Palmdale Logistics Center
SCH No. 2023090551

Final Environmental Impact Report

Prepared for
City of Palmdale
38250 Sierra Highway
Palmdale, CA 93550

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1. Introduction

This Final Environmental Impact Report (Final EIR) has been prepared in conformance with the environmental policy guidelines for the implementation of the California Environmental Quality Act (CEQA) to evaluate the environmental effects that may result from construction and operation of the proposed Palmdale Logistics Center (proposed Project).

According to CEQA Guidelines Section 15132, the Final EIR shall consist of:

(a) The Draft Environmental Impact Report (Draft EIR) or a revision of the Draft EIR;

(b) Comments and recommendations received on the Draft EIR, either verbatim or in summary;

(c) A list of persons, organizations, and public agencies commenting on the Draft EIR;

(d) The responses of the lead agency to significant environmental points raised in the review and consultation process;

(e) Any other information added by the lead agency.

This document contains responses to comments received on the Draft EIR during the public review period, which began September 24, 2024, and ended on November 7, 2024. This document has been prepared in accordance with CEQA, the State CEQA Guidelines, and represents the independent judgment of the lead agency, which is the City of Palmdale. This document and the circulated Draft EIR comprise the Final EIR in accordance with CEQA Guidelines, Section 15132.

A Notice of Availability of the Draft EIR was published concurrently with distribution of this document.

1.1 FORMAT OF THE FINAL EIR

The following chapters are contained within this document:

Section 1.0, Introduction. This section describes CEQA requirements and the content of the Final EIR.

Section 2.0, Response to Comments. This section provides a list of agencies and organizations who commented on the Draft EIR, as well as copies of their comment letters received during and following the public review period, and individual responses to their comments.

Section 3.0, Revisions to the Draft EIR. This section contains revisions made to the Draft EIR as a result of the comments received by agencies and organizations as described in Section 2.0, and/or errors and omissions discovered since release of the Draft EIR for public review.

The City of Palmdale has determined that none of this material constitutes significant new information that requires recirculation of the Draft EIR for further public comment under CEQA Guidelines Section 15088.5. The additional material clarifies existing information prepared in the Draft EIR and does not present any new substantive information. None of this new material indicates that the Project would result in a significant new environmental impact not previously disclosed in the Draft EIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

Section 4.0, Mitigation, Monitoring, and Reporting Program. This chapter includes the Mitigation Monitoring and Reporting Program (MMRP). CEQA requires lead agencies to "adopt a reporting and

mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA Section 21081.6, CEQA Guidelines Section 15097). The MMRP was prepared based on the mitigation measures included in the Draft EIR and finalized in this Final EIR.

1.2 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of Draft EIRs should be "*on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible … CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR*."

CEQA Guidelines Section 15204(c) further advises, "*Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.*" Section 15204 (d) also states, "*Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility.*" Section 15204 (e) states, "*This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.*"

In accordance with CEQA, Public Resources Code (PRC) Section 21092.5, copies of the written responses to public agencies are being forwarded to those agencies at least 10 days prior to certification of the Final EIR, with copies of this Final EIR document, which conforms to the legal standards established for response to comments on the Draft EIR pursuant to CEQA.

2. Errata

2.1 INTRODUCTION

As provided in Section 15088(c) of the CEQA Guidelines, responses to comments may take the form of a revision to a Draft EIR or may be a separate section in the Final EIR. This section complies with the latter option and provides changes to the Draft EIR shown as strikethrough text (i.e., ~~strikethrough~~) signifying deletions and in bold double underlined text (i.e., **bold double underlined**) to signify additions. These changes are meant to provide clarification, corrections, or minor revisions made to the Draft EIR initiated by the Lead Agency (City of Palmdale), reviewing agencies, the public, and/or consultants based on their review. Text changes are presented in the section and page order in which they appear in the Draft EIR. None of the corrections or additions constitute significant new information or substantial project changes that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

2.2 CHANGES TO THE DRAFT ENVIRONMENTAL IMPACT REPORT

The following text, organized by Draft EIR Sections, has been revised in response to comments received on the Draft EIR and corrections identified after the Public Draft EIR was released.

Section 1.0, Executive Summary

Page 1-3, Section 1.3, *Project Objectives*, is revised as follows:

1.3 Project Objectives

The Project site plan has been designed to meet a series of Project-specific objectives that have been carefully crafted in order to aid decision makers in their review of the Project and its associated environmental impacts. The primary purpose and goal of the Project is to develop an underutilized property with an employment-generating industrial use to help grow the economy in the City of Palmdale. The Project would achieve this goal through the following objectives:

- To make efficient use of the property in the City of Palmdale by adding to its potential for employment-generating uses.
- To attract new business and employment to the City of Palmdale and thereby promote economic growth.
- To reduce the need for members of the local workforce to commute outside the Project vicinity to work.
- To develop an underutilized property with two industrial warehouse buildings near State Route 14 and State Route 138, to help meet demand for logistics business in the City and surrounding region.
- To build an industrial warehouse project in Palmdale that ~~are~~ **is** similar to and compatible with other industrial buildings that were recently built or recently approved for construction in Palmdale.
- **To develop a project that does not contribute to surface and groundwater quality degradation by treating surface and stormwater flows.**

Section 4.0, Environmental Setting

Page 4-17, Section 4.4.16, *Utilities and Service Systems*, is revised as follows:

Wastewater

Los Angeles County Sanitation Districts (LACSD) provides wastewater treatment, and recycled water services within LACSD's service area. LACSD is a public agency consisting of 24 independent special districts serving approximately 5.5 million people in Los Angeles County. The service area covers approximately 850 square miles which encompasses 78 cities and unincorporated areas throughout the County, treating about 400 million gallons per day. LACSD has a wastewater system that consists of 11 wastewater treatment facilities, 49 pump stations, over 1,400 miles of sewer and two composting facilities.

The Project site is adjacent to the Antelope Valley Service Area of the Los Angeles County Sanitation District No. 14 (LACSD14), which services the Cities of Palmdale and Lancaster as well as surrounding unincorporated areas and operates the Lancaster Water Reclamation Plant (LWRP). The closest sewer main to the Project site operated by LACSD14 is located within 30th Street East. The LWRP serves approximately 160,000 people providing primary, secondary, and tertiary treatment with a design capacity of 18 million gallons of wastewater per day (MGD). The recycled water is then used for landscape irrigation and other municipal and industrial purposes in the City of Lancaster and surrounding areas.

In 2020, the LWRP collected and treated approximately 16,416 AFY of wastewater from the City of Lancaster, City of Palmdale, and Los Angeles County Public Works (Los Angeles County Waterworks, 2021). **According to the LACSD,** ~~Thus, on average,~~ **the** LWRP **currently processes an average flow of 13.0** ~~treats approximately 14,656,775~~ million gallons per day ~~or 44.98 AF per day~~ while having a capacity to treat 18 million gallons per day.

Section 5.1, Aesthetics

Page 5.1-6, Section 5.1.6, *Environmental Impacts*, is revised as follows:

5.1 Environmental Impacts

IMPACT AESTHETICS-1: THE PROJECT WOULD NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA.

Less than Significant Impact.

A scenic vista can be impacted in two ways: a development project can have visual impacts by either directly diminishing the scenic quality of the vista, or by blocking the view corridors or "vista" of the scenic resource at public locations. As mentioned in Section 5.1.3*, Environmental Setting*, the City considers scenic vistas within the city as views of the desert and local mountains. Distant mountain views of the San Gabriel Mountains (located approximately 34 miles to the southeast), the Sierra Pelona Mountains (approximately 11 miles to the west), and the Tehachapi Mountains (approximately 36 miles to the northwest) are available from roadway corridors surrounding the Project site. Furthermore, Goal 2 of the Conservation Element identifies the following ridgelines as contributors to the aesthetic character of the Antelope Valley: Ritter Ridge, Portal Ridge, Verde Ridge, the Ana Verde Hills, the Sierra Pelona Mountains, and the lower foothills of the San Gabriel Mountains.

The Project site is not within or adjacent to a scenic vista. The Project site consists of vacant, undeveloped land that is generally flat and featureless with a patchy ground cover of grass, weeds, and tumbleweeds, and a row of salt cedar (*Tamarisk*) shrubs along the northeastern boundary. The site varies in vegetation

densities from unvegetated to sparsely vegetated. The site is visible from surrounding roadways and adjacent parcels.

The Project vicinity is relatively flat, allowing for distant views of the surrounding desert and mountains, with some obstruction due to existing structures, such as utility poles, trees, and other elements of the built environment, such as the solar panel arrays to the west of the site and the airport industrial logistics uses that are across East Avenue M/Columbia Way to the south of the site. Long distance background views of the San Gabriel Mountains are provided from roadway corridors to the west, southwest, and southeast of the Project site. Undeveloped areas of the Mojave Desert are located to the north (past the residential areas); however, due to the flat topography and existing residential areas, views of the desert from the Project site are obstructed. Views near the Project site include undeveloped parcels, airport and airport logistics facilities, solar energy generating facilities, agricultural land, and a soccer sports park located approximately 0.5 miles north of the site. The surrounding landscape on undeveloped parcels contains non-native vegetation as well as native vegetation typical of the high desert region, with Joshua trees, scrub oaks, chaparral, and grasses.

The proposed Project would develop two industrial warehouse buildings that would be set back from the adjacent streets and would not encroach into the existing scenic long-distance background views of the mountains in the public roadway corridor. Building 1 would be set back approximately 441 feet from Avenue L-8, 196 feet from 35th Street East, and 208 feet from 30th Street East. Building 2 would be set back 275 feet from East Avenue M/Columbia Way, 205 feet from 35th Street East, and 203 feet from 30th Street East. All setbacks would exceed the **minimum** requirements of the Palmdale Municipal Code. Further, the proposed Project would include appropriate landscaping to provide a visual buffer of the Project as recommended in the Land Use and Community Design Element of the City's General Plan. Landscaping would be consistent with the City landscaping standards per the City of Palmdale Municipal Code Section 17.86.010, *Landscaping Requirements* and City of Palmdale Engineering Standards.

Section 5.2, Agriculture and Forestry

Page 5.2-8, Section 5.2.6, *Environmental Impacts*, is revised as follows:

IMPACT AGRICULTURE-5: THE PROPOSED PROJECT WOULD ~~NOT~~ INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD RESULT IN CONVERSION OF FARMLAND TO NON-AGRICULTURAL USE OR CONVERSION OF FOREST LAND TO NON-FOREST USE.

Section 5.3, Air Quality

Page 5.3-19, Section 5.3.6, *Environmental Impacts*, is revised as follows:

5.3.6 Environmental Impacts

IMPACT AIR QUALITY-1: THE PROJECT WOULD CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN.

Less than Significant Impact. As discussed above, areas designated as nonattainment under the CCAA are required to prepare plans showing how they will meet the air quality standards. The most recent air quality plans for the Project area are the *2020 70 parts per billion (ppb) Ozone Evaluation and the Federal 70 ppb Ozone Attainment Plan*. The attainment plans are based on regional growth projections developed by SCAG.

With respect to determining the proposed Project's consistency with the air quality plan growth assumptions, the projections in the AQMP for achieving air quality goals are based on assumptions in SCAG's RTP/SCS regarding population, housing, and growth trends. According to SCAG's 2020–2045 RTP/SCS, the City's

population, households, and employment are forecast to increase by approximately 48,400 residents, 18,000 households, and 9,200 jobs, respectively, between 2016 and 2045, as detailed in Section 5.12, *Population and Housing*.

The proposed Project would construct two warehouse buildings with a combined total building square footage of 3,001,712 SF. As discussed in Section 5.12, *Population and Housing*, SCAG estimates that the average number of employees generated by industrial uses is one per 1,518 SF. Therefore, the proposed Project would accommodate approximately 1,977 employees. The additional 1,977 employees would be 21.5 percent of the 9,200 projected jobs projected for the City. Therefore, the Project's labor demand would not substantially increase unplanned population, households, or employment growth in the City that could conflict with an air quality plan because the growth falls within the projected growth figures contemplated by each plan.

Additionally, the proposed Project would be consistent with the City's General Plan land use and zoning designations and would therefore, be consistent with the City's General Plan and Zoning Ordinance which is consistent with the SCAG Regional Comprehensive Plan Guidelines and the ~~2022 AQMP~~ **AVAQMD 2020 70 parts per billion (ppb) Ozone Evaluation Attainment Plan and the Federal 70 ppb Ozone Attainment Plan**. Therefore, the Project would not result in conflict **or obstruct implementation of the applicable air quality plans** ~~with the AQMP~~. As such, the proposed Project would be consistent with the regional air quality plans. Therefore, the proposed Project would not affect the regional emissions inventory or conflict with strategies in the applicable air quality plans.

Page 5.3-30, Section 5.3.9, *Project Design Features*, is revised as follows:

5.3.9 Project Design Features

PDF AQ-1: Construction Air Quality Best Management Practices. Prior to the issuance of grading and building permits, the City shall review the construction documents for the Project to ensure that the construction contractors are obligated to implement the following best management practices to reduce construction air pollutant emissions. These items shall also be listed in construction bid documents and construction contracts. The construction contractors shall allow City access to the construction site to inspect for adherence to these measures.

1. Ensure that the cleanest possible construction practices and equipment are used, as economically feasible. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero emission equipment and tools.
2. It shall be the responsibility of the construction contractor to implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology, vehicles, and equipment that will be operating onsite during construction, as necessary and when economically feasible. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. All off-road diesel-powered equipment used during construction shall be equipped with Tier 4 Interim or cleaner engines. ~~If the operator lacks Tier 4 Interim or cleaner equipment, and it is not available for lease or short-term rental within 50 miles of the project site, Tier 3 or cleaner off-road construction equipment may be utilized subject to City approval.~~
4. Heavy-duty trucks entering the construction site during grading and building construction phases shall comply with the California Air Resources Board (CARB) regulations including the following: all heavy-duty trucks shall be model year 2010 or later. Per the California Air Resource's Board (CARB) Heavy-Duty Omnibus Regulation, all heavy-duty trucks shall also meet CARB's lowest optional low oxides of nitrogen (NOx) standard starting in the year 2022.
5. All construction equipment and fleets shall be in compliance with all current air quality regulations.

Page 5.3-31 to 5.3-33, Section 5.3.11, *Mitigation Measures*, is revised as follows:

MM AQ-2: **Idling Regulations.** Prior to issuance of a certificate of occupancy, legible, durable, weather-proof signs shall be installed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations **and Project-specific restrictions**. At a minimum, each sign shall include the following instructions for truck drivers to shut off engines when not in use.

1. Instructions for **all** drivers of ~~diesel~~ **heavy-duty** trucks **within the Project site** to restrict idling to no more than five minutes once the vehicle is stopped, the transmission is set to "neutral" or "park" and the parking brake is engaged.
2. Telephone numbers of the building facilities manager and CARB to report violations.

MM AQ-7: **Electric Vehicle Charging Stations and Future Truck Charging Capability.** Prior to issuance of building permits, the following features shall be demonstrated on the Project's building plans~~ to the extent feasible~~ over minimum California Code of Regulations Title 24 requirements. Installation shall be verified by the City prior to issuance of a certificate of occupancy.

1. For use by employees and visitors conducting business at the building, install automobile electric vehicle (EV) charging stations at the minimum number required by the California Code of Regulations Title 24. All charging stations shall be equipped with Level 2 or faster chargers. Signs shall be posted indicating that the charging stations are for exclusive use by the building's employees and by visitors conducting business at the building. (Source: City of Palmdale General Plan EIR, 2022).
2. Install appropriate electrical infrastructure sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations in the future.
3. Install raceways for conduit to tractor trailer parking areas in logical, gated locations determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available. The charging station location(s) are to be located inside the gated and secured truck courts.

MM AQ-11: **City Review of Construction Documents.** Prior to issuance of building permits, the following features shall be demonstrated on the Project's building and landscape plans ~~to the extent feasible~~. Installation shall be verified by the City prior to issuance of a certificate of occupancy.

1. Install Energy Star-rated heating, cooling, lighting, and appliances
2. Structures shall be equipped with outdoor electric outlets in the front and rear to facilitate use of electrical lawn and garden equipment.

MM AQ-12: **Prohibition of Cold Storage.** Prior to the issuance of building permits and prior to issuance of tenant occupancy permits, the City of Palmdale shall confirm that the Project does not include cold storage equipment for warehouse operations **and transportation** (chilled, refrigerated, freezer warehouse space, **transport refrigeration units**). Cold storage was not included in the analysis for the EIR. If cold storage is proposed, additional studies will be required to analyze the impacts associated with the use.

MM AQ-13: **Tenant Lease Agreement.** Prior to issuance of a certificate of occupancy, the following language shall be included within tenant lease agreements in order to reduce operational air pollutant emissions ~~to the extent feasible~~:

1. Information about energy efficiency, energy-efficient lighting and lighting control systems, energy management, and existing energy incentive programs.
2. Information about funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment.
3. Requirements to use the cleanest technologies available and to provide the necessary infrastructure to support zero-emission vehicles, equipment, and appliances that would be operating on site. This requirement shall apply to equipment such as forklifts, handheld landscaping equipment, yard trucks, office appliances, etc.
4. Requirements to exclusively use zero-emission light and medium-duty delivery trucks and vans, when economically feasible.
5. Requirements to operate in compliance with, and to monitor compliance with, all current and applicable air quality regulations for on-road trucks including the California Air Resources Board's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation.
6. Requirements and identification of the responsible party to maintain, replace, and upgrade rooftop solar panels per the manufacturer's recommendations for the life of the lease. The proposed Project would comply with existing solar requirements per the California Energy Code in effect during permitting of the Project (at the time of Construction Drawing Plan Check Submittal). In the case that the tenant requires additional solar capacity, this shall be addressed during the tenant improvement process.

   ~~described previously, the proposed Project would be required to meet the CCR Title 24 energy efficiency standards in effect during permitting of the proposed Project~~
7. Requirements and identification of the responsible party to maintain, replace, and repair the legible, durable, weather-proof signs that were installed at initial building occupancy placed at truck access gates, loading docks, and truck parking areas that identify applicable CARB anti-idling regulations.
8. The tenant agreement shall include notification that the tenant shall comply with CARB Truck and Bus regulation, including requirements that only haul trucks meeting model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the Project site.
9. Requirements for the building owner to provide a Green Cleaning Products and Paint Education Program available to the building tenant, to keep at the building's office, break room, leasing space, or on an accessible website.

Section 5.4, Biological Resources

Page 5.4-3, Section 5.4.3, *Environmental Setting*, is revised as follows:

Vegetation Communities

No native plant communities or natural communities of special concern were observed on ~~or adjacent to~~ the Project site and within the offsite improvement areas. **Although Joshua trees, a state Candidate Endangered species, are present offsite on the property north of the Project site, the Biological Resources Assessment (Appendix C) determined that no special-status plant species were observed onsite during the two field surveys, including Joshua trees.** As discussed above, the Project site consists of vacant undeveloped land that has been subject to various anthropogenic disturbances, including weed abatement. These disturbances have eliminated the natural plant communities within the Project site and immediate vicinity (Appendix C). One land cover, classified as disturbed, was mapped within the biological study area (includes the Project site, offsite improvement areas, and a 200-foot buffer). In addition, the offsite improvement areas support developed land within the public right of way of East Avenue M/Columbia Way, which do not include native plant communities or potential habitat areas.

The disturbed area is vegetated with early successional, weedy, and non-native plant species. Common plant species observed onsite include rubber rabbitbrush (*Ericameria nauseosa*), nettle-leaved goosefoot (*Chenopodiastrum murale*), Russian thistle (*Salsola tragus*), ripgut brome (*Bromus diandrus*), horsenettle (*Solanum carolinense*), puncturevine (*Tribulus terrestris*), Indian hedge mustard (*Sisymbrium orientale*), Gooding's willow (*Salix gooddingii*), Bermuda grass (*Cynodon dactylon*), Salt Cedar (*Tamarix* sp.), Menzies' fiddleneck (*Amsinckia menziesii*), Dutchman's pipe (*Aristolochia clematitis*), silver ragwort (*Jocobaea maritima*), rabbit tobacco (*Pseudognaphalium obtusifolium*), silver burr ragweed (*Ambrosia chamissonis*), and common dandelion (*Taraxacum officinale*).

Special-Status Plant Species

Special-status species are species that have been identified by federal, State, or local resource conservation agencies as threatened or endangered, under provisions of the federal and State Endangered Species Acts (FESA and CESA, respectively), because they have declining or limited population sizes, usually resulting from habitat loss.

The literature search conducted as part of preparation of the Biological Resources Assessment (Appendix C) identified nine special-status plant species that could have potential to occur onsite. However, no special-status plant species were observed onsite during the biological resources field investigation. **Although Joshua trees, a state Candidate Endangered species, are present on the property directly north of the Project site, the Biological Resources Assessment (Appendix C) determined that no special-status plant species were observed onsite during the two field surveys, including Joshua trees. In addition, no suitable habitat for Joshua trees is present on the site (Appendix C).**

Page 5.4-7, Section 5.4.6, *Environmental Impacts*, is revised as follows:

Burrowing Owl

The burrowing owl is listed as a **candidate species under CESA** ~~California Species of Special Concern~~. It is a grassland species distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls are dependent upon the presence of burrowing mammals, such as ground squirrels, whose burrows are used for roosting and nesting. The presence or absence of mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been

found occupying man-made cavities, such as buried and non-functioning drainpipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. They also require open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators.

No burrowing owls or recent signs (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigations. A majority of the Project site is vegetated with a variety of low-growing plant species that allow for line-of-sight observation favored by burrowing owls. However, no suitable burrows (>4 inches in diameter) for roosting and nesting were observed within site boundaries. Additionally, the site is surrounded by electrical poles, tall buildings, and streetlights that provide perching opportunities for large raptors (i.e., red-tailed hawk) that prey on burrowing owls, which may reduce the likelihood that burrowing owl would establish onsite. Therefore, the Project site was determined to have low potential to support burrowing owl.

Despite the Project's site low potential to support burrowing owl, Mitigation Measure BIO-2 has been included to require ~~pre-construction~~ burrowing owl **protocol** surveys ~~no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance~~. **If BUOWs are observed on-site and Burrowing Owl is a CESA Protected Species at time of proposed impact, active burrows would be avoided by the Project until the burrows are determined unoccupied or the Project Applicant obtains take authorization from CDFW. If the protocol surveys confirm presence of occupied burrow(s) and burrowing owl is not a CESA Protected Species at the time of the proposed impact on the burrowing owl, p**re-construction burrowing owl surveys would be performed by a qualified biologist following the recommendations and guidelines provided in the CDFW Staff Report on Burrowing Owl Mitigation. **The qualified biologist would prepare and implement a Burrowing Owl Plan for avoidance, minimization, and/or mitigation measures that shall be submitted to CDFW for review.** ~~If the pre-construction surveys confirm occupied burrowing owl habitat, Project activities would be immediately halted until CDFW grants approval of a Burrowing Owl Relocation Plan.~~ Overall, the proposed Project would have less than significant impact on burrowing owl with implementation of Mitigation Measure BIO-2.

Page 5.4-11 through 5.4-12, Section 5.4.10, *Mitigation Measures*, is revised as follows:

MM BIO-2: **Pre-Construction Burrowing Owl Surveys.** ~~Project plans, specifications, and construction permitting instructions shall require pre-construction burrowing owl surveys be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version) (Staff Report). Pre-construction surveys shall be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation.~~ **Burrowing owl protocol surveys shall be conducted on the Project site and within 500 feet of the Project site where there is suitable habitat, to the extent legally feasible if such area is not owned or controlled by the Project Applicant. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.** If burrowing owl surveys are negative ~~and burrowing owl is confirmed absent~~, then ground-disturbing activities shall be allowed to commence, and no further mitigation would be required. If unoccupied burrows are observed onsite, ~~construction~~ **they may be collapsed and ground disturbance** shall be allowed to proceed.

Avoidance and Minimization if Burrowing Owl is a CESA Protected Species at time of Proposed Impact: If the **protocol** surveys confirm occupied burrow(s), such active burrows shall be avoided by the Project in accordance with CDFW's Staff Report (CDFG 2012). ~~CDFW shall be immediately informed of any burrowing owl observations.~~ **until the burrows are**

determined unoccupied or the Project Applicant obtains take authorization from CDFW if burrowing owl is a Threatened, Endangered, or Candidate Species with interim protection under the California Endangered Species Act (a "CESA Protected Species") at the time of proposed impact on the burrowing owl.

If the protocol surveys confirm presence of occupied burrow(s) and burrowing owl is not a CESA Protected Species at the time of the proposed impact on the burrowing owl (i.e., initiation of grading), the following mitigation measures shall apply to avoid and minimize impacts to burrowing owls:

Project plans, specifications, and construction permitting instructions shall require burrowing owl surveys be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version) (Staff Report). Pre-construction surveys shall be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report.

The qualified biologist shall ~~coordinate with CDFW to~~ prepare and implement a Burrowing Owl Plan for avoidance, minimization, and/or mitigation measures that shall be submitted to CDFW for review and ~~approval~~ **comment** prior to commencing Project activities , **and thereafter submitted to City for final review and approval as the CEQA Lead Agency.** A grading permit may be issued once the Burrowing Owl Plan is approved and, if relocations are deemed necessary, the species has been relocated. If the grading permit is not obtained within 30 days of the survey, a new survey shall be required. Avoidance, minimization, and/or mitigation measures in the Burrowing Owl Plan ~~may~~ **shall** include any one of the following:

- **If burrowing owls are observed on-site outside the breeding season** (September 1 to January 31) and they cannot be avoided, active or passive relocation shall be used to exclude owls from their burrows, as agreed to by the CDFW. Relocation shall occur only outside of the breeding season or once the young are able to leave the nest and fly. In the event that burrowing owls are to be relocated, a Burrowing Owl Relocation Plan shall be submitted for review **and comment** by the CDFW. The CDFW shall be consulted prior to any relocation to determine acceptable receiving sites available where this species has a greater chance of successful long-term relocation.

  Passive relocation shall include the use of one-way doors to exclude owls from the burrows; doors shall be left in place for at least 48 hours. Once the burrow is determined to be unoccupied, as verified by site monitoring, the burrow shall be closed by a qualified Biologist who shall excavate the burrow using hand tools. Prior to excluding an owl from an active burrow, a receptor burrow survey shall be conducted to confirm that at least two potentially suitable unoccupied burrows are within approximately 688 feet prior to installation of the one-way door. If two natural receptor burrows are not located, two artificial burrows shall be created for every burrow that would be closed.

- **If burrowing owls are observed on-site during the breeding season** (**not between** September 1 to January 31), the burrow(s) shall be protected until nesting activity has ended (i.e., all young have fledged from the burrow). Temporary fencing, or a buffer, shall be installed at least at a 250-foot diameter buffer zone from the active burrow (or as otherwise determined by the biologist) to prevent disturbance during grading or construction. The designated buffer **shall** ~~will~~ be clearly marked in the field and **shall** ~~will~~ be mapped as an Environmental Sensitive Area (ESA) on construction plans. Installation and removal of the buffer shall be done with a biological monitor present.

Section 5.7, Greenhouse Gas Emissions

Page 5.7-12, Section 5.7.6, *Environmental Impacts*, is revised as follows:

The *Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report* (Appendix B) describes that a majority of the GHG emissions (~~81~~ **74** percent, unmitigated) generated from the proposed Project are associated with non-construction related mobile sources, such as vehicle and truck trips. Mitigation Measure AQ-4, *Energy Efficient Vendor Trucks*, Mitigation Measure AQ-7, *Electric Vehicle Charging Stations,* and Mitigation Measure AQ-10, *Transportation Management Association* would reduce GHG emissions from commuting. Mitigation Measure AQ-11, *Energy Efficient Appliances*, would reduce operational GHG emissions.

Page 5.7-12, Section 5.7.6, *Environmental Impacts*, is revised as follows:

Table *5.7-4, Mitigated Long-Term Operational Greenhouse Gas Emissions*, shows that implementation of these mitigation measures would reduce GHG emissions to approximately 39,911.4 $MTCO_2e$. **Only Mitigation Measures GHG-1, GHG-2, and GHG-3 were quantified in the CalEEMod modeling; therefore, the emission numbers presented in Table 5.7-4 represent a conservative analysis, with actual mitigated emissions likely being lower.** The majority, or ~~40~~ **74** percent, of the proposed Project's GHG emissions are generated by mobile emissions. Further, mitigation to reduce the proposed Project's mobile GHG emissions is not feasible due to the limited ability of the Project Applicant and City of Palmdale to reduce emissions from mobile sources. Neither the Project Applicant nor the Lead Agency (City of Palmdale) can substantively or materially affect reductions in proposed Project mobile-source emissions. Therefore, GHG emissions from the proposed Project would be significant and unavoidable.

Page 5.7-23, Section 5.7.8, *Existing Regulations and Plans, Programs, or Policies*, is revised as follows:

PPP GHG-2: 2022 California Energy Code Section 140.10. The Project shall comply with the **2022** [or most recent at time of permitting of the Project (at the time of Construction Drawing Plan Check Submittal)] California Energy Code Section 140.10 for Nonresidential Solar PV. Section 140.10 includes requirements for solar photovoltaic systems for warehouse buildings. The size of the photovoltaic system shall be calculated based on conditioned floor area, as required by Section 140.10. For a building with 20,000 SF of air-conditioned space (office space), the solar photovoltaic system required would be **an** approximately 62.6 Kilowatt system.

Section 5.8, Hazards and Hazardous Materials

Pages 5.8-23 to 5.8-24, Section 5.8.8, *Existing Regulations and Plans, Programs, or Policies*, is revised as follows:

Plans, Programs, or Policies (PPPs)

The following Plans, Programs, and Policies (PPP) related to hazards and hazardous materials are incorporated into the Project and would reduce impacts related to hazards and hazardous materials. These actions will be included in the Project's approved Demolition Permit, Grading Permit, Building Permit and/or Certificate of Occupancy, as appropriate.

PPP HAZ-1: Transportation of Hazardous Waste. Hazardous materials and hazardous wastes will be transported to and/or from the Project developed as required by the County of Los Angeles Fire Department's Health Hazardous Materials Division in compliance with any applicable state and federal requirements, including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (CFR) (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.

PPP HAZ-2: Resource Conservation and Recovery Act. Hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263), including the management of nonhazardous solid wastes and underground tanks storing petroleum and other hazardous substances. The Los Angeles County Fire Department serves as the designated Certified Unified Program Agency (CUPA) which implements state and federal regulations for the following programs: (1) Hazardous Waste Generator Program, (2) Hazardous Materials Release Response Plans and Inventory Program (3) California Accidental Release Prevention Program (Cal-ARP), (4) Aboveground Storage Tank Program and the (5) Underground Storage Tank Program.

PPP HAZ-3: Hazardous Materials Business Plan. Prior to issuance of operational permits, for businesses that store or handle hazardous wastes shall have a Hazardous Materials Business Plan approved by the City Fire Department and/or City Building Division. Article 1 of Chapter 6.95 of the California Health and Safety Code (Sections 25500–25520) requires that any business that handles, stores, or disposes of a hazardous substance at a given threshold quantity must prepare a hazardous materials business plan (HMBP). HMBPs are intended to minimize hazards to human health and the environment from fires, explosions, or an unplanned release of hazardous substances into air, soil, or surface water. The HMBP shall include a minimum of three sections: (1) an inventory of hazardous materials, including a site map that details their location; (2) an emergency response plan; and (3) an employee-training program.

PPP HAZ-4: FAA Compliance. Pursuant to Federal Aviation Administration compliance, the Project Applicant shall e-file FAA Form 7460-2, Notice of Actual Construction or Alteration, within 5 days of construction reaching its greatest height.

PPP HYD-1: NPDES/SWPPP. Prior to issuance of any grading permits, the applicant shall provide the City Public Works Department evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site

PPP HYD-2: ~~Phase II Small MS4 General Permit~~ Drainage Management Plan (DMP) Compliance. Prior to issuance of any grading permits, the applicant shall provide the City Public Works Department evidence of compliance with the Drainage Management Plan (DMP) of the City of Palmdale which establishes the hydrologic and hydraulic requirements for development within the City limits in accordance with revised procedures developed by the County of Los Angeles Department of Public Works and adopted by the City of Palmdale. It is the policy of the City of Palmdale that each development consisting of five acres or greater in size shall attenuate on-site storm runoff as required by drainage law and shall prepare hydrology and hydraulic studies in accordance with the DMP. Each development is required by City Ordinance to attenuate post-developed flows to 85 percent of pre-developed flows through the installation of an onsite storm drain system to remove particulate pollutants and to reduce maximum runoff values associated with development.

Section 5.9, Hydrology and Water Quality

Page 5.9-10 to 5.9-12, Section 5.9.6, *Environmental Impacts*, is revised as follows:

IMPACT HYDROLOGY-2: THE PROPOSED PROJECT WOULD NOT SUBSTANTIALLY DECREASE GROUNDWATER SUPPLIES OR INTERFERE SUBSTANTIALLY WITH GROUNDWATER RECHARGE SUCH THAT THE PROJECT MAY IMPEDE SUSTAINABLE GROUNDWATER MANAGEMENT OF THE BASIN.

Less than Significant Impact.

The Project site is underlain by the Antelope Valley Groundwater Basin, which is fully adjudicated and managed by the LACWD 40. The Sustainable Groundwater Management Act (SGMA) of 2014 created a statewide framework to help protect groundwater resources over the long-term. SGMA is comprised from a three-bill legislative package, including AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley), and subsequent statewide regulations. SGMA requires local agencies form groundwater sustainability agencies (GSAs) for high and medium priority basins. GSAs are required to then develop and implement groundwater sustainability plans (GSPs) to avoid undesirable results and mitigate overdraft within 20 years. Low priority basins are not required to form GSAs or GSPs at this time. The Antelope Valley Groundwater Basin is a low priority basin that is not required to form a GSA or GSP. Additionally, the Antelope Valley Groundwater basin is exempt from this requirement due to the adjudication (PWD, 2021). Therefore, the Project would not conflict with the SGMA.

Groundwater within the Project area is adjudicated, which manages groundwater pumping such that substantial depletion of groundwater supplies would not occur. As described previously, the PWD's groundwater production right is set at 2,770 AFY and the LACWD 40's is set at 6,789 AFY. Both entities also have access to unused federal reserved water rights and return flow credits from imported water. **LACWD would provide water** ~~The water that would be provided~~ to the Project ~~would be through these service providers and adjudicated~~ **at** adjudicated quantities. Therefore, the proposed Project would not conflict with the groundwater basin adjudications and would not impede existing groundwater management.

As previously analyzed in Impact Hydrology-1, approximately 13.4 percent of the Project site would include pervious landscaping that would capture and infiltrate stormwater. In addition, on-site captured stormwater would be conveyed to a detention basin that would have sufficient storage volume able to store two successive 100-year storms. This basin would retain and fully infiltrate water quality volume on-site and no runoff from the developed portions of the site would discharge off-site. Pursuant to PMC Section 14.05, all Landscape Design Plans must be submitted to the City and must include approved plants in order to ensure the use of low-water plants. In addition, irrigation design plans must follow PMC requirements in order to practice efficient water use. Adherence to the PMC Title 14 Chapter 14.05 would reduce the use of groundwater and maximize infiltration. ~~Because~~ All runoff generated on the developed portions of the Project site would infiltrate into the groundwater table; **as such** the Project would not interfere substantially with groundwater recharge ~~such that the Project may~~ **and would not** impede sustainable groundwater management of the basin. Overall, compliance with the PMC and the MS4 permit, as verified by the City's development review and permitting process, would ensure that Project impacts related to groundwater depletion and recharge would be less than significant.

IMPACT HYDROLOGY-3: THE PROPOSED PROJECT WOULD NOT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, IN A MANNER WHICH WOULD RESULT IN SUBSTANTIAL EROSION OR SILTATION ON- OR OFF-SITE.

Operation

Less than Significant Impact.

The existing drainage pattern for the site generally flows from the south to the north. Runoff from the site ~~that is not captured by the stormwater detention basin,~~ would be collected via a proposed onsite private storm drain system (including catch basins and storm drainpipes) and conveyed in the northerly direction to a proposed storm water management system. Stormwater runoff from each building would drain to its truck yard and parking lots, then drain via proposed catch basins and detention drains to the ~~northerly~~ detention basin **located at the northern side of the site**. Due to the absence of nearby storm drain improvements, the proposed stormwater detention basin would retain the entire stormwater runoff volume of which would be

able to store two successive 100-year storms. There are no existing drainage facilities to discharge to, thus the basin design would contain the runoff and infiltrate the stormwater to empty itself. As such, there would be no resulting erosion or siltation on- or off-site.

Page 5.9-12, Section 5.9.6, *Environmental Impacts*, is revised as follows:

IMPACT HYDROLOGY-4: THE PROPOSED PROJECT WOULD NOT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN A MANNER WHICH WOULD RESULT IN FLOODING ON- OR OFF-SITE.

Construction

Less than Significant Impact.

Construction of the proposed Project would include activities that could temporarily alter the existing drainage pattern of the site, for example by constructing foundations and paved areas, and could result in flooding on- or offsite if drainage is not properly controlled. However, as described previously, implementation of the Project requires compliance with the Construction General Permit, and implementation of a SWPPP that would address site-specific drainage issues related to construction of the Project and include BMPs to eliminate the potential of flooding or alteration of a drainage pattern during construction activities. This includes diverting runoff from ~~rooftops and other~~ impervious surfaces to vegetated areas, when possible, to promote infiltration and controlling the perimeter of the Project site using sandbags, berms, and silt fencing. Therefore, impacts would be less than significant, because these regulations would ensure that the rate or amount of surface runoff would not substantially increase during the construction phase.

Operation

Less than Significant Impact. As described previously, the proposed Project would result in an increase in impervious area onsite, and the Project would increase surface flows compared to existing conditions. However, **the proposed Project includes** installation of new stormwater facilities, including a stormwater **detention** basin, pervious landscaped areas, and new storm drains. The proposed stormwater drainage system would collect onsite flows via a series of catch basins and storm drains and convey it to the stormwater detention basin for infiltration. Also, stormwater runoff would be directed towards landscaped areas wherever possible for treatment and infiltration. The use of the drainage facilities and landscaping would regulate the rate and velocity of stormwater flows and would control the amount of discharge into the onsite detention basin.

Page 5.9-13, Section 5.9.6, *Environmental Impacts*, is revised as follows:

IMPACT HYDROLOGY-5: THE PROPOSED PROJECT WOULD NOT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF.

Construction

Less than Significant Impact. As described in the previous responses, the proposed Project would be required to implement a SWPPP (pursuant to PMC Chapter 8.04 and General Plan Policy SE-4.3) during construction that would implement BMPs, such as the use of silt fencing, fiber rolls, and gravel bags, that would ensure that runoff would not substantially increase during construction, and that pollutants would not discharge from the Project site, which would reduce potential impacts to drainage systems and water quality to a less than significant level. In addition, implementation of the proposed drainage improvements, the existing drainage pattern would be maintained. Furthermore, the proposed Project would be consistent with City construction standards and NPDES permit requirements, which would be verified by the City during the development review and permitting process. Therefore, Project impacts would be less than significant.

Operation

Less than Significant Impact. The proposed Project would develop an undeveloped site, resulting in the addition of 5,681,535 SF of impervious surface area and approximately 880,912 SF of pervious landscaping. The existing drainage pattern for the site generally flows from the south to the north. Runoff from the site would be collected via a proposed onsite private storm drain system (including catch basins and storm drain pipes) and conveyed in the northerly direction to a proposed stormwater detention basin. Stormwater runoff from each building would drain to its truck yard and parking lots, then drain via proposed catch basins and detention drains to the ~~northerly~~ detention basin **located at the northern side of the site**. Due to the absence of nearby storm drain improvements, the proposed stormwater detention basin would retain the entire stormwater runoff volume of which would be able to store two successive 100-year **24-hour** storms. There are no existing drainage facilities to discharge to, thus the basin design would contain the runoff and infiltrate the stormwater to empty itself. The drainage characteristics would be maintained similar to the existing condition. As discussed above, stormwater runoff would be collected and treated via the proposed detention basin, therefore the Project would not result in significant impacts related to water quality. Furthermore, the proposed drainage improvements would be consistent with City standards and NPDES permit requirements, which would be verified by the City during the development review and permitting process. Therefore, Project impacts would be less than significant.

Page 5.9-15, Section 5.9.6, *Environmental Impacts*, is revised as follows:

IMPACT HYDROLOGY-8: THE PROPOSED PROJECT WOULD NOT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN.

Less than Significant Impact.

The Project site is undeveloped, and the proposed Project would result in a substantial increase of impervious surfaces. As described above, the proposed storm drain system is sized to adequately accommodate increased stormwater flows from the Project area and would maintain the existing drainage pattern of the site. Runoff would **be captured onsite via storm drains and directed toward the proposed onsite detention basin.** ~~discharge and be treated into the onsite detention basin that would filter and infiltrate the stormwater into site soils and potentially the groundwater.~~ Therefore, the Project would not conflict with the SGMA. As detailed previously, groundwater within the Project area is adjudicated, which **ensures that** ~~manages~~ groundwater pumping **is managed and limited.** The water that would be provided to the Project would be from LACWD 40 ~~and from the adjudicated quantities of groundwater.~~ Therefore, the proposed Project would not conflict or obstruct a sustainable groundwater management plan.

Section 5.13, Public Services

Page 5.13-6 to 5.13-7, Section 5.13.3.4, *Park Services*, is revised as follows:

5.13.3.4 Park Services

Existing parks within the City of Palmdale include 19 parks totaling 370 acres (City of Palmdale, 2022). At the estimated population of 165,917 in 2023, the ratio of existing parkland acres per 1,000 residents is 2.24 (DOF, 2023). The parks and recreation facilities **within the City of Palmdale that are** closest to the Project site include Desert Sands Park at 39117 3rd Street East (approximately 7.5 roadway miles from the Project site), Melville J. Courson Park at 38226 10th Street East, (approximately 9 roadway miles from the Project site), and William J. McAdam Park at 38115 30th Street East (approximately 9 roadway miles from the Project site).

The closest parks to the Project site are located within the City of Lancaster. Existing parks within the City of Lancaster include 19 parks and recreational facilities comprising over 450 acres (City of Lancaster, n.d.). City of Lancaster parks and recreational facilities closest to the Project site are: Skytower park, located approximately 1 mile north of the Project site at 43434 Vineyard Drive; and Tierra Bonita Park, located approximately 3.5 miles north of the Project site at 44910 27th Street East.

Los Angeles County Department of Parks and Recreation operates over 181 parks throughout the county (LA County Parks and Recreation, n.d.). County parks and recreation facilities closest to the Project site include: Jackie Robinson Park, located approximately 7.5 miles southeast of the Project site at 8773 East Avenue R; Big Rock Wash, located approximately 9 miles southeast of the Project site at 11550 East Avenue O; and Alpine Butte Wildlife Sanctuary, located approximately 10 miles southeast of the Project site at Palmdale, CA 93591.

Section 5.16, Utilities

Pages 5.16-7 to 5.16-8, Section 5.16.2.5, *Water Environmental Impacts*, is revised as follows:

5.16.2.5 Water Environmental Impacts

IMPACT UTILITIES-1: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW WATER FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

Less than Significant Impact. As discussed above, there are no existing water lines on or adjacent to the Project site. The past water source for the Project site was from onsite wells that are no longer in use. The Project site is near the water service area of the LACWD40. The proposed Project includes annexation of the Project site into the LACWD40 service area. The Project would install offsite 16-inch water lines along the perimeter of the Project site that would connect to a proposed 24-inch offsite water main at East Avenue M/Columbia Way and 30th Street E. ~~The proposed offsite 24-inch water line would extend approximately 17,400 linear feet west within the East Avenue M/Columbia Way right-of-way to 4th Street W and connect to the existing 30-inch water line in East Avenue M/Columbia Way~~ **The proposed offsite 24-inch water line would extend approximately 13,400 linear feet west within the East Avenue M/Columbia Way right-of-way to 5th Street East and connect to the existing 30-inch water line in East Avenue M/Columbia Way. The proposed 24-inch water main extension would then continue from 4th Street West to 4th Street East for an additional 4,000 linear feet** (as shown in Figure 3-13a, *Utility Improvements (Water)*, in Section 3, *Project Description*). The new offsite water line installations would be within existing roadway rights-of-way or within roadway rights-of-way that are being developed as part of the Project. Additionally, the proposed water infrastructure would be installed as part of new roadway construction and roadway improvement activities that are part of the proposed Project.

Page 5.16-8, Section 5.16.2.5, *Water Environmental Impacts* is revised as follows:

Table 5.16-7: WSA Project Water Demand Estimates

Use	Square Feet	Water Generation Rate (GPD/1,000 SF)	Water Demand (GPD)	Water Demand (AFY)
Office	40,000	~~0.064~~ **64**	2,560	2.87
Warehouse	2,961,712	~~0.025~~ **25**	74,043	82.94
Landscaping	880,912	-	-	25.12
			Total	110.93

Source: Dudek (2023). Appendix K.

Page 5.16-11, Section 5.16.3.2, *Wastewater Environmental Setting*, is revised as follows:

5.16.3.2 Wastewater Environmental Setting

The Los Angeles County Sanitation District (LACSD) provides wastewater treatment and recycled water services within LACSD's service area. LACSD is a public agency consisting of 24 independent special districts serving approximately 5.5 million people in Los Angeles County. The service area covers approximately 850 square miles which encompasses 78 cities and unincorporated areas throughout the County treating about 400 million gallons per day. LACSD have a wastewater system that consists of 11 wastewater treatment facilities, 49 pump stations, over 1,400 miles of sewer lines, and two composting facilities.

The Project site is adjacent to the Antelope Valley Service Area of the Los Angeles County Sanitation District No. 14 (LACSD14), which services the Cities of Palmdale and Lancaster as well as surrounding unincorporated areas and operates the Lancaster Water Reclamation Plant (LWRP). The closest sewer main to the Project site operated by LACSD14 is located adjacent to the Project site, within 30th Street, as shown in Figure 3-13b, *Utility Improvements (Sewer)* in Section 3, *Project Description*. The LWRP serves approximately 160,000 people providing primary, secondary, and tertiary treatment with a design capacity of 18 million gallons of wastewater per day. The recycled water is then used for landscape irrigation and other municipal and industrial purposes in the City of Lancaster and surrounding areas.

In 2020, the LWRP collected and treated approximately 16,416 AFY of wastewater from the City of Lancaster, City of Palmdale, and Los Angeles County Public Works (Los Angeles County Waterworks, 2021). **According to the LACSD,** ~~Thus, on average,~~ **the** LWRP **currently processes an average flow of 13.0** ~~treats approximately 14,656,775~~ million gallons per day ~~or 44.98 AF per day~~ while having a capacity to treat 18 million gallons per day.

Page 5.16-15, Section 5.16.4.5, *Stormwater Drainage Environmental Impacts*, is revised as follows:

IMPACT UTILITIES-5: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW DRAINAGE FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

Less than Significant Impact. The Project would install new onsite storm drain lines throughout the site. Stormwater would be collected using a system of catch basins and storm drains that route flows to a detention basin adjacent to the Project's easterly or westerly property line. All stormwater runoff would then be conveyed to the proposed ~~retention~~ **detention** basin of approximately 11 acres at the north end of the Project site, which would be designed to meet the regional LID structural treatment control best management practices (BMPs). There is an absence of any nearby storm drain improvements thus the proposed basin would retain the entire storm runoff volume. As such, no offsite storm drain improvements are proposed for this Project. Curbs and gutters would also be installed around the perimeter of the Project site.

Page 5.16-18, Section 5.16.5.5, *Solid Waste Environmental Impacts*, is revised as follows:

IMPACT UTILITIES-*7*: THE PROJECT WOULD ~~NOT~~ COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE.

No Impact. The proposed Project would result in new development that would generate solid waste. All solid waste-generating activities within the County are subject to the requirements set forth in the California Green Building Standards Code that requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, and AB 341 that requires diversion of a minimum of 75 percent of operational solid waste. Implementation of the proposed Project would be consistent with all State regulations, as ensured through the County's development permitting process. Therefore, the proposed Project would comply with all solid waste statute**s** and regulations; and impacts would not occur.

Section 8.0, Alternatives

Pages 8-8, Section 8.6, *Alternative 1: No Project/No Development*, is revised as follows:

Land Use

This alternative would not result in new development. ~~and~~ As such, there would be no potential for land uses to be introduced that ~~would~~ **could** indirectly result in environmental impacts due to ~~a~~ conflicts with an existing land use plan. This alternative would also not physically disrupt or divide the arrangement of an established community. **However, under the NDA, the property would remain vacant and undeveloped prime farmland, and no development would occur.** Overall, **the NDA** would result in **less than significant impacts** to land use and planning.

Pages 8-9, Section 8.6, *Alternative 1: No Project/No Development*, is revised as follows:

8.6.2 Conclusion

The NDA would result in maintaining the vacant and undeveloped Project site, and the proposed development would not occur. As a result, this alternative would avoid the need for mitigation measures that are identified in Section 5 of this Draft EIR, which include measures related to air quality, biological resources, greenhouse gases, transportation, and tribal cultural resources. This alternative would also avoid the significant and unavoidable impacts to agricultural resources, air quality, greenhouse gas emissions, and transportation. This alternative would result in lessened impacts to ~~16~~ **15** of the 16 environmental topics analyzed in this Draft EIR (see Table 8-6).

However, the environmental benefits of the proposed Project would also not be realized, including, but not limited to, the provision of local jobs reducing the need for members of the local workforce to commute outside the Project vicinity to work, and storm water capture and treatment improvements.

Page 8-17, Section 8.8, *Alternative 3: Manufacturing/50 Percent Reduced Warehouse*, is revised as follows:

Air Quality

Under this alternative, two manufacturing buildings and two storage yards; each building would be 750,000 SF for a total of 1,500,000 SF building area, approximately 1,501,721 SF, or 50 percent, reduced building area as compared to the Project. The proposed Project is calculated to generate 5,208 daily trips including 420 AM peak hour trips, and 494 PM peak hour trips. This alternative would result in 1,917 (26.9 percent) more daily trips, 601 more AM trips and 616 more PM trips compared to the proposed Project. Under this alternative, air quality impacts would be much greater than those under the proposed Project due to

increased emissions resulting from the increase in number of trips/mobile emissions. As with the proposed Project, the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~ would also result in emissions above AVAQMD thresholds. However, additional thresholds for criteria pollutants are likely to be exceeded. Therefore, the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~ would result in greater overall air quality impacts compared to the Project, and impacts would be significant and unavoidable.

Page 8-18 to 8-19, Section 8.8, *Alternative 3: Manufacturing/50 Percent Reduced Warehouse*, is revised as follows:

Greenhouse Gas Emissions

Under the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~, approximately 50 percent less building area would be developed within the Project site. However, as discussed in Section 5.7, *Greenhouse Gas Emissions*, a majority of the Projects GHG emissions are from mobile sources such as emission from vehicles and trucks. Development of the Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative would result in approximately 1,917 (26.9percent) more daily trips, 601 more AM trips and 616 more PM trips compared to the proposed Project. The additional trips are a result of the 100 percent manufacturing use that would be implemented by this alternative.

As the number of trips would increase by 26.9 percent, the overall volume of GHG emissions would be much greater in comparison to the proposed Project. The proposed Project's mitigated operational GHG emissions are 39,911, which is above the threshold of 3,000 MTCO2e/yr. The GHG mitigation measures required for the Project would be applicable to the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~. GHG emissions under this alternative would be farther above the screening threshold of 3,000 MTCO2e/yr than the proposed Project because of the increased number of trips. Therefore, this alternative would also result in impacts that would be significant and unavoidable and impacts would be greater than the proposed Project.

Page 8-19 to 8-20, Section 8.8, *Alternative 3: Manufacturing/50 Percent Reduced Warehouse*, is revised as follows:

Hydrology and Water Quality

Under this alternative, the 150.63-acre site would be developed with two 750,000 SF manufacturing buildings. The reduced building square footage would allow for additional truck and vehicle parking and for the development of a storage yard at each building site. Construction of the alternative would include installation of a stormwater drainage system, and preparation of a SWPPP would be required for development of this alternative. As the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~ would be required to adhere to the same hydrology and water quality requirements as the proposed Project, this alternative would result in less than significant impacts like the proposed Project.

Land Use

Under this alternative, the 150.63-acre site would be developed with two 750,000 SF manufacturing buildings. The reduced building square footage would allow for additional truck and vehicle parking and for the development of a storage yard at each building site. The Project site has a General Plan land use designation of Industrial (IND) and a zoning designation of Heavy Industrial (HI), as stated in Section 3, *Project Description*. The IND land use designation is intended to allow a variety of industrial uses including

manufacturing, warehousing distribution, and similar uses up to a maximum floor area ratio (FAR) of 0.5. The Heavy Industrial zone provides for a range of medium to high intensity industrial uses such as manufacturing, assembly, warehousing, and distribution, Like the proposed Project, the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~ would be consistent with the land use designation of (IND) and zoning designation of HI.

Potential impacts due to land use compatibility under both the Project and this alternative would be less than significant. This alternative would also not physically disrupt or divide the arrangement of an established community. Overall, impacts related to land use and planning from the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~ would be less than significant; and would be consistent with the Project's impacts.

Noise

Under this alternative, the 150.63-acre site would be developed with two 750,000 SF manufacturing buildings. The reduced building square footage would allow for additional truck and vehicle parking and for the development of a storage yard at each building site. The operation of this alternative would result in approximately 1,917 (26.9 percent) more daily trips, 601 more AM trips and 616 more PM trips, in comparison to the proposed Project. Therefore, this alternative would result in a substantial increase in roadway noise when compared to the proposed Project and would increase noise-related impacts. As detailed in Section 5.11, *Noise*, in Table 5.11-7, *Traffic Noise Levels Without and With Proposed Project*, the proposed Project-related traffic noise increase would be 1.9 dBA at 30th Street north of Columbia Way. A substantial increase of 26.9 percent in traffic at this location compared to the proposed Project from the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~ would likely result in this alternative being close to or exceeding the 3.0 dBA traffic noise level increase threshold. Therefore, traffic noise impacts from the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~ to sensitive receptors have the potential to be significant and unavoidable, mitigation measures would be required.

Short-term noise and vibration that would occur during construction of the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~ would be similar to the Project. Like the Project, long-term onsite operational noise would not expose nearby sensitive receivers to noise levels over the City's daytime noise standards. The proposed Project has less than significant noise impacts without mitigation. Overall, this alternative would result in greater operational noise-related impacts than those associated with the Project and impacts would require mitigation and may be significant and unavoidable.

Page 8-20, Section 8.8, *Alternative 3: Manufacturing/50 Percent Reduced Warehouse*, is revised as follows:

Population and Housing

Under this alternative, the 150.63-acre site would be developed with two 750,000 SF manufacturing buildings. The reduced building square footage would allow for additional truck and vehicle parking and for the development of a storage yard at each building site. Based on the SCAG *Employment Density Study Summary Report* generation factor for Los Angeles County of 1,214 SF of per employee for light manufacturing use (the table does not include data for heavy manufacturing), this alternative has the potential to result in the need for approximately 1,235 employees in comparison to the Project's 1,977 estimated employee generation, which is a reduction of 742 employees (37.5 percent reduction). This employment number would be within the SCAG growth projections from 2016 to 2045. Thus, this alternative would not result in unplanned growth inducing impacts or displacement of population and housing. Therefore,

this alternative would be less than significant, which is consistent with the proposed Project. However, the employment benefit of the Project would be reduced by **58** ~~37.5~~ percent.

Page 8-21, Section 8.8, *Alternative 3: Manufacturing/50 Percent Reduced Warehouse*, is revised as follows:

Transportation

Under this alternative, the 150.63-acre site would be developed with two 750,000 SF manufacturing buildings. The reduced building square footage would allow for additional truck and vehicle parking and for the development of a storage yard at each building site. Development of the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~ would result in approximately 7,125 daily trips, as shown in Table 8-5.

Table 8-1: Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative ~~No Project/Buildout of Existing Zoning Alternative~~ Trip Generation

	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Warehouse Cars	6,448	706	217	923	312	692	1005
Trucks	677	74	24	98	32	72	105
Total	**7,125**	**780**	**241**	**1,021**	**344**	**764**	**1,110**

This alternative would result in 1,917 (26.9 percent) more daily trips, 601 more AM trips and 616 more PM trips compared to the proposed Project. With respect to VMT, the increased number of trips and fewer employees results in greater VMT per service population, resulting in more impact as compared to the Project. Therefore, this alternative would result in significant and unavoidable impacts related to VMT and impacts would be greater than the proposed Project.

