQA requires the lead agency to disclose the health consequences that result from exposure to a project's air emissions.⁴⁰ Courts have held that an environmental review document must disclose a project's potential health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health.⁴¹

In *Bakersfield Citizens for Local Control v. City of Bakersfield*, the court found that the EIRs' description of health risks were insufficient and that after reading them, "the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."⁴² Likewise, in *Sierra Club*, the California Supreme Court held that the EIR's discussion of health impacts associated with exposure to the named pollutants was too general and the failure of the EIR to indicate the concentrations at which each pollutant would trigger the identified symptoms rendered the report inadequate.⁴³ Some connection between air quality impacts and their direct, adverse effects on human health must be made. As the Court explained, "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."⁴⁴ CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.⁴⁵

For development projects like this one, the Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines also recommend a quantified health risk analysis ("HRA") for short-term construction exposures to TACs lasting longer than 2 months and exposures from projects lasting more than 6 months should be evaluated for the duration of the project.⁴⁶ In an HRA, lead

⁴⁰ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 523.

⁴¹ *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

⁴² *Id.* at 1220.

⁴³ *Sierra Club*, at 521.

⁴⁴ *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.

⁴⁵ *Sierra Club*, 6 Cal.5th at 518–522.

⁴⁶ Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8-17/18; <https://oehha.ca.gov/air/crnrr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

agencies must first quantify the concentration released into the environment at each of the sensitive receptor locations through air dispersion modeling, calculate the dose of each TAC at that location, and quantify the cancer risk and hazard index for each of the chemicals of concern.⁴⁷ Following that analysis, then the City can make a determination of the relative significance of the emissions. The significance threshold for this Project is that a significant health risk impact occurs if the Project would expose sensitive receptors to air contaminants that exceed the maximum incremental cancer risk of 10 in one million.

The City failed to conduct this analysis. The City reasons that because the Project's emissions would not exceed Localized Significance Thresholds ("LSTs"), the Project's localized air quality impacts would not expose sensitive receptors to substantial air pollutant concentrations. LSTs are based on the number of pounds of emissions per day that can be generated by a project that would cause or contribute to adverse localized air quality impacts.

The City's reliance on LSTs is misplaced, as the purpose of LSTs is not to represent health risk significance thresholds for TACs such as DPM. Rather, LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area.⁴⁸ As explained in our initial comments, DPM is not a criteria pollutant for which there is an applicable federal or state ambient air quality standard. The seven criteria air pollutants are: ozone (O3); carbon monoxide (CO); nitrogen dioxide (NO2); sulfur dioxide (SO2); PM10; PM2.5; and lead (Pb). Conversely, DPM is made of dozens of constituent particles that cause cancer. For example, the California Air Resources Board explains that DPM is composed of carbon particles and numerous organic compounds, including over 40 known cancer-causing organic substances.⁴⁹ Examples of these chemicals include polycyclic aromatic hydrocarbons, benzene, formaldehyde, acetaldehyde, acrolein, and 1,3-butadiene. Diesel exhaust also contains gaseous pollutants, including volatile organic compounds and oxides of nitrogen (NOx). Accordingly, CARB has identified DPM as a "toxic air contaminant" with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants. In sum, LSTs were not designed to reflect the unique health risks of toxic air contaminants like DPM.

⁴⁷ *Id.*

⁴⁸ <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2>.

⁴⁹ <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

In Response to Comment 10, the City continues to rely on the Addendum's erroneous reference to LSTs by reasoning that PM_{2.5} emissions include heavy-duty diesel equipment and vehicle exhaust emissions, and that the LST procedure was developed to reduce health risks and provide an indicator of CEQA significance. The responses further state that PM₁₀ emissions are a surrogate for TAC emissions during construction, and would be below the SCAQMD threshold of 150 pounds per day, indicating that a significant mass emissions of PM₁₀ would not occur and a significant health risk would also not occur.⁵⁰

These responses are flawed for the same reason. First, DPM is a TAC, not a criteria pollutant like PM₁₀ and PM_{2.5}.⁵¹ PM alone does not contain toxic chemicals. PM is simply defined as "very small solid or liquid particles that can be suspended in the atmosphere."⁵² TACs, by contrast, are defined as "air pollutant[s] which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health."⁵³ Unlike regular particulate matter, DPM contains toxic chemicals which are not evaluated in a criteria pollutant analysis. Thus, even if the size of DPM particles is the same as PM₁₀ and PM_{2.5}, the significance threshold applicable to PM₁₀ and PM_{2.5} would not apply to DPM.

