

RECEIVED

MAY 09 2018



T 510.836.4200  
F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

**City of Riverside  
City Clerk's Office**  
www.lozeaudrury.com  
rebecca@lozeaudrury.com

May 9, 2018

***Via Email and Overnight Mail***

Honorable Mayor and City Council  
City of Riverside  
3900 Main Street  
Riverside, CA 92522

Candice Assadzadeh, Associate Planner  
City of Riverside, Planning Division  
3900 Main Street, 3rd Floor  
Riverside, CA 92522  
[CAssadzadeh@riversideca.gov](mailto:CAssadzadeh@riversideca.gov)

**Re: Guthrie Industrial Warehouse, 750 Marlborough Avenue Warehouse  
Initial Study and Mitigated Negative Declaration  
Planning Cases P17-0506 (DR); P17-0507 (GE); P17-0748 (GE); P17-  
0749 (VR)**

Honorable Mayor and City Council and Ms. Assadzadeh:

I am writing on behalf of Laborers International Union of North America, Local Union No. 1184 and its members living in Riverside County and the City of Riverside (collectively "LIUNA" or "Commenters") concerning Guthrie Industrial Warehouse, 750 Marlborough Avenue Warehouse aka Case numbers: P17-0506 (Design Review), P17-0507 (Grading Exception), P17-0747 (Summary Vacation), P17-0748 (Grading Exception) & P17-0749 (Variance) and the proposed construction of a 346,330 square foot industrial building on APNs: 257-060-002 and 257-030-042 located at 750 Marlborough Avenue and 1550 Research Park Drive in the City of Riverside ("Project").

As you know, on May 8, 2018 Commenters appealed the May 2, 2018 decision of the City of Riverside's ("City's") Development Review Committee ("DRC") regarding the Project. After our appeal was filed (including the \$2529 appeal fee), we were informed that Councilmember Mike Gardner had referred the matter to the full City Council for hearing, and that the hearing will be held on June 19, 2018.

In light of this development, we understand that the DRC's decision is not final and the City Council will consider the matter on June 19, 2018 without the need for our appeal. If these facts are true, we hereby withdraw our appeal and will instead appear at the City Council hearing on June 19, 2018 to raise our concerns. I understand that

Guthrie Industrial Warehouse  
LIUNA Appeal of May 2, 2018 DRC Decision

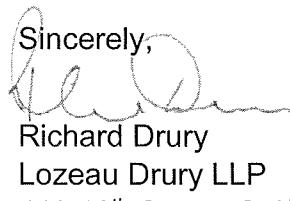
May 9, 2018

Page 2 of 2

this will waive our right to a hearing before the Planning Commission. We willingly waive the hearing before the Planning Commission, provided that there will be a hearing before the City Council. I understand that in light of the withdrawal of our appeal that the City will refund our appeal fee of \$2529.

Thank you.

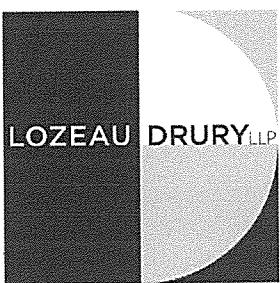
Sincerely,

  
Richard Drury  
Lozeau Drury LLP  
410 12<sup>th</sup> Street, Suite 250  
Oakland, CA 94607  
510.836.4200  
Counsel for LIUNA Local 1184

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Oakland, Ca 94607

www.lozeaudrury.com  
rebecca@lozeaudrury.com

May 8, 2018

*Via Overnight Mail*

Honorable Mayor and City Council  
City of Riverside  
3900 Main Street  
Riverside, CA 92522

Candice Assadzadeh, Associate Planner  
City of Riverside, Planning Division  
3900 Main Street, 3rd Floor  
Riverside, CA 92522  
[CAssadzadeh@riversideca.gov](mailto:CAssadzadeh@riversideca.gov)

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MAY 08 2018

Community & Economic  
Development Department

**Re: Guthrie Industrial Warehouse, 750 Marlborough Avenue Warehouse  
Initial Study and Mitigated Negative Declaration  
Planning Cases P17-0506 (DR); P17-0507 (GE); P17-0748 (GE); P17-0749 (VR)**

Honorable Mayor and City Council:

I am writing on behalf of Laborers International Union of North America, Local Union No. 1184 and its members living in Riverside County and the City of Riverside (collectively "LIUNA" or "Commenters"). Commenters hereby appeal the May 2, 2018 decision of the City of Riverside's ("City's") Development Review Committee ("DRC") regarding the Mitigated Negative Declaration and Initial Study (collectively, "MND") prepared for the Guthrie Industrial Warehouse, 750 Marlborough Avenue Warehouse aka Case numbers: P17-0506 (Design Review), P17-0507 (Grading Exception), P17-0747 (Summary Vacation), P17-0748 (Grading Exception) & P17-0749 (Variance) and the proposed construction of a 346,330 square foot industrial building on APNs: 257-060-002 and 257-030-042 located at 750 Marlborough Avenue and 1550 Research Park Drive in the City of Riverside ("Project").

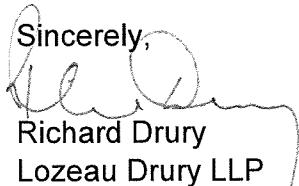
We appeal the DRC's decision for the following reasons:

1. The DRC violated California's Open Meetings Law, the Brown Act, by refusing to allow members of the public to attend the May 2, 2018 DRC meeting. Government Code §54950; see, *Frazer v. Dixon Unified Sch. Dist.*, 18 Cal. App. 4th 781, 792 (1993). (Exhibit A).

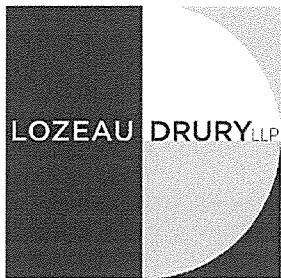
Guthrie Industrial Warehouse  
LIUNA Appeal of May 2, 2018 DRC Decision  
May 8, 2018  
Page 2 of 2

2. The DRC violated the California Environmental Quality Act ("CEQA"), Pub. Res. Code section 21000, et seq., by failing to prepare an environmental impact report ("EIR") for the Project despite the existence of substantial evidence demonstrating a fair argument that the Project may have adverse environmental impacts. (Exhibits B and C).

In accordance with the City's rules, we are submitting 2 copies of this Letter of Appeal and an appeal fee in the amount of \$2529.

Sincerely,  
  
Richard Drury  
Lozeau Drury LLP  
410 12<sup>th</sup> Street, Suite 250  
Oakland, CA 94607  
510.836.4200  
Counsel for LIUNA Local 1184

# **ATTACHMENT A**



T 510.836.4200  
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Oakland, Ca 94607

[www.lozeaudrury.com](http://www.lozeaudrury.com)  
[rebecca@lozeaudrury.com](mailto:rebecca@lozeaudrury.com)

April 27, 2018

***Via E-Mail and US Mail***

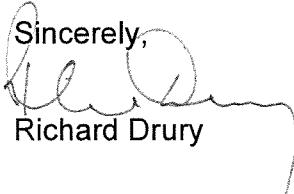
Candice Assadzadeh, Associate Planner  
City of Riverside, Planning Division  
3900 Main Street, 3rd Floor  
Riverside, CA 92522  
[CAssadzadeh@riversideca.gov](mailto:CAssadzadeh@riversideca.gov)

**Re: 750 Marlborough Avenue Warehouse Initial Study and Draft Mitigated Negative Declaration**

Dear Ms. Assadzadeh:

I am writing on behalf of Laborers International Union of North America, Local Union No. 1184 and its members living in Riverside County and the City of Riverside (collectively "LIUNA" or "Commenters") regarding the Draft Mitigated Negative Declaration and Initial Study (collectively, "MND") prepared for the 750 Marlborough Avenue Warehouse aka Case numbers: P17-0506 (Design Review), P17-0507 (Grading Exception), P17-0747 (Summary Vacation), P17-0748 (Grading Exception) & P17-0749 (Variance) and the proposed construction of a 346,330 square foot industrial building on APNs: 257-060-002 and 257-030-042 located at 750 Marlborough Avenue and 1550 Research Park Drive in the City of Riverside ("Project").

We are in receipt of the agenda for a May 2, 2018 meeting of the City of Riverside's ("City's") Development Review Committee ("DRC"). (Attached hereto). The agenda states that the Project, and several other matters will be considered by the DRC at the May 2, 2018 meeting. The agenda further states that "DRC meetings are not open to the public." Since the DRC is a standing committee, it appears that its meetings must be open to the public pursuant to the Brown Act. Government Code §54950; see, *Frazer v. Dixon Unified Sch. Dist.*, 18 Cal. App. 4th 781, 792 (1993). We request that the City allow public access to all DRC meetings. If the City takes the position that the DRC meetings are not open to the public, please let me know the reason for this position. Thank you.

