

### Overview of Main Comments

1. CEQA Case law regarding EIR and Eventual Permit development require use of maximum reasonable physical uses ("worst case scenario" utilizing maximum use of space), as no conditions are enforceable for less impacting uses, such as "storage." In an industrially zoned area, land use is open to any variation - warehouse - "storage" - manufacturing - offices. Therefore CEQA case law requires the "worst case" be applied, which in this case means the EIR must be prepared as if all reasonable space is used for manufacturing 24 hours per day. Although considered as environmentally the "worst case", the maximum reasonable case is the "Best Case" for the commercial success of the project within the permit and regulatory confines of the project.
2. The Initial Study (IS) states only warehouse, office, and storage (mezzanine floor) with total 580,300 sq. ft. However, much of this was stated as used for "storage," rather than the allowed use of manufacturing. Thus the potential traffic generation for employees and trucks is vastly understated.
3. The EIR indicates the applicant's arbitrary limit of 75 small and medium size trucks, but that is a flexible operational "cap," not a physical limit. The truck docks in the IS and Notice of Preparation also show use of 4 docks for 3-axle trucks + 18 docks (6+6+6) for 5-axle trucks (tractor-trailer rigs), but these are not used in generation of traffic volume. Then that number of truck docks (22) was increased to 30 docks in the DEIR/FEIR, but these changes were not incorporated into the Traffic Analyses and the Health Risk Analysis.
3. Required Parking is stated too low as the calculated parking is based on warehouse and office rate rather than manufacturing. Truck traffic generation is not included and space for circulation/turnings/backings appear to interfere with some car parking and thereby reduce the calculated surplus over required.
4. Manufacturing is not defined nor described nor located in plans and is mentioned as being relocated from other LA areas. As manufacturing has different operating conditions and periods, traffic, noise, and employment generation rates compared to "warehouse" and "storage", 100% manufacturing must be assumed as the "worst case" scenario for CEQA purposes. Similarly, manufacturing in an industrial zoned area must be assumed to be 24/7 schedule not 8-5, since the site is industrially zoned and can operate 24/7.
5. Traffic Impact Analysis (TIA) is deficient. Truck traffic is included in general traffic generation incorporating a x2 Passenger Car Equivalent (PCE), so 50 trucks = 100 PCEs. No specific reference or authority is provided for the PCE ratio – it only says "Generally Accepted." Further, they use an arbitrary number of assuming 20% of the traffic is trucks, which is not justified. However, the project description and plans for permits are very specific on loading docks...18 for long trailers (53 ft. box+ 18 ft. tractor, 4-5 axles) at Buildings 2-4 and four short trailer/box trucks (3-axles) at Building 1. Therefore, truck traffic generation based on maximum manufacturing truck in/out for the 22 truck docks should have been used, not square footage. Later the number was increased to 30, but this was not included.
6. The air quality health risk assessment (HRA) is totally deficient. It states the "only trucks used are either standard cargo vans or up to 16-foot box vans," with only "up to 31 diesel-fueled trucks per day." Yet, the design includes at least 18 loading docks for long truck (53 ft. box+ 18 ft. tractor, 4-5 axles), which must be assumed as diesel. The HRA states "the analysis will assume no more than 75 daily truck trips for operation of the proposed project." However, the HRA must use the highest allowed operations of such industrial land uses: 24-hours per day and 6-7 days per week, and the highest allowed dock operations. Allowing two hours for loading/unloading truck turnovers yields 12 trucks per dock per day times 30 docks is 360 inbound trips plus 360 outbound trips for a total of 720 trips per day. Therefore the TIA/EIR are deficient in anticipated local traffic and perhaps also for freeway ramp accessing impacts. The traffic analyses must be redone and resubmitted for review, along with the dependent noise and air quality analyses.

## Detailed Comments

Note: CEQA/Related EIR Text in general font...general text with **bolding and underlining indicating important points in quoted documents.**

Text with **bolding and italics are our comments.**

Page references with page #/paragraph #

### MITIGATION

**4-ES-2** "...anticipated exceedance of PM<sub>10</sub> emissions...construction...mitigation measures shall be incorporated into the proposed project to reduce PM<sub>10</sub> emissions to below the SCAQMD significance threshold:

(Air 1) apply soil stabilizers for all unpaved roads;

(Air 2) water exposed areas 3 times a day;

(Air 3) reduce speeds to 15 miles per hour on unpaved roads;

(Air 4) establish incentives for increased transit frequency;

(Air 5) improve pedestrian network for the project site;

(Air 6) provide traffic calming measures through street improvements; and

(Air 7) apply low VOC paint for interior and exterior uses.

The mitigation measures are anticipated to reduce both construction PM<sub>2.5</sub> and PM<sub>10</sub> emissions by approximately 63 percent and 73 percent..., as well as avoid the potential for cumulatively significant impacts.

***Our Comment: The stated MMRP/MMP does not provide for monitoring the field implementation and effectiveness of the mitigation measures, and therefore a reduction of say 70% cannot be verified by field observation. The MMRP needs to identify additional measures or intensified measures added to those actually implemented to achieve the mitigation level requirements.***

**p.1-2 1.3.2 Operations** ...estimated...will generate...2,052 net passenger car equivalent (PCE) trips per average day (1,026 inbound and 1,026 outbound), of which 20 percent are assumed to be trucks.<sup>3</sup>

***These calculations are arbitrary and unsubstantiated, as will be detailed below.***

***total 410 truck PCEs = 205 inbound/205 outbound at 2 PCE/truck = total: 205 truck trips (103 inbound and 103/outbound) which does not agree with the Cap- 75, or the expected 375 based on the traffic study. This could only be consistent if the 30 truck docks had 3 turn-overs/day which appears unreasonably low (compared to pdf pg. 120, Planning Commission Appeal Decision).***

...average weekday net new peak hour PCE trips will be approximately 173 trips during the **AM peak hour** (137 inbound and 36 outbound), and 185 trips during the **PM peak hour** (47 inbound and 138 outbound).

...trips are **associated with the employee workforce and delivery of materials to and from** the proposed project site for distribution.

***This is far too low, as workforce, day/hourly shifts, trips, and material/product trucking depend on a maximum- or worst-case based on the site space and design conditions, not those assumed.***

The Traffic Impact Study was developed...and relied on **several assumptions** regarding information that was not available at the time...project applicant has **indicated** that trucks trips...would not exceed 75 daily truck trips and, therefore, the analysis will assume no more than 75 daily truck trips for operation of the proposed project.<sup>4</sup>

***Statements of applicant, such as 75 daily truck trips, are not pertinent to the EIR, which must rely on the site space and design. It must reflect worst case conditions based on:***

***Uses of proposed floor area for highest allowed industrial uses - garment manufacturing;***

***Highest allowed operations of such industrial land uses - 24-hours per day and 6-7 days per week;***

***Highest allowed dock operations, such as using two hours for truck dock loading/unloading with 30 docks and 24 hour operations = 24/2 = 12 trucks x 30 docks = 360 turnarounds/day, which yield a total truck trips, not PCEs, of 720 trips/day. PCEs would be more than 1440 PCEs/day.***

138 **Appendix V** Air Quality Health Risk Assessment (HRA)

142 20152110.001A/IRV14R05641.docx Page 1 of 20 September 17, 2014 Copyright 2014 Kleinfelder Only non-perishable goods will be transported to and from the Proposed Project,...only trucks used are either **standard cargo vans or up to 16-foot box vans.** ... include both cargo vans and box trucks,...one-half of the trucks are box vans and one-half are cargo vans.

...HRA, based on...Traffic Impact Study prepare by Traffic Design, Inc.,...assumed that a maximum of 342 trucks could arrive...and 342 trucks could depart the facility each day....assumed that they will idle for a **short time upon arriving and prior to departing**.

Trucks were assumed to arrive and depart...during the hours of **8:00 AM to 5:00 PM (9 hours)**, 6 days per week, 52 weeks per year.

**HRA assumption regarding trucks limited to standard cargo vans or up to 16-foot box vans is totally in error with proposed designs and number of docks and their lengths to accommodate many 3-axle and 5-axle trucks. More than 18 docks are designed for 18-wheeler/5-axle tractor-trailer trucks. More than 4 docks are designed for box/3-axle trucks. Vans do not require truck docks to load and unload, so they could be in excess of the 720 truck trips per day at the loading docks. As an industrially zoned property, no requirements exist for limiting working hours to 8 am-5 pm and therefore the project must be assumed to operate at its maximum allowable limits of 24 hours, 6-7 days/week.**

**The entire HRA must be redone using commercially-Best-Case full time operations, with maximum (worst)-case environmental conditions.**

2 This HRA focuses only on **truck traffic on-site**...due to the fact that the traffic study indicated that...not meaningfully change the level of service..., and the level of service would remain at D or better...

**HRA assumption is not based on allowed worst-case condition and maximum profitability and successful implementation of the project - 24/6-7 operations.**

**Another potential for expansion by conversion to full mezzanines (= two floors), and increased manufacturing with just in time delivery of materials and removal of products.**

19 There are a **relatively small number of diesel-fueled trucks** that will be using the proposed facility (**up to 31 diesel-fueled trucks per day**...estimated 342 total trucks per day).

**Totally in error. Assuming 30 docks operating 24/7 and 2-hr. turn-around for each truck round trip, an estimated truck trips should be about 12 x 30 days = 360 truck round-trips/day, or 720 individual truck movements throughout the day. Loading docks are designed for 5-axled tractor-trailer trucks, which are likely to be diesel. There is no justification for limiting to 31 diesel-fueled trucks per day.**

Traffic Design, Inc., **Addendum to Traffic Impact Study** 4051 Alameda Street Alameda Industrial Park **Warehouse**, Los Angeles, California, August 2014

35 **Appendix IX** Addendum to Traffic Impact Study

2 A **subsequent traffic letter...September 2013**...inclusion of 29,896 gross square feet of manufacturing use within the total building square footage of 497,219....**concluded** that the project would result in an additional 84 trips per day, 21 trips per AM peak hour and 20 trips per PM peak hour...determined that...would not change the future 2014 levels of service (LOS)...would continue to operate at an acceptable LOS D or better and project's impacts will remain insignificant.

2 This addendum is based on current project plans...constructing a warehousing and manufacturing facility with 4 units....provide...461,542 square feet of warehousing (including 85,181 square feet of ancillary office uses) and 29,896 square feet of manufacturing spaces.

**The addendum and project does not include "worst-case analyses" of traffic, especially trucks, based on maximum operating uses (garment manufacturing) and use periods (24/7) and 30 truck docks. As indicated above, 360 truck round-trips or 720 individual truck movements appear to reflect the "best-case" commercially and "worst-case" environmentally.**

**The issue is the entire facility could be used for manufacturing, which would employ 688 people<sup>1</sup> times 3 shifts per day or over 2000 trips inbound and 2000 outbound each day for a total over 4000 trips per day.**

3 Table 1 shows...project will generate approximately 1,968 net passenger car equivalent (PCE) trips per average day (984 inbound and 984 outbound). The average weekday net new peak hour PCE trips will be approximately 179 trips during the AM peak hour (140 inbound and 39 outbound), and 190 trips during the PM peak hour (50 inbound and 140 outbound).

<sup>1</sup> Calculation uses the submitted calculation that 29,896 gross square feet of manufacturing would result in an additional 84 trips per day, which we assume is 42 employees. Multiplying that ratio of 1.4 employees per 1000 sq ft by the total of 491,438 sq ft yields 688 employees per shift or 2064 total. Additional capacity could be added by adding a second floor "mezzanine" to much of the space.

**Planning Commission findings indicate different higher PCE and truck numbers. But even these do not apply allowable/worst-case analyses...and grossly under-estimate truck and PCE traffic numbers.**

3 The developer's existing operations...currently result in a maximum of 33 truck trips per day. The operations at these facilities will be transferred at the project location at the project build-out, and therefore, the project's truck trips are likely to remain at 33 trips per day. Assuming these trips will not be more than 75 trips per day, a separate trip generation estimate for the project for 75 truck trips per day is also calculated and shown in Table 1.

**Other findings indicate different higher PCE and truck numbers. They do not apply allowable/worst-case analyses...and grossly under-estimate truck and PCE traffic numbers.**

4 If Project related truck trips are limited to a maximum of 75 trips per day  
**Again, this arbitrary "limit" is not factual or based on physical designs and only stated by applicant. The analysis should be based on at least 351x2=702 round trips/day.**

5/2 The increase in V/C ratio by project traffic at the intersection of Alameda Street and Washington Boulevard is 0.016 at LOS E during the PM peak hour, which is considered a significant impact.

**The trips/traffic analyses require significant revision and application of "maximum-allowable"/"worst-case" analyses which would further degrade V/C and change of LOS. Further the entire traffic analyses do not provide estimated Vehicle-Miles Travelled findings and do not apply maximum-allowable/worst-case analyses.**

5/3 As a mitigation measure,...developers proposed to **limit the number of truck trips to a maximum of 75 trips per day**, a significant reduction from estimated 351 truck trips per...

**This is an arbitrary "limit"/"cap" but is inconsistent with the 30 docks and is largely unenforceable based on the industrial uses and operations allowances.**

**9 Conclusion** The traffic impact analysis...will generate approximately 1,968 net passenger car equivalent (PCE) trips per average day (984 inbound and 984 outbound). This estimate assumes that approximately 20% of all trips generated (20%=394, other statements say 351 trips per day) will be made by trucks. The impact of the traffic from the project will exceed the threshold of significance...developer **estimates** that **no more than 75 trucks trips** are **expected** to made to and from...**at project build-out**. With this significant reduction in truck trips, **it has been determined**...will not have any significant impact during the PM peak hour.... Therefore, no other off-site mitigation measures will be necessary for the development of this project.  
**The "limit"/"cap"/"estimate"/"expectation" is entirely inconsistent with the 30 docks and is largely unenforceable based on the industrial uses and operations allowances.**

## Additional Issues

### Employment

#### 4-5 Project Objectives

#### Location and Coverage

**DEIR 3-4/3 & 6-2/3-6-3/1 C. PROJECT OBJECTIVES** The underlying goal...enhance the industrial sector...by providing nearly **1,000 jobs to the local economy**.

...list of identified and prioritized objectives...achieving the proposed project **goals**:

Construct a new industrial park...provides a **minimum** of **480,000 square feet** of **light industrial** space to facilitate **garment manufacturing**.

**No mention of warehousing or storage, inconsistent with other sections.**

Locate...within 3 miles of an existing garment manufacturing labor force...

**No specifics and no distances and boundaries. No justification for net new jobs expected at current site vs. relocated jobs. Inconsistent with other assumptions.**

Develop...along the Alameda Corridor to take advantage of **distribution efficiency** opportunities.

Provide opportunities for the proposed project's labor force to **utilize existing public transit systems** and other multi-modal transportation opportunities...

**No specifics...should provide specific mitigation measures such employee shuttle buses between site and nearest rail transit lines. Carpools should be promoted.**

Providing an enhanced employment base for...Area's population.

**No specifics...Distances/zip code limits for employees.**

**Other parts say "relocation" without losses or additions.**

**Job additions in source locations of relocated facilities not on project site.**

...Area population stands to benefit from the proposed project...

**Other parts say "relocation" without losses or additions. That implies job additions would be in original locations of relocated facilities not on project site.**

**economic stimulation** through employment opportunities,

...attracting **commercial** and industrial tenants...

...providing **tax revenue** for the City.

**No specifics on the actual economic benefits to be provided. They need to provide numerical parameters to provide basis for comparing alternatives.**

**No definition of manufacturing vs warehousing and traffic to deliver raw materials and to transport finished products.**

**No quantitative compilation of tax revenue generated vs cost of utilities and services; remembering transport services are heavily subsidized (>50%) by taxes (property and sales).**

### **Traffic**

The Addendum to the Traffic Impact Study [Appendix 9] was updated...and includes

an update of current traffic counts to 2014 data,

an update of the traffic analysis with current project design features

including an updated square footage of all buildings,

proximity to public transit,

the hiring of 10 percent of the workforce within one mile of the project site,

an additional analysis of potential impacts to...on/off ramps at Alameda Street...I-10 freeway,...

an analysis of potential impacts with a maximum of 75 daily truck trips.

**6-13/2** ...Reduced Truck Operations Alternative would **cap the maximum allowable truck trips** at 75 trips per day and therefore would not allow for the up to 100 trips during the peak hour, or up to 342 daily trips...

**6-14/1** Truck trips during the operational phase of the project are the primary contributor to emissions of criteria air pollutants. Unlike the proposed project, the Reduced Truck Operations Alternative would **cap the maximum allowable truck trips** at 75 trips per day...

**Can't verbally cap, must include maximum physical capacity for analyses then provide physical constraints as to number of trucks, activities per site, and operations periods...with enforceable conditions.**

**Noise Appendix 3.2-21/1** As Table 2.6.3.3-1 indicates, Alameda Street experiences the highest **average** daily volume for traffic conditions at 13,500 vehicles per day, with 41st Street experiencing the **lowest average** daily volume at 5,000 vehicles per day....Traffic Impact Study concluded that the proposed project is expected to result in...1,710 total vehicle trips per day,...342...by...both medium and heavy trucks...

**The worst-case trucking, traffic and operations have not been analyzed and therefore stated averages do not apply. Maximum numbers must be used, and generated noise levels are reasonably expected to be far higher and significant.**

### **TIA 17/TABLE 5 TRIP GENERATION BY 4051 S. ALAMEDA...INDUSTRIAL PARK WAREHOUSING PROJECT**

Total Vehicle Trip Generation

Truck Trip Generation (20% of Vehicular Trips)

Passenger Car Equivalent (PCE) Trip Generation...(1 Truck = 2 Passenger Cars)

Non-truck (Passenger Car Equivalent) Trips

Net New Trips in PCE 2,052

Average Traffic Volume Note: All trip rates are average rates Ref: Institute of Transportation Engineers (ITE)'s "Trip Generation". 8th Edition, 2007<sup>2</sup>

**Preparer used older, outdated version rather than 2012 version, 9th Edition and without the correct citation. TIA must use most recent edition (or present compelling reasons for using older version).**

**Trip Generation, 9th ed.** ITE 2012, ISBN-13:978-1-933452-64-7; ISBN-10:1-933452-64-. Item IR-016G

<sup>2</sup> The 8<sup>th</sup> Edition was actually published in 2008.

### **Mitigation Monitoring and Reporting Plan (MMRP)**

*Issues: Mitigation 7-8 Mitigation definition, specificity, enforceability*

#### **FEIR Sec.V/5 MMRP**

[http://planning.lacity.org/eir/4051SoAlamedaStProj/feir/4051%20South%20Alameda%20Street%20Project\\_Final%20EIR\\_Section%20V%20Mitigation%20Monitoring%20Plan.pdf](http://planning.lacity.org/eir/4051SoAlamedaStProj/feir/4051%20South%20Alameda%20Street%20Project_Final%20EIR_Section%20V%20Mitigation%20Monitoring%20Plan.pdf)

**No specific references to monitoring measures which assure mitigation measures will actually reduce the impacts by the required amount to achieve - "less than significant with mitigation."**

**No specific references to reporting of compliance and adequacy of lowering or eliminating the assessed impacts.**

**Need to specify regular monitoring of passenger and truck trips, including identification of trucks that are electric, diesel, or gasoline powered.**

**MMRP 5-1/2** The project was designed to avoid impacts through the incorporation of certain design features..., thus supporting determinations of no impact or less than significant impact for certain environmental resources.

**MMRP 5-1/3** ...following issue areas: air quality, cultural resources, transportation/traffic, and utilities and service systems.

**No basis for statements - Design features were not described and central traffic issue relates to numbers of diesel fuelled trucks using the project which must be based on area x uses x # of docks, which result in >350 one-way truck trips per day (not the NON-design operational "CAP" of 75).**

**MMRP 5-1/4** The Applicant...provide documentation concerning **implementation** of the listed mitigation measures to the appropriate **monitoring**...and...enforcement agency...

**Monitoring appears to be only based on initiated and completed measures, which does not necessarily show the actual reduction of impacts and compliance/achievement of "less than significant" levels. Monitoring must also verify that the mitigation achieved is less than significant impact and, if not, specify additional measures.**

**MMRP 5-2/3** MM-Air-1: During the construction phase...applicant shall apply **soil stabilizers** for **all unpaved roads (80 percent reduction in PM2.5 and PM10 emissions)**.

**Application of stabilizers is unquantified thus 80% reduction from some levels are unenforceable and unmonitorable.**

**MMRP 5-11/3** MM-Traffic-4: ...applicant shall provide the **number of Code required parking spaces** as specified by the Department of Building and Safety:

**Which is it: Code or as specified by DB&S?**

**The problem is that there are no enforceable limits with regard to the construction of a mezzanine or internal second story that could house hundreds more workers. Bldg. 2 is shown with a mezzanine and designated as with a second story. No conditions are provided for prohibiting expansion of mezzanines to form complete internal second floors in all the buildings, as indicated in Bldg. 2 summaries.**

**The EIR is unclear as to physical or code requirements on mix of spaces and the generation of traffic based on variable space.**

**It is also unclear as to truck dock spaces compared to "parking spaces" and generation of truck traffic.**

#### **MMRP 4.G-13/1**

Approximately 20 percent of all vehicular trips generated by **a warehouse** are designated as truck trips to allow evaluation of a **reasonable worst-case scenario**. A truck trip is **generally equivalent** to two (2) passenger car trips on average. Therefore, **a 2.0 factor** was applied to the number of truck trips to estimate passenger care equivalent (PCE) trips generated by the trucks.

**Finding does not indicate comparative values of warehouses and manufacturing with materials deliveries and products removed.**

**"Generally equivalent" and "reasonably worst-case scenario" are not defined nor sourced from a credible documents and cannot be accepted as "worst-case" as required by CEQA and most permitting agencies.**

**MMRP 4.G-17/3** The updated traffic impact analysis...indicates that the proposed project will generate...**1,966** net PCE trips per average day, and the average weekday net new peak hour PCE trips will be approximately 179 trips during the a.m. peak hour, and 190 trips during the p.m. peak hour (Appendix IX). ...these estimates...developed based on...351 truck trips per day...project applicant has **indicated** that truck trips associated with operation...would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C in this Draft EIR.

**The EIR provides no definition of "indicated" compared to conditional-permit-, design-, or physically-limited or even "truck trips": 75 trips / In+Out-bound=150 truck movements is not consistent with the rest of the submittal or the physical design.**

**In addition, this statement does not use Worst-Case: areas x floors-mezzanines x uses x hours x truck-docks. Since truck traffic and operations have not been adequately analyzed, therefore averages are useless.**

**No mention of Geology/Geophysics issues, although the South/Southeast Community Plan references include seismic data center results that have shown earthquake swarms of 1999 and earlier in the vicinity of the project. Earthquake analysis must be included.**

**Recorded Earthquakes in Project Vicinity**

#Y/M/D	HH:mm	MAG RM	LAT	LON	DEPTH km
1973/06/09	11:26	1.70	34.008	-118.252	5.8
1974/01/23	23:46	1.70	34.013	-118.252	5.0
1976/09/24	14:02	2.49	<b>34.003</b>	-118.245	5.9
1981/04/27	20:47	1.50	34.014	-118.226	11.4
1984/03/15	13:08	1.91	34.016	<b>-118.258</b>	4.7
1986/10/19	18:36	1.91	34.003	-118.240	13.3
1992/10/29	14:36	1.83	34.009	-118.231	<b>16.7</b>
1999/06/17	01:14	1.80	<b>34.006</b>	-118.231	6.6
1999/06/17	06:41	2.09	34.007	-118.229	9.4
1999/06/17	13:51	1.57	34.017	<b>-118.224</b>	6.9
1999/06/20	20:26	1.67	<b>34.019</b>	<b>-118.224</b>	6.5
1999/06/25	08:36	2.29	<b>34.019</b>	-118.237	5.4
1999/06/25	08:37	2.09	34.016	-118.227	5.1
1999/06/29	12:59	2.33	<b>34.006</b>	-118.244	6.9
1999/06/29	14:35	<b>2.72</b>	34.012	-118.228	6.3
1999/06/29	18:15	1.85	<b>34.019</b>	<b>-118.253</b>	<b>3.4</b>
1999/07/20	23:58	1.50	34.010	-118.234	15.6
2002/03/07	22:18	1.47	34.007	-118.227	8.5
2007/06/14	09:11	1.65	34.017	-118.248	14.7
Total	19				

**1-6/3** F. ALTERNATIVES TO THE PROPOSED PROJECT The Draft EIR considers a reasonable range of alternatives to the proposed project to provide informed decisions-making...The No Project Alternative that is required under CEQA and two other alternatives have been carried forward for detailed analysis in this Draft EIR:

- Alternative A: No Project Alternative
- Alternative B: Use of Clean Fuel Trucks
- Alternative C: Reduced Truck Operations

Alternative C, Reduced Truck Operations, was determined to be the environmentally superior alternative. These alternatives are described and analyzed in Section VI.

**The EIR is unclear as to whether Alternative C or the proposed project is to be implemented.**

**However, Alternative C (and Alternative B) are purely operational conditions; they cannot be justified as Alternatives nor as mitigation measures as the project could be operated as a manufacturing facility, with 40-50% more floor area, with 24/7 operating periods, significantly**

**higher employee levels, and 6-8 times more trucks, using the physical characteristics of the project.**

#### **Alternatives**

**4-5** alternatives and objectives

**6-5/**Table VI-1 Summary of the Ability...to Attain Project Objectives

**The statement does not derive from use of Worst-Case: areas x floors-mezzanines x uses x hours x truck-docks, and truck traffic and operations have not been analyzed and therefore averages are useless.**

**Only four alternatives: project, no project, cleaner trucks, and fewer trucks**

**Latter two alternatives are merely for mitigation; they are not valid alternative considerations. Such alternatives are solely operational issues within the manufacturing land use zoning and can be achieved operationally without change of land use, thus are unenforceable.**

**Within land use restrictions for industrial uses for the proposed project site/parcels, no distinctions exist between warehouse and manufacturing operations; the empty shell of floors, walls, and roofs allow for either garment/apparel storage/warehousing of materials and goods or for their manufacturing. An applicant's statement as to the areas for each has no enforcement authority unless specifically included as specific conditions of the permits or is restricted by fire codes for other reasons.**

6-5/1 Table VI-2, Summary Impacts...provides a comparison analysis of impacts associated...Table VI-2 is followed by a detailed comparison...

**No alternatives for 50-100% additional floor area within the building print and employees, say 1500, or higher portion of manufacturing and automation. No detail comparisons are provided for physical changes and purely depend on a proposed operational level of floor uses, operating period, and employee counts and the opportunities of adding mezzanine floor area ("second floors").**

**B-24/1** Therefore, the chances of uncovering mineral resources during construction and grading would be minimal. Project implementation would not result in the loss of availability of a known mineral resource of value to the region and residents of the State, nor of a locally important mineral resource recovery site. No impacts to mineral resources would occur. Further analysis of Mineral Resources is not necessary and no mitigation measures are required.

**The CEQA review focused only on gravel and sand and other mineable materials and disregarded known petroleum-oil and gas within beneath the Project site and vicinity. This must be considered.**

## **BACKGROUND - Brief Resume**

Dr. Tom Williams, PhD (Legal name: Clyde Thomas Williams), Retired

### **Education**

BS Geology/Zoology, University of Kansas

MS Zoology, University of Kansas

PhD Paleontology, University of California Berkeley

### **Professional Employment**

URS Corporation (San Mateo/San Francisco)

Engineering-Science, Berkeley and Arcadia, CA. Worldwide

Parsons Corp., Pasadena, CA. Worldwide

MHA, San Mateo, CA

ERM/ERL-Asia Ltd. and Mott-MacDonald, Hong Kong

Hyder Consulting, Dubai and Abu Dhabi, UAE

Belyoah, Neemtech, and Other Dubai, UAE

Jebel Ali Ports Authority and Free Zones (Dubai World),

Jebel Ali Properties, Nakheel, and Limitless, Dubai, UAE

Belize Conservation Association, South Coast Development Project

Environmental Controls Supervisor, RTD/MTA Red Line Phase 1 Construction Management 5 years

Environmental Specialist/Manager, Shell Oil Facilities Los Angeles Region, 3 years

Environmental Assessments, Cairo Water Project, US Agency for International Development, 3 years

Beijing Environmental Management Plan, Asian Development Bank, 1 year

Institutional Strengthening for Environment Assessment. Mongolia, Asian Development Bank, 3 years

### **Professional Experience**

General - Geology, Oil and Gas, Mining, Hazardous Materials/Wastes

Infrastructure - Water, Power, Sewerage, Drainage, Landfills/Incineration, Shipping, Ports, Airports, Intermodal Logistics

Urban, Industrial, and Conservation Land Use Planning and Development, Air Quality, Meteorology, and Climate Analysis

Preparation, analysis, and comments for over 400 EIRs/EISs/EAs/MNDs for projects worldwide, 1972-2017

### **Volunteer Experience**

Co-founder, Citizens Coalition for A Safe Community, Culver City, CA

## EIR Maximum "worst case" Case Law

### Filed 7/7/14 CERTIFIED FOR PUBLICATION IN THE COURT...

[www.courts.ca.gov/opinions/archive/A137828.DOC](http://www.courts.ca.gov/opinions/archive/A137828.DOC) CSTI's principal argument is that the **EIR** should have been prepared as a program...a "project **EIR**" that analyzes all phases of the Project at **maximum** buildout. ....we have no quarrel with CSTI's citation to **case law** articulating..... "to engage in speculation in order to analyze a '**worst case** scenario'").

### [PDF]**Sunnyvale West v. City of Sunnyvale City Council - California Natural ...**

[resources.ca.gov/ceqa/cases/2010/Sunnyvale\\_West\\_v.\\_Sunnyvale\\_City\\_Council.pdf](http://resources.ca.gov/ceqa/cases/2010/Sunnyvale_West_v._Sunnyvale_City_Council.pdf) Dec 16, 2010 - court stated that, under cited **case law**, deviation from normal ..... As to cumulative noise impacts, the draft **EIR** states: "**largest** source of....exceeded, (3)city determined that **worst case** carbon monoxide.

[PDF]**Response of Plaintiff - League of California Cities** [www.cacities.org/UploadedFiles/.../ac/ac9f888d-036c-4ee6-aa0b-ac106066b61d.pdf](http://www.cacities.org/UploadedFiles/.../ac/ac9f888d-036c-4ee6-aa0b-ac106066b61d.pdf) Dec 17, 2012 - In addition, the Opinion considers whether the GPU **EIR's** project description was ... The continued development of **case law** addressing these issues .... general plan update and provides further discussion on the **maximum** growth rates ... distinction between the **worst-case** growth rate and actual growth ...

[PDF]**Sheppard Mulmin - City Clerk Los Angeles** [clkrep.lacity.org/onlinedocs/2013/13-0593\\_misc\\_z\\_5-31-13.pdf](http://clkrep.lacity.org/onlinedocs/2013/13-0593_misc_z_5-31-13.pdf) May 31, 2013 - **case law** holds that stable project ... scenarios. concept plan in the Draft **EIR** identifies project components including ... The **DEIR** presents these principal project components within a **maximum** development and ... This "**worst-case** impact envelope" approach complies with CEQA...

### **Burbank/Glendale/Pasadena Airport Land Acquisition and Replacement ...**

<https://books.google.com/books?id=lfq0AQAAMAAJ> 1995 Does NEPA and CEQA guidelines and **case law** permit the FAA to allocate ADAP funds in a ... The **EIR** fails to discuss Lockheed Air Terminals potential financial benefits from a **maximum** unconstrained growth terminal, and potential ... will exist, (the **worst case** scenario), and the long term environmental consequences as ...

[PDF]**CEQA Case Summaries - JD Supra** [documents.jdsupra.com/91189a57-cbd0-461d-a2b2-308c8048b003.pdf](http://documents.jdsupra.com/91189a57-cbd0-461d-a2b2-308c8048b003.pdf) Applying these standards to the project description used in the **EIR**, the court found that the .... subject to prior permits that specified a **maximum** rate of heat production for ... significant impact because even the **worst case** increased emissions .... **Case Law**. In the first reported CEQA decision addressing greenhouse gas ...

### [PDF]**3.0 environmental analysis - City of San Diego**

<https://www.sandiego.gov/planning/genplan/pdf/peir/environmentalanalysis.pdf>

<https://www.google.com/> Sep 1, 2007 - The environmental issue areas analyzed in this section of the **EIR** include: ... Impact Analysis presents evidence, based to the **maximum** extent possible ... the **worst-case** scenario of full, but theoretical development of the General Plan....be responsive to **case law** as 2003 court decision regarding the EI.

**Appellate Court overturns Merced Superior Court CEQA decision ...** [badlandsjournal.com/2007-04-11/00262](http://badlandsjournal.com/2007-04-11/00262) Apr 11, 2007 appellate court ruled that Jaxon's **EIR**, board of supervisor's ... producing good **case law** from Merced County supervisors' habit of approving bad projects "**worst case**" annual production levels...not occur every year....analyzing peak traffic issues, **EIR** used mine's **maximum** ...

### [PDF]**Correspondence Received after packet mail out ... - Napa County**

[services.countyofnapa.org/AgendaNet/DownloadDocument.aspx?type...id...](http://services.countyofnapa.org/AgendaNet/DownloadDocument.aspx?type...id...) concerning Syar Napa Quarry Expansion Project's **EIR**. 411-16: The **DEIR** reveals that those noise levels under **worst-case**... activities would be approximately 80 dBA Lso at a distance of 100 feet, and **maximum** instantaneous noise ..... CEQA **case law** supports the public's right to rely upon less rigorous or.

[PDF]**Section 3 Responses to Comments Letters 21-22 - Indian Wells Valley ...** [www.iwvwd.com/wp-content/.../Section-3-Response-to-Comments-Letter-21-22.pdf](http://www.iwvwd.com/wp-content/.../Section-3-Response-to-Comments-Letter-21-22.pdf)

[http://webcache.googleusercontent.com/search?q=cache:pExvfjwxAAoJ:www.iwvwd.com/wp-content/uploads/2013/08/Section-3-Response-to-Comments-Letter-21-](http://webcache.googleusercontent.com/search?q=cache:pExvfjwxAAoJ:www.iwvwd.com/wp-content/uploads/2013/08/Section-3-Response-to-Comments-Letter-21-22.pdf+&cd=10&hl=en&ct=clnk&gl=us)

[22.pdf+&cd=10&hl=en&ct=clnk&gl=us](http://webcache.googleusercontent.com/search?q=cache:pExvfjwxAAoJ:www.iwvwd.com/wp-content/uploads/2013/08/Section-3-Response-to-Comments-Letter-21-22.pdf+&cd=10&hl=en&ct=clnk&gl=us) Response to Comment 21-1: This comment states that the **EIR** uses the ... impacts is not allowed under CEQA **case law**. ... This is an engineering term referring to the **maximum** continuous capacity for which plant ...**worst-case** scenario

## **Jim Stewart, PhD Statement of Qualifications**

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I am a sustainability consultant with expertise in analysis of greenhouse gas emissions, transportation, parks, waste and energy issues. I worked for many years as Associate Director of the Southern California Council on Environment and Development and Executive Director of People for Parks. I have been co-chair of the Sierra Club California Energy Climate Committee for nearly ten years. I also served on the Southern California Council of Governments Regional Transportation Plan Technical Advisory Committee. In the course of this work I have done many reports and technical analyses for a variety of environmental issues.

Previously I was a professor of physics and published papers in nuclear and chemical physics. My academic credentials include a B.S. in Physics from Iowa State University, Ames, Iowa, an M.S. and PhD in Physics from Yale University, and an M.S. in Urban Studies from Southern Connecticut State University.