Tribal Cultural Resources

Under this alternative, the 150.63-acre site would be developed with two 750,000 SF manufacturing buildings. The reduced building square footage would allow for additional truck and vehicle parking and for the development of a storage yard at each building site. Additional improvements onsite would include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and driveways. Areas planned for physical impact on and offsite would be identical to those required for development of the proposed Project. Therefore, potential tribal cultural resource impacts would be the same as the Project and would require the same mitigation measures. Therefore, impacts from the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~ would be the same as the Project.

Page 8-22, Section 8.8, *Alternative 3: Manufacturing/50 Percent Reduced Warehouse*, is revised as follows:

Ability to Achieve Project Objectives

As shown in Table 8-7, below, the **Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative** ~~No Project/Buildout of Existing Zoning Alternative~~ would partially meet the majority of Project objectives, but not to the same extent as the proposed Project. This alternative would develop a property in the City of Palmdale with industrial uses, adding to its potential employment-generating uses (although at a reduced level) and would attract new businesses. Furthermore, the No Project/No Development Alternative would reduce the need for the local workforce to commute outside of the Project vicinity. This alternative would develop two manufacturing buildings within close proximity to SR-14 that is compatible with other

industrial buildings that were recently built or recently approved by the City. Lastly, this alternative would treat surface and stormwater flows as to not contribute to surface and groundwater quality degradation. However, this alternative would generate 50 percent less employment as compared to the Project, and would provide fewer resident opportunities to reduce commute times.

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3. Response to Comments

This section of the Final Environmental Impact Report (Final EIR) for the Palmdale Logistics Center (Project) includes a copy of all comment letters that were submitted during the public review period for the Draft Environmental Impact Report (Draft EIR), along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 45-day review period for the Draft EIR began on September 23, 2024, and ended on November 7, 2024. A total of 12 comment letters were received in response to the Draft EIR during the 45-day public review period, and no comment letters were received after the close of the public review period.

The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the Project unrelated to its environmental impacts) are noted for the record. Where text changes in the Draft EIR are warranted based on comments received, updated Project information, or other information provided by City staff, those changes are noted in the response to comment and the reader is directed to Section 2.0, *Errata*, of this Final EIR.

These changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not required.

All written comments received on the Draft EIR are listed in Table 3-1. All comment letters received on the Draft EIR have been coded with a number to facilitate identification and tracking. The comment letters were reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers. To aid readers and commenters, electronically bracketed comment letters have been reproduced in this document with the corresponding responses provided immediately following each comment letter.

The comment letters addressed a range of topics, including air quality and greenhouse gas emissions, traffic and transportation impacts, noise and vibration during construction, biological resources and habitat concerns, hydrology and water quality, hazardous materials, hazards to air navigation, land use and planning consistency, environmental justice considerations, cultural and tribal resources (Tribal representatives), and the adequacy of the Draft EIR's alternatives analysis. To finalize the EIR for the Project, the following responses were prepared to address these comments.

Table 3-1: Comments Received on the Draft EIR

Letter Number	Agency/Organization/Name	Comment Date Received
Agencies		
A1	Los Angeles County Sanitation Districts (LACSD)	September 25, 2024
A2	Antelope Valley Air Quality Management District (AVAQMD)	October 9, 2024
A3	California Department of Fish and Wildlife (CDFW)	October 28, 2024
A4	California Department of Conservation (CDOC)	October 28, 2024
A5	California Air Resources Board (CARB)	November 5, 2024
A6	California Department of Transportation (CalTrans)	November 8, 2024
A7	California Department of Transportation (CalTrans), Division of Aeronautics (DOA)	November 8, 2024
A8	County of Los Angeles Department of Public Works	October 28, 2024
A9	United States Air Force Plant 42	September 20, 2024
Organizations		
O1	Advocates for the Environment	October 24, 2024
O2	Californians Allied for a Responsible Economy (CARE CA)	October 28, 2024
O3	Golden State Environmental Justice Alliance (GSEJA)	November 4, 2024

Comment Letter 1: Los Angeles County Sanitation Districts, September 25, 2024 (1 page)

LOS ANGELES COUNTY SANITATION DISTRICTS
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager
1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

September 25, 2024

Ref. DOC 7326620

VIA EMAIL bmagana@cityofpalmdale.org

Ms. Brenda Magaña, Planning Manager
City of Palmdale Planning Division
38250 Sierra Highway
Palmdale, CA 93550

Dear Ms. Magaña:

Second Response to Palmdale Logistics Center

The Los Angeles County Sanitation Districts (Districts) received a Notice of Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the subject project located in the City of Palmdale on September 19, 2024. Previous comments submitted by the Districts in correspondence dated October 12, 2023 (copy enclosed), still apply to the subject project with the following updated information: A1.1

1. **Section 4 Environmental Setting and Section 5.16 Utilities and Service Systems**, *pages 4-17 and 5.16-11*: stated "LWRP treats approximately 14.656,775 million gallons per day or 44.98 AF per day while having a capacity to treat 18 million gallons per day." Please note that the Lancaster Water Reclamation Plant currently processes an average flow of 13.0 million gallons per day. A1.2

2. For specific information regarding the annexation procedure and fees, please contact Ms. Shirly Wang at shirlywang@lacsd.org or (562) 908-4288, extension 2708. A1.3

3. All other information concerning Districts' facilities and sewerage service contained in the document is current.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2742, or phorsley@lacsd.org. A1.4

Very truly yours,

Patricia Horsley

Patricia Horsley
Environmental Planner
Facilities Planning Department

PLH:plh

Enclosure

cc: S. Wang

DOC 7329164.D1499

3.1 RESPONSE TO LETTER A1: LOS ANGELES COUNTY SANITATION DISTRICTS, DATED SEPTEMBER 25, 2024

Comment A1.1: This comment states that the Los Angeles County Sanitation Districts (LACSD) received a notice on September 19, 2024 that the Draft EIR prepared for the Project was available. The comment further states that prior comments submitted during the Notice of Preparation would still apply with provided updates.

Response A1.1: This comment does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR , no further response is required or provided.

Comment A1.2: This comment summarizes the amount of water treated at the Lancaster Water Reclamation Plant that the Draft EIR included in Section 4.0, *Environmental Setting*, and Section 5.16, *Utilities and Service Systems*. The comment then states that the Lancaster Water Reclamation Plant currently processes an average flow of 13.0 million gallons per day.

Response A1.2: The Draft EIR assumed that the LWRP treated approximately 14,656,775 million gallons per day or 44.98 AF per day while having the capacity to treat 18 million gallons per day based on information from the existing Urban Water Management Plan (UWMP). Given that LACSD has provided more current data, Draft EIR Sections 4.0, *Environmental Setting*, and 5.16, *Utilities and Service Systems,* have been revised to reflect current information in Section 2.0, *Errata*, of this Final EIR and as shown below. This correction does not change the conclusions of the EIR, and the findings remain the same.

Page 5.16-11, Section 5.16.3.2, *Wastewater Environmental Setting*, is revised as follows:

5.16.3.2 Wastewater Environmental Setting

The Los Angeles County Sanitation District (LACSD) provides wastewater treatment and recycled water services within LACSD's service area. LACSD is a public agency consisting of 24 independent special districts serving approximately 5.5 million people in Los Angeles County. The service area covers approximately 850 square miles which encompasses 78 cities and unincorporated areas throughout the County treating about 400 million gallons per day. LACSD have a wastewater system that consists of 11 wastewater treatment facilities, 49 pump stations, over 1,400 miles of sewer lines, and two composting facilities.

The Project site is adjacent to the Antelope Valley Service Area of the Los Angeles County Sanitation District No. 14 (LACSD14), which services the Cities of Palmdale and Lancaster as well as surrounding unincorporated areas and operates the Lancaster Water Reclamation Plant (LWRP). The closest sewer main to the Project site operated by LACSD14 is located adjacent to the Project site, within 30th Street, as shown in Figure 3-13b, *Utility Improvements (Sewer)* in Section 3, *Project Description*. The LWRP serves approximately 160,000 people providing primary, secondary, and tertiary treatment with a design capacity of 18 million gallons of wastewater per day. The recycled water is then used for landscape irrigation and other municipal and industrial purposes in the City of Lancaster and surrounding areas.

In 2020, the LWRP collected and treated approximately 16,416 AFY of wastewater from the City of Lancaster, City of Palmdale, and Los Angeles County Public Works (Los Angeles County Waterworks, 2021). **According to the LACSD,** ~~Thus, on average,~~ **the** LWRP **currently processes an average flow of 13.0** ~~treats approximately 14,656,775~~ million gallons per day ~~or 44.98 AF per day~~ while having a capacity to treat 18 million gallons per day.

Comment A1.3: This comment provides a contact at the LACSD for information regarding annexation procedures and fees and states that all other information contained in the Draft EIR related to LACSD Facilities and sewer services is current.

Response A1.3: This comment does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided. However, the developer will contact LACSD as appropriate to process any annexation that is required.

Comment A1.4: This comment concludes the comment letter and provides a contact at the LACSD for further questions.

Response A1.4: This comment does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment Letter 2: Antelope Valley Air Quality Management District, October 9, 2024 (2 pages)

Antelope Valley Air Quality Management District
2551 West Avenue H Lancaster, CA 93536
661-723-8070
www.avaqmd.ca.gov
Barbara Lods, Executive Director

In reply, please refer to AV1024/118

October 9, 2024

Brenda Magana
City of Palmdale
38300 Sierra Highway
Palmdale, CA 93550

Project: Palmdale Logistics Center- Tentative Parcel Map 84077, Conditional Use Permit 23-003, and Site Plan Review 23-001

To Whom It May Concern:

The Antelope Valley Air Quality Management District (District) has received the request to comment on Project: Palmdale Logistics Center- Tentative Parcel Map 84077, Conditional Use Permit 23-003, and Site Plan Review 23-001 requesting to subdivide the approximately 150.63-acre project site into three parcels. The project would develop two warehouses, each totaling 1,500,856 square feet (SF) on two of the parcels and a stormwater detention basin on the third parcel. The total area of disturbance for the project would be 170.28 acres. This project site is located northeast of the 30th Street East and East Avenue M intersection in the City of Palmdale, CA (APN: 3170-018-081)

Prior to initiating any grading or grubbing construction activity, the District requires submission of the required Construction Excavation Fee as well as compliance with all prerequisites outlined in District Rule 403, *Fugitive Dust*, including submission and approval of a Dust Control Plan, installation of signage and the completion of a successful onsite compliance inspection by an AVAQMD field inspector.

During the construction phase, all disturbed areas should be stabilized so that no visible fugitive dust leaves the property line and does not impact traffic or neighboring residents. If an area of one-half acre or more of the Disturbed Surface Area remains unused for seven or more days, the area must comply with the conditions for a Stabilized Surface outlined in Rule 403. Upon completion of the project, all disturbed surface areas must meet the definition of a stabilized surface, as defined in Rule 403 and verified by District staff.

The District requires applicable permit application(s) and fees be submitted for any equipment or process that may not be exempt under District Rule 219 and have the potential to emit or control air contaminants as a condition of approval, including, but not limited to, emergency generators rated at over 50 bhp

All construction equipment utilized on this project must comply with the Air Resources Board In-Use Off-Road Diesel Vehicle Regulation.

AV Air Quality Management District (AVAQMD) has grant funds available to assist with the construction and/or installation of electric vehicle charging at publicly accessible commercial/industrial developments. If you want to learn more about the program or apply for funds, don't hesitate to get in touch with the District for more information.

Prior to the issuance of any Permit by the City of Palmdale and the commencement of grading or construction activity, all projects must undergo clearance by the Antelope Valley Air Quality Management District (AVAQMD).

Thank you for the opportunity to review this planning document. If you have any questions regarding the information presented in this letter please contact me at (661) 723-8070 ext. 23 or blods@avaqmd.ca.gov

Sincerely,

Barbara Lods

Barbara Lods

BJL/SS
Sent via Email

Antelope Valley Air Quality Management District
2551 W Avenue H, Suite 102
Lancaster, CA 93536 661.723.8070

City of Palmdale Clearance Checklist

Project Name: *Palmdale Logistics Center*

Project ID: *TPM84077, CUP23-003, SPR23-001*

Location: *APN: 3170-018-081*
30th Street East & E Avenue M

Acres: *170.28-acres*

Planner: *Brenda Magana*

Chron #: *AV1024/138*

Prior to the issuance of any Permit by the City of Palmdale and the commencement of grading or construction activity, all projects must undergo clearance by the Antelope Valley Air Quality Management District (AVAQMD) for the following:

- [x] Rule 302-Construction Excavation Fee
- [x] Dust Control Plan (DCP) with Signage
- [ ] Dust Control Signage (Only)
  - [ ] Project Signage Information Form
- [x] Rule 219-Permitting
- [x] CARB Equipment
- [ ] Rule 1403-Asbestos
- [ ] Cannabis Odor Control Plan
- [ ] Other:

For Office Use Only

Date Received: _____

Authorized District Signature: _____

Additional Notes:

Date Approved (Stamp):

3.2 RESPONSE TO LETTER A2: ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT, DATED OCTOBER 9, 2024

Comment A2.1: This comment states that the Antelope Valley Air Quality Management District (AVAQMD) has received a request to comment on the Project and provides a short summary of the proposed Project.

Response A2.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment A2.2: This comment states that AVAQMD requires submission of the required Construction Excavation Fee prior to initiating any grading or construction activity as well as compliance with District Rule 403 which includes approval of a Dust Control Plan, signage installation and completion of an AVAQMD field inspection.

Response A2.2: The proposed Project will comply with all applicable requirements of the AVAQMD, including Rule 402, Rule 403, and Rule 1113, as stated in the Draft EIR at page 5.3-29. Compliance with the applicable AVAQMD rules would be ensured by the City's permitting process.

Comment A2.3: This comment states that during construction, all disturbed areas should be stabilized so that no visible fugitive dust leaves the property line impacting traffic or neighboring residents. The comment further states that if a disturbed surface area of one-half acre remains unused for seven or more days, the area must comply with the conditions in Rule 403. In addition, the comment states that all disturbed areas must meet the definition of a stabilized surface.

Response A2.3: The Draft EIR includes PPP AQ-2 (AVAQMD Rule 403) (Draft EIR page 5.3-29) which requires that the construction plans and specifications implement Rule 403. Accordingly, the Project will follow the requirements of Rule 403 including requirements for fugitive dust and temporary stabilization during periods of inactivity.

Comment A2.4: This comment states that AVAQMD requires that applicable permit application(s) and fees be submitted for any equipment or process that are not exempt under District Rule 219 and have the potential to emit or control air contaminants as a condition of approval, including, but not limited to, emergency generators rated at over 50 bhp.

Response A2.4: As stated in Response A2.2, the Project will comply with all applicable requirements of the AVAQMD, including Rule 402, Rule 403, and Rule 1113, as stated in the Draft EIR at page 5.3-29. Compliance with the applicable AVAQMD rules would be ensured by the City's permitting process.

Comment A2.5: This comment states that all construction equipment utilized on this Project must comply with the Air Resources Board In-Use Off-Road Diesel Vehicle Regulation. Further, the comment states that AVAQMD has grant funds available to assist with the construction and/or installation of electric vehicle charging at publicly accessible commercial/industrial developments.

Response A2.5: The Project will ensure compliance with the California Air Resources Board (CARB) In-Use Off-Road Diesel Vehicle Regulation, as required, by requiring all contractors to verify that their off-road diesel vehicles meet CARB compliance requirements. Compliance with the applicable CARB and AVAQMD rules would be ensured by the City's permitting process. The applicant appreciates the information regarding the AVAQMD grant funds for the construction and/or installation of electric vehicle charging stations.

Comment A2.6: This comment states that prior to the issuance of any Permit by the City of Palmdale and the commencement of grading or construction activity, all projects must undergo clearance by the AVAQMD.

Response A2.6: The Project will be processed through the City's permitting system. Clearance by the AVAQMD will be ensured by the City's permitting process.

Comment A2.7: This comment concludes the comment letter and provides a contact at the AVAQMD for further questions.

Response A2.7: This comment is conclusionary in nature and does not raise a specific issue with the adequacy of the Draft EIR thus no further response is warranted or provided.

Comment Letter 3: California Department of fish and Wildlife, October 28, 2024 (3 pages)

Subject: CDFW Comments on Palmdale Logistics Center (SCH No. 2023090551)

Importance: High

From: Portugal, Julisa@Wildlife <Julisa.Portugal@Wildlife.ca.gov>
Sent: Monday, October 28, 2024 9:54 AM
To: Brenda Magana <bmagana@cityofpalmdaleca.gov>
Cc: Turner, Jennifer@Wildlife <Jennifer.Turner@wildlife.ca.gov>; Tang, Victoria@Wildlife <Victoria.Tang@wildlife.ca.gov>
Subject: CDFW Comments on Palmdale Logistics Center (SCH No. 2023090551)
Importance: High

CAUTION: This email originated from outside of the organization.

Dear Brenda Magana,

The California Department of Fish and Wildlife (CDFW) has completed our review of the Draft Environmental Impact Report (DEIR) for the Palmdale Logistics Center (Project). The Project proposes the subdivision of approximately 150 acres into three parcels for the development of two industrial buildings and an 11-acre stormwater detention basin lot. The Project would also include parking, landscaping, and street improvements for East Avenue M and 30th Street East. CDFW provided comments to the Notice of Preparation for this Project on October 25, 2023, and has previously reviewed a draft copy of the Biological Resources section of the DEIR. We appreciate the incorporation of our comments and revisions into the DEIR. On October 10, 2024, the Fish and Game Commission voted unanimously to advance burrowing owl to candidacy under the California Endangered Species Act (CESA). The DEIR acknowledges the potential of burrowing owl to occur on the Project site and has provided Mitigation Measure BIO-2. We remain concerned that the DEIR does not discuss specific impacts to burrowing owl that may occur as a result of Project activities. We recommend that the City incorporate the following recommendation and revised mitigation measure into the DEIR prior to adoption. The City should revise Mitigation Measure BIO-2 to incorporate the underlined language and omit the language in strikethrough. A3.1 A3.2

Recommendation – DEIR Revision: The DEIR should acknowledge that burrowing owl has been elevated to a candidate species under CESA and has full protection as a threatened or endangered species under CESA. The DEIR should also discuss the Project's potential direct and indirect impacts on burrowing owl. If the Project may impact burrowing owl, the DEIR should provide measures to fully avoid, and/or mitigate potential impacts to burrowing owl, as well as habitat supporting these species. The discussion should be of a depth and scope that a CESA Incidental Take Permit can be issued based on the analysis provided in the MND.

Mitigation Measure BIO-2: ~~Pre-Construction~~ Burrowing Owl Surveys. Project plans, specifications, and construction permitting instructions shall require ~~pre-construction~~ focused burrowing owl surveys be conducted no less than 14 days prior to the start of Project-related activities and ~~within 24 hours prior to ground disturbance,~~ in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version) (Staff Report). Pre-construction surveys shall be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. Burrowing owl protocol surveys shall be conducted on the Project site and within 500 feet of the Project site where there is suitable habitat. In California, the burrowing owl breeding season extends from February 1 to August 31 with some variances by geographic location and A3.3

1

climatic conditions. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. If burrowing owl surveys are negative and burrowing owl is confirmed absent, then ground-disturbing activities shall be allowed to commence, and no further mitigation would be required. ~~If unoccupied burrows are observed onsite, construction shall be allowed to proceed.~~

If the ~~pre-construction~~ surveys confirm occupied burrow(s) and presence of burrowing owls, the Project proponent shall coordinate with CDFW to determine if full avoidance is achievable. If avoidance is not achievable, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization. The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing ground-disturbing activities and vegetation removal. ~~such active burrows shall be avoided by the Project in accordance with CDFW's Staff Report (CDFG 2012). CDFW shall be immediately informed of any burrowing owl observations. The qualified biologist shall coordinate with CDFW to prepare and implement a Burrowing Owl Plan for avoidance, minimization, and/or mitigation measures that shall be submitted to CDFW for review and approval prior to commencing Project activities. A grading permit may be issued once the Burrowing Owl Plan is approved and, if relocations are deemed necessary, the species has been relocated. If the grading permit is not obtained within 30 days of the survey, a new survey shall be required. Avoidance, minimization, and/or mitigation measures in the Burrowing Owl Plan may include any one of the following:~~

- ~~**If burrowing owls are observed on-site outside the breeding season** (September 1 to January 31) and they cannot be avoided, active or passive relocation shall be used to exclude owls from their burrows, as agreed to by the CDFW. Relocation shall occur only outside of the breeding season or once the young are able to leave the nest and fly. In the event that burrowing owls are to be relocated, a Burrowing Owl Relocation Plan shall be submitted for review and approval by the CDFW. The CDFW shall be consulted prior to any relocation to determine acceptable receiving sites available where this species has a greater chance of successful long-term relocation.~~

  ~~Passive relocation shall include the use of one-way doors to exclude owls from the burrows; doors shall be left in place for at least 48 hours. Once the burrow is determined to be unoccupied, as verified by site monitoring, the burrow shall be closed by a qualified Biologist who shall excavate the burrow using hand tools. Prior to excluding an owl from an active burrow, a receptor burrow survey shall be conducted to confirm that at least two potentially suitable unoccupied burrows are within approximately 688 feet prior to installation of the one-way door. If two natural receptor burrows are not located, two artificial burrows shall be created for every burrow that would be closed.~~

- ~~**If burrowing owls are observed on-site during the breeding season** (September 1 to January 31), the burrow(s) shall be protected until nesting activity has ended (i.e., all young have fledged from the burrow). Temporary fencing, or a buffer, shall be installed at least at a 250-foot diameter buffer zone from the active burrow, (or as otherwise determined by the biologist) to prevent disturbance during grading or construction. The designated buffer will be clearly marked in the field and will be mapped as an Environmental Sensitive Area (ESA) on construction plans. Installation and removal of the buffer shall be done with a biological monitor present.~~

A3.3 cont.

If you have any questions or concerns, please feel free to reach out. Thank you for the opportunity to review and comment on the Project.

A3.4

2

Best,

Julisa Portugal
Environmental Scientist
South Coast Region-5
3030 Old Ranch Pkwy Suite 400
Seal Beach, CA 90740
Cell: (562) 330-7563
Email: Julisa.Portugal@wildlife.ca.gov

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3.3 RESPONSE TO LETTER A3: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, DATED OCTOBER 28, 2024

Comment A3.1: This comment states that the California Department of Fish and Wildlife (CDFW) has completed their review of the Draft EIR for the Project. The comment provides a short summary of the Project and states that comments were provided during the Notice of Preparation period in 2023. In addition, the comment states that a draft copy of the Draft EIR Biological Section was reviewed by CDFW and comments were provided which have been incorporated into the EIR.

Response A3.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Therefore, no further response is warranted or provided.

Comment A3.2: This comment states that the Fish and Game Commission voted unanimously to advance burrowing owl (BUOW) to candidacy under the California Endangered Species Act (CESA). The comment further states that the Draft EIR acknowledges the potential of BUOW to occur on the Project site and while Mitigation Measure BIO-2 has been incorporated, CDFW is concerned that the Draft EIR does not discuss specific impacts to BUOW that could occur from Project activities. CDFW therefore recommends that the City incorporates the recommendations provided in the comment letter into the Draft EIR.

Response A3.2: This comment provides background on BUOW's listing status and is introductory to the comment that follows. While initial concerns regarding adequacy on BUOW are raised, no details or suggested changes have been made. Suggested recommendations and revisions requested have been addressed under Comment A3.3.

Comment A3.3: This comment states that the Draft EIR should acknowledge that BUOW has been elevated to a candidate species under CESA and therefore has full protection as a threatened or endangered species under CESA. The comment further states that the Draft EIR should discuss the Project's potential direct and indirect impacts on BUOW and if the Project could impact BUOW, the Draft EIR should provide measures to fully avoid, and/or mitigate potential impacts to BUOW, as well as habitat supporting BUOW. The comment then states that the discussion should be of a depth and scope that a CESA Incidental Take Permit could be issued based on the analysis provided in the MND. The comment provides Draft EIR Mitigation Measure BIO-2 with suggested strikethroughs and revisions.

Response A3.3: The California Fish and Game Commission (CFGC) voted to list the western burrowing owl (BUOW) as a candidate species under the CESA on October 10, 2024, during the time of circulation of the Draft EIR. However, BUOW listing as a candidate species, does not change the conclusions of the Draft EIR that the Project with proper mitigation would not result in a potentially significant impact to that species. As explained below, however, the Mitigation Measure has been revised to address the recommendations of CDFW. With this mitigation, the Project will continue to result in a less-than-significant impact to the BUOW.

As discussed on page 5.4-7 of the Draft EIR, the Project site has low potential to support BUOW. No burrowing owls or recent signs (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigations. A majority of the Project site is vegetated with a variety of low-growing plant species that allow for line-of-sight observation favored by burrowing owls. However, no suitable burrows (>4 inches in diameter) for roosting and nesting were observed within site boundaries. Additionally, the site is surrounded by electrical poles, tall buildings, and streetlights that provide perching opportunities for large raptors (i.e., red-tailed hawk) that prey on burrowing owls, which may reduce the likelihood that burrowing owl would establish onsite.

Despite the Projects site's low potential to support burrowing owl, Mitigation Measure BIO-2 was included to require pre-construction burrowing owl surveys no less than 14 days prior to the start of Project-related activities. Pre-construction burrowing owl surveys would be performed by a qualified biologist following the

recommendations and guidelines provided in the CDFW Staff Report on Burrowing Owl Mitigation. If the pre-construction surveys confirm occupied burrowing owl habitat, Project activities would be immediately halted until a Burrowing Owl Relocation Plan is approved.

Additionally, Mitigation Measure BIO-2 has been revised to reflect the current status of the BUOW as a candidate species under CESA in Section 2.0, *Errata*, of this Final EIR and as shown below. As shown in the updated Mitigation Measure BIO-2, BUOW protocol surveys will be conducted at the Project site. If BUOW is a CESA Protected Species at the time of the proposed impact and the protocol surveys confirms occupied burrow(s), such active burrows would be avoided by the Project in accordance with CDFW's Staff Report (CDFG 2012), until the burrows are determined unoccupied or the Applicant obtains take authorization from CDFW if BUOW is a Threatened, Endangered, or Candidate Species with interim protection under the California Endangered Species Act (a "CESA Protected Species") at the time of proposed impact on the burrowing owl.

The updated Mitigation Measure BIO-2 also includes a measure for the scenario that the BUOW is not a CESA Protected Species at the time of the proposed impact on the BUOW. If the protocol surveys confirm presence of occupied burrow(s) and BUOW is not a CESA Protected Species at the time of the proposed impact on the BUOW, BUOW pre-construction surveys would be performed by a qualified biologist. The qualified biologist would prepare and implement a Burrowing Owl Plan for avoidance, minimization, and/or mitigation measures that would be submitted to CDFW for review**.**

Section 5.4, *Biological Resources*, has been revised to reflect the current status of the BUOW as a candidate species under CESA in Section 2.0, *Errata*, of this Final EIR and as shown below. No further analysis is required under CEQA.

Page 5.4-7, Section 5.4.6, *Environmental Impacts*, is revised as follows:

Burrowing Owl

The burrowing owl is listed as a **candidate species under CESA** ~~California Species of Special Concern~~. It is a grassland species distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls are dependent upon the presence of burrowing mammals, such as ground squirrels, whose burrows are used for roosting and nesting. The presence or absence of mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drainpipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. They also require open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators.

No burrowing owls or recent signs (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigations. A majority of the Project site is vegetated with a variety of low-growing plant species that allow for line-of-sight observation favored by burrowing owls. However, no suitable burrows (>4 inches in diameter) for roosting and nesting were observed within site boundaries. Additionally, the site is surrounded by electrical poles, tall buildings, and streetlights that provide perching opportunities for large raptors (i.e., red-tailed hawk) that prey on burrowing owls, which may reduce the likelihood that burrowing owl would establish onsite. Therefore, the Project site was determined to have low potential to support burrowing owl.

Despite the Project's site low potential to support burrowing owl, Mitigation Measure BIO-2 has been included to require ~~pre-construction~~ burrowing owl **protocol** surveys ~~no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance~~. **If BUOWs are**

observed on-site and Burrowing Owl is a CESA Protected Species at time of Proposed Impact, active burrows would be avoided by the Project in accordance until the burrows are determined unoccupied or the Applicant obtains take authorization from CDFW. If the protocol surveys confirm presence of occupied burrow(s) and burrowing owl is not a CESA Protected Species at the time of the proposed impact on the burrowing owl, pre-construction burrowing owl surveys would be performed by a qualified biologist following the recommendations and guidelines provided in the CDFW Staff Report on Burrowing Owl Mitigation. **The qualified biologist would prepare and implement a Burrowing Owl Plan for avoidance, minimization, and/or mitigation measures that shall be submitted to CDFW for review.** ~~If the pre-construction surveys confirm occupied burrowing owl habitat, Project activities would be immediately halted until CDFW grants approval of a Burrowing Owl Relocation Plan.~~ Overall, the proposed Project would have less than significant impact on burrowing owl with implementation of Mitigation Measure BIO-2.

Page 5.4-11, Section 5.4.10, *Mitigation Measures*, is revised as follows:

MM BIO-2: **Pre-Construction Burrowing Owl Surveys.** ~~Project plans, specifications, and construction permitting instructions shall require pre-construction burrowing owl surveys be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version) (Staff Report). Pre-construction surveys shall be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation.~~ **Burrowing owl protocol surveys shall be conducted on the Project site and within 500 feet of the Project site where there is suitable habitat, to the extent legally feasible if such area is not owned or controlled by the applicant. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.** If burrowing owl surveys are negative ~~and burrowing owl is confirmed absent~~, then ground-disturbing activities shall be allowed to commence, and no further mitigation would be required. If unoccupied burrows are observed onsite, ~~construction~~ **they may be collapsed and ground disturbance** shall be allowed to proceed.

Avoidance and Minimization if Burrowing Owl is a CESA Protected Species at time of Proposed Impact: If the **protocol** surveys confirm occupied burrow(s), such active burrows shall be avoided by the Project in accordance with CDFW's Staff Report (CDFG 2012). ~~CDFW shall be immediately informed of any burrowing owl observations.~~ **until the burrows are determined unoccupied or the Applicant obtains take authorization from CDFW if burrowing owl is a Threatened, Endangered, or Candidate Species with interim protection under the California Endangered Species Act (a "CESA Protected Species") at the time of proposed impact on the burrowing owl.**

If the protocol surveys confirm presence of occupied burrow(s) and burrowing owl is not a CESA Protected Species at the time of the proposed impact on the burrowing owl (i.e., initiation of grading), the following mitigation measures shall apply to avoid and minimize impacts to burrowing owls:

Project plans, specifications, and construction permitting instructions shall require burrowing owl surveys be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground

disturbance, in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version) (Staff Report). Pre-construction surveys shall be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report.

The qualified biologist shall ~~coordinate with CDFW to~~ prepare and implement a Burrowing Owl Plan for avoidance, minimization, and/or mitigation measures that shall be submitted to CDFW for review and ~~approval~~ **comment** prior to commencing Project activities, **and thereafter submitted to City for final review and approval as the CEQA Lead Agency.** A grading permit may be issued once the Burrowing Owl Plan is approved and, if relocations are deemed necessary, the species has been relocated. If the grading permit is not obtained within 30 days of the survey, a new survey shall be required. Avoidance, minimization, and/or mitigation measures in the Burrowing Owl Plan ~~may~~ **shall** include any one of the following:

- **If burrowing owls are observed on-site outside the breeding season** (September 1 to January 31) and they cannot be avoided, active or passive relocation shall be used to exclude owls from their burrows, as agreed to by the CDFW. Relocation shall occur only outside of the breeding season or once the young are able to leave the nest and fly. In the event that burrowing owls are to be relocated, a Burrowing Owl Relocation Plan shall be submitted for review **and comment** by the CDFW. The CDFW shall be consulted prior to any relocation to determine acceptable receiving sites available where this species has a greater chance of successful long-term relocation.

  Passive relocation shall include the use of one-way doors to exclude owls from the burrows; doors shall be left in place for at least 48 hours. Once the burrow is determined to be unoccupied, as verified by site monitoring, the burrow shall be closed by a qualified Biologist who shall excavate the burrow using hand tools. Prior to excluding an owl from an active burrow, a receptor burrow survey shall be conducted to confirm that at least two potentially suitable unoccupied burrows are within approximately 688 feet prior to installation of the one-way door. If two natural receptor burrows are not located, two artificial burrows shall be created for every burrow that would be closed.

- If burrowing owls are observed on-site during the breeding season (**not between** September 1 to January 31), the burrow(s) shall be protected until nesting activity has ended (i.e., all young have fledged from the burrow). Temporary fencing, or a buffer, shall be installed at least at a 250-foot diameter buffer zone from the active burrow (or as otherwise determined by the biologist) to prevent disturbance during grading or construction. The designated buffer **shall** ~~will~~ be clearly marked in the field and **shall** ~~will~~ be mapped as an Environmental Sensitive Area (ESA) on construction plans. Installation and removal of the buffer shall be done with a biological monitor present.

Comment A3.4: This comment concludes the letter and provides contact information for questions on the provided comment letter.

Response A3.4: This comment is conclusionary in nature and does not raise a specific issue with the adequacy of the Draft EIR; thus, no further response is warranted or provided.

Comment Letter 4: California Department of Conservation, October 28, 2024 (3 pages)

California
Department of Conservation
Division of Land Resource Protection

Gavin Newsom, Governor
Gabe Tiffany, Acting Director

OCTOBER 28, 2024

VIA EMAIL: BMAGANA@CITYOFPALMDALE.ORG
CITY OF PALMDALE
BRENDA MAGANA, PLANNING MANAGER
38250 SIERRA HIGHWAY
PALMDALE, CA 93550

Dear Ms. Magana:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PALMDALE LOGISTICS CENTER PROJECT, SCH# 2023090551

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report for the Palmdale Logistics Center Project (Project).

The Division monitors and maps farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. Public Resources Code, section 614, subdivision (b) authorizes the Department to provide soil conservation advisory services to local governments, including review of CEQA documents.

Protection of the state's agricultural land resources is part of the Department's mission and central to many of its programs. The CEQA process gives the Department an opportunity to acknowledge the value of the resource, identify areas of Department interest, and offer information on how to assess potential impacts or mitigation opportunities.

A4.1

The Department respects local decision-making by informing the CEQA process, and is not taking a position or providing legal or policy interpretation.

We offer the following comments for consideration with respect to the project's potential impacts on agricultural land and resources within the Department's purview.

PROJECT ATTRIBUTES

The applicant has submitted applications to the City of Palmdale for a Tentative Parcel Map (TPM), Conditional Use Permit (CUP), and Site Plan Review (SPR) for the Project referred to as the Palmdale Logistics Center to allow for development of two single-story industrial buildings. The TPM would subdivide the approximately 150.63-acre Project site into three parcels. The Project would develop two warehouses, each totaling 1,500,856 square feet (SF) on two of the parcels. The third parcel would be

A4.2

State of California Natural Resources Agency | Department of Conservation
715 P Street, MS 1904, Sacramento, CA 95814
conservation.ca.gov | T: (916) 324-0850 | F: (916) 327-3430

dedicated to the construction of a stormwater detention basin that would serve only the Project site. The project site contains Prime Farmland as designated by DOC's Farmland Mapping and Monitoring Program.

A4.2 cont.

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity: e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Implementation of any City or County Agricultural Mitigation Plans, Programs, or Policies.
- Proposed mitigation measures for impacted agricultural lands within the proposed project area.

A4.3

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (*See* Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]; *see also King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.)

Mitigation through agricultural conservation easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land may be viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area. A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

A4.4

California Council of Land Trusts

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts. A4.4 cont.

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Palmdale Logistics Center Project. Please provide the Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov. A4.5

Sincerely,

Monique Wilber

Monique Wilber
Conservation Program Support Supervisor

3.4 RESPONSE TO LETTER A4: CALIFORNIA DEPARTMENT OF CONSERVATION, DATED OCTOBER 28, 2024

Comment A4.1: This comment introduces the comment letter and states that the Department of Conservation (DOC) has reviewed the Draft EIR. The comment provides a summary of the DOC's responsibilities and their role in the review process of CEQA documents.

Response A4.1: The comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Therefore, no further response is warranted or provided.

Comment A4.2: This comment provides a summary of the proposed Project and states that based on the DOC's Farmland Mapping and Monitoring Program, the Project site is designated as Prime Farmland.

Response A4.2: This comment is informational in nature and does not provide any substantial evidence of significant environmental impacts not already disclosed in the Draft EIR. As discussed in the Draft EIR Section 5.2, *Agriculture and Forest Resources*, and as shown in Figure 5.2-1 of the Draft EIR, the site contains approximately 162.5 acres of Prime Farmland. This comment does not express any specific concern or question regarding the adequacy of the Draft EIR, and no further response is warranted.

Comment A4.3: This comment states that the conversion of agricultural land is a permanent reduction and impact to California's agricultural land resources. The comment suggests discussion on the type, amount, and location of farmland conversion resulting from the proposed Project. The comment also recommends discussing impacts on any current and future agricultural operation in the vicinity; cumulative impacts on agriculture land; any City or County Agriculture Mitigation Plans, Programs and Policies; and discussion on proposed mitigation measures for impacted agriculture lands within the proposed Project area.

Response A4.3: As discussed in the Draft EIR Section 5.2, *Agriculture and Forest Resources,* the entirety of the Project site is currently vacant and is not used for agricultural operations, however the Project site was historically used as farmland and approximately 162.5 acres are designated as Prime Farmland. Therefore, the Project would result in the direct loss of 162.5 acres of Prime Farmland, which would result in a significant and unavoidable impact.

However, as mentioned in Section 4.0, *Environmental Setting,* of the Draft EIR, the Project site has a General Plan land use designation of Industrial (IND) and a zoning designation of Heavy Industrial (HI), both of which are intended for urban uses. Thus, urbanization of the Project site has been anticipated and accounted for since the adoption of the General Plan in 2022. As such, conversion of the site from agricultural uses has been planned by the City's General Plan since 2022 and the Project does not represent an unplanned conversion of agricultural land.

As discussed within Section 5.2.2.3 of the Draft EIR, the City of Palmdale's Municipal Code Chapter 17 establishes several residential and industrial zones that allow for different types of agricultural uses but does not have zones that are limited to only agricultural uses. Further, the General Plan contains only one policy related to agriculture (LUD-21.4 Greenbelt Concept). Strive to create an undeveloped or natural greenbelt around the city comprised of natural areas, parks, open space, and agricultural/utility lands), as included in Section 2.0, *Errata*, of this Final EIR. While the General Plan strives to maintain green spaces including agricultural land, the HI zone allows for limited agricultural uses including agricultural support, sales, service, and storage; aquaculture with a Conditional Use Permit; and horticultural production with a Minor Use Permit. However, this zone does not allow for crop production or any other agricultural uses. Typical uses for the HI zone include manufacturing, assembly, warehousing, distribution, and the like. Thus, the Project would not conflict with the HI zone of the Project site and would not result in an undisclosed significant impact.

This comment does not provide any substantial evidence that the Project would result in a significant environmental impact not previously disclosed in the Draft EIR.

Comment A4.4: This comment states that the DOC advises that the EIR address mitigation for the loss or conversion of agricultural land. The comment states that one potential form of mitigation would be a conservation easement through the outright purchase of easements or donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The comment further provides a resource for insight on farmland mitigation strategies and states that the use of conservation easements is only one form of mitigation and the City should consider other mitigation forms as well.

Response A4.4: As discussed in Section 5.2, *Agriculture and Forest Resources*, of the Draft EIR, there are no feasible mitigation measures to reduce impacts associated with the Project's conversion of agricultural lands designated as Prime Farmland to non-agricultural uses. Further, the site is not currently in agricultural production. Thus, retention of land for agricultural purposes would be infeasible as it would prevent the development of onsite buildings, which would inhibit implementation of the Project as a whole. Replacement of agricultural resources offsite would be infeasible as creation of new farmland-status properties within the City is outside of the City and Applicant control. Additional offsite mitigation would be infeasible as it would require the Applicant to purchase replacement acreage for farmland currently not in use elsewhere in California and restore it as viable farmland; however, offsite mitigation would not reduce impacts as the loss of agricultural land occurs within the Project parcels as the Project parcels have no relationship to the loss of agricultural lands within the City or County.

The comment letter proposes additional mitigation measures such as the purchase of easements and application of mitigation fees. However, this would not effectively reduce the Project's impact related to the loss of Prime Farmland since these mitigation measures would not directly reduce the impacts in relation to the Project site. No feasible mitigation measures exist that would reduce the impact to levels that are less-than-significant; therefore, these recommended measures have not been included. Furthermore, an EIR is not required to adopt a mitigation measure that does not effectively address a significant impact (*Napa Citizens for Honest Gov't v Napa County Bd. of Supervisors* (2001) 91 CA4th 342, 365). Thus, the proposed Project is not required to implement the measures proposed in the comment as they would fail to reduce impact levels. The commenter does not provide additional data or specific measures for consideration or incorporation when discussing "other feasible mitigation measures". Thus, no further response is warranted.

Comment A4.5: This comment concludes the letter and requests that the DOC be notified with future hearing dates as well as staff reports pertaining to the Project. In addition, the comment provides contact information if the City has any questions on DOC's comment letter.

Response A4.5: The DOC will be added to the notification list for the proposed Project. This comment is conclusionary in nature and does not raise a specific issue with the adequacy of the Draft EIR; thus, no further response is warranted or provided.

Comment Letter 5: California Air Resources Board, November 5, 2024 (7 pages)

CALIFORNIA AIR RESOURCES BOARD

Gavin Newsom, Governor
Yana Garcia, CalEPA Secretary
Liane M. Randolph, Chair

November 5, 2024

Brenda Magana
Planning Manager
City of Palmdale
38250 Sierra Highway
Palmdale, California 93550
bmagana@cityofpalmdale.org

Sent via email

Brenda Magana:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Palmdale Logistics Center Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2023090551. The Project would develop two warehouses, each totaling 1,500,856 square feet on two parcels. The DEIR assumes 90% of the proposed development would be dedicated to warehouse uses and the remaining 10% would be dedicated to manufacturing uses. The proposed warehouse uses do not include cold storage. Once fully built, the proposed Project would result in up to 5,209 daily vehicle trips along local roadways, including 1,433 daily truck trips.[1] The Project is proposed within the City of Palmdale (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes. A5.1

CARB is concerned that the Project will expose nearby residential communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site. Residences are located to the north and east of the Project site, with the closest residence located approximately 4,000 feet east of the Project site. These residences are located near existing toxic diesel particulate matter (diesel PM) emission sources, which include existing aircraft traffic from the Palmdale Regional Airport, rail traffic along existing rail lines, and vehicular traffic along State Route 14. A5.2

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during A5.3

[1] City of Palmdale. Palmdale Logistics Center Draft Environmental Impact Report. Appendix B. Page 4. Accessible at *https://ceqanet.opr.ca.gov/2023090551/4/Attachment/lUbrln*

the construction and operation of the Project would negatively impact neighboring communities. A5.3 cont.

Through its authority under Health and Safety Code section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)); In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25% of the census tracts as analyzed by the California Communities Environmental Health Screening Tool Version 4.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. Residents near the Project site are located in census tracts within the top 15% for Pollution Burden. The City must ensure that the Project does not adversely impact neighboring disadvantaged communities. A5.4

Industrial facilities, like the facilities described in the Project, can result in high volumes of heavy-duty diesel truck traffic, and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.[2] To better address regional air pollution and global climate change, Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020. The Executive Order states: "It shall be a goal of the State that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100% of medium and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100% zero-emission off-road vehicles and equipment by 2035 where feasible." The Executive Order further directs the development of regulations to help meet these goals. To ensure that lead agencies, like the City, stay in step with evolving scientific knowledge to protect public health from adverse air quality and greenhouse gas impacts from the transportation sector, which serves as the basis of the Governor's Executive Order N-79-20, CARB staff urges the City to plan for the use of zero-emission technologies within the Project area as described in this letter. A5.5

[2] With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2022, explains that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance. CARB's 2022 Scoping Plan for Achieving Carbon Neutrality, published November 16, 2022, is available at *https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp_1.pdf*

The City Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts

The Health Risk Analysis (HRA) prepared for the Project and presented in Section 5.3 (Air Quality) of the DEIR concluded that residences near the Project site would be exposed to diesel PM emissions that would result in cancer risks of 0.21 chances per million during Project operations. Since the Project's cancer risks were below the Antelope Valley Air Quality Management District's (AVAQMD) significance threshold of 10 chances per million, the DEIR concluded that the Project would have a less than significant impact on public health. A5.6

The City may have underestimated the Project's health risk impacts by assuming an idling duration for onsite heavy-duty trucks that is not supported by substantial evidence. The City assumed an idling duration of 15 minutes for onsite heavy-duty trucks when evaluating the Project's health risk impacts. CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (ATCM) restricts trucks from idling longer than five minutes. However, the ATCM has an exemption for trucks equipped with a diesel engine meeting the optional nitrogen oxides (NOx) idling emissions standard when operating outside of 100 feet of a restricted area (e.g., residences, schools).[3] Because trucks starting with model year 2008+ are clean-idle certified, many of the trucks operating within the Project site could idle longer than five minutes. According to Table 4.4.2-5 of the EMFAC2021 Volume III Technical Document, heavy-duty trucks can idle for as long as approximately five hours in any one location.[4] To fully evaluate the Project's potential health risk impacts, the City must either add a project design feature in the DEIR restricting heavy-duty truck idling within the Project site to less than 15 minutes or revise the Project's HRA to assume a heavy-duty truck idling duration supported by substantial evidence. A5.7

Although only Tier 4 Emissions are Modelled, the DEIR Does Not Include a Project Design Feature Requiring All Off-Road Construction Equipment to use Tier 4 Engines

Section 5.3 (Air Quality) concluded that the construction of the Project would result in emissions of 27.9 pounds per day of nitrogen oxides (NOx), 24.3 pounds per day of particulate matter less than 10 micrometers (PM10), and 6.1 pounds per day of particulate matter less than 2.5 micrometers (PM2.5), which were all found to be substantially below the AVAQMD's significance thresholds. The low construction air pollutant emissions reported in the DEIR were primarily attributed to the City's assumption that all off-road equipment used during Project construction would be equipped with Tier 4 engines. Off-road equipment A5.8

[3] CARB. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Accessible at *https://ww2.arb.ca.gov/sites/default/files/2022-06/13_CCR_2485_OAL_06222022-2_ADA_06272022_0.pdf*
[4] CARB. EMFAC2021 Volume III Technical Document. Page 161. Table 4.4.2-5. Accessible at *https://ww2.arb.ca.gov/sites/default/files/2021-03/emfac2021_volume_3_technical_document.pdf*

with Tier 4 engines creates lower air pollutant emissions than those equipped with lower-tiered engines. For example, a Tier 0 offroad engine has up to 80 times higher emissions per hour than a Tier 4 engine.

The DEIR does include a project design feature (PDF AQ-1) requiring all off-road equipment used during Project construction to have Tier 4 engines. However, the project design feature allows off-road equipment to be powered with Tier 3 engines in the event Teir 4 engines are not available. Based on CARB's review of the California Emissions Estimator Model (CalEEMod) outputs presented in Appendix B (Air Quality, Health Risk, Greenhouse Gas, and energy Impact Report), the City assumed all off-road equipment used during Project construction would have Tier 4 engines. Consequently, the air quality impact analysis does not account for the possible use of off-road equipment with Teir 3 engines during Project construction allowed under PDF AQ-1. To fully understand the Project's construction air quality impact, the City must modify the Project's air quality impact analysis to conservatively assume all construction would be equipped with Teir 3 engines. A5.8 cont.

The City Must Provide More Meaningful Mitigation Measures to Reduce the Project's Significant and Unavoidable Impact on Air Quality

The City concluded in Section 5.3 (Air Quality) of the DEIR that the operation of the Project would result in a significant impact on air quality. According to Table 5.3-7 (Project Operational Emissions Without Mitigation) of the DEIR, the operation of the Project would emit as much as 149.2 pounds per day of NOx and 107.3 pounds per day of PM10, which was found to exceed the AVAQMD's significance threshold and would result in a significant impact on air quality. To mitigate the Project's operational air quality impacts, the DEIR included 13 mitigation measures (MM AQ-1 through MM AQ-13). These mitigation measures would require installation of electric vehicle and truck charging stations, prohibit cold storage within the Project site, and require tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans when economically feasible. After the implementation of these mitigation measures, the City concluded in the DEIR that the Project's air quality impact would remain significant, resulting in a significant and unavoidable impact under CEQA. A5.9

MM AQ-12 prohibits the proposed warehouse uses from including cold storage equipment. This mitigation measure would ultimately discourage trucks and trailers equipped with Transport Refrigeration units (TRU) from visiting the Project site.[5] TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project site. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and A5.10

[5] TRUs are refrigeration systems, these systems may be powered by integral diesel engines; TRUs protect perishable goods during transport in an insulated truck and trailer vans, rail cars, and domestic shipping containers.

schools) located near where these TRUs could be operating, would be exposed to diesel exhaust emissions that would result in a significant air quality impact. To fully mitigate the potential health risk impacts associated with the operation of trucks and trailers with TRUs, CARB urges the City to include one of the following design measures in the DEIR:

- A Project design measure requiring contractual language in tenant lease agreements that prohibits tenants from operating diesel-powered TRUs within the Project site; or
- A condition requiring a restrictive covenant over the parcel that prohibits the applicant's use of diesel-powered TRUs on the property unless the applicant seeks and receives an amendment to its conditional use permit allowing such use.

A5.10 cont.

To fully mitigate the Project's air quality impacts, CARB urges the City to include a Project design feature or mitigation measure in the FEIR that would require all heavy-duty trucks serving the Project to be zero-emission. As presented below, CARB has many regulations that promote and eventually require the use of zero-emission trucks at freight facilities, such as the proposed Project. Specifically, the Advanced Clean Fleet Regulation would require all drayage trucks in California to be zero-emission by 2035.

A list of commercially-available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).[6] The HVIP is a part of California Climate Investments to incentivize the purchase of zero-emission trucks. Based on CARB's review of the zero-emission trucks listed in the HVIP, there are commercially available electric trucks that can meet the cargo transportation needs of individual industrial uses proposed in the City today. CARB has implemented or is developing regulations that will require the use of zero-emission trucks.

A5.11

The list below details the CARB regulations that will result in the reduction of diesel PM and NOx emissions from trucks within California:

- **Drayage Truck Regulation:** The existing Drayage Truck Regulation requires all drayage trucks to operate with an engine that is a 2007 model year or newer.
- **Truck and Bus Regulation:** The Truck and Bus Regulation requires all trucks, including drayage, to have 2010 or newer model year engines by January 1, 2023.
- **Heavy-Duty Low-NOx Omnibus Rule:** The Heavy-Duty Low-NOx Omnibus Rule requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- **Advanced Clean Trucks Regulation:** The Advanced Clean Trucks Regulation, approved by CARB on June 25, 2020, requires manufacturers to start the transition from diesel trucks and vans to zero-emission trucks beginning in 2024. The rule is expected to result in about 100,000 zero-emission trucks in California by the end of

A5.12

[6] Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: *https://californiahvip.org/*

2030 and about 300,000 by 2035. The Advanced Clean Trucks regulation is part of CARB's overall approach to accelerate a large-scale transition to zero-emission medium-and heavy-duty vehicles. CARB approved amendments to the Advanced Clean Trucks regulation in March 2021; the amendments help ensure that more zero-emission vehicles are brought to market. CARB directed staff to ensure that fleets, businesses, and public entities that own or direct the operation of medium- and heavy-duty vehicles in California purchase and operate ZEVs to achieve a smooth transition to ZEV fleets by 2045 everywhere feasible, and specifically to reach:

- 100% zero-emission drayage trucks, last mile delivery, and government fleets by 2035
- 100% zero-emission refuse trucks and local buses by 2040
- 100% zero-emission capable utility fleets by 2040

A5.12 cont.

- **Advanced Clean Fleets Regulation:** The Advanced Clean Fleets Regulation is part of CARB's overall strategy to accelerate a large-scale transition to zero-emission medium- and heavy-duty vehicles. This regulation works in conjunction with the Advanced Clean Trucks regulation. The regulation applies to trucks performing drayage operations at seaports and railyards, fleets owned by State, local, and federal government agencies, and high priority fleets. High priority fleets are those entities that own, operate, or direct at least one vehicle in California, and that have either $50 million or more in gross annual revenue, or that own, operate, or have common ownership or control of a total of 50 or more vehicles. The regulation affects medium- and heavy-duty on-road vehicles with a gross vehicle weight rating greater than 8,500 pounds, off-road yard tractors, and light-duty mail and package delivery vehicles. All drayage trucks entering seaports and intermodal railyards would be required to be zero-emission by 2035.

With the implementation of the regulations listed above, specifically the Advanced Clean Trucks Regulation, tenants at the proposed industrial/warehouse development must begin the transition from diesel trucks and vans to zero-emission trucks. To help mitigate the Project's impact on air quality and public health, CARB urges the City to include contractual language in tenant lease agreements requiring future tenants to use zero-emission trucks in the FEIR.

A5.13

Conclusion

CARB is concerned about the Project's air quality impacts. To fully assess the Project's impact on neighboring communities, the City must provide substantial evidence for the assumed 15-minute idling duration used to estimate the Project's operational health risk impacts. To be consistent with the requirements of PDF AQ-1 of the DEIR, the City must modify the Project's air quality analysis to conservatively assume all off-road construction equipment used during Project construction have Tier 3 engines. Lastly, CARB urges the

A5.14

City to include a project design or mitigation measure in the FEIR requiring all heavy-duty trucks serving the Project site to be zero-emission. A5.14 cont.

CARB appreciates the opportunity to comment on the DEIR for the Project. Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments. A5.15

CARB staff can provide assistance with zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FEIR. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at *stanley.armstrong@arb.ca.gov*.

Sincerely,

Matthew O'Donnell, Chief, Risk Reduction Branch

cc: State Clearinghouse
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Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

3.5 RESPONSE TO LETTER A5: CALIFORNIA AIR RESOURCES BOARD, DATED NOVEMBER 5, 2024

Comment A5.1: This comment provides a summary of the project description and the number of vehicle and truck trips that would be generated by the Project.

Response A5.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Therefore, no further response is warranted or provided.

Comment A5.2: The comment states that the agency is concerned that the Project would expose nearby communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site. The comment states that residences exist to the northeast of the Project site, and the nearest residence is located approximately 4,000 feet east of the Project site. The comment states that these residences are already exposed to toxic diesel particulate matter (diesel PM) emissions generated by existing aircraft traffic, rail traffic, and vehicular traffic. However, the comment provides no data to support this concern.

Response A5.2: The Draft EIR has considered potential air quality impacts from the Project, including diesel PM, and concluded that the Project would have a significant and unavoidable impact in that regard. The comment does not change or challenge that analysis.

Section 5.3, *Air Quality*, of the Draft EIR describes in Table 5.3-2 that data from the 43301 Division Street, Lancaster Monitoring Station, located approximately 5.1 miles northwest of the Project site, shows that the federal PM_{10} standard had one exceedance in 2020, one exceedance in 2021, and no exceedances in 2022. The State PM_{10} standard had an unknown number of exceedances during the three-year period.[1] The $PM_{2.5}$ federal standard had nine exceedances in 2020, one exceedance in 2021, and an unknown number of exceedances in 2022. The State 1-hour ozone standard was exceeded four times in 2020 only. The State 8-hour ozone standard was exceeded eight times in 2020, four times in 2021, and an unknown number of times in 2022. The federal 8-hour ozone standard was exceeded eight times in 2020, three times in 2021, and 33 times in 2022. The CO, SO_2, and NO_2 standards were not exceeded in this area during the three-year period.

Consistent with the comment, the operation of the proposed Project would increase emissions generated from the area. As detailed in the Impact AQ-2 discussion that begins on page 5.3-19 of the Draft EIR, with compliance with existing rules, and implementation of the mitigation measures AQ-1 through AQ-13, daily emissions of CO, NOx, and PM_{10} and annual emissions of NOx and PM_{10} would continue to exceed regional thresholds.

