



## COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400  
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998  
Telephone: (562) 699-7411, FAX: (562) 699-5422  
[www.lacsd.org](http://www.lacsd.org)

GRACE ROBINSON HYDE  
*Chief Engineer and General Manager*

June 6, 2019

Ref. DOC: 5134425

Mr. Cuentin Jackson, Planner  
Development Services Department  
City of Long Beach  
333 West Ocean Boulevard, 5<sup>th</sup> Floor  
Long Beach, CA 90802

Dear Mr. Jackson:

### **NOI Response for 1601 San Francisco Avenue Project**

The Sanitation Districts of Los Angeles County (Districts) received a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the subject project on May 16, 2019. The proposed project is located within the jurisdictional boundaries of District No. 3. We offer the following comments regarding sewerage service:

1. The Districts maintain sewerage facilities within the project area that may be affected by the proposed project. Approval to construct improvements within a Districts' sewer easement and/or over or near a Districts' sewer is required before construction may begin. For a copy of the Districts' buildover procedures and requirements go to [www.lacsd.org](http://www.lacsd.org), Wastewater & Sewer Systems, Will Serve Program, and click on the Buildover Procedures and Requirements link. For more specific information regarding the buildover procedure, please contact Mr. Ed Stewart at (562) 908-4288, extension 2766.
2. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Joint Outfall C Unit 3E Trunk Sewer, located in 16<sup>th</sup> Street at Magnolia Avenue. The Districts' 24-inch diameter trunk sewer has a capacity of 6.6 million gallons per day (mgd) and conveyed a peak flow of 2.3 mgd when last measured in 2013.
3. The wastewater generated by the proposed project will be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a capacity of 400 mgd and currently processes an average flow of 261.1 mgd.
4. The expected increase in average wastewater flow from the project, described in the document as two building with a combined 94,872 square feet that will be used as a warehouse or manufacturing facility and will include a total of 23,646 square feet for office space, is 5,847 gallons per day, after all structures on the project site are demolished. For a copy of the Districts' average wastewater generation factors, go to [www.lacsd.org](http://www.lacsd.org), Wastewater & Sewer

Systems, click on Will Serve Program, and click on the Table 1, Loadings for Each Class of Land Use link.

5. The Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System for increasing the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the Sewerage System to accommodate the proposed project. Payment of a connection fee will be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to [www.lacsd.org](http://www.lacsd.org), Wastewater & Sewer Systems, and click on Connection Fee, Service Charge and More. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727.
6. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CCA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,



Adriana Raza  
Customer Service Specialist  
Facilities Planning Department

AR:ar

cc: E. Stewart

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 7- OFFICE OF REGIONAL PLANNING  
100 S. MAIN STREET, SUITE 100  
LOS ANGELES, CA 90012  
PHONE (213) 897-6536  
FAX (213) 897-1337  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

June 10, 2019

Cuentin Jackson  
City Planner  
City of Long Beach  
333 West Ocean Blvd., 5<sup>th</sup> Floor  
Long Beach, CA 90802

RE: 1601 San Francisco Avenue Project  
Mitigated Negative Declaration (MND)  
SCH# 2019059065  
GTS# 07-LA-2019-02470  
Vic. LA-1/ PM 7.051  
Vic. LA-710/ PM 6.692

Dear Mr. Jackson:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project involves the development of two buildings, restricted to a maximum height of 35 feet above grade (two-stories), that would serve as a warehouse/manufacturing facility with associated office support. The two proposed units would total a square footage of 94,872. The individual building sizes would be 48,657 sf and 46,215 sf. Office space would be provided in the interior frontage of each building to support the business operations. Office space in Building 1 would total 12,128 sf and 11,518 sf in Building 2, which together represents 23,646 sf, or 25 percent of the gross floor area. Loading docks would be located on the north side of Building 1 and south side of Building 2. The proposed project would provide 96 automobile parking spaces for employees and visitors. Project entitlements include a Site Plan Review.

