

Comment 1: This comment states that the City has incorrectly determined that the Project is exempt from further environmental review pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and that the City's consistency determination fails to provide evidence that the Project does not require further analysis and mitigation under CEQA. The comment asserts that additional environmental review is required because: (1) there are project-specific significant effects which are peculiar to the project or its site, and (2) the Project would result in any new significant effects not discussed in the GPU EIR; and since the Project is not exempt from CEQA, an initial study must be prepared to determine the appropriate level of CEQA review required.

Response 1: The comment is introductory in nature, provides general comments, and does not include any substantial evidence relating to any environmental impact that requires preparation of additional CEQA documentation or that would require changes to the CEQA Guidelines Section 15183 Community Plan Exemption Checklist. No further response is warranted.

Comment 2: This comment provides a summary of the proposed Project and legal case law text general regarding CEQA requirements and states that the City exempted the Project from CEQA entirely, the first step of the CEQA process applies, and that a project may never be exempted from CEQA if there is a "fair argument" that the project may have significant environmental impacts due to "unusual circumstances." In addition, the comment states that the exemption for the proposed Project is improper, and instead, a full CEQA analysis, such as an EIR, must be prepared for this Project.

Response 2: The comment is introductory in nature, provides general comments and CEQA exemption information, and does not include any substantial evidence relating to any environmental impact and the proposed Project that requires preparation of additional CEQA documentation or that would require changes to the CEQA Guidelines Section 15183 Community Plan Exemption Checklist. No further response is warranted.

Comment 3: This comment states that the Project will have significant impacts peculiar to the Project. The comment provides text related to exemptions from CEQA Guidelines Section 15183 and states that there is substantial evidence demonstrating that the Project will have project specific significant impacts that were not addressed in the General Plan EIR, and therefore must be addressed through CEQA review now.

Response 3: The comment is general in nature, provides general comments, and does not include any detail related to the CEQA document prepared for the Project or substantial evidence relating to new or increased environmental impacts. No further response is warranted.

Comment 4: This comment states that the Project will have project specific significant effects that were not addressed in the General Plan Update EIR. The comment states that the air quality impacts of the Project as proposed could not have been foreseen at the time the General Plan was prepared, and that emissions for the proposed Project must be modeled using a program such as CalEEMod, and project-specific input parameters must be measured against applicable thresholds, and that a screening-level HRA must be prepared to determine the risk posed to nearby residential receptors, as well as propose mitigation as necessary. The comment states that this represents potential project-specific significant effects that were not addressed in the previous General Plan EIR, and therefore, the City must review these impacts under CEQA.

Response 4: The comment is inaccurate. The GPU EIR analyzed buildout of the GPU, which includes development of the Project site consistent with the designation of FLEX-3 that allows a FAR of 3.0 and building heights up to 10-stories and uses including warehousing, office-industrial flex spaces, small-scale clean manufacturing, research, and development. As detailed on page 2 of the Community Plan Exemption Checklist, the Project would result in a FAR of 0.42, which is substantially less than the analysis of the GPU EIR that evaluated a density of 3.0 FAR on the site. As such, the GPU EIR adequately anticipated and analyzed the impacts of this Project and identified applicable mitigation measures necessary to reduce impacts of the Project.

The Project was modeled using CAIEEMod to evaluate both air quality and greenhouse gas emissions, as detailed in the Community Plan Exemption Checklist on pages 34 through 39 and pages 59 and 60, which showed the emissions would not exceed SCAQMD thresholds, and impacts would be less than significant and consistent with the City's Climate Action Plan (page 61). Also, as described on page 36, the GPU EIR determined that the HRA related risk thresholds established by South Coast AQMD would be implemented by Mitigation Measure AQ-3, which details that projects that have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered transport refrigeration units, and are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, or nursing homes), as measured from the property line of the project to the property line of the nearest sensitive use may result in an impact and would require a health risk assessment (HRA). The proposed Project would only generate 44 non-refrigerated truck trips per day, which is less than the 100 trips that would have the potential to result in an impact. This is consistent with the CARB published document *Air Quality Land Use Handbook: A Community Health Perspective*¹ (April 2005) that provides a screening threshold of 100 heavy diesel trucks (one-way) or 200 (two-way) truck trips for potential impacts to occur.