As described on page 5.3-22 of the Draft EIR, the majority of the Project's emissions are derived from vehicle and truck trips. Since neither the Project applicant nor the City have regulatory authority to control tailpipe emissions, no feasible mitigation measures exist that would reduce these emissions to levels that are less than significant. The comment does not raise any specific concerns with the adequacy of the Draft EIR, which already recognizes the potentially significant and unavoidable impact. Therefore, no further response is required or provided.

Comment A5.3: This comment states that AB 617 highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. The comment states that Diesel PM (DPM) emissions generated during the construction and operation of the Project would negatively impact neighboring communities.

[1] For unknown number of exceedances, there is insufficient (or no) data available to determine the value.

Response A5.3: As detailed on page 5.3-26 of the Draft EIR, a Health Risk Assessment was prepared to evaluate the health risk impacts as a result of exposure to DPM from heavy-duty diesel trucks traveling to and from the site, maneuvering onsite, and entering and leaving the site. The Health Risk Assessment determined that the maximum individual cancer risk (MICR) attributable to Project construction-source DPM emissions is estimated at 0.85 in one million, which would not exceed the SCAQMD significance threshold of 10 in one million. Construction non-cancer risks were estimated to be 0.02, which would not exceed the applicable threshold of 1.0. Regarding operational emissions, the maximum incremental cancer risk attributable to Project operational-source DPM emissions is estimated at 2.49 in one million, which would also not exceed the SCAQMD significance threshold of 10 in one million. The non-cancer operational risks were estimated to be 0.12, which would not exceed the applicable significance threshold of 1.0. As such, the Draft EIR (under Impact Air Quality-3, pages 5.3-26 through 5.3-27) determined that the Project would not cause significant human health or cancer risk to adjacent land uses and impacts would be less than significant in that regard.

Comment A5.4: The comment states that under Health and Safety Code section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tract containing the residences near the Project is within the top 15 percent for Pollution Burden; therefore, the City must ensure that the Project does not adversely impact neighboring disadvantaged communities.

Response A5.4: The Draft EIR evaluates the potential of the Project to expose sensitive receptors, such as residences and schools, to substantial pollutant concentrations. As detailed in Draft EIR Tables 5.3-9 and 5.3-10, emissions during both construction and operational activities would not exceed the AVAQMD's localized significance thresholds. Therefore, impacts related to localized significant emissions from construction and operational activities would be less than significant and no mitigation is required. In addition, as discussed in Response A5.3 above, the Project would not exceed health risk thresholds for DPM. Because the Project would not exceed thresholds for either DPM health risk or localized significance thresholds for criteria pollutants, the Project would not adversely impact neighboring disadvantaged communities.

Comment A5.5: This comment states that industrial development, such as those proposed under the Project, can result in high daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change. The comment further states that, in order to stay in step with evolving scientific knowledge to protect public health from adverse air quality and greenhouse gas impacts from the neighboring transportation sector, the City should plan for the use of zero-emission technologies within the Project area.

Response A5.5: As described in Response A5.3 and A5.4, operation of the Project would not exceed thresholds related to human health or cancer risk to local sensitive receptors, such as residences, and impacts would be less than significant. Also, as detailed on page 5.3-31 of the Draft EIR, the Project includes Mitigation Measures to reduce air quality emissions to render such impacts to be less than significant, where feasible. Mitigation Measures included in the Project involve use of zero emissions technologies and implementation of future new technologies, and including the following:

- **MM AQ-4: Energy Efficient Vendor Trucks.** The Project plans and specifications shall include requirements (by contract specifications) that vendor trucks for the industrial buildings include energy

efficiency improvement features through the Carl Moyer Program—including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires—to reduce fuel consumption.

- **MM AQ-6: Clean Air Vehicle and Carpool Parking.** The Project plans and specifications shall include a minimum of five parking spaces for carpool/vanpool vehicles. Electric vehicle parking spaces shall be equivalent to the number of electric vehicle charging stations. (Source: State of California, Department of Justice. Rob Bonta, Attorney General. (2022). Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act). Source: City of Palmdale General Plan EIR, 2022).
- **MM AQ-7: Electric Vehicle Charging and Future Truck Charging Capability.** Prior to issuance of building permits, the following features shall be demonstrated on the Project's building plans le over minimum California Code of Regulations Title 24 requirements. Installation shall be verified by the City prior to issuance of a certificate of occupancy.
  1. For use by employees and visitors conducting business at the building, install automobile electric vehicle (EV) charging stations at the minimum number required by the California Code of Regulations Title 24. All charging stations shall be equipped with Level 2 or faster chargers. Signs shall be posted indicating that the charging stations are for exclusive use by the building's employees and by visitors conducting business at the building. (*Source: City of Palmdale General Plan EIR, 2022*).
  2. Install appropriate electrical infrastructure sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations in the future.
  3. Install raceways for conduit to tractor trailer parking areas in logical, gated locations determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available. The charging station location(s) are to be located inside the gated and secured truck courts.
- **MM AQ-8: Electric Interior Vehicles.** The Project plans and specifications for all of the industrial buildings shall include infrastructure to support use of electric-powered forklifts and/or other interior vehicles.

These Mitigation Measures are included in the Project's Mitigation Monitoring and Reporting Program (MMRP) to ensure implementation along with the Project. No revisions are warranted in response to this comment.

Comment A5.6: This comment states that the Health Risk Analysis (HRA) prepared for the Project concluded that residences near the Project site would be exposed to diesel PM emissions that would result in cancer risks of 0.21 chances per million during Project operations. Therefore, the Draft EIR concluded that the Project would have a less-than-significant impact on public health because the Project's cancer risks were below the AVAQMD threshold of 10 chances per million.

Response A5.6: The comment summarizes the conclusions of the Draft EIR and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment A5.7: This comment states that the City has underestimated the Project's health risk impacts by assuming an idling duration for onsite heavy-duty trucks that is not supported by substantial evidence. The City assumed an idling duration of 15 minutes for onsite heavy-duty trucks when evaluating the Project's health risk impacts. CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (ATCM) restricts trucks from idling longer than five minutes. However, the ATCM has an exemption for trucks equipped with a diesel engine meeting the optional nitrogen oxides (NOx) idling emissions standard when operating outside of 100 feet of a restricted area. As a result, because trucks starting with model year

2008 are clean-idle certified, many of the trucks operating within the Project site could idle longer than five minutes. According to Table 4.4.2-5 of the EMFAC2021 Volume III Technical Document, heavy-duty trucks can idle for as long as approximately five hours in any one location.

The comment states that, to fully evaluate the Project's potential health risk impacts, the City must either add a project design feature in the Draft EIR restricting heavy-duty truck idling within the Project site to less than 15 minutes or revise the Project's HRA to assume a heavy-duty truck idling duration supported by substantial evidence.

Response A5.7: Page 5.3-31 of the Draft EIR includes Mitigation Measure AQ-2 for idling regulations. Mitigation Measure AQ-2 required installation of signs at truck access gates, loading docks, and truck parking areas that identify applicable CARB anti-idling regulations, including instruction for drivers of diesel trucks to restrict idling to no more than five minutes. Mitigation Measure AQ-2 has been revised, as shown below, to limit all heavy-duty trucks idling within the Project site to no more than five minutes. Therefore, the 15-minute idling duration assumed in the Project's HRA for onsite heavy-duty trucks is supported by substantial evidence through implementation of Mitigation Measure AQ-2.

Draft EIR Section 5.3, *Air Quality,* has been revised to reflect this update in Section 2.0, *Errata*, of this Final EIR and as shown below.

Page 5.3-31, Section 5.3.11, *Mitigation Measures*, is revised as follows:

5.3.11 Mitigation Measures

MM AQ-2: **Idling Regulations.** Prior to issuance of a certificate of occupancy, legible, durable, weather-proof signs shall be installed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations **and Project-specific restrictions**. At a minimum, each sign shall include the following instructions for truck drivers to shut off engines when not in use.

1. Instructions for **all** drivers of ~~diesel~~ **heavy-duty** trucks **within the Project site** to restrict idling to no more than five minutes once the vehicle is stopped, the transmission is set to "neutral" or "park" and the parking brake is engaged.
2. Telephone numbers of the building facilities manager and CARB to report violations.

Because the Project's air quality impacts have been assessed based on an assumed idling time that is supported by the updated Mitigation Measure for the Project, the comment has been addressed.

Comment A5.8: This comment states that the Draft EIR concluded that the construction of the Project would result in emissions of 27.9 pounds per day of nitrogen oxides (NOx), 24.3 pounds per day of particulate matter less than 10 micrometers (PM10), and 6.1 pounds per day of particulate matter less than 2.5 micrometers (PM2.5), which are below the AVAQMD's significance thresholds. These low construction air pollutant emissions were primarily attributed to the City's assumption that all off-road equipment used during construction would be equipped with Tier 4 engines, which creates lower air pollutant emissions than those equipped with lower-tiered engines.

This comment states that, although the Draft EIR does include a Project Design Feature (PDF) that requires all construction off-road equipment to have Tier 4 engines, the PDF allows off-road equipment to be powered with Tier 3 engines in the event that Tier 4 engines are not available. Based on the California Emissions Estimator Model (CalEEMod) outputs, the City assumed that all off-road equipment used during Project construction would have Tier 4 engines. As a result, the air quality analysis does not account for the

possible use of off-road equipment with Tier 3 engines. The comment states that, to fully understand the Project's construction air quality impacts, the City must modify the Project's air quality impact analysis to conservatively assume all construction would be equipped with Tier 3 engines.

Response A5.8: The Draft EIR concluded that construction emissions would remain below the AVAQMD's significance thresholds with implementation of Project Design Feature (PDF) AQ-1, which requires the use of Tier 4 Interim or cleaner off-road equipment. While PDF AQ-1 allows for the use of Tier 3 equipment when Tier 4 equipment is unavailable, this alternative is limited to cases where Tier 4 equipment cannot be leased or rented within a 50-mile radius and is subject to City approval.

However, to ensure that the Project minimizes construction air quality impacts, and for consistency with the CalEEMod outputs, PDF AQ-1 has been updated to require that all off-road equipment used during construction be equipped with Tier 4 Interim or cleaner engines without exceptions. This modification ensures consistency between the assumptions in the air quality analysis and the Project's mitigation measures. Further, with this modification, the Project's potential construction impacts would remain less than significant.

Draft EIR Section 5.3, *Air Quality,* has been revised to reflect this update in Section 2.0, *Errata*, of this Final EIR and as shown below.

Page 5.3-30, Section 5.3.9, *Project Design Features*, is revised as follows:

5.3.9 Project Design Features

PDF AQ-1: Construction Air Quality Best Management Practices. Prior to the issuance of grading and building permits, the City shall review the construction documents for the Project to ensure that the construction contractors are obligated to implement the following best management practices to reduce construction air pollutant emissions. These items shall also be listed in construction bid documents and construction contracts. The construction contractors shall allow City access to the construction site to inspect for adherence to these measures.

1. Ensure that the cleanest possible construction practices and equipment are used, as economically feasible. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero emission equipment and tools.
2. It shall be the responsibility of the construction contractor to implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology, vehicles, and equipment that will be operating onsite during construction, as necessary and when economically feasible. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. All off-road diesel-powered equipment used during construction shall be equipped with Tier 4 Interim or cleaner engines. ~~If the operator lacks Tier 4 Interim or cleaner equipment, and it is not available for lease or short-term rental within 50 miles of the project site, Tier 3 or cleaner off-road construction equipment may be utilized subject to City approval.~~
4. Heavy-duty trucks entering the construction site during grading and building construction phases shall comply with the California Air Resources Board (CARB) regulations including the following: all heavy-duty trucks shall be model year 2010 or later. Per the California Air Resource's Board (CARB) Heavy-Duty Omnibus Regulation, all heavy-duty trucks shall also meet CARB's lowest optional low oxides of nitrogen (NOx) standard starting in the year 2022.

All construction equipment and fleets shall be in compliance with all current air quality regulations.

Comment A5.9: This comment states that the City determined in Section 5.3, *Air Quality*, of the Draft EIR that operation of the Project would result in significant impact on air quality, with emissions of NOx and PM_{10} exceeding AVAQMD's thresholds. The Project includes 13 mitigation measures (MM AQ-1 through MM AQ-13), such as installation of EV and truck charging stations, prohibition of cold storage, and requirements for tenants to use zero-emission delivery vehicles when feasible. After implementation of these mitigation measures, the City concluded that the Project's air quality impact would remain significant and unavoidable under CEQA.

Response A5.9: This comment is a summary of determinations made in Section 5.3, *Air Quality*, of the Draft EIR and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment A5.10: This comment states that Mitigation Measure AQ-12 prohibits cold storage equipment at the proposed warehouse. Mitigation Measure AQ-12 would ultimately discourage the use of trucks with Transport Refrigeration Units (TRUs), which can emit large quantities of diesel exhaust. This comment states that Diesel emissions from TRUs could pose health risks to nearby sensitive receptors, such as residences, schools, and care facilities, that would result in significant air quality impacts. To fully address these health risks, CARB recommends the City include in the Draft EIR either (1) a Project design measure that requires contractual language in tenant lease agreements to prohibits tenants from operating diesel-powered TRUs within the Project site, or (2) a condition that requires a restrictive covenant that prohibits the use of TRUs on the project site use unless amended through a conditional use permit.

Response A5.10: Mitigation Measure AQ-12 (Prohibition of Cold Storage), included in Draft EIR Section 5.3, *Air Quality*, requires that, prior to the issuance of building permits and prior to issuance of tenant occupancy permits, the City shall confirm that the Project does not include cold storage equipment for warehouse operations (chilled, refrigerated, or freezer warehouse space). Therefore, trucks with TRUs would not have a reason to access the Project site, and it is thus unreasonable to assume that such trucks would access the Project site unless a cold storage use is subsequently proposed. In addition, to further ensure that TRUs would not access the Project site, Mitigation Measure AQ-12 has been revised in Section 2.0, *Errata*, to include that the City confirms that the Project does not include cold storage equipment including transportation equipment prior to the issuance of building permits and tenant occupancy permits.

Should future operations propose cold storage, additional CEQA studies will be required to analyze the impacts associated with the use. This mitigation measure is included in the Project's Mitigation Monitoring and Reporting Program (MMRP) to ensure implementation along with the Project. Therefore, additional mitigation further restricting TRUs from accessing the site is not necessary.

Pages 5.3-32, Section 5.3.11, *Air Quality Mitigation Measures,* is revised as follows:

5.3.11 Mitigation Measures

MM AQ-12: Prohibition of Cold Storage. Prior to the issuance of building permits and prior to issuance of tenant occupancy permits, the City of Palmdale shall confirm that the Project does not include cold storage equipment for warehouse operations **and transportation** (chilled, refrigerated, freezer warehouse space, **Transport Refrigeration Units**). Cold storage was not included in the analysis for the EIR. If cold storage is proposed, additional studies will be required to analyze the impacts associated with the use.

Comment A5.11: This comment states that, to fully mitigate the Project's air quality impacts, CARB urges the City to include a PDF or mitigation measure in the Final EIR that would require all heavy-duty trucks serving

the Project to be zero-emission. CARB has many regulations, such as the Advanced Clean Fleet Regulation, that promote and will eventually require the use of zero-emission trucks at freight facilities.

The comment states that a list of commercially-available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP). Based CARB's review of the zero-emission trucks listed in the HVIP, there are commercially available trucks that can meet the needs of individual industrial uses proposed by the City today.

Response A5.11: While CARB has regulations that promote and will eventually require the use of zero-emission trucks at freight facilities, requiring their exclusive use is not currently feasible due to significant market and infrastructure limitations, as detailed in Attachment A (Memorandum: Electric and Alternative Fuel Truck Adoption Constraints). The availability of electric heavy-duty trucks is limited, with most models offering insufficient mileage ranges and requiring significantly longer charging times than diesel trucks. Additionally, the purchase cost of zero emission vehicles (ZEVs) is up to 2.8 times higher than that of diesel trucks, creating significant financial barriers for operators.

Infrastructure challenges further hinder the feasibility of ZEV adoption. The current charging infrastructure is insufficient, with fewer than 7,000 public DC fast chargers nationwide, most of which are designed for passenger vehicles rather than heavy-duty trucks. Upgrading the electrical grid to support ZEV fleets will require significant investment and time, with estimates suggesting it could take years to construct adequate charging facilities and grid connections. Without these critical upgrades, widespread adoption of ZEVs for logistics use is not practical.

Given these constraints, requiring the exclusive use of ZEVs at this time would impose undue economic and operational burdens on Project users and is not a feasible mitigation measure under CEQA. CEQA does not require a lead agency to adopt mitigation measures that are infeasible or beyond the applicant's reasonable control. Given the lack of existing infrastructure and market readiness, a mitigation measure that mandates all heavy-duty trucks serving the Project to be zero-emission is not required by CEQA, and therefore, has not been included in the Project.

Comment A5.12: This comment details CARB regulations that CARB contends would result in reduction of diesel PM and NOx emissions from trucks within California.

- Drayage Truck Regulation: requires all drayage trucks to operate with an engine that is a 2007 model year or newer.
- Truck and Bus Regulation: requires all trucks, including drayage, to have 2010 or newer model year engines by January 1, 2023.
- Heavy-Duty Low-NOx Omnibus Rule: requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- Advanced Clean Trucks Regulation: approved by CARB in June 2020, this regulation mandates the transition from diesel to zero-emission (ZEV) medium- and heavy-duty trucks starting in 2024. By 2030, the rule aims to have 100,000 ZEV trucks in California, increasing to 300,000 by 2035. Amended in March 2021, the regulation accelerates ZEV adoption, requiring fleets, businesses, and public entities to transition to 100% ZEV fleets by 2045 where feasible. Key targets include:
    - 100% zero-emission drayage trucks, last-mile delivery vehicles, and government fleets by 2035.
    - 100% zero-emission refuse trucks and local buses by 2040.
    - 100% zero-emission-capable utility fleets by 2040.
- Advanced Clean Fleets Regulation: This regulation is part of CARB's strategy to transition medium- and heavy-duty vehicles to zero emissions and works in conjunction with the Advanced Clean Trucks Regulation. The Advanced Clean Fleets Regulation applies to drayage trucks at seaports and railyards,

government-owned fleets, and high-priority fleets. High-priority fleets are defined as entities operating at least one vehicle in California with $50 million or more in gross revenue or owning 50 or more vehicles. The regulation covers on-road vehicles over 8,500 pounds, off-road yard tractors, and light-duty mail/package delivery vehicles. All drayage trucks entering seaports and intermodal railyards must be zero-emission by 2035.

Response A5.12: The Project would comply with all existing CARB regulations. Specifically, Mitigation Measure AQ-13 part 5 requires that the tenant lease agreement includes requirements to operate in compliance with, and to monitor compliance with, all current and applicable air quality regulations for on-road trucks. In addition, Mitigation Measure AQ-13 part 8 requires that the tenant lease agreement includes notification that the tenant shall comply with CARB Truck and Bus regulation, including requirements that only haul trucks meeting model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the Project site. This mitigation measure is included in the Project's Mitigation Monitoring and Reporting Program (MMRP) to ensure implementation along with the Project.

Regarding the specific regulations listed in the comment:

- **Drayage Truck Regulation: Drayage Truck Regulation:** Mitigation Measure AQ-13 part 5 requires that the tenant lease agreement includes requirements to operate in compliance with, and to monitor compliance with, all current and applicable air quality regulations for on-road trucks.
- **Truck and Bus Regulation:** Mitigation Measure AQ-13 part 8 requires that the tenant lease agreement includes notification that the tenant shall comply with CARB Truck and Bus regulation
- **Heavy-Duty Low-NOx Omnibus Rule**: Mitigation Measure AQ-13 part 5 requires that the tenant lease agreement includes requirements to operate in compliance with, and to monitor compliance with, all current and applicable air quality regulations for on-road trucks.
- **Advanced Clean Trucks Regulation:** The target of 100 percent zero-emission trucks by 2040 is a future requirement and not currently enforceable or feasible due to due to significant market and infrastructure limitations, as detailed in Attachment A (Memorandum: Electric Truck and Alternative Fuel Truck Adoption Constraints) and discussed in response to Comment A5.11.
- **Advanced Clean Fleets Regulation:** Mitigation Measure AQ-13 part 5 requires that the tenant lease agreement includes requirements to operate in compliance with, and to monitor compliance with, all current and applicable air quality regulations for on-road trucks.

Comment A5.13: This comment states that with the implementation of regulations like the Advanced Clean Trucks Regulation, tenants at the proposed industrial/warehouse development must begin to transition from diesel to zero-emission trucks and vans. To mitigate the Project's impacts on air quality and public health, CARB urges that the City include contractual language in tenant lease agreements requiring the use of zero-emission trucks in the Final EIR.

Response A5.13: As stated in Response A5.12, Mitigation Measure AQ-13 part 5 requires that the tenant lease agreement includes requirements to operate in compliance with, and to monitor compliance with, all current and applicable air quality regulations for on-road trucks including the California Air Resources Board's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation.

As noted in Attachment A (Memorandum: Electric Truck and Alternative Fuel Truck Adoption Constraints) and discussed in Response A5.1, current adoption of zero-emission vehicles faces significant challenges, including limited vehicle availability, high upfront costs, insufficient charging infrastructure, and grid capacity issues. These factors make it infeasible to mandate the exclusive use of zero-emission trucks as part of the Project's mitigation measures at this time. Therefore, given the lack of existing infrastructure and market readiness, a mitigation measure and/or contractual language that mandates all heavy-duty trucks serving the Project to

be zero-emission is not feasible, and therefore is not required by CEQA, and has not been included as a mitigation measure.

Comment A5.14: This comment states that CARB is concerned about the Project's air quality impact. To fully assess the Project's impact on neighboring communities, the City must provide substantial evidence for the assumed 15-minute idling duration used to estimate the Project's operational health risk impacts. To be consistent with the requirements of PDF AQ-1 of the Draft EIR, the City must modify the Project's air quality analysis to conservatively assume all off-road construction equipment used during Project construction have Tier 3 engines. Lastly, CARB urges the City to include a project design or mitigation measure in the Final EIR that requires all heavy-duty trucks serving the Project to be zero-emission.

Response A5.14: As stated in Response A5.7, Mitigation Measure AQ-2 has been revised to require that signs installed at truck access gates, loading docks, and truck parking areas include idling restrictions of no more than five minutes for all drivers of heavy-duty trucks within the Project site. Draft EIR Sections 5.3, *Air Quality*, has been revised to reflect this update in Section 2.0, *Errata*, of this Final EIR, and serves as substantial evidence for the assumed 5-minute idling duration used to estimate the Project's operational health risk impacts.

As stated in Response A5.8, PDF AQ-1 of the Draft EIR has been updated to require that all off-road equipment used during construction be equipped with Tier 4 Interim or cleaner engines without exceptions for consistency with the CalEEMod outputs. Lastly, as noted in Attachment A (Memorandum: Electric Truck and Alternative Fuel Truck Adoption Constraints) and discussed in Response A5.1, current adoption of zero-emission heavy-duty trucks is currently infeasible due to limited vehicle availability, high upfront costs, insufficient charging infrastructure, and grid capacity issues.

The comment has been addressed as stated above, and no further analysis or inclusion of additional mitigation measures is warranted under CEQA, and no revisions to the Draft EIR are warranted other than those identified above.

Comment A5.15: This comment states that CARB appreciates the opportunity to comment on the Draft EIR for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. This comment states that given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments based on staff time, resources, and its assessment of impacts. The comment states that CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the Lead Agency's findings and conclusions on any issues on which CARB does not substantively submit comments. The comment also requests that CARB be included on the list of State agencies that will receive the Final EIR and provides CARB staff contact information.

Response A5.15: CARB shall be included on the list of State agencies that will receive the Final EIR and other CEQA noticing for the proposed Project and will be contacted as needed regarding assistance with zero-emission technologies and emission reduction strategies. The comment does not identify concerns with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment Letter 6: California Department of Transportation, November 8, 2024 (3 pages)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, Governor

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Making Conservation a California Way of Life

November 8, 2024

Brenda Magaña, Planning Manager
City of Palmdale Planning Division
38250 Sierra Highway
Palmdale, CA 93550

RE: Palmdale Logistics Center – Draft Environmental Impact Report (DEIR)
SCH# 202309055l
GTS #07-LA-2023-04633
Vic. LA 14 PM R64.684

Dear Brenda Magaña,

Thank you for including the California Department of Transportation (Caltrans) in the review process for the above referenced project. The Project applicant proposes to subdivide the 150.63-acre Project site into three parcels. The Project would develop two warehouses (totaling 3,001,712 sf) on two of the parcels and a stormwater detention basin on the third parcel. In addition, approximately 17.65 acres of offsite improvements would be required for necessary roadway infrastructure to support the Project (including the addition of 35th Street East and Avenue L-8. Also, an additional 2.0 acres (or 17,400 linear feet) would be required for offsite utility improvements. The total area of disturbance for the Project would be 170.28 acres. Additional improvements onsite would include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and driveways. The Project includes a Conditional Use Permit (CUP) required for additional building height and a Minor Site Plan review required for additional screening wall height. The Project also requires site annexation into the Los Angeles County Waterworks District No. 40 for water services and annexation into the Los Angeles County Sanitation District (LACSD) for wastewater services. A6.1

After reviewing the DEIR, Caltrans has the following comments:

As stated in the DEIR, the proposed project will result in a significant transportation impact due to exceeding Vehicle Miles Travelled (VMT) impact thresholds. With 3,001,712 square A6.2

feet of new warehouse uses, 1,517 automobile parking spaces, 516 loading dock doors, and 990 trailer parking stalls, the Palmdale Logistics Center Project will induce demand for a consequential number of additional vehicle trips and vehicle miles traveled (VMT). This could also result in significant safety impacts on SR 14 at the Avenue M on/off-ramps. Caltrans recommends the following: A6.2 cont.

- Reducing the amount of parking whenever possible. Research looking at the relationship between land-use, parking, and transportation indicates that the amount of car parking supplied encourages and incentivizes personal car ownership and driving above all other forms of transportation. A6.3

- Require contributions from projects that heavily rely on freight infrastructure to be invested in alternative modes of freight movement. These alternatives, such as rail, are not only more efficient but also more easily converted to carbon neutral energy sources in the future. A6.4

- Due to the increased volume of truck trips, a substantial contribution should be made to a city fund that will build safer infrastructure for people walking, riding bikes, and taking transit throughout the city. The most effective methods to reduce pedestrian and bicyclist exposure to cars and trucks is through physical design and geometrics. These methods include the construction of physically separated facilities such as Class IV bike lanes, wide sidewalks, pedestrian refuge islands, landscaping, street furniture, and reductions in crossing distances through roadway narrowing. A6.5

- Additional alternative mitigation measures should be considered and implemented to reduce the impact on VMT, as reducing the project's current impacts are critical to developing infrastructure that is both environmentally and economically sustainable. Following construction, a study needs to be conducted to confirm that the proposed mitigation measures are sufficiently offsetting the Project generated VMT. If not, new and/or additional mitigation measures need to be implemented. A6.6

Finally, construction of the proposed project would involve deliveries of materials, components, and supplies to the various sites, and will involve oversized trucks. As a result, prior to issuance of building or grading permits for the project site, the applicant shall prepare a Construction Traffic Management Plan (CTMP) for review and approval by City staff to reduce any impacts to less than significant levels. The CTMP needs to specify the duration of construction period and provide construction analysis on significant impacts due to increase in construction truck traffic on highways not designated as truck A6.7

routes. It should also specify any work that would affect the freeways and its facilities, and that Caltrans has the jurisdiction for review and approval. Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. A6.7 cont.

If you have any questions, please contact project coordinator Anthony Higgins, at anthony.higgins@dot.ca.gov and refer to GTS #07-LA-2023-04633. A6.8

Sincerely,

Anthony Higgins

Anthony Higgins
Acting LDR Branch Chief

Cc: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment."

3.6 RESPONSE TO LETTER A6: CALIFORNIA DEPARTMENT OF TRANSPORTATION, DATED NOVEMBER 8, 2024

Comment A6.1: This comment provides a summary of the Project description including offsite improvements and discretionary approvals and permits.

Response A6.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Therefore, no further response is warranted or provided.

Comment A6.2: This comment states that, as stated in the Draft EIR, the proposed Project will result in a significant transportation impact due to exceeding the vehicle miles travelled (VMT) impact thresholds. With 3,001,712 SF of new warehouse uses, 1,517 automobile parking spaces, 516 loading dock doors, and 990 trailer parking stalls, the Palmdale Logistics Center Project will induce demand for a consequential number of additional vehicle trips and VMT. The comment states that this could also result in significant safety impacts on SR-14 at the Avenue M on/off-ramps for reasons described in comments A6.3 through A6.6.

Response A6.2: This comment provides background the Project's VMT impacts and is introductory to the comment that follows. VMT impacts have been analyzed in Section 5.14, *Transportation*, of the Draft EIR, and mitigated to the extent feasible as stated on Page 5.14-15 of the Draft EIR. Furthermore, as discussed on Page 5.14-12 of the Draft EIR, other mitigation measures in the 2010 California Air Pollution Control Officers Association (CAPCOA) guidelines were considered but determined to be not applicable for the Project based on their description and scale.

While initial concerns regarding safety impacts on SR-14 are raised, no details or suggested changes have been made. Suggested recommendations and revisions requested have been addressed under Comments A6.3 through A6.6. For informational purposes, note that the Project would develop offsite improvements that are listed on Draft EIR Section 3.7.7, *Offsite Roadway Improvements*, and include the following:

1. Installation of a traffic signal at the Columbia Way/SR-14 southbound (SB) intersection.
2. Installation of a traffic signal and addition of a second westbound (WB) through lane at the Columbia Way/SR-14 northbound (NB) intersection.

Accordingly, no revisions to the Draft EIR are warranted in response to this comment.

Comment A6.3: This comment provides a recommendation to reduce the amount of parking whenever possible. Research indicates that the amount of car parking supplied encourages and incentivizes personal car ownership and driving above all other forms of transportation.

Response A6.3: The Project is unable to decrease the amount of parking at the Site as it must comply with the City's regulations. The Project provides parking as required by the City of Palmdale Municipal Code Section 17.87.060, *Required Vehicle Spaces*. Per Table 17.87.060-1 of the Palmdale Municipal Code, parking requirements applicable to the Project are: 0.5 spaces per 1,000 SF for warehouse space and 1 space per 250 SF of office space office space. Consistent with City requirements and as described in Section 3.4.7, *Parking and Loading Docks*, of the Draft EIR, the Project includes a total of 1,517 automobile stalls.

To incentivize alternative modes of transportation, and as required by the City, the total 1,517 automobile stalls include 306 EV capable automobile stalls and 240 bicycle parking stalls. In addition, as discussed in Section 5.3, *Air Quality*, of the Draft EIR, Mitigation Measure AQ-6 requires implementation of clean air vehicle and carpool parking and Mitigation Measure AQ-7 requires the Project to provide electric vehicle charging stations and future truck charging capability.

Accordingly, because the Project cannot decrease the amount of parking required, no revisions to the Draft EIR are warranted in response to this comment.

Comment A6.4: This comment provides a recommendation to require contributions from projects that heavily rely on freight infrastructure to be invested in alternative modes of freight movement. These alternatives, such as rail, are not only more efficient but also more easily converted to carbon neutral energy sources in the future.

Response A6.4: Alternative modes of freight movement, such as rail infrastructure, are not available near the immediate vicinity of the Project, and such a contribution would not provide any direct benefit to the project area. In addition, as discussed on page 5.14-8 of the Draft EIR, the Project would not conflict with a program, plan, or ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities (CEQA Transportation Threshold 1). The analysis on Draft EIR page 5.14-8 did not identify significant impacts to existing freight infrastructure. Therefore, the recommended mitigation is both not necessary, and not feasible in these circumstances, and is therefore not warranted under CEQA.

Accordingly, no revision to the Draft EIR is warranted in response to this comment.

Comment A6.5: This comment states that, due to the increased volume of truck trips, a substantial contribution should be made to a city fund that will build safer infrastructure for people walking, riding bikes, and taking transit throughout the city. The most effective methods to reduce pedestrian and bicyclist exposure to cars and trucks is through physical design and geometrics. These methods include the construction of physically separated facilities such as Class IV bike lanes, wide sidewalks, pedestrian refuge islands, landscaping, street furniture, and reductions in crossing distances through roadway narrowing.

Response A6.5: The comment provides a conclusory statement of potential risks posed by the Project without any evidence to support the claim. Conversely, the Project's transportation safety impacts have been assessed, and have been determined to be not significant in the Draft EIR (See Section 5.14, *Transportation*, of the Draft EIR). Furthermore, the Project itself calls for the development of numerous infrastructure improvements in and around the Project area to provide safer roadways and transportation infrastructure. Proposed infrastructure improvements include: construction of a 12-foot bike Class I bike path along the Project's frontage on East Avenue M/Columbia Way; construction of an 8-foot-wide sidewalk around the entire Project's property line along Avenue L-8, East Avenue M/Columbia Way, 30th Street East and 35th Street East; and installation of approximately 951,135 SF (or 21.84 acres) of ornamental landscaping, as described in Section 3.0, *Project Description*, of the Draft EIR.

As discussed starting on page 5.14-14 of the Draft EIR, the Project includes PDF TR-1, to construct 8-foot-wide sidewalks along the Project's frontage on Avenue L-8, East Avenue M/Columbia Way, 30th Street East and 35th Street East, and PDF TR-2, to construct a 12-foot-wide Class 1 bike path along East Avenue M/Columbia Way.

With implementation of PDF TR-1 and PDF TR-2, and as discussed in Response to Comment A6.4, the Project would not conflict with a program, plan, or ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities (Impact Transportation-1). Furthermore, as discussed on Page 5.14-12 (Impact Transportation-3) of the Draft EIR, the Project would not substantially increase hazards due to a geometric design feature or incompatible uses. Therefore, the recommended mitigation is not warranted under CEQA, and no changes have been made to the EIR.

Comment A6.6: The comment states that additional alternative mitigation measures should be considered and implemented to reduce the impact on VMT, as reducing the Project's current impacts is critical to developing infrastructure that is both environmentally and economically sustainable. The comment states that following construction, a study needs to be conducted to confirm that the proposed mitigation measures are sufficiently offsetting the Project generated VMT. If not, new and/or additional mitigation measures need to be implemented.

Response A6.6: As discussed on page 5.14-12 of the Draft EIR, the 2021 CAPCOA guidelines identify a total of 34 transportation-related GHG emission reduction measures with 32 measures that reduce VMT as a quantified co-benefit. The Project considered the 34 transportation-related GHG emission reduction measures from the 2021 California Air Pollution Control Officers Association (CAPCOA) guidelines. A majority of the measures, based on their description and their measure scale, are not applicable to the Project. Two of the 34 VMT reduction measures were determined to be applicable to the proposed Project and are included in the Project.

Mitigation Measure T-1 (CAPCOA measure T-7) requires implementation of a marketing strategy and information sharing to promote and educate employees about their travel choices to the employment location. Mitigation Measure T-2 (CAPCOA measure T-8) requires implementation of a rideshare program to encourage carpool vehicles, thereby reducing the number of trips, VMT, and GHG emissions. With compliance with existing rules and implementation of CAPCOA measures T-7 and T-8 that are included as Mitigation Measures T-1 and T-2, the Project VMT would be reduced by 7.84 percent.

No additional feasible mitigation measures exist that would reduce the impact to levels that are less-than-significant; therefore, additional mitigation measures have not been included. Additionally, the efficacy of Mitigation Measures T-1 and T-2 has already been accessed in the 2021 CAPCOA guidelines, and as such confirmation testing is not warranted. Lastly, the commenter fails to provide an example of any such "alternative mitigation measure," making it impossible to determine whether such measures actually exist. In short, the project includes the two feasible mitigation measures that have been identified, and neither the City or the developer have identified any other mitigation measures that are feasible. Accordingly, the Draft EIR already includes all of the required mitigation measures to offset the VMT impacts.

Lastly, the Draft EIR already concludes that the Project will result in significant and unavoidable VMT impacts, even with implementation of Mitigation Measures T-1 and T-2. As such, upon approving the Project, and adopting the EIR for the Project, the City will have adopted a statement of overriding considerations, finding that the Project should be approved despite the identified significant and unavoidable impacts. As such, requiring the implementation of new mitigation measures in the future is not required or authorized under CEQA.

Based on the foregoing, the proposed mitigation measures are infeasible and inappropriate, and no modifications to the EIR are warranted in response to this comment.

Comment A6.7: This comment states that construction of the proposed Project would involve deliveries of materials, components, and supplies to the various sites, and will involve oversized trucks. As a result, prior to issuance of building or grading permits for the Project site, the applicant shall prepare a Construction Traffic Management Plan (CTMP) for review and approval by City staff to reduce any impacts to less than significant levels. The CTMP needs to specify the duration of construction period and provide construction analysis on significant impacts due to increase in construction truck traffic on highways not designated as truck routes.

The comment states that the CTMP should also specify any work that would affect the freeways and its facilities, and that Caltrans has the jurisdiction for review and approval. Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans.

Response A6.7: The Project's construction related impacts have already been assed in the Draft EIR. Specifically, construction-related trips generated on a daily basis throughout various construction activities are analyzed in page on 5.14-9 of the Draft EIR (Impact Transportation-1). As stated on page 5.14-9 of the Draft EIR, the Project's construction impacts regarding compliance with applicable plans, ordinances, or

policies related to the performance of the circulation system are less than significant. (Impact Transportation-2). As such, no mitigation measures are warranted under CEQA.

That said, compliance with existing regulations would be ensured through the City's construction permitting process. Should the City determine that a CTMP is required for the Project, the Project applicant would prepare a CTMP for review and approval by City staff prior to issuance of building and grading permits.

Accordingly, no revisions to the EIR are warranted in response to this comment.

Comment A6.8: This comment provides a Caltrans Project Coordinator email address and instructions to contact him shall the City have any questions on the comment letter.

Response A6.8: This comment does not raise a specific issue with the adequacy of the Draft EIR. Therefore, no further response is warranted or provided.

Comment Letter 7: California Department of Transportation, Division of Aeronautics, November 8, 2024 (3 pages)

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

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November 8, 2024

Brenda Magana
Planning Manager
City of Palmdale
38250 Sierra Highway.
Palmdale, CA 93550

Re: SCH # 2023090551 **- Palmdale Logistics Center - TPM 84077, CUP 23-003, SPR 23-001**

Dear Ms. Magana,

The California Department of Transportation (Caltrans), Division of Aeronautics (DOA), has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Palmdale Logistics Center project.

We note that the project site is located adjacent to the Palmdale Regional Airport and within the vicinity of existing and proposed airport-related land uses. Given the proximity to the airport and the potential for significant impacts on aviation safety and operations, we have concerns regarding the project's compatibility. A7.1

Specific Concerns:

1. **Noise Impacts:**
   - The project's construction and operational noise could interfere with airport operations, including flight crew communications, passenger comfort, and aircraft maintenance activities.
   - A detailed noise study should be conducted to assess the impact of the project on noise levels at the airport and surrounding residential areas.
   - Mitigation measures, such as noise barriers, soundproofing, and operational restrictions during noise-sensitive periods, should be implemented as necessary.

   A7.2
2. **Bird Strike Hazard:**
   - The project site could attract birds, particularly during construction and operation phases, increasing the risk of bird strikes to aircraft.

   A7.3

- Bird-deterrent measures, such as bird-friendly glass, wire mesh, and regular cleaning of debris, should be implemented to minimize bird attraction. Additionally, the project should avoid creating water bodies or other features that could attract birds.

A7.3 cont.

3. **Emergency Vehicle Access and Fire Safety:**
   - The project's location adjacent to the airport and potential fire hazards associated with large warehouses could impact emergency response times and safety.
   - Adequate fire suppression systems, emergency vehicle access, and coordination with local fire departments are essential to minimize risks to aviation operations and public safety.

A7.4

4. **Lighting and Glare:**
   - The project's lighting design should minimize glare and light trespass, particularly in areas that could impact airport operations and pilot visibility.
   - Coordination with the FAA and the airport is necessary to ensure compliance with lighting standards and to avoid creating hazards for pilots.

A7.5

5. **Electromagnetic Interference:**
   - The project's electrical infrastructure and equipment could potentially interfere with airport communication and navigation systems.
   - A thorough electromagnetic interference study should be conducted to assess the potential impact. If necessary, shielding or other mitigation measures should be implemented to minimize interference.

A7.6

6. **Hazardous Materials and Safety:**
   - The project's location near the airport raises concerns about the potential for hazardous materials to pose a safety hazard to people residing or working in the project area.
   - A detailed analysis should be conducted to assess the risks associated with the handling, storage, and transportation of hazardous materials on the site.
   - Appropriate safety measures, such as emergency response plans and spill containment procedures, should be implemented.

A7.7

Recommendations:

1. **Coordinate with the FAA and Airport:** Close coordination with the FAA and the Palmdale Regional Airport is essential to address any specific concerns and to ensure that the project is compatible with aviation operations.
2. **Coordinate with the Los Angeles Airport Land Use Commission:** The project proponent should work closely with the LA Airport Land Use Commission to ensure compliance with airport land use compatibility standards.
3. **Implement Mitigation Measures:** Based on the findings of the EIR, implement appropriate mitigation measures to address identified impacts.
4. **Monitor and Adapt:** Establish a monitoring program to track the project's impact on the airport and surrounding areas. If necessary, additional mitigation measures may be required.

A7.8

By addressing these concerns and implementing appropriate mitigation measures, the project can be developed in a manner that minimizes adverse impacts on aviation safety and the environment. A7.8 cont.

We look forward to reviewing the final Environmental Impact Report (EIR) to ensure that all potential impacts to aviation safety have been adequately addressed. A7.9

Sincerely,

Recoverable Signature

X Nirupama Stalin

Signed by: 63660214-085a-4ef0-b241-6d45438a3fcf

Nirupama Stalin
Senior Transportation Planner
Division of Aeronautics

c: State Clearing House <state.clearinghouse@opr.ca.gov>,
Matthew Friedman, Chief Office of Aviation Planning, <matthew.friedman@dot.ca.gov>,
Nirupama Stalin, Senior Transportation Planner <nirupama.stalin@dot.ca.gov>

3.7 RESPONSE TO LETTER A7: CALIFORNIA DEPARTMENT OF TRANSPORTATION, DIVISION OF AERONAUTICS, DATED NOVEMBER 8, 2024

Comment A7.1: This comment states that the Caltrans Division of Aeronautics (DOA) has reviewed the CEQA Documentation for the proposed Project and states that there are concerns regarding aviation and safety based on the proximity of the Project to the Palmdale Regional Airport.

Response A7.1: This comment is introductory to the comments that follow and does not specify concerns with the adequacy of the Draft EIR. Therefore, no further response is warranted or provided.

Comment A7.2: This comment raises specific concerns about construction and operational noise that could interfere with airport operations and aircraft maintenance activities. The comment recommends that a detailed noise study be conducted to assess the impact of the project on noise levels at the airport and surrounding residential areas and mitigation measures be implemented as necessary.

Response A7.2: A Noise and Vibration Impact Analysis Report was prepared for the proposed Project, which was included as Appendix F of the Draft EIR. As described in Section 5.11, *Noise*, of the Draft EIR, potential noise impacts associated with the construction and operation of the proposed Project were found to be less than significant. While the Project site is within the 65 dBA CNEL airport noise contour as shown in Figure 5.8-1, *Palmdale Regional Airport/AFP 42 Noise Contours*, of the Draft EIR, the proposed Project would be required to comply with the City's General Plan goals and policies related to noise compatibility land uses within the 65 dBA CNEL contour and the Frequent Overflight Area of Air Force Plant 42. In accordance with General Plan Policy N-3.2, the proposed Project is compatible with the 65 dBA CNEL zone because industrial warehouse uses are permitted within areas with ambient noise of 65 dBA CNEL. Further, coordination with both Los Angeles County Airport Land Use Commission (ALUC) and the Federal Aviation Administration (FAA) was conducted on behalf of the Project to ensure compliance with standards for projects in the vicinity of an airport, including standards for noise. A Minor Aviation Application was submitted to ALUC on September 13, 2023, for the proposed Project pursuant to ALUC Review Procedures. On November 1, 2023, ALUC determined the Project would be consistent with the policies in the Airport Land Use Plan and the ALUC Review procedures for Los Angeles County (Attachment B: ALUC Determination Letter). The FAA conducted an aeronautical study for each of the proposed buildings and determined that the proposed buildings would not exceed obstruction standards and would not be a hazard to air navigation, with the condition that the Project applicant e-file FAA Form 7460-2, Notice of Actual Construction or Alteration within 5 days after the construction reaches its greatest height, which has been included as PPP HAZ-4. Based on these findings, the FAA issued a Determination of No Hazard to Air Navigation on October 13, 2023 (Attachment C: Determination of No Hazard to Air Navigation). Thus, the Project would not interfere with airport operations, and would have less than significant noise impacts. No further response is warranted.

Comment A7.3: This comment raises specific concerns about bird strike hazards during construction and operation phases. The comment recommends that bird-deterrent measures be implemented to minimize bird attraction and that the Project avoid creating water bodies or other features that could attract birds.

Response A7.3: As described in Section 5.4, *Biological Resources*, the Project site is currently vacant and contains scattered vegetation. Although there is limited vegetation such as shrubs, the Project would be required to comply with the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code during the nesting season. Thus, the Project would include pre-construction nesting bird surveys, included as Mitigation Measure BIO-1, to ensure no active nests are present on the site if Project construction activities occur during the nesting bird season. Further, the Project would not create bodies of water during construction and would be required to comply with the best construction management

practices pursuant to the California Building Code as adopted by Chapter 8.04 of the Palmdale Municipal Code which would further minimize bird attraction during construction.

As described in Section 5.1, *Aesthetics*, Policy LUD-4.8-Environmental Design, to "design sites and buildings adjacent to natural areas with transparent design elements" and "employ bird-safe design near habitat areas or migratory routes" would not be applicable to the Project. The Project site is not near a natural area. The undeveloped vacant parcels near the site have been previously used for agriculture or other uses. However, surrounding sites are now vacant and not used for agricultural uses. The nearest preserved habitat is located approximately 7.94 miles southeast of the Project site, in association with the Alpine Butte Wildlife Sanctuary; The Project site is separated from this open space by industrial and agricultural development, as well as several heavily trafficked roadways including 70th Street East and Columbia Way as discussed in Section 5.4, *Biological Resources*. Thus, the Project would not be required to implement bird-safe design (such as bird-friendly glass or wire mesh) as the site's surrounding land uses are unlikely to attract large amounts of birds and the site is not located in a wildlife corridor. Therefore, no mitigation measures are required or proposed.

The Project would develop two warehouses, each totaling 1,500,856 square feet (SF) on two of the parcels. The third parcel would be dedicated to the construction of a stormwater detention basin. The proposed detention basin would be landscaped with drought tolerant plants as shown in Draft EIR Figure 3-10A, *Building 1 Landscape Plans*. The proposed basin would serve the Project site for treatment and infiltration of stormwater runoff, and is not intended for long-term water storage. As such, Project buildout would not create bodies of water that would attract birds, and the inclusion of wire mesh would not be necessary. Further, the Project would include various architectural elements such as stamped concrete, stacked stone with textured or sandblasted finishes, glass and curtainwall glazing systems, natural and/or manufactured stone and limited metal panel systems including light and warm-toned exterior building colors.

In regard to the comment's suggestion to include a measure for the regular cleaning of debris, while the City of Palmdale Municipal Code does not contain any other requirements or standards related specifically to bird deterrent measures, Chapter 8.36, *Regulation of Property Maintenanc*e does include requirements that property be maintained and be free of debris to avoid becoming a nuisance. Therefore, the Project would comply with State and local regulations that would minimize bird strike hazards during construction and operation phases. No further response is warranted.

Comment A7.4: This comment raises specific concerns about emergency vehicle access and fire safety, stating that the Project's proximity to the airport and fire hazards associated with large warehouses could impact emergency response times and safety. The comment also states that adequate fire suppression systems, emergency vehicle access, and coordination with local fire departments are essential to minimize risks to aviation operations and public safety.

Response A7.4: As described in Section 5.13, *Public Services,* of the Draft EIR, coordination with Los Angeles County Fire Department (LACoFD) was conducted to ensure existing fire protection services would be adequate to serve the site. The comment suggests large warehouses are associated with fire hazards, however no data or references are provided for consideration. Conversely, the implementation of the Project would reduce the overall existing fire hazard risk from removal of dry vegetation and roadway improvements would also improve emergency access in the overall Project vicinity. The proposed Project would provide access to emergency vehicles from four driveways along 30th Street East and four driveways along 35th Street East. Further, the Project would be required to design and construct internal access, and size and location of fire suppression facilities (e.g., hydrants and sprinklers) to conform to the 2022 California Fire Code ("CFC") standards. LACoFD would review the development plans prior to approval to ensure adequate emergency access pursuant to the requirements in Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9). Additionally, the proposed Project would be required to adhere to the CFC, which would minimize the demand upon fire stations, personnel, and equipment. The proposed

warehouse would be concrete tilt up construction which contains a low fire hazard risk rating. The building would be equipped with fire extinguishers, wet and dry sprinkler systems, pre-action sprinkler systems, fire alarm systems, fire pumps, backflow devices, and clean agent waterless fire suppression systems pursuant to the CFC adopted under Section 8.04.400 of the Municipal Code, CBC, and other existing regulations regarding fire safety. Therefore the EIR has adequately considered and analyzed emergency vehicle access and fire safety and confirmed that the Project would not have a significant impact on public services throughout the area, and no further response is warranted.

Comment A7.5: This comment raises specific concerns about lighting and glare and states that the project's lighting design should minimize light and glare trespass, especially in areas that could impact airport operations and pilot visibility. The comment further states that coordination with the FAA and the airport is necessary to ensure compliance with lighting standards and avoid creating hazards for pilots.

Response A7.5: The Draft EIR discusses light and glare in Section 5.1, *Aesthetics*, of the Draft EIR. As detailed on Page 5.1-10 of the Draft EIR, construction-related illumination would be used for limited safety and security purposes and would be required to be directed downward. In addition, construction of the Project would not include any materials that would generate offsite glare. During operation, new sources of nighttime lighting would include parking lot and loading area lighting, as well as building mounted security lights. However, the Project would be subject to Section 17.86.030 of the City's Municipal Code which states that the light level at property lines shall not exceed one-quarter foot candles and requires the usage of dark-sky compliant lighting. Thus, additional lighting would be limited to safety, security, and signage purposes.

Further, the proposed buildings would generally be constructed of concrete with blue glass windows, painted concrete, and painted metal doors. The glass windows would not dominate building elevations and are intended to bring daylight into the building as well as provide design treatments to the exterior building walls. The windows would be individually framed openings, extended or recessed to create more depth and shadow, and would be separated by areas of stucco; therefore, the Project windows would not generate a substantial source of glare. Therefore, the Project would minimize light and glare trespass, including in areas that could impact airport operations and pilot visibility.

Additionally, as discussed on Page 5.8-20 of the Draft EIR, coordination with both ALUC and the FAA was conducted on behalf of the Project to ensure compliance with standards. A Minor Aviation Application was submitted to ALUC on September 13, 2023 for the proposed Project pursuant to ALUC Review Procedures. On November 1, 2023, ALUC determined the Project would be consistent with the policies in the Airport Land Use Plan and the ALUC Review procedures for Los Angeles County. In addition, pursuant to ALUC "Requirements to File," a request for an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) was filed on September 15, 2023, with the FAA. The FAA thus conducted an aeronautical study for each of the proposed buildings and determined that the proposed buildings would not exceed obstruction standards and would not be a hazard to air navigation, with the condition that the Project applicant e-file FAA Form 7460-2, Notice of Actual Construction or Alteration within 5 days after the construction reaches its greatest height, which has been included as PPP HAZ-4. Based on these findings, the FAA issued a Determination of No Hazard to Air Navigation on October 13, 2023. Thus, the Project would not result in a safety hazard to air navigation or create hazards for pilots, or otherwise create any potentially significant light related impacts. As such, no further response is warranted

Comment A7.6: This comment raises specific concerns about electromagnetic interference and states that the Project's electrical infrastructure and equipment could potentially interfere with airport communication and navigation systems. The comment further states that an electromagnetic interference study should be conducted to assess Project impacts and mitigation measures should be implemented as needed.

Response A7.6: The Project consists of typical warehouse development and would not include infrastructure or equipment that would create significant electromagnetic interference such as high-voltage power lines.

The Project buildings will be constructed in accordance with current California Building Code requirements and electrical code, which will reduce risks related to improper electrical grounding or wiring that can lead to electromagnetic interference. As described previously, coordination with both ALUC and the FAA was conducted on behalf of the Project to ensure compliance with standards for projects in the vicinity of an airport. The FAA conducted an aeronautical study for each of the proposed buildings and determined that the proposed buildings would not exceed obstruction standards and would not be a hazard to air navigation, with the condition that the Project applicant e-file FAA Form 7460-2, Notice of Actual Construction or Alteration within 5 days after the construction reaches its greatest height, which has been included as PPP HAZ-4. Based on these findings, the FAA issued a Determination of No Hazard to Air Navigation on October 13, 2023.

Furthermore, ALUC issued an Airport Land Use Plan Consistency Determination on November 1, 2023 that states that the Project would not generate electrical interference that would be detrimental to safe air navigation or aircraft operations. Thus, with implementation of the California Building Code requirements and electrical code, the Project would not result in a safety hazard to air navigation, and no electromagnetic interference study is warranted. No further response is warranted.

Comment A7.7: This comment raises specific concerns about hazardous materials and safety and states that the project's location near the airport raises concerns about the potential for hazardous materials to pose a safety hazard to people residing or working in the project area. The comment further states that a detailed analysis should be conducted to assess the risks associated with the handling, storage, and transportation of hazardous materials on the site and appropriate safety measures such as emergency response plans and spill containment procedures should be implemented.

Response A7.7: As detailed on Page 5.8-20 of the Draft EIR, a Phase I Environmental Site Assessment was prepared for the Project site, included as Appendix H. As described in Section 5.8, *Hazards and Hazardous Materials*, the site is not listed in the databases searched by the Phase I including GeoTracker and the California DTSC EnviroStor database of hazardous material sites; and is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The Phase I ESA explains that the Air Force Plant 42 (AFP 42), located to the south of the Project site contains hazardous substances, including aviation fuels, which were stored in numerous Underground Storage Tanks (USTs) and Aboveground Storage Tanks (ASTs); degreasing solvents; metal plating solutions; and related wastes. However, potential impact of hazardous substances storage and use operations at AFP 42 on the subsurface environment has been assessed through numerous investigations, which determined that contamination has not spread to the Project site area, and that groundwater occurs between 340 and 450 feet below ground surface and generally flows away from the Project site. Thus, any groundwater contaminants would not affect the Project site or pose a safety hazard to those working at the Project site. Further, construction and operation of the Project would be required to comply with federal, state, and local laws and regulations regarding the transport, use, and storage of hazardous materials. Applicable laws and regulations include CFR, Title 29 – Hazardous Waste Control Act; CFR, Title 49, Chapter I; and Hazardous Materials Transportation Act requirements as imposed by the USDOT, CalOSHA, CalEPA, and DTSC.

Additionally, construction activities would require a Stormwater Pollution Prevention Plan (SWPPP), which is mandated by the National Pollution Discharge Elimination System General Construction Permit (included as PPP HYD-1) and enforced by the Lahontan Regional Water Quality Control Board (RWQCB). The SWPPP will include strict onsite handling rules and Best Management Practices (BMPs) to minimize potential adverse effects to workers, the public, and the environment during construction. Similarly, under California Health and Safety Code Section 25531 et seq., CalEPA requires businesses that exceed a threshold quantity for a regulated substance, to register with a managing local agency, known as the Certified Unified Program Agency (CUPA). In Palmdale, the Los Angeles County Fire Department is the CUPA. Thus, if the operations of future tenants of the proposed warehouse facility require quantities of regulated substances in excess of

established thresholds, CUPA permits would be required. The County requires businesses subject to any of the CUPA permits to file a Hazardous Materials Business Plan, included as PPP HAZ-3. Additionally, businesses would be required to provide workers with training on the safe use, handling, and storage of hazardous materials and would be required to maintain equipment and supplies for containing and cleaning up spills of hazardous materials that can be safely contained and cleaned by onsite workers as well as immediately notify emergency response agencies in the event of a hazardous materials release that cannot be safely contained and cleaned up by onsite personnel, as detailed under PPP-HAZ-3. Thus, compliance with existing laws and regulations governing hazard and hazardous materials would be verified by the City during operational permitting and the routine transport, use, and disposal of hazardous materials has been adequately analyzed, and no potentially significant impacts have been identified.. No further response is warranted.