The nearest State facilities to the proposed project are State Route 1/Pacific Coast Highway (SR-1/PCH) and Interstate 710 (I-710). After reviewing the Mitigated Negative Declaration (MND), Caltrans has the following comments:

- Route 710 on and off-ramps and its intersections with Pacific Coast Highway (PCH) are within close proximity of this proposed project. Due to the projected traffic volume, please conduct a Traffic Impact Study (TIS) at these locations. Please include queuing, weaving, and all other aspects in the TIS.
- Caltrans has identified these specific locations has potential areas of impact. The aforementioned TIS should include, but not be limited to, analyzing the following:
  - o Intersection of PCH and South Oregon Avenue

- Interchange between PCH and I-710
  - Interchange between I-710 and Anaheim Street
  - Intersection of PCH and Magnolia. (This intersection is the next signalized intersection that can possibly accommodate the project traffic).
- The TIS included in the MND identified the intersection of PCH and Golden Avenue as the main access point from PCH to the project site. This is in conflict with existing turning restrictions:
- Currently, trucks are prohibited to make right turns onto Golden Avenue from eastbound PCH. The prohibition was implemented at the request of City of Long Beach due to the tight turning radii at intersection PCH and Golden Avenue, and Golden Avenue at San Francisco Avenue. An existing sign is in place near the intersection to prohibit the right turn movement and instead, guide trucks to use South Oregon Avenue.
- Due to the high passenger car/truck traffic generated from the project, the existing short left turn pocket on westbound PCH to Golden Avenue cannot accommodate truck traffic without trucks backing up onto PCH. This will result in operational and safety concerns on PCH. A similar configuration and concerns are also present at the intersection of PCH and South Oregon Avenue. Without proper mitigation measures, left turning movement for truck traffic may need to be prohibited from westbound PCH.
- The truck turning template provided only show turning movements and circulation within project site. Truck turning templates are required for turning movements to and from PCH. Please include truck turning templates for all the proposed movements.

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles of State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

If you have any questions, please contact project coordinator Mr. Carlo Ramirez, at [carlo.ramirez@dot.ca.gov](mailto:carlo.ramirez@dot.ca.gov) and refer to GTS# 07-LA-2019-02470.

Sincerely,



MIYA EDMONSON  
IGR/CEQA Branch Chief  
Cc: Scott Morgan, State Clearinghouse



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

SENT VIA E-MAIL AND USPS:

June 11, 2019

[Cuentin.Jackson@longbeach.gov](mailto:Cuentin.Jackson@longbeach.gov)

Cuentin Jackson, Planner  
Development Services Department  
City of Long Beach  
333 West Ocean Boulevard, 5<sup>th</sup> Floor  
Long Beach CA, 90802

## **Mitigated Negative Declaration (MND) for the Proposed 1601 San Francisco Avenue Project**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final MND.

### South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish 11,750 square feet of existing buildings and construct two warehouses totaling 94,872 square feet on 3.93 acres (Proposed Project). The Proposed Project is located on the northwest corner of West Ocean Boulevard and Pacific Avenue within the City of Long Beach. Construction is anticipated to begin in 2019, and the Proposed Project will be operational by January 2020<sup>1</sup>. During operation, the Proposed Project will generate 95 truck trips per day<sup>2</sup>. Upon review of the MND and aerial photographs, South Coast AQMD staff found that sensitive receptors are within 1,050 feet of the Proposed Project<sup>3</sup>. The Proposed Project site is zoned by the City of Long Beach as "General Industrial" and permits uses such as chemical manufacturing. The site also has a land use designation as "General Industry", which allows for more intense industrial operations than those permitted under other industrial designations<sup>4</sup>.