Further, the closest residence to the site is approximately 2,200 feet from the Project, which is farther than the 1,000-foot setback recommended by the South Coast AQMD. Thus, the proposed Project was reviewed and determined to not have the potential to result in project-specific significant effects. A screening-level Health Risk Assessment is therefore not necessary for this Project.

Comment 5: This comment states that construction of the Project meets the threshold warranting a quantified HRA under Office of Environmental Health Hazard Assessment (OEHHA). The comment also states that the OEHHA document also recommends that if a project is expected to last over 6 months, the exposure should be evaluated throughout the project using a 30-year exposure duration to estimate individual cancer risks, and that it is reasonably assumed that the Project will last at least 30 years, and therefore recommends that health risk impacts from project-generated Diesel Particulate Matter ("DPM") emissions be prepared and that an mitigated negative declaration be prepared to mitigate impacts accordingly.

Response 5: The South Coast AQMD does not currently require health risk assessments for short-term emissions from construction equipment. Instead, South Coast AQMD has promulgated a specific methodology for analysis of localized impacts from construction to nearby sensitive receptors as an indicator of potential health risk. The LSTs are the amount of project-related construction emissions at which localized pollutant concentrations would exceed State air quality standards. Additionally, LSTs are designed to protect sensitive receptors most susceptible to

¹ <https://ww3.arb.ca.gov/ch/handbook.pdf>

respiratory diseases. As shown on page 39 of the Community Plan Exemption Checklist, maximum daily construction emissions would not exceed the screening-level LSTs, and impacts would be less than significant.

As described in Response 4, the GPU Update EIR provided screening level mitigation to implement the risk thresholds established by South Coast AQMD for potential DPM related operational impacts; and the Project would generate 44 non-refrigerated truck trips per day, which is less than the 100 unrefrigerated truck trips that would have the potential to result in an impact. Thus, no further evaluation of DPM emissions is required. As no potential new or greater impact would result, a mitigated negative declaration is not required.

Comment 6: This comment states that SWAPE prepared a screening-level HRA to evaluate potential impacts from the construction and operation of the Project posed to residential sensitive receptors as a result of the Project's construction-related and operational TAC emissions. The comment states that SWAPE used AERSCREEN and applied a sensitive receptor distance of 200 meters (656 feet) and analyzed impacts to individuals at different stages of life based on OEHHA and SCAQMD guidance utilizing age sensitivity factors and found that the cancer risks to infants, children, adults, and lifetime residents appreciably exceed SCAQMD's threshold of 10 in one million, thus indicating a significant air quality impact.

Response 6: The DPM evaluation that was completed for the GPU EIR, which identified Mitigation Measure AQ-3, that was implemented for the Project provides the appropriate evaluation of the Project pursuant to SCAQMD, CARB, and OEHHA recommended methodology, which determined that potential health impacts to sensitive receptors would be less than significant because the Project would result in less than 100 truck trips per day and residences are located approximately 2,200 feet from the Project, which is farther than the 1,000-foot setback recommended by the SCAQMD.

The AERSCREEN model is widely acknowledged (including by the US EPA)² as being overly conservative. AERSCREEN only produces worst-case scenario health risk impacts, without considering local meteorology and terrain, i.e. site-specific information, such as spatial relation, geography, or local meteorology. Therefore, the air quality model used by the commenter does not accurately identify risks of the Project and is not consistent with SCAQMD, CARB, and OEHHA recommended methodology.

Comment 7: This comment states that the use of the 3,000 MT CO₂e/year threshold is outdated because its past 2020 and that thresholds for 2020 are not applicable to the proposed Project and should be revised to reflect the current GHG reduction target, and states that the SCAQMD 2035 service population efficiency target of 3.0 metric tons of carbon dioxide equivalents per service population per year, which was calculated by applying a 40% reduction to the 2020 targets.

Response 7: The commenter is incorrect in the implied assertion that the 3,000 MTCO₂e per year threshold is based on the year 2020 statewide GHG reduction target under Assembly Bill 32 (AB 32) and that it is an outdated threshold. The 3,000 MTCO₂e/yr threshold for development projects is based on a market capture approach and is not directly tied to a GHG reduction plan, such as CARB's Scoping Plan. In general, the threshold was developed based on a review of 711 projects in the Governor's Office of Planning and Research database of CEQA projects in the

² United States Environmental Protection Agency, AERSCREEN User's Guide, April 2021

South Coast AQMD's jurisdiction. The threshold was set based on a 90 percent capture rate, which came from the California Air Pollution Control Officers Association's 2008 white paper, "CEQA and Climate Change."³ Based on the review of 711 CEQA projects, 90 percent of CEQA projects would not exceed 3,000 MTCO₂e/yr.^{4,56} This threshold is used by many lead agencies in the South Coast AQMD region to identify GHG emissions impacts.