As an aside, to the extent the comment raises concerns about the AFP 42's impact on to the Project site, those types of impacts are outside of the scope of CEQA, and are not an impact that must be addressed by the Draft EIR.

Comment A7.8: This comment lists recommendations for the project to consider to minimize adverse impacts on aviation safety such as coordination with the FAA and the airport, coordination with the Los Angeles Airport Land Use Commission, implementation of mitigation measures, and establishment of a monitoring program to track the project's impact on the airport and surrounding areas.

Response A7.8: As stated previously in Responses A7.2 through A7.7, the Project initiated and concluded coordination with both the FAA and the ALUC to ensure compliance with compatibility standards and prevent hazards to air navigation. In addition, as described under each Draft EIR section, the Project has adequately addressed all potential impacts and identified feasible mitigation measures as needed. No mitigation measures related to Noise, Hazards, and Light and Glare were identified because Project impacts were determine to be less than significant with regards to those environmental criteria. A Mitigation and Monitoring Reporting Program is included in Section 4.0 of this Final EIR and identifies mitigation measures required by the City to mitigate or avoid significant impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance. No further response is warranted.

Comment A7.9: This comment states that Caltrans DOA looks forward to reviewing the Final EIR to ensure potential impacts to aviation safety have been adequately addressed.

Response A7.9: This comment is conclusory in nature and does not raise any specific issues on the Draft EIR's adequacy. Therefore, no further response is warranted or provided.

Comment Letter 8: County of Los Angeles Department of Public Works, October 28, 2024 (2 pages)

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

MARK PESTRELLA, Director

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IN REPLY PLEASE
REFER TO FILE: WW-1

October 28, 2024

City of Palmdale
Planning Division
Attention: Ms. Brenda Magaña, Planning Manager
38250 Sierra Highway
Palmdale, CA 93550

Dear City of Palmdale:

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40, ANTELOPE VALLEY DRAFT ENVIRONMENTAL IMPACT REPORT FOR SITE PLAN REVIEW 23-001, CONDITIONAL USE PERMIT 23-003, TENTATIVE PARCEL MAP 84007, PALMDALE LOGISTICS CENTER

Thank you for the opportunity to review the Draft Environmental Impact Report for Site Plan Review 23-001, Conditional Use Permit 23-003, Tentative Parcel Map 84007, Palmdale Logistics Center. We have reviewed the document and offer the following comments, referenced by page: A8.1

Page 5.16-7, Section 5.16.2.5 Water Environmental Impacts:
The section should reference the regional improvements identified by the District and provided to the applicant on April 11, 2024. Improvements should include approximately 4,000 feet of 24-inch diameter water main along Avenue M from 4th Street W to 4th Street E. A8.2

Page 5.16-8, Table 5.16-7 WSA Project Water Demand Estimates:
The Water Generation Rate column incorrectly lists generation rates as ".064" and ".025" gpd/1,000 sq. ft. The factor is already listed per 1,000 square feet and should be "64" and "25" respectively as seen in the preceding paragraph. A8.3

Appendix K, Page 5, Table 2.1 Project Water Demand Estimates:
The Water Generation Rate column incorrectly lists generation rates as ".064" and ".025" gpd/1,000 sq. ft. The factor is already listed per 1,000 square feet and should be "64" and "25" respectively as seen in the preceding paragraph. A8.4

If you have any questions, please contact Ms. Aracely Jaramillo at (626) 300-3353 or ajaramillo@pw.lacounty.gov. A8.5

Very truly yours,

MARK PESTRELLA, PE
Director of Public Works

CAROLINA T HERNANDEZ, PE
Assistant Deputy Director
Waterworks Division

AJ:jc
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3.8 RESPONSE TO LETTER A8: COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS, DATED OCTOBER 28, 2024

Comment A8.1: This comment states that the Los Angeles County Waterworks District No. 40 (LACWD40) has reviewed the Draft EIR for the proposed Project and suggests revisions to the Draft EIR.

Response A8.1: This comment is introductory to comments A8.2 through A8.4 and does not raise concerns with the adequacy of the Draft EIR or specify revisions. Responses to specific suggested revisions are addressed below in comments A8.2 through A8.4. Therefore, no further response is warranted or provided.

Comment A8.2: This comment refers to Section 5.16.2.5, *Water Environmental Impacts*, and states that the Draft EIR should reference regional improvements provided to the applicant by LACWD40, including specifying that the Project would construct approximately 4,000 linear feet of 24-inch diameter water main along Avenue M from 4th Street West to 4th Street East.

Response A8.2: The Draft EIR describes in Section 3.0, *Project Description*, that the proposed Project would include offsite improvements including the extension of the 24-inch water line approximately 13,400 linear feet west within the East Avenue M/Columbia Way right-of-way to 5th Street East to connect to the existing 30-inch water line in East Avenue M/Columbia Way and that the 24-inch watermain extension would then continue from 4th Street West to 4th Street East for an additional 4,000 linear feet. However, Section 5.16, *Utilities and Service Systems*, of the Draft EIR did not specify that the extension of the water line would stop at 5th Street East and begin again on 4th Street West as illustrated in Figure 3-13a. As such, Draft EIR Section 5.16.2.5 has been revised to specify the regional water line improvements in Section 2.0, *Errata*, of this Final EIR and as shown below. No further response is warranted.

Pages 5.16-7 to 5.16-8, Section 5.16.2.5, *Water Environmental Impacts* is revised as follows:

5.16.2.5 Water Environmental Impacts

IMPACT UTILITIES-1: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW WATER FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

Less than Significant Impact. As discussed above, there are no existing water lines on or adjacent to the Project site. The past water source for the Project site was from onsite wells that are no longer in use. The Project site is near the water service area of the LACWD40. The proposed Project includes annexation of the Project site into the LACWD40 service area. The Project would install offsite 16-inch water lines along the perimeter of the Project site that would connect to a proposed 24-inch offsite water main at East Avenue M/Columbia Way and 30th Street E. ~~The proposed offsite 24-inch water line would extend approximately 17,400 linear feet west within the East Avenue M/Columbia Way right-of-way to 4th Street W and connect to the existing 30-inch water line in East Avenue M/Columbia Way~~ **The proposed offsite 24-inch water line would extend approximately 13,400 linear feet west within the East Avenue M/Columbia Way right-of-way to 5th Street East and connect to the existing 30-inch water line in East Avenue M/Columbia Way. The proposed 24-inch watermain extension would then continue from 4th Street West to 4th Street East for an additional 4,000 linear feet** (as shown in Figure 3-13a, *Utility Improvements (Water)*, in Section 3, *Project Description*). The new offsite water line installations would be within existing roadway rights-of-way or within roadway rights-of-way that are being developed as part of the Project. Additionally, the proposed water infrastructure would be installed as part of new roadway construction and roadway improvement activities that are part of the proposed Project.

Comment A8.3: This comment refers to Table 5.16-7, WSA Project Demand Estimates, of the Draft EIR and states that the generation rates of "0.64" and "0.25" gallons per day per 1,000 square feet should be listed as "64" and "25," as mentioned in the paragraph that precedes the table because the factor is already listed per 1,000 square feet.

Response A8.3: The Draft EIR included the generation rates of "0.64" and "0.25" based on information provided by the Water Supply Assessment (WSA) prepared for the Project, included as Appendix K of the Draft EIR. As mentioned by the commenter, the assumptions used in the Draft EIR and the WSA, respectively, are correct, however they are illustrated incorrectly in Table 5.16-7. As such, Draft EIR Table 5.16-7 has been revised to reflect the correct factors in Section 2.0, *Errata*, of this Final EIR and as shown below. This correction does not alter the discussion or findings of the EIR. No further response is warranted.

Page 5.16-18, Section 5.16.2.5, *Water Environmental Impacts* is revised as follows:

5.16.2.5 Water Environmental Impacts

Table 5.16-7: WSA Project Water Demand Estimates

Use	Square Feet	Water Generation Rate (GPD/1,000 SF)	Water Demand (GPD)	Water Demand (AFY)
Office	40,000	~~0.064~~ **64**	2,560	2.87
Warehouse	2,961,712	~~0.025~~ **25**	74,043	82.94
Landscaping	880,912	-	-	25.12
			Total	110.93

Source: Dudek (2023). Appendix K.

Comment A8.4: This comment refers to Table 2.1, Project Water Demand Estimates, of Appendix K (Water Supply Assessment) and states that the generation rates of "0.64" and "0.25" gallons per day per 1,000 square feet should be listed as "64" and "25," as mentioned in the paragraph that precedes the table because the factor is already listed per 1,000 square feet.

Response A8.4: As mentioned by the commenter, the assumptions used in the WSA are correct, however they were illustrated incorrectly in Table 2.1. As such, Appendix K to the Draft EIR has been revised to reflect the correct factors and has been reattached as Attachment D of this Final EIR. The Draft EIR has also been revised accordingly to match the corrections in the WSA, as discussed above in Comment A8.3. This correction does not alter the discussion or findings of the EIR. No further response is warranted.

Comment A8.5: This comment concludes the comment letter and provides a contact at the LACWD40 for questions.

Response A8.5: This comment does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is required or provided.

Comment Letter 9: United States Air Force Plant 42, September 20, 2024 (3 pages)

ENGINEERING REVIEW COMMENTS

PAGE 1 OF 1
DATE: 20 Sep 24

LEGEND:
A - APPROVE D - DISAPPROVE E - EXCEPTION, SEE COMMENT X - DELETE COMMENT

PROJECT DESCRIPTION:
Palmdale Logistics Center (PLC) – Draft Environmental Impact Report (DEIR) TMP 84077, CUP 23-003, SPR 23-001

BASE AND PROJECT NUMBER:
AF Plant 42

☐ PB
CONCEPT, 30%
☐ PRELIMINARY, 65%
☐ FINAL
X Undefined

REVIEWING OFFICE
OFFICE: 412 TW/OL Plant 42
TELEPHONE
REVIEWERS: Air Force Plant 42
REG NO
STATE: Palmdale, California

DISCIPLINES
☐ ARCHITECTURAL ☐ MECHANICAL ☐ SURGEON
☐ CIVIL ☐ ELECTRICAL ☐ GROUND SAFETY
☐ STRUCTURAL ☐ CORROSION ☐ FIRE PROTECTION
☐ SANITARY ☐ PAVEMENTS ☐ ENVIRONMENTAL
☐ MASTER PLAN ☐ UTILITIES
☐ COMM

DRAWING OR PARAGRAPH NO	COMMENT NUMBER	TECHNICAL COMMENTS	ACTIONS TAKEN	
1.2.6 Drainage	1	Verify whether the basin and stormwater infrastructure will adequately manage the increased **urban runoff** from future nearby developments. The **proximity to AFP 42** should also be considered, as unanticipated runoff or flooding from this Project could affect infrastructure at the plant. Further clarification is needed on whether **post-construction monitoring** will be conducted to ensure that the basin continues to function effectively under increased cumulative runoff.		A9.1
3.7.5 Landscaping, Fencing, and Screening Walls	2	Include map of **landscaping** and plants to be included. Is it possible to have privacy plants that block the development from viewing the AFP		A9.2
Figure 3-7	3	Recommend moving the drainage basin to be on E Avenue M to create **an additional buffer** between the AFP and the logistics center		A9.3
3.7.5 Landscaping, Fencing, and Screening Walls	4	Recommended to include **native species** that not only require less water but also provide a habitat for local wildlife.		A9.4
3.7.3 Building and Architecture	5	**Building height**s should be assessed to ensure they do not interfere with runway visibility and operational safety.		A9.5
3.7.12 Operations	6	The EIR states that lighting will comply with dark-sky regulations, which is critical given the aerospace activities at AFP 42. However, the logistics center should ensure that no lighting from the facility impacts runway visibility or operations, particularly during nighttime hours. Additional mitigation strategies, such as the use of **shielded lights or reduced illumination** near the property line, should be considered.		A9.6
4.4.5 Energy	7	The projected increase of **0.03% in electricity** and **0.02% in natural gas** usage is deemed negligible in isolation. However, the analysis should account for future **operational expansion** or changes in tenant use, as the speculative nature of the warehouse may lead to greater energy demands over time.		A9.7
4.4.5 Energy	8	Consider future scaling for energy demands beyond the minimum requirement for solar ready roofs of 15%. Given AFP 42's proximity and the potential for operational overlap, expanding the solar energy generation capability could provide a **buffer against grid dependency**, which would be advantageous for both the project and AFP 42 during high-demand periods.		A9.8
Sec. 5.3 Air Quality	9	Given this project will exceed air quality emissions (NOx, CO and PM10 per day, and NOx and PM10 per year) has the cumulative effect (including Table 5-1's projects) been analyzed with respect to Plant 42's current future endeavors?		A9.9

ENGINEERING REVIEW COMMENTS (CONTINUATION SHEET) PAGE 2 of 3 DATE: 28 Jul 24

Sec. 5.4 Biological Resources	10	Wildlife Corridors: Several Joshua Tree forests are in the area which are slowly becoming isolated with urban development. The DEIR does not appear to have considered these local areas to the west and southwest. Development is encircling Plant 42 leaving little pathways for wildlife movement from these well-established Joshua Tree forests. The most open pathway resides to the north of the Palmdale Logistic Center which may need to protect a corridor. The proposed development of the Antelope Valley Commerce Centers (AVCCs) will complicate wildlife movement increasing the likelihood of aircraft incursion on Plant 42.		A9.10
Sec. 5.7 Green House Gas	11	There are more recent stats for GHG, https://ww2.arb.ca.gov/ghg-inventory-data If applicable, recommend revising and updating documents accordingly.		A9.11
Sec. 5.9 Hydrology WQ	12	Stormwater Concern: There is an East Avenue M underflow from Plant 42's drainage canal near the plants northeast corner of Site 3, at Ryan Aeronautical Way (South of 30th St E) and East Avenue M. During significant stormwater events, excessive water enters Plant 42's southern boundary from Palmdale. This water can flood the plant's stormwater controls sending water under East Avenue M into the southwest corner of the Palmdale Logistic Center's lot. The water generally flows west and connects with the stormwater channel running north, bisecting the existing solar farm. An evaluation of the flood water from, not only the underflow but along the northside of East Avenue M/Columbia Way (and possibly north along 30th Str. East) should be made prior to constructing in this area. The most recent event causing the underflow to be used was Hurricane/Tropical Storm Hillary, August 2023.		A9.12
Sec. 5.14 Transportation	13	Cumulative Traffic Concerns: Significant development has happened or happing since the EIRs were developed such that updating and reevaluating cumulative traffic flow may be critical to achieving business success and economic growth in the area. Additional projects proposed and/or underway on East Avenue M (i.e. Trader Joe's, AVCC East/West, etc.) have a cumulative increase of >2,000 loading docks and >10,000 parking stalls with 24:7 7-days per week operations. The cumulative proposed traffic improvements along East Avenue M and southbound on 50th Street East may not be robust enough to mitigate the already congested areas at SR-14, 10th Str. East, Sierra Highway, and 50th Str. East southbound (~6 miles 2-lane road towards SR-138). The addition of 6 traffic signals and more than a dozen new traffic entry points along East Avenue M, compounded by the train crossing at Sierra Highway (and future High Speed Rail) may cause serious transport delays (including emergency response), and adversely impact productivity and future growth at all facilities to include Plant 42.		A9.13
Sec 5.14 Transportation	14	New intersection of Ave M & 35th St E: There is no discussion or investigation into the operation of this new intersection. This new intersection will be in close proximity to the Site 4 Entrance that is already a signalized intersection. The proximity of these two intersections will cause safety concerns (as are already evident in the similar situation at the Ave M & Site 2 and 20th St intersections). Recommend more investigation into this situation and supplying options to make this a safe location.		A9.14

ENGINEERING REVIEW COMMENTS (CONTINUATION SHEET) PAGE 3 of 3
DATE 28 Jul 24

Sec. 5.15 Tribal CR	14	Plant 42 has identified a total of 7 federally recognized American Indian tribes affiliated with the plant's area (listed below). Only one of these (MBMI) has been identified in the EIR. Recommend reaching out to the remaining six to ensure total inclusion. Several of the tribes contacted expressed little interest. 1. Morongo Band of Mission Indians (MBMI), California 2. Timbisha Shoshone Tribe 3. Tule River Indian Tribe of the Tule River Reservation, California 4. Chemehuevi Indian Tribe of the Chemehuevi Reservation, California 5. Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California 6. Soboba Band of Luiseno Indians 7. Torres Martinez Desert Cahuilla Indians		A9.14 cont.

3.9 RESPONSE TO LETTER A9: UNITED STATES AIR FORCE PLANT 42, DATED SEPTEMBER 20, 2024

Comment A9.1: This comment questions whether the basin and stormwater infrastructure will adequately manage the increased urban runoff from future nearby developments. The proximity to Air Force Plant (AFP) 42 should also be considered, as unanticipated runoff or flooding from this Project could affect infrastructure at the plant. The comment states that further clarification is needed on whether post-construction monitoring will be conducted to ensure that the basin continues to function effectively under increased cumulative runoff.

Response A9.1: As stated in Draft EIR Section 5.9, *Hydrology and Water Quality*, the existing drainage pattern for the site generally flows from the south to the north, and implementation of the Project would maintain existing drainage patterns of the Project site (Draft EIR page 5.9-12). AFP 42 is located south of the Project site. As such, runoff from the Project site is not anticipated to flow south to AFP 42 and would not affect infrastructure at the plant.

Due to the absence of nearby storm drain improvements, the proposed stormwater detention basin would be designed to retain the entire storm runoff volume of two successive 100-year 24-hour storms from the Project. The drainage facilities proposed for the Project have been sized to be consistent with the MS4 permit and the City's development requirements. Thus, implementation of the Project would not substantially increase the rate or amount of surface runoff, such that flooding would occur. As part of the permitting approval process, the proposed drainage and water quality design and engineering plans would be reviewed by the City's Department of Public Works to ensure that they meet the NPDES Permit requirements and would not result in flood impacts.

Page 5.9-16 of the Draft EIR provides a cumulative analysis for hydrology and water quality. As discussed, the Project includes installation of a detention basin that would retain, filter, and infiltrate two successive 100-year storms, and pursuant to State and regional regulations that require development projects to maintain pre-project hydrology, no net increase of off-site stormwater flows would occur. Therefore, the Project would not generate runoff that could combine with additional runoff from cumulative projects that could cumulatively combine to impact erosion, siltation, flooding, and water quality, and thus the Project would not result in a potentially significant hydrology and/or water quality impact.

In addition, the comment incorrectly assumes that the basin and on-site stormwater infrastructure will increase runoff from future nearby developments. However, these improvements and the proposed basin are intended to filter and infiltrate stormwater runoff from the Project site, and not from other future development. Future projects will not be allowed to use the basin or the Project's on-site stormwater improvements, unless subsequent CEQA review and documentation is prepared, which will ensure that the basin continues to function effectively under increased cumulative runoff and no post-construction monitoring is required.

Accordingly, the Project will ensure that the runoff from the Project site remains the same as it did pre-development, so there is no potential impact to AFP 42 or the surrounding environment resulting from the addition off any runoff. As such, the comment does not require any revision to the Draft EIR, as it already explains how the Project's hydrology impacts are less than significant in this case. No further response is needed.

Comment A9.2: This comment requests to include a map of landscaping and plants that will be included in the Project. The comment also asks if it is possible to have privacy plants that block the development from viewing the AFP.

Response A9.2: Figures 3-10a (page 3-31 of the Draft EIR) and 3-10b (page 3-33 of the Draft EIR) include the landscape plan and list of plants that will be included in the Project. As discussed on page 3-16 of the

Draft EIR, landscaping includes 36-inch and 24-inch box trees, 15-gallon trees, various shrubs, and succulents to screen the proposed buildings, infiltration/detention basin, and parking and loading areas from offsite viewpoints on 30th Street East and East Avenue M/Columbia Way. Specifically, as shown in Figure 3-10b, the Project will include a variety of trees and plants along the western and southern perimeter that would also block views of the AFP from inside the development.

Comment A9.3: This comment recommends moving the drainage basin to be on East Avenue M to create an additional buffer between the AFP and the logistics center.

Response A9.3: As stated in Response A9.1, the existing drainage pattern for the site generally flows from the south to the north, and pursuant to State and regional regulations that require development projects to maintain pre-project hydrology, the Project would maintain existing drainage patterns of the Project site. Therefore, the proposed location of the drainage basin along the northern boundary would align with the natural topography and hydrological flow of the site. Relocation of the basin to the southern boundary, along East Avenue M, would not be consistent with the existing drainage patterns and could result in additional grading, alterations to site hydrology, or non-compliance with regulatory standards. Therefore, the proposed location of the drainage basin is appropriate for maintaining pre-project hydrology and minimizing environmental impacts.

Comment A9.4: This comment recommends including native species that not only require less water but also provide a habitat for local wildlife.

Response A9.4: The Project is subject to City of Palmdale Municipal Code Chapter 17.86, *Landscaping, Lighting, and Fences*, that states that all plants utilized in required landscape areas shall be from the City's approved planting list, and that landscape planting shall incorporate at minimum 50 percent drought-tolerant and native species. As stated in Response A9.2, Figures 3-10a (page 3-31 of the Draft EIR) and 3-10b (page 3-33 of the Draft EIR) include the landscape plan and list of plants that will be included in the Project. Compliance with the City's Municipal Code would be ensured through the City's permitting process.

Comment A9.5: This comment states that Building heights should be assessed to ensure they do not interfere with runway visibility and operational safety.

Response A9.5: The Project's buildings heights have been assessed and it has been determined that the buildings not exceed obstruction standards and would therefore not be a hazard to air navigation, and as such the Project does not create any potentially significant safety impacts to the operation of AF Plant 42. As discussed on page 5.8-20 of the Draft EIR, on September 13, 2023, a Minor Aviation Application was submitted to the Los Angeles County Airport Land Use Commission (ALUC) for the proposed Project pursuant to ALUC Review Procedures. On November 1, 2023, ALUC determined the Project would be consistent with the policies in the Airport Land Use Plan and the ALUC Review procedures for Los Angeles County. In addition, pursuant to ALUC "Requirements to File," a request for an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) was filed on September 15, 2023, with the Federal Aviation Administration (FAA). The FAA thus conducted an aeronautical study for each of the proposed buildings and determined that both Building 1 and Building 2 would not exceed obstruction standards and would therefore not be a hazard to air navigation, with the condition that the Project applicant e-file FAA Form 7460-2, Notice of Actual Construction or Alteration within 5 days after the construction reaches its greatest height. Based on these findings, the FAA issued a Determination of No Hazard to Air Navigation on October 13, 2023. Thus, with the FAA's determination and ALUC approval, the Project would not result in a safety hazard and impacts would be less than significant. No further analysis is required under CEQA, and no further response to this comment is warranted.

Comment A9.6: This comment states that, according to the EIR, Project lighting will comply with dark-sky regulations, which is critical given the aerospace activities at AFP 42. However, the logistics center should

ensure that no lighting from the facility impacts runway visibility or operations, particularly during nighttime hours. Additional mitigation strategies, such as the use of shielded lights or reduced illumination near the property line, should be considered.

Response A9.6: The Project's light-related impacts have been assessed, and they are not potentially significant. As discussed starting on page 5.1-10 of the Draft EIR, the Project is subject to Section 17.86.030 of the City's Municipal Code which states that the light level at property lines shall not exceed one-quarter foot candles and requires the usage of dark-sky compliant lighting. While nighttime lighting would increase with Project development, the additional lighting would be limited to safety, security, and signage purposes. Furthermore, nighttime lighting from the Project site would be shielded to avoid spilling onto adjacent properties as required by the provisions of the City's Municipal Code, which would be verified through the City's development review and permitting process. Therefore, operation of the proposed Project would not result in substantial light related impacts to adjacent properties, including AFP 42, and impose no potentially significant impact. As such, no mitigation is required, and no further response to this comment is warranted.

Comment A9.7: This comment states that the projected increase of 0.03 percent in electricity and 0.02 percent in natural gas usage is deemed negligible in isolation. However, the analysis should account for future operational expansion or changes in tenant use, as the speculative nature of the warehouse may lead to greater energy demands over time.

Response A9.7: As described in Draft EIR Section 5.5, *Energy*, on page 5.5-7, the amount of operational fuel use was estimated using CARB's EMFAC2021 model which is based on the square footage of the site and anticipated equipment for warehouse operations. Thus, the Project's anticipated energy use is already a conservative estimate. Further, as discussed starting on page 5.5-6 of the Draft EIR, operational use of energy from the Project includes the fuel used for vehicle trips associated with the Project, heating, cooling, and lighting of buildings, water heating, operation of electrical systems and plug-in appliances within buildings, parking lot and outdoor lighting, and the transport of electricity and water to areas where they would be consumed. This use of energy is typical for urban development, and no operational activities or land uses would occur that would result in extraordinary energy consumption. Additionally, through City permitting, assurance would be provided that existing regulations related to energy efficiency and consumption, such as Title 24 regulations and CCR Title 13, Motor Vehicles, Section 2449(d)(3) related to idling, would be implemented. Additionally, any future expansion of operations resulting in physical building expansion would be subject to additional environmental review. As such, the Draft EIR has adequately analyzed the potential energy impacts of the Project and has accounted for energy demands of future tenants and found no potentially significant energy impacts. Accordingly, no revisions to the Draft EIR are warranted, and no further response is needed.

Comment A9.8: This comment states that the Project should consider future scaling for energy demands beyond the minimum requirement for solar ready roofs of 15 percent. Given AFP 42's proximity and the potential for operational overlap, expanding the solar energy generation capability could provide a buffer against grid dependency, which would be advantageous for both the project and AFP 42 during high-demand periods

Response A9.8: While the comment is noted for the record, the comment itself does not identify any alleged deficiency in the Draft EIR, undisclosed impact, or potential mitigation measure that should be applied to the Project to offset an identified potentially significant. Instead, the comment suggests that the Project be revised to increase the percentage of solar ready roofs within the Project to an undisclosed amount. However as explained in Section 5.5, *Energy*, the Project would not result in any potentially significant impact that require mitigation. As such, the requested modification to the Project is not necessary at this time.

Comment A9.9: This comment inquires whether the cumulative effect (including the projects listed in Table 5-1) have been analyzed with respect to Plant 42's current and future endeavors, given that the Project will exceed air quality emissions (NOx, CO and PM_{10} per day, and NOx and PM_{10} per year).

Response A9.9: As described in Section 5.0, *Environmental Impact Analysis*, the cumulative projects considered in the Draft EIR consist of other current development projects identified by the lead agency prior to public review of the Draft EIR. As an existing facility, Plant 42's current operations were accounted for as part of the baseline condition. No specifics for future development have been determined by the City or specified in the comment. Additionally, future expansion of Plant 42 and/or development of airport operations would be subject to environmental review including consideration of cumulative projects that are known at the time. Accordingly, the Draft EIR was not required to consider the speculative (and currently undisclosed) plans for AFP 42 that were not known at the creation of the Draft EIR, and no revisions to the Draft EIR are warranted in response to this comment.

Comment A9.10: This comment states that there are several Joshua Tree forests in the area which are slowly becoming isolated with urban development. The comment also states that the Draft EIR does not appear to have considered these local areas to the west and southwest. The comment further states that development is encircling Plant 42 leaving little pathways for wildlife movement from well-established Joshua Tree forests, such as the pathway to the north of Palmdale Logistics Center which may need to protect a corridor. The comment concludes that the development of the Antelope Valley Commerce Centers (AVCCs) will complicate wildlife movement increasing the likelihood of aircraft incursion on Plant 42.

Response A9.10: The Draft EIR has assessed the Project's potential biological impacts as well as its cumulative biological impacts when considered in conjunction with other projects, including the Antelope Valley Commerce Centers (AVCCs), and has determined that the Project will not result in separate or cumulatively significant biological impacts with proper mitigation. As described in Section 5.4, *Biological Resources*, a Biological Resources Assessment was prepared for the Project site. Although Joshua trees exist on the property directly to the north of the Project site, the Biological Resources Assessment determined that no special-status plant species were observed onsite during the two field surveys, including Joshua trees. Further, the Biological Resources Assessment prepared for the Project site determined that the site and offsite Project areas have been subjected to a variety of anthropogenic disturbances that have eliminated the natural plant communities, which has removed the potential for the areas to provide suitable habitat for special-status plant species known to historically occur in the area. Thus, the Biological Resources Assessment determined that the Project site does not provide suitable habitat for any of the special-status plant species known to occur in the area and all are presumed to be absent. As such, the proposed Project would not directly or indirectly impact any plant species identified as a candidate, sensitive, or special status species.

Furthermore, as described on Draft EIR pages 5.4-8 and 5.4-9, wildlife movement corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbances. The Project site is not within or adjacent to a wildlife movement corridor. The site is adjacent to roadways and existing development. The site is immediately adjacent to 30th Street to the west, followed by a fenced solar energy generating facility. The site is adjacent to East Avenue M/Columbia Way to the south that is followed by airport related industrial uses. The eastern boundary of the site is adjacent to an unpaved roadway, an undeveloped parcel that is followed by a solar energy generating facility, and/or 40th Street East. Overall, due to surrounding land uses and lack of habitat, the Project site does not function as a local or reginal wildlife movement corridor. In addition, the Draft EIR considered development of the proposed Project in conjunction with other development projects identified in Draft EIR Table 5-1, *Cumulative Projects List*, including the proposed Antelope Valley Commerce Centers (AVCCs) listed as number five. As described on page 5.4-9, cumulative biological impacts were determined to be less than significant with mitigation incorporated. Further, any significant biological impacts from implementations of the AVCCs would

be required to be disclosed pursuant to CEQA under separate environmental review as neither the Project or applicant are associated with the AVCCs project. No further response is warranted.

Comment A9.11: This comment states that there are more recent statistics for GHG and provides a link to the California Air Resources Board website. The comment recommends revising and updating documents accordingly, if applicable.

Response A9.11: This comment does not raise a specific issue with the adequacy of the Draft EIR nor does the comment specifically state what should be updated. However, the web link provided to the California Air Resources Board (CARB) website has been reviewed and the Greenhouse Gas Emissions Inventory was updated by CARB in September 2024, during circulation of the Draft EIR. The data included in the Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report (Appendix B of the Draft EIR) and in the Draft EIR was the latest available information at the time of drafting of the Draft EIR. As discussed on Draft EIR page 5.7-10 of the Draft EIR, the Project would result in significant and unavoidable impacts related to the generation of greenhouse gas emissions that may have a significant impact on the environment. While the Greenhouse Gas Emissions Inventory has been updated by CARB, the significance threshold used in the Draft EIR remains the same. Therefore, the findings remain the same and no updates or revisions are warranted under CEQA.

Comment A9.12: The comment states that there is an East Avenue M underflow from Plant 42's drainage canal near the plants northeast corner of Site 3, at Ryan Aeronautical Way (South of 30th St E) and East Avenue M. The comment also states that during significant stormwater events, excessive water enters Plant 42's southern boundary from Palmdale, which could in turn flood the plant's stormwater controls sending water under East Avenue M into the southwest corner of the Palmdale Logistic Center's lot. The comment further states that water generally flows west and connects with the stormwater channel running north, bisecting the existing solar farm. The comment concludes that an evaluation of the flood water from, not only the underflow but along the northside of East Avenue M/Columbia Way (and possibly north along 30th Str. East) should be made prior to construction.

Response A9.12: As stated in Draft EIR Section 5.9, *Hydrology and Water Quality*, the Drainage Management Plan (DMP) of the City of Palmdale establishes the hydrologic and hydraulic requirements for development within the City limits in accordance with revised procedures developed by the County of Los Angeles Department of Public Works and adopted by the City of Palmdale. Thus, East Avenue M underflow has already been considered by the City of Palmdale at the time the DMP was designed. Further, it is the policy of the City of Palmdale that each development consisting of five acres or greater in size shall attenuate on-site storm runoff as required by drainage regulations and shall prepare Hydrology and Hydraulic Studies in accordance with the DMP. Pursuant to General Plan Policy SE-4.2, the proposed Project would be required to comply with the DMP and the City of Palmdale design standards as ensured through the development review process. The DMP would require the installation of an onsite storm drain system to remove particulate pollutants and to reduce maximum runoff values associated with development to no more than 85 percent of the predeveloped peak flow rates for the 50-year storm event. As described in the Hydrology Report prepared for the Project site, the proposed stormwater detention basin has been designed to retain the entire storm runoff volume for two successive 100-year storms due to the absence of any existing or proposed nearby storm drain improvements. Therefore, upon compliance with the DMP requirements and the City of Palmdale design standards and procedures, site design would minimize impervious surfaces, provide adequate landscaped areas, and attenuate on-site runoff. The proposed detention basin is designed to intake stormwater runoff from the Project site. However, the drainage system improvements around the Project site are required to account for all contributing sub-areas of property draining into it at the ultimate build out quantities, per the DMP.

Further, as described on page 5.9-16 of the Draft EIR, no net increase of off-site stormwater flows would occur. Therefore, the Project would not generate runoff that could combine with additional runoff from

cumulative projects that could cumulatively combine to impact erosion, siltation, flooding, and water quality. In addition, future Projects, including Projects that are not reasonably foreseeable at this time, would be required to prepare CEQA documentation and technical studies, which would ensure that the basin continues to function effectively under increased cumulative runoff and no post-construction monitoring would be required. As such, potential flooding has been adequately analyzed including potential cumulative impacts, and have all been found to be less than significant. As such, no revisions to the Draft EIR are required, and no further response is warranted.

Comment A9.13: This comment states that significant development has occurred since the EIRs were developed such that updating and reevaluating cumulative traffic flow may be critical to achieving business success and economic growth in the area. The comment further states that additional projects proposed and/or underway on East Avenue M (i.e. Trader Joe's, AVCC East/West, etc.) have a cumulative increase of >2,000 loading docks and >10,000 parking stalls with 24:7 7-days per week operations. The comment thus concludes that cumulative proposed traffic improvements along East Avenue M and southbound on 50th Street East may not be robust enough to mitigate the already congested areas at SR-14, 10th Street East, Sierra Highway, and 50th Street East southbound (~6 miles 2-lane road towards SR-138). The comment also states that the addition of 6 traffic signals and more than a dozen new traffic entry points along East Avenue M, compounded by the train crossing at Sierra Highway (and future High Speed Rail) may cause serious transport delays (including emergency response), and adversely impact productivity and future growth at all facilities including Plant 42.

Response A9.13: This comment does not specify what "EIRs" it is referring to whereby cumulative traffic flow should be reevaluated. However, as described in Draft EIR Section 5.14, *Transportation*, the cumulative traffic study area is based on projections of land use and development from the General Plan. The proposed Project is consistent with the General Plan land use designation, zoning designation, and allowable buildout thus the Project would not contribute to unanticipated growth beyond what the General Plan anticipated.

Further, the Draft EIR concluded that the proposed Project would not result in significant impacts related to transportation or policies addressing the circulation system or impacts related to hazards due to design, or inadequate emergency access, as described starting on page 5.14-12 of the Draft EIR. As such, the proposed Project would also not result in transport delays including emergency response. As described on page 5.14-13, the proposed circulation layout would be required to be installed in conformance with City design standards including reviews by police and fire protection authorities, and the City of Palmdale's own traffic safety engineers, that would reduce the potential of cumulatively considerable design hazards or inadequate emergency access by the Project that could combine with potential hazards from other projects. Cumulative development in the City would also be subject to site-specific reviews, including reviews of sidewalk, bike lane, and bus stop designs that would reduce the potential for cumulatively considerable impacts. As the Project would result in a less-than-significant impact and cumulative projects would also be required to comply with existing circulation regulations, potential impacts from the Project would not cumulatively combine with other projects to result in cumulatively considerable impacts.

Additionally, as outlined in CEQA Guidelines Section 15064.3, except as provided for roadway capacity transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact. Therefore, a Level of Service (LOS) analysis related to traffic flow and congestion has not been included in the Draft EIR and is not required under CEQA. However, a Traffic Impact Analysis inclusive of LOS, was prepared for the Project separately, which would be reviewed by the City's Traffic Engineering Department. The Traffic Impact Analysis was not included as part of the Draft EIR as LOS is not applicable to CEQA impact determinations; however, the study remains available upon request from the City of Palmdale. No further response is warranted.

Comment A9.14: This comment states that there is no discussion or investigation into the operation of the new proposed intersection at Avenue M and 35th Street East. The comment states that this new intersection

will be in close proximity to the Site 4 Entrance that is already a signalized intersection and the proximity of these two intersections will therefore cause safety concerns as already evident at the Avenue M and Site 2 and 20th Street intersections. The comment suggests further investigation and additional options to make this a safe location.

Response A9.14: As discussed in Section 3.7.7, *Offsite Roadway Improvements*, of the Draft EIR, the Project would include construction of 35th Street East on the eastern side of the Project, along an existing dirt access road that is currently accessible to the public. This proposed intersection would be controlled by a two-way stop and would not be signalized. The Avenue M and Site 2 intersection cited by the comment is a signalized intersection located approximately 320 feet east of the Avenue M and 20th Street intersection, which is also a signalized intersection.

The Draft EIR includes an analysis of potential hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses starting on page 5.14-12. As discussed, site access points would be constructed to be consistent with the identified roadway classifications[2] and respective cross-sections in accordance with the City of Palmdale General Plan Circulation and Mobility Element. Compliance with existing regulations would be ensured through the City's construction permitting process. As a result, impacts related to vehicular circulation design features would be less than significant, and no further analysis is required under CEQA. Accordingly no further comment is needed.

Comment A9.15: This comment states that Plant 42 has identified a total of 7 federally recognized American Indian tribes affiliated with the plant's area including the Morongo Band of Mission Indians (MBMI), California Timbisha Shoshone Tribe, Tule River Indian Tribe of the Tule River Reservation, California, Chemehuevi Indian Tribe of the Chemehuevi Reservation, California, Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California, Soboba Band of Luiseno Indians, and the Torres Martinez Desert Cahuilla Indians. Further the comment states that only MBMI was identified in the EIR and recommends that the remaining six tribes are contacted to ensure total inclusion.

Response A9.15: As described on Draft EIR page 5.15-4 of Section 5.15, *Tribal Cultural Resources*, AB 52 requires meaningful consultation between lead agencies and California Native American tribes that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (PRC Section 21074). As such, the City requested a tribal consultation list from the Native American Heritage Company (NAHC) which includes tribes traditionally and culturally affiliated with the Project area. The City sent notices on July 27, 2023, regarding the Project to seven Native American tribes provided by the NAHC to provide opportunity for consultation. Of the seven tribes contacted, only three tribes expressed interest in consultation and as a result several mitigation measures were incorporated (MM TCR-1 through MM TCR-8) in the Draft EIR, which include on-site tribal monitoring, a Cultural Mitigation Resources Monitoring and Mitigation Plan (CRMMP), and procedures for inadvertent discoveries of cultural resources and human remains. As such, the Project has conducted tribal consultation appropriately and has adequately addressed impacts to Tribal Cultural Resources. No further response is warranted.

[2] According to the City of Palmdale General Plan, Columbia Way/Avenue M south of the Project site is classified as Regional Road and 35th Street East is classified as a Connector Street (City of Palmdale, 2022).

Comment Letter 10: Advocates for The Environment, October 24, 2024 (8 pages)

October 24, 2024

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization

Brenda Magana
Planning Manager
City of Palmdale
38250 Sierra Highway
Palmdale, CA 93550

Via U.S. Mail and email to bmagana@cityofpalmdale.org

Re: Comments on Draft Environmental Impact Report for Palmdale Logistics Center Project, SCH No. 2023090551

Dear Ms. Magana:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (**DEIR**) for the Palmdale Logistics Center Project (**Project**). The Project Site is located northeast of 30th Street East and East Avenue M in the City of Palmdale (**City**). The Project proposes to develop the 150.63 Project Site by constructing two 1,500,856 square-foot warehouses, each with 258 loading dock doors. We have reviewed the DEIR prepared in September 2024 and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (**GHG**) analysis under the California Environmental Quality Act (**CEQA**). O1.1

The City Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions. It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero. O1.2

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as

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net-zero communities after losing CEQA lawsuits to environmental groups. The ability for these large projects to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same.

We urge the City to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that "achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development." (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: "it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed … in order to meet our GHG and air quality targets." (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D, p. 24-26.) O1.2 cont.

Moving this Project forward as a net-zero project would not only be the right thing for the City to do, but also would help protect the City and the Applicant from CEQA GHG litigation.

CEQA GHG Significance Analysis

The calculated project-related emissions amount to 39,911.4 metric tons of carbon dioxide equivalent (**MTCO2e**) per year (DEIR, p. 5.7-13). The City adopted a significance threshold based on Appendix G of the CEQA Guidelines: (1) "Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment." (**Threshold GHG Emissions-1**); and (2) "Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases." (**Threshold GHG Emissions-2**). (DEIR, p. 5.7-9.) Based on this, the City concluded that the Project would have significant GHG emissions under Threshold GHG Emissions-1 and a less than significant impact under Threshold GHG Emissions-2. To reduce this identified significant GHG impact, the GHG Analysis offered GHG Mitigation Measures (**MM-GHG**) 1-3, Air Quality Mitigation Measures (**MM-AQ**) 4, 7, 9, and 11. (DEIR, p. 1-26 – 1-28.) O1.3

The Project Has a Significant GHG Impact Overall Because the City Found a Significant Impact Under Threshold GHG Emissions-1

A finding of significant impact under either of the two GHG thresholds means the GHG impact as a whole would be significant. CEQA requires that lead agencies to determine overall significance as to each environmental impact, including the category of GHG impact. Further, O1.4

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lead agencies should communicate this overall significance determination in a way that does not mislead decision-makers and the public.

Here, the City summarized the GHG impact as less than significant (DEIR, p. 5.7-22), even though the City determined that the GHG impact would be significant as to Threshold GHG Emissions-1, as well as cumulatively considerable. (DEIR, p. 5.7-22; DEIR, p. 1-28.) The lead agency's determination of a significant cumulative GHG impact is not consistent with the significance determination in the summary section of Threshold GHG Emissions-1 and Threshold GHG Emissions-2 is erroneous because GHG emissions are inherently cumulative. O1.4 cont.

Summarizing the impact as less than significant in these circumstances is confusing and misleading because it makes it more difficult for decision-makers and the public to understand that the significance of the Project's GHG impact. The DEIR's failure to acknowledge the Project's GHG significant impact overall is indicated by the summary of significance levels that stated the GHG impact as significant and unavoidable and simultaneously less than significant. (DEIR, 5.7-24.) The DEIR should state a single unified significance conclusion as to GHG impact overall, which the lead agency omitted here.

Infeasibility Finding Lacks Substantial Evidence

The conclusion that the Project will not be able to achieve any mitigation beyond which was identified in the proposed mitigation measures is not supported with substantial evidence. The DEIR should have proposed more mitigation measures to be applied to the maximum-feasible extent in order to justify the conclusion that the Project's GHG impact would be unavoidable due to lack of feasibility of further mitigation. While the proposed mitigation measures are a good start, the City did not demonstrate that these actions would represent the maximum feasible mitigation to support a finding that the Project's impact would be significant and unavoidable. O1.5

CEQA requires that the lead agency identifies specific reasons for the infeasibility of further mitigation when concluding that a significant and unavoidable impact will occur. There are other readily available mitigation measures, and some of the individual proposed mitigation measures could be modified to provide further mitigation.

The DEIR notes that 40 percent of the Project's emissions are mobile emissions, but this is misleading in that it leaves out heavy-duty trucks. (DEIR, p. 5.7-12.) When heavy-duty truck emissions are included as part of the Project's mobile emissions, 74%[1] of the Project's GHG impact originates from mobile sources, which the mitigation measures were not focused on reducing. (DEIR, p. 5.7-13.) The City claims that mobile emissions are not controllable, and therefore not feasible to mitigate, stating: "[n]either the Project Applicant nor the Lead Agency O1.6

[1] 40% *vehicle and light duty trucks* + 34% *heavy duty trucks* = 74% (DEIR, p. 5.7 – 13.)

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(City of Palmdale) can substantively or materially affect reductions in proposed Project mobile-source emissions." (DEIR p. 5.7-12.)

Still, the City has the ability to directly and indirectly control the emissions associated with this Project. For instance, the City could mandate that the applicant's lease agreements include clauses limiting the use of heavy-duty diesel trucks, or that tenants' vehicle fleets use non-diesel fuels such as gasoline, ethanol, or biofuels. Additionally, the City could require the applicant to ensure that future tenants use hybrid or zero-emission commercial vehicles when these become reasonably available and to maintain a charging system for the vehicle fleet powered by solar panels on the Project site, proportional to the number of dock doors. This kind of mitigation is both feasible and necessary to offset the Project's fair share of emissions. O1.6 cont.

Thus, the conclusion that further mitigation is infeasible was not supported by substantial evidence.

The City Should Have Found a Significant Impact Under Threshold GHG Emissions-2 because The Project Is Inconsistent with the 2022 CARB Scoping Plan

The DEIR analyzed consistency with the 2022 CARB Scoping Plan, the City of Palmdale Climate Action Plan (**CAP**), and the 2024–2050 Regional Transportation Plan/Sustainable Communities Strategy (**Connect SoCal RTP/SCS**). But, due to faulty analysis, the EIR overlooks the Project's conflict with the 2022 Scoping Plan and it also fails to acknowledge and analyze all applicable GHG reduction plans.

The 2022 Scoping Plan sets a goal for 50% of all industrial energy demand to be electrified by 2045 (2022 CARB Scoping Plan, p. 77).[2] The DEIR does not demonstrate that the Project aligns with this goal. While it mentions the goal, it simply states that the Project will meet the goals for solar requirements and cites the 15 percent solar-ready roof requirement under Title 24. (DEIR, p. 5.7-16 – 5.7-17.) However, having only a small percentage of the roof solar-ready is unlikely to meet the 2045 goal. The 2022 CARB Scoping Plan also places particular emphasis on decarbonizing industrial facilities by "displacing fossil fuel use with a mix of electrification, solar thermal heat, biomethane, low- or zero-carbon hydrogen, and other low-carbon fuels to provide energy for heat and reduce combustion emissions." (2022 CARB Scoping Plan, p. 208.) The Project undermines the 2022 Scoping Plan by heavily relying on fossil fuels for its operations through the use of heavy-duty trucks. Based on the DEIR's analysis, the Project does not appear to be consistent with this goal to electrify energy sources. O1.7

[2] 2022 Scoping Plan located at: https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf

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The DEIR Should Have Analyzed All Applicable Plans

The City chose, as its second GHG threshold, whether the Project would "[c]onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases." (DEIR, p. 5.7-9.) This language requires that the EIR analyze the Project's consistency with *all* other applicable plans, not just the plans that the City prefers to analyze.

The 2017 Scoping Plan was developed to help California comply with SB 32, which mandates a 40% reduction in GHG emissions below 1990 levels by 2030 (Health & Safety Code § 38566). The DEIR claims to be consistent with SB 32 (DEIR, p. 5.7-17), but the EIR does not explain how the Project aligns with these objectives or the 2050 goal of reducing emissions by 80% below 1990 levels. Moreover, the 2017 Scoping Plan sets statewide per capita GHG emissions targets of 6 MTCO2e by 2030 and 2 MTCO2e by 2050. (CARB Scoping Plan, p. 99.) O1.8

The Project significantly overshoots the 2050 target with GHG emissions of over 20 MTCO2e per service population.[3] Given that the 2050 target must be achieved within the Project's operational lifespan, it is evident that the Project will remain inconsistent with the 2017 Scoping Plan's long-term goals. Therefore, the Project's GHG impact is significant under the second threshold because it directly conflicts with established plans for reducing GHG emissions.

Consequently, the Project would have a significant GHG impact under the second threshold because it is inconsistent with applicable plans for the reduction of GHGs.

The Project's GHG Impacts Must be Fully Mitigated

CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, the City's determination that the Project would have a significant cumulative GHG impact requires mitigation of the full extent of the Project's GHG emissions. The DEIR claims that no other mitigation measures are feasible, beyond the identified mitigation measures. But that conclusion is incorrect, and not supported by substantial evidence. O1.9

The amount of GHG emissions that comprises the Project's fair share is clear. The reasonable lifespan of this Project is approximately 30 years as indicated by the amortization of construction emissions. (DEIR, p. 5.7-11.) Therefore, the Project would likely contribute over

[3] 39,911.4 *MTCO2e* ÷ 1,977 *employees* = *approximately* 20.19 *MTCO2e per population.* (DEIR, p. 5.7-12 – 5.7-13 [Referencing the number of employees and the mitigated GHG emissions].)

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1 million MTCO2e during its entire lifespan.[4] This would be a good starting point from which to subtract the effect of additional non-offset mitigation measures, before implementing offset purchases. O1.9 cont.

In addition to implementing zero-emission vehicle fleets to the extent feasible, several on-site mitigation measures are feasible, including exclusively use electric-powered equipment in operations and construction and installing automatic light switches, among many other mitigation strategies that can be incorporated in the Project as design features or as mitigation measures. Such features could be adopted individually or as part of a comprehensive goal of sustainable building certification, such as Leadership and Energy and Environmental Design (**LEED**), that extends further beyond CALGreen requirements. O1.10

Although MM-AQ 7 specifies the installation of Electric Vehicle (**EV**) chargers for automobiles, it only requires installing appropriate electrical infrastructure to accommodate the potential installation of truck EV charging stations in the future, it is feasible to install a set number of EV truck chargers now with plans for additional installations in the future. It is also feasible to extend beyond Title 24 EV charger requirements by installing more EV chargers than required.

Installing solar panels or incorporating renewable energy production on-site is also a feasible mitigation measure. The DEIR indicates that the Project will comply with Title 24 requirements. (DEIR, p. 5.7-14.) However, Title 24 mandates only that a minimum of 15 percent of the roof area be solar-ready. (DEIR, p. 5.7-14.) It is feasible to cover the maximum available surface area with solar panels, rather than just the minimum 15 percent required. Having solar panels capable of offsetting 100% of the buildings' energy demands would enhance the effectiveness and decrease GHG emissions overall. O1.11

Even after implementing on-site emissions reductions to the maximum feasible extent, the City could also require the Applicant to buy clean power for the warehouse's remaining electricity usage that it is unable to produce through solar power on-site. Overall, there are more options available to mitigate emissions to the full extent of the Project emissions. O1.12

Overall, there are more options available to mitigate emissions to the full extent of project emissions.

GHG Mitigation is Insufficient under CEQA

Under Threshold GHG Emission-1, the proposed mitigation measures would reduce the Project's emissions by 199.2 MTCO2e, a trivial 0.49 percent[5] of the Project's total emissions. O1.13

[4] 39,911.4 MTCO2e per year × 30 years = 1,197,342 MTCO2e
[5] 40,110.6 $MTCO2e$ − 39,911.4 $MTCO2e$ = 199.2 MTCO2e

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Even with mitigation, the Project still significantly exceeds the chosen threshold of 3,000 MTCO2e per year. Although further feasible GHG mitigation measures are available, the DEIR concluded there was no further feasible mitigation, resulting in the Project's "significant and unavoidable" GHG impact. (DEIR, p. 5.7-12.) The City did not provide specific rationale as to why the existing regulations and adopted mitigation measures would be the only feasible mitigation for this Project. Nor did the City reject any mitigation measures for being infeasible. This conclusion lacks substantial evidence, and the DEIR should have incorporated additional mitigation to reduce the Project's GHG emissions to the extent required by CEQA. O1.13 cont.

The EIR Identifies Vague and Unenforceable Mitigation Measures

CEQA requires that mitigation measures must be enforceable and measurable. Decision-making as to the extent of implementation cannot be deferred for some later time. MM-AQ 11 requires that before issuing building permits, the Project must demonstrate that it will install energy star-rated appliances and systems, as well as outdoor electrical outlets to the extent feasible. (DEIR p. 1-13.) By including the phrase "to the extent feasible," the measure makes no firm commitment to any enforceable level of mitigation, essentially deferring to decide the amount feasible. This lack of clear commitment raises concerns about its future enforceability and degree of effectiveness, and does not commit the agency to a specific course of action. Likewise, MM-AQ 7 uses the same language, requiring that before issuing permits the Project has to include certain features "to the extent feasible over minimum California Code of Regulations Title 24 requirements." (DEIR p. 1-11.) Due to the vague language, the Project did not commit to specified mitigation beyond the minimum requirements. O1.14

Ultimately, these mitigation measures should be revised to require the level of enforceability required by CEQA.

Carbon Offsets are Feasible as Mitigation Measures

After requiring operational emissions reductions to the maximum feasible extent, the City could also require the Applicant to purchase offsets for the Project's remaining GHG emissions. The City did not provide any evidence for why offsets would be infeasible. Overall, there are more options available to mitigate emissions to the full extent of Project emissions, and the City failed to acknowledge or implement many mitigation measures that are feasible and could help reduce the Project's GHG impact to the fair share extent. O1.15

Offsets are acceptable mitigation measures under CEQA (Guidelines § 15126.4 (c)(3).) Many offset projects are currently operating, including projects that are relevant to the

$\left(\frac{199.2\ \text{MTCO2e}}{40{,}110.6\ \text{MTCO2e}}\right) \times 100\% = 0.49\%$

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Project's operations such as the Truck Stop Electrification project in California (Project ID ACR133), among others.[6] Such offset programs are just examples of which the City could consider as feasible carbon offsets to reduce the Project's GHG impact. O1.15 cont.

Conclusion

The DEIR fails to require all feasible mitigation, despite concluding that the significant GHG impact will be unavoidable. The City should have mitigated the significant cumulative GHG impact to the fair share extent. Please put me on the interest list to receive updates about the progress of this Project. We make this request under Public Resources Code, section 21092.2. O1.16

Sincerely,

Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

[6] American Carbon Registry (ACR), list of offset projects, available at https://acr2.apx.com/myModule/rpt/myrpt.aspx?r=111 (Accessed October 12, 2024.)

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3.10 RESPONSE TO LETTER O1: ADVOCATES FOR THE ENVIRONMENT, DATED OCTOBER 24, 2024

Comment O1.1: This comment states that Advocates for the Environment submits this comment letter regarding the Draft EIR for the Palmdale Logistics Center Project with comments regarding the sufficiency of the Draft EIR's GHG analysis. The comment also provides a short description of the Project.

Response O1.1: This comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment O1.2: This comment states that the proposed Project should utilize a net-zero significance threshold for GHG emissions in order to comply with California's policy to be net-zero by 2045. The comment then lists examples of two large mixed-use projects in California that utilized net-zero thresholds. The comment further states that the net-zero GHG significance threshold is well-supported by plans such as the CARB Climate Change Scoping Plan, and urges the City to adopt the threshold. The comment concludes with a statement that the Project would be protected from litigation if it were to move forward as a net-zero Project.

Response O1.2: The Project proposes industrial development at the site, whereas the examples provided in this comment refer only to non-industrial projects. Therefore, the examples provided in this comment do not necessarily apply to the Project and are not reliable.

Moreover, this Project is located within the jurisdiction of the Antelope Valley Air Quality Management District (AVAQMD) and was evaluated against AVAQMD's thresholds and the analysis within the Draft EIR is supported by substantial evidence. The Project was found to have a significant impact on GHG and the Draft EIR includes Mitigation Measures GHG-1 through GHG-3, AQ-4, AQ-7, AQ-10 and AQ-11, which incorporates measures to reduce GHG emissions during Project operation. The application of a net-zero threshold is unprecedented for warehouse projects and would effectively result in a moratorium on such facilities within the City. While the application of a net-zero threshold may be appropriate and feasible for residential projects, such as the two mentioned by the commentor, it is not appropriate to apply such a threshold to warehouse projects where the vast majority of operational GHG emissions result from mobile-source emissions.