### South Coast AQMD Staff's Summary of the Air Quality Analysis

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. The Lead Agency assumed the use of Tier 3 construction equipment and found that the Proposed Project's regional construction NOx emissions would be reduced from 90 pounds/day (lbs/day)<sup>5</sup> to 70 lbs/day<sup>6</sup>, which is below South Coast AQMD's air quality CEQA significance threshold for NOx at 100 lbs/day<sup>7</sup> during construction. The Lead Agency found that all other regional and localized air quality impacts would be less than significant<sup>8</sup>. Additionally, the Lead Agency included a discussion to demonstrate compliance with South Coast

---

<sup>1</sup> MND. Page 6.

<sup>2</sup> MND. Section 17 Transportation. Page 86.

<sup>3</sup> MND. Section 3 Air Quality. Page 22.

<sup>4</sup> MND. Section 11 Land Use and Planning Page 61.

<sup>5</sup> MND. Appendix A: *Air Quality/Greenhouse Gas Modeling Results*. Annual, Summer, and Winter Runs.

<sup>6</sup> *Ibid*. Page 23.

<sup>7</sup> South Coast AQMD. CEQA Air Quality Significance Thresholds. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>

<sup>8</sup> MND. Section 3 Air Quality. Pages 21 through 26.



AQMD Rule 1403– Asbestos Emissions from Demolition/Renovation Activities<sup>9</sup> during the Proposed Project's demolition phase<sup>10</sup>.

#### South Coast AQMD Staff's General Comments

Upon review of Appendix A: *Air Quality/Greenhouse Gas Modeling Results*, South Coast AQMD staff found that the Lead Agency quantified the Proposed Project's construction emissions with a modeling assumption that the Lead Agency is committed to full implementation and use of Tier 3 construction equipment during construction of the Proposed Project. However, upon review of the MND, South Coast AQMD staff found that the Lead Agency did not discuss the use of Tier 3 as a project requirement or mitigation measure. In order to be consistent with the modeling assumption, and to further reduce the Proposed Project's NOx emissions from construction, South Coast AQMD staff recommends that the Lead Agency require the use of Tier 4 construction equipment as a project requirement or mitigation measure in the Final MND. Please see the attachment for more information.

#### Permits and Compliance with South Coast AQMD Rules

The City of Long Beach's zoning and land use designation for the Proposed Project site allow manufacturing uses at the Proposed Project. In the event that the Proposed Project will be operated as a manufacturing facility, it is recommended that the Lead Agency consult with South Coast AQMD's Engineering and Permitting staff to determine if any permits from South Coast AQMD will be required for operation and equipment, and if compliance with applicable South Coast AQMD rules are required and should be discussed in the Air Quality Section of the Final MND. Any assumptions used in the Air Quality Analyses in the Final MND will be used as the basis for permit conditions and limits. If there is any information in the permitting process suggesting that the Proposed Project would result in significant adverse air quality impacts not analyzed in the Final MND, or substantially more severe air quality impacts than those analyzed in the Final MND, the Lead Agency should commit to reevaluating the Proposed Project's air quality and health risks impacts through a CEQA process (CEQA Guidelines Section 15162). Questions on permits and applicable South Coast AQMD rules can be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

#### Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, responses should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and the public who are interested in the Proposed Project. Further, if the Lead Agency makes a finding that additional recommended mitigation measure is not feasible, the Lead Agency should describe the specific reasons for rejecting or substituting the mitigation measures in the Final MND (CEQA Guidelines Section 15074.1).

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at [amullins@aqmd.gov](mailto:amullins@aqmd.gov) or (909) 396-2402, should you have any questions.

---

<sup>9</sup> South Coast AQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

<sup>10</sup> MND. Section 9 Hazards and Hazardous Materials. Page 53.