In addition, the use of a modified 2035 threshold of 3.0 MTCO₂e per service population per year (MTCO₂e/SP/yr), is generally based on the statewide GHG reduction target established for year 2020 under AB 32. It is derived from the 2020 statewide GHG reduction target for "land use only" GHG emissions sectors divided by the 2020 statewide employment for the land use sectors to derive a per capita GHG efficiency metric.⁷ In the court ruling under *Golden Door Properties, LLC v. County of San Diego / Sierra Club, LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, the California Fourth District Court of Appeal generally ruled against use of efficiency-based thresholds that are based on a statewide inventory because they do not have enough of a nexus or connection to new development projects.

Comment 8: This comment states that SWAPE prepared an updated air model using the project-specific information provided by the Exemption Checklist that determined the Project would emit approximately 14.6 MT CO₂e/SP/year, which exceeds the SCAQMD 2035 efficiency target of 3.0 MT CO₂e/SP/year, indicating a potentially significant GHG impact not previously identified or addressed by the Exemption Checklist or GPU EIR, which precludes reliance on the CEQA Section 15183 exemption.

Response 8: As detailed in Response 7, the 3,000 MTCO₂e/yr threshold is used by many lead agencies in the SCAQMD region to identify GHG emissions impacts, and the California Fourth District Court of Appeal generally ruled against use of efficiency-based thresholds. Also, CEQA gives lead agencies the discretion to determine, in the context of a particular project, how to assess potential GHG impacts. (See CEQA Guidelines § 15064.4.) The options specified include analyzing against applicable numerical thresholds, such as South Coast AQMD's. (*League to Save Lake Tahoe Mountain Area Preservation v. County of Placer* (2022) 75 Cal.App.5th 63, 112 [recognizing that using a numerical threshold from an air pollution control district was a permissible option that complied with CEQA].) Likewise, the CEQA Guidelines identify qualitative analyses as appropriate methods. Here, the Community Plan Exemption Checklist uses two methods to assess whether the Project's GHG emissions should be considered significant: (1) comparing against the SCAQMD's numerical threshold and (2) a qualitative analysis of the Project's consistency with SCAG Connect SoCal RTP/SCS, the City's GPU, and the Santa Ana

³ California Air Pollution Control Officer's Association, "CEQA and Climate Change," white paper, January 2008, <http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf>

⁴ South Coast Air Quality Management District, "GHG Meeting 14 Main Presentation," Greenhouse Gases (GHG) CEQA Significance Threshold Working Group, November 19, 2009, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-14/ghg-meeting-14-main-presentation.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-14/ghg-meeting-14-main-presentation.pdf?sfvrsn=2)

⁵ South Coast Air Quality Management District, "Agenda for Meeting 15," Greenhouse Gases (GHG) CEQA Significance Threshold Working Group, September 28, 2010, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-main-presentation.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-main-presentation.pdf?sfvrsn=2)

⁶ South Coast Air Quality Management District, "Minutes for Meeting 15," GHG CEQA Significance Threshold Stakeholder Working Group, September 28, 2010, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2)

⁷ South Coast Air Quality Management District, "Minutes for Meeting 15," GHG CEQA Significance Threshold Stakeholder Working Group, September 28, 2010, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2)

Climate Action Plan. Because the Project would not exceed the applicable threshold, it would not have a significant GHG impact; and the evaluation concluded that the Project would be consistent with the applicable plans. Thus, the GHG analysis in the Community Plan Exemption Checklist is consistent with the CEQA Guidelines and adequately evaluates GHG impacts as required by CEQA.

Comment 9: This comment requests that the Planning Commission deny the applications for the Project and, instead, direct city staff to prepare the necessary environmental documents under CEQA. The City should prepare an initial study followed by an EIR or negative declaration in accordance with CEQA prior to consideration of approvals for the Project.