Sincerely,  
  
Richard Drury



## DEVELOPMENT REVIEW COMMITTEE AGENDA - REVISED

Administrative discretionary permits and activities subject to Development Review Committee (DRC) deliberation do not require a public hearing; therefore, DRC meetings are not open to the public.

### APPLICATION

**SUBMITTAL DEADLINE: April 10, 2018**

**MEETING DATE: May 2, 2018**

Lrg. Conf. Room – 3<sup>rd</sup> Floor

Time	Case #	Applicant / Site Address / Phone # / E-mail	C/A *	Planner
9:30 – 10:00 a.m.	P18-0269 (DR)	Bryce Novak / 4444 Vine Street 619-672-2066 / <a href="mailto:bnovak@j5ip.com">bnovak@j5ip.com</a> Proposal by Bryce Novak of J5 Infrastructure Partners to consider a Design Review of project plans for the construction of a 60-foot high wireless telecommunication facility, disguised as a monopalm, and associated ground mounted equipment. The 0.93 acre site is located at 4444 Vine Street, situated on the east side of Vine Street between Fourteenth and Fifteenth Streets, in the I – Industrial Zone, in Ward 2. <b>Contact Planner:</b> Danielle Harper-Scott, Planning Technician, 951-826-5933, <a href="mailto:dharper-scott@riversideca.gov">dharper-scott@riversideca.gov</a>	C	Danielle
10:00 – 10:30 a.m.	P18-0276 (VC-S)	Edder Gomez / 9006 California Avenue 951-525-0105 / <a href="mailto:eddergomez7@yahoo.com">eddergomez7@yahoo.com</a> Proposal by Edder Gomez to consider the Summary Vacation to vacate excess right-of-way along Wheeler Street, approximately 130 feet in length and 14 feet in width and totaling approximately 1,692 square feet, located at 9006 California Avenue, situated on the southeast corner of California Avenue and Wheeler Street, in the R-1-7000 – Single Family Residential Zone, in Ward 5. <b>Contact Planner:</b> Alyssa Berlino, Assistant Planner, 951-826-5628, <a href="mailto:aberlino@riversideca.gov">aberlino@riversideca.gov</a>	C	Alyssa
10:30 – 11:30 a.m.	P18-0284 (CDR)	Andrew Walcker / 3466 Mission Inn Boulevard 909-227-4180 / <a href="mailto:andrew@overlanddevco.com">andrew@overlanddevco.com</a> Proposal by Atman Kadakia of Greens Group, Inc. for the Conceptual Development Review of a proposed seven-story, 161-room hotel and the adaptive reuse of the two-story, 12,000-square-foot former Fire Station No. 1. The 0.94-acre, three-parcel site is currently developed with a vacant fire station building and surface parking lots, located at 3466 Mission Inn Avenue, on the south side of Mission Inn Avenue between Lemon and Lime Streets, in the DSP-RC-CR – Downtown Specific Plan, Raincross District and Cultural Resources Overlay Zones, in Ward 1. <b>Contact Planner:</b>	C	Matthew