Cuentin Jackson

June 11, 2019

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS:AM

LAC190521-02

Control Number

## ATTACHMENT

**Project Requirement or Mitigation Measure – Tier 4 Construction Equipment**

1. Upon review of Appendix A: *Air Quality/Greenhouse Gas Modeling Results*, South Coast AQMD staff found that the Lead Agency assumed a full implementation and use of Tier 3 construction equipment as an air quality modeling assumption<sup>11</sup> to reduce NOx emissions to 70 lbs/day during construction<sup>12</sup>. However, it did not appear that the Lead Agency included this requirement as a project requirement or mitigation measure in the main body of the MND. To further reduce the Proposed Project's NOx emissions during construction, South Coast AQMD staff recommends that the Lead Agency incorporate the following mitigation measure to require the use of Tier 4 construction equipment in the Final MND. To ensure that off-road construction equipment used will meet or exceed Tier 4 off-road engine emission standards during construction, South Coast AQMD staff recommends that the Lead Agency incorporate this requirement as a project requirement or mitigation measure as a condition of approval for the Proposed Project in the Air Quality Section of the Final MND rather than a mere modeling assumption in CalEEMod.

**Mitigation Measure AQ-1: Require the use of off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) Tier 4 off-road emissions standards for equipment rated at 50 horsepower or greater during construction. Such equipment should be outfitted with Best Available Control Technology (BACT) devices including, but not limited to, a CARB certified Level 3 Diesel Particulate Filters (DPF). Level 3 DPFs are capable of achieving at least an 85 percent reduction in particulate matter emissions<sup>13</sup>. A list of CARB verified DPFs are available on the CARB website<sup>14</sup>. Additionally, the Lead Agency should include this requirement in applicable bid documents, and that successful contractor(s) must demonstrate the ability to supply compliant equipment prior to the commencement of any construction activities. A copy of each unit's certified tier specification and CARB or SCAQMD operating permit (if applicable) should be available upon request at the time of mobilization of each applicable unit of equipment. The Lead Agency should require periodic reporting and provision of written documentation by contractors to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that the Lead Agency finds that Tier 4 construction equipment is not feasible pursuant to CEQA Guidelines Section 15364, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is reviewed and approved by the Lead Agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, Tier 3 construction equipment, reduction in the number and/or horsepower rating of construction equipment, limiting the number of daily construction haul truck trips to and from the Proposed Project, and/or limiting the number of individual construction project phases occurring simultaneously, if applicable. Any approved alternative technologies/strategies for use by the Lead Agency should be included and disclosed in the Air Quality Section of the Final MND as a project requirement or mitigation measure as a condition of approval.**

---

<sup>11</sup> MND. Appendix A: *Air Quality/Greenhouse Gas Modeling Results*. Annual, Summer and Winter Runs.

<sup>12</sup> MND. Section 3 Air Quality. Page 23.

<sup>13</sup> California Air Resources Board. November 16-17, 2004. *Diesel Off-Road Equipment Measure – Workshop*. Page 17. Accessed at: [https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04\\_workshop.pdf](https://www.arb.ca.gov/msprog/ordiesel/presentations/nov16-04_workshop.pdf).

<sup>14</sup> *Ibid*. Page 18.



June 13, 2019

Mr. Cuentin Jackson  
Development Services Department  
City of Long Beach  
333 West Ocean Boulevard, Fifth Floor  
Long Beach, California 90802

Dear Mr. Jackson:

Thank you for providing California Air Resources Board (CARB) staff the opportunity to comment on the 1601 San Francisco Project (Project) Initial Study and Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2019059065. The Project consists of the development of two industrial buildings located within the City of Long Beach (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes. The two buildings would consist of 23,646 square feet of office space and 71,226 square feet of warehouse space, totaling 94,872 square feet.

Existing residences are located approximately 1,100 feet from the Project's northern boundary. In addition to residences, there is a high school (Cabrillo High School) and senior assistant living facility (Regency Palms Senior Living) located within a mile of the Project. The community is surrounded by existing toxic diesel emission sources, which include existing warehouses and other industrial uses, vehicular traffic along Interstate 710 (I-710), as well as marine vessel and rail traffic associated with the Port of Long Beach. Due to the Project's proximity to residences and sensitive receptors, which are already disproportionately burdened by multiple sources of pollution, CARB staff is concerned with the potential cumulative health impacts associated with the construction and operation of the Project.