Additionally, the 2022 CARB Scoping Plan includes overall state goals, therefore the referenced goal is not a Project specific goal. The Project would provide contemporary, energy-efficient/energy-conserving design features and operational procedures, such as electric vehicle charging stations (Mitigation Measure AQ-7), a transportation management association (Mitigation Measure AQ-10), and would exceed energy efficient building requirements (Mitigation Measure GHG-3). The proposed Project would not interfere with the State's implementation of AB 1279's target of 85 percent below 1990 levels and carbon neutrality by 2045 because it does not interfere with implementation of the GHG reduction measures listed in CARB's Updated Scoping Plan (2022), as discussed in Section 5.7, *Greenhouse Gas Emissions*, starting on page 5.7-13, of the Draft EIR. CARB's 2022 Scoping Plan reflects the 2045 target of a, 85 percent reduction below 1990 levels, set by Executive Order B-55-18, and codified by AB 1279. Therefore, the Project not being constructed as net zero emissions does not conflict with the GHG significance threshold or any plan, policy, or goal related to GHG. The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O1.3: This comment provides a summary of the Project's emissions as described in the Draft EIR and states the determinations made in the Draft EIR of significant and unavoidable for Threshold Greenhouse

Gas Emissions-1 and less than significant for Threshold Greenhouse Gas Emissions-2. The comment also identifies the mitigation measures included in the Draft EIR to reduce GHG impacts.

Response O1.3: This comment is a summary of determinations made in the GHG Analysis and does not raise a specific issue with the adequacy of the Draft EIR. Because the comment does not express any specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment O1.4: This comment states that a finding of significant impact under either GHG threshold impact as a whole, would be significant. Further, the comment states that lead agencies should communicate overall significance in a way that does not mislead decision makers and the public. The comment goes on to explain that the less-than-significant impact summary included on Draft EIR page 5.7-22 is inconsistent with the City determination that Threshold Greenhouse Gas Emissions-1 and cumulative impacts would be significant and unavoidable. The comment further states that Threshold Greenhouse Gas Emissions-1 is not consistent with the provided summary and states that Threshold Greenhouse Gas Emissions-2 is erroneous because emissions are inherently cumulative. The comment concludes the Draft EIR fails to acknowledge the Project's overall GHG significant impact.

Response O1.4: The Draft EIR appropriately distinguishes between the analyses of Threshold Greenhouse Gas Emissions-1 and Threshold Greenhouse Gas Emissions-2, as required by CEQA. For Threshold Greenhouse Gas Emissions-1, the Project's emissions exceed established thresholds, resulting in a finding of significant and unavoidable impact, which is clearly disclosed starting on page 5.7-10 of the Draft EIR. For Threshold Greenhouse Gas Emissions-2, the project was analyzed and determined to be consistent with applicable plans, policies, and regulations for reducing GHG emissions, resulting in a less-than-significant impact as it relates to that threshold of significance, as discussed starting on page 5.7-13 of the Draft EIR. This conclusion is based on substantial evidence, including the Project's compliance with the CARB 2022 Scoping Plan and local Climate Action Plan policies. These findings are not contradictory but reflect the independent nature of the two thresholds under CEQA.

Cumulative impacts are disclosed on page 5.7-22 of the Draft EIR. The cumulative impact analysis is independent from the project's compliance with adopted plans or regulations. The Draft EIR acknowledges the inherently cumulative nature of GHG emissions and evaluates the Project's contribution to those cumulative impacts, and properly concludes that the cumulative GHG impacts would be significant and unavoidable at Section 5.7, *Greenhouse Gas Emissions*, of the Draft EIR. Despite the project's compliance with applicable plans, policies, and regulations, the Draft EIR discloses that the Project-specific significant and unavoidable GHG emissions would result in a significant and unavoidable cumulative impact. The less than significant finding for Threshold Greenhouse Gas Emissions-2 does not contradict the finding of significant and unavoidable impacts under Threshold Greenhouse Gas Emissions-1 and cumulative GHG impacts. Therefore, the Draft EIR correctly analyzed all greenhouse gas impacts as required by CEQA, and no changes have been made to the EIR. No further response is needed to this comment.

Comment O1.5: This comment states that the Project did not adequately explore all possible mitigation measures in order to reduce the GHG impacts. The comment states that the City did not demonstrate that the proposed mitigation measures would represent the maximum feasible mitigation to support the finding that the Project's impact would be significant and unavoidable. Further, the comment states that CEQA requires that the lead agency identify specific reasons for the infeasibility of further mitigation when concluding a significant and unavoidable impact. The comment concludes that there are other readily available mitigation measures and existing mitigation could be modified to provide further mitigation.

Response O1.5: The commenter's assertion that the Draft EIR does not provide substantial evidence for the determination that the Project will not be able to achieve any mitigation beyond what was identified in the proposed mitigation measures is unsubstantiated and vague. As detailed in Section 5.7, *Greenhous Gas Emissions*, of the Draft EIR, approximately 74 percent of the GHG emissions from the Project would be

generated by vehicle and truck emissions. The commenter does not provide additional data or specific measures for consideration or incorporation under this specific comment to reduce these emissions. Further, the Draft EIR includes seven mitigation measures to reduce emissions. The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O1.6: This comment summarizes that the Draft EIR notes that 40 percent of the Project's emissions are mobile emissions, but since it leaves out heavy-duty trucks, it is misleading since heavy-duty emissions are included as part of the Project's mobile emissions. The comment further states that the City has the ability to directly and indirectly control the emissions associated with the Project through applicant lease agreements that would limit heavy-duty diesel truck use; through tenants vehicle fleets requirements to use non-diesel fuels such as gasoline, ethanol, or biofuels; through requiring tenants to use hybrid or zero-emission commercial vehicles when reasonably available; and through providing a charging system for the suggested vehicle fleet powered by solar panels on the Project site, proportional to the number of dock doors. The comment claims that this kind of mitigation is both feasible and necessary to offset the Project's fair share of emissions and concludes that infeasibility of further mitigation was not supported by substantial evidence.

Response O1.6: The Draft EIR states "40 percent of mobile emissions" once on page 5.7-12 of the Draft EIR; however, total emissions including mobile emissions are reflected in Tables 5.7-2 and 5.7-4. Therefore, the EIR has appropriately disclosed mobile emissions and the incorrect number stated was an oversight. As such, "40 percent" has been corrected to "74 percent" in Section 2.0, *Errata*, of this Final EIR to reflect the total mobile emissions illustrated in Tables 5.7-2 and 5.7-4. As such, the findings remain the same and no revisions to the Draft EIR's significance determination are warranted.

Regarding the commenter's suggestion to mandate the Applicant's lease agreements include clauses limiting the use of heavy-duty diesel trucks, or that tenants' vehicle fleets use non-diesel fuels such as gasoline, ethanol, or biofuels, these suggestions are infeasible. Neither the Project Applicant nor the City have the authority to require all heavy-duty trucks entering or on the Project site to be of a certain model year or engine type; or require future tenants and vendors to utilize heavy-duty vehicles for trips to and from the site that are zero-emissions. In addition, as noted in Attachment A (Memorandum: Electric Truck Adoption Constraints), current adoption of zero-emission vehicles faces significant challenges, including limited vehicle availability, high upfront costs, insufficient charging infrastructure, and grid capacity issues. Thus, measures that require zero-emission heavy-duty trucks are infeasible. However, the proposed Project would install conduit for future Truck ZEV charging stations at designated loading docks, shall a future tenant decide to install Truck ZEV charging stations in the future if and when this becomes feasible.

Regarding the commenter's suggestion that the City mandates that future tenants use hybrid or zero-emission commercial vehicles when these become reasonably available and to maintain a charging system for the vehicle fleet powered by solar panels on the Project site, the Project applicant and the City do not have the authority to require future tenants and vendors to enroll in incentive programs; and fleet upgrades are generally driven by existing SCAG and CARB emissions requirements. Thus, any measures that require zero-emission heavy-duty trucks are infeasible. However, the proposed Project would include electric vehicle charging stations (Mitigation Measure AQ-7), which may be used for charging fleet vehicles, should a future tenant decide to implement zero-emission fleet vehicles. The Project would meet the 2022 California Energy Code requirements for solar photovoltaic systems, and would be 15 percent solar ready in compliance with Title 24 requirements. The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O1.7: This comment states that the Draft EIR analyzed consistency with the 2022 CARB Scoping Plan, the City of Palmdale Climate Action Plan and the 2024–2050 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal RTP/SCS) but claims that the Draft EIR conflicts with the 2022 Scoping Plan and does not analyze all applicable GHG reduction plans. The comment specifically states that the Project does not show that the Project aligns with the Scoping plan goal to set 50 percent of

all industrial energy demand to be electrified by 2045 and that having only a small percentage of the roof solar ready is unlikely to meet the 2045 goal. The comment further states that the Project undermines the 2022 Scoping Plan by relying on fossil fuels for its operations through the use of heavy-duty trucks and therefore the Project is not consistent with the goal to electrify energy sources.

Response O1.7: The Draft EIR analyzes the Project's consistency with all applicable greenhouse gas reduction plans—the 2022 CARB Scoping Plan, the City of Palmdale Climate Action Plan[3], and the 2024–2050 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal RTP/SCS)—starting on page 5.17-13, Section *5.7, Greenhouse Gas Emissions*. Regarding the Scoping Plan goal to set 50 percent of all industrial energy demand to be electrified by 2045, this goal is discussed on Table *5.7-5*, in Section *5.7, Greenhouse Gas Emissions*, of the Draft EIR. As stated, the Project would meet the 2022 California Energy Code requirements for solar photovoltaic systems to be included in warehouse projects, based on square footage of conditions spaces. Furthermore, the buildings would be 15 percent solar-ready, in accordance with 2022 California Energy Code. The Project would not preclude renewable energy use because buildings would be solar ready in compliance with current Title 24 requirements, which would allow for the future installation of rooftop solar. These measures align with the phased goals of the Scoping Plan.

Regarding the use of heavy-duty trucks, the Project reflects existing technological and market limitations. As detailed in Attachment A (Memorandum: Electric Truck and Alternative Fuel Truck Adoption Constraints) and discussed in Response A5.11, CARB regulations promote and will eventually require the use of zero-emission trucks at freight facilities, but exclusive reliance on such vehicles is not currently feasible due to limited availability, high costs, and inadequate charging infrastructure. Nationwide, fewer than 7,000 public DC fast chargers exist, most of which are unsuitable for heavy-duty trucks, and upgrading the grid to accommodate ZEV fleets will require significant time and investment. Mandating all heavy-duty trucks serving the Project to be zero-emission would impose undue economic and operational burdens, and such a requirement is not feasible under CEQA. However, the Project incorporates EV charging stations and infrastructure to support future electrification of operations, ensuring consistency with long-term Scoping Plan objectives (Draft EIR, Section *5.7*, pp. *5.7-24*; Section *5.5*, pp. *5.5-22* to *5.5-23*). These measures ensure the Project supports future compliance with GHG reduction goals.

Therefore, the Draft EIR analyzed and demonstrated consistency with all applicable greenhouse gas reduction plans, and no changes have been made to the EIR. No further response is necessary.

Comment O1.8: This comment states that the Draft EIR should have analyzed consistency with "all other" applicable plans and states that the 2017 Scoping Plan was developed to help California comply with SB 32 and states that although the Draft EIR claims to be consistent with SB 32, the Draft EIR does not explain how the Project aligns objectives or the 2050 goal of reducing emissions by 80 percent below 1990 levels. The comment also states that the 2017 Scoping Plan sets statewide per capita GHG emissions targets of six $MTCO_2e$ by 2030 and two $MTCO_2e$ by 2050. The comment claims that the Project overshoots the 2050 target; thus, the Project would be inconsistent with the 2017 Scoping Plan's long-term goals and Draft EIR GHG Threshold-2 would be significant.

Response O1.8: The Draft EIR evaluates the Project's consistency with applicable GHG reduction plans, including the 2022 CARB Scoping Plan, which supersedes the 2017 Scoping Plan and addresses SB 32 and the 2050 goal of reducing GHG emissions to 80 percent below 1990 levels. The 2017 Scoping Plan's statewide per capita targets of six $MTCO_2e$ by 2030 and two $MTCO_2e$ by 2050 are broad, statewide goals, not thresholds for individual projects. CEQA does not require individual projects to achieve these targets independently but to align with applicable plans, policies, and regulations that collectively achieve

[3] The City of Palmdale has embedded the City's Climate Action Plan (CAP) into the Sustainability, Climate Action, and Resilience Element of its Envision Palmdale 2045 City of Palmdale General Plan, adopted in 2022.

these goals. The Project includes measures such as compliance with CALGreen and Title 24 standards (PPP GHG-1, Draft EIR p. 5.7-23), requirements for solar photovoltaic systems per Section 140.10 of the California Energy Code (PPP GHG-2, Draft EIR p. 5.7-23), and provides electric vehicle charging stations (Draft EIR p. 5.7-24), which align with the regulatory framework established by the 2022 Scoping Plan. While the Project does not independently meet 2050 per capita targets, it does not preclude the state's ability to achieve long-term climate goals. Therefore, the Project would result in less-than-significant impact under Threshold GHG-2. Therefore, the Draft EIR analyzed and demonstrated consistency with the 2022 CARB Scoping Plan, and no changes have been made to the EIR. No further response is required.

Comment O1.9: This comment states that CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts and states that the Project's significant cumulative GHG impact requires mitigation of the full extent of the Project's GHG Emissions. The comment further states that the Draft EIR's conclusion that there are no other feasible mitigation measures is incorrect. The comment concludes that the reasonable lifespan of the Project would be 30 years; therefore, it would contribute one million $MTCO_2e$ during its entire lifespan.

Response O1.9: As illustrated on page 5.7-11 of Draft EIR Section 5.7, *Greenhouse Gas Emissions*, 74 percent of Project emissions would primarily result from mobile source emissions, both vehicle and truck. There are no available feasible Project measures that would further reduce vehicular and truck emissions to below the GHG threshold, since neither the Project Applicant nor the Lead Agency (City of Palmdale) can substantively or materially affect reductions in Project mobile-source emissions and/or available technologies. As addressed above in Response O1.6, the proposed Project would install conduit for future Truck ZEV charging stations at designated loading docks and would meet the 2022 California Energy Code requirements for solar photovoltaic systems. Furthermore, the Project would include mitigation measures that include a transportation management association (Mitigation Measure AQ-10, Draft EIR p. 5.7-24), and install electric vehicle charging stations (Mitigation Measure AQ AQ-7, Draft EIR p. 5.7-24) to reduce emissions to the greatest extent feasible. The comment does not identify any specific feasible mitigation measures that would reduce vehicle and truck GHG emissions. Instead, the comment provides a vague assertion that there are other mitigation measures available, without any analysis to support such claims. Conversely, the Draft EIR and the memorandum attached as Attachment A (Memorandum: Electric Truck and Alternative Fuel Truck Adoption Constraints), demonstrate that there are no other feasible mitigation measures that could be used to offset the Project's cumulative impacts.

Comment O1.10: This comment states that several on-site mitigation measures are feasible, including exclusive use of electric-powered equipment in operations and construction and installation of automatic light switches. The comment further suggests that suggested features could be adopted individually or as part of a comprehensive goal of sustainable building certification, such as Leadership and Energy and Environmental Design (LEED), that extends further beyond CALGreen requirements. The comment also states that while MM-AQ 7 specifies the installation of Electric Vehicle (EV) chargers for automobiles, it only requires installation of appropriate electrical infrastructure to accommodate potential truck EV charging stations in the future, thus it would be feasible to install a set number of EV truck chargers at the time of Project construction with plans for additional installations in the future. The comment concludes that it would also be feasible to install more EV chargers than required.

Response O1.10: The Draft EIR incorporates feasible measures to minimize GHG emissions to the extent feasible, including: Mitigation Measure AQ-7, which requires the installation of automobile EV charging stations and infrastructure to support future EV truck charging; Mitigation Measure AQ-8, which requires the use of electric-powered forklifts and infrastructure to support interior electric vehicles; and Mitigation Measure AQ-11, which requires energy-efficient appliances and outdoor electrical outlets for electric landscape equipment.

Regarding the comment's suggestion to require exclusive use of electric-powered equipment in operations and construction and installation of automatic light switches, the EIR already includes mitigation measures that impose those requirements when feasible. Mitigation Measure AQ-13, part 3, states that the tenant lease agreement shall include requirements to use the cleanest technologies available and to provide the necessary infrastructure to support zero-emission vehicles, equipment, and appliances that would be operating on site. This requirement shall apply to equipment such as forklifts, handheld landscaping equipment, yard trucks, office appliances, etc. As such, the tenant would be required to use electric-powered equipment (or the cleanest technologies available) at the time of the tenant lease agreement. In addition, the Mitigation Measure AQ-11 includes requirements for outdoor electrical outlets, which will allow for the use of outdoor electrical equipment.

Regarding the comment's suggestion to incorporate features that extend further beyond CALGreen requirements, this suggestion has already been incorporated into the Draft EIR. The Project includes Mitigation Measure GHG-3 that requires energy-efficient building features that exceed current energy-efficiency building requirements (Draft EIR p. 5.7-24). Additional sustainable building certifications, such as LEED, are optional and not required under CEQA. Furthermore, the certification itself would not lessen any of the GHG impacts identified in the EIR.

Regarding EV chargers, Mitigation Measure MM-AQ-7 ensures the installation of EV chargers for automobiles and infrastructure to support future EV truck charging stations (Draft EIR p. 5.1-46). While CEQA does not mandate the immediate installation of EV truck chargers, the Project's design allows for future expansion as demand increases, consistent with state electrification goals. As shown in Table 5.7-4 on page 5.7-13 of Section 5.7, *Greenhouse Gas Emissions*, of the Draft EIR, the majority of the Project's mitigated GHG emissions are from mobile sources. Further mitigation to reduce the proposed Project's mobile GHG emissions is not feasible due to the limited ability of the Project Applicant and the City of Palmdale to reduce emissions from mobile sources. Neither the Project Applicant nor the Lead Agency (City of Palmdale) can substantively or materially affect reductions in proposed Project mobile-source emissions. Therefore, no further feasible mitigation has been identified to reduce the Project's GHG emissions and no changes have been made to the EIR.

Comment O1.11: This comment states that while Title 24 only mandates 15 percent of the roof area be solar ready, it is feasible to cover the maximum available surface area with solar panels, rather than just the minimum 15 percent required. The comment concludes that solar panels would be capable of offsetting 100 percent of the buildings' energy demands which would enhance effectiveness and decrease GHG emissions overall.

Response O1.11: The Draft EIR complies with Title 24 requirements, mandating 15 percent of the roof area be solar-ready, and incorporates Mitigation Measure GHG-3 to include energy-efficient building features that reduce GHG emissions and energy consumption (Draft EIR p. 5.7-24). While the comment suggests covering the maximum roof surface with solar panels to offset 100 percent of the building's energy demand, the building is speculative, with an unknown tenant, and specific energy demands cannot be determined at this stage. The Project's design provides solar-ready infrastructure that allows for future expansion as technology or tenant needs evolve.

Furthermore, as discussed on page 5.7-12, the majority of the Project's GHG emissions are from non-construction related mobile sources, such as vehicle and truck trips. Therefore, while implementing additional solar panels may result in reduction of GHG emissions, it is anticipated that impacts would continue to be above thresholds. Furthermore, an EIR is not required to adopt a mitigation measure that does not effectively address a significant impact (*Napa Citizens for Honest Gov't v Napa County Bd. of Supervisors* (2001) 91 CA4th 342, 365). Thus, the proposed Project is not required to implement the measures proposed in the comment as they would fail to materially reduce the Project's impact levels. As such, no further mitigation is required and no changes have been made to the EIR.

Comment O1.12: This comment states that after implementation of on-site emission reductions, the City could also require the Applicant to buy clean power for any remaining electricity usage that is unable to produce solar power on site so that emissions are mitigated to their full extent.

Response O1.12: As discussed in Section 5.5, *Energy*, of the Draft EIR, Southern California Edison Company (SCE) is the electrical supplier in the City of Palmdale, including to the Project site. The Project will connect to existing electrical infrastructure and be provided electricity by SCE, which is the only electricity company serving the City. Although SCE has a Green Rate program that allows its customers to opt in to purchase renewable energy, the Green Rate program has exceeded capacity from approved Green Rate sources.[4] As such, the Applicant is constrained to the existing supply of electricity and purchasing only clean power is not feasible at this time. CEQA does not require mitigation measures beyond what is feasible or under the Applicant's control. The Project is speculative, with an unknown tenant, and electricity procurement decisions would depend on the tenant's specific needs and utility agreements.

However, the Project aligns with state energy and GHG reduction goals through compliance with Title 24 and CALGreen standards, ensuring flexibility for future clean energy integration. Therefore, no further mitigation is required and no changes have been made to the EIR.

Comment O1.13: This comment states that the proposed GHG mitigation measures would reduce the Project's emissions by 199.2 $MTCO_2e$ and that even with mitigation, the Project still significantly exceeds the chosen threshold of 3,000 $MTCO_2e$ per year. The comment also states that the Draft EIR concluded there was no further feasible mitigation thus resulting in a significant and unavoidable impact. The comment further `states that the City did not provide reasoning as to why the existing regulations and adopted mitigation measures would be the only feasible mitigation for the Project and did not reject any mitigation measures for being infeasible. The comment thus concludes that substantial evidence is not provided and additional mitigation to reduce the Project's GHG emissions should have been included.

Response O1.13: As discussed on page 5.7-12 of the Draft EIR, 74 percent of Project emissions would primarily result from mobile source emissions, both vehicle and truck, and that neither the Project Applicant nor the City of Palmdale can effectively reduce emissions from trucks and vehicles; and therefore, impacts related to GHG emissions would be significant and unavoidable.

The commenter's assertion that the Draft EIR does not provide substantial evidence for the determination that GHG impacts of the Project would be significant and unavoidable is unsubstantiated and vague. The commenter does not provide additional data or specific measures for consideration or incorporation. Responses to additional comments provided by the commenter related to this comment are provided above (Response to Comment O1.3 through O1.12). The comment does not contain any information requiring changes to the Draft EIR, which already provides sufficient information to support the conclusion that the Project's GHG impact would be significant and unavoidable. No further response is warranted.

Comment O1.14: This comment states that mitigation measures must be enforceable and measurable pursuant to CEQA and that the extent of implementation cannot be deferred for a later time. The comment further states that Mitigation Measure AQ-7 and Mitigation Measure AQ-11 make no firm commitment to any enforceable level of mitigation by including the phrase "to the extent feasible" because it defers to decide what is feasible. The commenter therefore claims that it does not commit the agency to a specific course of action and that the Project does not commit to specified mitigation beyond the minimum

[4] Southern California Edison. (n.d.). *Green rates*. Retrieved January 23, 2025, from https://www.sce.com/residential/rates/standard-residential-rate-plan/green-rates

requirements. The comment concludes that the mitigation measures should be revised to require level of enforceability required by CEQA.

Response O1.14: Mitigation Measure AQ-7 mandates the installation of automobile EV charging stations and infrastructure to support future EV truck charging, while Mitigation Measure AQ-11 requires energy-efficient appliances and outdoor electrical outlets for electric landscape equipment. The phrase "to the extent feasible" was used to acknowledge existing technological, economic, or operational constraints. The measures include specific actions that will be implemented as part of the Project and are not deferred for later determination. The City will monitor compliance during the permitting process to ensure the measures are implemented as required, meeting CEQA's standards for mitigation. Mitigation Measures AQ-7, AQ-11, and AQ-13 have been revised in Section 2.0, *Errata*, of the Final EIR to delete the phrase "to the extent feasible."

Comment O1.15: This comment states that the City could require the Applicant to purchase offsets for the Project's remaining GHG emission after operational emissions reductions to the maximum feasible extent. The comment also states that there are more options available to mitigate emissions to the full extent of Project emissions, and the City failed to acknowledge or implement many mitigation measures that are feasible to reduce the Project's GHG impact to the fair share extent. The comment further states that offsets are acceptable mitigation measures under CEQA and states that there are many offset projects currently operating, including projects like the Truck Stop Electrification project in California. The comment concludes that the City could consider feasible carbon offsets to reduce the Project's GHG impact.

Response O1.15: While it is true that it may be possible to purchase carbon offsets, recent Court of Appeal decisions have cast considerable doubt on the use of such offsets to mitigate GHG impacts from land use development projects. In *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal, Ap.5th 467, the Court of Appeal invalidated a mitigation measure that required the purchase of offsets from a "CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard" (Id. At 510.) Although the court insisted its decision "should not be construed as blanket prohibition on using carbon offsets" to mitigate GHG missions under CEQA, it found numerous flaws with the measure at issue and failed to provide a clear roadmap for how to craft a similar valid measure. The court also declined to express an opinion on a number of issues, including whether offsets could potentially be used to mitigate more than 8 percent of a project's emissions and the extent to which out-of-country offsets could be used. (Id. At 503, 513, n 27.) Subsequent to *Golden Door*, another measure requiring the purchase of offsets was similarly found to be invalid in an unpublished Court of Appeal decision, with the court finding the measure's inclusion of additional standards for offsets did "not cure the defects found in *Golden Door*." (Sierra Club v. County of San Diego (Dec. 21, 2021, No. D077548) 2021 WL 6050624, at page 11.) In light of such uncertainty, the City finds that the carbon offsets are not feasible methods for mitigating the Project's GHG emissions. The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O1.16: This comment states the Draft EIR fails to assess all feasible mitigation and that the City should have mitigated the significant GHG cumulative impact. The comment concludes by requesting to receive updates on the progress of the Project pursuant to Public Resources Code, Section 21092.2.

Response O1.16: The comment is conclusory in nature and does not raise a specific issue with the adequacy of the Draft EIR evaluation. The commenters' concerns were addressed above in Responses O2.2 through O2.15. In reviewing the above listed comments and making the appropriate revisions, when necessary, no significant new information was incorporated, and further, the impacts disclosed in the Draft EIR accurately reflect the proposed Project and subsequent potential environmental impacts. As requested, the commentor will be included in the interest list to receive updates about the progress of this Project.

Comment Letter 11: Adams Broadwell Joseph & Cardozo, on behalf of Californians Allied for a Responsible Economy (CARE CA), October 28, 2024 (2 pages)

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TARA C. RENGIFO

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

October 28, 2024

Via U.S. Mail and Email

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Economic & Community Development
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Rebecca Smith, City Clerk
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Palmdale, CA 93550
Email: cityclerkdepartment@cityofpalmdale.org

Via Email Only

Brenda Magaña, Planning Manager
Email: bmagana@cityofpalmdale.org

Re: **Request for Mailed Notice of Actions and Hearings – Palmdale Logistics Center Project (SCH No. 2023090551)**

Dear Ms. Saxton, Ms. Smith, and Ms. Magaña:

We are writing on behalf of Californians Allied for a Responsible Economy ("CARE CA") to request mailed notice of the availability of any environmental review document, prepared pursuant to the California Environmental Quality Act, related to the Palmdale Logistics Center Project (SCH No. 2023090551) ("Project"), proposed by Transwestern Development Company ("Applicant"), as well as a copy of the environmental review document when it is made available for public review.

The Project proposes a tentative parcel map to subdivide the approximately 150.63-acre Project site into three parcels. The Project will develop two warehouses, each totaling 1,500,856 square feet (SF) on two of the parcels and a stormwater detention basin on the third parcel. The proposed Project is located within the northern portion of the City of Palmdale in Los Angeles County. The Project site is located northeast of the 30th Street East and East Avenue M/Columbia Way intersection. The Project site is comprised of Assessor's Parcel Number 3170-018-081. O2.2

We also request mailed notice of any and all hearings and/or actions related to the Project. These requests are made pursuant to Public Resources Code Sections

21092.2, 21080.4, 21083.9, 21092, 21108, 21152 and 21167(f) and Government Code Section 65092, which require local 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. O2.2 cont.

Please send the above requested items by email and U.S. Mail to our San Francisco office as follows:

U.S. Mail
Sheila M. Sannadan
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email
ssannadan@adamsbroadwell.com

Please call me at (650) 589-1660 if you have any questions. Thank you for your assistance with this matter.

Sincerely,

Sheila M. Sannadan
Legal Assistant

SMS:acp

7517-002acp

3.11 RESPONSE TO LETTER O2: ADAMS BROADWELL JOSEPH & CARDOZO, ON BEHALF OF CALIFORNIANS ALLIED FOR A RESPONSIBLE ECONOMY (CARE CA), DATED OCTOBER 28, 2024

Comment O2.1: This comment states that the letter is written on behalf of Californians Allied for a Responsible Economy (CARE CA) requesting the notice of availability and a copy of the Draft EIR for review when it is available. The comment provides a summary of the Project Description. The letter also requests mailed notice of any and all hearings and/or actions related to the Project.

Response O2.1: CARE CA will be added to the notification list and provided future notices for the Project and Hearings. In addition, a hard copy of the Notice of Availability and the Draft EIR was delivered on October 30, 2024 to 601 Gateway Boulevard, Suite 1000 South San Francisco, CA 94080-7037, the provided address on the comment letter. Because the comment does not express any other specific concern or question regarding the adequacy of the Draft EIR, no further response is warranted.

Comment Letter 12: Blum, Collins, & Ho LLP, on behalf of Golden State Environmental Justice Alliance, November 4, 2024 (45 pages)

BLUM, COLLINS & HO LLP
ATTORNEYS AT LAW
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LOS ANGELES, CALIFORNIA 90017
(213) 572-0400

November 4, 2024

Brenda Magaña
Planning Manager
Department of Economic and Community Development
City of Palmdale
38250 Sierra Highway
Palmdale, CA 93550

Via Email to:
bmagana@cityofpalmdale.org

Subject: Comments on Palmdale Logistics Center - TPM 84077, CUP 23-003, SPR 23-001 EIR (SCH NO. 2023090551)

Dear Ms. Magaña,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Palmdale Logistics Center Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. O3.1

1.0 Summary

The project proposes the construction and operation of two single-story industrial warehouse buildings totaling 3,001,712 square feet. The project would subdivide the approximately 150.63-acre Project site into three parcels, including two parcels for each of the warehouses and one parcel for a stormwater detention basin. Both of the proposed warehouses are 1,500,856 square feet (SF) each, comprised of 1,480,856 SF of warehouse space, 10,000 SF of office space mezzanine, and 10,000 SF of ground floor office space. Both buildings are designed as cross-dock fulfillment centers with 126 truck/trailer loading dock doors along the north and south sides of each building (total of 258 truck/trailer loading dock doors on each building), and a total of 516 truck/trailer loading dock doors proposed by the project. The project site provides a total of 990 truck/trailer parking stalls (499 stalls at Building 1 and 491 stalls at Building 2) and 1,517 passenger car parking stalls (753 stalls at Building 1 and 593 stalls at Building 2). O3.2

The Project requests a Conditional Use Permit (CUP) that is required for additional building height and a Minor Site Plan review that is required for additional screening wall height. The Project also requires site annexation into the Los Angeles County Waterworks District No. 40 for water services and annexation into the Los Angeles County Sanitation Districts (LACSD) for wastewater services.

O3.2 cont.

1.1 Project Piecemealing

The EIR does not accurately or adequately describe the project, meaning "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (CEQA § 15378). The proposed project is a piecemealed portion of the larger Transwestern Development Company Industrial Center in the City.

The EIR misleads the public and decision makers by circumventing adequate and accurate environmental analysis for the whole of the action - construction and operation of all Transwestern Development Company buildings as a whole. At minimum, piecemealed projects include a warehouse constructed at 40347 Legacy Lane (98,850 square feet), which broke ground for construction in August 2023[1], only a month prior to the release of the NOP for the proposed project. This indicates that both projects were simultaneously known to the Lead Agency and Applicant.

O3.3

A project EIR must be prepared that accurately represents the whole of the action without piecemealing the project into separate, smaller development projects to present unduly low environmental impacts. CEQA Section 15161 describes project EIRs as examining "the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation." The specific development project is the construction and operation of all Transwestern Development Company buildings.

Additionally, CEQA Section 15146 requires that the degree of specificity in an EIR "will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy."

[1] https://www.cityofpalmdaleca.gov/CivicAlerts.aspx?AID=1446

Because there are multiple proposed buildings as part of a single project, the project EIR must be more detailed in the specific effects of the project. A project EIR must be prepared which accurately represents the whole of the action without piecemealing the project into separate, smaller development projects or development areas to present unduly low environmental impacts. O3.3 cont.

3.0 Project Description

The EIR does not include a floor plan, detailed site plan, detailed building elevations, or a grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. The site plan provided in Figure 3-8 has been edited for public review to remove meaningful information such as the legend, key notes, floor area ratio and site coverage. All of these basic items are necessary to conduct any type of analysis, and the EIR is inadequate as an informational document as it is not possible to ascertain any meaningful analysis based upon the information provided. Further, the elevations provided in Figure 3-9a, Figure 3-9b, and Figure 3-9c do not provide any meaningful information such as the height of the buildings, which is especially vital as the project requests to exceed the maximum height permitted by the General Plan. O3.4

The EIR also states that, "Grading work of soils is expected to result in approximately 412,631 cubic yards (CY) of cut and 412,631 CY of fill soils, and therefore, the site earthwork would be balanced," but there is no method for the public or decision makers to verify this statement, such as a grading plan. Providing the grading plan and earthwork quantity notes as an attachment for public review is vital as directly informs the quantity of necessary truck hauling trips due to soil import/export during the grading phase of construction. A revised EIR must be prepared to include wholly accurate and adequate detailed project grading plan for public review. O3.5

5.3 Air Quality, 5.5 Energy and 5.7 Greenhouse Gas Emissions

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. The EIR provides general information about the census tract's CalEnviroScreen scores but does not provide meaningful analysis regarding the health impacts and effects of severe pollution rates. This is in conflict with CEQA Guidelines Section 15131 (c), which requires that "Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project." This is especially O3.6

significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0[2], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6037980004) ranks worse than 52% of the rest of the state in overall pollution burden and socioeconomic impacts.

The proposed project's census tract and surrounding community bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 89th percentile for ozone burden, which is attributed to heavy traffic (including trucks) in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[3].

O3.6 cont.

The census tract ranks in the 100th percentile for toxic releases. People living near facilities that emit toxic releases may breathe contaminated air regularly or if contaminants are released during an accident[4]. The census tract also ranks in the 93rd percentile for hazardous waste facility impacts. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people[5].

The State of California lists three approved compliance modeling softwares[6] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, it cannot conclude the project will generate less than significant impacts and a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

O3.7

[2] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40
[3] OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[4] OEHHA Toxic Releases https://oehha.ca.gov/calenviroscreen/indicator/toxic-releases-facilities
[5] OEHHA Hazardous Waste Generators and Facilities
https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities
[6] California Energy Commission 2022 Energy Code Compliance Software
https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

Further, Table 5.7-5: Project Consistency with the CARB 2022 Scoping Plan provides misleading and erroneous consistency analysis with the document. The EIR states that the project is consistent with SB 32 goals to reduce GHG emissions to 40% below 1990 levels by 2030 because, "The Project would comply with the 2022 Title 24, Part 6 building energy requirements along with other local and State initiatives that aim to achieve the 40% below 1990 levels by 2030 goal. Mitigation Measure GHG-3 requires that, prior to issuance of building permits, the Project applicant provides documentation to the City of Palmdale demonstrating that the project is designed to achieve energy efficient buildings exceeding Title 24 standards." However, this excludes that the project will generate 39,911.4 MTCO2e annually, which exceeds the threshold of 3,000 MTCO2e annually by more than 13 times. This significant and unavoidable impact directly conflicts with the SB 32 and the CARB 2022 Scoping Plan, which makes a significant assertion that, "Local government efforts to reduce greenhouse gas (GHG) emissions within their jurisdiction are critical to achieving the State's long-term climate goals…" because, "Local governments have responsibility and authority over the built environment, transportation networks, and provision of local services. For example, local governments have primary authority to plan, zone, approve, and permit how and where land is developed to accommodate population and employment growth and the changing needs of their jurisdictions." This supports the clear connection between the impacts of individual development projects and the state's ability to achieve GHG and VMT reduction goals. The EIR must be revised to include a finding of significance here due to the project's direct conflict with CARB's 2022 Scoping Plan and statewide GHG reduction goals. O3.8

5.8 Hazards and Hazardous Materials

The EIR states that, "On November 1, 2023, ALUC determined the Project would be consistent with the policies in the Airport Land Use Plan and the ALUC Review procedures for Los Angeles County." However, the November 1, 2023 ALUC meeting was cancelled[7]. The EIR does not provide a copy of the alleged ALUC determination/approval for public review. The EIR also states that "the FAA issued a Determination of No Hazard to Air Navigation on October 13, 2023," but that is also not included for public review. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the ALUC and FAA determination letters contribute directly to analysis of the problem at hand. A revised EIR must be prepared to provide the ALUC and FAA determination letters as attachments for public review. O3.9

[7] https://lacdrp.legistar.com/View.ashx?M=A&ID=1118057&GUID=B3FF77ED-3720-46F7-8FD8-2C6930BDDC83

The revised EIR must also include a finding of significance as the EIR has not presented any meaningful evidence to support a less than significant finding. O3.9 cont.

Further, the EIR does not discuss or analyze the project's request for a Conditional Use Permit (CUP) to construct a 56 foot 9 inch tall building, which exceeds the maximum building height of 50 feet allowed by both the General Plan Industrial land use designation and the City's Municipal Code. Notably, Palmdale Municipal Code Section 17.22[8] - Conditional Use Permits does not describe or provide findings for deviations from development standards such as height. Palmdale Municipal Code Section 17.23[9] - Variances and Minor Exceptions provides an application process and findings for deviations from development standards. A request to deviate more than 10% above an applicable development standard requires a Variance. The proposed project requests to construct the proposed buildings 13.5% above the maximum height limit, which requires a Variance. It is unknown if the FAA or ALUC have reviewed the height of the buildings as proposed. The EIR is inadequate as an informational document since it excludes this information and provides erroneous entitlement information regarding the project's requested development standard deviations. The EIR must be revised to include a finding of significance as the EIR has not presented any meaningful evidence to support a less than significant finding. O3.10

The EIR also requires the building rooftops to be pre-constructed for setup and installation of solar panels ("solar ready") as a mitigation measure, which will increase the overall height of the project and this has not been analyzed by the FAA. Solar panels also produce glare from sunlight, which is a hazard to flight that has not been analyzed by the FAA or the EIR. The EIR must be revised to include a finding of significance as the EIR has not presented any meaningful evidence to support a less than significant finding. O3.11

5.10 Land Use and Planning

The EIR concludes that the proposed project is consistent with the General Plan without considering the EIR's conclusion that the project will result in significant and unavoidable cumulatively considerable impacts to Agriculture, Air Quality, Greenhouse Gas Emissions, and Transportation. The EIR is inadequate as an informational document and a revised EIR must be prepared with a consistency analysis that considers the project's significant and unavoidable impacts in its analysis, including but not limited to the following goals and policies that were adopted for the purposes of avoiding or mitigating an environmental effect: O3.12

[8] https://www.codepublishing.com/CA/Palmdale/#!/Palmdale17/Palmdale1722.html#17.22
[9] https://www.codepublishing.com/CA/Palmdale/#!/Palmdale17/Palmdale1723.html#17.23

1. Goal LUD-1 Complete Neighborhoods where residents can reach daily amenities, local retail, services, parks, and public facilities within a short 20-minute walk.
2. Goal LUD-2 A City that supports and encourages new growth in the developed urban core.
3. Policy LUD-2.1 Focused Growth. Direct future growth to areas closer to the center of town, which can accommodate development based upon topography, environmental factors, and availability of existing infrastructure.
4. Policy LUD-3.1 Planned Future Uses. Develop multiple educational districts, multiple medical districts, a new passenger airport, a new high-speed rail facility, and abundant new parks and trails.
5. Policy LUD-4.3 Long-Lasting Building Materials. Convey façade articulation through the strength, depth, and permanence of building materials. Thinner cladding materials, such as stucco, masonry veneers, and wood or simulated wood, may be used when finished to appear as durable and authentic as the materials they simulate.
6. Policy LUD-4.8 Environmental Design. Design sites and buildings adjacent to natural areas with transparent design elements. Employ bird-safe design near habitat areas or migratory routes.
7. Policy CM-2.2 Multimodal travel. Prioritize safety, operations, and comfort for active and transit modes on streets that have been identified as part of the multimodal network.
8. Policy CM-2.3 Intersection Design. Prioritize safety and mobility for non-motorized modes in all intersection designs.
9. Policy CM-2.4 Network connectivity. Prioritize multimodal infrastructure that connects existing development with future infill development areas (i.e., gap closure projects).
10. Goal CM-6 Build and maintain a transportation system that leverages the City's natural setting and reduces impacts to the environment.
11. Policy CM-6.1 Vehicle miles traveled. Prioritize transportation investments and strategies that create opportunities for residents to reduce Vehicle Miles Traveled.
12. Goal EHC-12 A City designed to improve air quality and reduce disparate health impacts.
13. Goal SCR-1 Achieve a carbon neutral community by 2045 (EO B-55-18).

O3.12 cont.

14. Policy SCR-1.1 CAP Maintenance. Maintain and regularly update a Climate Action Plan to reduce GHGs generated within the City.

15. Goal SCR-4 Reduced greenhouse gas emissions from transportation (SB 379, EO N-79-20).

O3.12 cont.

Further, Table 5.10-1: General Plan Consistency Analysis includes misleading and erroneous consistency analysis for several items and the EIR must be revised to remove these statements and provide accurate information. As an example, the EIR concludes the project is consistent with "Policy AQ-3-7 Environmentally Review New Development Applications. Through the environmental review process for new development applications, ensure that emissions of toxic air contaminants are minimized and that any significant health effects associated with such contaminants are appropriately mitigated." because "As discussed in Section 5.3, Air Quality, operation of the proposed Project would result in an exceedance of AVAQMD daily thresholds in CO and PM10 and yearly thresholds for PM10. The Project would implement MM AQ-1 through AQ-14 in order to minimize TAC impacts to the greatest extent feasible. In addition, Tables 5.3-7 and 5.3-8 show that the Project would result in a less than significant health risk impact during Project construction and Operation." However, mitigation proposed in the EIR does not appropriately mitigate the emissions of toxic air contaminants generated by the proposed project. The EIR must be revised to include a finding of significance due to the project's inconsistency with this policy.

O3.13

The EIR concludes the project is consistent with, "Policy LUD-4.2: Use building organization and massing to derive scale and articulation rather than surface ornamentation," because "the proposed Project would include a materials board showing the proposed building color palette for review and approval prior to issuance of the first building permit. The Project would use various building materials, windows, building heights and setback variations with landscaping in order to reduce the visual mass and scale of the building." The EIR's reasoning for compliance with the policy is directly in contrast with the requirements of the policy. The EIR utilizes surface ornamentation such as windows and materials in an attempt to reduce mass and scale. The EIR also sources building height as a method to reduce mass and scale, which is another example of the EIR's misleading and erroneous analysis as the project requires a Variance to construct the buildings at a height more than 13% above the maximum. This means the building's height will contribute significantly to its mass and will not comply with the policy. The EIR must be revised to include a finding of significance due to the project's inconsistency with this policy.

O3.14

Further, the EIR concludes the project is consistent with, "Goal SCR-4: Reduced greenhouse gas emissions from transportation (SB 379, EO N-79-20) because, "As discussed in Section 5.7, Greenhouse Gas Emissions, the proposed Project would include bicycle parking facilities and EV

O3.15

chargers. The EIR excludes that the project will generate 39,911.4 MTCO2e annually, which exceeds the threshold of 3,000 MTCO2e annually by more than 13 times. Table 5.7-4 within the EIR depicts that 74% of project GHG emissions are attributed to transportation/mobile sources, meaning that the project will markedly increase greenhouse gas emissions from transportation. The EIR must be revised to include a finding of significance due to the project's inconsistency with this policy.

O3.15 cont.

Table 5.10-2: SCAG RTP/SCS Consistency Analysis concludes that the project is consistent with the goals of Connect SoCal, resulting in less than significant impacts. In finding consistency with SCAG's goals, the EIR does not provide any meaningful evidence to support this conclusion, in violation of CEQA's requirements for meaningful disclosure. For example, the EIR concludes the project is consistent with Goal 5 to reduce greenhouse gas emissions and improve air quality by stating that "it would not prevent SCAG from implementing actions that would improve air quality within the region," and, "…the Project could result in potential benefits in the form of contribution to a closer place of employment for Palmdale residents, which may reduce significant commuting times in the area." The project's significant and unavoidable cumulatively considerable Air Quality and Greenhouse Gas Emissions will impede the SCAG region in attaining statewide goals to reduce GHGs and improve air quality, rendering the project inconsistent with Goal 5. Further, due to errors in modeling, modeling without supporting evidence, and the EIR's conclusion that the project will result in significant and unavoidable impacts to Agriculture, Air Quality, Greenhouse Gas Emissions, and Transportation (VMT), the proposed project is directly inconsistent with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and equitable communities, and Goal 7 to adapt to a changing climate. The EIR must be revised to include finding of significance due to inconsistency with the RTP/SCS.

O3.16

Further, the EIR does not discuss or analyze the project's request for a Conditional Use Permit (CUP) to construct a 56 foot 9 inch tall building, which exceeds the maximum building height of 50 feet allowed by both the General Plan Industrial land use designation[10] and the City's Municipal Code. Notably, Palmdale Municipal Code Section 17.22[11] - Conditional Use Permits does not describe or provide findings for deviations from development standards such as height. Palmdale Municipal Code Section 17.23[12] - Variances and Minor Exceptions provides an application process and findings for deviations from development standards. A request to deviate more than 10% above an applicable development standard requires a Variance. The proposed project requests to

O3.17

[10] https://palmdale2045gp.org/wp-content/uploads/2023/05/PalmdaleGP_DetailedLandUseDesignations_Revised_041823.pdf
[11] https://www.codepublishing.com/CA/Palmdale/#!/Palmdale17/Palmdale1722.html#17.22
[12] https://www.codepublishing.com/CA/Palmdale/#!/Palmdale17/Palmdale1723.html#17.23

construct the proposed buildings 13.5% above the maximum height limit, which requires a Variance. The EIR is inadequate as an informational document since it excludes this information and provides erroneous entitlement information regarding the project's requested development standard deviations. The EIR must be revised to include a finding of significance as it has not provided any meaningful evidence to support a less than significant finding. O3.17 cont.

The growth generated by the proposed project has not been analyzed in accordance with the General Plan growth forecasts and buildout estimates. A revised EIR must be prepared with this information for discussion and analysis. Table 2-4: Plan and SCAG Forecasts for Commercial/Industrial Development and Job Growth, 2016-2045 of the City's General Plan Final EIR[13] provides square footage buildout estimates for Retail – Restaurant, Hotel, Office, Industrial, and Public uses and associated job buildout. The Industrial category lists 10,046,865 square feet of building area at General Plan buildout. The proposed project is 3,001,712 square feet, which is approximately 29.9% of the General Plan buildout attributed to a single project. The EIR has not provided any analysis of this information and whether the proposed project in combination with cumulative development exceeds the projected buildout scenario. For example, other recent industrial projects including Antelope Valley Commerce Center[14] (8,241,552 SF), Site Plan Review 22-015[15] (100,000 SF), Site Plan Review 22-013[16] (1,432,000 SF), and Site Plan Review 22-012[17] (380,410 SF) combined with the proposed project totals 13,155,674 square feet, which is approximately 130.9% of the General Plan buildout analysis accounted for by only five recent projects. The proposed project exceeds the City's General Plan buildout analysis for Industrial development through 2045 only a few years into plan implementation, which is a significant impact. A revised EIR must be prepared to include this analysis in order to provide an adequate and accurate environmental document, and include a finding of significance due to the project's inconsistency with the General Plan buildout scenario. O3.18

5.12 Population and Housing

The EIR utilizes uncertain language and does not provide any meaningful analysis or supporting evidence to substantiate the conclusion that there will be no significant impacts to population and housing. The EIR states that, "The employees that would fill these roles are *anticipated* to come O3.19

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[13] https://static1.squarespace.com/static/5c7dc93065a707492aca3e47/t/631fa8d1f119fa360cd7f0ee/1663019242025/Palmdale+2045+GPU+FEIR_reduce.pdf

[14] https://ceqanet.opr.ca.gov/2022090009/2

[15] Site Plan Review 22-015 https://ceqanet.opr.ca.gov/1999121116/4

[16] Site Plan Review 22-013 https://ceqanet.opr.ca.gov/2022080668

[17] Site Plan Review 22-012 https://ceqanet.opr.ca.gov/Project/2022080663

from within the *region*, as the unemployment rate of the City of Palmdale as of December 2023 was 6.4 percent, City of Lancaster was 6.6 percent and County of Los Angeles was 5 percent." The EIR also states that, "Due to these levels of unemployment, it is anticipated that new employees at the Project site would already reside within *commuting distance* and would not generate needs for any housing." Notably, the geographic boundaries of the stated "region" and the definiton of "commuting distance" are not provided. The EIR also does not provide evidence that the specific workforce listed is qualified for or interested in work in the industrial sector to substantiate these claims. Relying upon the labor force within an undefined distance, clearly within the greater Los Angeles County area at minimum, will increase project generated VMT during all phases of construction and operation, and a revised EIR must be prepared to account for longer trip distances. O3.19

SCAG's Connect SoCal Demographics and Growth Forecast[18] notes that the City will add 9,200 jobs between 2016 - 2045. Utilizing the EIR's calculation of 1,977 employees, the project represents 21.5% of the City's employment growth from 2016 - 2045. Table 5.3: 2045 Growth Projections of the City's General Plan[19] states that the City will add 26,716 jobs from 2022-2045 and the project represents 7.4% of the City's employment growth from 2022-2045. A single project accounting for this amount of the projected growth over 29 years (SCAG) or 23 years (General Plan) represents a significant amount of growth. The EIR must be revised to include this information for analysis.

The EIR must also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed SCAG's employment forecast for the City and/or the City's employment growth forecast. For example, other recent projects including Antelope Valley Commerce Center[20] (8,302,536 sf warehouse; 9,889 employees); Site Plan Review 22-015[21] (100,000 sf warehouse; 118 employees), Site Plan Review 22-013[22] (1,432,000 sf warehouse; 1,690 employees), and Site Plan Review 22-012[23] (380,410 sf warehouse; 454 employees) combined with the proposed project will cumulatively generate 14,582 employees, which is 158% of the SCAG employment growth forecast over 29 years and O3.20

[18] SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020 https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_demographics-and-growth-forecast.pdf?1606001579
[19] https://palmdale2045gp.org/wp-content/uploads/2023/05/PalmdaleGPU_FinalDraft_Revised_041823.pdf
[20] https://ceqanet.opr.ca.gov/2022090009/2
[21] Site Plan Review 22-015 https://ceqanet.opr.ca.gov/1999121116/4
[22] Site Plan Review 22-013 https://ceqanet.opr.ca.gov/2022080668
[23] Site Plan Review 22-012 https://ceqanet.opr.ca.gov/Project/2022080663

54.5% of the City's General Plan growth forecast accounted for by only 5 recent projects. The amount of growth accounted for by cumulative projects multiplies exponentially when other commercial and industrial development activity approved since 2016 (SCAG) and 2022 (General Plan) are added to the calculation. The EIR must be revised to include this information for analysis and also include a cumulative development analysis of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project exceeds SCAG's and/or the City's growth forecasts. Additionally, the EIR must also provide demographic and geographic information on the location of qualified workers to fill these positions in order to provide an accurate environmental analysis. O3.20 cont.

The EIR concludes that the project will not induce substantial unplanned population growth in an area, either directly or indirectly (for example through extension of roads or other infrastructure) because "the significant and unavoidable impacts that are identified within this EIR, such as agricultural resource impacts, operational VMT impacts, architectural coating and operational vehicle emissions impacts, and operational greenhouse gas impacts, are not related to the construction of the proposed water infrastructure. Therefore, the proposed Project would not induce unplanned population growth via infrastructure expansions either directly or indirectly *that could cause substantial adverse physical changes in the environment,* and impacts would be less than significant." This reasoning is illogical as the threshold only refers to growth due to development of infrastructure and is not qualified by whether or not a project will have significant and unavoidable impacts. Nonetheless, the project cannot proceed without water service, and construction of the proposed water infrastructure will spur growth that exceeds regional growth forecasts and accounts for a significant portion of local growth forecasts. The proposed water infrastructure may be utilized or "tied-into" by other future developments, spurring further growth in the area. The EIR does not analyze here that the Project also requires site annexation into the Los Angeles County Waterworks District No. 40 for water services and annexation into the Los Angeles County Sanitation Districts (LACSD) for wastewater services, indicating that it is indirectly inducing growth in an area that was not planned to be served for utilities. The EIR must be revised to include a finding of significance as it has not provided any meaningful evidence to support a less than significant finding. O3.21

5.14 Transportation

Appendix J: VMT Analysis sources the LA County VMT Guidelines for analysis, which excludes trucks/trailers from VMT analysis and only includes passenger cars. However, the EIR does not provide a statutory source of exemption for medium/heavy trucks/trailers, freight, and/or delivery O3.22

vans. The LA County VMT Guidelines source the OPR's 2018 Technical Advisory[24], which states that "here, the term 'automobile' refers to on-road passenger vehicles, specifically cars and light trucks." However, the purpose of the OPR Technical Advisory document is purely advisory, stating in its introduction:

"The purpose of this document is to provide advice and recommendations, which agencies and other entities may use at their discretion. This document does not alter lead agency discretion in preparing environmental documents subject to CEQA. This document should not be construed as legal advice."

The OPR document is not a legal interpretation, court decision, or amendment to the CEQA statute that clarifies the definition of automobile. The term "automobile" is not defined in the CEQA statute and application of the OPR interpretation is speculative and does not provide an analysis of the "worst-case scenario" for environmental impacts. Widespread public understanding and perception indicates that trucks, including medium/heavy-duty trucks/trailers and freight trips associated with the nature of industrial operations, are automobiles. The EIR must be revised to remove this misleading information and include all truck/freight activity for quantified VMT analysis. The operational nature of industrial uses involves high rates of truck/trailer/freight/delivery van VMT due to traveling from large regional distribution centers to smaller industrial parks and then to their final delivery destinations. The project's truck/trailer/freight/delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's total operational VMT generated is further inconsistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer/freight/delivery van activity to adequately and accurately analyze the potentially significant project VMT impacts for the proposed project. O3.22 cont.

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. The EIR has not provided any exhibits depicting the available truck/trailer turning radius at the intersection of the project driveways and adjacent streets to determine if there is enough space available to accommodate heavy truck maneuvering. Further, there are no exhibits providing on-site analysis regarding available space on the property to accommodate heavy truck maneuvering. Several areas for O3.23

[24] Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA https://opr.ca.gov/ceqa/docs/20190122-743_Technical_Advisory.pdf

potential conflicts exist. Notably, truck/trailer parking stalls are located within the gated truck/trailer loading dock court of each building, and they are in a tandem configuration on the north side of Building 1 and south side of Building 2. These parking stalls may be in use at any time and further restrict truck/trailer movement on the site and present a safety hazard with potential for conflicts between passenger cars and trucks/trailers. This issue and overall truck/trailer access at the site has not been analyzed and the EIR must be revised to include a finding of significance as it has not provided any meaningful evidence to support a less than significant finding. O3.23 cont.

The EIR states that, "Onsite traffic signing and stripping would also be implemented in conjunction with detailed construction plans with implementation of the Project. Additionally, sight distance at the Project's access points would be reviewed with respect to City standards at the time of final grading, landscape, and street improvement plan reviews. Project frontage improvements and site access points would be constructed to be consistent with the identified roadway classifications and respective cross-sections in accordance with the City of Palmdale General Plan Circulation and Mobility Element. Compliance with existing regulations would be ensured through the City's construction permitting process." This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). The EIR has not provided any details regarding the requirements for signing, striping, sight distance, or the other topics listed or meaningful analysis of the project's compliance or noncompliance with these requirements. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. The EIR must provide a project-level analysis of all proposed buildings and it has not done this. A revised EIR must be prepared to include a finding of significance as the EIR has not provided any meaningful evidence to support a less than significant finding. O3.24

There are also no exhibits depicting emergency vehicle access. The EIR states that, "Construction activities would occur within the proposed Project site and associated offsite improvements and would not restrict access of emergency vehicles to the site or adjacent areas. The proposed Project is required to design and construct internal access, and size and location of fire suppression facilities (e.g., hydrants and sprinklers) to conform to the 2022 (most recent) California Fire Code standards. The County of Los Angeles Fire Department (LACoFD) would review the development plans prior to approval to ensure adequate emergency access pursuant to the requirements in Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9)." This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). The EIR has not provided any details O3.25

regarding the requirements for emergency access or meaningful analysis of the project's compliance or noncompliance with these requirements. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. The EIR must provide a project-level analysis of all proposed buildings and it has not done this. A revised EIR must be prepared to include a finding of significance as the EIR has not provided any meaningful evidence to support a less than significant finding.

O3.25 cont.