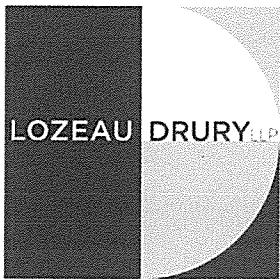
		Matthew Taylor, Assistant Planner, 951-826-5944, <a href="mailto:mtaylor@riversideca.gov">mtaylor@riversideca.gov</a>		
11:30 a.m. – 12:00 p.m.	PSP18-0008 (RFP)	<p>Kaitlyn Nguyen / 1393 University Avenue 951-826-2430 / <a href="mailto:kpnguyen@riversideca.gov">kpnguyen@riversideca.gov</a></p> <p>Request by Kaitlyn Nguyen of the Successor to the Redevelopment Agency of the City of Riverside for preliminary review of conceptual plans for the adaptive reuse of the Farmhouse Motel, including conversion of approximately 8,000 square feet of existing buildings into multi-tenant retail space and construction of a covered outdoor dining and entertainment pavilion. The 0.97-acre project site is located at 1393 University Avenue, on the north side of University Avenue between Cranford and Iowa Avenues, in Ward 2.</p> <p><b>Contact Planner:</b> Matthew Taylor, Assistant Planner, 951-826-5944, <a href="mailto:mtaylor@riversideca.gov">mtaylor@riversideca.gov</a></p>	C	Matthew
12:00 – 1:30 p.m.		LUNCH		
1:30 – 2:30 p.m.	P18-0279 (RZ), P18-0280 (CUP), P18-0281 (DR), P18-0282 (VR)	<p>Mohamad T. Younes / 4800 Palm Avenue 951-300-8268 / <a href="mailto:mohamad.y@inlandcorp.com">mohamad.y@inlandcorp.com</a></p> <p><b>Previously reviewed at the 11/15/17 DRC meeting, under Planning Case P17-0831 (CDR)</b></p> <p>Proposal by Mohamad Younes of Invision Palm, LLC to consider the following entitlements to construct a 51,998 square foot, two-story senior housing complex consisting of 59 dwelling units: 1) a Zoning Code Amendment to rezone a portion of the site from O – Office Zone to R-1-7000 – Single Family Residential Zone; 2) a Conditional Use Permit to permit the construction of a senior housing complex; 3) Design Review of project plans; and 4) a Grading Exception for retaining walls higher than permitted by Code along the east property line. The 1.96-acre project site consists of two contiguous vacant parcels, located at 4800 Palm Avenue, situated on the east side of Palm Avenue between Tequesquite Avenue and Beechwood Place, in the R-1-7000 – Single Family Residential Zone and O – Office Zone, in Ward 1.</p> <p><b>Contact Planner:</b> Judy Egüez, Associate Planner, 951-826-3969, <a href="mailto:jeguez@riversideca.gov">jeguez@riversideca.gov</a></p>	C	Judy
1:30 – 2:30 p.m.	P18-0284 (CDR)	<p>Andrew Walcker / 3466 Mission Inn Boulevard 909-227-4180 / <a href="mailto:andrew@overlanddevco.com">andrew@overlanddevco.com</a></p> <p>Proposal by Atman Kadakia of Greens Group, Inc. for the Conceptual Development Review of a proposed seven-story, 161-room hotel and the adaptive reuse of the two-story, 12,000-square-foot former Fire Station No. 1. The 0.94-acre, three-parcel site is currently developed with a vacant fire station building and surface parking lots, located at 3466 Mission Inn Avenue, on the south side of Mission Inn Avenue between Lemon and Lime Streets, in the DSP-RC-CR – Downtown Specific Plan, Raincross District and Cultural Resources Overlay Zones, in Ward 1.</p> <p><b>Contact Planner:</b> Matthew Taylor, Assistant Planner, 951-826-5944, <a href="mailto:mtaylor@riversideca.gov">mtaylor@riversideca.gov</a></p>	C	Matthew

2:30 – 3:00 p.m.	P17-0506 (DR), P17-0507 (GE), P17-0748 (GE), P17-0749 (VR)	<p>Jim Guthrie / 750 Marlborough Ave &amp; 1550 Research Park Dr 951-334-9003 / <a href="mailto:jim@guthriecompanies.com">jim@guthriecompanies.com</a></p> <p><b>Previously reviewed at the 7/26/17 DRC meeting</b></p> <p>Proposal by Jim Guthrie of Guthrie Companies to consider the following entitlements for the construction of a 346,290 square foot industrial warehouse building, consisting of 6,820 square feet of office use and 339,470 square feet of warehouse area, on two contiguous parcels and a portion of a third parcel located north of the project site, totaling 22.34 acres: 1) Design Review of project plans; 2) a Grading Exception for retaining walls higher than permitted by Code along the east and west property lines; 3) a Grading Exception for slope heights higher than permitted by Code ; and 4) a Variance to allow a reduced landscape setback along Marlborough Avenue. The property is located at 750 Marlborough Avenue and 1550 Research Park Drive, situated at the eastern terminus of Marlborough Avenue and the southwestern terminus of Research Park Drive, in the BMP-SP – Business and Manufacturing Park and Specific Plan (Hunter Business Park) Overlay Zones, in Ward 1. <b>Contact Planner:</b> Candice Assadzadeh, Senior Planner, 951-826-5667, <a href="mailto:cassadzadeh@riversideca.gov">cassadzadeh@riversideca.gov</a></p>	A	Candice
3:00 – 3:15 p.m.	P17-0213 (DR)	<p>Vance Pomeroy / 1760 Marlborough Avenue 661-361-5619 / <a href="mailto:vpomeroy@velotera.com">vpomeroy@velotera.com</a></p> <p><b>Previously reviewed at the 4/19/2017 DRC meeting</b></p> <p>Proposal by Vance Pomeroy on behalf of VeloTera Services Inc. to consider a Design Review of project plans for the construction of a 60-foot high Wireless Telecommunication Facility disguised as a pine tree and associated ground mounted equipment. The 1.09 acre property is located at 1760 Marlborough Avenue, situated on the south side of Marlborough Avenue, between Chicago Avenue and Catania Drive, in the I-SP – General Industrial and Specific Plan (Hunter Business Park) Overlay Zones, in Ward 1. <b>Contact Planner:</b> Sean P. Kelleher, Associate Planner, 951-826-5712, <a href="mailto:skelleher@riversideca.gov">skelleher@riversideca.gov</a></p>	A	Sean
<b>Miscellaneous Items</b>				