The Addendum's attempt to rely on its criteria pollutant analysis to conclude that DPM emissions are insignificant is therefore a major error, and one which fails to provide any support for the conclusion that the health risk posed by exposure to DPM is insignificant. Due to the proximity of the nearest sensitive receptors to construction and operational sources of DPM, the Project may result in potentially significant health risk impacts. The City must prepare an HRA to evaluate the magnitude of the Project's health risk impacts in accordance with CEQA.

III. CONCLUSION

The Planning Commission failed to proceed in the manner required by law by approving the Addendum and the Project's underlying entitlements in reliance on a legally deficient CEQA document which does not fully analyze or mitigate the Project's significant environmental and public health impacts. As a result, the

⁵⁰ Staff Report, LSA letter re: Mosaic Project Air Quality and Greenhouse Gas Analysis - Response to Comments, pg. 5.

⁵¹ The seven criteria air pollutants are: ozone (O₃); carbon monoxide (CO); nitrogen dioxide (NO₂); sulfur dioxide (SO₂); PM₁₀; PM_{2.5}; and lead (Pb).

⁵² *CURE v. Mojave Desert Air Qual. Mgm 't Dist.* (2009) 178 Cal. App. 4th 1225, 1231-32; see 40 C.F.R. § 50.6(c).

⁵³ 39655 of the California Health and Safety Code.

April 18, 2023
Page 14

Planning Commission also lacked substantial evidence to support the findings necessary to approve the Project.

For these reasons, we urge the City Council to uphold this appeal, vacate the Planning Commission's approval of the Project and remand the Project to staff to prepare a subsequent or supplemental EIR for the Project before the City considers approval of the Project.

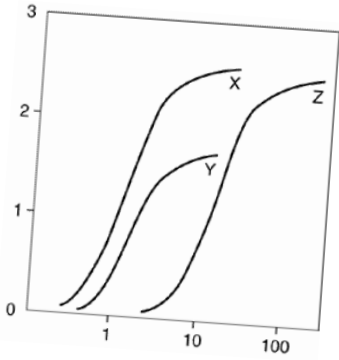
Sincerely,

A handwritten signature in blue ink, appearing to read "Aidan P. Marshall".

Aidan P. Marshall

APM:acp

EXHIBIT A



Clark & Associates
Environmental Consulting, Inc.

OFFICE
12405 Venice Blvd
Suite 331
Los Angeles, CA 90066

PHONE
310-907-6165

FAX
310-398-7626

EMAIL
jclark.assoc@gmail.com

April 17, 2023

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 940804

Attn: Mr. Aidan Marshall

Subject: Comments Addendum (EIRA-02-22) to the Program Environmental Impact Report (PEIR) for the City of Long Beach Downtown Plan (PEIR-SCH# 2009071006) relating to the development project at 450 The Promenade North/501-599 Long Beach Blvd (Project) in the Downtown Plan Planned Development District (PD-30) Area

Dear Mr. Marshall,

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the 2023 City of Long Beach's (the City's) April 2023 Staff Report of the above referenced project.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

The applicant proposes to develop three eight-story residential buildings and a standalone retail pavilion on an approximately 5.5-acre site within the Downtown Plan. The project site is bounded by 6th Street on the north, Long Beach Boulevard on the east, 4th Street on the south, and The Promenade North and a City of Long Beach (City) parking structure on the west. The project site is bisected by 5th Street, creating northern and southern portions of the project site. The site and all surrounding land uses are located within the PD-30, which is the zoning document for downtown Long Beach.

The Project will include the construction of three (3) eight (8)-story apartment buildings with a total of 900 dwelling units, including 54 affordable housing units, and 38,405 square feet of ground floor commercial space, and 1,383 parking stalls in at-grade parking garages (SPR22-060), and the approval of Vesting Tentative Parcel Map No. 83693 to subdivide one 170,736-square-foot lot into two lots of 101,724 and 68,712 square feet (TPM22-002), located at 450 The Promenade North/501-599 Long Beach Blvd. in the Downtown Plan Planned Development District (PD-30).