6.2 Growth Inducement

The growth generated by the proposed project has not been analyzed in accordance with the General Plan growth forecasts and buildout estimates. A revised EIR must be prepared with this information for discussion and analysis. Table 2-4: Plan and SCAG Forecasts for Commercial/Industrial Development and Job Growth, 2016-2045 of the City's General Plan Final EIR[25] provides square footage buildout estimates for Retail – Restaurant, Hotel, Office, Industrial, and Public uses and associated job buildout. The Industrial category lists 10,046,865 square feet of building area at General Plan buildout. The proposed project is 3,001,712 square feet, which is approximately 29.9% of the General Plan buildout attributed to a single project. The EIR has not provided any analysis of this information and whether the proposed project in combination with cumulative development exceeds the projected buildout scenario. For example, other recent industrial projects including Antelope Valley Commerce Center[26] (8,241,552 SF), Site Plan Review 22-015[27] (100,000 SF), Site Plan Review 22-013[28] (1,432,000 SF), and Site Plan Review 22-012[29] (380,410 SF) combined with the proposed project totals 13,155,674 square feet, which is approximately 130.9% of the General Plan buildout analysis accounted for by only five recent projects. The proposed project exceeds the City's General Plan buildout analysis for Industrial development through 2045 only a few years into plan implementation, which is a significant impact. A revised EIR must be prepared to include this analysis in order to provide an adequate and accurate environmental document, and include a finding of significance due to the project's inconsistency with the General Plan buildout scenario.

O3.26

[25] https://static1.squarespace.com/static/5c7dc93065a707492aca3e47/t/631fa8d1f119fa360cd7f0ee/1663019242025/Palmdale+2045+GPU+FEIR_reduce.pdf
[26] https://ceqanet.opr.ca.gov/2022090009/2
[27] Site Plan Review 22-015 https://ceqanet.opr.ca.gov/1999121116/4
[28] Site Plan Review 22-013 https://ceqanet.opr.ca.gov/2022080668
[29] Site Plan Review 22-012 https://ceqanet.opr.ca.gov/Project/2022080663

The EIR does not adequately discuss or and analyze the commitment of resources is not consistent with regional and local growth forecasts and does not address the EIR's own conclusion that the project will result in impacts (Air Quality, GHG) that exceed the forecasts of the applicable plans (AQMP, 2030/2045 California GHG reduction goals). The EIR relies upon erroneous Energy modeling to determine that the project will meet sustainability requirements. As noted above, the EIR did not model the project's energy consumption in compliance with Title 24 modeling software. The EIR must be revised to include accurate energy modeling and update all associated sections of environmental analysis. O3.27

SCAG's Connect SoCal Demographics and Growth Forecast[30] notes that the City will add 9,200 jobs between 2016 - 2045. Utilizing the EIR's calculation of 1,977 employees, the project represents 21.5% of the City's employment growth from 2016 - 2045. Table 5.3: 2045 Growth Projections of the City's General Plan[31] states that the City will add 26,716 jobs from 2022-2045 and the project represents 7.4% of the City's employment growth from 2022-2045. A single project accounting for this amount of the projected growth over 29 years (SCAG) or 23 years (General Plan) represents a significant amount of growth. The EIR must be revised to include this information for analysis. O3.28

The EIR must also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed SCAG's employment forecast for the City and/or the City's employment growth forecast. For example, other recent projects including Antelope Valley Commerce Center[32] (8,302,536 sf warehouse; 9,889 employees); Site Plan Review 22-015[33] (100,000 sf warehouse; 118 employees), Site Plan Review 22-013[34] (1,432,000 sf warehouse; 1,690 employees), and Site Plan Review 22-012[35] (380,410 sf warehouse; 454 employees) combined with the proposed project will cumulatively generate 14,582 employees, which is 158% of the SCAG employment growth forecast over 29 years and 54.5% of the City's General Plan growth forecast accounted for by only 5 recent projects. The amount of growth accounted for by cumulative projects multiplies exponentially when other commercial and industrial development activity approved since 2016 (SCAG) and 2022 (General

[30] SCAG Connect SoCal Demographics and Growth Forecast adopted September 3, 2020 https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_demographics-and-growth-forecast.pdf?1606001579
[31] https://palmdale2045gp.org/wp-content/uploads/2023/05/PalmdaleGPU_FinalDraft_Revised_041823.pdf
[32] https://ceqanet.opr.ca.gov/2022090009/2
[33] Site Plan Review 22-015 https://ceqanet.opr.ca.gov/1999121116/4
[34] Site Plan Review 22-013 https://ceqanet.opr.ca.gov/2022080668
[35] Site Plan Review 22-012 https://ceqanet.opr.ca.gov/Project/2022080663

Plan) are added to the calculation. The EIR must be revised to include this information for analysis and also include a cumulative development analysis of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project exceeds SCAG's and/or the City's growth forecasts. Additionally, the EIR must also provide demographic and geographic information on the location of qualified workers to fill these positions in order to provide an accurate environmental analysis. O3.28 cont.

The EIR concludes that the project will not remove obstacles to population growth or require the construction of new or expanded facilities that could cause significant environmental effects. The EIR again utilizes generalized reasoning here in stating that, "the significant and unavoidable impacts that are identified within this EIR, such as agricultural resource impacts, operational VMT impacts, architectural coating and operational vehicle emissions impacts, and operational greenhouse gas impacts, are not related to the construction of the proposed water infrastructure." This reasoning is illogical as the project cannot proceed without water service, and construction of the proposed water infrastructure will spur growth that exceeds regional growth forecasts and accounts for a significant portion of local growth forecasts. The proposed water infrastructure may be utilized or "tied-into" by other future developments, spurring further growth in the area. The EIR does not analyze here that the Project also requires site annexation into the Los Angeles County Waterworks District No. 40 for water services and annexation into the Los Angeles County Sanitation Districts (LACSD) for wastewater services, indicating that it is indirectly inducing growth in an area that was not planned to be served for utilities. The EIR must be revised to include a finding of significance as it has not provided any meaningful evidence to support a less than significant finding. O3.29

8.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required "No Project/No Development" alternative and only two others - 30% Reduced Project Alternative and Manufacturing Use/ 50% Reduced Warehouse Alternative. The EIR does not include an alternative that meets the project objectives and also eliminates all of the project's significant and unavoidable impacts. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a project that reduces all of the proposed project's significant and unavoidable impacts to a less than significant level, and a mixed-use project that provides affordable housing and exclusively local-serving commercial uses that may reduce VMT, GHG emissions and simultaneously improve Air Quality. O3.30

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877. O3.31

Sincerely,

Gary Ho
Blum, Collins & Ho LLP

Attachments:
1. SWAPE Technical Analysis

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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November 4, 2024

Gary Ho
Blum, Collins & Ho LLP
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Los Angeles, CA 90017

Subject: Comments on the Palmdale Logistics Center Project (SCH No. 2023090551)

Dear Mr. Ho,

We have reviewed the September 2024 Draft Environmental Impact Report ("DEIR") for the Palmdale Logistics Center Project ("Project") located in the City of Palmdale ("City"). The Project proposes to construct two 1,500,856-square-foot ("SF") warehouses with a total of 990 trailer and 1,517 automobile parking stalls on a 150.63-acre site. O3.32

Our review shows that the DEIR fails to adequately evaluate feasible mitigation for the Project's air quality and greenhouse gas ("GHG") emissions. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately mitigate the potential air quality and greenhouse gas impacts the project could have.

Air Quality

Failure to Implement All Feasible Mitigation to Reduce Criteria Air Pollutants Emissions

The DEIR estimates that the Project's operational nitrogen oxides ("NO_x"), carbon monoxide ("CO") and particulate matter 10 ("PM_{10}") emissions would exceed the applicable Antelope Valley Air Quality Management District ("AVAQMD") thresholds (p. 5.3-23, Table 5.3-8) (see excerpt below). O3.33

Table 5.3-8: Project Operational Emissions with Mitigation

Emission Type	Pollutant Emissions (lbs/day)					
	VOCs	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
	Pounds Per Day					
Mobile Sources – Vehicles and Light Duty Trucks	26.4	49.3	442.0	1.0	82.7	21.5
Mobile Sources – Heavy Duty Trucks	1.4	78.6	15.8	0.7	22.9	7.0
Area Sources	87.2	1.1	130.5	<0.1	0.2	0.2
Energy Sources	1.0	17.4	14.6	0.1	1.3	1.3
Stationary Sources	0.6	2.8	1.6	<0.1	0.1	0.1
Total Project Emissions	116.6	149.2	604.5	1.8	107.2	30.1
AVAQMD Thresholds	137.0	137.0	548.0	137.0	82.0	65.0
Significant?	**No**	**Yes**	**Yes**	**No**	**Yes**	**No**

O3.33 cont.

Consequently, the DEIR implements mitigation measures ("MM") AQ-2 through AQ-13, concluding:

> "Emissions from operation of the proposed Project would continue to exceed AVAQMD's thresholds for NOx, CO, and PM10 after implementation of existing regulations and Mitigation Measures AQ-2 through AQ-12. Because a majority of operational-source emissions would be generated by emissions from Project vehicles and truck trips, neither the Project applicant nor the City have the ability to reduce emissions. Therefore, operational-source NOx CO, and PM10 emissions from implementation of the proposed Project would be cumulatively considerable, and cumulative air quality impacts would be significant and unavoidable" (p. 5.3-34).

We agree that the Project would result in significant air quality impacts, however, the DEIR's assertion that this impact is significant-and-unavoidable is unreliable. According to California Environmental Quality Act ("CEQA") Guidelines § 15096(g)(2):

> "When an updated EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."[1]

The DEIR is required under CEQA to implement all feasible mitigation to reduce impacts to a less-than-significant level. While the DEIR implements MM AQ-2 through AQ-13, the DEIR fails to implement all feasible mitigation (p. 1-8 – 16). To reduce the Project's air quality impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the

[1] "Cal. Code Regs. tit. 14 § 15096." California Legislature, *available at*: https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-7-eir-process/section-15096-process-for-a-responsible-agency.

section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." The Project should not be approved until a revised EIR is prepared to incorporate all feasible mitigation. O3.33 cont.

Greenhouse Gas

Failure to Implement All Feasible Mitigation to Reduce Greenhouse Gas Emissions

According to the DEIR, even with the implementation of MM AQ-4, 7, 9, and 11, along with MM GHG-1 through 3, the Project's annual operational GHG emissions would still exceed the AVAQMD's bright-line threshold of 3,000-metric tons of carbon dioxide equivalents per year ("MT CO_2e/year") (p. 5.7-23 – 24). Specifically, the DEIR estimates the Project would result in long-term operational GHG emissions of 39,911.4 MT CO_2e/year (p. 5.7-13, Table 5.7-4) (see excerpt below).

Table 5.7-4: Mitigated Long-Term Operational Greenhouse Gas Emissions

Emissions Source	Operational Emissions (MT/yr)				
	CO_2	CH_4	N_2O	CO_2e	Percentage of Total
Mobile Sources – Vehicle and Light Duty Trucks	15,794.0	0.5	0.8	16,089.0	40
Mobile Sources – Heavy Duty Trucks	13,044.0	<0.1	2.1	13,671.0	34
Area Sources	43.8	<0.1	<0.1	44.0	<1
Energy Sources	7,286.6	0.5	<0.1	7,310.7	18
Water Sources	1,074.3	20.4	0.5	1,731.0	4
Waste Sources	260.0	26.0	0.0	909.0	2
Stationary Sources	49.0	<0.1	<0.1	49.2	<1
Total Project Operational Emissions				**39,803.6**	**100**
Amortized Construction Emissions				107.8	-
Total Annual Emissions				**39,911.4**	-
Threshold				3,000	-
Exceed?				**Yes**	-

CH_4 = methane, CO_2 = carbon dioxide, N_2O = nitrous oxide, CO_2e = carbon dioxide equivalent, MT/yr = metric tons per year, SCAQMD = South Coast Air Quality Management District
Source: Appendix B.

O3.34

Qualitatively, the DEIR concludes that the Project would result in a significant-and-unavoidable GHG impact, stating:

> "The majority, or 40 percent, of the proposed Project's GHG emissions are generated by mobile emissions. Further, mitigation to reduce the proposed Project's mobile GHG emissions is not feasible due to the limited ability of the Project Applicant and City of Palmdale to reduce emissions from mobile sources. Neither the Project Applicant nor the Lead Agency (City of Palmdale) can substantively or materially affect reductions in proposed Project mobile-source emissions. Therefore, GHG emissions from the proposed Project would be significant and unavoidable" (p. 5.7-12).

While we agree that the Project would result in a significant GHG impact, the DEIR's assertion that this impact is significant and unavoidable is unsupported. As discussed previously, the DEIR is required under CEQA to implement all feasible mitigation to minimize impacts to the maximum extent possible. Here,

the DEIR fails to incorporate all feasible and available mitigation options, implementing only MM GHG-1 through MM GHG-3. We will propose additional, feasible mitigation measures that the Project can identify and incorporate into a revised EIR.

O3.34 cont.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

The DEIR is required under CEQA to implement all feasible mitigation to reduce the Project's potential impacts.[2] As mentioned in the sections above, the Project would result in potentially significant air quality and GHG impacts that should be mitigated further. Specifically, the DEIR states that NO_x, CO, PM_{10}, and CO_2e emissions would exceed thresholds.

The U.S. Environmental Protection Agency ("U.S. EPA") explains that sources of NO_x and PM_{10} emissions include "motor vehicle internal combustion engines and fossil fuel-fired electric utility and industrial boilers," as well as "vehicle exhaust and road dust."[3,4] To reduce the NO_x and PM_{10} emissions associated with Project construction and operation, we recommend the DEIR consider incorporating several mitigation measures (see list below).

O3.35

The California Air Resources Board ("CARB") recommends the following:[5]

- Require tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.
- Restrict trucks and support equipment from idling longer than two minutes while on site.
- Require the installation of vegetative walls or other effective barriers that separate loading docks and people living or working nearby.

In addition to recommending similar mitigation as the above-mentioned measures from CARB, the California Department of Justice ("CA DOJ") suggests:[6]

- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.

[2] "Cal. Code Regs. tit. 14 § 15096." California Legislature, *available at*: https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-7-eir-process/section-15096-process-for-a-responsible-agency.
[3] "Proposed Revisions to the National Ambient Air Quality Standards for Nitrogen Dioxide." U.S. EPA, July 2009, *available at*: https://www.gpo.gov/fdsys/pkg/FR-2009-07-15/pdf/E9-15944.pdf.
[4] "Particle Pollution and your Health." U.S. EPA, September 2003, *available at*: https://www.airnow.gov/publications/air-quality-and-your-health/partical-pollution-and-your-health/.
[5] "Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers." CARB, August 2023, *available at*: https://ww2.arb.ca.gov/sites/default/files/2023-08/CARB%20Comments%20-%20NOP%20for%20the%20%20Oak%20Valley%20North%20Project%20DEIR.pdf; Attachment A, p. 5 – 8.
[6] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, *available at*: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.

- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.

South Coast Air Quality Management District ("SCAQMD") staff recommends: [7]

- A phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts.
- The use of, at least, a 2010 model year that meets CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NO_x emissions or newer, cleaner trucks.

Although the Project is not under the jurisdiction of the SCAQMD, its recommendations remain valuable and would contribute to reducing Project emissions.

To reduce the CO emissions associated with Project operations, we recommend the Project install Continuous Emission Monitoring Systems for ongoing CO emissions tracking, ensuring compliance with SCAQMD Rule 218.[8] The U.S. EPA also commonly recommends the implementation of catalytic oxidizers for CO control.[9]

To reduce the GHG emissions associated with the Project, we recommend several mitigation measures (see list below).

The CA DOJ recommends:[10]

- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.

O3.35 cont.

[7] "Draft Environmental Impact Report (EIR) for the Proposed CADO Menifee Industrial Warehouse Project (Proposed Project)." SCAQMD, April 2024, *available at*: https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2024/april-2024/RVC240313-05.pdf?sfvrsn=8, p. 2 - 3.
[8] "Rule 218: Continuous Emission Monitoring." SCAQMD, March 2021, *available at*: https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-218.pdf.
[9] "Monitoring by Control Technique - Catalytic Oxidizer." U.S. EPA, *available at*: https://www.epa.gov/air-emissions-monitoring-knowledge-base/monitoring-control-technique-catalytic-oxidizer.
[10] *Ibid.* p. 9 – 10.

- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.

CEQA Guidelines 15126.4 (c)(3) include "[o]ffsite measures, including offsets that are not otherwise required, to mitigate a project's emissions" as an option for GHG mitigation.[11] An example of this was in the case of the Oakland Sports and Mixed-Use Project, where off-site reduction measures in the neighboring communities were recommended.[12] We recommend consideration of local carbon offset programs to reduce the Project's GHG impacts as a measure of last result. O3.35 cont.

We have recommended a series of mitigation measures, developed from sources such as CARB, the CA DOJ, and other agencies, aimed at reducing the Project's operational air quality and GHG emissions. These measures offer feasible strategies to integrate lower-emission design features, reducing emissions generated during both construction and operation phases. A revised EIR should be prepared, incorporating all feasible mitigation measures alongside updated air quality and GHG analyses, to ensure their implementation and to maximize emissions reductions.

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects 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. O3.36

[11] "Cal. Code Regs. tit. 14 § 15126.4." CEQA Guidelines, May 2024, *available at*: https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-9-contents-of-environmental-impact-reports/section-151264-consideration-and-discussion-of-mitigation-measures-proposed-to-minimize-significant-effects.

[12] "Cal. Pub. Resources Code § 21168.6.7." 2023, *available at*: https://casetext.com/statute/california-codes/california-public-resources-code/division-13-environmental-quality/chapter-6-limitations/section-2116867-oakland-sports-and-mixed-use-project-conditions-for-approval-certification-of-project-for-streamlining.

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

Attachment A: Matt Hagemann CV
Attachment B: Paul Rosenfeld CV

Attachment A

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 – 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann**, M., 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and Hagemann, M.F. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

Attachment B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE
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Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* 233, 171.

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

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Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

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Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

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Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

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Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld.** (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust.* Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives.* Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association.* Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum.* Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable.* Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost. *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association.* Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association.* Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association.* Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference.* Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association.* Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings.* Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America.* Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation
Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al.cvs. Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. CV20127-094749
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al vs. CNA Insurance Company et al.
Case No. 1:17-cv-000508
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant
Case No. 1716-CV10006
Rosenfeld Deposition 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.
Case No. 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" Defendant.
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No. BC615636
Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs vs. The 3M Company et al., Defendants
Case No. 1:16-cv-02531-RBJ
Rosenfeld Deposition 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No. 1923
Rosenfeld Deposition 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintifs vs. Chevron Corporation, et al., Defendants
Cause No. C12-01481
Rosenfeld Deposition 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No. LC102019 (c/w BC582154)
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., Plaintiffs, vs. Meritor Inc., et al., Defendants
Case No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No. RG14711115
Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No. LALA002187
Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No. 4980
Rosenfeld Deposition May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case No. CACE07030358 (26)
Rosenfeld Deposition December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, Plaintiff, vs. Aruba et al, Defendant.
Case No. cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.
Civil Action No. 2:09-cv-232-WHA-TFM
Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants
Civil Action No. CV 2008-2076
Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.
Case No. 2:07CV1052
Rosenfeld Deposition July 2009

3.12 RESPONSE TO LETTER O3: BLUM, COLLINS, & HO LLP, ON BEHALF OF GOLDEN STATE ENVIRONMENTAL JUSTICE ALLIANCE (GSEJA), DATED NOVEMBER 4, 2024

Comment O3.1: This comment provides an introduction to the comment letter and states that the comment is submitted on behalf of the Golden State Environmental Justice Alliance (GSEJA). Additionally, it states that GSEJA requests to be notified regarding any subsequent environmental documents, public notices, and public hearings for the Project.

Response O3.1: GSEJA will be added to the City of Palmdale's notification list for the Project and will be notified of any subsequent environmental documents, public notices, and public hearings regarding the proposed Project. The comment is introductory in nature and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment O3.2: This comment includes a project summary of the proposed Project. The comment also lists the discretionary actions needed to complete the Project.

Response O3.2: The comment provides a summary of the proposed Project and does not raise a specific issue with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is required or provided.

Comment O3.3: The comment states that the EIR does not accurately describe the Project. This comment expresses concern that the Project is piecemealed and all of Transwestern's buildings should be analyzed as a whole. The comment references 40347 Legacy Lane which is a 98,850 square foot warehouse project in the City of Palmdale, and states that Projects were known to the lead agency. The comment references CEQA Section 15161 and states that the specific development project is the construction and operation of all Transwestern Development Company buildings. Lastly, the comment states that the project EIR must be prepared which accurately represents the whole of the action without piecemealing the project into separate, smaller development projects or development areas to present unduly low environmental impacts.

Response O3.3: The comment does not provide any substantial evidence of an environmental impact or substantial evidence that the 40347 Legacy Lane is directly tied to the Palmdale Logistics Project, and therefore the commenter's assertions that the Project is part of a larger piecemealed project are based on speculation.

The commenter's explanation of piecemealing is inaccurate. Activities that would operate independently of one another and can be implemented separately may be treated as separate projects under CEQA if one activity is not a foreseeable consequence of the other (see *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266, 281). Generally, courts have considered distinct activities as one CEQA project and required them to be reviewed together: (1) when the project under review is designed to provide the necessary first step toward a larger development; and (2) when development of the project under review requires or presumes completion of another activity. Neither scenario is appliable here. Instead, each of the projects identified have independent utility. That is, the approval or denial of one project has no effect on the other projects, and none of the projects are dependent upon the existence of any of the other projects. The 40347 Legacy Lane Project is located approximately 6.5 miles southwest of the Project site, and it was submitted separately from the proposed Project and is not a phase of the proposed Project. Further, the 40347 Legacy Lane and associated environmental document was approved on January 2023, by the Planning Commission. Therefore, the Draft EIR accurately represents the whole of the action and evaluates the potential environmental impacts pursuant to CEQA. The proposed Project is limited to development and operation of the Project site and is not part of other development projects. As such, no revisions to the Draft EIR are warranted, and no further response is required.

Comment O3.4: The comment states that the Project Description does not provide a floor plan, detailed site plan, grading plan, written narrative, or detailed elevations. The comment states that a few figures have been edited to remove meaningful information such as the legend and key notes. The comment states that the elevations do not provide the height of the buildings which is vital as the project requests to exceed the maximum height permitted by the General Plan.

Response O3.4: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. Pursuant to CEQA Guidelines Section 15124, the Project Description "should not supply extensive detail beyond that needed for the evaluation and review of the environmental impact." The proposed Project is thoroughly described within Draft EIR Section 3.0, *Project Description*. In addition, a Conceptual Site Plan, Building Elevations, and Landscape Plans are provided as Figures 3-8, 3-9a, 3-9b, 3-10a, and 3-10b, in Section 3.0, *Project Description*. Analysis under this Draft EIR have all utilized these same graphics and plans. As such, the level of detail needed for the evaluation of the Project by the public and decision makers and for the review of the Project's environmental impacts is adequate within the Project Description. Details including the floor area ratio are provided in the Project Description starting on page 1-2 of the Draft EIR. As demonstrated by *Citizens for a Sustainable Treasure Island v. City & County of San Francisco (2014) 227 CA4th 1036, 1053,* the EIR's description of the proposed Project should identify the Project's main features and other information needed for an analysis of the Project's environmental impacts. As long as the requirements set forth in CEQA Guidelines Section 15124 are met, the Project Description may allow for the flexibility needed to respond to changing conditions that could impact the Project's final design. As such, detailed grading plans for all buildings are not required to be included in the Draft EIR's Project Description and a general description of the Project and conceptual plans are allowed. While the elevations do not provide the height of the buildings, Section 3.7.3, *Building and Architecture*, of the Draft EIR Project Description, states that the proposed buildings would be single-story and approximately 56 feet and 9 inches tall. Section 3.7.1, *Project Overview*, describes that the Project includes a Conditional Use Permit (CUP) that is required for additional building height. Should the Project be approved, design level civil engineering plans would be prepared and reviewed by the appropriate City departments prior to any construction on the Project site.

Accordingly, the Project Description provided within the Draft EIR is sufficient, and no revisions are warranted in response to this comment.

Comment O3.5: The comment states that while the Draft EIR includes earthwork information, there is no method for the public or decision makers to verify the information. The comment further states that providing the grading plan and earthwork quantity notes as an attachment for public review is vital as it directly informs the quantity of necessary truck hauling trips due to soil import/export during the grading phase of construction. The comment concludes that the EIR must be revised to include adequate detailed project grading plan for public review.

Response O3.5: Section 5.14, *Transportation*, of the Draft EIR includes earthwork quantities and truck trip estimates based on grading assumptions to accurately analyze the Project's potential impacts from various perspectives (Draft EIR Page 5.14-9). Detailed grading plans are reviewed and approved by the City during the permitting process to ensure compliance with applicable regulations. If new significant impacts are identified during this process, additional environmental review would be required. Therefore, the earthwork information in the Draft EIR is verified through the City's permitting process and confirmed to be adequate and accurate for the Project. No changes are necessary, and no revisions have been made to the EIR. As such, no further response is warranted.

Comment O3.6: This comment states that the Draft EIR does not include analysis of relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed Project to the surrounding community. The comment states that according to the CalEnviroScreen 4.0, the proposed Project's census tract ranks in the 89th percentile for ozone burden which is attributed to heavy traffic, 100th percentile

for toxic releases, and the 93rd percentile for solid waste facility impacts. The comment also states that the census tract and surrounding community bear the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen.

Response O3.6: This comment does not provide any substantial evidence that the Project would result in a significant environmental impact. CEQA is an environmental protection statute that is concerned with physical changes to the environment (CEQA Guidelines Section 15358(b)). The Project's potential environmental justice effects are social issues that are not considered effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Thus, consistent with CEQA, the Draft EIR includes an analysis of the Project's potentially significant physical impacts on the environment, and no changes to the Draft EIR are warranted.

The Draft EIR provides a detailed evaluation of the potential cumulative air quality related impacts of the proposed Project upon the surrounding community (localized impacts), starting on Page 5.3-25 of the Draft EIR, and pursuant to AVAQMD methodology and thresholds. Furthermore, the Draft EIR provides an evaluation of the potential for toxic releases starting on page 5.8-19 of the Draft EIR. As detailed in the Draft EIR, the Project would comply with existing Plans, Programs, and Policies. Specifically, the Los Angeles County Fire Department, as Certified Unified Program Agency, would require that future tenants that handle significant quantities of hazardous materials prepare Hazardous Materials Business Plans, which provide information to emergency responders and the general public regarding hazardous materials, and coordinates reporting of releases and spill response among businesses and local, state, and federal government authorities, as included as PPP HAZ-3.

The proposed development Project would also require implementation of a Water Quality Management Plan (WQMP), included as PPP HYD-2. BMPs would be incorporated in the WQMP that would protect human health and the environment should any accidental spills or releases of hazardous materials occur during operation of the Project, including onsite collection and treatment of potentially polluted runoff, as well as nonstructural maintenance implemented to prevent potentially hazardous spills or leaks of stored materials. Therefore, operations of the Project would not result in a significant hazard to the public or the environment through reasonably foreseeable upset and accident involving hazardous material.

The Draft EIR also provides a detailed evaluation of the potential cumulative water supply, water quality, hazardous waste, and solid waste impacts of the proposed Project. Regarding the existing pollution burden, the existing air quality in the Project area is described in Draft EIR Section 5.3, *Air Quality*. Table 5.3-2 provides data from the closest air quality monitoring station to the Project site (43301 Division Street, Lancaster Monitoring Station; 22224 Placerita Canyon Road, Santa Clarita Monitoring Station; 1630 N. Main Street, Los Angeles Monitoring Station). Data from the air quality monitoring stations indicates that, the federal PM_{10} standard had one exceedance in 2020, one exceedance in 2021, and no exceedances in 2022. The State PM_{10} standard had an unknown number of exceedances during the three-year period. The $PM_{2.5}$ federal standard had nine exceedances in 2020, one exceedance in 2021, and an unknown number of exceedances in 2022. The State 1-hour ozone standard was exceeded four times in 2020. The State 8-hour ozone standard was exceeded eight times in 2020, four times in 2021, and an unknown number of times in 2022. The federal 8-hour ozone standard was exceeded eight times in 2020, three times in 2021, and 33 times in 2022. The CO, SO_2, and NO_2 standards were not exceeded in this area during the three-year period. While the Project vicinity has experienced exceedances of State and federal standards, the thresholds set forth by the SCAQMD are intended to be health protective and are based on Clean Air Act standards and recommendations by the EPA. Although there has been an increase in development in the

Mojave Desert Air Basin, emissions concentrations have declined, and air quality has generally improved over the last 30 years largely due to cleaner air vehicles and fuel requirements.[5]

A Health Risk Assessment (included in Appendix B of the Draft EIR) was prepared to evaluate the construction and operational health risks to offsite receptors. As discussed on page 5.3-26 of the Draft EIR, during construction, the maximum cancer risk for the maximally exposed individual (MEI) sensitive receptor would be approximately 0.21 in one million, which would not exceed the AVAQMD cancer risk threshold of 10 in one million. The worker receptor risk would be lower at approximately 0.12 in one million, which would also not exceed the AVAQMD cancer risk thresholds. The total chronic hazard index would be less than 0.001 for the sensitive and worker receptor MEI, which are below the threshold of 1.0. In addition, the total acute hazard index would be nominal (0.000), which would also not exceed the threshold of 1.0. As discussed on page 5.3-27 of the Draft EIR, during operation, the maximum cancer risk for the sensitive receptor MEI would be approximately 5.66 in one million, which is less than the threshold of 10 in one million. The worker receptor risk would be approximately 2.56 in one million, which is also less than the threshold of 10 in one million. The total chronic hazard index would be 0.002 for the sensitive receptor MEI and 0.008 for the worker receptor MEI, which is below the threshold of 1.0. In addition, the total acute hazard index would be less than 0.001 for the sensitive receptor MEI and 0.003 for the worker receptor MEI, which would also not exceed the threshold of 1.0. As these results show, all health risk levels to nearby residents from construction and operation-related emissions would be well below the AVAQMD's HRA thresholds. Therefore, Project construction and operation emissions result in less-than-significant impacts related to sensitive receptors and substantial pollutant concentrations. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses.

The Draft EIR also included a long-term microscale (CO Hot Spot) analysis on page 5.3-25 which determined Project-related vehicles are not expected to contribute significantly to result in the CO concentrations exceeding the State or federal CO standards. Therefore, the Project would not impact nearby residences or schools.

In light of the foregoing, the EIR accurately characterizes the potential impacts to the surrounding community, and finds them to be less than significant. Accordingly, no changes are necessary, and no revisions have been made to the EIR. As such, no further response is warranted.

Comment O3.7: This comment states that CalEEMod is not listed as an approved energy compliance modeling software. The comment states that since the EIR did not accurately or adequately model impacts in compliance with Title 24, a finding of significance must be made and a revised EIR with modeling in one of the three approved software types must be circulated for public review in order to adequately analyze the Project's potentially significant environmental impacts.

Response O3.7: The commenter incorrectly assumes the purpose of Title 24 and California Energy Commission approved software programs. The approved programs serve the purpose of being used under the performance approach (energy budget) method of compliance for Energy Standards. CBECC is an open-source software program developed by the California Energy Commission for use in complying with the Title-24 Non-Residential Building Energy Code; energyPRO is a software for modeling and analyzing Complex Energy Projects with combined supply of electricity and thermal energy; and IES VE is a software used by

[5] Mojave Desert Air Quality Management District. (n.d.). *About air quality*. Retrieved April 3, 2025, from https://www.mdaqmd.ca.gov/air-quality/about-air-quality#:~:text=In%20years%20past%2C%20air%20quality,residents%20living%20within%20MDAQMD's%20jurisdiction.

sustainable design experts an in-depth suite of integrated analysis tools for the design and retrofit of buildings. The programs mentioned are not intended to be utilized for CEQA analysis.

CalEEMod, the California Emissions Estimator Model, is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. The model was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts. The model was used in accordance with AVAQMD guidance for estimating emissions associated with land use development projects, as discussed in Appendix B, *Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report*, of the Draft EIR. Additionally, the Project would be compliant with measures set forth in Title 24, which would be verified through the plan check process. The comment does not contain any information requiring changes to the EIR. No further response is warranted.

Comment O3.8: This comment states that Table *5.7-5, Project Consistency with the CARB 2022 Scoping Plan,* provides misleading and erroneous consistency analysis with the document. The comment states that while the Draft EIR states the Project would be consistent with SB 32 goals to reduce GHG Emissions, the Project would generate 39,911.4 $MTCO_2e$ annually, which exceeds the threshold of 3,000 $MTCO_2e$ annually by more than 13 times which conflicts with the SB 32 and the CARB 2022 Scoping Plan. The comment further states that per SB 32 and the CARB 2022 Scoping Plan, because local governments have primary authority to plan, zone, approve, and permit how and where land is developed to accommodate population and employment growth and the changing needs of their jurisdictions, there is a clear connection between the impacts of individual development projects and the state's ability to achieve GHG and VMT reduction goals. The comment further states that the Draft EIR must therefore be revised to include a finding of significance here due to the project's direct conflict with CARB's 2022 Scoping Plan and statewide GHG reduction goals.

Response O3.8: The Draft EIR evaluates the Project's consistency with SB 32 and the CARB 2022 Scoping Plan by analyzing alignment with applicable measures and strategies. While the Project's annual GHG emissions of 39,911.4 $MTCO_2e$ exceed the 3,000 $MTCO_2e$ CEQA threshold, this impact is disclosed as significant and unavoidable starting on page 5.7-10 of the Draft EIR.

As discussed in Response O1.4, the Draft EIR appropriately distinguishes between the analyses of Threshold Greenhouse Gas Emissions-1 and Threshold Greenhouse Gas Emissions-2, as required by CEQA. For Threshold Greenhouse Gas Emissions-1, the Project's emissions exceed established thresholds, resulting in a finding of significant and unavoidable impact, which is clearly disclosed starting on page 5.7-10 of the Draft EIR. For Threshold Greenhouse Gas Emissions-2, the project was analyzed and determined to be consistent with applicable plans, policies, and regulations for reducing GHG emissions, resulting in a less-than-significant impact, as discussed starting on page 5.7-13 of the Draft EIR.

Additionally, as discussed in Response O1.8, CEQA does not require individual projects to achieve the 2022 CARB Scoping Plan targets independently but to align with applicable plans, policies, and regulations that collectively achieve these goals. The Project includes measures such as compliance with CALGreen and Title 24 standards (PPP GHG-1, Draft EIR p. 5.7-23), requirements for solar photovoltaic systems per Section 140.10 of the California Energy Code (PPP GHG-2, Draft EIR p. 5.7-23), and provides electric vehicle charging stations (Draft EIR p. 5.7-24), which align with the regulatory framework established by the 2022 Scoping Plan. While the Project does not independently meet 2050 per capita targets, it does not preclude the state's ability to achieve long-term climate goals. Therefore, the Project would result in less-than-significant impact under Threshold GHG-2. Therefore, the Draft EIR analyzed and demonstrated consistency with the 2022 CARB Scoping Plan, while also acknowledging the significant and unavoidable impact that would result from exceeding the CEQA threshold. Thus, no changes have been made to the EIR.

Comment O3.9: The comment states that the Draft EIR does not have meaningful evidence to support its conclusions that there would be a less-than-significant impact related to a safety hazard or excessive noise within two miles of a public airport. The comment states that while the Draft EIR states the Project would be consistent with ALUC, the EIR does not provide a copy of the alleged ALUC determination/approval for public review. The comment concludes that incorporation by reference is not appropriate as the ALUC and FAA determination letters contribute directly to the analysis, thus a revised EIR must be prepared to provide the ALUC and FAA determination letters as attachments for public review.

Response O3.9: The Draft EIR provides a detailed analysis of potential safety hazards and excessive noise impacts associated with the Project's proximity to the Palmdale Regional Airport/Air Force Plant 42 in Section 5.8, *Hazards and Hazardous Materials*, of the Draft EIR (starting on Page 5.8-20). As stated, the Project site is within the 65 dBA CNEL noise contour, which is deemed compatible for industrial uses under the ALUC Plan and the City's General Plan. The Project site is not located within an airport hazard zone or accident potential area, and impacts related to safety hazards and noise are determined to be less than significant.

The ALUC and FAA determinations referenced in the EIR are public records incorporated by reference, consistent with CEQA Guidelines. On November 1, 2023, the ALUC determined the Project's consistency with the Airport Land Use Plan, and on October 13, 2023, the FAA issued a Determination of No Hazard to Air Navigation. These determinations informed the EIR analysis and are available for public review upon request. Including the determinations as attachments to the Draft EIR is not required under CEQA and does not affect the adequacy of the EIR. For informational purposes, these determination letters have been attached to the Final EIR as Attachment B and Attachment C. Therefore, no revisions to the EIR are necessary.

Comment O3.10: The comment states that the Draft EIR does not discuss or analyze the project's request for a Conditional Use Permit (CUP) to construct a 56 foot 9 inch tall building. The comment further states that the Palmdale Municipal Code does not describe or provide findings for deviations from development standards such as height and that a Variance would be required instead. The comment states that it is unknown if the FAA or ALUC have reviewed the height of the buildings as proposed and that the Draft EIR provides erroneous entitlement information regarding the project's requested development standard deviations. The comment concludes that the Draft EIR must be revised to include meaningful evidence to support a less than significant finding.

Response O3.10: The Draft EIR discloses the Project's request for a Conditional Use Permit (CUP) to allow for a building height of 56 feet 9 inches on page 3-15 of Section 3.0, *Project Description*. As shown on Table 5.1-1 of Section 5.1, *Aesthetics*, the additional building height is allowed with approval of a CUP pursuant to Palmdale Municipal Code (PMC) Chapter 17.22, Conditional Use Permit and PMC Section 17.66.010, Note 1 to Table to 17.66.010-1. The Planning Commission would review the CUP as part of Project approval. The FAA and ALUC have reviewed the proposed building heights. On October 13, 2023, the FAA issued a Determination of No Hazard to Air Navigation, and on November 1, 2023, the ALUC determined the Project is consistent with the Airport Land Use Compatibility Plan. Both determinations confirm the proposed building height does not pose safety hazards or exceed regulatory standards (Draft EIR Section 5.8, p. 5.8-24). As such, the Draft EIR analyzed the additional building height and request for a CUP, and both the FAA and ALUC have considered the additional building height as well. Therefore, no further response is warranted, and no changes were made to the Draft EIR.

Comment O3.11: This comment states that the Draft EIR also requires the building rooftops to be solar ready as a mitigation measure, which will increase the overall height of the Project and that this has not been analyzed by the FAA. The comment further states that solar panels produce glare from sunlight, which is a hazard to flight that has not been analyzed by the FAA or the Draft EIR. The comment concludes that the Draft EIR must be revised to include a finding of significance with meaningful evidence to support a less than significant finding.

Response O3.11: The Draft EIR includes a Project Design Feature requiring building rooftops to be solar-ready, consistent with CALGreen Code. This requirement is standard and does not add significant height to the buildings. Similar to rooftop equipment such as air conditioning units, the inclusion of solar-ready features does not significantly increase the height of the buildings. The solar-ready roof requirement is an existing regulation applicable throughout California. As such, both the FAA and ALUC reviews of the Project would have accounted for solar-ready and potential solar installation requirements. Furthermore, modern solar panels are equipped with anti-reflective coatings to minimize glare, making the potential for glare impacts negligible[6]. As such, the Draft EIR adequately analyzes the Project's compliance with applicable regulations, and no revisions are necessary.

Comment O3.12: This comment states that the Draft EIR concludes that the Project is consistent with the General Plan without considering the EIR's conclusion that the Project will result in significant and unavoidable cumulatively considerable impacts to Agriculture, Air Quality, Greenhouse Gas Emissions, and Transportation. The comment also states that the Draft EIR is inadequate as an informational document and therefore a revised Draft EIR must be prepared with a consistency analysis that considers the project's significant and unavoidable impacts in its analysis. The comment specifically calls out the following 15 goals and policies that should be included: Goal LUD 1; Goal LUD 2; Policy LUD 2.1; Policy LUD 3.1; Policy LUD 4.3; Policy LUD 4.8; Policy CM 2.2; Policy CM 2.3; Policy CM 2.4; Goal CM 6; Policy CM 6.1; Goal EHC 12; Goal SCR 1; Policy SCR 1.1; Goal SCR 4.

Response O3.12: The Draft EIR evaluates the Project's consistency with applicable City of Palmdale General Plan. While the Project results in significant and unavoidable impacts to Agriculture, Air Quality, Greenhouse Gas Emissions, and Transportation, CEQA does not require a project to be consistent with every policy or goal in order to be consistent with the General Plan. Consistency is determined based on alignment and assessment with the General Plan's objectives, as detailed in Section 5.10, *Land Use and Planning*, of the Draft EIR. The specific Goals and Policies listed in the comment are not included in the General Plan Consistency analysis of the Draft EIR as they were determined to not be applicable to the Project for the following reasons:

- **Goal LUD-1 Complete Neighborhoods where residents can reach daily amenities, local retail, services, parks, and public facilities within a short 20-minute walk:** The Project is consistent with this goal because it locates this industrial use in an area that does not conflict with an existing local neighborhood that serves residents. Further, as discussed on page 5.10-15 of the Draft EIR, Policy LUD-14.3 calls for the buffering of the Plant 42 area from adjacent non-compatible residential and commercial uses. This Project contemplates both of these goals because it creates the buffer as referenced in Policy LUD-14.3, while also not interfering with the development of Complete Neighborhoods.
- **Goal LUD-2 A City that supports and encourages new growth in the developed urban core:** The Project is consistent with this goal because it locates this industrial use in an area that does not conflict with the development of the City's urban core. Further, as discussed on page 5.10-15 of the Draft EIR, Policy LUD-14.3 calls for the buffering of the Plant 42 area from adjacent non-compatible residential and commercial uses. This Project contemplates both of these goals because it creates the buffer as referenced in Policy LUD-14.3, while also not interfering with the development of an urban core.
- **Policy LUD-2.1 Focused Growth. Direct future growth to areas closer to the center of town, which can accommodate development based upon topography, environmental factors, and availability of existing infrastructure:** As discussed on page 5.10-15 of the Draft EIR, Policy LUD-14.3 calls for the

[6] Massachusetts Department of Energy Resources. (2015). *Solar PV guide: A consumer guide to solar electricity for the Massachusetts homeowner* (Version 2.0). Massachusetts Executive Office of Energy and Environmental Affairs.

buffering of the Plant 42 area from adjacent non-compatible residential and commercial uses. The Project services the goal of Policy LUD-14.3, and does not otherwise conflict with Policy LUD-2.1, as future growth can continue to be developed within the center of town.

- **Policy LUD-3.1 Planned Future Uses. Develop multiple educational districts, multiple medical districts, a new passenger airport, a new highspeed rail facility, and abundant new parks and trails:** The Project does not conflict with this goal as these other uses can still be accommodated throughout the City. Further, the continued development of the Project site with uses that do not conflict with the airport use, will allow for the development/expansion of the airport in the future if such a use is ever proposed. **Policy LUD-4.3 Long-Lasting Building Materials. Convey façade articulation through the strength, depth, and permanence of building materials. Thinner cladding materials, such as stucco, masonry veneers, and wood or simulated wood, may be used when finished to appear as durable and authentic as the materials they simulate.** This Policy is discussed in Table 5.10-1 of Section 5.10, *Land Use and Planning*. As shown in the Table, the Project was found to be consistent with this Policy because the proposed buildings would consist of a variety of durable materials that would include blue reflective glazing, grizzle gray paints at canopy, and pure whites and grays. The materials and color schemes would be reviewed and approved by the City during the permitting process.
- **Policy LUD-4.8 Environmental Design. Design sites and buildings adjacent to natural areas with transparent design elements. Employ bird-safe design near habitat areas or migratory routes.** This Policy is not applicable as the Project site is not adjacent to designated habitat areas or migratory routes. As described on page 5.4-4 of the Draft EIR, the nearest preserved habitat is located approximately 7.94 miles southeast of the Project site and the Project site. The Project site is separated from preserved areas by industrial and agricultural development and by several heavily trafficked roadways.
- **Policy CM-2.2 Multimodal travel. Prioritize safety, operations, and comfort for active and transit modes on streets that have been identified as part of the multimodal network.** As discussed in Section 5.14.6, *Environmental Impacts*, in Section 5.14, *Transportation*, of the Draft EIR, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system. As detailed in Section 3, *Project Description*, the Project includes the construction of a 12-foot bike trail along East Avenue M/Columbia Way, along the Project's frontage. The Project would also add new pavement, curb and gutter, and sidewalk to 30th Street. As a result, the Project would provide new bicycle facilities and expand bicycle circulation. Therefore, the Project is consistent with this Policy.
- **Policy CM-2.3 Intersection Design. Prioritize safety and mobility for non-motorized modes in all intersection designs.** As discussed in Section 5.14.6, *Environmental Impacts,* in Section 5.14, *Transportation* (page 5.14-12 of the Draft EIR), the Project would not increase hazards due to a geometric design feature or incompatible uses. Onsite traffic signing and stripping would be implemented. Additionally, sight distance at the Project's access points would be reviewed with respect to City standards at the time of final grading, landscape, and street improvement plan reviews. Project frontage improvements and site access points would be constructed to be consistent with the identified roadway classifications and respective cross-sections in accordance with the City of Palmdale General Plan Circulation and Mobility Element. Compliance with existing regulations would be ensured through the City's construction permitting process. Therefore, the Project is consistent with this Policy.
- **Policy CM-2.4 Network connectivity. Prioritize multimodal infrastructure that connects existing development with future infill development areas (i.e., gap closure projects).** As detailed in Section 3.0, *Project Description*, the Project includes the construction of a 12-foot bike trail along East Avenue M/Columbia Way, along the Project's frontage. The Project would also add new pavement, curb and gutter, and sidewalk to 30th Street. Development along the Project's frontage will allow for network connectivity to future development in the area. Therefore, the Project is consistent with this Policy.
- **Goal CM-6 Build and maintain a transportation system that leverages the City's natural setting and reduces impacts to the environment.** As discussed in Section 5.14.6, *Environmental Impacts*, in Section

5.14, *Transportation*, of the Draft EIR, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system. The Project would construct two new roadways adjacent to the Project site and along the Project's frontage limits: 35th Street East would run along the east side of the Project site, and Avenue L-8 would run along the north side of the Project site. These roadways would be constructed to be consistent with the identified roadway classifications and respective cross-sections in accordance with the City of Palmdale General Plan Circulation and Mobility Element. Compliance with existing regulations would be ensured through the City's construction permitting process. Therefore, the Project is consistent with this Policy.

- **Policy CM-6.1 Vehicle miles traveled. Prioritize transportation investments and strategies that create opportunities for residents to reduce Vehicle Miles Traveled.** As discussed in Section 5.14.6, *Environmental Impacts*, of the Draft EIR, the Project includes Mitigation Measure M-1 that requires implementation of a marketing strategy and information sharing to promote and educate employees about their travel choices to the employment location; and Mitigation Measure T-2 that requires implementation of a rideshare program to encourage carpool vehicles, thereby reducing the number of trips, VMT, and GHG emissions. Therefore, the Project is consistent with this Policy.
- **Goal EHC-12 A City designed to improve air quality and reduce disparate health impacts.** This goal focuses on citywide planning and policy efforts, not individual development projects.
- **Goal SCR-1 Achieve a carbon neutral community by 2045 (EO B-55-18).** This goal focuses on citywide planning and policy efforts, not individual development projects.
- **Policy SCR-1.1 CAP Maintenance. Maintain and regularly update a Climate Action Plan to reduce GHGs generated within the City.** This goal focuses on citywide planning and policy efforts, not individual development projects.
- **Goal SCR-4: Reduced greenhouse gas emissions from transportation (SB 379, EO N-79-20).** This Goal was discussed in Table 5.10-1 of Section 5.10, *Land Use and Planning*. As shown in the Table, the Project was found to be consistent with this Goal.

The comment does not provide any substantial evidence for the claim that the Draft EIR is inadequate, or that the Project would result in any potentially significant land use impacts that were not otherwise assessed in the Draft EIR. The Draft EIR demonstrates that the Project is consistent with the General Plan's intent and the City's zoning regulations, and no revisions are required.

Comment O3.13: This comment states that Table 5.10-1, *General Plan Consistency Analysis*, includes a misleading and erroneous consistency analysis therefore the Draft EIR must be revised to provide accurate information. The comment references Policy AQ-3-7 which pertains to ensuring that emissions of toxic air contaminants be minimized and significant health effects associated with the emissions are appropriately mitigated. The comment further states that because the Project would result in an exceedance of AVAQMD daily thresholds in CO and PM_{10}, and yearly thresholds for PM_{10}, and because the mitigation proposed does not appropriately mitigate the emissions of toxic air contaminants, the Draft EIR should be revised to reflect inconsistency with this policy.

Response O3.13: The Draft EIR appropriately evaluates consistency with Policy AQ-3.7, which requires minimizing emissions of toxic air contaminants (TACs) and mitigating significant health effects. As stated in Table 5.10-1, the Project would implement mitigation measures MM AQ-1 through MM AQ-14 to minimize TAC emissions to the greatest extent feasible. While the Project would exceed AVAQMD daily and yearly thresholds for certain pollutants, the health risk analysis presented in Tables 5.3-7 and 5.3-8 demonstrates that health risk impacts during construction and operation would remain less than significant. Policy AQ-3.7 does not mandate the complete elimination of emissions but ensures efforts to minimize them and address potential health effects. The Draft EIR provides a thorough analysis consistent with this policy showing that the Project's air quality impacts are minimized to the extent feasible, and also showing that no acute risks

are posed to the surrounding community from the Project's impacts. Therefore, no revisions to the EIR are necessary.

Comment O3.14: The comment states that the Draft EIR determined consistency with Policy LUD-4.2-Use building organization and massing to derive scale and articulation rather than surface ornamentation, because the Project would include a materials board showing the proposed building color palette for review and approval prior to issuance of the first building permit. The comment also states that the Project would use various building materials, windows, building heights and setback variations with landscaping in order to reduce the visual mass and scale of the building. The commenter however, claims that the EIR relies on surface ornamentation, such as windows and materials, in an attempt to reduce mass and scale, and cites building height as a method for achieving this reduction. The commenter argues that this approach is misleading and erroneous because the Project requires a Variance to construct the buildings at a height more than 13 percent above the maximum allowable height. The commenter therefore concludes that the building's height will contribute significantly to its mass and will not comply with the policy and the Draft EIR must be revised to include a finding of significance due to inconsistency.

Response O3.14: The Draft EIR evaluates the Project's consistency with Policy LUD-4.2, which emphasizes using building organization and massing to derive scale and articulation rather than surface ornamentation. As noted in Table 5.10-1, the Project incorporates a variety of building materials, windows, building heights, setback variations, and landscaping to reduce visual mass and scale, consistent with the policy. These features are standard design elements that contribute to massing and articulation and are not solely decorative.

The building height is evaluated as part of the Project's design and is subject to approval through the Conditional Use Permit process, which allows for modifications to development standards, including height. Therefore, the Draft EIR's analysis remains accurate, and no revisions are required.

Furthermore, the comment fails to provide any evidence to support the claim that the Project's design would result in the Project being deemed inconsistent with the General Plan.

Comment O3.15: The comment states that although the Draft EIR determined consistency with Goal SCR-4: Reduced greenhouse gas emissions from transportation, because the Project would include bicycle parking facilities and EV chargers, the Draft EIR excludes that the Project will generate 39,911.4 $MTCO_2e$ annually and that 74 percent of Project GHG emissions would be attributed to transportation/mobile sources, meaning that the project will markedly increase greenhouse gas emissions from transportation. The comment concludes that the Draft EIR must be revised to include a finding of significance due to the project's inconsistency with this policy.

Response O3.15: The Draft EIR determines consistency with Goal SCR-4 by recognizing the Project's incorporation of bicycle parking facilities and EV chargers, as noted in Section *5.7, Greenhouse Gas Emissions*, of the Draft EIR, to reduce transportation-related emissions. While 74 percent of the Project's GHG emissions are attributed to transportation, the goal encourages mitigation efforts to reduce emissions, and does not require that a project result in no potential GHG impact. In this case, the Project aligns with this goal by mitigating potential impacts to the extent feasible, while still disclosing significant and unavoidable GHG impacts. As such, no revisions to the Draft EIR are required.

Comment O3.16: The comment states that Draft EIR Table 5.10-2, *SCAG RTP/SCS Consistency Analysis*, concludes that the Project is consistent with the goals of Connect SoCal but that the EIR does not provide any meaningful evidence to support this conclusion; therefore, the Draft EIR does not provide meaningful disclosure. The comment also states that although Table 5.10-2 of the Draft EIR concludes that the Project is consistent with Goal 5 (to reduce greenhouse gas emissions and improve air quality), the Project's significant and unavoidable cumulatively considerable Air Quality and Greenhouse Gas Emissions would conflict with Goal 5. The comment further states that due to errors in modeling, modeling without supporting evidence,

and the EIR's conclusion that the Project would result in significant and unavoidable impacts to Agriculture, Air Quality, Greenhouse Gas Emissions, and Transportation (VMT), the proposed project is directly inconsistent with Goal 5 (to reduce greenhouse gas emissions and improve air quality), Goal 6 (to support healthy and equitable communities) , and Goal 7 (to adapt to a changing climate). The comment states that the Draft EIR must therefore be revised to include finding of significance due to inconsistency with the RTP/SCS.

Response O3.16: The Draft EIR evaluates consistency with the goals of the SCAG RTP/SCS,[7] as summarized in Table 5.10-2. While the Project has significant and unavoidable impacts related to Air Quality, Greenhouse Gas Emissions, and Transportation, these impacts are disclosed and mitigated to the extent feasible, consistent with CEQA requirements. These findings of significant and unavoidable impacts do not render the Project inconsistent with Goal 5 (to reduce greenhouse gas emissions and improve air quality), Goal 6 (to support healthy and equitable communities), and Goal 7 (to adapt to a changing climate), as these goals do not mandate complete avoidance of impacts but instead encourage alignment with broader regional strategies. The Project's design and mitigation measures align with these strategies and do not preclude SCAG from achieving its regional objectives. Therefore, the consistency analysis remains accurate, and no revisions to the EIR are necessary.

Comment O3.17: The comment states that Draft EIR does not discuss or analyze the project's request for a Conditional Use Permit to construct a 56 foot 9 inch tall building, which exceeds the maximum building height of 50 feet allowed by both the Industrial land use designation and the City's Municipal Code. The comment further states that the Palmdale Municipal Code does not describe or provide findings for deviations from development standards such as height. The comment states that Palmdale Municipal Code Section 17.2312 provides an application process and findings for deviations from development standards and that a request to deviate more than 10 percent above an applicable development standard requires a Variance. The comment thus states that to construct the proposed buildings 13.5 percent above the maximum height limit, a Variance would be needed thus the Draft EIR is inadequate as an informational document since it excludes this information. The comment concludes that the Draft EIR must be revised to include a finding of significance as it has not provided any meaningful evidence to support a less than significant finding.

Response O3.17: As stated in Response O3.10, the Draft EIR discloses the Project's request for a Conditional Use Permit (CUP) to allow a building height of 56 feet 9 inches on Page 3-15, Section 3.0, *Project Description*, of the Draft EIR. The additional height is permitted with a CUP approval under PMC Chapter 17.22 and Permit and PMC Section 17.66.010, Note 1 to Table to 17.66.010-1, as noted in Table 5.1-1. A Variance is not required, as the CUP process allows for such modifications. The Planning Commission would review the CUP as part of Project approval. The Draft EIR adequately discloses the building height and CUP request, and no revisions are necessary.

Comment O3.18: The comment claims that the growth generated by the proposed project has not been analyzed in accordance with the General Plan growth forecasts and buildout estimates. The comment requests that a revised EIR be prepared with this information for discussion and analysis.

The comment cites Table 2-4, *Plan and SCAG Forecasts for Commercial/Industrial Development and Job Growth, 2016-2045*, of the City's General Plan Final EIR, which states that the industrial buildout square footage for the City is 10,046,865 SF of building area at General Plan buildout. The comment further states that the proposed 3,001,712 SF Project is approximately 29.9 percent of the General Plan buildout attributed to a single project, and that the Draft EIR did not provide any analysis of this information and

[7] SCAG (Southern California Association of Governments). (2020). *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy*. Adopted September 2020. https://scag.ca.gov/sites/default/files/2024-05/0903fconnectsocal-plan_0.pdf

whether the proposed project in combination with cumulative development exceeds the projected buildout scenario.