\*Completeness Review (C) or Final Action Review (A)

Welcome Letter & Comments due to Applicant: May 9, 2018

## **ATTACHMENT B**



T 510.836.4200  
F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

[www.lozeaudrury.com](http://www.lozeaudrury.com)  
[rebecca@lozeaudrury.com](mailto:rebecca@lozeaudrury.com)

February 1, 2018

***Via E-Mail and US Mail***

Candice Assadzadeh, Associate Planner  
City of Riverside, Planning Division  
3900 Main Street, 3rd Floor  
Riverside, CA 92522  
[CAssadzadeh@riversideca.gov](mailto:CAssadzadeh@riversideca.gov)

**Re: 750 Marlborough Avenue Warehouse Initial Study and Draft Mitigated Negative Declaration**

Dear Ms. Assadzadeh:

I am writing on behalf of Laborers International Union of North America, Local Union No. 1184 and its members living in Riverside County and the City of Riverside (collectively "LIUNA" or "Commenters") regarding the Draft Mitigated Negative Declaration and Initial Study (collectively, "MND") prepared for the 750 Marlborough Avenue Warehouse aka Case numbers: P17-0506 (Design Review), P17-0507 (Grading Exception), P17-0747 (Summary Vacation), P17-0748 (Grading Exception) & P17-0749 (Variance) and the proposed construction of a 346,330 square foot industrial building on APNs: 257-060-002 and 257-030-042 located at 750 Marlborough Avenue and 1550 Research Park Drive in the City of Riverside ("Project").

After reviewing the IS/MND, we conclude the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of Riverside ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq. We reserve the right to supplement these comments during public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

We hereby request that the City send by electronic mail or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, related to the Project including, but not limited to the following:

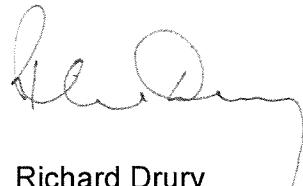
- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report ("EIR") is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
  - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
  - Notices of preparation of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21092.
  - Notices of availability of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
  - Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
  - Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
  - Notices of determination that a project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
  - Notice of any Final EIR prepared pursuant to CEQA.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body. Please send notice by electronic mail or U.S. Mail to:

Richard Drury  
 Theresa Rettinghouse  
 Lozeau Drury LLP  
 410 12<sup>th</sup> Street, Suite 250  
 Oakland, CA 94607  
 510 836-4200  
[richard@lozeaudrury.com](mailto:richard@lozeaudrury.com)  
[theresa@lozeaudrury.com](mailto:theresa@lozeaudrury.com)

Please call should you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Drury".

Richard Drury

## **ATTACHMENT C**



# 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:

February 14, 2018

[CAssadzadeh@riversideca.gov](mailto:CAssadzadeh@riversideca.gov)

Candice Assadzadeh, Associate Planner  
City of Riverside, Planning Division  
3900 Main Street, 3<sup>rd</sup> Floor  
Riverside, CA 92522

## Mitigated Negative Declaration (MND) for the Proposed Guthrie Industrial Warehouse (Planning Cases P17-0506 (DR), P17-0507 (GE), P17-0748 (GE), and P17-0749 (VR))

The South Coast Air Quality Management District (SCAQMD) 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.