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel emissions generated during the construction and operation of the Project would negatively impact the community, which is already disproportionately impacted by air pollution from existing freight facilities.

Through its authority under Health and Safety Code, section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on

geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. According to CalEnviroScreen, communities near the Project score within the top 1 percent of the census tracts. The Project is located near West Long Beach, which has been designated as one of the communities currently meeting the statutory factors under AB 617.<sup>1</sup> Therefore, CARB staff urges the City to ensure that the Project does not adversely impact neighboring disadvantaged communities.

Lead agencies may only adopt mitigated negative declarations if the “initial study shows that there is no substantial evidence, in light of the whole record before the agency that the project, as revised, may have a significant effect on the environment”. (14 CCR section 15070(b)(2).) CARB staff is concerned that the City’s current IS/MND does not meet this threshold. In an effort to ensure that the Project will not have a significant effect on the environment, CARB staff has reviewed the IS/MND and has the following comments:

1. Since the Project description in the IS/MND did not explicitly state that the two warehouse/manufacturing buildings proposed under the Project would not include cold storage space, there is a possibility that trucks and trailers visiting the Project site would be equipped with transportation refrigeration units (TRU). TRUs on trucks and trailers can emit large quantities of diesel particulate matter (diesel PM) while operating within the Project site. Modeling in support of the IS/MND did not account for emissions of diesel PM that result from the operation of TRUs. Residences and other sensitive receptors (e.g., day care facilities, senior care facilities, and schools) located near where these TRUs could be operating would be exposed to diesel PM emissions that would result in significant cancer risk. If the Project will include cold storage space, then some of the trucks and trailers visiting the Project will be equipped with TRUs. In this event, the City should quantify all operational nitrogen oxides (NO<sub>x</sub>), and diesel PM emissions and health risks from TRUs and disclose the results in the IS/MND. Alternatively, the IS/MND can include a mitigation measure that requires all TRUs operating on the Project site to be fully zero-emission or prohibits cold storage under a conditional use permit.

---

<sup>1</sup> California Air Resources Board, 2018. 2018 Community Recommendations Staff Report. Access at: [https://ww2.arb.ca.gov/sites/default/files/2018-09/2018\\_community\\_recommendations\\_staff\\_report\\_revised\\_september\\_11.pdf](https://ww2.arb.ca.gov/sites/default/files/2018-09/2018_community_recommendations_staff_report_revised_september_11.pdf)

2. The Air Quality section of the IS/MND concluded that the operation of the Project would not expose nearby residences to diesel PM concentrations that would result in a significant health impact. This conclusion was based on the assumption that the Project would not include land uses known to emit substantial toxic air contaminants (TAC); consequently, the City did not prepare a health risk assessment for the Project. CARB staff do not concur with this conclusion as the operation of the Project would require 95 truck trips to operate. To determine if the operation of the Project would expose nearby residences to significant cancer risks, the City should prepare a HRA for the Project. The HRA prepared in support of the Project should be based on the latest OEHHA guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments),<sup>2</sup> and the South Coast Air Quality Management District's CEQA Air Quality Handbook.<sup>3</sup>
3. The Project's HRA should include an existing baseline (current conditions) and future baseline without the Project, and the future conditions with the Project. The health risks modeled under both the existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using all baselines, the public and City planners will have a complete understanding of the potential health impacts that would result from the Project. These include the impacts from the loss of expected emission reductions as truck fleets turn over to cleaner models.
4. The Project's air quality and health impacts were modeled using CARB's 2014 Emission Factors model (EMFAC2014). Project-related air pollutant emissions from mobile sources should be modeled using CARB's latest EMFAC2017. One of the many updates made to EMFAC included an update to the model's heavy-duty emission rates and idling emission factors, which resulted in higher PM emissions as compared to EMFAC2014. Since EMFAC2017 generally shows higher emissions of particulate matter from trucks than EMFAC2014, CARB staff is concerned that the Project's mobile source NO<sub>x</sub> and diesel PM emissions are underestimated.