The comment provides the square footage for the following recent industrial projects: Antelope Valley Commerce Center 14 (8,241,552 SF), Site Plan Review 22-015 (100,000 SF), Site Plan Review 22-013 (1,432,000 SF), and Site Plan Review 22-012 (380,410 SF). These projects combined with the proposed project totals 13,155,674 SF, which is approximately 130.9 percent of the General Plan buildout analysis accounted for by only five recent projects. The comment claims that the proposed project exceeds the City's General Plan buildout analysis for Industrial development through 2045 only a few years into plan implementation, which is a significant impact. Lastly, the comment requests that a revised EIR be prepared to include this analysis in order to provide an adequate and accurate environmental document and include a finding of significance due to the project's inconsistency with the General Plan buildout scenario.

Response O3.18: Project impacts related to conflicts with any land use, policy, or regulation are analyzed in Section 5.10, *Land Use and Planning*, of the Draft EIR. As stated on Section 5.10.5, *Environmental Impacts*, the proposed Project would be consistent with the site's land use designation of Industrial (IND) and zoning of Heavy Industrial (HI). The IND land use designation is intended to allow a variety of industrial uses including manufacturing, warehousing distribution, and similar uses. The Heavy Industrial (HI) zone provides for a range of medium to high intensity industrial uses such as manufacturing, assembly, warehousing, and distribution. Therefore, employment generating uses at the site have been planned for in the City's General Plan and zoning ordinance.

Development assumptions and scenarios presented in the City's General Plan EIR should not be considered a "cap" on permissible acreage or square footage buildout. Instead, that General Plan EIR was adopted in support of the City's approval of the General Plan for the purposes of complying with CEQA. However, the General Plan itself includes no such cap. As such, for the purposes of this Project, the relevant CEQA review is the Draft EIR and its supporting documents, and the analysis is focused on whether or not the Project is consistent with the City's existing General Plan, which the Draft EIR shows is the case. Additionally, cumulative projects are properly included in Table 5-1 of the Draft EIR and accounted for throughout the analysis of the Draft EIR.

An analysis of the Project's consistency with the General Plan goals and policies is provided in Table 5.10-1, Page 5.10-13, of the proposed Projects' Draft EIR. As shown on Table 5.10-1 the proposed Project is consistent with applicable General Plan goals and policies. Therefore, the proposed Project would not result in significant cumulative impacts related to Land Use and Planning.

Therefore, the Draft EIR adequately analyzed impacts related to land use and planning because the General Plan EIR disclosed that buildout of the General Plan would exceed SCAG projections. No changes are required to the Draft EIR.

Comment O3.19: The comment claims that the Draft EIR utilizes uncertain language and does not provide any meaningful analysis or supporting evidence to substantiate the conclusion that there will be no significant impacts to population and housing. The EIR states that, "The employees that would fill these roles are *anticipated* to come from within the *region*, as the unemployment rate of the City of Palmdale as of December 2023 was 6.4 percent, City of Lancaster was 6.6 percent and County of Los Angeles was 5 percent." The EIR also states that, "Due to these levels of unemployment, it is anticipated that new employees at the Project site would already reside within c*ommuting distanc*e and would not generate needs for any housing."

The comment further claims that the EIR also does not provide evidence that the specific workforce listed is qualified for or interested in work in the industrial sector to substantiate these claims. The comment states that, relying upon the labor force within an undefined distance (within the greater Los Angeles County area

at minimum) would increase project generated VMT during all phases of construction and operation, and states that a revised EIR must be prepared to account for longer trip distances.

Response O3.19: Impacts related to population and housing are analyzed in Section 5.12, *Population and Housing*, of the Draft EIR. As described in Section 5.12.6, *Environmental Impacts*, the Project would not induce substantial population growth in an area beyond what is forecasted, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). The comment correctly summarizes that the EIR states that, "The employees that would fill these roles are anticipated to come from within the region, as the unemployment rate of the City of Palmdale as of December 2023 was 6.4 percent, City of Lancaster was 6.6 percent and County of Los Angeles was 5 percent." The EIR also states that, "Due to these levels of unemployment, it is anticipated that new employees at the Project site would already reside within commuting distance and would not generate needs for any housing." Regarding the comment's claims that the EIR also does not provide evidence that the specific workforce listed is qualified for or interested in work in the industrial sector to substantiate these claims, page 6-3 of the Draft EIR states that, should the proposed Project require employees to relocate to the area for work, there is sufficient vacant housing available within the region. Within the City of Palmdale, there are 50,094 housing units, 2.7 percent of which are vacant (California Department of Finance, 2023). Thus, the Project would not induce substantial growth in the area and cause the need for additional housing. Therefore, the Draft EIR provides substantial evidence that the Project would not induce substantial population growth beyond what is forecasted, and no updates are required to the Draft EIR.

Regarding the comment that a revised EIR must be prepared to account for longer trip distances, VMT impacts are analyzed in Section 5.14, *Transportation*, of the Draft EIR. As discussed on Page 5.14-7, the VMT analysis was conducted in accordance with the LA County TIA Guidelines for VMT analysis. Per the County's criteria, the Project VMT analysis (included in Appendix J of the Draft EIR) used the SCAG Model A data request was submitted to the City of Palmdale, and in response, the City provided updated land use data for the SCAG Model. As such, the VMT was conducted using the SCAG Model with the most recent Palmdale land use data at the time of preparation of the Draft EIR. Therefore, the Draft EIR provides a complete and adequate VMT analysis, and no updates are to the EIR are required.

Comment O3.20: The comment states that the Draft EIR must also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed SCAG's employment forecast for the City and/or the City's employment growth forecast.

The comment further states that the amount of growth accounted for by cumulative projects multiplies exponentially when other commercial and industrial development activity approved since 2016 (SCAG) and 2022 (General Plan) are added to the calculation. The comment requests that the Draft EIR be revised to include this information for analysis and to also include a cumulative development analysis of projects approved since 2016 and projects "in the pipeline" to determine if the proposed project exceeds SCAG's and/or the City's growth forecasts.

Response O3.20: Cumulative projects are included in Table 5-1, on page 5-3 of the Draft EIR and accounted for throughout the analysis of the Draft EIR. All previously constructed projects (i.e., completed prior to issuance of the Notice of Preparation for the Draft EIR) are considered part of the environmental baseline and have been accounted for as part of the existing conditions.

Growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in master plans, land use plans, or in projections made by regional planning agencies, such as SCAG. According to SCAG's 2020-2045 RTP/SCS population and household growth forecast for Palmdale, between 2016 and 2045, SCAG anticipates an employment increase of 9,200 additional jobs (from 36,700 to 45,900), yielding a 25 percent growth rate, as discussed on page 5.12-3 of the Draft EIR. SCAG also anticipates a population increase of 48,400 between 2016 and 2045

(from 158,600 residents to 207,000), as discussed on page 5.12-2 of the Draft EIR. The proposed Project would generate the need for approximately 1,977 employees, which represents approximately 2.72 percent of the forecasted population growth between 2016 and 2045 and approximately 21.5 percent of the forecasted employment growth between 2016 and 2045 for the City. According to the Employment Development Department, as of August 2023, the City of Palmdale's unemployment rate was approximately 6.4 percent, which is higher than Los Angeles County's 5 percent. Thus, although the Project would generate additional long-term employment in the Project area, the new employment opportunities would be within the forecasted and planned growth for the City. Therefore, no further analysis is required, and no changes have been made to the Draft EIR.

Comment O3.21: The comment states that the Draft EIR concludes that the project will not induce substantial unplanned population growth in an area, either directly or indirectly because "the significant and unavoidable impacts that are identified within the Draft EIR, such as agricultural resource impacts, operational VMT impacts, architectural coating and operational vehicle emissions impacts, and operational greenhouse gas impacts, are not related to the construction of the proposed water infrastructure." The comment claims that this reasoning is illogical as the threshold only refers to growth due to development of infrastructure and is not qualified by whether or not a project will have significant and unavoidable impacts. The comment further states that construction of the proposed water infrastructure will spur growth that exceeds regional growth forecasts and accounts for a significant portion of local growth forecast, and that the proposed water infrastructure may be utilized by other future developments, spurring further growth in the area.

Furthermore, the comment states that the Draft EIR does not analyze here that the Project also requires annexation into the Los Angeles County Waterworks District No. 40 (LACWD40) for water services and annexation into the Los Angeles County Sanitation Districts (LACSD) for wastewater services. The comment requests that the Draft EIR be revised to include a finding of significance.

Response O3.21: The statement quoted above is included on page 5.16-22 of the Draft EIR. However, the Draft EIR includes further analysis and substantial evidence that the Project will not result in significant impacts related to population growth in Section 5.12, *Population and Housing*, and to water services and wastewater services in Section 5.16, *Utilities and Service Systems*.

The Draft EIR analyses the Project's potential to induce substantial unplanned population growth beginning on page 5.12-5. As discussed in the Draft EIR, the Project would be developed consistently with the existing General Plan land use designation and would result in a generation of approximately 1,977 permanent jobs at full buildout. Based on the growth projections analyzed in SCAG's 2020-2045 RTP/SCS, full buildout of the Project would represent approximately 21.5 percent of projected employment growth within the City of Palmdale and less than one percent within the County of Los Angeles. The Project is within the growth projections used to prepare the RTP/SCS; thus, impacts related to growth would be less than significant.

Water services and wastewater services are discussed in Section 5.16, *Utilities and Service Systems*, of the Draft EIR. The Draft EIR discloses the requirement for annexation into the LACWD40 for water services starting on page 5.16-7. As discussed on page 5.16-8 of the Draft EIR, the Project site is not currently within the LACWD40 service area, and the analysis in the Draft EIR conservatively assumed that buildout of the site was not included in the UWMP growth projections. However, LACWD40 has anticipated an increased demand for water from the industrial sector, as detailed in the WSA that was prepared for the Project (Appendix K, P. 20). The Draft EIR discloses the requirement for annexation into the LACSD14 for wastewater services starting on page 5.16-12. As discussed on page 5.16-12 of the Draft EIR, the proposed Project does not currently have any sewer infrastructure onsite and is adjacent to the LACSD14 service area boundary. The Project would include annexing into LACSD14, which maintains an existing 15-inch diameter sewer line in 30th Street East, adjacent to the Project site. Therefore, annexation into the LACWD40 for

water services and into the LACSD14 for wastewater services was disclosed and analyzed in the Draft EIR. No further analysis is required, and no changes have been made to the Draft EIR.

Comment O3.22: The comment states that Appendix J, *VMT Analysis*, of the Draft EIR relies on the Los Angeles County VMT Guidelines, which exclude trucks and trailers from the VMT analysis and include only passenger cars. However, the EIR does not provide a statutory basis for exempting medium- and heavy-duty trucks, trailers, freight, or delivery vans from the analysis. While the LA County VMT Guidelines reference the OPR's 2018 Technical Advisory, which defines "automobile" as on-road passenger vehicles, the commenter argues that the OPR document is advisory. The commenter further states that excluding trucks and freight-related trips fails to account for the "worst-case scenario" of environmental impacts, particularly given the industrial nature of the proposed project. The comment notes that public perception and understanding often consider trucks as automobiles and that the EIR should not mislead decision-makers by omitting truck and freight activity from the VMT analysis. Additionally, the comment emphasizes that industrial operations generate significant truck/trailer and delivery van VMT, which cannot be mitigated through public transit or active transportation. The commenter concludes that excluding this activity undermines the intent of SB 743 to reduce greenhouse gas emissions by reducing VMT and requests a revised EIR that includes a quantified analysis of truck and freight VMT to adequately evaluate potential project impacts.

Response O3.22: Based on local and State guidance as well as the State CEQA Guidelines Section 15064.3, VMT is an evaluation of passenger vehicles, not truck trips. The VMT analysis conducted therefore, only analyzed VMT/Employee for home-based-work trips as per the County Guidelines. This is consistent with State CEQA Guidelines Section 15064.3(a) which states "For the purpose of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." Here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks. Hence the VMT analysis only includes and represents the impacts of automobile travel as a result of the proposed Project and is not required to include heavy truck trips as a part of the VMT analysis.

That said, the potential GHG and air quality impacts resulting from the potential heavy truck trips to and from the property have been analyzed and mitigated to the extent feasible, as reflected in Sections 5.3 and 5.7 of the Draft EIR.

Accordingly, because the VMT analysis was conducted in accordance with all relevant regulations, and the Project's heavy truck related impacts have already been assessed and mitigated in the Draft EIR, the comment does not provide any information that would require changes to the Draft EIR. No further response is warranted.

Comment O3.23: The comment states that the EIR has not adequately analyzed the project's potential to increase hazards due to geometric design features. The comment highlights that there are areas of potential conflicts, including truck/trailer parking stalls in tandem configurations within the gated loading dock courts of each building. The comment claims that these configurations could restrict truck/trailer movements and create safety hazards due to conflicts with passenger vehicles. The commenter claims that the EIR has not provided meaningful evidence to justify a less than significant finding and requests a revised analysis addressing these issues and determining their significance.

Response O3.23: As discussed in Section 5.14, *Transportation* (on page 5.14-9 of the Draft EIR), and shown on Figure 3-11 (page 3-35 of the Draft EIR), access to the Project site would be provided from eight driveways, including one automotive only driveway, two automotive/truck driveways, and one truck only driveway on 30th Street East; and one automotive only driveway, two automotive/truck driveways, and one truck only driveway on 35th Street East. The Project includes installation of a shared 28-foot private driveway/fire lane between the two buildings. There are no unique bends or obstacles along East Avenue M, 30th Street East, or 35th Street East. The onsite circulation design provides adequate and safe truck accessibility and turning ability throughout the site. Therefore, there is no geometric design feature that

would prevent trucks or result in impacts from trucks accessing the site. In addition, the plans provided in the Draft EIR are conceptual plans. Once the Project be approved, design-level civil engineering plans would be prepared and reviewed by the City's Public Works Department and Los Angeles County Fire Department staff prior to issuance of construction-related permitting to ensure that all applicable turning and access standards are met, which include both California Fire Code and California Building Code requirements, as included in the City's Municipal Code Chapter 8.04. because the Draft EIR has already assessed the Project's access points, and circulation elements, and determined based on substantial evidence that the Project would not increase hazards due to geometric design features, the comment does not contain any additional information requiring changes to the Draft EIR. No further response is warranted.

Comment O3.24: The comment states that the EIR defers environmental analysis by relying on future compliance with City standards and permitting processes for onsite traffic signing, striping, sight distance, and other access-related requirements. The comment argues that this approach does not meet CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA §§ 15121 and 21003(b)). The comment argues that the EIR must include a project-level analysis of all proposed buildings and their compliance with these requirements and requests a revised EIR with a finding of significance.

Response O3.24: As detailed in Response O3.23, the proposed onsite conceptual circulation design provides emergency vehicle accessibility and turning ability throughout the site and does not identify potential significant environmental impacts. Should the Project be approved, design level civil engineering plans would be prepared and reviewed by the City's Public Works Department and Los Angeles County Fire Department staff prior to issuance of construction-related permitting to ensure that all applicable emergency access standards are met, which include both California Fire Code and California Building Code requirements, as included in the City's Municipal Code Chapter 8.04. This is not a deferral of analysis, as the potential impacts of the Project have been thoroughly reviewed as explained herein. The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O3.25: The comment states that the EIR does not adequately analyze emergency vehicle access and defers this analysis to the construction permitting phase. The comment argues that, while the Draft EIR states that the project will conform to the 2022 California Fire Code and that the Los Angeles County Fire Department will review development plans, this approach does not meet CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA §§ 15121 and 21003(b)). The commenter requests a revised EIR with a project-level analysis of emergency access and a finding of significance.

Response O3.25: As detailed in Responses O3.23 and O3.24, the proposed onsite conceptual circulation design provides emergency vehicle accessibility and turning ability throughout the site and does not identify potential significant environmental impacts. Should the Project be approved, design-level civil engineering plans would be prepared and reviewed by the City's Public Works Department and Los Angeles County Fire Department staff prior to issuance of construction-related permitting to ensure that all applicable emergency access standards are met, which include both California Fire Code and California Building Code requirements, as included in the City's Municipal Code Chapter 8.04. This is not a deferral of analysis, as the potential impacts of the Project have been thoroughly reviewed as explained herein. The comment does not contain any additional information requiring changes to the Draft EIR. No further response is warranted.

Comment O3.26: The comment claims that the growth generated by the proposed project has not been analyzed in accordance with the General Plan growth forecasts and buildout estimates. The comment requests that a revised EIR be prepared with this information for discussion and analysis.

The comment cites Table 2-4, *Plan and SCAG Forecasts for Commercial/Industrial Development and Job Growth, 2016-2045*, of the City's General Plan Final EIR, which states that the industrial buildout square footage for the City is 10,046,865 SF of building area at General Plan buildout. The comment further states that the proposed 3,001,712 SF Project is approximately 29.9 percent of the General Plan buildout

attributed to a single project, and that the Draft EIR did not provide any analysis of this information and whether the proposed project in combination with cumulative development exceeds the projected buildout scenario.

The comment provides the square footage for the following recent industrial projects: Antelope Valley Commerce Center 14 (8,241,552 SF), Site Plan Review 22-015 (100,000 SF), Site Plan Review 22-013 (1,432,000 SF), and Site Plan Review 22-012 (380,410 SF). These projects combined with the proposed project total 13,155,674 SF, which is approximately 130.9 percent of the General Plan buildout analysis accounted for by only five recent projects. The comment claims that the proposed project exceeds the City's General Plan buildout analysis for Industrial development through 2045 only a few years into plan implementation, which is a significant impact. Lastly, the comment requests that a revised EIR be prepared to include this analysis in order to provide an adequate and accurate environmental document and include a finding of significance due to the project's inconsistency with the General Plan buildout scenario.

Response O3.26: As discussed in Response O3.18, Project impacts related to conflicts with any land use, policy, or regulation are analyzed in Section 5.10, *Land Use and Planning*, of the Draft EIR. As stated on Section 5.10.5, *Environmental Impacts*, on Page 5.12 of the Draft EIR, the proposed Project would be consistent with the site's land use designation of Industrial (IND) and zoning of Heavy Industrial (HI). The IND land use designation is intended to allow a variety of industrial uses including manufacturing, warehousing distribution, and similar uses. The HI zone provides for a range of medium to high-intensity industrial uses such as manufacturing, assembly, warehousing, and distribution. Therefore, employment generating uses at the site have been planned for in the City's General Plan and zoning ordinance.

Development assumptions and scenarios presented in the General Plan and its program-level EIR should not be considered a "cap" on permissible acreage or square footage buildout, but simply serve as a framework upon which future project-level environmental analyses may be based. Cumulative projects are properly included in Table 5-1 of the Draft EIR and accounted for throughout the analysis of the Draft EIR.

Furthermore, Section 4.14.4, of the *City of Palmdale 2045 General Plan Update Final Environmental Impact Report* (SCH 2021060494) (General Plan EIR)[8] states that, although the population facilitated by the Plan would exceed SCAG projections, adherence to applicable Plan goals and policies would ensure that the Plan would not result in cumulative impacts associated with population and housing; the General Plan EIR concludes that it would not result in significant cumulative impacts related to displacement of people or housing and cumulative impacts would be less than significant. An analysis of the Project's consistency with the General Plan goals and policies is provided in Table 5.10-1, Page 5.10-13, of the proposed Projects' Draft EIR. As shown in Table 5.10-1, the proposed Project is consistent with applicable General Plan goals and policies. Therefore, the proposed Project would not result in significant cumulative impacts related to Land Use and Planning.

Therefore, the Draft EIR adequately analyzed impacts related to Land Use and Planning because the General Plan EIR disclosed that buildout of the General Plan would exceed SCAG projections. Accordingly, as the potential impacts of the Project have been thoroughly reviewed as explained herein, no changes are required to the Draft EIR.

Comment O3.27: The comment states that the Draft EIR contains incorrect energy modeling, is not compliant with Title 24, and requests a revised EIR with accurate energy modeling and updated analyses.

[8] City of Palmdale. (2022). *Palmdale 2045 General Plan Update Final Environmental Impact Report.* https://static1.squarespace.com/static/5c7dc93065a707492aca3e47/t/631fa8d1f119fa360cd7f0ee/1663019242025/Palmdale+2045+GPU+FEIR_reduce.pdf

Response O3.27: As detailed in Response O3.7, CalEEMod, the California Emissions Estimator Model, is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. The model was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts. The model was used consistent with AVAQMD guidance for estimating emissions associated with land use development projects, as discussed in Appendix B, *Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report*, of the Draft EIR. Additionally, the Project would be compliant with measures set forth in Title 24, which would be verified through the plan check process. The comment does not contain any information requiring changes to the EIR. No further response is warranted.

Comment O3.28: The comment states that the EIR does not adequately analyze the project's contribution to employment growth relative to SCAG's and the City's forecasts. The project accounts for 21.5 percent of SCAG's projected 2016–2045 growth and 7.4 percent of the General Plan's 2022–2045 growth, which is significant. The comment also contends that the EIR lacks a cumulative analysis of other projects, which, combined with the proposed project, exceed SCAG's employment growth forecast by 158 percent and the General Plan's by 54.5 percent. The comment requests a revised EIR to include cumulative impacts and an analysis of the availability of qualified workers to fill these jobs.

Response O3.28: As detailed in Response O3.18, development assumptions and scenarios presented in the General Plan and its program-level EIR should not be considered a "cap" on permissible acreage or square footage buildout, but simply serve as a framework upon which future project-level environmental analyses may be based. Cumulative projects are properly included in Table 5-1 of the Draft EIR and accounted for throughout the analysis of the Draft EIR.

As discussed in Section 5.12.7, *Cumulative Impacts*, impacts from cumulative population growth are considered in the context of their consistency with local and regional planning efforts. As discussed, SCAG's 2020-2045 RTP/SCS serves as a long-range vision plan for development in the counties of San Bernardino, Imperial, Los Angeles, Orange, Riverside, and Ventura. The Project would not exceed the SCAG population, housing, and employment growth projections for the City and County of Los Angeles. The Project would be developed consistent with the existing General Plan land use designation and would result in a generation of approximately 1,977 permanent jobs at full buildout. Based on the growth projections analyzed in SCAG's 2020-2045 RTP/SCS, full buildout of the Project would represent approximately 21.5 percent of projected employment growth within the City of Palmdale and less than one percent within the County of Los Angeles. The Project is within the growth projections used to prepare the RTP/SCS; thus, impacts related to cumulative growth would be less than significant and not cumulatively considerable. The Draft EIR has already analyzed the Project's contribution to employment growth and includes a cumulative impact analysis and concluded that there would be no impacts related to cumulative growth. Therefore, no changes have been made to the Draft EIR.

Comment O3.29: The comment argues that the EIR improperly concludes the project will not induce growth, despite requiring the construction of essential water infrastructure. This infrastructure, along with annexation into the Los Angeles County Waterworks District No. 40 for water services and the Los Angeles County Sanitation Districts (LACSD) for wastewater services, could spur unplanned growth that exceeds regional forecasts and significantly impacts local growth. The commenter requests a revised EIR with a finding of significance and meaningful evidence to support the analysis.

Response O3.29: As detailed in Response O3.21, water services and wastewater services are discussed in Section 5.16, *Utilities and Service Systems*, of the Draft EIR. The Draft EIR discloses the requirement for annexation into the LACWD40 for water services starting on page 5.16-7. As discussed on page 5.16-8 of the Draft EIR, the Project site is not currently within the LACWD40 service area, and the Draft EIR conservatively assumes that buildout of the site was not included in the UWMP growth projections. However,

LACWD40 has anticipated an increased demand for water from the industrial sector, as detailed in the WSA that was prepared for the Project (Appendix K). The Draft EIR discloses the requirement for annexation into the LACSD14 for wastewater services starting on page 5.16-12. As discussed on page 5.16-12 of the Draft EIR, the proposed Project does not currently have any sewer infrastructure onsite and would require annexation into LACSD14, which maintains an existing 15-inch diameter sewer line in 30th Street East, adjacent to the Project site. Therefore, annexation into the LACWD40 for water services and into the LACSD14 for wastewater services was disclosed and analyzed in the Draft EIR. No further analysis is required, and no changes have been made to the Draft EIR.

As discussed in Section 3.0, *Project Description*, of the Draft EIR, the Project is consistent with the City of Palmdale's General Plan Land Use designation of Industrial (IND). The growth associated with the Project, including the provision of water and wastewater infrastructure, has been accounted for in regional growth forecasts such as SCAG's Connect SoCal and the City's General Plan.

Furthermore, as discussed in Section 6.0, *Other CEQA Considerations*, of the Draft EIR, the proposed water line has been sized to accommodate the demands of the proposed Project and would not expand water services into unplanned areas. The proposed infrastructure improvements have been designed to serve only the demands of the Project. Therefore, the proposed water and wastewater infrastructure improvements are necessary to serve the Project and do not, in themselves, represent a substantial growth-inducing factor, as these facilities are designed to accommodate the Project specifically.

The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O3.30: The comment states that a revised Draft EIR must be include an alternative that meets the Project's objectives and eliminates all the Project's significant and unavoidable impacts. The comment also states that this could include alternatives such as development of the site with a project that reduces all of the proposed project's significant and unavoidable impacts to a less than significant level, and a mixed-use project that provides affordable housing and exclusively local-serving commercial uses that may reduce VMT, GHG emissions and simultaneously improve Air Quality.

Response O3.30: The Draft EIR included a comprehensive analysis of Project Alternatives as required by CEQA Guidelines Section 15126.6. The "range of alternatives" to be evaluated is governed by the "rule of reason" and feasibility, which requires the EIR to set forth only those alternatives that are feasible and necessary to permit an informed and reasoned choice by the Lead Agency and to foster meaningful public participation (CEQA Guidelines Section 15126.6(f)). Additionally, State CEQA Guidelines Section 15126.6(b) emphasizes that the selection of project alternatives be based primarily on the ability to reduce impacts relative to the proposed project.

As detailed in Draft EIR Section 8.0, *Alternatives*, the proposed Project is consistent with the current zoning of the site and would result in significant and unavoidable impacts related to agriculture, air quality, greenhouse gas emissions, and transportation. One alternative (Alternate Site Alternative) was considered but rejected due to its infeasibility and lack of ability to meaningfully reduce Project impacts while meeting Project objectives. Instead, a No Project/No Development Alternative, a 30 Percent Reduced Project alternative, and a Manufacturing Use/50 Percent Reduced Warehouse with Storage Alternative were selected for further analysis. As such, the alternatives utilized by the EIR provide a reasonable range of alternatives pursuant to CEQA Guidelines Section 15126.6.

Draft EIR Page 8-1 states that pursuant to State CEQA Guidelines Section 15126.6(d), discussion of each alternative presented in this Draft EIR section is intended "to allow meaningful evaluation, analysis, and comparison with the proposed project." As permitted by CEQA, the significant effects of each alternative are discussed in less detail than those of the proposed Project, but in enough detail to provide perspective

and allow for a reasoned choice among alternatives to the proposed Project. The qualitative analysis provided is sufficient to support the impact assessment.

Regarding the comment's suggestion to analyze a mixed-use project that provides affordable housing and exclusively local-serving commercial uses, as outlined in Section 5.10, *Land Use and Planning*, of the Draft EIR, the Project site has a General Plan land use designation of Industrial (IND), a zoning designation of Heavy Industrial (HI). Additionally, the Project site is located north of the Palmdale Regional Airport (Plant 42). As such, the Project is consistent with the intended uses and could serve to buffer Plant 42 from non-compatible residential and commercial uses. The suggestion to analyze a mixed-use project that provides affordable housing is unfeasible as such an alternative would conflict with the existing Land Use designation and would also conflict with existing City Policy. Specifically, this alternative would conflict with Policy LUD-18.3, buffer heavy industrial uses and light industrial uses, such as general services, light manufacturing, and storage uses from residential neighborhoods, and Policy MC-1.1, maintain appropriate land use designations surrounding Plant 42 to limit incompatible uses and to ensure continued safe operation of airport activities.

The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O3.31: This comment states that GSEJA believes the EIR is flawed and must be revised and recirculated for public review. GSEJA also requests to be added to the public interest list for the proposed Project.

Response O3.31: The comment is conclusionary in nature and as stated above GSEJA will be added to the public interest list for the proposed Project. As substantiated by the previous responses above and below, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Therefore, no further response is warranted.

Comment O3.32: This comment states that SWAPE has reviewed the Draft EIR and states that the EIR fails to adequately evaluate the air quality, health risk, and greenhouse gas impacts and suggests that a revised EIR be prepared.

Response O3.32: This comment is introductory in nature and introduces the inadequacies of the Draft EIR that will be further discussed within the comment. Because the comment does not raise any specific concerns with the adequacy of the Draft EIR or raise any other CEQA issue. Thus, no further response is warranted.

Comment O3.33: This comment claims that the Draft EIR fails to implement all feasible mitigation measures to reduce criteria pollutant emissions. The comment states that the Draft EIR is required to implement all feasible mitigation to reduce impacts to a less than significant level. The comment further suggests that additional mitigation measures should be incorporated, such as those included in this comment letter.

Response O3.33: As discussed on Page 5.3-22 of the Draft EIR, the majority of the Project's emissions are derived from vehicle and truck trips. The Project would implement Mitigation Measures AQ-2 through AQ-13 to reduce the operational emissions; however, these measures would not be sufficient enough to reduce the emissions to below the thresholds. Neither the Project applicant nor the City have regulatory authority to control tailpipe emissions. Thus, no feasible mitigation measures exist that would reduce these emissions to levels that are less than significant. Therefore, operation of the Project would result in air quality emissions that would be significant and unavoidable.

This comment does not provide any mitigation measures; it is introductory to "Feasible Mitigation Measures Available to Reduce Emissions," which are presented in Comment 3.35 below and addressed in Response 3.35 below.

The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O3.34: This comment summarizes the Project's significant and unavoidable Greenhouse Gas (GHG) impacts. This comment claims that the Draft EIR fails to implement all feasible mitigation measures to reduce GHG emissions. The comment states that the Draft EIR is required to implement all feasible mitigation to reduce impacts to a less than significant level. The comment further suggests that additional mitigation measures should be incorporated, such as those included in this comment letter.

Response O3.34: As discussed on page 5.7-12 of the Draft EIR, the majority of the proposed Project's GHG emissions are generated by mobile emissions. Further, mitigation to reduce the proposed Project's mobile GHG emissions is not feasible due to the limited ability of the Project Applicant and City of Palmdale to reduce emissions from mobile sources. Neither the Project Applicant nor the Lead Agency (City of Palmdale) can substantively or materially affect reductions in proposed Project mobile-source emissions. Therefore, GHG emissions from the proposed Project would be significant and unavoidable.

This comment does not provide any mitigation measures; it is introductory to "Feasible Mitigation Measures Available to Reduce Emissions," which are presented in Comment 3.35 below and addressed in Response 3.35 below.

The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted.

Comment O3.35: This comment states that the Draft EIR fails to implement all feasible mitigation measures related to the Projects significant and unavoidable impacts related to Nox and PM_{10} emissions and provides a list of mitigation measures as listed below:

1. Require tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.
2. Restrict trucks and support equipment from idling longer than two minutes while on site.
3. Require the installation of vegetative walls or other effective barriers that separate loading docks and people living or working nearby.
4. Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
5. Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
6. A phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts.
7. The use of, at least, a 2010 model year that meets CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks.
8. Install Continuous Emission Monitoring Systems for ongoing CO emissions tracking, ensuring compliance with SCAQMD Rule 218.8 The U.S. EPA also commonly recommends the implementation of catalytic oxidizers for CO control.
9. Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
10. Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
11. Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
12. Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces.
13. Requiring facility operators to train managers and employees in efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
14. Providing meal options onsite or shuttles between the facility and nearby meal destinations.
15. Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators

to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.

16. Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.

The comment further recommends off-site reduction measures, including offsets that are not otherwise required to mitigate a project's emissions; an example of this was in the case of the Oakland Sports and Mixed-Use Project, where off-site reduction measures in the neighboring communities were recommended. Lastly, the comment suggests to consider local carbon offset programs to reduce the Project's GHG impacts

Response O3.35: Section 5.3, *Air Quality*, of the Draft EIR includes Mitigation Measure AQ-1 to require the use of super-compliant low VOC paints; Mitigation Measure AQ-2 install signs at loading dock facilities that restrict idling to no more than five minutes; Mitigation Measure AQ-3 to install truck route signs that provide directional information to the truck route; Mitigation Measure AQ-4 to incorporate energy efficient vendor trucks by contract specification; Mitigation Measure AQ-5 to implement bicycle parking facilities that are beyond State/local requirements; Mitigation Measure AQ-6 to implement clean air vehicle and carpool parking; Mitigation Measure AQ-7 to provide electric vehicle charging stations and future truck charging capability; Mitigation Measure AQ-8 to require that all buildings be designed to provide infrastructure to support use of electric-powered forklifts and/or other interior vehicles; Mitigation Measure AQ-9 to require that a Transportation Management Association (TMA) or similar mechanism be established by the Project to encourage and coordinate carpooling; Mitigation Measure AQ-10 to require the use of water efficient fixtures; Mitigation Measure AQ-11 to require incorporation of energy star-rated appliances and of outdoor electrical outlets; Mitigation Measure AQ-12 to require that if cold storage is proposed in the future, then additional studies would be required; and Mitigation Measure AQ-13 to require that information be included in the tenant lease agreement in order to reduce air pollutant emissions.

Section 5.7, *Greenhouse Gas Emissions*, of the Draft EIR includes Mitigation Measure GHG-1 which requires the Project to include recycling bins for collection truck pick-ups, Mitigation Measure GHG-2 which requires drought tolerant landscaping throughout the Project site and recycled water usage for irrigation, and Mitigation Measure GHG-which requires that the building be energy efficient exceeding Title 24 standard.

The mitigation measures provided in the comment were considered as follows:

1. **Require tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site:** Page 5.3-33, Mitigation Measure AQ-13, part 3, states that the tenant lease agreement shall include a requirement to use the cleanest technologies available and to provide the necessary infrastructure to support zero-emission vehicles, equipment, and appliances that would be operating on site. As such, this suggested mitigation measure is already included in the Draft EIR. No changes are required to the Draft EIR.
2. **Require the installation of vegetative walls or other effective barriers that separate loading docks and people living or working nearby.** As discussed in Section 3.0, *Project Description*, of the Draft EIR, a 6-foot-tall wrought iron fence is proposed around the detention basin on the northern Project site boundary, along Avenue L-8. Two 8-foot-tall wrought iron fences are proposed adjacent to the trailer stall parking areas in the center of the Project site between Building 1 and Building 2, one fence for each building. In addition, 12-foot screening walls would be installed to the east and west of the loading docks and trailer stall parking areas to screen building operations from offsite views. As such, this suggested mitigation measure is included as part of the Project's design. No changes to the Draft EIR are required.
3. **Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.** Mitigation Measure MM-AQ-7 ensures the installation of EV chargers for

automobiles and infrastructure to support future EV truck charging stations (Draft EIR p. 5.1-46). While CEQA does not mandate the immediate installation of EV truck chargers, the Project's design allows for future expansion as demand increases, consistent with state electrification goals. No changes to the Draft EIR are required.

4. **Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.** Mitigation Measure AQ-7 (Draft EIR p. 5.3-31) is included in the Project which requires the installation of appropriate electrical infrastructure sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations in the future. With implementation of Mitigation Measure AQ-7, the Project can accommodate future expansion of electric vehicle charging capability. No changes to the Draft EIR are required.
5. **A phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts.** PDF AQ-1, included in Page 5.3-30 of the Draft EIR, requires that all off-road diesel-powered equipment used during construction shall be equipped with Tier 4 Interim or cleaner engines. As such, the Project implements the use of cleaner operating trucks. No changes to the Draft EIR are required.
6. **The use of, at least, a 2010 model year that meets CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks.** PDF AQ-1, included in Page 5.3-30 of the Draft EIR, requires that heavy-duty trucks entering the construction site during grading and building construction phases shall comply with the California Air Resources Board (CARB) regulations including the following: all heavy-duty trucks shall be model year 2010 or later. As such, this suggestion is already included in the Project, and no changes to the Draft EIR are required.
7. **Install Continuous Emission Monitoring Systems for ongoing CO emissions tracking, ensuring compliance with South Coast Air Quality Management District (SCAQMD) Rule 218.8 The U.S. EPA also commonly recommends the implementation of catalytic oxidizers for CO control.** The Project site is located within the jurisdiction of the Antelope Valley Air Quality Management District (AVAQMD), and not in the SCAQMD. The Project will comply with all applicable air quality regulations for Projects within the AVAQMD. Monitoring of future emissions would inform of CO levels but not reduce CO emissions. Furthermore, as discussed on page 5.3-22 of the Draft EIR, the majority of the Project's emissions are derived from vehicle and truck trips. Catalytic oxidizers for CO control would not reduce mobile emissions from vehicle and truck trips. As such, this suggested mitigation measure is not feasible as it would not reduce the air quality impact level of the Project. As such, no changes have been made to the EIR.
8. **Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.** The Draft EIR complies with Title 24 requirements, mandating 15 percent of the roof area be solar-ready, and incorporates Mitigation Measure GHG-3 to include energy-efficient building features that reduce GHG emissions and energy consumption (Draft EIR p. 5.7-24). While the comment suggests installing a solar photovoltaic system of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, the building is speculative, with an unknown tenant, and specific energy demands cannot be determined at this stage. The Project's design provides solar-ready infrastructure that allows for future expansion as technology or tenant needs evolve. As such, no further mitigation is required and no changes have been made to the EIR.
9. **Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.** As stated above, the Draft EIR complies with Title 24 requirements, mandating 15 percent of the roof area be solar-ready, and incorporates Mitigation Measure GHG-3 to include energy-efficient building features that reduce GHG emissions and energy consumption (Draft EIR p. 5.7-24). While the comment suggests covering the maximum roof surface with solar panels to offset 100 percent of the building's energy demand, the

building is speculative, with an unknown tenant, and specific energy demands cannot be determined at this stage. The Project's design provides solar-ready infrastructure that allows for future expansion as technology or tenant needs evolve. As such, no further mitigation is required and no changes have been made to the EIR.

10. **Requiring all stand-by emergency generators to be powered by non-diesel fuel.** As discussed on page 5.3-22 of the Draft EIR, the majority of the Project's emissions are derived from vehicle and truck trips. Therefore, implementation of non-diesel fuel emergency generators would not reduce mobile emissions from vehicle and truck trips. As such, this suggested mitigation measure is not feasible as it would not reduce the air quality impact level of the Project and no changes have been made to the EIR.
11. **Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces.** Electric vehicle charging stations are included in the Project. Mitigation Measure AQ-7 (Draft EIR p. 5.3-31) requires installation of automobile electric vehicle charging stations at the minimum number required by the California Code of Regulations Title 24. As such, no further mitigation is required and no changes have been made to the EIR.
12. **Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.** Mitigation measure AQ-2 (Draft EIR p. 5.3-31) requires installation of signs that identify applicable California Air Resources Board (CARB) anti-idling regulations. The signs shall include information and instructions for drivers as well as phone numbers for the building facilities manager and CARB to report violations. As such, no further mitigation is required and no changes have been made to the EIR.
13. **Providing meal options onsite or shuttles between the facility and nearby meal destinations.** This mitigation measure is not qualitative and its ability to reduce Project impacts would be unknown. However, Project includes Mitigation Measures T-1 and T-2 to implement commute trip reduction marketing and a rideshare program for employees. Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips, VMT, and GHG emissions. As such, no further mitigation is required and no changes have been made to the EIR.
14. **Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.** This mitigation measure is not qualitative and its ability to reduce Project impacts would be unknown. However, Mitigation Measure AQ-13, part 5 (Draft EIR p. 5.3-33) is included in the Project and requires that the tenant agreement shall include notification that the tenant shall comply with CARB Truck and Bus regulation. The Truck and Bus regulation includes requirements for online reporting for medium and heavy-duty vehicles. As such, no further mitigation is required and no changes have been made to the EIR.
15. **Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.** This mitigation measure is not qualitative and its ability to reduce Project impacts would be unknown. As such, this suggested mitigation measure is not feasible as it would not reduce the air quality impact level of the Project and no changes have been made to the EIR.

The comment recommends off-site reduction measures, including offsets that are not otherwise required to mitigate a project's emissions. An example of this was provided in the case of the Oakland Sports and Mixed-Use Project, where off-site reduction measures in the neighboring communities were recommended. The project included the redevelopment of Howard Terminal with a baseball park and with adjacent residential, hotel, entertainment, office, retail, and open space. While the application of off-site reduction measures may be appropriate and feasible for mixed-used development that includes residential uses, such as the one mentioned by the commentor, such measures would not be feasible or appropriate in reducing

impacts for the proposed industrial development Project where the vast majority of operational GHG emissions result from mobile-source emissions. As discussed on page 5.3-22 of the Draft EIR, neither the Project applicant nor the City have regulatory authority to control tailpipe emissions. Thus, no feasible mitigation measures exist that would reduce these emissions to levels that are less than significant.

Regarding the comment's suggestion to consider local carbon offset programs to reduce the Project's GHG impacts, as discussed on Response 01.15, while it is true that it may be possible to purchase carbon offsets, recent Court of Appeal decisions have cast considerable doubt on the use of such offsets to mitigate GHG impacts from land use development projects. In *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal, Ap.5th 467, the Court of Appeal invalidated a mitigation measure that required the purchase of offsets from a "CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard" (Id. At 510.) Although the court insisted its decision "should not be construed as blanket prohibition on using carbon offsets" to mitigate GHG missions under CEQA, it found numerous flaws with the measure at issue and failed to provide a clear roadmap for how to craft a similar valid measure. The court also declined to express an opinion on a number of issues, including whether offsets could potentially be used to mitigate more than 8 percent of a project's emissions and the extent to which out-of-country offsets could be used. (Id. At 503, 513, n 27.) Subsequent to *Golden Door*, another measure requiring the purchase of offsets was similarly found to be invalid in an unpublished Court of Appeal decision, with the court finding the measure's inclusion of additional standards for offsets did "not cure the defects found in *Golden Door*." (Sierra Club v. County of San Diego (Dec. 21, 2021, No. D077548) 2021 WL 6050624, at page 11.) In light of such uncertainty, the City finds that the carbon offsets are not feasible methods for mitigating the Project's GHG emissions. The comment does not contain any information requiring changes to the Draft EIR. No further response is warranted

Comment O3.36: 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.

Response O3.36: This comment is advisory in nature and disclaims that the commenter has the right to revise the report as additional information becomes available. The comment does not raise any specific concerns with the adequacy of the Draft EIR or raise any other CEQA issue. Therefore, no further response is warranted.

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4. Mitigation Monitoring and Reporting Summary

4.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Environmental Impact Report (EIR) has been certified, which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "…reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented. The City of Palmdale is the Lead Agency for the Project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

4.2 MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. The attached table identifies the mitigation program required to be implemented by the City for the Project. The table identifies mitigation measures required by the City to mitigate or avoid significant impacts associated with the implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual Plans, Programs, and Policies (PPP) and mitigation measures (MM) are completed and Project Design Features (PDFs) are incorporated, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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Table 4-1: Mitigation Monitoring and Reporting Program

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
AIR QUALITY				
PPP AQ-1: Antelope Valley Air Quality Management District (AVAQMD) Rule 402. The following measure shall be incorporated into construction plans and specifications as implementation of AVAQMD Rule 402. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.	Prior to grading and construction permits; during construction	Property Owner	City of Palmdale or its designee	Initials: _____ Date: _____
PPP AQ-2: AVAQMD Rule 403. The following measures shall be incorporated into construction plans and specifications as implementation of Rule 403: Pre-activity: • Pre-water the site sufficiently to limit Visible Dust Emissions (VDE) to 20 percent opacity; and, • Phase work to reduce the amount of Disturbed Surface Area at any one time. During Activity: • Apply water or chemical/organic stabilizers/suppressants sufficient to limit VDE to 20 percent opacity. • Construct and maintain wind barriers sufficient to limit VDE to 20 percent opacity. If utilizing wind barriers, control measure (a) above shall also be implemented; or, • Apply water or chemical/organic stabilizers/suppressants to unpaved haul/access roads and unpaved vehicle/equipment traffic areas sufficient to limit VDE to 20 percent opacity and meet the requirements of section (C)(9).	Prior to grading and construction permits; during construction	Property Owner	City of Palmdale or its designee	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
Temporary Stabilization during Periods of Inactivity: • Restrict vehicular access to the area; and, • Apply water or chemical/organic stabilizers/suppressants, sufficient to limit VDE to 20 percent opacity, or to comply with the conditions of a Stabilized Surface. If an area having one-half acres or more of Disturbed Surface Area remains unused for seven or more days, the area must comply with the conditions for a Stabilized Surface area.				
PPP AQ-3: AVAQMD Rule 1113. The following measure shall be incorporated into construction plans and specifications as implementation of Rule 1113. The proposed Project shall only use "Low-Volatile Organic Compounds (VOC)" paints (no more than 50 gram/liter of VOC for flat coatings and 150 g/l for nonflat-high gloss coatings) consistent with AVAQMD Rule 1113.	Prior to grading and construction permits	Property Owner	City of Palmdale or its designee	Initials: _____ Date: _____
PPP GHG-1: 2022 California Energy Code Section 110.10. The Project shall comply with the 2022 [or most recent at time of permitting of the Project (at the time of Construction Drawing Plan Check Submittal)] California Energy Code Section 110.10 for Mandatory Requirements for Solar Readiness. Section 110.10 includes requirements that the roof be, at a minimum, 15 percent solar ready.	Prior to grading and construction permits	Property Owner	City of Palmdale	Initials: _____ Date: _____
PPP GHG-2: 2022 California Energy Code Section 140.10. The Project shall comply with the 2022 [or most recent at time of permitting of the Project (at the time of Construction Drawing Plan Check Submittal)] California Energy Code Section 140.10 for Nonresidential Solar PV. Section 140.10 includes requirements for solar photovoltaic systems for warehouse buildings. The size of the photovoltaic system shall be calculated based on conditioned floor area, as required by Section 140.10. For a building with 20,000 SF of air-conditioned space (office	Prior to grading, and construction permits	Property Owner	City of Palmdale	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
space), the solar photovoltaic system required would be an approximately 62.6 Kilowatt system.				
PDF AQ-1: Construction Air Quality Best Management Practices. Prior to the issuance of grading and building permits, the City shall review the construction documents for the Project to ensure that the construction contractors are obligated to implement the following best management practices to reduce construction air pollutant emissions. These items shall also be listed in construction bid documents and construction contracts. The construction contractors shall allow City access to the construction site to inspect for adherence to these measures. 1. Ensure that the cleanest possible construction practices and equipment are used, as economically feasible. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero emission equipment and tools. 2. It shall be the responsibility of the construction contractor to implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology, vehicles, and equipment that will be operating onsite during construction, as necessary and when economically feasible. Necessary infrastructure may include the physical (e.g. needed footprint), energy, and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks. 3. All off-road diesel-powered equipment used during construction shall be equipped with Tier 4 Interim or cleaner engines. 4. Heavy-duty trucks entering the construction site during grading and building construction phases shall comply with the California Air Resources Board (CARB) regulations including	Prior to grading and construction permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
the following: all heavy-duty trucks shall be model year 2010 or later. Per the California Air Resource's Board (CARB) Heavy-Duty Omnibus Regulation, all heavy-duty trucks shall also meet CARB's lowest optional low oxides of nitrogen (NOx) standard starting in the year 2022. 5. All construction equipment and fleets shall be in compliance with all current air quality regulations.				
MM AQ-1: Super-Compliant Low VOC. The construction plans and specifications shall state that the Project shall utilize "Super-Compliant" low VOC paints for nonresidential interior and exterior surfaces and low VOC paint for parking lot surfaces. Super-Compliant low VOC paints have been reformulated to exceed the regulatory VOC limits put forth by AVAQMD Rule 1113. Super-Compliant low VOC paints shall be no more than 10g/L of VOC.	Prior to building permit	Property Owner	City of Palmdale Building & Safety Division	Initials: _____ Date: _____
MM AQ-2: Idling Regulations. Prior to issuance of a certificate of occupancy, legible, durable, weather-proof signs shall be installed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations and Project-specific restrictions. At a minimum, each sign shall include the following instructions for truck drivers to shut off engines when not in use. 1. Instructions for all drivers of heavy-duty trucks within the Project site to restrict idling to no more than five minutes once the vehicle is stopped, the transmission is set to "neutral" or "park" and the parking brake is engaged. 2. Telephone numbers of the building facilities manager and CARB to report violations.	Prior to the issuance of a certificate of occupancy	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
MM AQ-3: Truck Route Signs. The Project plans and specifications shall include signs at every truck exit driveway providing directional information to the truck route. (Source: State of California, Department of Justice. Rob Bonta, Attorney General. (2022). Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act).	Prior to the issuance of a certificate of occupancy	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM AQ-4: Energy Efficient Vendor Trucks. The Project plans and specifications shall include requirements (by contract specifications) that vendor trucks for the industrial buildings include energy efficiency improvement features through the Carl Moyer Program—including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires—to reduce fuel consumption.	Prior to grading, and construction permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM AQ-5: Bicycle Parking. The Project plans and specifications shall include bicycle parking facilities totaling 80 short-term and 40 long-term bicycle parking spaces for each building (for a total of 240), exceeding the state/local requirement of 75 short-term and 38 long-term per building. (Source: City of Palmdale General Plan EIR, 2022).	Prior to grading, and construction permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM AQ-6: Clean Air Vehicle and Carpool Parking. The Project plans and specifications shall include a minimum of five parking spaces for carpool/vanpool vehicles. Electric vehicle parking spaces shall be equivalent to the number of electric vehicle charging stations. (Source: State of California, Department of Justice. Rob Bonta, Attorney General. (2022). Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act; see also City of Palmdale General Plan EIR, 2022).	Prior to grading, and construction permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM AQ-7: Electric Vehicle Charging Stations and Future Truck Charging Capability. Prior to issuance of building permits, the following features shall be demonstrated on the Project's building plans over	Prior to the issuance of building permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
minimum California Code of Regulations Title 24 requirements. Installation shall be verified by the City prior to issuance of a certificate of occupancy. 1. For use by employees and visitors conducting business at the building, install automobile electric vehicle (EV) charging stations at the minimum number required by the California Code of Regulations Title 24. All charging stations shall be equipped with Level 2 or faster chargers. Signs shall be posted indicating that the charging stations are for exclusive use by the building's employees and by visitors conducting business at the building. (Source: City of Palmdale General Plan EIR, 2022). 2. Install appropriate electrical infrastructure sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations in the future. 3. Install raceways for conduit to tractor trailer parking areas in logical, gated locations determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available. The charging station location(s) are to be located inside the gated and secured truck courts.				Date: _____
MM AQ-8: Electric Interior Vehicles. The Project plans and specifications for all of the industrial buildings shall include infrastructure to support use of electric-powered forklifts and/or other interior vehicles.	Prior to the issuance of building permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM AQ-9: Transportation Management Association. The Project plans and specifications shall require that a Transportation Management Association (TMA) or similar mechanism shall be established by the Project to encourage and	Prior to the issuance of building permits	Property Owner, future tenant	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
coordinate carpooling. The TMA shall advertise its services to the building occupants. The TMA shall offer transit incentives to employees and shall provide shuttle service to and from public transit, should a minimum of 5 employees request and use such service from a transit stop at the same drop-off and/or pickup time. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordination rides.				
MM AQ-10: Water Efficient Fixtures. All water fixtures within the Project shall be water efficient: toilets/urinals (1.5 gallons per minute [gpm] or less), showerheads (2.0 gpm or less), and faucets (1.28 gpm or less).	Prior to the issuance of building permits	Property Owner	City of Palmdale Engineering Department & Building & Safety Division and Planning Division	Initials: _____ Date: _____
MM AQ-11: City Review of Construction Documents. Prior to issuance of building permits, the following features shall be demonstrated on the Project's building and landscape plans. Installation shall be verified by the City prior to issuance of a certificate of occupancy. 1. Install Energy Star-rated heating, cooling, lighting, and appliances 2. Structures shall be equipped with outdoor electric outlets in the front and rear to facilitate use of electrical lawn and garden equipment.	Prior to the issuance of building permits	Property Owner	City of Palmdale or its designee	Initials: _____ Date: _____
MM AQ-12: Prohibition of Cold Storage. Prior to the issuance of building permits and prior to issuance of tenant occupancy permits, the City of Palmdale shall confirm that the Project does not include cold storage equipment for warehouse operations and transportation (chilled, refrigerated, or freezer warehouse space, transport refrigeration units). Cold storage was not included in the analysis for the EIR. If cold storage is proposed, additional studies will be required to analyze the impacts associated with the use.	Prior to issuance of building permits and tenant occupancy permits	Property Owner, City of Palmdale	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
MM AQ-13: Tenant Lease Agreement. Prior to issuance of a certificate of occupancy, the following language shall be included within tenant lease agreements in order to reduce operational air pollutant emissions: 1. Information about energy efficiency, energy-efficient lighting and lighting control systems, energy management, and existing energy incentive programs. 2. Information about funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment. 3. Requirements to use the cleanest technologies available and to provide the necessary infrastructure to support zero-emission vehicles, equipment, and appliances that would be operating on site. This requirement shall apply to equipment such as forklifts, handheld landscaping equipment, yard trucks, office appliances, etc. 4. Requirements to exclusively use zero-emission light and medium-duty delivery trucks and vans, when economically feasible. 5. Requirements to operate in compliance with, and to monitor compliance with, all current and applicable air quality regulations for on-road trucks including the California Air Resources Board's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation. 6. Requirements and identification of the responsible party to maintain, replace, and upgrade rooftop solar panels per the manufacturer's recommendations for the life of the lease. The proposed Project would comply with existing solar requirements per the California Energy Code in effect during	Prior to the issuance of a certificate of occupancy	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division; City of Palmdale Engineering Department	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
permitting of the Project (at the time of Construction Drawing Plan Check Submittal). In the case that the tenant requires additional solar capacity, this shall be addressed during the tenant improvement process. 7. Requirements and identification of the responsible party to maintain, replace, and repair the legible, durable, weather-proof signs that were installed at initial building occupancy placed at truck access gates, loading docks, and truck parking areas that identify applicable CARB anti-idling regulations. 8. The tenant agreement shall include notification that the tenant shall comply with CARB Truck and Bus regulation, including requirements that only haul trucks meeting model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the Project site. 9. Requirements for the building owner to provide a Green Cleaning Products and Paint Education Program available to the building tenant, to keep at the building's office, break room, leasing space, or on an accessible website.				
BIOLOGICAL RESOURCES				
MM BIO-1: Pre-Construction Nesting Bird Surveys. Project plans, specifications, and construction permitting instructions shall include that in the event that grading or construction activities, including vegetation removal, occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist shall make every effort to avoid potential nest	Prior to the issuance of building permits	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist shall have the authority to stop work if nesting pairs exhibit signs of disturbance.				
MM BIO-2: Pre-Construction Burrowing Owl Surveys. Burrowing owl protocol surveys shall be conducted on the Project site and within 500 feet of the Project site where there is suitable habitat, to the extent legally feasible if such area is not owned or controlled by the Project Applicant. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15. If burrowing owl surveys are negative, then ground-disturbing activities shall be allowed to commence, and no further mitigation would be required. If unoccupied burrows are observed onsite, they may be collapsed and ground disturbance shall be allowed to proceed. Avoidance and Minimization if Burrowing Owl is a CESA Protected Species at time of Proposed Impact: If the protocol surveys confirm occupied burrow(s),	Prior to the issuance of building permits	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
such active burrows shall be avoided by the Project in accordance with CDFW's Staff Report (CDFG 2012), until the burrows are determined unoccupied or the Project Applicant obtains take authorization from CDFW if burrowing owl is a Threatened, Endangered, or Candidate Species with interim protection under the California Endangered Species Act (a "CESA Protected Species") at the time of proposed impact on the burrowing owl. If the protocol surveys confirm presence of occupied burrow(s) and burrowing owl is not a CESA Protected Species at the time of the proposed impact on the burrowing owl (i.e., initiation of grading), the following mitigation measures shall apply to avoid and minimize impacts to burrowing owls: Project plans, specifications, and construction permitting instructions shall require burrowing owl surveys be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version) (Staff Report). Pre-construction surveys shall be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report. The qualified biologist shall prepare and implement a Burrowing Owl Plan for avoidance, minimization, and/or mitigation measures that shall be submitted to CDFW for review and comment prior to commencing Project activities, and thereafter submitted to City for final review and approval as the CEQA Lead Agency. A grading permit may be issued once the Burrowing Owl Plan is approved and, if relocations are deemed necessary, the species has been relocated. If the grading permit is not obtained within 30 days of the survey, a new survey shall be required. Avoidance, minimization, and/or mitigation measures in the Burrowing Owl Plan shall include any one of the following:				