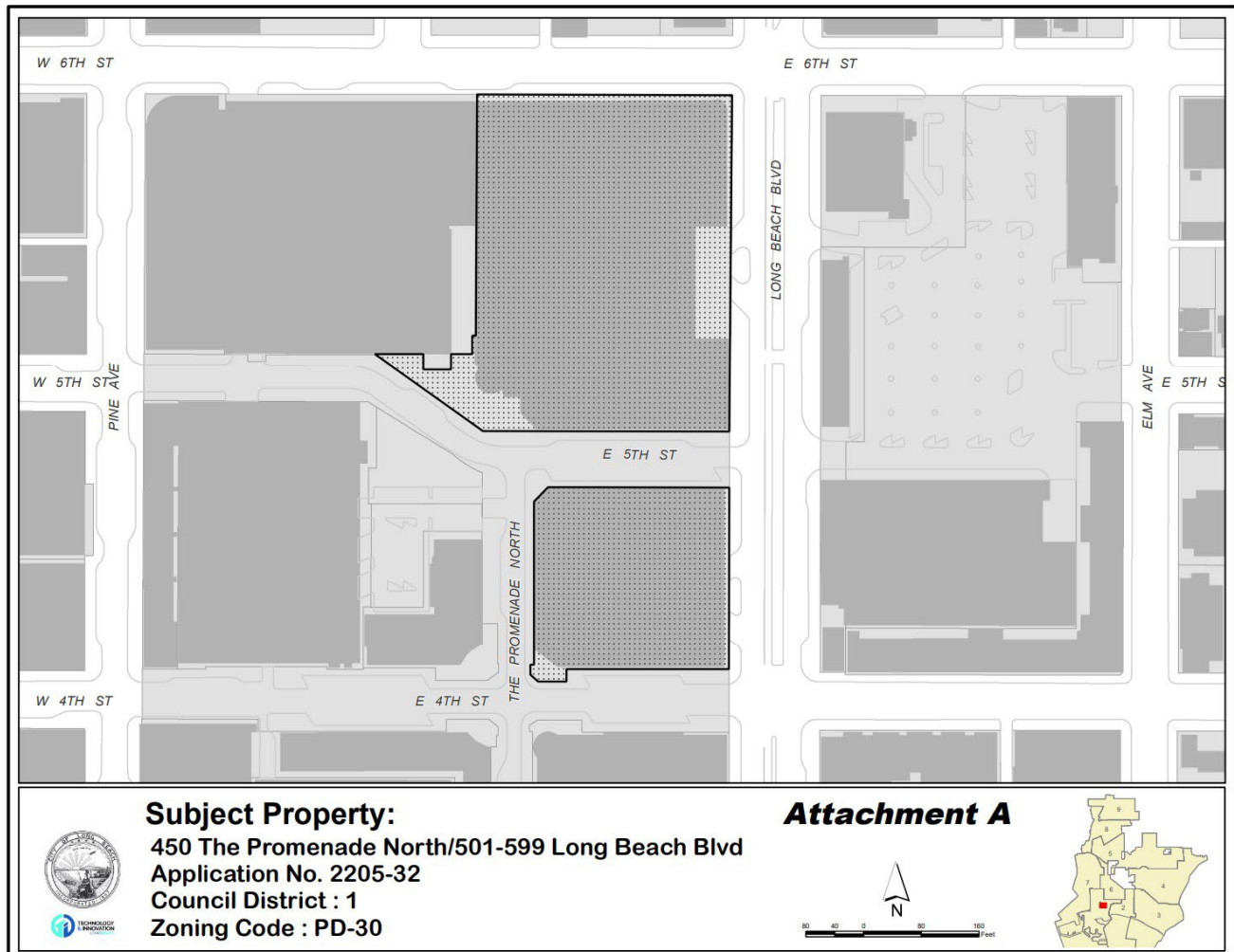


Figure 1: Project Site Location

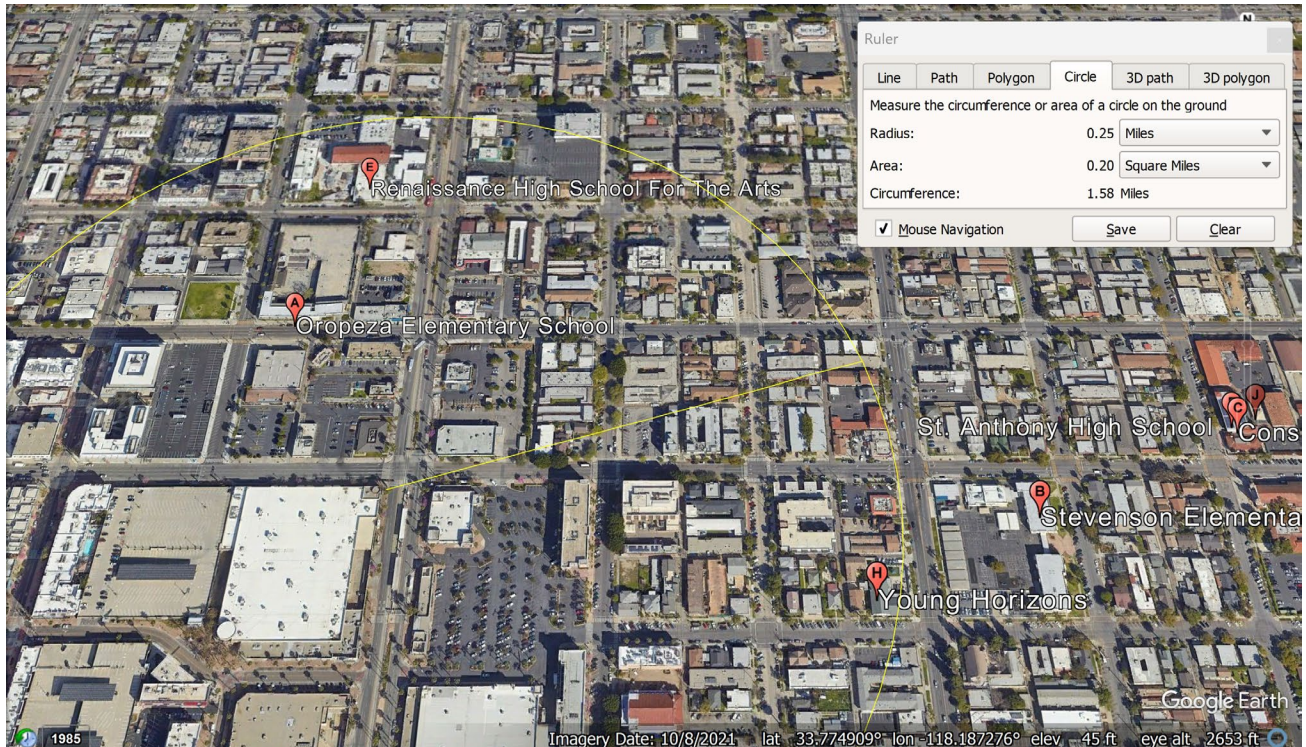
The proposed project includes the complete demolition of on-site improvements, removing all 197,513 square feet of existing commercial and retail uses in two buildings.

Specific Comments:

1. The City's EIR Addendum Fails To Identify All Of The Sensitive Receptors Within a ¼ Mile Radius of the Project Site.

The City's Addendum to the EIR states that certain receptors are more sensitive to the potential effects of air pollution than others. As a result, certain land uses that are occupied by these population groups, such as residences, hospitals, and *schools (emphasis added)*, are considered to be air quality sensitive land uses. The proposed project is located approximately 80 feet of residential uses, which includes the multi-family residential uses located to the west of the project site. Due to the unknown locations of projects to be implemented under the Certified PEIR and LUEP Addendum, the Certified PEIR and LUEP Addendum incorporated Mitigation Measure AQ-1(b) which requires all projects constructed under the Certified PEIR and LUEP Addendum to undergo a localized significance analysis.¹ This approach fails to address the number of sensitive receptors in the area, including 3 schools.

¹ Attachment F – EIR Addendum and Appendices. 2023 pg. 70



Just outside the ¼ mile radius are two additional schools. The City must assess the impacts to each of these receptors using a quantitative risk analysis program to ensure that adequate mitigation measures are in place prior to start of the demolition phase of the Project. The failure to assess the risk *a priori* is a critical flaw in the City’s analysis.

2. The City Incorrectly Assert That A Health Risk Analysis Is Not Required Since The Local Significance Thresholds (LSTs) For Criteria Pollutants Were Not Exceeded..

Local Significance Thresholds (LSTs) from SCAQMD are utilized in the City’s analysis to not require a health risk analysis of construction and operational emissions. Under SCAQMD’s guidance LSTs are dependent on the proposed project acreage, ambient air quality, meteorological data, and distance to the receptor. LST’s are a function of the distance from the site boundary to the receptor and the size of the project. The shortest distance utilized in SCAQMD’s analysis is 25 meters from a site. Given that receptors are less than 10 meters from the site and the distance to any receptor has an impact, the City should calculate site specific LSTs, in a manner consistent with the guidance from SCAQMD, to ensure that screening level utilized is sufficiently health protective rather than relying on generic screening levels. In addition, the LSTs should cover all 5.5 acres of the Project Site, rather

than evaluating smaller sections of the LSTs and Regional Screening Levels are designed only for criteria pollutants, not toxic air contaminants. For toxic air contaminants (TACs), there are no LSTs, nor levels of significance based on the pounds per day. Instead, the determination of a significance threshold is based on a *quantitative risk analysis* that requires the City to perform a multistep, quantitative health risk analysis.