---

<sup>2</sup> Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: <https://oehha.ca.gov/media/downloads/crnrr/2015guidancemanual.pdf>

<sup>3</sup> SCAQMD's 1993 Handbook can be found at <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

5. The IS/MND states that the Project would result in 473 average daily vehicle trips, of which 95 trips would consist of trucks. However, according to the Project's California Emissions Estimator Model (CalEEMod) outputs, referenced in Appendix A of the IS/MND, the Project fleet mix included 3 percent light duty trucks, 2 percent medium-duty trucks, and 3 percent heavy duty trucks. Based on these truck fleet mix estimates, the Project would result in approximately 38 average daily truck trips. Since the average daily truck trips reported in the Project's CalEEMod output are well below what are reported in the IS/MND, CARB staff is concerned that the air pollutant emissions reported in the IS/MND are underestimated.

CARB staff is concerned with the conclusions found in the air quality section of the IS/MND. The City did not quantify or evaluate the Project's health risk impact on neighboring disadvantaged communities such as West Long Beach. In addition, the air pollutant emissions reported in the IS/MND were estimated under the assumption that the proposed warehouse/manufacturing buildings would not be utilized for cold storage. As a result, the IS/MND did not account for potential air quality impacts associated with the operation of TRUs. Unless the future tenant(s) of the proposed warehouse/manufacturing buildings are known, the air quality impact analysis in the IS/MND should have accounted for trucks and trailers with TRUs entering the Project site. In this case, the IS/MND does not assess the air quality and health risk impacts from the Project adequately. Without proper analysis, it is impossible to understand the Project's air quality impacts and the resulting health risk to nearby communities. The City must adequately account for all sources that may contribute to operational emissions, and clearly articulate, supported by substantial evidence, the foundation and calculations used to assess the effectiveness of mitigation measures.

As it stands, the IS/MND does not meet the bare legal minimum of serving as an adequate informational document relative to informing decision makers and the public that there is no substantial evidence<sup>4</sup> in the record that the Project, as revised, may have a significant effect on the environment. (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 520.) CARB staff believes that there would be substantial evidence in the record to find that the Project may have a significant effect on the environment if the air quality impact analysis used EMFAC2017 to better estimate the Project's mobile source diesel PM and NO<sub>x</sub> emissions, accounted for all truck trips in the Project's CalEEMod run, and accounted for diesel PM and NO<sub>x</sub> emissions from TRUs. In this event, the City would be required to prepare a full Environmental Impact

---

<sup>4</sup> "Substantial evidence" is defined, in part, as "enough relevant information and reasonable information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.... Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."



Mr. Cuentin Jackson  
June 13, 2019  
Page 5

Report (EIR) for the Project under the "fair argument" standard.  
(See *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83.)<sup>5</sup>

CARB staff recommends that the City revise the air quality section and prepare an HRA for the Project and recirculate the IS/MND for public review. Should the updated and recirculated IS/MND find, after adequately addressing informational deficiencies noted in this letter, that there is substantial evidence in the record to support a fair argument that the Project may have a significant effect on the environment, the City must prepare and circulate a draft EIR for public review, as required under CEQA.

In addition to the concerns listed above, CARB staff encourages the City and applicant to implement the measures listed in Attachment A of this comment letter to reduce the Project's construction and operational air pollution emissions. CARB staff appreciates the opportunity to comment on the IS/MND for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, at (916) 440-8242 or via email at [stanley.armstrong@arb.ca.gov](mailto:stanley.armstrong@arb.ca.gov).

Sincerely,



Richard Boyd, Chief  
Risk Reduction Branch  
Transportation and Toxics Division

Attachment

cc: See next page.