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
• **If burrowing owls are observed on-site outside the breeding season** (September 1 to January 31) and they cannot be avoided, active or passive relocation shall be used to exclude owls from their burrows, as agreed to by the CDFW. Relocation shall occur only outside of the breeding season or once the young are able to leave the nest and fly. In the event that burrowing owls are to be relocated, a Burrowing Owl Relocation Plan shall be submitted for review and comment by the CDFW. The CDFW shall be consulted prior to any relocation to determine acceptable receiving sites available where this species has a greater chance of successful long-term relocation. Passive relocation shall include the use of one-way doors to exclude owls from the burrows; doors shall be left in place for at least 48 hours. Once the burrow is determined to be unoccupied, as verified by site monitoring, the burrow shall be closed by a qualified Biologist who shall excavate the burrow using hand tools. Prior to excluding an owl from an active burrow, a receptor burrow survey shall be conducted to confirm that at least two potentially suitable unoccupied burrows are within approximately 688 feet prior to installation of the one-way door. If two natural receptor burrows are not located, two artificial burrows shall be created for every burrow that would be closed. • **If burrowing owls are observed on-site during the breeding season** (not between September 1 to January 31), the burrow(s) shall be protected until nesting activity has ended (i.e., all young have fledged from the burrow). Temporary fencing, or a buffer, shall be installed at least at a 250-foot diameter buffer zone from the active burrow, (or as otherwise determined by the biologist) to prevent disturbance during grading				

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
or construction. The designated buffer shall be clearly marked in the field and shall be mapped as an Environmental Sensitive Area (ESA) on construction plans. Installation and removal of the buffer shall be done with a biological monitor present.				
ENERGY				
PPP GHG-1: 2022 California Energy Code Section 110.10. As listed above.	Prior to the issuance of building permits	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
PPP GHG-2: 2022 California Energy Code Section 140.10. As listed above.	Prior to the issuance of building permits	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
GEOLOGY AND SOILS				
MM PAL-1: Paleontological Monitoring. Prior to the issuance of grading permits, the Project Applicant shall retain a qualified paleontologist approved by the City to create and implement a Project-specific plan for monitoring site grading/earthmoving activities (Project paleontologist). The Project paleontologist retained shall review the approved development plan and grading plan and conduct any pre-construction work necessary to render appropriate monitoring and mitigation requirements as appropriate. These requirements shall be documented by the project paleontologist in a Paleontological Resources Mitigation and Monitoring Plan (PRMMP). The PRMMP shall describe the monitoring levels required during excavations, and the location of areas deemed to have a high paleontological resource potential. This PRMMP shall be submitted to the City for approval prior to issuance of a grading permit. Requirements to be included in the PRMMP are as follows:	Prior to the issuance of grading permits	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
1. Worker's Environmental Awareness Program. Prior to the start of the proposed Project activities, the PRMMP shall require that all field personnel shall receive a worker's environmental awareness training on paleontological resources. The training shall provide a description of the laws and ordinances protecting fossil resources, the types of fossil resources that may be encountered in the Project area, the role of the Project paleontologist, outline steps to follow in the event that a fossil discovery is made and provide contact information for the Project paleontologist. The training shall be developed by the Project paleontologist and can be delivered concurrent with other training including cultural, biological, safety, etc. 2. Paleontological Mitigation Monitoring. The PRMMP shall describe the monitoring levels required during excavations, and the location of areas deemed to have a high paleontological resource potential. Monitoring shall entail the visual inspection of excavated or graded areas and trench sidewalls. If the Project paleontologist determines full-time monitoring is no longer warranted, based on the geologic conditions at depth, he/she/they may recommend that monitoring be reduced or cease entirely. 3. Fossil Discoveries. If a paleontological resource is discovered, the Project paleontologist shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and, if appropriate, collected. If the resource is determined to be of scientific significance, the Project paleontologist shall complete the following:				

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
• *Salvage of Fossils*. If fossils are discovered, all work in the immediate vicinity shall be halted to allow the Project paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the Project paleontologist shall recover them following standard field procedures for collecting paleontological as outlined in the PRMMP prepared for the Project. The Project paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. • *Fossil Preparation and Curation*. The PRMMP shall identify the museum that has agreed to accept fossils that may be discovered during Project-related excavations. Upon completion of fieldwork, all significant fossils collected shall be prepared in a properly equipped laboratory to a point ready for curation. Preparation may include the removal of excess matrix from fossil materials and stabilizing or repairing specimens. During preparation and inventory, the fossil specimens shall be identified to the lowest taxonomic level practical prior to curation at an accredited museum. The fossil specimens shall be delivered to the accredited museum or repository no later than 90 days after all fieldwork is completed. The cost of curation shall be assessed by the repository and shall be the responsibility of the Project Applicant. 4. Final Paleontological Mitigation Report. Upon completion of ground-disturbing activities (and curation of fossils if necessary), the Project				

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.				
GREENHOUSE GAS EMISSIONS				
PPP GHG-1: 2022 California Energy Code Section 110.10. As listed above.	Prior to the issuance of building permits	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
PPP GHG-2: 2022 California Energy Code Section 140.10. As listed above.	Prior to the issuance of building permits	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM AQ-4: Energy Efficient Vendor Trucks. As listed above.	Prior to grading, and construction permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM AQ-7: Electric Vehicle Charging Stations. As listed above.	Prior to the issuance of building permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM AQ-9: Transportation Management Association. As listed above.	Prior to the issuance of building permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM AQ-11: City Review of Construction Documents. As listed above.	Prior to the issuance of building permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
MM GHG-1: Recycling Bins. The Project plans and specifications shall include external recycling bins at central locations for collection truck pick-up.	Prior to the issuance of building permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM GHG-2: Drought Tolerant Landscaping. The Project plans and specifications shall include a requirement that all landscaping and trees throughout the Project site be drought tolerant low-water and use water with drip irrigation and weather based smart irrigation controllers.	Prior to the issuance of building permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM GHG-3: Exceed Energy Efficient Building Requirements. Prior to the issuance of building permits, the Project applicant or successor in interest shall provide documentation to the City of Palmdale demonstrating that the Project is designed to achieve energy efficient buildings that comply with the 2022 Title 24 standards, and go beyond those standards with the incorporation of the following design criteria: 1. Building envelop insulation of conditioned space within the building shall be R15 or greater for walls and R30 or greater for attics/roofs. 2. Windows shall have an insulation factor of 0.28 or less Ufactor and 0.22 or less SHGC. 3. All roofing material shall be CRRC Rated 0.15 aged solar reflectance or greater and 0.75 thermal emittance. 4. All heating/cooling ducting within the buildings shall be insulated with R6 or greater insulation. 5. All heating and cooling equipment shall be ERR 14/78 percent AFUE, or 7.7 HSPF levels of efficiency or greater. 6. All water heaters shall be high efficiency electric water heaters with a minimum 0.72 Energy Factor or greater. 7. Lighting within the building shall be high efficiency LED lighting with a minimum of 40 lumens/watt for 15 watt or less fixtures, 50	Prior to the issuance of building permits	Property Owner	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division; City of Palmdale Engineering Department	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
lumens/watt for 15–40-watt fixtures, 60 lumens/watt for fixtures greater than 40 watts				
HAZARDS AND HAZARDOUS MATERIALS				
PPP HAZ-1: Transportation of Hazardous Waste. Hazardous materials and hazardous wastes will be transported to and/or from the Project development as required by the County of Los Angeles Fire Department's Health Hazardous Materials Division in compliance with any applicable state and federal requirements, including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (CFR) (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.	During construction	Property Owner, future tenant	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
PPP HAZ-2: Resource Conservation and Recovery Act. Hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263), including the management of nonhazardous solid wastes and underground tanks storing petroleum and other hazardous substances. The Los Angeles County Fire Department serves as the designated Certified Unified Program Agency (CUPA) which implements state and federal regulations for the following programs: (1) Hazardous Waste Generator Program, (2) Hazardous Materials Release Response Plans and Inventory Program (3) California Accidental Release Prevention Program (Cal-ARP), (4) Aboveground Storage Tank Program and the (5) Underground Storage Tank Program.	During construction	Property Owner, future tenant	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
PPP HAZ-3: Hazardous Materials Business Plan. Prior to issuance of operational permits, businesses that store or handle hazardous wastes shall have a Hazardous Materials Business Plan approved by the	Prior to the issuance of operational permits	Property Owner, future tenant	City of Palmdale Community Development Department, Planning Division and Department & Building & Safety Division; City Fire Department	Initials: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
City Fire Department and/or City Building Division. Article 1 of Chapter 6.95 of the California Health and Safety Code (Sections 25500–25520) requires that any business that handles, stores, or disposes of a hazardous substance at a given threshold quantity must prepare a hazardous materials business plan (HMBP). HMBPs are intended to minimize hazards to human health and the environment from fires, explosions, or an unplanned release of hazardous substances into air, soil, or surface water. The HMBP shall include a minimum of three sections: (1) an inventory of hazardous materials, including a site map that details their location; (2) an emergency response plan; and (3) an employee-training program.				Date: _____
PPP HAZ-4: FAA Compliance. Pursuant to Federal Aviation Administration compliance, the Project Applicant shall e-file FAA Form 7460-2, Notice of Actual Construction or Alteration, within 5 days of construction reaching its greatest height.	Within 5 days of construction reaching its greatest height	Property Owner	Project Applicant	Initials: _____ Date: _____
PPP HYD -1: NPDES/SWPPP. Prior to issuance of any grading permits, the applicant shall provide the City Building and Safety Department evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site	Prior to the issuance of grading permits	Property Owner	City of Palmdale Public Works Department	Initials: _____ Date: _____
PPP HYD-2: Drainage Management Plan (DMP) Compliance. Prior to issuance of any grading permits, the applicant shall provide the City Building and Safety Department evidence of compliance with the Drainage Management Plan (DMP) of the City of	Prior to the issuance of grading permits	Property Owner	City of Palmdale Public Works Department	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
Palmdale which establishes the hydrologic and hydraulic requirements for development within the City limits in accordance with revised procedures developed by the County of Los Angeles Department of Public Works and adopted by the City of Palmdale. It is the policy of the City of Palmdale that each development consisting of five acres or greater in size shall attenuate on-site storm runoff as required by drainage law and shall prepare hydrology and hydraulic studies in accordance with the DMP. Each development is required by City Ordinance to attenuate post-developed flows to 85 percent of pre-developed flows through the installation of an onsite storm drain system to remove particulate pollutants and to reduce maximum runoff values associated with development.				
HYDROLOGY AND WATER QUALITY				
PPP HYD-1: NPDES/SWPPP, as listed above.	Prior to the issuance of grading permits	Property Owner	City of Palmdale Public Works Department	Initials: _____ Date: _____
PPP HYD-2: Drainage Management Plan (DMP) Compliance, as listed above.	Prior to the issuance of grading permits	Property Owner	City of Palmdale Public Works Department	Initials: _____ Date: _____
PUBLIC SERVICES				
PPP PS-1: Development Impact Fees. Prior to the issuance of either a certificate of occupancy or prior to building permit final inspection, the Applicant shall provide payment of the appropriate fees set forth by in the Palmdale Municipal Code Chapter 3.42 and 3.45, as applicable, related to the funding of public safety and other public facilities.	Prior to the issuance of a certificate of occupancy or prior to a building permit	Property Owner	City of Palmdale or its designee	Initials: _____ Date: _____
TRANSPORTATION				
PDF TR-1: Sidewalks. The Project would construct 8-foot-wide sidewalks along the Project's frontage on	During construction	Property Owner	City of Palmdale	

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
Avenue L-8, East Avenue M, 30th Street East and 35th Street East.				Initials: _____ Date: _____
PDF TR-2: Bicycle Facilities. The Project would construct a 12-foot-wide bike trail along East Avenue M/Columbia Way.	During construction	Property Owner	City of Palmdale	Initials: _____ Date: _____
MM T-1: CAPCOA Measure T-7, Implement Commute Trip Reduction Marketing. The City's operational and occupancy permitting shall include that the tenant shall be required (by contract specifications) to implement a marketing strategy to promote the Project site employer's Criteria Pollutant and Toxics Emissions Reporting (CTR) program. Information sharing and marketing to promote and educate employees about their travel choices to the employment location beyond driving such as carpooling, taking transit, walking, and biking.	Prior to the issuance of operational and occupancy permits	Property Owner, future tenant	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM T-2: CAPCOA Measure T-8, Provide Rideshare Program. The City's operational and occupancy permitting shall include that the tenant shall implement a ridesharing program and establish a permanent transportation management association with funding requirements for employers. Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips, VMT, and GHG emissions. As per Table T-8.1 in CAPCOA handbook, the reduction percentage for suburban areas, such as the City of Palmdale, is 4 percent.	Prior to the issuance of operational and occupancy permits	Property Owner, future tenant	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
TRIBAL CULTURAL RESOURCES				
PPP TCR-1: Native American historical and cultural resources and sacred sites are protected under PRC Sections 5097.9 to 5097.991, which require that descendants be notified when Native American human remains are discovered and provide for treatment and disposition of human remains and	Prior to issuance of permits associated with ground-disturbing activities	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
associated grave goods. During Project construction, these requirements will be followed.	Monitoring during ground-disturbing activities			
PPP CUL-1: Human Remains. Should human remains or funerary objects be discovered during Project construction, the Project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of notification by the NAHC.	Monitoring during ground-disturbing activities	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM TCR-1: On-Site Tribal Monitor. Prior to the issuance of grading permits, the Project Applicant shall notify the consulting tribes (Yuhaaviatam of San Manuel Nation, Fernandeño Tataviam Band of Mission Indians, and the Morongo Band of Mission Indians) and shall enter into a Tribal Monitoring Agreement with at least one of the consulting tribes for a Tribal Monitor. In the case that more than one of the consulting tribes designates a monitor, monitors shall rotate to ensure that only one monitor is present at the site at any given time. The designated Tribal Monitor(s) shall be on-site during all initial ground-disturbing activities including, but not limited to, clearing, grubbing, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, driving posts, auguring,	Prior to the issuance of grading permits; during construction	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
blasting, stripping topsoil or similar activity ("Tribal Monitoring"). Tribal Monitoring services shall continue until confirmation is received from the project applicant, in writing, that all scheduled activities pertaining to Tribal Monitoring are complete. If the Project's scheduled activities require the Tribal Monitor to leave the Project for a period of time and return, confirmation shall be submitted to the Tribal Monitor by project applicant, in writing, upon completion of each set of scheduled activities and 5 days' notice (if possible) shall be submitted to the Tribal Monitor by project applicant, in writing, prior to the start of each set of scheduled activities. If cultural resources are encountered, the Tribal Monitor will have the authority to request that ground-disturbing activities cease within 60 feet of discovery and a qualified archaeologist meeting Secretary of Interior standards retained by the project applicant as well as the Tribal Monitor shall assess the find.				
MM TCR-2: Retention of Archaeologist. Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a Qualified Archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The Archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The Archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing	Prior to any ground disturbing activities; during construction	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
activities as well as the procedures to be followed in such an event.				
MM TCR-3: Pre-Grade Meeting. The retained Qualified Archeologist and Consulting Tribal representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.	Prior to the commencement of any ground disturbing activities	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM TCR-4: A Cultural Mitigation Resources Monitoring and Mitigation Plan (CRMMP) shall be prepared, in consultation with a single representative on behalf of the consulting tribes (Yuhaaviatam of San Manuel Nation, Fernandeño Tataviam Band of Mission Indians, and the Morongo Band of Mission Indians), prior to the commencement of any and all ground-disturbing activities for the Project, including any archaeological testing. The CRMMP will provide details regarding the process for in-field treatment of inadvertent discoveries and the disposition of inadvertently discovered non-funerary resources. The CRMMP shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.	Prior to the commencement of any ground disturbing activities	Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM TCR-5: Inadvertent Discovery of Cultural Resources. The Lead Agency and/or project applicant shall, in good faith, consult with the Yuhaaviatam of San Manuel Nation (YSMN), Fernandeño Tataviam Band of Mission Indians (FTBMI), and the Morongo Band of Mission Indians (MBMI) on the disposition and treatment of any Tribal Cultural Resource encountered during all ground disturbing activities. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and so that the Qualified Archaeologist and Tribal Monitor can evaluate the find.	Monitoring during ground-disturbing activities	City of Palmdale; Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the consulting tribes' (Yuhaaviatam of San Manuel Nation, Fernandeño Tataviam Band of Mission Indians, and the Morongo Band of Mission Indians) Cultural Resources Departments shall be contacted, as required by the CRMMP created per TCR-4, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist and tribal monitor make their initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the Qualified Archaeologist in consultation with the Tribe[s] and the Tribal Monitor[s] and be submitted to the Lead Agency for review and approval. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the consulting tribes for review and comment, as detailed within TCR-4.				
MM TCR-6: Inadvertent Discovery of Human Remains: If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s]. a. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading,	Monitoring during ground-disturbing activities	City of Palmdale; Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98. b. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5. c. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98. The tribe that is named the Most Likely Descendant (MLD) may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial shall not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations shall be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.				

Project Design Feature (PDF) / Plan, Program, Policy (PPP) / Mitigation Measure (MM)	Implementation Timing	Responsible Party	Monitoring Party	Date Completed and Initials
MM TCR-7: Archaeological/ Cultural Documents. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to consulting tribes (Yuhaaviatam of San Manuel Nation, Fernandeño Tataviam Band of Mission Indians, and the Morongo Band of Mission Indians). The Lead Agency and/or applicant shall, in good faith, consult with the tribes throughout the life of the construction of the project.	Prior to the issuance of occupancy permits	City of Palmdale; Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____
MM TCR-8: Final Report: The final report[s] created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe for review and comment. After approval of all parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribes.	Prior to the issuance of occupancy permits	City of Palmdale; Property Owner	City of Palmdale Planning Division and Department & Building & Safety Division	Initials: _____ Date: _____

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E | P | D SOLUTIONS, INC

WHERE EXPERIENCE AND PASSION MEET

To:	Transwestern Development Company
From:	Alex J. Garber, Tanya Kalaskar, EPD Solutions, Inc.
Date:	1/23/2025
Re:	Electric Truck and Alternative Fuel Truck Adoption Constraints

This memorandum reviews the constraints associated with the use of zero emission trucks in logistics, including all-electric and alternative fuel-powered trucks. This memorandum reviews all-electric commercial truck market, specifically focusing on whether current infrastructure and electric power within California, and the United States as a whole, can support adoption of long-haul all-electric trucks for logistics use. In addition, the memorandum identifies the challenges in adopting alternative fuel truck fleets.

Background

Over the past several years, California has had a strong political push to utilize all-electric commercial trucks in the logistics industry. Specifically, on April 28, 2023, over staunch objections from industry players of its infeasibility, California legislators passed the Advanced Clean Fleets ("ACF") regulations, which are designed to phase out the sale of medium- and heavy-duty ("MDHD") internal combustion engine trucks in California. (McNamara, Marie.)[1] The regulations look to phase out all combustion engine truck use in California by 2045. (*Id.*) Fleets and private companies can comply with the regulations in one of two ways. (Id.) Under the model year schedule option, any internal combustion engine vehicle must be retired when it has been used for 13 years, traveled more than 800,000 miles, or is more than 18 years old. (*Id.*) Additionally, any new truck purchased after January 2024 is required to be a zero-emission vehicle ("ZEV"), such as a battery electric, long-range plug-in electric hybrid, or a hydrogen fuel cell MDHD truck. (*Id.*) Under the milestone option, fleets must meet specific percentage targets of ZEVs within the fleet as the years progress to 2045. (*Id.*)

However, before the program could even get underway at the start of 2024, the California Air Resources Board ("CARB") issued a notice that it would not enforce its ACF regulations until the U.S. Environmental Protection Agency ("EPA") granted a preemption waiver or determines a waiver is not necessary. (Rivera, Michelle.)[2] In fact, CARB recognized the significant likelihood of delays, and therefore the ACF regulations, when passed, provided flexibility for such delays. (McNamara, *supra.*) These delays include infrastructure delays, electrical delays, vehicle delivery delays, and daily usage exemptions. (*Id.*)

In January 2025, California abandoned its ACF regulations before President-elect Donald J. Trump was sworn in because the Trump administration would be unlikely to allow the State to implement them. President-elect Donald J. Trump had threatened to revoke or challenge all zero-emission vehicle rules and California's

[1] McNamara, Marie; *Understanding California's Advanced Clean Fleet Regulation* (July 3, 2023) https://rmi.org/understanding-californias-advanced-clean-fleet-regulation/

[2] Rivera, Michelle; *CARB Halts Enforcement of Advanced Clean Fleets Regulation* (January 23, 2024) https://www.wga.com/news/carb-halts-enforcement-of-advanced-clean-fleets-regulation/#:~:text=On%20Thursday%2C%20Dec.,determines%20one%20is%20not%20necessary

other clean-air standards. As Liane Randolph, CARB Chair, said in a statement, "California has withdrawn its pending waiver and authorization requests that U.S. EPA has not yet acted on." (Lazo, Alejandro.)[3]

Ultimately, widespread adoption of ZEV trucks is not currently feasible for logistic projects, due to the reasons set forth below.

All-Electric Trucks

Limited Electric Trucks in the Current Market

The current market for electric commercial trucks is relatively small, especially for long-haul trucks. As of January 2024, of a fleet of 12.2 million trucks in the United States, only 13,000 were electric, according to an Environmental Defense Fund analysis. (Shelley, Evan.)[4] That analysis defined these trucks as Class 2B to Class 8 vehicles, ranging from step-up vans to tractor-trailers, with many coming in the lighter truck categories. (*Id.*)

Currently, there are less than 10 manufacturers with long-haul electric trucks available on the market, including Tesla, Daimler (Freightliner), Volvo, Kenworth, and Nikola. (Lu, Marcus.)[5] Over the past several years, many of these companies have experienced significant delays in production, that has led to such trucks not being available in the near future. (Mohoney Noi.)[6]

Of the trucks available, they widely differ in terms of range, rating, and charge time. For example, the eCascadia, developed by Freightliner, is a Class 8 truck with a gross vehicle weight rating ("GVWR") of up to 82,000 pounds. (Vaughn, Mark.)[7] It has a battery capacity of 475 kWh and a range of 250 miles. (*Id.*) Additionally, the Freightliner eM2 (a class 6-7 truck) has a battery capacity of as 315 kWh, a GVWR of between 26,000 and 33,000 pounds, and can go up to 230 miles on a single charge. (Id.) From Kenworth Truck Company, the Kenworth T680E is a zero emission Class 8 truck with an estimated operating range of 150 miles and a 396 kWh battery. (Kenworth Website.)[8] It is offered in both 54,000 pound and 82,000-

[3] Lazo, Alejandro; *California abandons diesel truck ban and 3 other clean-air rules before Trump is sworn in* (January 14, 2025) https://calmatters.org/environment/2025/01/trump-california-withdraws-diesel-clean-air-rules/

[4] Shelley, Evan; *A closer look at how heavy electric trucks are gaining a foothold in the US transportation industry—and how we got here* (2024) https://truckparkingclub.com/news/how-heavy-electric-trucks-are-gaining-a-foothold-in-the-us/#:~:text=Electric%20trucks%20are%20still%20relatively,up%20vans%20to%20tractor%2Dtrailers

[5] Lu, Marcus; *All Electric Semi Truck Models in One Graphic* (September 6, 2022) https://www.visualcapitalist.com/every-electric-semi-truck-model-in-one-graphic/

[6] Mahoney, Noi; *Tesla plans to ramp up electric Semi truck production in 2026* (October 23, 2024) https://finance.yahoo.com/news/tesla-plans-ramp-electric-semi-004547280.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAE9zlpOxsaIEuhn1c9yGR25mpjvkxVPFFksN6XZPY_SzEMcZvwXnC4kZXc3Y4Xc1qh48B1aBDEvG34AtPLoj8SBEEq5tPJhsMm9qstNvI2TGLuk5pgPq3FR4LZJ82kCsRO17goBs9ce_LB57GQjTT4zl4PJAArXYu5cJtmm7tTIv

[7] Vaughn, Mark; *Electric Big Rigs are Coming – And We Drive Four of Them* (May 24, 2021) https://www.autoweek.com/news/green-cars/a36506185/electric-big-rig-semi-trucks/

[8] Kenworth.com; *T680E* (December 5, 2024) https://www.kenworth.com/trucks/t680e/

pound GVWR. (Sickels, David.)[9] Lastly, the Volvo VNR Electric has a 565 kWh battery capacity with a 275 mile range. (Volvo Website.)[10]

In addition to the above, the table below lists the range and charge time for several of the major manufactures.

Company	Truck Name	Range	Charge Time
Tesla	Semi	300-500 miles	TBD
Freightliner	eCascadia	250 miles	80% in as low as 1.5 hrs
Volvo	VNR Electric	275 miles	80% in as low as 1 hr
Kenworth	T680E	150 miles	100% in as low as 3.3 hrs
Peterbilt	579EV	150 miles	100% in as low as 3.3 hrs
BYD	8TT	167 miles	100% in as low as 2.5 hrs
Nikola	Tre BEV	350 miles	10% to 80% in as low as 2 hrs

Source: US News, CNBC, InsideEVs

(Lu, *supra*.)

Thus, there are only two trucks on the market that reach more than 275 miles, Tesla's Semi and Nikola's Tre BEV. (*Id*.) For Tesla, roughly 140 units have been delivered with 100 being used by Tesla itself and another 36 going to PepsiCo. (Dnistran, Iulian.)[11] In fact, Tesla does not expect to start higher-volume production of the Semi until late 2024 at the earliest. (*Id*.)

As of the date of this memo, the electric truck market seems to be inching toward further adoption over the next several decades, but will face several delays and setbacks along the way. Thus, as the market sits today, production and availability of trucks in nowhere close to allowing for widespread adoption of all electric commercial vehicles.

Issues with Electric Truck Adoption

Even if electric truck production was at a high enough level to allow for widespread adoption, additional constraints, as explained below, would limit the effectiveness and viability of using such trucks.

[9] Sickels, David; *Kenworth electric T680E now available for order* (October 14, 2020) https://www.fleetequipmentmag.com/kenworth-class-8-battery-electric-t680e-available-order/

[10] Volvotrucks.us; *The Volvo VNR Electric* (December 5, 2024) https://www.volvotrucks.us/trucks/vnr-electric/#overview

[11] Dnistran, Iulian. *PepsiCo Ordered 100 Tesla Semis In 2017*. Tesla Delivered 36 So Far (April 22, 2024) https://insideevs.com/news/716902/tesla-semi-deliveries-pepsico-april-2024/

A. Limited Battery Capacity, Low Mileage Range, and Long Charge Times

The first set of major issues with adoption of long-range electric trucks is that due to a limited battery capacity, such trucks have a significantly lower mileage range than their diesel counterparts. The average diesel-powered semi-truck can travel up to 2,000 miles before refueling. (Lu, *supra*.) In contrast, most electric trucks have a range under 275 miles, with the lone exceptions being Nikola's Tre BEV with a range of 350 miles and Tesla's mega model Semi with a range of 500 miles. *(Id.*) Additionally, outside temperatures and a difference in drivers' driving styles can make the battery capacity and mileage range fluctuate greatly. (Sickels, David.)[12] This uncertainty will lead to more frequent stops by drivers to charge, not to mention that this variability and lack of infrastructure (as explained below) could lead to trucks oftentimes running out of electricity. This is a problem that many trucking companies will want to avoid due to the current long distances between charging stations.

Exacerbating the low mileage range issues, electric truck batteries take significantly longer to recharge as compared to filling up a gas tank. For example, while a diesel semi-truck can fill up a full tank in about 15 minutes, the Tesla Semi can get to 70% charge in thirty (30) minutes, while Volvo's VNR Electric and Freightliner's eCascadia take ninety (90) minutes to reach a charge of 80%. (Daniel Burrows.) [13] Additionally, as the battery charges, it becomes significantly slower, thus why manufacturers suggest only charging a battery to 80%. (Jaskolski, David.)[14] Indeed, the long-term health of a battery improves when kept below this 80% threshold. (*Id.*) Thus, if trucking companies want to preserve the life of their truck batteries, they will only charge trucks to 80%, thus further limiting its range.

Consequently, electric truck adoption will require more frequent and significantly longer stops than diesel trucks will. This will lead to delays in the shipment of goods and the required investment into significantly more trucks and personal. Such impacts will directly affect the everyday consumer of goods. As Andrew Boyle, American Trucking Association's ("ATA") First Vice-Chair and Co-President, put it when speaking to the Senate Environment and Public Works Subcommittee, "[r]emember, we deliver food, medicine, and baby formula...Failure is not merely inconvenient; it's catastrophic." (American Trucking Association.)[15]

B. Lack of Charging Infrastructure

As mentioned, another issue with widespread adoption of electric trucks is that the current charging infrastructure is not robust enough. Effectively, regulators have put the cart before the horse, in that they want electric truck adoption, without any way to effectively charge such large fleets. This includes both physical public charging stations, as well as the grid power to provide the necessary electricity.

Charging Stations

When CARB's Advanced Clean Fleets rule was announced in April 2023, many constituents slammed the rule, which included the installation of 15,000 chargers capable of powering medium- and heavy-duty trucks within a year, as unrealistic and too ambitious. (Transport Topics.)[16] To meet the CARB deployment targets,

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[12] Sickels, David; *Ready to add electric trucks to your fleet? Are you sure?* (September 8, 2022) https://www.fleetequipmentmag.com/ready-to-add-electric-trucks/

[13] Burrows, Daniel; *5 Ways to Extend Heavy-Duty Electric Truck Range* (October 28, 2024) https://conmet.com/extend-electric-truck-range/

[14] Jaskolski, David; *Considerations for the Adoption of Electric Commercial Trucks* (August 7, 2023) https://www.peachstatetrucks.com/blog/news/electric-semi-trucks

[15] American Trucking Association; *A heavy dose of reality for electric-truck mandates* (April 19, 2023) https://www.trucking.org/news-insights/heavy-dose-reality-electric-truck-mandates

[16] Transport Topics; *California Charging Infrastructure Lags Behind Targets* (September 7, 2023) https://www.ttnews.com/articles/california-charging-lags

around 300 chargers a week would need to be built, California Trucking Association CEO, Eric Sauer, told Transport Topics. That is not happening, as the outlined pace is "just too soon, too fast." (*Id.*) In fact, as of July of this year there are less than 7,000 public dc fast-charging stations across the US, and the vast majority of these are designed to accommodate smaller electric vehicles and no heavy-duty long haulers. (Etengoff, Aharon.)[17]

One of the major problems is the time needed for build-out. (Transport Topics, *supra.*) California Trucking Association members state that, at best, it will take at least 18-months to build one charging station, "with some forecasts stretching out to seven years." (*Id.*) Indeed, National Grid Fleet Electrification Product Owner, Ryan Wheeler, said during American Trucking Associations' Technology & Maintenance Council's 2023 Summer Conference & Fleet/Utility Forum that utilities typically take two to five years to connect major projects. (*Id.*)

Another massive hurdle is getting through local agency zoning rules and regulations. (*Id.*) Even in California, EV charging is rarely the primary use for properties, and zoning codes for chargers as the primary use broadly don't exist at a municipal level. (*Id.*) Most of the regulatory focus has been on EV charging as a secondary use. (Id.) Although municipalities are incentivized to work on this, the newness of the issues can and have led to delays as municipalities try to figure it out. (*Id.*) Another problem is that many fleets do not own the property they use, as it frequently is leased, and therefore the cost and responsibility of installation will fall to the owner, who is oftentimes less willing to make such infrastructure changes and investments. (*Id.*) Thus, although stations are starting to be built within the State, with California leading the way, we are far from having enough chargers to allow for widespread adoption.

Outside of just California, the EPA has recognized this issue, saying it will monitor heavy-duty ZEV infrastructure, and issue period report on the market conditions that allow for compliance with certain standards. (Wolfe, Jeremy.)[18] If the infrastructure for heavy-duty ZEVs falls short of EPA's expectations, the agency would likely pursue new rulemaking. (*Id.*)

Grid Power

Lastly, by far the most significant constraint on adoption of long-haul electric trucks, and electric trucks in general, is the lack of grid power available in order to charge such fleets. Across California, the companies that are trying to build charging stations for electric trucks are being told that it will take years – or even up to a decade – for them to get the electricity they need. (St. John, Jeff & Medina, Canary.)[19] At the same Senate hearing discussed previously, Boyle discussed conversations he had with friends and peers in the trucking industry who were exploring adding electric trucks and were ultimately shot down by utility companies. (Lockridge, Deborah.)[20] He stated, "[o]ne friend tried to put in 30 trucks in Illinois. The city said, 'Is this some kind of joke? You're asking for more draw than the entire city requires.'" Additionally, a "California company tried to electrify 12 forklifts. Not trucks, but forklifts. Local power utilities told them

[17] Etengoff, Aharon; *What are the benefits and challenges of electric semi-trucks* (June 19, 2024) https://www.evengineeringonline.com/what-are-the-benefits-and-challenges-of-electric-semi-trucks/

[18] Wolfe, Jeremy; *Where regulators' push for heavy-duty EVs falls short* (September 30, 2024) https://www.fleetowner.com/emissions-efficiency/article/55143243/where-regulatory-heavy-duty-electric-truck-mandates-fall-short

[19] St. John, Jeff & Medina, Canary; *California's backlogged grid is holding up its electric truck dreams* (September 24, 2024) https://energynews.us/2024/09/24/californias-backlogged-grid-is-holding-up-its-electric-truck-dreams/

[20] Lockridge, Deborah; *The Rush to Battery-Electric Trucks: Putting the Cart Before the Horse* (April 27, 2023) https://www.truckinginfo.com/10197651/the-rush-to-battery-electric-trucks-putting-the-cart-before-the-horse

that's not possible." (*Id.*) Ultimately, "[w]hen a utility tells you, you're three years out from converting 10 forklifts in a warehouse, I think that should alert us to the fact that we're just not there." (*Id.*)

The electric grid must be upgraded with enough power to quickly charge batteries approaching capacities of 1,000 kWh. (Ramos, Alex.)[21] A Roland Berger study, commissioned by the clean Freight Coalition, found that a $1 trillion investment is needed to electrify the commercial truck fleet in the United States. (Schremmer, Mark.)[22] This includes $620 billion for charging infrastructure and $370 billion to upgrade the power grid. (*Id.*) In another study, by utility company National Grid, researchers found that the projected power needs for a big truck stop by 2035 will equal that of a small town. (Randall, Tom.)[23] A connection to the grid that can handle more than 5 megawatts takes up to eight years to build, at a cost of tens of millions of dollars. (*Id.*)

Ultimately, long-haul trucks would require approximately 504 tWh of energy annually to electrify all trucks in the US. (Sierzchula, Will.)[24] A company called Terawatt Infrastructure ("Terawatt") has been scouting California for sites that could serve as potential charging stations. (St. John & Medina, *supra.*) However, 95% of them do not have the power Terawatt is requesting. (*Id.*) Indeed, to serve proposed charging hubs in California's Inland Empire, utility Southern California Edison has said that it will need to expand existing substations, which takes four to five years, or build a new substation, which takes at least eight years. (*Id.*)

C. Other Factors

Besides what is listed above, there are several other issues that must be addressed before mass adoption is feasible. For example, the sheer cost of implementing an electric fleet is prohibitive. Because electric trucks will increase the amount of time needed for each route to be completed, extra time, labor, and material costs will need to be factored in, resulting in loss of revenue. Not only that, the initial upfront investment for electric trucks far outweighs the investment needed for a diesel truck. A diesel long-haul tractor typically costs in the range of $130,000 to $160,000. (Wang, Brian.)[25] Meanwhile, most of the electric semis from Freightliner, Volvo, Kenworth and Peterbilt are about $400,000 to $500,000, while those from Nikola and others are $300,000 to $400,000. (*Id.*) In fact, electric semi-trucks cost up to 2.8 times more to purchase than their diesel counterparts, with battery costs representing most of the differential. (Etengoff, *supra.*) This upcharge is cost-prohibitive for the overwhelming majority of motor carriers. (American Trucking Association, *supra.*) More than 95% of trucking companies are small businesses operating ten trucks or fewer. (*Id.*) Furthermore, redesigning an entire fleet's parking lot or depot to support electric vehicles will take a lot of time, effort, and money, which companies might not be able to spare in the near future.

Alternative Fuel Trucks

[21] Ramos, Alex; *6 Problems with Electric Semi Trucks* (March 30, 2023) https://www.makeuseof.com/problems-with-electric-semi-trucks/

[22] Schremmer, Mark; *Move toward electric trucks 'ignores operational realities'* (April 30, 2024) https://landline.media/move-toward-electric-trucks-ignores-operational-realities/

[23] Randall, Tom; *Electric truck stops will need as much power as a small town* (November 21, 2022) https://www.seattletimes.com/business/electric-truck-stops-will-need-as-much-power-as-a-small-town/

[24] Sierzchula, Will; *Electrifying US long haul trucks will require 504 TWh a year. But that won't be the hardest part* (December 1, 2022) https://www.utilitydive.com/news/electrifying-us-long-haul-trucks-will-require-504-twh-a-year-but-that-won/636684/

[25] Wang, Bryan; *Shopping Guide for Electric Semi Trucks [Prices, Weights and Payload]* (December 29, 2022) https://www.nextbigfuture.com/2022/12/shopping-guide-for-electric-semi-trucks-prices-weights-and-payload.html

Alternative fuels are fuels derived from sources other than petroleum. Alternative fuels include gaseous fuels such as hydrogen, natural gas, and propane; alcohols such as ethanol, methanol, and butanol; vegetable and waste-derived oils; and electricity (EPA Website).[26]

The main challenges that create barriers for wide acceptance and use of alternative fuel trucks are:

1. **High Cost**: Alternative fuel trucks can be more expensive to purchase and maintain than traditional diesel trucks (Knight Transportation Website).[27] For example, BYD has Class 8 heavy-duty trucks on the road, but the payback period compared to a diesel-powered truck is significantly more (McCaw, John).[28] The vast majority of the nation's trucking fleet is made up of small owner operator outfits. The adoption of new fuel technologies represents a major investment for thousands of small businesses. If these new technologies fail for any reason, the consequences would be disastrous for owner operators who have staked their business on a defunct alternative fuel. "If we get this wrong, it's catastrophic for our industry. It's catastrophic for our country's supply chain," says Jacqueline Gelb, Vice President of Energy and Environmental Affairs with the ATA (Triple T Transport Website).[29]

2. **Infrastructure Constraints**: One of the biggest challenges for alternative fuels is the lack of infrastructure. There are not enough refueling stations for hydrogen, natural gas, or other alternative fuel-based trucks. While certain types of refueling infrastructure can be heavily used (e.g., airports and fleet hubs), development of more disperse fueling infrastructure for all fuel types is limited by the demands of a smaller market (Alternative Fuels Data Center).[30] It can be difficult to motivate the development of fueling stations on a large scale when vehicles that leverage the technology are not widely in use (McCaw, *supra*.).

3. **Availability**: The market for alternative fuel vehicles is in the development stage, and operators may struggle to find vehicles that meet their specific needs and performance requirements in a desired timeframe (Nussbaum, Ben).[31] Alternative fuel users also face the problem of supply. Availability largely depends on the manufacturing and distribution systems for fuels. Use of even the leading alternative fuels is not widespread in truck fleet operations, as a result fuel supplies and vendors are, to varying degrees, limited.

4. **Lack of Knowledge**: Many fleet operators don't know where to start with the transition due to the multifaceted nature of the process and general lack of comprehensive plans or guidelines. Navigating the complex landscape of available financial incentives, grants, rebates, and other subsidies can be overwhelming, and missing out on these can make the transition less financially viable (Nussbaum, *supra*.).

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[26] EPA.gov; *Alternative Fuels* (July 15, 2024) https://www.epa.gov/renewable-fuel-standard-program/alternative-fuels

[27] Knighttrans.com; *Exploring Alternative Fuel for the Trucking Industry* (April 11, 2023) https://www.knighttrans.com/knight-life/regulations/exploring-alternative-fuel-for-the-trucking-industry/

[28] McCaw, John; *The Challenges of Using Alternative Energy for Transportation* (August 21, 2020) https://www.breakthroughfuel.com/blog/challenges-of-alternative-energy-in-transportation/

[29] Triple T Transport.com; *Alternative fuels present challenges for transport industry* (June 13, 2023) https://triplettransport.com/alternative-fuels-present-challenges-for-transport-industry/

[30] AFDC.gov; *Alternative Fuel Vehicle & Fueling Infrastructure Deployment Barriers & the Potential Role of Private Sector Financial Solutions* (April 2014) https://afdc.energy.gov/files/u/publication/afv_fueling_infrastructure_deployment_barriers.pdf

[31] Nussbaum, Ben; *Alternative Fuel Solutions for Fleets* (June 19, 2024) https://www.ev-resource.com/articles/challenges-and-solutions-for-fleets-transitioning-to-alternative-fuels#/

5. **Workforce Development**: Training staff to operate alternative fuel trucks involves comprehensive instruction on the unique characteristics of the vehicle, including its fueling process, safety procedures related to the alternative fuel, proper operation of specialized components, and potential differences in driving dynamics compared to traditional diesel trucks. Ensuring that technicians and drivers are properly trained and have the appropriate certifications can be a logistical and financial challenge (Nussbaum, *supra*.).

Conclusion

Although there are a few all-electric long-haul trucks on the market today, the current lack of infrastructure and low milage range offer substantial barriers to widespread adoption of these in the near future. Significant investment must be made to ensure there are enough public charging stations along truck routes, and that the chargers are powerful enough to charge a truck in a short time period (under 30 minutes). Lastly, it is imperative that once electric trucks begin to become more widespread, there is enough energy and grid power to accommodate this increase in electrical use.

Several significant challenges hinder the widespread adoption of alternative fuel trucks. High costs, infrastructure constraints, limited vehicle availability, lack of knowledge, and workforce development barriers create obstacles for fleet operators and small businesses looking to transition from traditional diesel trucks.

LOS ANGELES COUNTY AIRPORT LAND USE COMMISSION

November 1, 2023

Norah Jaffan
EPD Solutions
2355 Main Street, Unit:100
Irvine, CA 92614

SUBJECT: AVIATION CASE RPPL2023004907
3347 EAST AVENUE M, PALMDALE, CA 93550
INDUSTRIAL WAREHOUSE PROJECT
AIRPORT LAND USE PLAN CONSISTENCY DETERMINATION

Dear Applicant:

Pursuant to Section 1.5.2 of the Los Angeles County Airport Land Use Commission (ALUC) Review Procedures, ALUC staff has reviewed the proposed industrial development project located at 3347 East Avenue M in the City of Palmdale.

Staff has determined that the proposed development project is **consistent** with the policies contained in the Airport Land Use Plan and the ALUC Review Procedures for Los Angeles County.

Attached please find the Staff Report on Minor Aviation Case No. RPPL2023004907. Thank you for the opportunity to comment on this project. If you have any questions regarding this matter, please contact Lauren De La Cruz at (213) 974-6432 or via email at ldelacruz@planning.lacounty.gov, between 7:30 am and 5:30 PM, Monday through Thursday. Our office is closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Amy J. Bodek, AICP
Director

A. Bruce Durbin
Digitally signed by A. Bruce Durbin
Date: 2023.11.02 13:14:33 -07'00'

Bruce Durbin, Supervising Regional Planner
Ordinance Studies Section/ALUC Staff

AIRPORT LAND USE COMMISSION STAFF REPORT
INDUSTRIAL WAREHOUSES PROJECT
MINOR AVIATION PERMIT CASE RPPL2023004907
APPLICANT: Norah Jaffan, EPD Solutions
November 1, 2023

PURPOSE AND DESCRIPTION

The Project referred to the Airport Land Use Commission (ALUC) for review is a development proposal for two new industrial buildings and related improvements located at 3347 East Avenue M in the City of Palmdale. The Project is concurrently seeking discretionary entitlements from the City of Palmdale, including a Conditional Use Permit, Site Plan Reviews, and a Tentative Tract Map. This Project is subject to review for consistency with the Los Angeles County Airport Land Use Plan (ALUP) adopted by the ALUC for Los Angeles County in 1991 because the Project's location is within the Airport Influence Area (AIA) of Palmdale Regional Airport (PMD).

LOCATION AND DESCRIPTION OF THE PROJECT SITE

The Project site is a 150.65-acre parcel at 3347 E Avenue M (APN 3170-018-081) in the City of Palmdale, directly north of Palmdale Regional Airport. The Project site is located at the northeast corner of East Avenue M (Columbia Way) and 30th Street East and is currently flat undeveloped land with minimal vegetation.

The Project site is located completely within the AIA of Palmdale Regional Airport and the 65 dBA Community Noise Equivalent Level (CNEL) noise contour. The southeast corner of the property line of the Project site is approximately 3,825 feet from the nearest Runway Protection Zone (RPZ) boundary, and 3,810 feet from the edge of Runway 22.

The Project site is currently zoned HI (Heavy Industrial) and has a General Plan land use designation of Industrial (IND), which will remain once developed, therefore no plan amendment or zone change is necessary. The Project's proposed industrial land uses appear to be consistent with the existing General Plan policies and zoning regulations. The Project site is bordered on the north and east by vacant land, and on the west by vacant land and a solar farm, which are also zoned HI and designated IND. The Palmdale Regional Airport and Air Force Plant 42 are directly south of the Project site, across East Avenue M. The closest sensitive use to the airport is an Urban Residential development in the City of Lancaster approximately 6,800 feet north of the airport property.

The Project proposes the development and construction of two new industrial buildings to be used as warehouses and/or manufacturing facilities with associated surface parking and onsite improvements, and grading for a master catch basin. The Project also proposes subdivision into three parcels, with the two buildings and basin each on their own parcel, and all three parcels will share internal circulation. The Master Basin will be along the northern portion of the parcel, approximately 12 and a half feet in depth, with no net change in the on-site cut or fill. Two industrial buildings proposed for the middle and southern portions of the parcel will have a combined floor area of three million square feet and a

maximum height of approximately 56 feet 9 inches. This building height exceeds what is permitted by right in the Palmdale Municipal Code, and this proposed height triggers a Conditional Use Permit for the Project. The Project also includes improving adjacent dirt roads for access to the site.

STATUTORY REQUIREMENTS
Per the ALUC Review Procedures, until such a time that ALUC finds that a local agency's general plan is consistent with the ALUP, state law provides all major land use actions within an AIA must be submitted for review. The City of Palmdale has not submitted their Palmdale 2045 General Plan for consistency review by ALUC, therefore this Project is being individually reviewed as a major land use action with no significant compatibility issues under Section 1.5.2.(a) and (d), and Section 1.5.3.(a)(5) of the Review Procedures.

ENVIRONMENTAL DETERMINATION
Application review by the City of Palmdale includes an EIR and associated technical studies for compliance with the California Environmental Quality Act (CEQA). The Project has completed and received approval for a Traffic Impact Analysis and Vehicle Miles Traveled (VMT) Analysis. Several other technical studies are in progress or awaiting approval. The first administrative draft EIR is also in progress.

PROJECT STATUS
The Project is currently under review by the City of Palmdale, with the Planning Commission as the final approving body. A Public Hearing will be scheduled to consider the approval of a Conditional Use Permit application for the Project, tentatively in November 2024.

ANALYSIS
The ALUP lists five general policies, four noise policies, and seven safety policies which are considered in the analysis for this Project.

General
The Project is a new industrial development on a site zoned and designated as Industrial and is located entirely within the 65 dBA CNEL contour. According to the ALUP Land Use Compatibility Chart, industrial uses are generally allowed in noise contours of up to 70 dBA CNEL. Based on this information there is no apparent incompatibility issue with this proposed land use. Additionally, the Project does not propose a building height that will negatively affect safe air navigation, and the Project received an obstruction evaluation determination of no hazard to air space navigation from the FAA. The Project location is not within a runway protection zone (RPZ) and is not directly beneath a flightpath, therefore an aviation easement to the Airport is not required.

Based on the above analysis, the Project is consistent with all ALUP General Policies.

Noise
The CNEL method was used for measuring noise impacts near the Airport and determining the suitability of the proposed industrial land use development at the proposed Project site.

The Project site is within a 65 dBA noise contour, but does not include any new residential, educational, or health-related uses, therefore it is not required to provide insulation to achieve a 45 dBA CNEL for interior noise. Additionally, the Noise Element of the Palmdale 2045 General Plan includes goals and policies to address land use compatibility and noise exposure, however, general plan consistency will require a separate review.

Based on the above analysis, the Project is consistent with all ALUP Noise Policies.

Safety

The Project proposes industrial uses which are compatible with the adjacent Airport. The Project proposes two buildings with a maximum height of 56 feet and 9 inches, which received a determination of no hazard to air space navigation from the FAA and both buildings are within the FAR Part 77 height restrictions. Grading on the site will be monitored during construction and adjusted accordingly to maintain the site elevation. New FAA clearances will be filed if necessary to address any changes. General contractor crane operators will also file with the FAA separately prior to operating. The Project site is not located within any RPZ or beneath a flightpath, with the nearest RPZ boundary approximately 3,825 feet south of the Project site. The Project does not propose any above-ground storage of flammable liquids or toxic materials, any use of lighting with colors associated with airport operations, or any obstructions into any RPZ. The Project's proposed land uses do not typically attract large concentrations of birds, emit smoke, nor generate electrical interference that would be detrimental to safe air navigation or aircraft operations. The Project will follow all State and AQMD regulations for required dust and erosion control measures to prevent interfering with pilot visibility during construction.

Based on the above analysis, the Project is consistent with all ALUP Safety Policies.

CONSISTENCY DETERMINATION

ALUC staff reviewed the proposed development and determined that the Project is **consistent** with the policies of the Los Angeles County ALUP.

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AWP-14363-OE

Issued Date: 10/13/2023

Naveen Gali
Thienes Engineering, Inc
14349 Firestone Boulevard
La Mirada, CA 90638

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Palmdale Avenue M Industrial Building 1
Location:	Palmdale, CA
Latitude:	34-39-07.78N NAD 83
Longitude:	118-04-32.54W
Heights:	2468 feet site elevation (SE)
	52 feet above ground level (AGL)
	2520 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.
Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 04/13/2025 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (847) 294-7575, or vivian.vilaro@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-14363-OE.

Signature Control No: 599214217-601869318 (DNE)
Vivian Vilaro
Specialist

Attachment(s)
Additional Information
Frequency Data
Map(s)

cc: FCC

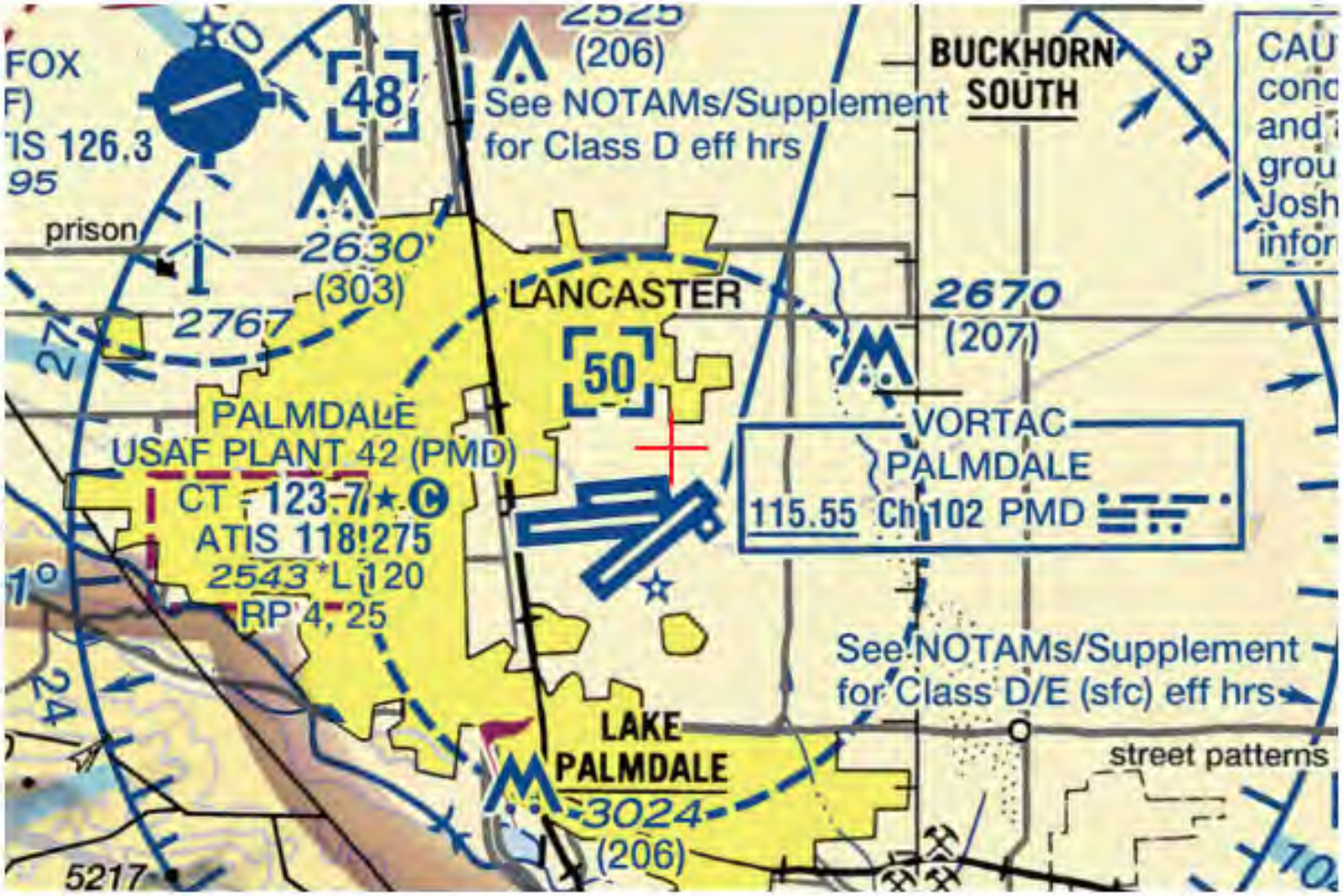
At a distance of 1.9 nautical miles from transmitter site spurious emissions signal levels from proposed transmitters must be less than -104 dBm in the 108-137, 225-400 MHz frequency bands.

Frequency Data for ASN 2023-AWP-14363-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
940	941	MHz	3500	W

TOPO Map for ASN 2023-AWP-14363-OE

Sectional Map for ASN 2023-AWP-14363-OE



DUDEK
1810 13TH STREET, SUITE 110
SACRAMENTO, CALIFORNIA 95811
T 916.443.8335

January 9,2025

Dudek
1810 13th Street, Suite 110
Sacramento, California 95811

RE: Minor Revision to Water Supply Assessment-Columbia Way Industrial Development, Los Angeles County, CA, October 2023

The Draft EIR for the Palmdale Logistics Center Project was released for Public Review on September 23, 2024 to November 6, 2024 (SCH Number 2023090551) on behalf of the City of Palmdale. The Water Supply Assessment (WSA) prepared for the Palmdale Logistics Center Project was approved by the LA County Public Works Board of Supervisors on January 9, 2024, and was included as Appendix K of the Draft EIR.

This memo is to address a minor error on Table 2.1 *Project Water Demand Estimates*, on page 5 of the WSA. The "Water Generation Rates (GPD/1000 sq. ft)" column lists "0.064" and "0.025" as the water generation rate factors for the office and warehouse uses, but it should read "64" and "25" as mentioned in the paragraph on page 5 of the WSA that precedes the table because the factor is already listed per 1,000 square feet. The minor revisions to the water generation factors are illustrated below. All other data has been reviewed and is correct.

Project Water Demand Estimates

Use	Square Feet	Water Generation Rate (GPD/1,000 SF)	Water Demand (GPD)	Water Demand (AFY)
Office	40,000	~~0.064~~ **64**	2,560	2.87
Warehouse	2,961,712	~~0.025~~ **25**	74,043	82.94
Landscaping	880,912	-	-	25.12
Total				110.93

Thank you,

Matt Norcott
Hydrogeologist

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