TACs, including diesel particulate matter (DPM)², contribute to a host of respiratory impacts and may lead to the development of various cancers. Failing to quantify those impacts places the community at risk for unwanted adverse health impacts. *Even brief exposures to the TACs could lead to the development of adverse health impacts over the life of an individual.*

Diesel exhaust contains nearly 40 toxic substances, including TACs and may pose a serious public health risk for residents in the vicinity of the facility. TACs are airborne substances that are capable of causing short-term (acute) and/or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. The current California list of TACs includes approximately 200 compounds, including particulate emissions from diesel-fueled engines.

Diesel exhaust has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death.^{3,4,5} Fine DPM is deposited deep in the lungs in the smallest airways and can result in increased respiratory symptoms and disease; decreased lung function, particularly in children and individuals with asthma; alterations in lung tissue and respiratory tract defense mechanisms; and premature death.⁶ Exposure to DPM increases the risk of lung cancer. It also causes non-cancer effects including chronic bronchitis, inflammation of lung

² Because DPM is a TAC, it is a different air pollutant than criteria particulate matter (PM) emissions such as PM10, PM2.5, and fugitive dust. DPM exposure causes acute health effects that are different from the effects of exposure to PM alone.

³ California Air Resources Board, Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998; see also California Air Resources Board, Overview: Diesel Exhaust & Health, <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health#:~:text=Diesel%20Particulate%20Matter%20and%20Health&text=In%201998%2C%20CARB%20identified%20DPM,and%20other%20adverse%20health%20effects.>

⁴ U.S. EPA, Health Assessment Document for Diesel Engine Exhaust, Report EPA/600/8-90/057F, May 2002.

⁵ Environmental Defense Fund, Cleaner Diesel Handbook, Bring Cleaner Fuel and Diesel Retrofits into Your Neighborhood, April 2005; http://www.edf.org/documents/4941_cleanerdieselhandbook.pdf, accessed July 5, 2020.

⁶ California Air Resources Board, Initial Statement of Reasons for Rulemaking, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Staff Report, June 1998.

tissue, thickening of the alveolar walls, immunological allergic reactions, and airway constriction.⁷ DPM is a TAC that is recognized by state and federal agencies as causing severe health risk because it contains toxic materials, unlike PM_{2.5} and PM₁₀.⁸

The inherent toxicity of the TACs requires the City to first quantify the concentration released into the environment at each of the sensitive receptor locations through air dispersion modeling, calculate the dose of each TAC at that location, and quantify the cancer risk and hazard index for each of the chemicals of concern. Following that analysis, then the City can make a determination of the relative significance of the emissions.

3. Air Quality Analysis Failed To Assess The Impacts Of A Potentially Significant Source of Diesel Particulate Matter (DPM) Emissions Onsite –The On-Site Backup Generator

The City’s Staff report asserts that if the project were to include an emergency generator, the generator would be required to comply with South Coast Air Quality Management District Rule 1470 Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. Under Rule 1470, the project would produce additional emissions related to the occasional maintenance and testing for a maximum of 50 hours per year and these emissions would not cause the operating emissions provided in Table 4 Unmitigated Maximum Regional Operational Emissions, found on page 63 of the Addendum, to exceed the stated significance thresholds because the projected operational emissions are well below the significance. The City’s response focuses solely on the criteria pollutant standards and fails to assess the actual health risks from the use of the BUG.

According to SCAQMD Rules 1110.2, 1470, back-up generators (BUGs) are allowed to operate for *up to 200 hours per year* and maintenance cannot exceed more than 50 hours per year. The City must revise its air quality analysis to include the use of BUGs onsite assuming the maximum use of the BUG.

⁷ Findings of the Scientific Review Panel on The Report on Diesel Exhaust as adopted at the Panel’s April 22, 1998 Meeting.

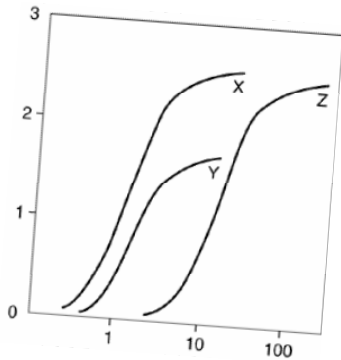
⁸ Health & Safety Code § 39655(a) (defining “toxic air contaminant” as air pollutants “which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. A substance that is listed as a hazardous air pollutant pursuant to subsection (b) of Section 112 of the federal act (42 U.S.C. Sec. 7412 (b)) is a toxic air contaminant.”)

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts if the Addendum is approved. The City must re-evaluate the significant impacts identified in this letter by requiring the preparation of a revised addendum to the environmental impact report.

Sincerely,

A handwritten signature in black ink, appearing to read "J. J. Coe". The signature is written in a cursive style with a horizontal line extending from the first letter.



Clark & Associates
Environmental Consulting, Inc

OFFICE

12405 Venice Blvd.
Suite 331
Los Angeles, CA 90066

PHONE

310-907-6165

FAX

310-398-7626

EMAIL

jclark.assoc@gmail.com

James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: James Harold Caygle, et al, v. Drummond Company, Inc. Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama. Civil Action. CV-2009

Client: Environmental Litigation Group, Birmingham, Alabama

Dr. Clark performed an air quality assessment of emissions from a coke factory located in Tarrant, Alabama. The assessment reviewed include a comprehensive review of air quality standards, measured concentrations of pollutants from factory, an inspection of the facility and detailed assessment of the impacts on the community. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247

Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the

known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Imminent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research

were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment*.

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (MtBE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MtBE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of MtBE, and is suspected to be the primary cause of MtBE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane

rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia. The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner

that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)

Association for Environmental Health and Sciences (AEHS)

American Chemical Society (ACS)

California Redevelopment Association (CRA)

International Society of Environmental Forensics (ISEF)

Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark**, F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.

Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.

Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.

Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions*. Trafford Publishing, Victoria B.C.

Clark, J.J.J. 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment*. Art Diaz, Ed.. Oxford University Press: New York.

Clark, J.J.J. 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment*. Edward Urbansky, Ed. Kluwer/Plenum: New York.

Clark, J.J.J. 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.

Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

- 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*, Volume 70 (2008) page 002254.
- 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*, Volume 70 (2008) page 000527
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research*. 105:194-199.
- Rosenfeld, P.E., **Clark, J. J.**, Hensley, A.R., and Suffet, I.H. 2007. "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" *Water Science & Technology*. 55(5): 345-357.
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 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, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.
- Clark, J.J.J.** 2003. "Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophenoxyacetic Acid (2,4-D) in California Drinking Water Supplies." National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.

- Rosenfeld, P. and **J.J.J. Clark**. 2003. "Understanding Historical Use, Chemical Properties, Toxicity, and Regulatory Guidance" National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Phoenix, AZ. February 21, 2003.
- Clark, J.J.J.**, Brown A. 1999. Perchlorate Contamination: Fate in the Environment and Treatment Options. In Situ and On-Site Bioremediation, Fifth International Symposium. San Diego, CA, April, 1999.
- Clark, J.J.J.** 1998. Health Effects of Perchlorate and the New Reference Dose (RfD). Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.
- Browne, T., **Clark, J.J.J.** 1998. Treatment Options For Perchlorate In Drinking Water. Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.
- Clark, J.J.J.**, Brown, A., Rodriguez, R. 1998. The Public Health Implications of MtBE and Perchlorate in Water: Risk Management Decisions for Water Purveyors. Proceedings of the National Ground Water Association, Anaheim, CA, June 3-4, 1998.
- Clark J.J.J.**, Brown, A., Ulrey, A. 1997. Impacts of Perchlorate On Drinking Water In The Western United States. U.S. EPA Symposium on Biological and Chemical Reduction of Chlorate and Perchlorate, Cincinnati, OH, December 5, 1997.
- Clark, J.J.J.**; Corbett, G.E.; Kerger, B.D.; Finley, B.L.; Paustenbach, D.J. 1996. Dermal Uptake of Hexavalent Chromium In Human Volunteers: Measures of Systemic Uptake From Immersion in Water At 22 PPM. *Toxicologist*. 30(1):14.
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Ozone Exposures in Residents of Los Angeles County. American Review of Respiratory Disease. 141(4):A70.

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