---

<sup>5</sup> The adequacy of an IS/MND is judicially reviewed under the "fair argument" standard should a party challenge the lead agencies CEQA determination. Under this standard, a negative declaration is invalid if there is substantial evidence in the record supporting a fair argument that a project may have a significant effect on the environment. (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4<sup>th</sup> 1359, 1399.) This is the case "even though [the lead agency] may also be presented with other substantial evidence that the project will not have a significant effect." (CEQA Guidelines, Title 14 CCR section 15064(f)(1).)

The California Environmental Quality Act (CEQA) places the burden of environmental investigation on the public agency rather than on the public. If a lead agency does not fully evaluate a project's environmental consequences, it cannot support a decision to adopt a negative declaration by asserting that the record contains no substantial evidence of a significant adverse environmental impact. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) If a lead agency does not study a potential environmental impact, a reviewing court may find the existence of a fair argument of a significant impact based on limited facts in the record that might otherwise not be sufficient to support a fair argument of a significant impact. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.)

Mr. Cuentin Jackson

June 13, 2019

Page 6

cc: State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812

Morgan Capilla  
NEPA Reviewer  
U.S. Environmental Protection Agency  
Air Division, Region 9  
75 Hawthorne Street  
San Francisco, California 94105

Lijin Sun  
Program Supervisor - CEQA  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, California 91765

Taylor Thomas  
East Yard Communities for Environmental Justice  
2317 S. Atlantic Boulevard  
Commerce, California 90040

Stanley Armstrong  
Air Pollution Specialist  
Exposure Reduction Section  
Transportation and Toxics Division



## **ATTACHMENT A**

### **Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers**

California Air Resources Board (CARB) staff recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation to minimize public exposure to air pollution. Below are some measures, currently recommend by CARB staff, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

#### **Recommended Construction Measures**

1. Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.
2. Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating onsite. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits such that emission reductions achieved equal or exceed that of a Tier 4 engine.
4. In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.

5. In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-NO<sub>x</sub> standard starting in the year 2022.<sup>1</sup>
6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB staff is available to assist in implementing this recommendation.

## **Recommended Operation Measures**

1. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating onsite.
2. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will eliminate the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration and cryogenic transport refrigeration are encouraged and can also be included lease agreements.<sup>2</sup>
3. Include contractual language in tenant lease agreements that requires all TRUs entering the project site be plug-in capable.
4. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
5. Include contractual language in tenant lease agreements requiring all TRUs, trucks, and cars entering the Project site be zero-emission.
6. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available.

---

<sup>1</sup> In 2013, CARB adopted optional low-NO<sub>x</sub> emission standards for on-road heavy-duty engines. CARB staff encourages engine manufacturers to introduce new technologies to reduce NO<sub>x</sub> emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model years 2010 and later. CARB's optional low-NO<sub>x</sub> emission standard is available at <https://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>.

<sup>2</sup> CARB's Technology Assessment for Transport Refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at [https://www.arb.ca.gov/msprog/tech/techreport/tru\\_07292015.pdf](https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf).

7. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later today, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.
8. Include contractual language in tenant lease agreements that requires the tenant be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,<sup>3</sup> Periodic Smoke Inspection Program (PSIP),<sup>4</sup> and the Statewide Truck and Bus Regulation.<sup>5</sup>
9. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than five minutes while onsite.
10. Include contractual language in tenant lease agreements that limits onsite TRU diesel engine runtime to no longer than 15 minutes. If no cold storage operations are planned, include contractual language and permit conditions that prohibit cold storage operations unless a health risk assessment is conducted and the health impacts fully mitigated.
11. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.

---

<sup>3</sup> In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at <https://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

<sup>4</sup> The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at <https://www.arb.ca.gov/enf/hdvp/hdvp.htm>.

<sup>5</sup> The regulation requires newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.