Response 9: The comment is conclusionary in nature and does not raise any specific concerns with the adequacy of the Community Plan Exemption Checklist and does not provide any substantial evidence of a potential new impact related to the Project. Therefore, no further response is required or provided. This comment will be forwarded to City decision makers as part of the Project's staff report.

Comment 10: This comment provides a summary of the Project description and states that the Project's health risk and GHG have not been adequately evaluated and emissions have been underestimated and that an EIR should be prepared to assess and mitigate risks.

Response 10: The comment is introductory in nature, provides general comments, and does not include any substantial evidence that impacts related to health risks or GHGs would occur. As detailed in previous responses, the Community Plan Exemption Checklist details that pursuant to agency recommendations and the City's GPU EIR, impacts related to health risks and GHG emissions would be less than significant, and no new impact would occur.

Comment 11: This comment is consistent with Comment 5, previously.

Response 11: Refer to Response 5.

Comment 12: This comment provides the details of the screening-level HRA and the AERSCREEN modeling, such as exposure assumptions, risk formulas, described in Comment 6. The comment states that it provides downwind at 200 meters the Project would result in risks exceed the SCAQMD threshold; and thus, is a potentially significant impact and a refined health risk analysis is required.

Response 12: As detailed in Response 6, the AERSCREEN model is widely acknowledged as being overly conservative and produces worst-case scenario health risk impacts, without considering appropriate dispersion and other factors. Therefore, the air quality model used by the commenter does not accurately identify risks of the Project and is not consistent with SCAQMD, CARB, and OEHHA recommended methodology. Further, the Project is less than significant as less than 50 percent of 100 truck trips per day would occur and residences are located approximately 2,200 feet from the Project, which is farther than the 1,000-foot setback recommended by the SCAQMD.

Comment 13: This comment provides text from the Project's staff report and states that the subsequent environmental review is required pursuant to CEQA Guidelines 15183, as the Project's GHG analysis is insufficient because the GHG analysis relies upon an outdated quantitative GHG threshold, and the analysis fails to identify a potentially significant GHG impact.

Response 13: As detailed in Response 7, the appropriate threshold was utilized in the Community Plan Exemption Checklist, as utilized by many lead agencies in the SCAQMD region. Also, as detailed in Response 8, CEQA gives lead agencies the discretion to determine, in the context of a particular project, how to assess potential GHG impacts. The analysis in the Community Plan Exemption Checklist does not identify a GHG impact because the emissions generated by the Project would not exceed the identified threshold.

Comment 14: This comment is consistent with Comment 7, previously.

Response 14: Refer to Response 7.

Comment 15: This comment is consistent with Comment 8, previously.

Response 15: Refer to Response 8.

Comment 16: This comment states that the Project would result in potentially significant health risk and GHG impacts that should be mitigated further. The comment lists various several mitigation measures from the Department of Justice Warehouse Project Best Practices document.

Response 16: As detailed in previous responses, the Project would not result in potentially significant health risk or GHG impacts. Therefore, no mitigation measures are required. However, many of the suggested measures listed in the comment would be implemented in consistency with the CALGreen Building Code, CARB requirements, SCAQMD Rules, which would be verified by the City during the Project permitting process.

Comment 17: This comment states that the previously listed measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation. The comment states that an EIR should be prepared to include all feasible mitigation measures, as well as include updated health risk and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds.

Response 17: As detailed in Response 16, the Project would not result in potentially significant health risk or GHG impacts, and no mitigation measures or EIR are required. However, many of the suggested measures would be implemented pursuant to existing regulations, which would be verified by the City during the Project permitting process.

Comment 18: This comment states that the commenter has received limited discovery regarding the Project, additional information may become available in the future; and the commentor retains the right to revise or amend this report when additional information becomes available. The

comment also states that the comments reflect efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Response 18: The comment is conclusionary in nature and does not raise any specific concerns with the adequacy of the Community Plan Exemption Checklist or raise any other CEQA issue. Therefore, no further response is required.

Comment 19: Attachments A through D: These attachments to the comment letter provides multiple CalEEMod model runs used to substantiate the comments provided and responded to above and provides resumes of SWAPE professionals who provided the SWAPE comments.

Response 19: This comment provides modeling used to substantiate the previous comments, which were responded to above and provides resumes for the individuals who provided the technical comments from SWAPE. The comment does not raise any specific concerns with the adequacy of the or raise any other CEQA issue. Therefore, no further response is required.