### SCAQMD Staff's Summary of Project Description

The Lead Agency proposes to construct a 346,290-square-foot industrial building comprised of approximately 339,510 square feet of unrefrigerated warehouse space and 6,820 square feet of office space with unknown occupants on 22.34 acres (Proposed Project). The MND estimated that the Proposed Project would generate 1,468 total daily trips<sup>1</sup>. Based on a review of aerial photographs and Figure 2 in the MND, SCAQMD staff found that the Proposed Project is largely surrounded by industrial uses to the north and west. In addition, "the sensitive receptors nearest to the [Proposed Project] include Highland Elementary School (700 Highlander Drive, Riverside, CA 92507) located approximately three quarters of a mile south of the site; University Heights Middle School (1155 Massachusetts Avenue, Riverside, CA 92507) located approximately three quarters of a mile southwest; single-family residences located approximately a third of a mile south' and Stahovich Mary-US Health Works Medical Group Urgent Care Center (1760 Chicago Avenue, Riverside, CA 92507) located approximately one mile west of the project site.<sup>2</sup>" Construction is expected to occur over 10 months<sup>3</sup>.

### SCAQMD Staff's Summary of Air Quality Analysis

In the Air Quality Analysis Section, the Lead Agency quantified the Proposed Project's construction and operation emissions and compared them to SCAQMD's regional and localized air quality CEQA significance thresholds. The Lead Agency found that the Proposed Project's air quality impacts would be less than significant. However, the Lead Agency did not conduct a Health Risk Assessment (HRA). Detailed comments are included in the attachment.

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. When responding to issues raised in the comments, response 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 or useful to decision makers and to the public who are interested in the Proposed Project.

<sup>1</sup> MND. Page 45.

<sup>2</sup> MND. Page 17.

<sup>3</sup> MND. Page 28.

Candice Assadzadeh

February 14, 2018

Please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final MND. SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov) if you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment

LS

RVC180126-02

Control Number

**ATTACHMENT****Health Risk Assessment from Mobile and Other Sources of Air Pollution**

1. The Proposed Project is a warehouse project that has the capability of generating and attracting vehicular trips, especially heavy-duty diesel-fueled vehicles. Additionally, based on the Project Description summarized above, the nearest sensitive receptor is located less than one mile south of the Proposed Project. Because of the Proposed Project's close proximity to sensitive receptors, SCAQMD recommends that the Lead Agency perform a mobile source health risk assessment in the Final MND. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>. An analysis of all toxic air contaminant impacts due to the use of equipment potentially generating such air pollutants should also be included in the Final MND.

**SCAQMD Staff's Recommendation for Truck Trip Rates for High Cube Warehouse Projects**

2. SCAQMD staff recommends the use of truck trip rates from the Institute of Transportation Engineers (ITE) for high cube warehouse projects located in SCAQMD (i.e. 1.68 average daily vehicle trips per 1,000 square feet and 0.64 average daily truck trips per 1,000 square feet). Consistent with CEQA Guidelines, the Final MND may use a non-default trip rate if there is substantial evidence indicating another rate is more appropriate for the health risk assessment analysis.

For high cube warehouse projects, SCAQMD staff has been working on a Warehouse Truck Trip Study to better quantify trip rates associated with local warehouse and distribution projects, as truck emission represent more than 90 percent of air quality impacts from these projects. Details regarding this study can be found online here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/high-cube-warehouse>.

**Guidance on Siting Sensitive Receptors Near a High-Volume Freeway and Other Sources of Air Pollution**

3. SCAQMD staff recognizes that there are many factors Lead Agencies must consider when making local planning and land use decisions. To facilitate stronger collaboration between Lead Agencies and SCAQMD to reduce community exposure to source-specific and cumulative air pollution impacts, SCAQMD adopted the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* in 2005<sup>4</sup>. This Guidance document provides recommended policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. In addition, guidance on siting incompatible land uses (such as placing homes near rail lines) can be found in the California Air Resources Board's *Air Quality and Land Use Handbook: A Community Health Perspective*, which can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

**Mitigation Measures**

4. Should the Lead Agency, after conducting a HRA analysis, find that the Proposed Project would exceed SCAQMD's CEQA significance threshold of 10 in one million for cancer risk, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize the significant adverse impacts. Pursuant to

<sup>4</sup> South Coast Air Quality Management District. May 2005. "Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning" Accessed at: <http://www.aqmd.gov/home/library/documents-support-material/planning-guidance/guidance-document>

CEQA Guidelines Section 15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed. Several resources are available to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project, including:

- Chapter 11 of SCAQMD's CEQA Air Quality Handbook
- SCAQMD's CEQA web pages available here: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mitigation-measures-and-control-efficiencies>
- SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook for controlling construction-related emissions and Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities
- SCAQMD's Mitigation Monitoring and Reporting Plan (MMRP) for the 2016 Air Quality Management Plan (2016 AQMP) available here (starting on page 86): <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf>
- CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures* available here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Additional mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Final MND may include the following:

- Require the use of 2010 and newer haul trucks (e.g., material delivery trucks and soil import/export). In the event that that 2010 model year or newer diesel haul trucks cannot be obtained, provide documentation as information becomes available and use trucks that meet EPA 2007 model year NOx emissions requirements<sup>5</sup>, at a minimum. Additionally, consider other measures such as incentives, phase-in schedules for clean trucks, etc.
- Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas.
- Limit the daily number of trucks allowed at the facility to levels analyzed in the MND. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this land use or higher activity level.
- Provide electric vehicle (EV) Charging Stations (see the discussion below regarding EV charging stations).
- Should the Proposed Project generate significant regional emissions, the Lead Agency should require mitigation that requires accelerated phase-in for non-diesel powered trucks. For example, natural gas trucks, including Class 8 HHD trucks, are commercially available today. Natural gas trucks can provide a substantial reduction in health risks, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final CEQA document, the Lead Agency should require a phase-in schedule for these cleaner operating trucks to reduce project impacts. SCAQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency and project applicant.
- Trucks that can operate at least partially on electricity have the ability to substantially reduce the significant NOx impacts from this project. Further, trucks that run at least partially on electricity are projected to become available during the life of the project as discussed in the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS)<sup>6</sup>. It is important to make this electrical infrastructure available when the project is built so that it is

<sup>5</sup> Based on a review of the California Air Resources Board's diesel truck regulations, 2010 model year diesel haul trucks should have already been available and can be obtained in a successful manner for the project construction California Air Resources Board, March 2016. Available at: <http://www.truckload.org/tca/files/ccLibraryFiles/Filename/00000003422/California-Clean-Truck-and-Trailer-Update.pdf> (See slide #23).

<sup>6</sup> Southern California Association of Governments. <http://scagrtpsc.net/Pages/FINAL2016RTPSCS.aspx>.

ready when this technology becomes commercially available. The cost of installing electrical charging equipment onsite is significantly cheaper if completed when the project is built compared to retrofitting an existing building. Therefore, the SCAQMD staff recommends the Lead Agency require the proposed warehouse and other plan areas that allow truck parking to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for trucks to plug-in. Similar to the City of Los Angeles requirements for all new projects, the SCAQMD staff recommends that the Lead Agency require at least 5% of all vehicle parking spaces (including for trucks) include EV charging stations<sup>7</sup>. Further, electrical hookups should be provided at the onsite truck stop for truckers to plug in any onboard auxiliary equipment. At a minimum, electrical panels should appropriately sized to allow for future expanded use.

- Design the warehouse/distribution center such that entrances and exits are such that trucks are not traversing past neighbors or other sensitive receptors.
- Design the warehouse/distribution center such that any check-in point for trucks is well inside the facility property to ensure that there are no trucks queuing outside of the facility.
- Design the warehouse/distribution center to ensure that truck traffic within the facility is located away from the property line(s) closest to its residential or sensitive receptor neighbors.
- Restrict overnight parking in residential areas.
- Establish overnight parking within the warehouse/distribution center where trucks can rest overnight.
- Establish area(s) within the facility for repair needs.
- Develop, adopt and enforce truck routes both in and out of city, and in and out of facilities.
- Create a buffer zone of at least 300 meters (roughly 1,000 feet), which can be office space, employee parking, greenbelt, etc. between the warehouse/distribution center and sensitive receptors.

Additional mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Final MND may include the following:

- Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on the building roofs and/or on the Project site to generate solar energy for the facility.
- Maximize the planting of trees in landscaping and parking lots.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Install light colored “cool” roofs and cool pavements.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Use of water-based or low VOC cleaning products.

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<sup>7</sup> City of Los Angeles. [http://ladbs.org/LADBSWeb/LADBS\\_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf](http://ladbs.org/LADBSWeb/LADBS_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf)