



Final Environmental Impact Report

SCH No. 2020031172

Goodman Logistics Center Fullerton Project

PRJ2019-00173

City of Fullerton, California



City of Fullerton
303 W. Commonwealth Avenue
Fullerton, CA 92832

October 2020

Final Environmental Impact Report

Goodman Logistics Center Fullerton Project (PRJ2019-00173)

Fullerton, California

SCH No. 2020031172

Lead Agency:

City of Fullerton
Community and Economic Development Department
303 W. Commonwealth Avenue
Fullerton, California 92832

October 2020

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
Section 1.0 Introduction.....	1-1
1.1 Public Review Process	1-2
1.2 List of EIR Commenters	1-4
Section 2.0 Responses to Comments Received During the Public Review Period	2-1
Section 3.0 Clarifications and Revisions	3-1

ATTACHMENTS

Attachment

- A Attachments to the Blum Collins Comment Letter



SECTION 1.0 INTRODUCTION

In accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, the City of Fullerton, as the lead agency, has evaluated the comments received on the Draft Environmental Impact Report (EIR) for the Goodman Logistics Center Fullerton Project (Project) (SCH No. 2020031172) and has prepared written responses to these comments. This document has been prepared in accordance with CEQA and represents the independent judgment of the lead agency.

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

- (a) *The Draft EIR or a revision of the draft;*
- (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; and*
- (e) *Any other information added by the Lead Agency.*

The City Council will also consider adoption of a Mitigation Monitoring and Reporting Program, and Findings and Facts in Support of Findings as part of the approval process for the Project.

This Final EIR document is organized as follows:

Section 1 provides a brief introduction to this document, a summary of the public review process, and a list of commenters.

Section 2 provides responses to the public comments received on the Draft EIR during the public review period. Responses are provided in the form of individual responses to comment letters received. Comment letters are followed immediately by the responses to each letter.

Section 3 contains revisions and clarifications to the Draft EIR as a result of the comments received from agencies and interested persons as well as errata identified in the EIR. City staff have reviewed this information and determined that it does not constitute significant new information, so recirculation of the EIR for further comment (pursuant to CEQA Guidelines, Section 15088.5) is not required.

1.1 **PUBLIC REVIEW PROCESS**

In compliance with Section 15201 of the State CEQA Guidelines, the City of Fullerton has taken steps to provide opportunities for public participation in the environmental process. A Notice of Preparation (NOP) was distributed via email on March 30, 2020, to 42 federal, State, regional, and local government agencies and interested parties for a 30-day public review period in order to solicit comments and to inform agencies and the public of the Project. The NOP was also distributed to the State of California Office of Planning and Research, State Clearinghouse (SCH) for distribution to State agencies. The NOP was posted on the City's website, and at the Orange County Clerk's office on March 30, 2020. The Project was described; potential environmental effects associated with Project implementation were identified; and agencies and the public were invited to review and comment on the NOP. A copy of the NOP and comments received are included in Appendix A of the Draft EIR. In addition to a letter from the SCH acknowledging that the City complied with the SCH review requirements for draft environmental documents pursuant to CEQA, the City received 13 comment letters in response to the NOP. Table 1-1 of the Draft EIR provides a brief summary of the NOP comments received that address environmental and related issues.

Additionally, a publicly-noticed EIR Scoping Meeting was held on April 20, 2020. Due to the State Emergency related to COVID-19 and as allowed pursuant to Executive Order N-25-20 and N-29-20, the City of Fullerton Community and Economic Development Department hosted the EIR Scoping Meeting via an internet-based video and phone conferencing service. The EIR Scoping Meeting provided public agencies, interested parties, and members of the public an additional opportunity to comment on the scope and range of potential environmental concerns to be addressed in this EIR. No comments on the scope of the EIR were received during the Scoping Meeting.

CEQA requires that a Draft EIR have a review period lasting at least 45 days for projects that have been submitted to the SCH for review (State CEQA Guidelines, Section 15105[a]). The Draft EIR was distributed to various public agencies, organizations, and individuals on August 4, 2020; the EIR was available for public review and comment for a period of 45 days. The review period ended on September 17, 2020. The City of Fullerton used several methods to elicit comments on the Draft EIR. A Notice of Availability (NOA) for the Draft EIR was emailed and mailed to the 42 agencies and organizations that received the NOP, to individuals who had previously requested the NOA or EIR, and to individuals who provided NOP comments. The NOA was also mailed to property owners and occupants within 300 feet of the Project site. The Draft EIR was also available for review, by appointment at City Hall, and on the City's web site: https://www.cityoffullerton.com/gov/departments/dev_serv/development_activity/goodman_logistics.asp.

The City of Fullerton Planning Commission will hold a public hearing for the Project to allow members of the public to provide oral comments on the Project and the Final EIR. Public notices of the Planning Commission hearing will be mailed to agencies and entities that provided comments on the Draft EIR, and property owners and tenants within a 300-foot radius of the project site. The public hearing notice will also be posted on the City Hall, Maintenance Services Department, Main Library, and Museum Center Public Notice Boards, and with other public notices on the City's website. Following the public hearing, the Planning Commission will consider making a recommendation to the City Council to certify the Final EIR and approve the Project.

The City Council, the final approval body, will also hold a public hearing at which they will consider approving the proposed Goodman Logistics Center Fullerton Project, associated actions, and certification of the Final EIR for the Project.



1.2 **LIST OF EIR COMMENTERS**

In accordance with Section 15132 of the State CEQA Guidelines, following is a list of the agencies, organizations, and individuals that submitted comments on the Draft EIR. The City of Fullerton received comments from 11 agencies, organizations, and individuals. The date the comments were received by the City is noted below.

Responses to each comment are in Section 2.0 below. Each transmittal (letter or email) has been assigned a letter (i.e., A, B, C) and each comment within the transmittal is divided into sequential numbered comments (i.e., 1, 2, 3).

Comment

Date of Letter

State Agencies

A. California Department of Transportation September 17, 2020

County Agencies

B. Orange County Public Works (OCPW) September 17, 2020

C. Orange County Sanitation District (OCSD) September 17, 2020

D. Orange County Transportation Authority (OCTA) September 17, 2020

Local Agencies

E. City of Anaheim (Anaheim) September 22, 2020 (Revised)

Organizations

F. Blum Collins LLP September 17, 2020

G. Fullerton Heritage September 17, 2020

H. Julia Roper, State College LLC September 7, 2020

Individuals

I. Curtis Gamble September 15, 2020

J. Jenson Hallstrom September 17, 2020

K. Jane Reifer September 17, 2020

SECTION 2.0 RESPONSES TO COMMENTS RECEIVED DURING THE PUBLIC REVIEW PERIOD

All of the comment letters received by the City have been included and responded to in this Final Environmental Impact Report (EIR). Comments that address environmental concerns have been thoroughly addressed. Comments that do not require a response are indicated below and include those that (1) do not address the adequacy or completeness of the Draft EIR (i.e., are outside the scope of CEQA); (2) do not raise environmental issues; (3) do not address the Project; or (4) request the incorporation of additional information not relevant to environmental issues.

CEQA Guidelines Section 15204(a) outlines the parameters for public agencies and interested parties to submit comments and the Lead Agency's responsibility for responding to specific comments. Per CEQA Guidelines Section 15204(a), comments should be related to:

[T]he sufficiency of the document in identifying and analyzing 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 suggested 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 that, "[r]eviewers 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 CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Additionally, CEQA Guidelines Section 15204(d) notes that, "[e]ach responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility;" but, pursuant to CEQA Guidelines Section 15204(e), "[t]his 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 [CEQA Guidelines Section 15204]."

Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, Evaluation of and Response to Comments, states:

- a) *The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.*
- b) *The lead agency shall provide a written proposed response, either in a printed copy or in an electronic format, to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.*



- c) *The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.*
- d) *The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:*
 - 1. *Revise the text in the body of the EIR; or*
 - 2. *Include marginal notes showing that the information is revised in the response to comments.*

This section includes responses to substantive Draft EIR comments received by the City. With respect to comment letters received, aside from certain courtesy statements, introductions, and closings, individual comments within the body of each letter have been identified and numbered. A copy of each comment letter and the City's responses to each applicable comment are included in this section. Brackets delineating the individual comments and a numeric identifier have been added to the right margin of the letter. Responses to each comment identified are included on the page(s) following each comment letter. Responses to comments were sent to the agencies and organizations that provided comments at least 10 days prior to the City Council's consideration of the EIR.

Revisions to the Draft EIR have been prepared to make minor corrections and clarifications to the Draft EIR as a result of City review, and comments received during the public review period (refer to Section 3.0, Draft EIR Clarifications and Revisions, of this document).

Therefore, this Response to Comments section, and the Draft EIR Clarifications and Revisions section, are included as part of this Final EIR along with the Draft EIR for consideration by the City of Fullerton City Council prior to a vote to certify the EIR. After considering the information in the Final EIR, the City of Fullerton finds that the Draft EIR is adequate, and fully complies with CEQA, and all conclusions within the Draft EIR were supported by evidence provided within the Draft EIR or the administrative record for the Project. As further discussion in Section 3.0 of this document, the Draft EIR revisions and information presented in the responses to comments do not result in any of the conditions set forth in Section 15088.5 of the State CEQA Guidelines; therefore, the EIR does not need to be recirculated prior to its certification.



COMMENT LETTER A

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
1750 EAST 4TH STREET, SUITE 100
SANTA ANA, CA 92705
PHONE (657) 328-6000
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TTY 711
www.dot.ca.gov/caltrans-near-me/district12



Making Conservation
a California Way of Life.

September 17, 2020

Edgardo Caldera, Associate Planner
City of Fullerton
Community and Economic Development Dept.
303 W. Commonwealth Ave.
Fullerton, CA 92832

File: IGR/CEQA
SCH: 2020031172
12-ORA-2020-01423
SR 57; PM 16.401
SR 91; PM 5.268

Dear Mr. Caldera

Thank you for including the California Department of Transportation (Caltrans) in the review of the Draft Environmental Impact Report (DEIR) for the proposed Updated Campus Master Plan for California State University, Fullerton (CSUF). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

The project proposes the Demolition of the existing approximately 1.2 million square foot (msf) Kimberly-Clark manufacturing facility and the construction of a new, up to approximately 1.6 msf industrial logistics center (1,504,384 sf of warehouse space and 105,000 sf of office space). There would be four new buildings. For the purpose of analysis in the EIR, as applicable, it is assumed that up to 50 percent of the warehouse (i.e. non-office) building square footage would consist of a high-cube fulfillment center warehouse, and 50 percent would consist of a high-cube cold storage warehouse. The Project also involves a zone change for a portion of the site from M-G-ES (Manufacturing General in an Emergency Shelter Overlay Zone) to M-P-200-ES (Manufacturing Park, minimum lot size 200,000 s.f., in an Emergency Shelter Overlay Zone), a variance to allow for exceedance of the max. 45-foot height limit, and site plan review.

The approximately 65.4-net acre Project Site is located at 2001 East Orangethorpe Avenue, in the City of Fullerton, Orange County, California. The Project site is located at the northeast corner of the Orangethorpe Avenue and Acacia Avenue intersection and is bounded by Acacia Avenue to the west, Kimberly Avenue and BNSF tracks to the north, State College Boulevard to the east, and Orangethorpe Avenue to the south. Regional access to the Project

A-1

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COMMENT LETTER A

City of Fullerton
September 17, 2020
Page 2

Site is provided from State Route (SR) 57 and SR 91 located to the east and south. SR 57 is owned and operated by Caltrans. Caltrans is a responsible/commenting agency and has the following comments:

A-1
(CONT.)

Traffic Operations

1. The Caltrans' Vehicle Miles Traveled-Focused Transportation Impact Study Guide (May 20, 2020) Section 1.2 states that: "Beyond or in addition to the use of the VMT metric, determining how the State Highway System may otherwise be affected by a land use project may still be necessary at times, particularly as it relates to the safety of the traveling public. Additional future guidance will include the basis for requesting transportation impact analysis that is not based on VMT. This guidance will include a simplified safety analysis approach that reduces risks to all road users and focuses on multi-modal conflict analysis as well as access management issues. With this guidance the Department will transition away from requesting LOS or other vehicle operations analyses of land use projects."
2. Caltrans' INTERIM LAND DEVELOPMENT AND INTERGOVERNMENTAL REVIEW (LDIGR) SAFETY REVIEW PRACTITIONERS GUIDANCE (July 2020) provides immediate direction about the safety review while final guidance is being developed. Based on routine surveillance, the NB and SB SR 57 off-ramps to Orangethorpe Ave have been known to reach their capacity. With the increase in vehicular traffic from the proposed project, there is a concern that vehicular queues will extend past the off-ramp gore and onto the mainline which will create a differential of speeds at the location. Therefore, an operational and safety analysis for the subject ramps is requested.

A-2

A-3

System Planning

3. Consider installing electric power or charging infrastructure so trucks can access electricity without keeping engine running to reduce GHG and heat emissions.
4. Consider installing overnight parking for truckers and safe, well-lit lots so truckers can rest in safer environments than empty lots or side streets.

A-4

A-5

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COMMENT LETTER A

City of Fullerton
September 17, 2020
Page 3

5. Consider installing zero or near zero emissions infrastructure to fuel zero or near zero emissions trucks and cargo handling equipment (such as electric charging stations for truck batteries). A-6
 6. Consider ensuring adequate truck parking is onsite for trucks or that there are nearby areas for trucks to stage and park while they are waiting for pickups/drop offs. A-7
 7. Consider encouraging different areas for different activities, if space allows, such as separate spaces for loading/ unloading and transloading, or ingress/egress to the location via separate street entrances. A-8
 8. Consider implementing parking on-site so truckers can rest and/or wait for loading/unloading. A-9
 9. Please consider incorporating designated areas/parking for micro-freight delivery, package, and transportation network companies' pickup and drop-off. A-10
 10. Caltrans supports the project's efforts to improve Complete Streets facilities near the project site, including the proposed improvements of constructing new sidewalks, constructing a new bus pad, and providing bicycle storage on-site.
a. Complete Streets include high-quality pedestrian, bicycle, and transit facilities that are safe and comfortable for users of all ages and abilities. These improvements promote regional connectivity, improve air quality and public health, reduce congestion and VMT, promote first-/last-mile connections, and increase safety for all modes of transportation. A-11
- Transit**
11. On page 4.11-7, of the DEIR Section 4.11 – Transportation Item C. Transit Service,
“C. Transit Service Passenger rail service is not provided along the BNSF railroad north of the Project site (north of and parallel to Kimberly Avenue). The Orange County Transportation Authority (OCTA) is a municipal transit agency that serves the City of Fullerton and surrounding Orange County A-12

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COMMENT LETTER A

City of Fullerton
September 17, 2020
Page 4

communities. OCTA existing transit routes in the vicinity of the Project site are shown on Figure 4.11-3, Existing Transit Routes..."

Please make sure the DEIR includes the discussion relating to City's multimodal mobility strategies such as Transit and Connectivity. We encourage the City to include information regarding the transit mobility opportunities to the current/existing rail services as well located within the City's jurisdiction, the Fullerton Transportation Center. The Fullerton Transportation Center is destination served by Metrolink for commuter rail passengers and Amtrak Pacific Surfliner for interregional/intercity rail services in the region.

12. Please encourage the use of transit among future employees, visitors, and workers of the development. Increasing multimodal transportation will lead to a reduction to congestion, Vehicle Miles Traveled, and improve air quality.
13. Please provide adequate wayfinding signage to transit stops within the project vicinity and local roadways.

Project Management

14. There is a safety improvement project on the SB 57/WB 91 connector which will be adding an aux lane on the connector as it joins the WB 91. Construction is scheduled to be in FY 23/24 and may impact construction traffic if proposed development is within the safety construction window. Please coordinate with Caltrans Construction.

Permits

15. Any project work proposed in the vicinity of the State right of way will require an encroachment permit, and all environmental concerns must be adequately addressed. Please coordinate with Caltrans in order to meet the requirements for any work within or near State Right-of-Way. A fee may apply. If the cost of work within the State right of way is below one Million Dollars, the Encroachment Permit process will be handled by our Permits Branch; otherwise the permit should be authorized through the Caltrans's

A-12
(CONT.)

A-13

A-14

A-15

A-16

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COMMENT LETTER A

City of Fullerton
September 17, 2020
Page 5

Project Development Department. When applying for Encroachment Permit, please incorporate all Environmental Documentation, SWPPP/ WPCP, NPDES, Hydraulic Calculations, R/W certification and all relevant design details including design exception approvals. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual. The latest edition of the Manual is available on the web site: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

A-16
(CONT.)

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Julie Lugaro at: Julie.lugaro@dot.ca.gov.

Sincerely,

SCOTT SHELLEY
Branch Chief, Regional-IGR-Transit Planning
District 12

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Responses to Comment A

California Department of Transportation September 17, 2020

- A-1. Although this comment inaccurately identifies the Project as the “Updated Campus Master Plan for California State University, Fullerton”, the summary project description provided accurately reflects the proposed Goodman Logistics Center Fullerton Project (Project). No response is required.
- A-2. This comment discusses Caltrans’ *Vehicle Miles Traveled-Focused Transportation Impact Study Guide* (May 20, 2020), and future guidance for transportation impact analysis that will be provided by Caltrans, but does not address the Project. No response is required.
- A-3. This comment addresses the need for an operational and safety analysis for the northbound and southbound off-ramps to State Route (SR)-57. The Fullerton City Council adopted the *City of Fullerton Transportation Assessment Policies and Procedures* (TAPP) on June 16, 2020. The EIR includes the CEQA analysis required by the TAPP. In addition, unrelated to the CEQA process and preparation of the EIR, and consistent with the procedures outlined in the TAPP, the City did require an assessment of additional traffic-related issues, including an operational and safety analysis for the SR-57 ramps. The *Goodman Logistics Center Fullerton Traffic Analysis, City of Fullerton* (Non-CEQA Traffic Analysis), prepared by Urban Crossroads (September 11, 2020) is included as an attachment to the staff report as it is the basis for the Traffic Engineering conditions of approval. The Non-CEQA Traffic Analysis is also available on the City’s website at: https://www.cityoffullerton.com/gov/departments/dev_serv/development_activity/goodman_logistics.asp. The analysis requested by the commenter is provided in Section 5.4 and 5.8 (level of service for Caltrans ramps) of the Non-CEQA Traffic Analysis, and Section 5.6 (off-ramp queuing analysis).

No revisions to the Draft EIR are required in response to this comment.

- A-4. The commenter recommends that the City consider installation of electric power or charge infrastructure for trucks to reduce greenhouse gas (GHG) and heat emissions. As identified in Section 4.6, Greenhouse Gas Emissions, of the Draft EIR (see Threshold a, page 4.6-25), the GHG emissions resulting from the Project would be less than significant and mitigation is not required. Because the Draft EIR adequately determined the Project’s GHG emissions impacts to be less than significant during construction and operation without mitigation, the City has determined that the recommended design feature is not warranted.
- A-5. The commenter requests that overnight parking be considered to prevent truck drivers from resting in empty lots or side streets. As described in Section 3.3.2(B), Circulation and Parking, of the Draft EIR, the Project’s design provides off-street parking for trailer parking at each building site. Therefore, it is not reasonably foreseeable that vehicles accessing the Project site would park in empty lots or side streets as asserted by the commenter. Further, Section 8.44 of the Fullerton Municipal Code, Stopping, Standing, and Parking, prohibits parking of large commercial vehicles on public streets for long periods of time and restricts parking between the hours of two a.m. and five a.m. of any day.
- A-6. The commenter requests that the installation of zero or near zero emissions infrastructure to fuel zero or near zero emissions trucks and cargo handling equipment be considered. The analysis presented in the Draft EIR concludes that the Project would result in less than

significant air quality and GHG operational impacts, and mitigation is not required. Therefore, the City has determined that the recommended design feature is not warranted.

Notwithstanding, it is recognized that the technology is advancing and electric powered long-haul trucks will become more widely available in the future. In June 2020, CARB adopted a new Rule (Advanced Clean Trucks Regulation) that is the strictest in the country, requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California will be required to be zero-emission. When commercial availability of electric-powered long-haul trucks is more readily available in the future, it is expected that such trucks will be part of the Project's normal course of operation.

- A-7. The commenter requests that adequate truck parking be provide on-site to stage and park while drivers are waiting for pickups/dropoffs. As identified in Response to Comment 5, above, as described in Section 3.3.2(B), Circulation and Parking, of the Draft EIR, the Project's design provides off-street parking for trailer parking at each building site. There would be adequate truck parking for all Project operations and no Project modifications are warranted.
- A-8. The commenter encourages site design that allows for separation of on-site activities. As described in Section 3.0, Project Description, of the Draft EIR, the Project involves the development of a logistics center consisting of Class A speculative industrial buildings that are designed to meet contemporary industry standards, and that can accommodate a wide variety of users. Each building has been designed to operate independently with a site plan configuration that avoids operational conflicts mentioned by the commenter. Therefore, the City has determined that no site plan modifications are warranted.
- A-9. The commenter requests the consideration of on-site parking so truck drivers can rest and/or wait for loading/unloading. As identified in Response to Comment 5, above, the Project's design provides off-street parking for trailer parking at each building site (refer to Section 3.3.2[B], Circulation and Parking, of the Draft EIR). There would be adequate truck parking for Project operations and no Project modifications are warranted.
- A-10. The commenter requests the consideration of designated parking areas/parking for micro-freight delivery, package, and transportation network companies' pickup/dropoff. Because this Project is proposed on a speculative basis, meaning that the building occupants/tenants are not yet identified, it is speculative to anticipate specific needs of future tenants. As discussed in Section 3.3.2[B], Circulation and Parking, of the Draft EIR, the Project has been designed to comply with Section 15.40.050, of the City of Fullerton Zoning Ordinance, related to parking requirements in Industrial zones. There would be adequate parking for Project operations and no Project modifications are warranted.
- A-11. This comment does not address the analysis of environmental impacts presented in the Draft EIR. Caltrans support for the Project's efforts to improve Complete Street facilities is noted.
- A-12. This comment addresses transit service in the City, including at the Fullerton Transportation Center, which is served by Metrolink and Amtrak. The Draft EIR addresses the Project's consistency with applicable Project-level goals and policies outlined in the Mobility Chapter of The Fullerton Plan (refer to Table 4.11-3, The Fullerton Plan Consistency Analysis, in Section 4.11, Transportation, of the Draft EIR). Further, Table 4.9-1, SCAG RTP/SCS Consistency Analysis, of the Draft EIR, addresses the Project consistency with SCAG goals

related to transit. There are no Project-level policies related to the Fullerton Transportation Center (located approximately 1.4 miles northeast of the Project site), that are applicable to the Project. The policy consistency analysis in the Draft EIR appropriately focuses on multi-modal transportation primarily involving proximity to bus routes and bicycle and pedestrian facilities. No further analysis is required.

- A-13. The commenter requests that the use of transit be encouraged. There are Class II (on-street, striped) bicycle lanes adjacent to the Project site along Acacia Avenue and E. Orangethorpe Avenue. Additionally, there are OCTA bus routes along E. Orangethorpe Avenue and State College Boulevard adjacent to the Project site. As identified in Table 4.9-1, SCAG RTP/SCS Consistency Analysis, of the Draft EIR, the Project includes the construction of sidewalks and incorporates bicycle facilities that would facilitate pedestrian and bicycle travel, and use of transit. A new concrete bus pad would be installed at the bus stop along E. Orangethorpe Avenue as part of the Project to further facilitate use of transit. Therefore, the Project would provide local job opportunities for existing and future residents of the City that would be accessible by transit and active transportation. Furthermore, Fullerton Municipal Code Section 15.40.070 contains the transportation demand management (TDM) strategies that are applicable to new industrial/manufacturing development that is estimated to employ 100 or more persons. These strategies are intended to reduce single-occupancy automobiles and include, but are not limited to the provision of the following features: convenient carpool/vanpool parking; bus facilities where appropriate; dissemination commuter information and areas to accommodate this; shower/lock room facilities; and, sidewalks with direct and safe routes to the external pedestrian circulation system. These requirements would promote the use of transit.
- A-14. The commenter requests wayfinding signage to transit stops within the Project vicinity and local roadways. The Fullerton Plan includes a region/subregion-level policy for the City to support projects, programs, policies and regulations to utilize signage and technology to provide real-time information to users of the multi-modal transportation network. In addition, as identified in Response to Comment 13, above, Fullerton Municipal Code Section 15.40.070 requires new industrial/manufacturing development to implement transportation demand management strategies, including incorporating a commuter information area within or near each building and providing sidewalks/paved pathways providing direct and safe routes to external circulation systems. These requirements would promote the use of transit and would allow future employees to locate and safely access transit stops.
- A-15. This comment addresses construction of a Caltrans safety improvement project on the southbound SR-57/westbound SR-91 connector scheduled for fiscal year 2023/2024. As identified in Section 3.3.2(F), Construction Activities, of the Draft EIR, Project construction is expected to begin in Spring 2021 and end in Summer 2022. The construction of the Project would not overlap with Caltrans' safety improvement project.
- A-16. This comment addresses procedures for obtaining encroachment permits from Caltrans. The Project does not involve any activities that would involve encroachment in Caltrans' right-of-way; therefore, an encroachment permit is not required.



COMMENT LETTER B



September 17, 2020

NCL-20-0013

Edgardo Caldera
Associate Planner
City of Fullerton
Community and Economic Development Department
303 W. Commonwealth Avenue
Fullerton, CA 92832

Subject: Notice of Completion and Availability of the Draft Environmental Impact Report
Goodman Logistics Center Fullerton Project

Dear Edgardo,

Thank you for the opportunity to comment on the Notice of Completion and Availability of the Draft Environmental Impact Report Goodman Logistics Center Fullerton Project. The County of Orange offers the following comments for your consideration.

OC Flood Program Support/Hydrology

1. Section 2.4.8 Hydrology (page 2-12) first paragraph states that the project lies within the Santa Ana River Watershed, however, the project drains to Fullerton Creek Channel (Orange County Flood Control District Facility No. A03) and is within the Fullerton Creek Channel watershed. Please revise this section since this is conflicting information. In order to eliminate confusion between the Santa Ana River Watershed and the Santa Ana River Basin, please make sure that the correct terms are used when discussing water quality versus stormwater runoff.
2. Section 4.8.5 Cumulative Impacts (page 4.8-28). Our previous comment also applies to this section since the terms Santa Ana River Watershed and Santa Ana River Basin are used interchangeably, which causes additional confusion.

B-1

B-2

If you have any questions regarding these comments, please contact Alison Camara at (714) 647-3961 or Penny Lew at (714) 647-3990 in OC Flood Program Support/Hydrology or Steven Giang at (714) 667-8816 in OC Development Services.



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COMMENT LETTER B



Sincerely,

Richard Vuong, Interim Deputy Director
OC Public Works Service Area/OC Development Services
601 North Ross Street
Santa Ana, California 92701
Richard.Vuong@ocpw.ocgov.com

cc: Alison Camara, OC Flood Program Support/Hydrology
Penny Lew, OC Flood Program Support/Hydrology



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Responses to Comment B

OC Public Works

September 17, 2020

- B-1. This comment requests a revision to Section 2.4.8, Hydrology, to indicate the Project is within the Fullerton Creek Channel watershed, rather than the Santa Ana River watershed. The first two paragraphs of Section 2.4.8 (page 2-12 of the Draft EIR) are hereby revised as follows:

~~The Project site lies within the Santa Ana River watershed, which drains an approximately 2,650-square mile area and is the principal surface flow water body within the region. The Santa Ana River starts in the Santa Ana Canyon in the southern San Bernardino Mountains and runs southwesterly across San Bernardino, Riverside, and Orange Counties, where it discharges into the Pacific Ocean at the City of Huntington Beach. The Project site and vicinity are within the purview of the Santa Ana Regional Water Quality Control Board (RWQCB). The Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) is the governing water quality plan for the region, which sets forth goals and objectives for protecting water quality within the region (RWQCB, 2016).~~

The Project site lies within the Fullerton Creek Channel watershed. Runoff from the Project site flows via sheet flow or through existing storm drains to storm drain facilities in adjacent roadways and ultimately to the existing public storm drain laterals located beneath Kimberly Avenue that convey stormwater runoff to the existing concrete channel that runs north of Kimberly Avenue. The Kimberly Storm Channel connects to the Fullerton Creek Channel **(Orange County Flood Control Facility No. A03).** **The Fullerton Creek extends approximately 10.5 miles from the Fullerton Dam to,** which joins the Coyote Creek, which flows into the San Gabriel River and ultimately drains to the Pacific Ocean.

- B-2. This comment requests a revision to Section 4.8.5, Cumulative Impacts, to clarify the discussion of the Santa Ana River Basin (versus the Santa Ana River watershed). The following revisions are hereby made in Section 4.8.5 of the Draft EIR pages 4.8-28 and 4.8-29):

- 2nd paragraph:

The Project cumulative impact analysis considers the construction and operation of the Project in conjunction with other development projects in the vicinity of the Project site **as follows: (1) the Fullerton Creek Channel watershed and San Gabriel River-Coyote Creek watershed with respect to local and regional drainage, (2) the Santa Ana River Basin with respect to water quality (because the LARWQCB has no jurisdiction over the Orange County portion of the Coyote Creek watershed), and (3) the Coastal Plain of Orange County Groundwater Basin with respect to groundwater resources.** This area was selected for analysis because ~~it encompasses the Project's watershed, and because the Project does not have the potential to result in hydrology or water quality impacts outside of the~~ **se areas.** ~~Project's watershed.~~



- 3rd paragraph:

Project construction and the construction of cumulative development would have the potential to contribute to waterborne pollution, including erosion and siltation, to the receiving waters ~~Santa Ana River Watershed~~...Also, the Project Applicant and all cumulative developments in the Santa Ana River Basin would be required to comply with the Santa Ana Basin Plan, which is applicable to the Project site, and establishes water quality standards for ground and surface waters of the region. As concluded in The Fullerton Plan EIR, compliance with these mandatory regulatory requirements would ensure that development projects ~~within the Santa Ana River watershed~~, including the Project, would not contribute to cumulative water quality impairments during construction.

- 4th paragraph, 2nd sentence:

Other development projects ~~within the watershed~~ subject to requirements outlined in the Santa Ana River Basin Plan would similarly be required by law to prepare and implement site-specific WQMPs to ensure that runoff does not substantially contribute to water quality violations.

- 6th paragraph:

Construction of the Project and other development projects within the ~~Santa Ana River Basin~~ Fullerton Creek Chanel watershed and San Gabriel River-Coyote Creek watershed would be required to comply with federal, State, and local regulations and applicable regional and local master drainage plans to mitigate flood hazards both on- and off-site...Also, future development proposals within ~~these watersheds~~ se watersheds ~~Santa Ana River Basin~~ would be required to prepare hydrologic and hydraulic calculations, subject to review and approval by the City, to demonstrate that substantial on- and/or off-site flood hazards would not occur...Because the Project and all other developments throughout ~~these watersheds~~ se watersheds ~~Santa Ana River Basin~~ would need to comply with federal, State, and local regulations to ensure that stormwater discharges do not substantially exceed existing volumes or exceed the volume of available conveyance infrastructure, a cumulative impact related to flood hazards would not occur.



COMMENT LETTER C

From: Hadden, Kevin [<mailto:KHADDEN@OCSD.COM>]
Sent: Thursday, September 17, 2020 3:39 PM
To: Edgardo Caldera <edgardo.caldera@cityoffullerton.com>
Cc: Lee, Daniel <dlee@OCSD.COM>
Subject: [EXTERNAL MAIL]Draft Environmental Impact Report for the Goodman Logistics center project (SCH No. 2020031172)

Hi Edgardo,

In regard to the subject matter I want to bring to your attention that the utilities lines identified in your CEQA document is outdated as it applies to OCSD sewers. Please contact OCSD engineer Daniel Lee at dlee@ocsd.com or 714.593-7176 to obtain the updated information. If you have any questions please let me know. Thanks

C-1



L. Kevin Hadden

Orange County Sanitation District
Engineering Planning | Principal Staff Analyst
Office: 714.593.7462 | OCSD: 714.962.2411
www.ocsd.com

Responses to Comment C

Orange County Sanitation District

September 17, 2020

C-1 The commenter indicates that information presented in the Draft EIR related to Orange County Sanitation District (OCSD) sewer lines is outdated. While the commenter does not specify what information is outdated, it is expected that this comment is referring to the identification of a 33-inch OCSD line in State College Boulevard, provided on page 4.13-17 of the Draft EIR (under the discussion of Wastewater Infrastructure). For clarification, the 18-inch line in Kimberly Avenue flows to an existing 48-inch OCSD line in State College Boulevard. The following correction is hereby made to the Draft EIR:

- The sewer flows from the 18-inch line in Kimberly Avenue flow to an existing ~~33~~**48**-inch OCSD line in State College Boulevard.



COMMENT LETTER D



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September 17, 2020

Mr. Edgardo Caldera, Associate Planner
Community and Economic Development
City of Fullerton
3030 W. Commonwealth Ave.
Fullerton, CA 92832

Subject: Notice of Completion and Availability of a Draft Environmental Impact Report for the Goodman Logistics Center Fullerton Project

Dear Mr. Caldera,

Thank you for providing the Orange County Transportation Authority (OCTA) with a copy of Notice of Completion and Availability (NOA) of a Draft Environmental Impact Report (DEIR) for the Goodman Logistics Center Fullerton Project (Project). The following comments are provided for your consideration:

- OCTA requires level of service analysis to monitor Congestion Management Program (CMP) Highway System (HS) performance, per the CMP Traffic Impact Analysis (TIA) Requirements. The proposed project has direct access to a CMP facility and is forecast to generate over 1,600 trips, therefore requiring a CMP TIA. Such analysis may be submitted to OCTA separately from any CEQA documents. For more information, please refer to the 2019 CMP Report available here: <http://www.octa.net/Projects-and-Programs/Plans-and-Studies/Congestion-Management-Program/Overview/>
- Section 4.11 Transportation, Page 4.11-26, 2019 Orange County CMP states "The Project would contribute traffic to CMPHS facilities and intersections, but would not exceed the thresholds above because the baseline under existing conditions is lower than LOS E." As stated in Section 4.11 Transportation, Page 4.11-13, Orange County Congestion Management Program, "The Orange County CMP sets a standard of LOS E or better for the CMPHS intersections unless the baseline is lower than LOS E, in which case, the ICU rating cannot increase by more than 0.10." Therefore, an ICU analysis is required to determine if a project exceeds the CMP significant impact threshold, regardless of the intersection's baseline conditions. Please revise.

D-1

D-2



COMMENT LETTER D

Caldera
September 17, 2020
Page 2

- Please note that State College Boulevard is classified as a Major (six lane, divided) Arterial per the Orange County Master Plan of Arterial Highways. The proposed project should not preclude the buildout of State College Boulevard as it relates to potential future Right-of-Way needs.
- Section 4.11 Transportation, Page 4.11-5, Figure 4.11-1b Existing Number of Through Lanes and Intersection Controls, Intersection 23 identifies the eastbound approach as one left turn lane, one thru lane, and one thru-right. The existing configuration of Commonwealth Avenue eastbound is one left turn lane, one thru lane, and one right turn lane. Please update as appropriate.

D-3

D-4

Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714) 560-5907 or at dphu@octa.net.

Sincerely,

Dan Phu
Manager, Environmental Programs

Responses to Comment D

Orange County Transportation Authority (OCTA)

September 17, 2020

- D-1. This comment addresses the need for a level of service (LOS) required by OCTA to monitor the Congestion Management Program (CMP) Highway System (HS), and acknowledges that this analysis is separate from the analysis required pursuant to the California Environmental Quality Act (CEQA). Pursuant to the requirements of the *City of Fullerton Transportation Assessment Policies and Procedures* (TAPP) adopted by the Fullerton City Council on June 16, 2020, the *Goodman Logistics Center Fullerton Traffic Analysis, City of Fullerton* (Non-CEQA Traffic Analysis), prepared by Urban Crossroads (September 11, 2020) is included as an attachment to the staff report. The Non-CEQA Traffic Analysis is also available on the City's website at: https://www.cityoffullerton.com/gov/departments/dev_serv/development_activity/goodman_logistics.asp. The Non-CEQA Traffic Analysis includes the CMP HS analysis requested by the commenter.
- D-2. This comment addresses the CMP-required assessment of LOS impacts. The only CMP intersection in the study area is N. State College Boulevard and Orangethorpe Avenue. The SR-91/State College Boulevard and SR-57/Orangethorpe Avenue ramps are also CMP locations, but are controlled by Caltrans. Caltrans requires Highway Capacity Manual (HCM) based LOS analysis. As such, both delay based and intersection capacity utilization (ICU) based analysis has been conducted at N. State College Boulevard and Orangethorpe Avenue only. The CMP-required analysis is provided in the Non-CEQA Traffic Analysis discussed under Response to Comment 1, above.
- D-3. This comment addresses the future right-of-way (ROW) needs for buildout of State College Boulevard pursuant to the Master Plan of Arterial Highways (MPAH). State College Boulevard is currently a five-lane facility without on-street parking adjacent to the Project site. The Project is located on the west side of State College Boulevard and the roadway is already widened to its ultimate western half-street width; therefore, the Project as proposed does not preclude the final buildout of the State College Boulevard into a six-lane facility consistent with the Master Plan of Arterial Highways.
- D-4. This comment correctly identifies that the eastbound lane configuration for Intersection No. 23 (State College Boulevard/Commonwealth Avenue) is shown incorrectly in Figure 4.11-1b, Existing Number of Through Lanes and Intersection Controls, of the Draft EIR. Revised Figure 4.11-b is included in Section 3.0, Clarifications and Revisions, of this Draft EIR.



COMMENT LETTER E



City of Anaheim PLANNING AND BUILDING DEPARTMENT

September 22, 2020

Edgardo Caldera
Associate Planner
Fullerton Community Development
303 W. Commonweatlh Ave
Fullerton, California 92832

by email to:
edgardo.caldera@cityoffullerton.com

Subject: Notice of Availability of a Draft Environmental Impact Report (EIR) for the Goodman Logistics Center Fullerton Project

Dear Mr. Caldera:

Thank you for the opportunity to review and comment on the above-referenced document. The City of Anaheim provided comments on September 17th. Upon further review we have revised our comments as certain comments are no longer applicable. Per SB743, the CEQA evaluation for this project requires VMT analysis and not analysis of local intersection operations. Therefore, please disregard the previously provided comments regarding LOS, driveway routing and trip distribution. The revised set of comments for the Goodman Logistics Center are provided below.

E-1

Public Works Department: Traffic Engineering Division:

Please contact Neelam Dorman at 714-765-4957 or NDorman@anaheim.net with questions pertaining to these comments. The City of Anaheim is open to discuss the traffic items in more detail to assist in resolving these comments.

Draft EIR Comments:

- Page 9: This section does not discuss, existing peak hour intersection operations, traffic signal warrants, or freeway facility analyses as stated in the first sentence on the page (Section 2 Area Conditions).
- Page 26: A trip generation comparison between the various data sources should be presented for High-Cube Fulfillment Warehouse to determine which the best source is. ITE codes 155, 157, 154, and WSP study were identified. ITE code 154 is noted for the inbound/outbound split however the land use is not identified and no support provided as to who this land use would be a better fit for split percentages rather than 155 and 157. Please identify use 154 and clarify the application.

E-2

E-3



COMMENT LETTER E

If you have any questions regarding this response, please do not hesitate to contact me at (714) 765-5238 or auk@anaheim.net.

Sincerely,

Andy Uk
Associate Planner



City of Anaheim
PLANNING AND BUILDING DEPARTMENT

September 17, 2020

Edgardo Caldera
Associate Planner
Fullerton Community Development
303 W. Commonwealth Ave
Fullerton, California 92832

by email to:
edgardo.caldera@cityoffullerton.com

Subject: Notice of Availability of a Draft Environmental Impact Report (EIR) for the Goodman Logistics Center Fullerton Project

Dear Mr. Caldera:

Thank you for the opportunity to review and comment on the above-referenced document. The City of Anaheim staff offers the following comments:

Public Works Department: Traffic Engineering Division:

Please contact Neelam Dorman at 714-765-4957 or NDorman@anaheim.net with questions pertaining to these comments. The City of Anaheim is open to discuss the traffic items in more detail to assist in resolving these comments.

Draft EIR Comments:

- Was LOS analysis prepared outside of the CEQA evaluation? LOS analysis should be provided for review to the City of Anaheim.
- Based on the comments, the trip generation and distribution could affect loading at intersections and therefore any LOS analysis conducted would need to be updated.
- Page 9: This section does not discuss, existing peak hour intersection operations, traffic signal warrants, or freeway facility analyses as stated in the first sentence on the page (Section 2 Area Conditions).
- Page 26: A trip generation comparison between the various data sources should be presented for High-Cube Fulfillment Warehouse to determine which the best source is. ITE codes 155, 157, 154, and WSP study were identified. ITE code 154 is noted for the inbound/outbound split however the land use is not identified and no support provided as to who this land use would be a better fit for split percentages rather than 155 and 157.
- Exhibit 3-1 (2 of 2): Project (Truck) Inbound and Outbound Trip Distribution: Southbound left truck movements at unsignalized driveways 4, 6, 8, 10, and 14 onto Orangethorpe Avenue during peak hours would not be possible or safe. As

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the distribution is only assessing for peak hours, revise truck distribution to Kimberly Avenue. With the additional truck traffic at Kimberly/State College, the intersection should be signalized as the project would create additional hazards at this intersection. Truck volumes would also increase at Acacia/Orangethorpe. This potentially could create impacts for threshold c: The Project would not substantially increase hazards due to a geometric design feature or incompatible uses.

- Exhibit 3-2 (2 of 3): Project (Passenger) Outbound Trip Distribution: Revisit passenger car outbound southbound left movements at unsignalized driveways 4, 6, 8, 10, and 14 onto Orangethorpe Avenue during peak hours would not be easy or safe. Revise distribution to favor Kimberly Ave. With the additional traffic at Kimberly/State College, the intersection may need to be signalized as the project would create additional hazards at this intersection. Traffic volumes would also increase at Acacia/Orangethorpe.
- Exhibit 3-2 (3 of 3): Project (Passenger) Inbound Trip Distribution: Revisit passenger car inbound eastbound left movements at unsignalized driveways 4, 6, 8, 10, and 14 onto Orangethorpe Avenue during peak hours would not be easy or safe. Revise distribution to favor Kimberly Ave. With the additional traffic at Kimberly/State College, the intersection may need to be signalized as the project would create additional hazards at this intersection. Traffic volumes would also increase at Acacia/Orangethorpe.
- Page S-29: Geometric design features at driveways along Orangethorpe Avenue (left turn in/out) have potential to increase hazards. In addition, the additional traffic (passenger and truck) at the Kimberly/State College could also create hazards with current geometric feature of stop control. Please see comments on the traffic study on trip generation and distribution for more information.

If you have any questions regarding this response, please do not hesitate to contact me at (714) 765-5238 or auk@anaheim.net.

Sincerely,

Andy Uk
Associate Planner

Responses to Comment E

City of Anaheim

September 22, 2020

- E-1. Per the City of Anaheim's request, the original comment letter provided by the City of Anaheim is disregarded, and responses to comments in the revised letter are provided below. The original letter is also provided for informational purposes.
- E-2. This comment refers to the traffic analysis prepared to support the Draft EIR (included in Appendix K2 of the Draft EIR). The statement on page 9 inadvertently references information (i.e. level of service [LOS], traffic signal warrants, and freeway facilities) outside of the required CEQA evaluation, the analysis for which is included in the *Goodman Logistics Center Fullerton Traffic Analysis, City of Fullerton* (Non-CEQA Traffic Analysis), prepared by Urban Crossroads (September 11, 2020) which is included as an attachment to the staff report as it is the basis for the Traffic Engineering conditions of approval. The Non-CEQA Traffic Analysis is also available on the City's website at: https://www.cityoffullerton.com/gov/departments/dev_serv/development_activity/goodman_logistics.asp.
- E-3. This comment requests clarification regarding the trip generation rates used for the Project. The referenced High Cube Warehouse Trip Generation Study (WSP) does not provide any guidance on inbound and outbound splits for the AM and PM peak hours. ITE Land Use 154 was used since the in/out splits are the same for ITE 154 and ITE 157 (Cold Storage). Although slightly different for fulfillment center (ITE 155), the change is not significant. For ITE 154, the traffic analysis used 77% inbound trips in the AM and 28% inbound trips in the PM inbound. In comparison, ITE 155 uses 81% for AM inbound and 39% inbound in the PM. The use of the 154 split is consistent with other studies that have been prepared within other areas of Orange, Riverside, and San Bernardino counties.



COMMENT LETTER F

BLUM | COLLINS LLP

Aon Center
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Los Angeles, California
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213.572.0405 phone
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September 17, 2020

Edgardo Caldera, Associate Planner *Via Email*
City of Fullerton Community and
Economic Development Department 303
W. Commonwealth Avenue
Fullerton, CA 92832-1775
edgardo.caldera@cityoffullerton.com

Re: *Goodman Logistics Center DEIR (SCH #2020031172)*

Dear Mr. Caldera:

We represent area resident Brendan Virey. We write to provide comments on his behalf on the Goodman Logistics Center (the "Project") DEIR under the California Environmental Quality Act ("CEQA"). Our comments generally follow the order in which issues appear in that DEIR.

Briefly put, the DEIR anticipates the construction of four warehouses, each 100,000 square feet ("sf") or more, to function as high cube logistics space and cold storage space. With the Optional Site Plan which would add 47,862 square feet to Building 3, the DEIR anticipates 1,609,384 sf of development, of which 1,504,384 sf would be warehouse and 105,000 sf would be ancillary office space. Construction is proposed to occur over approximately 15 months. The site was formerly occupied by the Kimberly-Clark manufacturing facility; Kimberly-Clark has now left the site and has taken with it a cogeneration plant located there. While the site is generally surrounded by commercial and industrial development, there are residential uses in Anaheim to the south; the closest residential development is approximately 1,282 feet to the south.

F-1

Alternatives Analysis

The DEIR identifies no alternatives to the Project other than the required "No Project Alternative." This does not represent a reasonable range of alternatives. The DEIR asserts that no further alternatives need be analyzed because the Project has no significant impacts. We disagree with that assessment for a host of reasons outlined below.

F-2



COMMENT LETTER F

Edgardo Caldera
September 17, 2020
Page 2 of 12

Project Description

The Project Description defines the Project solely in terms of a logistics center and job creation for the community, although it is far from clear that Fullerton residents would benefit from the Project's resulting employment. According to the latest U.S. census data, available at <https://data.census.gov/cedsci/profile?q=1600000US0628000&q=Fullerton%20city%20Californi>, over 41% of Fullerton's residents have a Bachelor's or a graduate or professional degree and almost 50% have an Associate's degree or more. This segment of the population would be ruled out for most jobs at the site.

At page 3-5, the Proposed Zone Change does not include the Optional Site Plan; this site would apparently remain zoned M-G-ES. See Figure 3-3 on page 3-6. Also, at page 3-5, the DEIR indicates that it analyzes "the potential effects of both the proposed Major Site Plan and the Optional Site Plan." But at page 3-9, the DEIR refers to a breakdown of characteristics associated with implementation of the Major Site Plan and an "Operational Site Plan." We presume this is a typo.

Under "Site Layout and Building Alternatives," subheading A, the DEIR states that "The future occupants of the building are not known," but that it is assumed that up to 50 percent of the building square footage would be leased to one or more high-cube cold storage warehouse tenants, and the remaining 50 percent would be occupied by a high-cube fulfillment center. Since the environmental impacts from the cold storage facility are likely to be substantially greater, the DEIR should not have assumed the above mix absent a condition of approval prohibiting over 50 percent cold storage use.

We'll come back to the buildings' commitments to meet the standards of the Building Code, the Title 24 Efficiency Standards for Residential and Nonresidential Buildings, and CALGreen when we discuss the Energy and greenhouse gas (GHGs) sections of the DEIR.

Under subheading B, at 3-18, the DEIR asserts that Figure 3-17, Site Access, shows that each driveway would accommodate full access, except for the western-most driveway on E. Orangethorpe Ave, which would be passenger-only and right-in, right-out. This is not what Figure 3-17 shows, or what the text says regarding Buildings 1 and 3.

The DEIR states that internal and external bicycle parking would be provided. As we understand it this is already required under Title 24.

Table 3-2 reflects that Demolition and Crushing/Pulverizing and Site Preparation and Grading would all occur simultaneously. We are uncertain as to whether this was considered in the Air Quality modeling. And the crushers would be on the south and southwest portion of the site, which is the closest to the nearest residential sensitive receptor.

F-3

F-4

F-5

F-6

F-7

F-8

F-9



COMMENT LETTER F

Edgardo Caldera
September 17, 2020
Page 3 of 12

You assume that construction would occur eight hours per day, six days per week, although the City's Code allows construction for 13 hours a day. In our experience, construction often involves two shifts, and this is not a worst-case analysis.

F-10

In Table 3-3 at page 3-44 it is indicated that the Building Construction Equipment fleet will use 2 generator sets during Crushing/Pulverizing, and another during Building Construction. This is contrary to Fullerton's Mitigation Measures associated with its General Plan, and we are not sure you modeled the emissions from these generators in your CalEEMod output.

F-11

The South Coast Air Quality Management District ("SCAQMD") assumes that truck trips will be 40% of the traffic to high cube logistics facilities, but according to your assumptions, only 26% of trips will be trucks.

F-12

At 3-46 you assure readers of the DEIR:

Pursuant to State law, on-road diesel-fueled trucks are required to comply with various air quality and greenhouse gas emissions standards, including but not limited to the type of fuel used, engine model year stipulations, aerodynamic features, and idling time restrictions. Compliance with State law is mandatory."

F-13

Compliance with State law is *not* necessarily compliance with CEQA, and it is not in this case.

The DEIR indicates that a variance is required to permit an exceedance of the 45-foot height limit in an MP-200-3S zone. A variance is not warranted to put local residents at risk (whether they reside in Fullerton or not).

F-14

There is a proposed Tentative Parcel Map to separate the Project into four legal parcels.

F-15

Environmental Analysis

Section 4.2 – Air Quality. At 4.2-11 the DEIR attempts to assure readers that CARB's Drayage Truck Regulation, the Truck and Bus Regulation, and the Ports of Los Angeles and Long Beach's Clean Truck Program require "accelerated implementation of clean trucks." These are floors, not ceilings, and the Clean Trucks Program's limits will not apply to the trucks visiting the Project site unless they are going to or coming from the Ports.

F-16

At 4.2-12, the DEIR refers to AB 617, but there is no effort here to implement clean air technologies.

F-17

The requirements of CALGreen, listed at 4.2-12, will not in the main reduce Air Quality impacts. There are no additional commitments to add bicycle parking or clean air vehicle parking or EV chargers.

F-18



COMMENT LETTER F

Edgardo Caldera
September 17, 2020
Page 4 of 12

At 4.2-14 to 4.2-16 the DEIR covers SCAQMD Rules, but it does not address the Indirect Source Rule under development, which would apply to logistics centers like the present one. There is a Proposed Rule issued in 2019 which is not discussed at all, and a technical source document which has been ignored.

F-19

At 4.2-22, the DEIR lists Mitigation Measures from The Fullerton Plan, including MM AQ-5, which provides that "Electricity from power poles shall be used instead of temporary diesel or gasoline-powered generators to reduce the associated emissions." This requirement has been ignored in the present DEIR which proposes a Project that would use three generators.

F-20

At 4.2-23, the DEIR asks whether the Project would conflict with the applicable AQMP. The only basis on which the City proposes to find that it does **not** is through subtracting the emissions of the Kimberly-Clark Plant. The Kimberly-Clark Plant and its cogeneration facility have left the site, and will continue operations in Kentucky. The Project **would** conflict with the AQMP.

F-21

At 4.2-24, the DEIR asks if the Project would cause a cumulatively considerable net increase of any criteria pollutant for which the Project is nonattainment. The answer is yes. The maximum NO_x emissions from the Project's construction are 290.98 lbs./day, which is well in excess of the Project's 100 lbs./day threshold. And regarding operations, the Project will have emissions of 218.81 lbs/day of NO_x in the summer, but because of the miraculous subtraction of the emissions from the former cogeneration facility, the emissions are projected to be -141.23 lbs/day NO_x in the summer. Obviously, residents in the vicinity will not experience clean air as a result of the Project's operations. The DEIR was required to analyze emissions in light of *Cmtys. for a Better Env't v. S. Coast Air Quality Mgmt. Dist.* (2010) 48 Cal. 4th 316, 321, which required analysis from the actual baseline, not a hypothetical one.

F-22

Regarding the Health Risk Assessment ("HRA"), it should have summed the risks from the construction and operation of the Project, as residents will be exposed to both.

F-23

At 4.2-43, the DEIR addresses Disadvantaged Communities, and acknowledges that the Project site are part of a disadvantaged community under SB 535. However, the DEIR does **not** acknowledge that the Project will add to the already substantial pollution burden the area is experiencing. This is true whether the Project is considered individually significant under SCAQMD's health risk assessment criteria.

F-24

Somewhere in this section, the DEIR falsely states that TRUs will only idle for 5 minutes because CARB regulations prohibit further idling. They do not.

F-25

The DEIR fails to acknowledge cumulative impacts regarding NO_x regional emissions as well.

F-26

The solutions to the air quality problems that the DEIR identifies but actually refuses to acknowledge are easy. The Project should have solar roofs and should extend conduit to the

F-27



COMMENT LETTER F

Edgardo Caldera
September 17, 2020
Page 5 of 12

truck bays to power not only TRUs but also the trucks themselves. The technology is available *NOW*. This would greatly reduce the emissions from the Project.

Section 4.4 – Energy. The DEIR goes wrong from the beginning, focusing solely on statewide energy consumption. This is not a helpful or relevant starting point for an energy analysis. The DEIR then discusses reliability of the electric grid in the Southern California region, and how it has been hampered by recent developments. The DEIR fails to discuss how this Project can be a part of the solution, by providing its own solar power, or at least some of its own solar power.

The DEIR discusses natural gas for almost three pages at 4.4-4 to 4.4-7, although elsewhere the DEIR says that it will not connect to natural gas.

At 4.4-7, Transportation Energy Resources, the DEIR includes two paragraphs of discussion of statewide transportation fuel use. This discussion is hopelessly general, providing information on the number of miles of California’s roadway system and the number of passenger vehicles, which has nothing to with the impacts of this Project or how they can be mitigated. The discussion also differs from that at the beginning of the section, rather substantially, in terms of the number of billion gallons of gasoline and diesel fuel in use today (or at least as of 2017).

Under Existing Policies and Regulations, the DEIR discusses ISTEA and TEA-21 as to federal initiatives but does not address any energy efficiency programs such as Energy Star. As to State initiatives, it refers to the California Energy Commission’s IEPR, but it does nothing to address how the Project could actually take a step forward on the goals stated in the IEPR, or, for that matter, the State of California Energy Plan. With respect to the IEPR, the Project, through combining solar with its plans, could address the state’s climate goals, its transportation fuel reliability goals regarding electric vehicles, and Southern California’s grid reliability.

Similarly, the DEIR mentions the Title 24 Part 6 and Part 11 goals, but it does not address how this Project could further those goals by providing solar, and hookups for future electric trucks.

At 4.4-9 you address Pavley without noting that the most recent revisions to it have been blocked by U.S. EPA’s SAFE program, which is now in the Courts. On that page, going to 4.4-10, you discuss SB 350, which requires doubling the energy efficiency of existing buildings. You do not address steps this applicant could take to make the buildings more efficient than they must be.

And the discussion of State policies and regulations is incomplete because it does not address:

- SB 32, which requires a 40% reduction in GHG emissions from 1990 levels by 2030.
- Executive Order B-55-18, establishing a statewide goal of carbon neutrality by 2045, or
- CARB’s 2017 Scoping Plan Update, calling for a 27-32% reduction in GHG emissions from the transportation sector by 2030. *See* Scoping Plan Update at 31 (Table 3). It also concludes that local lead agencies play a central role in reducing GHGs from the transportation sector. *Id.* At 100-101.

F-27
(CONT.)

F-28

F-29

F-30

F-31

F-32

F-33

F-34



COMMENT LETTER F

Edgardo Caldera
September 17, 2020
Page 6 of 12

The Thresholds of Significance here, while consistent with those set out in Appendix G, do not comport with the requirements in CEQA Guidelines Appendix F. As Appendix F clarifies, “The goal of conserving energy,” as is mandated by Public Resources Code section 21100(b)(3), “implies the *wise and efficient* use of energy,” which is achieved *not only* by “decreasing overall per capita energy consumption,” but *also* by:

- (2) *decreasing* reliance on fossil fuels such as oil, and
- (3) *increasing* reliance on renewable energy.

F-35

At least two cases establish that a lead agency does not demonstrate compliance with Appendix F by merely showing that a Project will comply with Title 24’s requirements: *Cal. Clean Energy Comm. v. City of Woodland* (“CCEC”) (2014) 225 Cal. App. 4th 173, 211, and *Ukiah Citizens for Safety First v. City of Ukiah* (“Ukiah Citizens”) (2016) 248 Cal. App. 4th 256, 265.

Under “Construction Energy Usage,” the DEIR asserts that diesel fuel used in construction equipment is “single-event diesel fuel demand [which] would not require on-going or permanent commitment of diesel fuel resources.” This fails to acknowledge that diesel fuel is a non-renewable resource in fact permanently and irretrievably committed when used. This discussion also does not acknowledge that using diesel fuel for Crushing/Pulverizing and Building Construction in the form of generators is contrary to The Fullerton Plan’s MM AQ-5.

F-36

Further in that section, the DEIR discusses Construction Worker Fuel, though it does not sum all the fuel to be used by the workers, which would come to about 159,584 gallons of fuel (although some of that may be diesel as opposed to gasoline). The DEIR repeats its sentence about no “permanent commitments” being made by this fuel, but again this is false.

F-37

As to Construction Vendor and Hauling Fuel Consumption Estimates, the DEIR surmises that 50% of trips would be MHDT and 50% HHDT, and all the hauling trips would be HHDT. The DEIR actually does sum the HHDT trips and fuel consumption but not that of the MHDTs. And vendor trips were assumed to be only 6.9 miles, and while this may be the CalEEMod default, it is unjustified. The DEIR again repeats the sentence about no “permanent commitment” but again this is a mischaracterization as to diesel fuel use.

F-38

The DEIR asserts that:

Construction contractors would be required to comply with applicable CARB regulation regarding retrofitting, repowering, or replacement of diesel off-road construction equipment,

F-39

but this is slim reassurance, as CARB and EPA regulations as we understand them at this point merely prohibit *adding* construction equipment of Tier 2 or lower if the contractor operates a large or medium fleet. Small fleets can still add Tier 2 equipment, and all types of fleets can still use equipment from lower Tiers. See Attachments A and B.



COMMENT LETTER F

Edgardo Caldera
September 17, 2020
Page 7 of 12

Regarding Operational Energy Demand, the DEIR projects 2,168,481 gallons of fuel annually (diesel being *at least* 1,236,520 gallons of this, or more than half), if we can rely on your assumptions regarding vehicle miles traveled (“VMT”) of 27,998,131. This depends on the trip frequency and length assumptions. While we don’t necessarily dispute the trip length assumptions, the trip *frequency* assumptions appear understated, as the SCAQMD has recommended assuming that at least 40% of trips to high cube warehouses be assumed to be from trucks, and the DEIR and Appendices posit something like 26% of trips being from trucks.

F-40

Also, in this section, for Facility Energy Demand, the DEIR estimates consumption in Table 4.4-13 for both natural gas and electricity. The DEIR earlier states that the Project will not connect to natural gas:

F-41

natural gas service to the Project *is not required* and the Project *does not include* the installation of natural gas lines.

DEIR at 4-30.

Under “Operational Energy Efficiency/Conservation Measures,” the DEIR asserts that:

Energy efficiency/energy conservation attributes of the Project would be complemented by increasingly stringent state and federal regulatory actions, addressing vehicle fuel economies and vehicle emissions standards, and enhanced building/utilities energy efficiencies mandated under California building codes.

F-42

This is a fancy way of saying that the Project will comply with existing and possibly future laws. This is simply not enough under *CCEC* and *Ukiah Citizens*. And the statement regarding “increasingly stringent State and federal regulatory actions addressing vehicle fuel economies and vehicle emissions standards” is an overstatement, given the federal government’s actions to invalidate Pavley II. The EPA “SAFE” rule increases corporate average fuel economy (“CAFÉ”) and CO₂ emissions standards by 1.5% each year through model year 2026, as compared with much more significant annual increases required otherwise.

In the same section, at 4.4-22, the DEIR states that:

Enhanced fuel economies realized pursuant to federal and State regulatory actions, and related transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would likely decrease future gasoline fuel demands per VMT.

F-43

As stated above, this is simply untrue. As we understand it, the EPA is in litigation with California, 22 other states, and the District of Columbia regarding its withdrawal of a Clean Air Act waiver for California’s tougher standards. EPA withdrew the waiver of preemption it granted California in 2013 under section 209(b) of the federal Clean Air Act, and these 23 states



COMMENT LETTER F

Edgardo Caldera
September 17, 2020
Page 8 of 12

and the District of Columbia challenged the SAFE rules immediately upon their issuance. And the City takes *no* steps to increase alternative-fueled vehicle use of the site, either for trucks or cards, beyond what is already required in Title 24.

The DEIR concludes that

As such, Project operations would not result in excessive and wasteful vehicle trips and VMT, nor excess and wasteful vehicle energy consumption compared to other industrial land uses.

DEIR at 4.4-22. As we discussed, this conclusion applies the wrong standard under CEQA Guidelines Appendix F, and the City must do more than simply comply with existing Codes under *CCEC* and *Ukiah Citizens*.

The DEIR then attempts to compare the Project to “Existing Operations,” which it says is the Kimberly-Clark manufacturing facility, although that facility has ceased operations as of June 2020. It tries to justify the increased electricity consumption under the Project based on the anticipated cold storage, and states this consumption won’t be excessive based on required compliance with Title 24. This is not enough under *CCEC* and *Ukiah Citizens*, and a comparison to prior uses is inappropriate for the reasons we discussed as to the Air Quality section.

Energy Analysis Threshold b asks, “Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?” The DEIR asserts that “development of the proposed Project would support the goals presented in the 2019 IEPR” because “the Project would comply with applicable Title 24 standards.” However, the DEIR’s summary of the IEPR at 4.4-8 discloses that the Project does nothing to support the state’s *climate, transportation fuel reliability*, or *Southern California electric grid reliability* goals. Similarly, the DEIR claims that the Project is consistent with the California Energy Plan because it supposedly reduces VMT because it is an industrial project. However, again, DEIR page 4.4-8 discloses that the Energy Plan calls for “the transformation of the transportation system to improve air quality,” among other things, and the Project does nothing in this regard, and it is not consistent with the California Energy Plan.¹

The DEIR further states that the Project is consistent with the Pavley AB 1493 standards because “it is a statewide measure establishing vehicle emissions standards,” but the Project could do much more to promote vehicle energy efficiency by providing electrical hookups for trucks and TRUs at the loading docks, and by providing EV charging for passenger vehicles, not just Code-required future EVSE.

¹ Because the DEIR cites and relies upon the IEPR and the California Energy Plan, we are entitled to presume that these documents will be a part of the administrative record. If you disagree for any reason, please notify us immediately so that we can send you the precise URLs for these documents so that they will be included.

F-43
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F-44

F-45

F-46

F-47



COMMENT LETTER F

Edgardo Caldera
September 17, 2020
Page 9 of 12

The DEIR then claims that the Project would not “interfere with implementation of SB 350” because Southern California Edison “has committed to diversify its portfolio of energy sources by increasing energy from wind and solar sources.” Southern California Edison is *legally required* to increase its renewable sources, and the Project does nothing to contribute to renewables production, although it could.

F-47
(CONT.)

The DEIR addresses no other state policies or programs relating to renewable energy production, such as the Million Solar Roofs initiative, or the 2017 Scoping Plan Update, and it is therefore incomplete and does not comport with the adequacy of discussion requirements of *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502.

F-48

Section 4.6 – GHGs

At 4.6-9, the DEIR discusses the emissions of the former Kimberly-Clark facility, including the cogeneration facility which is to remain operational after it is moved to Kentucky.

F-49

At 4.6-12 to 4.6-15, the DEIR notes the requirements of Title 24 and then Executive Order S-3-05, establishing a 2050 goal of reducing GHG emissions by 80% below 1990 levels. The DEIR writes that “Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.” This is not true, as the Supreme Court’s ruling in *Cleveland Nat’l Forest Found. v. San Diego County Association of Gov’ts* (2017) 3 Cal. 5th 497, 515 was that:

The Executive Order’s 2050 goal of reducing California’s greenhouse gas emissions to 80 percent below 1990 levels expresses the pace and magnitude of reduction efforts that the scientific community believes necessary to stabilize the climate. This scientific information has important value to policymakers and citizens in considering the emission impacts of a project like SANDAG’s regional transportation plan.

F-50

The Court held that the EIR in that case complied with CEQA’s GHG requirements *only because* the EIR *specifically addressed* the Executive Order’s 2050 emission target – something *the present EIR does not do*, and it therefore fails to comply with CEQA.²

The DEIR here again discusses phase two of AB 1493 *as if it is in effect*:

The second phase of the implementation for the Pavley bill is *currently in effect* and was incorporated into Amendments to the Low-Emission Vehicle Program (LEV III) or the Advanced Clean Cars program [which includes] a single

F-51

² The DEIR also severely understates the degree of scientific consensus, making comments such as those at 4.6-15 that the 2050 goal “represents what *some* scientists believe is necessary to reach levels that would stabilize the climate.” (emphasis supplied.)



COMMENT LETTER F

Edgardo Caldera
September 17, 2020
Page 10 of 12

coordinated package of requirements for model years 2017 through 2025 [that will reduce GHGs from new cars] by 35% from 2016 levels by 2025.

The DEIR acknowledges that the 2017 Scoping Plan Update³ calls for local governments to develop *updated* Climate Action Plans and to achieve community-wide goals of no greater than 6 metric tons of CO₂e per capita by 2030 and no greater than 2 metric tons of CO₂e per capita by 2050. But the DEIR fails to note that the City of Fullerton's CAP is *out of date* and does not address the 2030 or 2050 targets. This is a fundamental flaw. At DEIR page 4.6-22, the City acknowledges that its CAP only applies to GHG reductions through 2020.

At 4.6-23, the DEIR sets out Threshold a, "Would the Project generate [GHGs], either directly or indirectly, that may have a significant impact on the environment?" The City then selects the SCAQMD screening threshold of 10,000 MTCO₂e per year,⁴ and then concludes that the Project will not have a significant impact because, supposedly, it is appropriate to subtract the emissions of the Kimberly-Clark facility. We are uncertain whether the Kimberly-Clark facility is being moved in its entirety, or just the cogeneration plant, but the cogeneration plant represents 13,550.63 MTCO₂e of emissions per year. These emissions cannot be subtracted because the cogeneration plant will *remain operational*. It is irrelevant that these emissions are moving to another state, as climate change is global, and AB 32, SB 32, and Executive Order S-3-05 were intended to reduce *global* emissions. *Ctr. for Biological Diversity v. Dep't of Fish & Wildlife* (2015) 62 Cal. 4th 204, 219-220.

Under Threshold b, the DEIR asks, "Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases?" Here, the City claims the Project is consistent with The Fullerton Plan and thus Fullerton's CAP, but Fullerton's CAP is now out of date, as discussed above, because it does not address the 2030 and 2050 targets. Then the DEIR analyzes consistency with the 2017 Scoping Plan Update by addressing various policies stated therein, without addressing the Update's call for local lead agencies to prepare up-to-date CAPs, and to demonstrate compliance with the goals of less than 6 MTCO₂e per capita for 2030 and less than 2 MTCO₂e per capita for 2050. Clearly, the Project is expected to still be operational in 2050, because the City has amortized construction emissions over a thirty-year period. This is precisely why the Project should incorporate (1) conduit to the truck bays for future electric truck charging and charging of TRUs, (2) EV charging stations, *not* just conduit for future EV charging stations, in the passenger parking areas, and (3) solar panels, to provide reliable and clean energy to power this charging.

Section 4.10 – Noise. The DEIR's discussion of noise from operations is generic, and we cannot determine whether the DEIR consultant's consultant modeled the noise of airbrakes and back-up

³ We presume the Scoping Plan Update is also a part of the administrative record; please inform us immediately if you contend that it is not.

⁴ It is not clear whether the SCAQMD intended to adopt the 10,000 MTCO₂e threshold to comply with the 2030 and 2050 goals as well as the 2020 goal, and it may therefore be out of date and may thus not be properly relied upon.

F-51
(CONT.)

F-52

F-53

F-54

F-55



COMMENT LETTER F

Edgardo Caldera
September 17, 2020
Page 11 of 12

beepers, including those noises at night, since the Project will be operational 24 hours a day, seven days a week.

Section 4.11 – Transportation. The DEIR purports to analyze the consistency of the Project with SCAG’s 2016/2040 RTP/SCS, which plans for emissions reductions “through the operation of low or no emission transportation systems by 2040.” Unfortunately, the Project predestines the City to have a high emissions profile for at least the next thirty years because there are no provisions for raceways for truck charging. The DEIR refers to SCAG’s 2020/2045 RTP/SCS, Connect SoCal, and states it “recognizes the opportunities and challenges that come with goods movement,” but there is no discussion of the attendant Technical Report, or, for that matter, the earlier Appendix on Goods Movement from the 2016/2040 RTP/SCS, both of which encourage the development of “the charging and fueling infrastructure needed to support a transition to zero emission goods movement.” See https://www.connectsocial.org/Documents/Draft/dConnectSoCal_Goods-Movement.pdf at 62.

Conclusion

For all the above reasons, the present EIR fails as an informational document, there are significant impacts from the proposed Project, and the DEIR should be substantially revised and recirculated. We appreciate the opportunity to comment on the DEIR. Please advise us immediately if you prepare a Final EIR by emailing us a link at collins@blumcollins.com and bentley@blumcollins.com.

F-55
(CONT.)

F-56

F-57



COMMENT LETTER F

Edgardo Caldera
September 17, 2020
Page 12 of 12

Sincerely,

Hannah Bentley
BLUM | COLLINS LLP

Attachments: A: CARB Guide to Off-Road Vehicle & Equipment Regulation
 B: CARB Fact Sheet re In-Use Off-Road Diesel-Fueled Fleets Regulation

Responses to Comment F

Blum Collins LLP

September 17, 2020

1. This comment provides an accurate summary of the Project and the surrounding land uses. No response is required.
2. The commenter disagrees with the Draft EIR conclusion that additional alternatives need not be considered due to the lack of significant impacts resulting from the Project, and suggests that the comments provided in the comment letter will support the assertion that additional alternatives should be evaluated. Responses to specific comments are provided below. As demonstrated by the responses, the Project will not result in any significant impacts and thus the City is not required to consider additional Project alternatives.
3. This comment addresses the purpose for the Project and specifically focuses on the potential job creation. The Project objectives are clearly outlined in Section 3.2 of the Draft EIR and range from implementing development consistent with the vision set forth in The Fullerton Plan (the City's General Plan) to developing a project that complements existing development in the area. The provision of new employment opportunities is one of many Project objectives, and is not the sole purpose for the Project. Regardless, the analysis and conclusions presented in the Draft EIR are not based on the expectation that all of the employment opportunities at the Project would be fulfilled by Fullerton residents.
4. The commenter focuses on an aspect of the Draft EIR's Project Description and is correct in noting that the Project Applicant is not currently pursuing a zone change for the potential expansion site, which is not owned or otherwise controlled by the Project Applicant. While the Draft EIR addresses the potential environmental impacts resulting from implementation of the Optional Site Plan, the Project-related approvals that the Project Applicant is currently seeking focus on the proposed Major Site Plan shown on Draft EIR Figure 3-4 which considers development on the property currently owned by the Project Applicant. Should development on the potential expansion site be considered in the future, it would be subject to separate discretionary approvals. The commenter is correct that reference to "Operational Site Plan" on page 3-9 of the Draft EIR is incorrect and should refer to the "Optional Site Plan"; this typographical error is corrected in Section 3.0, Clarifications and Revisions, of this Final EIR.
5. The commenter suggests that the Project conditions of approval should include a restriction that no more than 50 percent of the building space be used for high-cube cold storage warehouse space, which is the basis for certain analysis in the Draft EIR. The City agrees and has conditioned the Project as such.
6. This comment generally discusses applicable energy standards but does not provide a specific comment on the Draft EIR. No response is required.
7. This comment questions the description of driveway access presented in the Section 3.0, Project Description, of the Draft EIR (page 3-18 and Figure 3-17). Figure 3-17 is correct and clearly notes that "unless noted, all driveways are assumed to be full access". As shown on Figure 3-17, the only driveway that is limited to right-in and right-out (turns) is Driveway 2 (the westernmost driveway on Orangethorpe Avenue for Building 1). The commenter may have incorrectly interpreted "full access" to mean access for passenger cars and trucks; however, full access is referring to turns in and out of the driveway.



8. This comment addresses the provision of bicycle facilities. The bicycle facilities provided on-site including internal and external bicycle parking would be in compliance with State requirements, which are further outlined in Section 4.6, Greenhouse Gas Emissions, of the Draft EIR (see California Green Building Standards Code [CALGreen Code] starting on page 4.6-12), as well as requirements outlined in City of Fullerton Municipal Code Section 15.40.070, Transportation Demand Management Strategies to Reduce Single Occupancy Automobiles.
9. The commenter expresses uncertainty in whether the overlap of demolition, crushing/pulverizing, site preparation, and grading activities were considered in the air quality modeling. Consistent with California Emissions Estimator Model (CalEEMod) methodology, maximum daily emissions for each construction phase were calculated with the maximum daily emissions for each overlapping construction phase added together. Therefore, the analysis does consider the anticipated overlap in construction activities. The highest of the combined overlapping phases were reported as a daily maximum. The potential impacts to sensitive receptors from construction activities are evaluated in Section 4.2.4, Environmental Impacts, of the Draft EIR under Threshold c (starting on page 4.2-31, and specifically under the discussion of localized significance thresholds [LSTs]). The potential impacts to the nearest residential uses (in Anaheim) are evaluated. Without mitigation, and considering overlapping construction activities, localized construction emissions would not exceed the applicable South Coast Air Quality Management District (SCAQMD) LSTs for emissions of any criterion pollutant. As such, the Project's localized emissions impacts during construction would be less than significant.
10. The commenter asserts that the Draft EIR fails to provide a "worst-case" analysis of construction pollution because it does not assume that construction would occur for 13 hours per day, as allowed by the City's Code. The difference between construction hours allowed pursuant to the City's Municipal Code, and the assumptions made regarding hours of construction for purposes of analysis is acknowledged and explained on page 3-44 of the Draft EIR.

The commenter is correct that the City of Fullerton Municipal Code permits construction from 7:00 A.M. and 8:00 P.M. However, the commenter is incorrect that the Draft EIR must consider a 13-hour workday simply because the City allows construction to occur for 13 hours on a particular day. An 8-hour workday is a reasonable assumption of construction activity on a daily basis; this represents approximately two-thirds of the period during which construction activities are allowed pursuant to the Municipal Code and is a recognized typical workday by SCAQMD. SCAQMD's Fact Sheet for Applying CalEEMod to localized significance thresholds (LST) is based on the maximum area a given piece of equipment can pass over in an 8-hour workday, as noted in the Air Quality Impact Analysis (included in Appendix B1 and summarized in Section 4.2 of the Draft EIR). As shown in Table 3-3, Estimated Construction Equipment Fleet, it is assumed that each piece of anticipated construction equipment will operate for 8 hours per day which, in reality, overestimates construction emissions. For example, during grading operations, water trucks would not operate continuously for an 8-hour period but would instead be deployed as necessary – usually three to four times per day – to minimize fugitive dust. In fact, most pieces of equipment would likely operate for fewer hours per day than indicated in the Draft EIR. For further substantiation that 8 hours of construction equipment use per day is a reasonable assumption, the CalEEMod, which was developed by several air districts in California, including the SCAQMD which is the authority responsible for bringing the South Coast Air Basin's (SoCAB) air quality into attainment with federal and State standards,



includes a default assumption of 8 hours of construction activity. The 8 hours of construction equipment activity assumed in CalEEMod is based on a construction survey conducted by the SCAQMD and referenced in Appendix E1 of CalEEMod's Appendix E: Technical Source Documentation¹. As such, use of the 8-hour construction day for equipment use is reasonable, consistent with industry-standard practice, and supports uniform CEQA review for all development projects based on the CalEEMod default value. Therefore, the air quality analysis is appropriate, and it is unnecessary to analyze a 13-hour workday in the Draft EIR.

11. This comment addresses the use of generator sets during construction and a potential conflict with a mitigation measure (MM) included in The Fullerton Plan EIR (MM AQ-5). The Fullerton Plan EIR MM AQ-5 indicates that electricity from power poles shall be used instead of temporary diesel or gasoline-powered generators. Further, MM AQ-5 indicates that City approval is required for temporary power. Construction of the Project would be conducted in compliance with MM AQ-5 (this mitigation measure is included in the Project's Mitigation Monitoring and Reporting Program [MMRP]). However, the analysis conservatively assumes that the generator sets would be used during construction in the event that use of electricity from power poles is not feasible, and appropriate approvals for use of diesel or gasoline-powered generators as the source of temporary power are obtained from the City, as required by MM AQ-5. With respect to the modeling used to estimate emissions from construction, each of the generator sets identified in Table 3-3 of the Draft EIR (two generator sets during crushing and another during building construction) were modeled as equipment and therefore are included in the estimated construction emissions.
12. This comment questions the percentage of truck trips assumed for the proposed high-cube logistics facility, compared to the percentage of truck trips presumably assumed by the SCAQMD (26 percent compared to 40 percent, respectively). The commenter does not specify the source of the information credited to the SCAQMD, but the City assumes the commenter is referencing information from an outdated version of CalEEMod (2013) and an outdated version of a draft high cube warehouse study initiated by the SCAQMD in 2012. Since that time, the SCAQMD completed their Warehouse Truck Trip Study and the SCAQMD recommends truck trip rates be used from the Institute of Transportation Engineers (ITE) for high cube warehouse projects located in the SCAQMD.² The Draft EIR and supporting Air Quality Impact Analysis included in Appendix B1 of the Draft EIR correctly modeled the number of trips (truck and passenger) anticipated to be generated by the Project as presented in the CEQA Support Traffic Analysis (included in Appendix K2 of the Draft EIR and summarized in Section 4.11, Transportation). A detailed explanation of the trip generation assumptions for the AM peak hour, PM peak hour, and daily, is provided in Section 1.1 and Section 3.1.2 of the CEQA Support Traffic Analysis. As identified, and summarized in Section 4.11 of the Draft EIR (page 4.11-17), the trip generation rates used for the Project (including the percentage of trucks) are based upon data collected by the Institute of Transportation Engineers (ITE) in their Trip Generation Manual (10th Edition, 2017) for the proposed high-cube cold storage warehouse use, and the High Cube Warehouse Trip Generation Study (WSP) for the proposed high-cube

¹ California Air Pollution Control Officers Association (CAPCOAO). 2017 (October). California Emissions Estimator Model, Appendix E, Technical Source Documentation. Prepared by BREEZE Software, A Division of Trinity Consultants, Dallas, Texas, in collaboration with South Coast Air Quality Management District and the California Air Districts.

² South Coast Air Quality Management District, accessed September 24, 2020. Available at: <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/high-cube-warehouse>



fulfillment center warehouse use. Trip generation rates for the Project are shown in Table 4.11-1, Trip Generation Rates. The high-cube cold storage warehouse vehicle mix (passenger cars versus trucks) was obtained from the ITE's Trip Generation Manual Supplement (February 2020). The truck percentages for high-cube cold storage uses were further broken down by axle type per the SCAQMD recommended truck mix for cold-storage warehouses, and per the WSP for the high-cube fulfillment study warehouse use.

13. This comment references a statement in the Draft EIR Project description regarding the requirement for trucks to operate in compliance with State law, and then indicates that compliance with State law is not necessarily the same as compliance with CEQA. As discussed in the respective technical studies and Draft EIR sections (e.g., Section 4.2, Air Quality and Section 4.6, Greenhouse Gas Emissions), the calculated estimate of emissions from mobile sources, including trucks, is appropriately determined based on modeling conducted by Urban Crossroads, a professional air quality technical consulting firm, using the latest models available (i.e., CalEEMod Version 2016.3.2, and the EPA approved 2017 version of the Emissions FACTor model [EMFAC]). CEQA determinations in the Draft EIR are based on those technical studies, not simply on compliance with State law. Notwithstanding, the Project would be required to comply with various air quality and greenhouse gas emissions standards as indicated on page 3-46 of the Draft EIR.
14. The comment asserts that the requested height variance to allow buildings up to 55-feet compared to the maximum 45-foot height limit in the M-P-200-ES zone would put individuals at risk. The comment does not provide any information to explain what the perceived risk to individuals would entail, and therefore no response can be provided. Additionally, the City's decision makers will consider the requested variance in adherence to Section 15.68 of the of the Zoning Code, Variances, and shall make the required findings, including health and safety findings, if the requested variance is granted.
15. This comment accurately identifies that the Project involves a proposed Tentative Parcel Map to create four legal parcels. No response is required.
16. This comment references information appropriately presented in Section 4.2.2, Existing Regulatory Setting, of the Draft EIR, related to truck regulations being imposed by the California Air Resource Board (CARB). This comment does not address the relevance of this statement to the analysis of environmental impacts presented in the Draft EIR; therefore, no response is required. Notwithstanding, as noted by the commenter, the cited regulations would only apply to trucks visiting the Project site that are going to or coming from the Ports. There is no information presented in the Draft EIR that would indicate otherwise.
17. This comment references the discussion of Assembly Bill (AB) 617 (Community Air Protection Program [CAPP]) presented in Section 4.2.2, Existing Regulatory Setting, of the Draft EIR. This discussion is simply presenting information about AB 617; a discussion of the relevance of AB 617 is provided in Section 4.2.4, Environmental Impacts, of the Draft EIR under Threshold c (refer to the discussion of disadvantaged communities starting on page 4.2-42). As identified in this analysis, each year CARB's governing board is required to consider selecting communities for participation in the CAPP (AB 617). The City of Fullerton is not one of the selected communities, and to date has not been nominated to participate in the CAPP. AB 617 also includes new requirements for accelerated retrofit of pollution controls on industrial sources, increased penalty fees, and greater transparency and availability of air quality and emissions data, which will help



advance air pollution control efforts throughout the State. The Project does not conflict with implementation of these requirements. Additionally, since the Project would not result in significant impacts with regard to operational emissions, no mitigation measures or efforts to implement clean air technologies are required.

18. This comment correctly states that the Draft EIR does not commit the Project Applicant to add bicycle parking, clean air vehicle parking, or EV chargers beyond the minimum mandatory requirements of CALGreen. The addition of these features is not required under CEQA. As evaluated in the Draft EIR and underlying technical appendices, the Project's operation would result in less than significant impacts with respect to air quality emissions. Mitigation measures are not required for effects which are not found to be significant (see CEQA Guidelines Section 15126.4(a)(3)). As such, mitigation measures are not required and are not included in the Draft EIR as there is no nexus to require such mitigation when the Project would result in less than significant impacts.
19. This comment addresses the discussion of SCAQMD Rules presented in Section 4.4.2(D) of the Draft EIR, and a pending Rule related to indirect sources. The Draft EIR outlines existing regulations particularly applicable to the Project at the time the Draft EIR was prepared. The identification of SCAQMD Rules in the Draft EIR does not in any manner infer that other SCAQMD Rules, whether explicitly identified or not, are not applicable to the Project. The Project will be constructed and operated in compliance with applicable SCAQMD Rules in effect at the time of construction and/or operation, including pending Rules should they be adopted in the future. This includes Draft Rule 2305, Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. The SCAQMD released Rule 2305 in discussion draft form on November 13, 2019. The rule would apply to owners and operators of warehouses in the SoCAB with greater than 100,000 square feet of indoor floor space in the same building. The rule would impose a Warehouse Points Compliance Obligation (WPCO) on warehouse operators and would allow operators to meet their WPCO by generating and surrendering so-called Warehouse Actions and Investments to Reduce Emissions (WAIRE) points via implementation of specified emission-reducing measures. The SCAQMD has postponed adoption of Rule 2305 to the first quarter of 2021, at the earliest. If adopted, the Project would be ultimately be required to comply with the applicable provisions of this proposed rule. No revisions to the Draft EIR are required.
20. The comment addresses the provisions of The Fullerton Plan EIR MM AQ-5 regarding use of temporary diesel or gasoline-powered generators. Please refer to Response to Comment 11, above, which addresses this issue.
21. The commenter incorrectly asserts that the Draft EIR does not accurately address the potential for the Project to conflict with SCAQMD's 2016 Air Quality Management Plan (AQMP). The evaluation of the Project's consistency is presented in Section 4.2.4, Environmental Impacts, of the Draft EIR under Threshold a (page 4.2-23) and is based on the criteria for determining consistency with the AQMP as defined in Chapter 12, Section 12.2 and Section 12.3 of the SCAQMD 1993 CEQA Handbook. The evaluation for Criterion No. 1, which appears to be the basis for this comment, addresses whether the Project would result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP, and appropriately references the detailed analysis of the Project's air quality emissions, which are presented under Thresholds b and c. The consideration of existing emissions from the



Kimberly-Clark facility is explained under Threshold b. As noted, although the cogeneration equipment is being moved by Kimberly-Clark out of the state (to Kentucky), credit is appropriately being taken for the reduction in air quality emissions that would occur within the SoCAB once the cogeneration facility ceases operation because the Fullerton Mill is closing and the cogeneration facility would no longer be operating in the SoCAB. Based on the results of the analysis presented under Thresholds b and c, and summarized for the evaluation of the Project's consistency with the 2016 AQMP, the Project's regional and localized construction-source emissions would not exceed applicable regional significance thresholds or LST thresholds. Therefore, the Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP, and the Project would not conflict with the AQMP under Criterion 1.

22. This comment questions the approach to the analysis of whether the Project “would cause a considerable net increase of any criteria pollutant for which the Project is in nonattainment.” The commenter incorrectly states the threshold of significance. As stated in Section 4.2.3, Thresholds of Significance, of the Draft EIR, Appendix G of the State CEQA indicates that that a project would normally have a significant adverse environmental impact on air quality if it would:

- *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.*

Key elements of this threshold are the “net” increase of any criteria pollutant, and “for which the project region is not attainment” (not the project). A “net” increase represents the amount of emissions from a project, after existing emissions are subtracted, which is the approach taken in the air quality analysis presented in the Draft EIR. With respect to criterial pollutants for which the “project region” is in nonattainment, this is identified on Table 4.2-2, Attainment Status of Criterial Pollutants in the SoCAB, of the Draft EIR. As identified, the California Ambient Air Quality Standards (CAAQS) designate the Project area as nonattainment for O₃, PM₁₀, and PM_{2.5}, while the National Ambient Air Quality Standards (NAAQS) designate the Project area as nonattainment for O₃ and PM_{2.5}. Therefore, the analysis of Threshold b presented in Section 4.2, Air Quality, of the Draft EIR (starting on page 4.2.24) appropriately calculates the Project's net emissions (subtracting the existing emissions from Kimberly-Clark emissions from the Project emissions) and then comparing these to the established quantified thresholds established by the SCAQMD for emissions of each criteria pollutant, including the criteria pollutants for which the region (SoCAB) is in nonattainment. The use of the Kimberly-Clark emissions as a baseline condition is appropriate as the Kimberly-Clark facility was consistently in operation from its opening in 1955 to its closure in June 2020, and the calculation of emissions from Kimberly Clark's operations was based on actual operational information provided by Kimberly Clark. Specifically, as discussed in Section 4.2.1(E) of the Draft EIR, the energy usage was based on bills from Southern California Edison (SCE) and the Southern California Gas Company (SoCalGas), and information about the cogeneration turbine provided by Kimberly Clark. Existing mobile emissions from the Kimberly Clark facility were based on trip generation provided by Kimberly-Clark (estimated 730 average daily trips). Therefore, the baseline condition evaluated in the Draft EIR is not “hypothetical” as asserted by the commenter.



23. This comment incorrectly asserts that the Health Risk Assessment should have summed the risks from the construction and operation of the Project, as residents would be exposed to both. It is not appropriate to do a simple addition of construction cancer risks and operational cancer risks because the timeframes are different. For the Project, the exposure duration for construction is approximately 15 months, whereas the exposure duration for Project operations is 30 years. For this reason, construction emission health risk exposures are typically amortized over a Project's operational period (30 years). Further, even if it was as simple as adding the two risk factors together (1.80 in one million from Project construction activity at the maximally exposed individual receptor (MEIR) and 1.36 in one million from Project operation at the MEIR), the total risk would still be well the SCAQMD's health risk significance threshold of 10 in one million resulting in a less than significant impact.
24. This comment broadly asserts, without evidence, that the Project will add to an already substantial air pollution burden in the area. This comment fails to consider that the Project proposes to replace a Kimberly-Clark manufacturing facility (paper mill) that operated on the site from 1955 until it closed in June 2020 with a contemporary logistics center constructed in compliance with existing building standards, including CALGreen which is one of the most environmentally protective building codes in the nation. The LST analysis conducted as part of the Project's Health Risk Assessment (HRA) evaluates the Project's construction and operational impacts to sensitive receptors, takes into consideration the cessation of the air emissions and pollution burden placed on the area from the previous Kimberly-Clark operations, and concludes based on substantial evidence that the Project would result in a less than significant air pollution health impact to sensitive receptors. Based on the overall reduction in criteria pollutants resulting from the Project (refer to Table 4.2-9, Summary of Net Peak Operational Emissions, of the Draft EIR) there is substantial evidence that the air pollution burden in the area would not substantially increase as a result of the Project. The Draft EIR correctly concluded that cumulative air quality impacts are less than significant.
25. This comment incorrectly indicates that the Draft EIR states transport refrigeration units (TRUs) will only idle for 5 minutes based on CARB regulations. The Draft EIR actually states the following (in Section 4.2, Air Quality; page 4.2-35), which applies to all trucks, not just TRUs:
- Although the Project's diesel-fueled truck and equipment operators would be required by State law to comply with CARB's idling limit of 5 minutes, staff at SCAQMD recommends that the on-site idling emissions be calculated assuming 15 minutes of truck idling, which would take into account on-site idling which occurs while the trucks are waiting to pull up to the truck bays, idling at the bays, idling at check-in and check-out, etc. **As such, the analysis calculates truck idling at 15 minutes, consistent with SCAQMD's recommendation.... In addition to on-site truck idling, the analysis assumes that each TRU accessing the site will also idle for 30 minutes, even though the CARB's anti-idling rules mandate a 5-minute idling time.** (emphasis added)*
26. This comment incorrectly asserts that cumulative NO_x emissions have not been addressed in the Draft EIR. As discussed in Section 4.2.3, Threshold of Significance (page 4.2-19), and in Section 4.2.5, Cumulative Impacts (page 4.2-44), with respect to "cumulatively considerable" increases in emissions, the SCAQMD has published a report on how to address cumulative impacts from air pollution: *White Paper on Potential Control*



Strategies to Address Cumulative Impacts from Air Pollution. This report indicates that projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant. As demonstrated through the analysis presented in under Threshold b in Section 4.2, Air Quality, and presented in Table 4.2-9, Summary of Net Peak Operational Emissions, the Project would have a net decrease in regional NO_x emissions. Therefore, the Project would not contribute to a cumulative considerable impact related to NO_x emissions.

27. The commenter suggests that the Project should have solar roofs and should extend conduit to truck bays to power not only TRUs but also trucks. As identified in Section 4.2, Air Quality, of the Draft EIR (refer to the discussion for Threshold b starting on page 4.2-24), the air quality emissions resulting from the Project would be less than significant. As such, mitigation measures are not warranted as there is no nexus to require such mitigation when the Project would result in less than significant impacts. Notwithstanding the lack of significant air quality impacts resulting from the Project, the Project Applicant has agreed to implementation of the following design feature, which the City will include as a Condition of Approval for the Project:
- The building roofs will be designed to accommodate a photovoltaic (PV) solar array taking into consideration limitations imposed by other rooftop equipment, roof warranties, building and fire code requirements, and other physical or legal limitations. The buildings will be constructed with an adequately sized electrical room to house an adequately sized electrical panel(s) to accommodate PV arrays in the future. The electrical system and infrastructure will be clearly labeled with noticeable and permanent signage which informs future building occupants/owners of the existence of this infrastructure.
28. The commenter asserts that the Draft EIR's discussion of the statewide energy context and the reliability of the electric grid is not relevant to the discussion of the Project's impacts due to energy consumption. EIR documents are fundamentally informational documents, and the Draft EIR's discussion of the statewide energy setting and reliability of the electric grid (in Section 4.4.1) provides context for the Project's anticipated energy demands. A discussion and analysis of the Project's anticipated energy demands as well as the existing energy demands associated with the current use on site is included in Section 4.4, Energy, of the Draft EIR. Further, Threshold b related to Energy is: *Would the Project conflict with or obstruct a **state** or local plan for renewable energy or energy efficiency?* (emphasis added). Therefore, contrary to the commenter's opinion of its relevance, it is appropriate to include a discussion of statewide energy consumption in the Draft EIR. The analysis in Section 4.4.4 of the Draft EIR demonstrates that the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy resources during either construction or operation, and concludes that impacts due to energy demand would be less than significant. This comment does not identify any ways in which the Project's energy demand would represent the wasteful, inefficient, or unnecessary consumption of energy resources. Under CEQA, mitigation measures are not required for impacts that are determined to be less than significant. Therefore, because the Project's energy demands were found to be less than significant, mitigation requiring the installation of solar panels is not required. Notwithstanding the lack of significant energy impacts resulting from the Project, the Project Applicant has agreed to design the building roofs to accommodate a PV solar array (refer to additional information about this commitment provided in Response to Comment 27, above).



29. This comment addresses the use of natural gas. As identified in Section 3.3.2(E) of the Draft EIR (page 3-40), natural gas service to the Project is not required and the Project does not include the installation of natural gas lines. Section 4.13, Utilities and Service Systems, of the Draft EIR (page 4.13-17) further indicates that should a tenant require natural gas service in the future, this would be accommodated through connections to the existing gas lines, which are located in the adjacent roadways. Therefore, the energy analysis presented in *Goodman Logistics Center Fullerton, Energy Analysis* (Energy Analysis) included in Appendix D to the Draft EIR and summarized in Section 4.4, Energy, of the Draft EIR, conservatively anticipates that future Project operations may involve natural gas use.
30. The commenter asserts that the discussion of transportation energy resources on page 4.4-7 of the Draft EIR is unrelated to the Project's energy impacts. As noted in the Response to Comment 28, Section 4.4.1 of the Draft EIR provides context for the Project's anticipated energy demands and EIR documents are fundamentally informational documents. Subsection 4.4.1 does not provide an analysis of the Project's anticipated energy demands, which is instead provided in Section 4.4.4 of the Draft EIR. The sources of the information cited in Section 4.4.1 of the Draft EIR are documented in the Project's Energy Analysis, which is included as Appendix D to the Draft EIR. The discussion in Section 4.4.4 of the Draft EIR discloses the Project's anticipated vehicular-related energy demands during both construction and long-term operation, and concludes that the Project would not result in the wasteful, inefficient, or unnecessary consumption of transportation-related energy resources. There is no evidence provided in this comment letter or the Project's administrative record demonstrating that the Project's transportation-related energy demands would be wasteful, inefficient, or unnecessary. As documented on page 4.4-22 of the Draft EIR, the Project's transportation-related energy demands would not be materially different from the demand typically associated with other industrial uses of similar scale and configuration. Furthermore, the discussion notes that average fuel economies of vehicles accessing the Project site can be expected to improve as older, less fuel-efficient vehicles are removed from circulation, and in response to fuel economy and emissions standards imposed by governing regulatory agencies on newer vehicles entering the circulation system. This comment does not identify any ways in which the Project's transportation-related energy demand would result in the wasteful, inefficient, or unnecessary consumption of energy resources. As such, no revisions to the Draft EIR are warranted as a result of this comment.
31. This comment suggests that the discussion of Existing Policies and Regulations in Section 4.4.2 of the Draft EIR does not address energy conservation programs such as Energy Star, and does not provide an analysis of the Project's consistency with the IEPR or State of California Energy Plan. Section 4.4.2 of the Draft EIR provides an overview of applicable energy-related policies and regulations, and is not intended to provide an analysis of Project impacts or a discussion of Project compliance with applicable plans, policies, or regulations. The Energy Star program is one means by which projects can demonstrate compliance with the California Title 24 energy efficiency requirements, and a discussion of Title 24 is included in Section 4.4.2 of the Draft EIR. An analysis of the Project's potential to conflict with or obstruct a State or local plan for renewable energy or energy efficiency is provided under the analysis of Threshold b in Section 4.4.4 of the Draft EIR, which includes a discussion of Project compliance with the IEPR and the Title 24 energy efficiency requirements. As indicated under the analysis under Threshold b, "the Project would comply with the applicable Title 24 standards which would ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary. As such,



development of the Project would support the goals presented in the 2019 IEPR.” The analysis under Threshold b also includes a discussion of Project consistency with the State of California Energy Plan, and concludes that because the Project meets the low vehicle miles traveled (VMT) screening criteria, the Project would be “consistent with, and would not otherwise interfere with, nor obstruct implementation of the State of California Energy Plan.” This comment does not identify any deficiencies in the analysis presented under Threshold b and does not identify any potential Project conflicts with the IEPR or the State of California Energy Plan; therefore, no revisions to the Draft EIR are warranted pursuant to this comment.

32. This comment incorrectly asserts that the Draft EIR does not provide an analysis of consistency with the goals set forth by the State’s building energy efficiency standards as outlined in Title 24 of the California Code of Regulations (CCR), also known as the California Green Building Standards Code (CALGreen Code). As noted in the Response to Comment 31, the Draft EIR includes a discussion of Project consistency with Title 24 under the analysis of Threshold b in Section 4.4.4 of the Draft EIR. The analysis provides substantial evidence demonstrating that the Project would be subject to compliance with the current (2019) Title 24 energy efficiency standards, and Section 15.40.070 (Transportation Demand Ordinance) of the City of Fullerton Municipal Code, and concludes that the Project also would be implemented in compliance with other provisions of the CALGreen Code. This comment does not identify any ways in which the Project would conflict with the applicable Title 24 requirements. As such, no revisions to the Draft EIR are warranted pursuant to this comment. Notwithstanding the fact that the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, the Project Applicant has agreed to design the building roofs to accommodate a PV solar array (refer to additional information about these commitments provided in Response to Comment 27, above).
33. This comment suggests that the discussion of AB 1493 (Pavley) Section 4.4.2 of the Draft EIR does not disclose issues with potential revisions to the regulations and that the discussion in Section 4.4.2 does not address the Project’s consistency with the Clean Energy and Pollution Reduction Act of 2015 (SB 350). As noted in the Response to comment 31, above, Section 4.4.2 of the Draft EIR provides an overview of applicable energy-related policies and regulations, and is not intended to provide an analysis of Project impacts or a discussion of Project compliance with applicable plans, policies, or regulations. The Project’s potential to conflict with or obstruct a State or local plan for renewable energy or energy efficiency is instead provided under the analysis of Threshold b in Section 4.4.4 of the Draft EIR. While the City acknowledges that proposed regulations pursuant to AB 1493 may not withstand legal challenge, this fact is immaterial to the Project’s compliance with applicable State or local plans for renewable energy or energy efficiency. Regardless as to whether the proposed regulations are upheld, there are no components of the proposed Project that would interfere with implementation of AB 1493. Additionally, the analysis under Threshold b concludes that SB 350 “...is not directly applicable to development projects, but the proposed Project would use energy from Southern California Edison, which has committed to diversify its portfolio of energy sources by increasing energy from wind and solar sources. As such, the Project would not conflict with SB 350.” Neither AB 1493 nor SB 350 are directly applicable to development projects such as the Project, and AB 1493 and SB 350 do not require any measures to be adopted by individual development projects such as the proposed Project. As such, the Draft EIR properly concludes that the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and no revisions to the Draft EIR are



warranted pursuant to this comment. Notwithstanding the fact that the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, refer to Response to Comment 27, above, which identifies the additional energy conservation features that the Project Applicant has committed to implement as part of the Project.

34. This comment incorrectly asserts that the Draft EIR is incomplete because it does not address Senate Bill 32 (SB 32), Executive Order B-55-18, or CARB's 2017 Scoping Plan Update. SB 32, Executive Order B-55-18, and *California's 2017 Climate Change Scoping Plan* (2017 Scoping Plan Update) all relate to Greenhouse Gas (GHG) emissions, which are addressed in detail in Section 4.6 of the Draft EIR. The analysis in Section 4.6 of the Draft EIR demonstrates that the Project would not conflict with the GHG reduction targets set forth by SB 32 because emissions attributable to the proposed Project would not exceed the SCAQMD industrial screening threshold of 10,000 metric tons of CO_{2e} (MTCO_{2e})/yr. Additionally, Table 4.6-8 of the Draft EIR includes a discussion demonstrating that the Project would be consistent with or otherwise would not conflict with the CARB 2017 Scoping Plan Update. Executive Order B-55-18 establishes a Statewide goal to achieve carbon neutrality no later than 2045, and directs State agencies to develop a framework for implementation and accounting that tracks progress towards this goal. Executive Order B-55-18 does not apply to individual development projects such as the Project, and there are no components of the Project that would interfere with the State's ability to establish a framework to achieve carbon neutrality by 2045. Accordingly, no revisions to the Draft EIR are warranted pursuant to this comment.
35. This comment incorrectly suggests that the analysis of the Project's potential impacts to energy do not comport with the requirements in CEQA Guidelines Appendix F. Appendix F identifies six potential categories of potential impacts due to energy consumption. The analysis in Section 4.4, Energy, of the Draft EIR, addresses these six categories as follows:
- Section II.C.1 of Appendix F to the CEQA Guidelines indicates that environmental impacts may include "the project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials maybe discussed." The analysis in Section 4.4.4 of the Draft EIR includes a full disclosure of the Project's energy requirements and energy use efficiencies by amount and fuel type for both construction and long-term operations, and concludes that the Project would not engage in wasteful or inefficient uses of energy.
 - Section II.C.2 of Appendix F to the CEQA Guidelines indicates that environmental impacts may include "the effects of the project on local and regional energy supplies and on requirements for additional capacity." Section 4.4 of the Draft EIR includes a discussion of the Project's energy efficiency and conservation measures for both construction and long-term operational activities, and also includes a discussion of measures undertaken by energy purveyors to meet future anticipated energy demands throughout the State, including energy demands of the proposed Project. There is no evidence in this comment or in the Project's administrative record demonstrating that the Project would adversely affect local or regional energy supplies or result in the need for expanded capacity.



- Section II.C.3 of Appendix F to the CEQA Guidelines indicates that environmental impacts may include “the effects of the project on peak and base period demands for electricity and other forms of energy.” As indicated in the analysis in Section 4.4.4 of the Draft EIR, the Project would use an additional 6,403,510 kWh/year as compared to the existing uses on site, or approximately 17,544 kWh/day. Due to the relatively small increase associated with the Project in the context of available energy resources within the State and Project region, the Project’s anticipated increase in electricity demand would not affect the ability of energy purveyors to meet electricity demands during peak or base periods.
- Section II.C.4 of Appendix F to the CEQA Guidelines indicates that environmental impacts may include “the degree to which the project complies with existing energy standards.” The discussion provided under the analysis of Threshold b in Section 4.4.4 of the Draft EIR demonstrates that the Project would be consistent with, or otherwise would not conflict with or obstruct, any State or local plans for renewable energy or energy efficiency.
- Section II.C.5 of Appendix F to the CEQA Guidelines indicates that environmental impacts may include “the effects of the project on energy resources.” The discussion and analysis provided in Section 4.4.4 of Draft EIR discloses the Project’s anticipated energy demands during both construction and operation; demonstrates that with mandatory compliance with applicable plans, regulations, and policies, the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources; and concludes that the Project would not result in adverse impacts associated with energy resources.
- Section II.C.6 of Appendix F to the CEQA Guidelines indicates that environmental impacts may include “the project’s projected transportation energy use requirements and its overall use of efficient transportation alternatives.” The discussion and analysis provided under Thresholds a and b within Section 4.4.4 of the Draft EIR include discussions demonstrating that the Project would be subject to applicable regulatory requirements that would result in enhanced vehicle fuel efficiencies.

In addition, while the analysis in Section 4.4.4 of the Draft EIR indicates that the Project would be subject to the current Title 24 requirements, the analysis also includes a discussion of the Project’s compliance with numerous other State measures aimed at reducing the consumption of energy. This comment does not identify any ways in which the Project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, during project construction or operation, and does not identify any potential impacts due to a conflict with or obstruction of a State or local plan for renewable energy or energy efficiency; thus, no revisions to the Draft EIR are warranted pursuant to this comment.

36. This comment asserts that the Draft EIR’s analysis of construction-related energy consumption does not disclose that diesel fuel is a non-renewable resource, and also asserts that the Draft EIR does not acknowledge a potential inconsistency with The Fullerton Plan EIR’s Mitigation Measure MM AQ-5. The analysis of the Project’s construction-related energy demands fully discloses the estimated amount of diesel fuel that would be associated with Project-related construction activities. The analysis properly discloses that diesel fuel consumed during Project construction would not represent an on-going consumption of diesel fuel, as construction-related fuel consumption would



cease upon buildout of the Project. While it is accurate to state that diesel fuel is not a renewable resource, there is no evidence in this comment or in the Project's administrative record demonstrating that the Project's consumption of diesel fuel would result in a shortage of such resources, nor is there any evidence demonstrating a projected shortage of such resources within the foreseeable future. The Draft EIR correctly concluded that impacts to energy are less than significant. It is further acknowledged in Section 6.3, Significant Irreversible Environmental Changes that Would be Caused by the Proposed Project Should it be Implemented, of the Draft EIR, that "...[c]onstruction and long-term operation of the Project would require the commitment and reduction of nonrenewable and/or slowly renewable resources, including petroleum fuels and natural gas (e.g., for construction, vehicle operations)...However, their use is not expected to negatively impact the availability of these resources." Refer to Response to Comment 11, which addresses The Fullerton Plan EIR MM AQ-5. As identified, construction of the Project would be conducted in compliance with MM AQ-5 (this mitigation measure is included in the Project's MMRP). The analysis conservatively assumes that the generator sets would be used during construction in the event that use of electricity from power poles is not feasible, and appropriate approvals for use of diesel or gasoline-powered generators as the source of temporary power are obtained from the City. MM AQ-5 does not prohibit the use of diesel or gasoline in association with construction equipment, such as the Project's proposed crushing/pulverizing activities; thus, the Project would not result in a conflict with The Fullerton Plan EIR MM AQ-5. No revisions to the Draft EIR are warranted pursuant to this comment.

37. This comment incorrectly suggests that the Draft EIR did not disclose the total fuel consumption associated with construction workers, and that the Draft EIR erroneously states that the Project's construction-related fuel consumption would not represent a "permanent commitment" of fuel resources. Anticipated fuel consumption associated with Project construction workers is disclosed in Draft EIR Tables 4.4-6, 4.4-7, and 4.4-8. As evidenced by this comment, the total amount of fuel that would be consumed by Project construction workers (159,584 gallons) can be discerned simply by adding the total fuel consumption disclosed in Draft EIR Tables 4.4-6 through 4.4-8; thus, the Draft EIR properly discloses the Project's anticipated fuel consumption associated with Project construction workers. This comment also misconstrues the Draft EIR's statement that construction-related fuel consumption would not represent a "permanent commitment" of energy resources. Project-related construction activities would not result in an on-going demand for fuel resources following completion of construction activities. Thus, the Draft EIR is accurate in stating that the Project construction-related fuel consumption would represent a "single-event" that would not require on-going or permanent commitment of diesel fuel resources. No revisions to the Draft EIR are warranted pursuant to this comment.
38. This comment erroneously indicates that the Draft EIR does not adequately disclose fuel consumption estimates associated with construction vendors and haul trips; that the Draft EIR makes erroneous assumptions regarding vendor trip lengths; and that the Draft EIR incorrectly states that the Project's construction-related fuel consumption would not represent a "permanent commitment" of such resources. The Project's anticipated construction-related fuel consumption is fully disclosed in Draft EIR Tables 4.4-4 through 4.4-11, and the data in these tables enables the public and decision makers to understand the Project's total estimated construction-related fuel consumption. With respect to construction vendor trip lengths, the analysis relies upon the defaults included in the



SCAQMD CalEEMod computer program. As noted in the CalEEMod User's Guide (November 2017)³.

"CalEEMod utilizes widely accepted methodologies for estimating emissions combined with default data that can be used when site-specific information is not available. Sources of these methodologies and default data include but are not limited to the United States Environmental Protection Agency (USEPA) AP-42 emission factors, California Air Resources Board (CARB) vehicle emission models, studies commissioned by California agencies such as the California Energy Commission (CEC) and CalRecycle. In addition, some local air districts provided customized values for their default data and existing regulation methodologies for use for projects located in their jurisdictions. When no customized information was provided and no regional differences were defined for local air districts, then state-wide default values were utilized."

Thus, the emissions factors and default modeling inputs included in the CalEEMod program are based upon substantial evidence and reflect a reasonable estimate of the fuel consumption associated with construction vendor trips within the SCAQMD region. This comment does not identify any deficiencies with the CalEEMod default of 6.9 miles for construction vendor trips. Accordingly, no revisions to the Draft EIR are warranted pursuant to these comments. Refer also to the response to Comment 37 for an explanation of why the Draft EIR is correct and accurate in stating that construction-related energy consumption would represent a "single-event" and would not result in the on-going or permanent commitment of energy resources.

39. The commenter quotes a sentence from the Draft EIR stating that construction contractors are required to comply with applicable CARB regulations and then questions the applicability of CARB regulations to small construction fleets. First, the quoted sentence is accurate – construction contractors are required to comply with all CARB regulations that are applicable to them. As the commenter notes, CARB imposes different requirements and compliance dates based on a contractor's fleet size. The comment makes no connection between the comment and the environmental analysis contained in the Draft EIR. Therefore, no further response is warranted.
40. The commenter cites the Project's estimated fuel usage and then questions the Draft EIR's assumed truck trip percentage of 26 percent as compared to 40 percent presumably proffered by the SCAQMD. As explained in Response to Comment 12, above, the commenter is referencing outdated SCAQMD information. The SCAQMD currently recommends truck trip rates be used from the ITE for high cube warehouse projects located in the SCAQMD. As summarized in Section 4.11 of the Draft EIR (page 4.11-17), the trip generation rates used for the Project (including the percentage of trucks) are based upon data collected by ITE in their Trip Generation Manual (10th Edition, 2017) for the proposed high-cube cold storage warehouse use, and the High Cube Warehouse Trip Generation Study (WSP) for the proposed high-cube fulfillment center warehouse use. The high-cube cold storage warehouse vehicle mix (passenger cars versus trucks) was obtained from the ITE's Trip Generation Manual Supplement (February 2020).

³ California Air Pollution Control Officers Association. 2017 (November). *California Emissions Estimator Model Users Guide Version 2016.3.2*. Prepared by BREEZE Software, A Division of Trinity Consultants in collaboration with South Coast Air Quality Management District and the California Air Districts.



41. This comment addresses the use of natural gas. Refer to Response to Comment 29, above, which addresses this issue. In summary, while natural gas service to the Project is not required and the Project does not include the installation of natural gas lines, should a future tenant require natural gas service in the future, this would be accommodated through connections to the existing gas lines, which are located in the adjacent roadways. Therefore, the energy analysis presented in the Draft EIR conservatively anticipates that future Project operations may involve natural gas use.
42. This comment wrongly asserts that the Draft EIR is incorrect in stating that the Project over time would achieve increased fuel efficiencies based on increasingly stringent State and federal regulatory actions addressing vehicle fuel economies and vehicle emissions standards. As noted by this comment, even under the EPA “SAFE” rule, the average fuel economy and CO₂ emissions standards would increase by 1.5% each year through model year 2026. Additionally, the Project would be subject to a number of State and federal requirements related to vehicle fuel efficiency, as documented in Section 4.4 (Energy) and Section 4.6 (Greenhouse Gas Emissions), of the Draft EIR. It is unclear from this comment how the statement in the Draft EIR regarding increasingly stringent State and federal regulatory actions is an “overstatement.” As noted in the analysis provided in Section 4.4 of the Draft EIR, the estimates of the Project’s fuel consumption are based on current regulations and requirements, and do not take any credit for future regulations or requirements related to vehicle fuel economies or vehicle emissions. Based on the State of California’s commitment to reducing VMTs, as required by Senate Bill 743, as well as the State’s efforts to increase vehicular fuel efficiency standards in order to meet the GHG reduction targets established by SB 32, there is substantial evidence to demonstrate that the Project would be subject to increased fuel efficiencies due to increasingly stringent State and federal regulatory actions addressing vehicle fuel economies and vehicle emissions standards. Thus, no revision to the Draft EIR is warranted pursuant to this comment.
43. This comment incorrectly asserts that the Draft EIR wrongly concludes that enhanced fuel economies realized pursuant to federal and State regulatory actions and related transition of vehicles to alternative energy resources would likely decrease future gasoline fuel demands per VMT. As noted in the Response to Comment 42, the Project would be subject to a number of State and federal requirements related to vehicle fuel efficiency, as documented in Section 4.4 (Energy) and Section 4.6 (Greenhouse Gas Emissions), of the Draft EIR. Furthermore, the analysis in Section 4.4 of the Draft EIR relies only upon current regulations and requirements related to fuel efficiencies, and thus fully discloses the Project’s anticipated consumption of fuel resources. The analysis in Section 4.4 of the Draft EIR provides substantial evidence demonstrating that the Project would not result in significant impacts due to the wasteful, inefficient, or unnecessary consumption of energy, during project construction or operation. While the commenter is correct that no mitigation measures have been identified requiring an increase in alternative-fueled vehicle use, mitigation measures are not required for effects which are not found to be significant. Accordingly, no revisions to the Draft EIR are warranted pursuant to this comment.
44. This comment incorrectly states that the analysis of the Project’s energy demands is based on the “wrong standard” under CEQA Guidelines Appendix F, and that the City must impose additional requirements that go beyond standard regulatory compliance. As indicated in Response to Comment 35, above, the analysis in the Draft EIR addresses the Project’s potential significant impacts to energy resources in full compliance with Appendix F to the CEQA Guidelines. The analysis in Section 4.4, Energy, of the Draft EIR, provides



substantial evidence demonstrating that the Project would not result in significant impacts due to the wasteful, inefficient, or unnecessary consumption of fuel resources, during Project construction or operation. This comment letter does not provide any evidence demonstrating that the Project's fuel consumption during construction or operation would result in the wasteful, inefficient, or unnecessary consumption of fuel resources. Under CEQA, mitigation measures are not required for effects which are not found to be significant. Thus, additional mitigation measures are not required to address the Project's less than significant impacts due to the consumption of fuel resources.

45. This comment incorrectly asserts that the Draft EIR's comparison of energy consumption to the existing Kimberly-Clark manufacturing facility is erroneous. The analysis of Threshold a in Section 4.4.4 of the Draft EIR demonstrates that even without consideration of the pre-existing uses at the site, the Project would not result in the wasteful, inefficient, or unnecessary consumption of fuel resources. A comparison to the existing use is provided for disclosure purposes. Furthermore, it is appropriate and proper under CEQA to consider historical operations on a given project site in the analysis of potential impacts. For example, in *North County Advocates v City of Carlsbad* (2015) 241 CA4th 94, the court upheld the use of historical occupancy rates at a retail center as the baseline, even though the area to be redeveloped had been vacant for some time, because that baseline represented actual levels of past use. This comment letter does not provide any evidence demonstrating that the Project's construction or operational activities would result in the wasteful, inefficient, or unnecessary consumption of fuel resources. Thus, no revisions to the Draft EIR are warranted pursuant to this comment.
46. This comment incorrectly asserts that the Project would result in significant energy-related impacts because the Project "does nothing to support the state's climate, transportation fuel reliability, or Southern California electric grid reliability goals." As noted in Section 4.4.2, of the Draft EIR, the IEPR "provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the state's economy; and protect public health and safety (Public Resources Code § 25301a))." The IEPR does not impose requirements on individual development projects such as the proposed Project. The measures identified in the IEPR are anticipated to be implemented at the State level (e.g., through increasingly stringent regulations under CCR Title 24), and the Project would be subject to any applicable measures or regulations adopted pursuant to the IEPR. Thus, the Draft EIR's conclusion that the Project would support the goals presented in the 2019 IEPR is correct and is based on substantial evidence. This comment also incorrectly asserts that the Project is not consistent with the California Energy Plan because it does not implement a Statewide goal for the "transformation of the transportation system." The California Energy Plan provides policy recommendations for State agencies to undertake to address energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy, and does not set forth requirements for individual development projects such as the proposed Project. Furthermore, this comment does not identify any ways in which the Project would conflict with or obstruct the Energy Plan's goal to transform the transportation system to improve air quality. Thus, the Draft EIR properly concludes that the Project would not conflict with or obstruct implementation of the IEPR or California Energy Plan, and no revisions to the Draft EIR are warranted pursuant to this comment. With respect to the footnote, the IEPR and California Energy Plan are included in the administrative record for the Project as they are cited in the Energy Analysis included in Appendix D of the Draft EIR.



47. The commenter suggests that the Project could do more to promote vehicle energy efficiency. As identified in Section 4.4, Energy, of the Draft EIR (refer to the discussion for Thresholds a and b starting on page 4.4-11), the Project would not result in a significant environmental effect due to the wasteful, inefficient, or unnecessary consumption of energy, nor will the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As such, mitigation measures are not warranted as there is no nexus to require such mitigation when the Project would result in less than significant impacts.
48. This comment incorrectly asserts that the Draft EIR is inadequate because it fails to evaluate other programs related to energy production, such as the Million Solar Roofs initiative or the 2017 Scoping Plan Update. The Million Solar Roofs bill (Senate Bill 1) provided incentives to help Californians install one million solar energy systems on homes and businesses throughout the State by 2018. The State met the goal to provide for one million solar energy systems in 2019; thus, the Project has no potential to conflict with the Million Solar Roofs program. The CARB 2017 Scoping Plan Update was adopted to address GHG emissions throughout the State, and is fully discussed in Section 4.6, Greenhouse Gas Emissions, of the Draft EIR. Draft EIR Table 4.6-8 includes an analysis of Project consistency with the 2017 Scoping Plan Update, and the analysis in Section 4.6 concludes that the Project would not conflict with any of the provisions of the Scoping Plan and in fact supports seven of the action categories (refer to pages 4.6-32 and 4.6-33). This comment does not identify any other State programs or policies related to energy conservation; thus, no revisions to the Draft EIR are warranted pursuant to this comment.
49. This comment accurately identifies that page 4.6-9 of the Draft EIR includes a discussion of the existing greenhouse gas (GHG) emissions associated with Kimberly-Clark facility. No response is required.
50. The comment alleges that the Draft EIR's statement that Executive Order S-3-05 is not legally enforceable for local governments or the private sector is untrue based on the ruling in *Cleveland Nat'l Forest Found v. San Diego County Association of Gov'ts* ["Cleveland"] (2017) 3 Cal.5th 497, 515. The comment alleges that the Court in *Cleveland* held that the EIR complied with CEQA's GHG requirements only because the EIR specifically addressed the Executive Order's 2050 emission target.

The commenter is incorrect. In *Cleveland*, the Court expressly stated that the EIR was not required to use the 2050 Executive Order as a threshold of significance and that discussing the Executive Order generally in the regulatory setting portion of the EIR was sufficient.

"Moreover, SANDAG did not abuse its discretion in declining to adopt the 2050 goal as a measure of significance in light of the fact that the Executive Order does not specify any plan or implementation measures to achieve its goal."

The Court never said CEQA requires lead agencies to use the Executive Order as a threshold of significance. Rather, as noted by the Court, lead agencies have discretion in designing an EIR based, to the extent possible, on scientific and factual data.

The Draft EIR in this case, as was the case in the EIR at issue in *Cleveland*, includes reference to the Executive Order as part of its regulatory setting, but does not use it as a measure of significance. Rather, it uses applicable thresholds of significant and scientific and factual data to conclude that GHG impacts are less than significant. As in the



Cleveland EIR, the Draft EIR presents information regarding projected emissions and the Executive Order's 2050 emissions reduction target in a manner that adequately informs the public and decision makers about applicable regulations and GHG impacts.

Specifically, the *Cleveland* Court found it acceptable for the lead agency to use the following three-fold approach in the EIR at issue in the case:

- (1) Where statute and regulation provide specific regional emissions reduction targets, the EIR analyzes consistency of projected emissions with those targets.
- (2) For longer-term emissions through 2050, for which no statute or regulation provides regional or sector targets, the EIR analyzes projected emissions against a baseline of current emissions. This is one of the approaches specified in Guidelines section 15064.4, subdivision (b), which calls on lead agencies to consider "[t]he extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting."
- (3) The EIR analyzes whether the project incorporates land use changes and transportation improvement designed to reduce emissions, as reflected in the applicable climate plan and CARB's Scoping Plan.

The Draft EIR, like the EIR in *Cleveland*, includes analyses of all three approaches above. As noted on Page 4.6-24, the City of Fullerton does not have an adopted threshold of significance for GHG emissions and therefore has discretion to select an appropriate significance criterion based on substantial evidence. The City selected SCAQMD's screening threshold of 10,000 MTCO_{2e} per year. The annual net GHG emissions associated with operation of the project compared to baseline conditions, inclusive of the Project's amortized construction emissions, are below SCAQMD's threshold of 10,000 MTCO_{2e} per year. The Draft EIR analyzes the Project's consistency with the City of Fullerton Climate Action Plan and SB 32 (CARB's 2017 Scoping Plan) on Page 4.6-26 through 4.6-38. As concluded in the Draft EIR, the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions and no impact would result. Contrary to the commenter's assertion, the EIR properly and fully addresses GHG impacts and complies with CEQA.

In a footnote, the commenter alleges that the Draft EIR "severely understates" scientific consensus, for example, in its statement that the 2050 goal represents what some scientists believe is necessary to reach levels that would stabilize the climate. It is unclear why the commenter believes the Draft EIR severely understates scientific consensus, and the commenter fails to provide any evidence to dispute the statements in the Draft EIR regarding scientific consensus, specifically the statement that some scientists believe the 2050 reduction goal represents the level necessary to stabilize the climate. Therefore, no further response is warranted.

51. This comment accurately identifies that the Draft EIR acknowledges the second phase of AB 1493 (Pavley bill) is in effect; this discussion is provided on page 4.6-15 of the Draft EIR. The comment does not raise questions about the analysis presented in the Draft EIR; therefore, a response is not required. Please also refer to Response to Comment 33 and Response to Comment 47, above, which also address AB 1493.



52. This comment inaccurately summarizes the information presented in Section 4.6, Greenhouse Gas Emissions, of the Draft EIR (page 4.6-19), regarding the 2017 Scoping Plan Update, and Climate Actions Plans. The text presented in the Draft EIR is as follows:

In addition to the statewide strategies listed above, the 2017 Scoping Plan Update also identifies local governments as essential partners in achieving the State's long-term GHG reduction goals and identifies local actions to reduce GHG emissions. As part of the recommended actions, CARB recommends that local governments achieve a community-wide goal to achieve emissions of no more than 6 metric tons of CO₂e (MTCO₂e) or less per capita by 2030 and 2 MTCO₂e or less per capita by 2050. For CEQA projects, CARB states that lead agencies may develop evidenced-based bright-line numeric thresholds—consistent with the Scoping Plan and the State's long-term GHG goals—and projects with emissions over that amount may be required to incorporate on-site design features and mitigation measures that avoid or minimize project emissions to the degree feasible; or, a performance-based metric using a CAP or other plan to reduce GHG emissions is appropriate.

Contrary to the commenter's assertion, as demonstrated by the text above, the Draft EIR does not state that the "...2017 Scoping Plan Update **calls for local governments to develop updated Climate Action Plans** and to achieve community-wide goals of no greater than 6 metric tons of CO₂e per capita by 2030 and no greater than 2 metric tons of CO₂e per capita by 2050." (emphasis added)

The commenter does not provide any explanation for the inaccurate assertion that the Draft EIR has a "fundamental flaw" relative to the discussion of the status of the City of Fullerton Climate Action Plan; therefore, no response to this comment can be provided. Regardless, the Draft EIR clearly acknowledges that the City's Climate Plan GHG reduction strategies were set to comply with the AB 32 benchmark for the Year 2020 (page 4.6-22 and page 4.6-27), and that the State has established additional targets for 2030 and 2050. The Project's consistency with applicable plans, policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases are then discussed under Threshold b (starting on page 4.6-25 of the Draft EIR). With respect to the footnote, the 2017 Scoping Plan Update is included in the administrative record for the Project.

53. The commenter questions whether it is appropriate to consider the net increase in GHG emissions resulting from the Project, subtracting GHG emissions generated by the Kimberly-Clark manufacturing facility, and further inaccurately asserts that credit has been taken for all of the GHG emissions associated with the cogeneration facility. The *Goodman Logistics Center Fullerton Greenhouse Gas Analysis, City of Fullerton* (July 2020) (Greenhouse Gas Analysis), included in Appendix D of the Draft EIR, and summarized in Section 4.6, Greenhouse Gas Emissions, of the Draft EIR, clearly explains the existing GHG emissions considered from operations of the Kimberly-Clark manufacturing facility, including the cogeneration plant. As presented in Section 3.7.1, Existing GHG Emissions, of the Greenhouse Gas Analysis (page 54), and Section 4.6.1(C) of the Draft EIR, "...for purposes of this GHG analysis, existing energy usage from the turbine was calculated based on the assumption that the cogeneration turbine produced approximately 5 MW of electricity, and would offset an equivalent amount of electricity from the grid at the Kentucky facility. Taking credit in this manner from the energy-related cogeneration portion of the Project is conservative, since the cogeneration plant when it was operating



at the existing Project site generated substantially more GHGs as a result of natural gas usage.”

In other words, and in acknowledgement that climate change is a global issue, with respect to GHG emissions from energy sources, “credit” was only taken for the GHG emissions associated with the energy consumption that will be offset at the existing Kimberly-Clark facility in Kentucky, once the cogeneration facility is operational. Kimberly-Clark is not opening a new facility in Kentucky. As when the cogeneration facility was installed at the Kimberly-Clark’s Fullerton facility, the introduction of the cogeneration facility at the existing facility in Kentucky will reduce the existing demand for electricity as an energy source, and will reduce the associated GHG emissions from use of electricity. As stated above, the actual existing GHG emissions from energy sources at the Kimberly-Clark facility in Fullerton were actually greater, providing a conservative analysis in the Draft EIR.

With respect to the footnote, the SCAQMD’s recommended GHG threshold was established to achieve an emission capture rate of 90 percent of all new or modified stationary source projects. A GHG significance threshold based on a 90 percent emission capture rate is appropriate to address the long-term adverse potential impacts associated with GHG emissions. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial fraction of future projects that will be constructed to accommodate future statewide population and economic growth. This assertion is based on the fact that SCAQMD estimates that these GHG emissions would account for less than 1 percent of future 2050 statewide GHG emissions target (85 MMTCO₂e/yr). In addition, these projects would be subject to future applicable GHG control regulations that would further reduce their overall future contribution to the statewide GHG inventory.

54. The comment addresses the analysis presented under Threshold b in Section 4.6, Greenhouse Gas Emissions, of the Draft EIR: *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?* This comment also incorrectly states that the 2017 Scoping Plan Update calls “...for local lead agencies to prepare up-to-date CAPs, and to demonstrate compliance with the goals of less than 6 MTCO₂e per capita for 2030 and less than 2 MTCO₂e per capita for 2050.” Rather, the 2017 Scoping Plan Update makes recommendations for local plan-level GHG emissions reduction goals (see page 99 of the 2017 Scoping Plan Update). Updates to existing CAPs are not required, and are certainly not within the purview of individual development projects.

The Fullerton Climate Action Plan has appropriately been addressed under Threshold b because it is an applicable plan adopted for purpose of reducing GHGs. The Fullerton CAP was developed to allow The Fullerton Plan to achieve a GHG reduction target of 15 percent below 2009 levels by 2020, consistent with the CARB Scoping Plan and AB 32. The City is implementing its Climate Action Plan, and the Project is consistent with the Climate Action Plan, as outline in the Draft EIR. The City has not yet evaluated the consistency of its Climate Action Plan with SB 32. Therefore, because it cannot be ascertained that the Climate Action Plan is consistent with SB 32, the Project’s consistency with the CAP has not been used to determine that the Project’s GHG emissions would not have a significant impact on the environment. A quantified emissions analysis is presented in the Draft EIR (under Threshold a), and the Project’s consistency with additional applicable regulations is provided, independent of the Climate Action Plan



consistency analysis. Specifically, the Project's consistency with SB 32 and the 2017 Scoping Plan Update is provided (refer to Table 4.6-8 of the Draft EIR; page 4.6-33). The consistency analysis appropriate focuses on the climate change policies and measures outlined in Table 18 of the 2017 Scoping Plan Update⁴. As identified, the Project would not conflict with these policies measures resulting in a less than significant impact.

Rendering a determination as to whether the Project would conflict with year 2050 GHG emissions would be speculative because the 2017 Scoping Plan Update establishes a goal more than three decades into the future. No agency, including the City of Fullerton, has adopted regulations to achieve these statewide goals at the project-level; and, available analytical models cannot presently quantify all Project-related emissions in those future years. Further, due to the technological shifts anticipated and the unknown parameters of the regulatory framework in 2050, available GHG models and the corresponding technical analyses are subject to limitations for purposes of quantitatively estimating the Project's emissions in 2050. However, the Project would not conflict with the State's ability to achieve statewide GHG reduction mandates, and would not interfere with any future federal, State, or locally mandated retrofit obligations enacted or promulgated to legally require development projects to assist in meeting State-adopted GHG emissions reduction targets. Furthermore, the Project would be consistent with the City's General Plan policies related to air quality, energy conservation, and sustainability. Therefore, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs and would result in a less than significant impact. Notwithstanding this less than significant impact, the Project Applicant has agreed to design the building roofs to accommodate a PV solar array (refer to additional information about these commitments provided in Response to Comment 27, above).

55. This comment questions the operational activities anticipated in the Project's noise analysis. Section 9.2.2 of the *Goodman Logistics Center Fullerton Noise Impact Analysis*, included in Appendix J of the Draft EIR and summarized in Section 4.10, Noise, of the Draft EIR, provides details on the loading dock activity reference noise level measurements. As outlined, the reference noise levels include truck idling, reefer activity (refrigerator truck/cold storage), deliveries, backup alarms, unloading/loading, docking including a combination of tractor trailer semi-trucks, two-axle delivery trucks, and background forklift operations. Additional background noise sources included truck pass-by noise, truck drivers talking to each other next to docked trucks, and air brake release noise when trucks parked. The reference noise levels describe the peak operating noise activity from airbrakes and back-up beepers, including those noises at night. In addition, the operational noise analysis describes both the daytime and nighttime operational noise levels representing the combined noise source activity from loading dock activity, entry gate and truck movements, roof-top air conditioning units, and trash enclosure activity. The Draft EIR properly considered all anticipated operational noise activities and no further analysis in the Draft EIR is warranted.
56. The comment addresses the analysis of consistency with SCAG's Regional Transportation Plan/Sustainable Communities Strategies (RTP/SCS) and incorrectly asserts that the Draft EIR does not discuss the associated technical reports addressing goods movement. The 2016/2040 RTP/SCS and 2020/2045 RTP/SCS (also referred to as Connect SoCal), and associated stand-alone reports addressing goods movement are

⁴ California Air Resources Board (CARB). 2017 (November). *California's 2017 Climate Change Scoping Plan*.



discussed in detail in Section 4.11.2(B) of the Draft EIR. As identified on page 4.11-25 of the Draft EIR, the consistency of the Project with applicable goals from the 2016/2040 RTP/SCS and Connect SoCal related to Transportation are presented in Table 4.9-1, SCAG RTP/SCS Policy Consistency Analysis, in Section 4.9, Land Use and Planning, of this EIR. As requested by SCAG in its NOP comment letter (included in Appendix A of this EIR), the consistency analysis focuses on the established RTP/SCS goals. As presented in Table 4.9-1, the Project would not conflict with SCAG's RTP/SCS goals and no further analysis in the Draft EIR is required.

57. This comment indicates that revisions to the Draft EIR are required based on the preceding comments, and that the Draft EIR should be recirculated. As presented in the responses to comments above, with the exception of one minor typographical error (refer to Response to Comment 4), no revisions to the Draft EIR are required based on the comments received. As outlined in Section 3.0, Clarifications and Revisions, of this Final EIR, the minor Draft EIR revisions made in the Final EIR are provided to clarify information in the Draft EIR and none of the information constitutes significant new information or changes to the analysis or conclusions of the Draft EIR. Therefore, pursuant to the provisions of Section 15088.5(b) of the CEQA Guidelines, recirculation of the Draft EIR is not required because the new information added to the EIR through these modifications clarifies or amplifies information already provided or makes insignificant modifications to the already adequate Draft EIR.



COMMENT LETTER G



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*The mission of
Fullerton Heritage
is to foster an
appreciation of our
city's cultural
history and to
ensure the
preservation of our
historic
architectural
resources and
environments.*

September 17, 2020

Edgardo Caldera, Associate Planner
City of Fullerton Community and Economic Development
Department 303 W. Commonwealth Avenue
Fullerton, CA 92832-1775

Re: Draft EIR for the proposed Goodman Logistics Center

Dear Mr. Caldera:

Fullerton Heritage has the following comments with regard to the Draft EIR of the proposed Goodman Logistics Center at 2001 E. Orangethorpe Avenue:

- The initial building of the Kimberly-Clark plant, built in 1963, was designed by renowned architectural firm Skidmore, Owens, and Merrill (SOM).
- Given that SOM was involved with the design of the initial building's mid-century architecture, it should be considered a candidate for Local Landmark status and perhaps listed on the National Register of Historic Places. However, based on the documentation in the Draft EIR, the initial building's design and setting seems to have been substantially altered with the many additions and remodels that took place within the 50-plus years that Kimberly-Clark conducted its operation. This fact was confirmed by a recent tour of the interior of the initial building, when board members of Fullerton Heritage were accompanied by principles of Goodman Logistics, Mayor Jennifer Fitzgerald, and planner Heather Allen.
- Fullerton Heritage is of the opinion that the 1963-vintage initial building is no longer a viable candidate as a Local Landmark, and as such, the demolition of this building should be deemed a permissible action with the proposed development of the Goodman Logistics project.

Fullerton Heritage would like to encourage the owner/developer, Goodman Logistics, to incorporate some type of design features in its proposed development that acknowledges the property was previously the home to Kimberly-Clark, a major employer in Fullerton for more than 50 years and instrumental in the city's growth and prosperity.

Sincerely,

Ann Gread, Vice-President
Fullerton Heritage

G-1
G-2
G-3
G-4

Responses to Comment G

Fullerton Heritage

September 17, 2020

- G-1. This comment accurately identifies that the initial building at the Kimberly-Clark plant was designed by Skidmore, Owens, and Merrill. No response is required.
- G-2. This comment indicates that Fullerton Heritage concurs with the conclusion in Section 4.3, Cultural Resources, of the Draft EIR, that the design and setting of the initial building has been substantially altered during ongoing operations at the Project site. No response is required.
- G-3. This comment indicates that Fullerton Heritage also concurs with the conclusion in Section 4.3, Cultural Resources, of the Draft EIR, that the initial building is no longer a viable candidate as a Local Landmark (Fullerton Historical Landmark), and demolition of the building should be deemed a permissible action. No response is required.
- G-4. This comment requests that the Project Applicant incorporate design features that acknowledge Kimberly-Clark, and its importance to the City. While the building was determined to have no historical significance and therefore no mitigation is required under CEQA, the Project Applicant has voluntarily agreed to install a commemorative plaque or marker in the landscape area near the corner of Orangethorpe Avenue and Acacia Avenue. This commemorative installation will include information about the manufacturing history of the site, which will be compiled in coordination with Fullerton Heritage.



COMMENT LETTER H

September 7, 2020

Edgardo Caldera, Assistant Planner
City of Fullerton Community Development Department
303 W. Commonwealth Avenue
Fullerton, CA 92832-1775

Subject: Draft EIR for Goodman Logistics Center

Mr. Caldera,

Thank you for the opportunity to review and provide comment on the draft EIR for the Goodman Logistics Center project. I own an adjoining property located at 1201 S. State College Boulevard and provided comments in response to the Notice of Preparation for the EIR. Those comments consisted of a letter from myself dated 4/27/2020, and an analysis by the Ganddini Group (a traffic engineering firm) of the traffic related impacts the Goodman project could have on my property. After reviewing the draft EIR it appears that, with one exception, none of the traffic related issues I raised were analyzed or addressed. The one issue the EIR did look at used a flawed analysis of the Goodman driveway's geometry and operation.

Despite my current concerns with the EIR, I'd like to once again state that I am generally supportive of the Goodman project. My concerns with the project are limited to how the design and allowed movements at Goodman's driveway will impact traffic operations and safety for my site's driveway. My property has a one-way looped circulation system, with all exiting movements occurring next to the south boundary of the Goodman site. As currently designed the Goodman driveway will create conflicts and operational issues with exiting movements from my property. At the end of the day the EIR will be used to support a land use decision that includes a major site plan review. One of the review criteria that will be used to evaluate the application is directly relevant to the issues I've raised; "*Creating traffic patterns that **minimize impacts on surrounding properties and streets** and accommodate emergency vehicles*" (emphasis added). Given the issues I have raised, the draft EIR does not yet contain the analysis needed to demonstrate project compliance with that review criteria.

The draft EIR does include an accurate summation of my previous traffic related comments on page I-7 under the heading "EIR Scope, Format, and Content," and identifies the section in the EIR my comments are intended to be addressed under. My issues and concerns with the EIR are listed below, together with an explanation of why it doesn't adequately address them.

H-1

H-2

H-3



COMMENT LETTER H

A. Turn movement conflicts between driveways

The proposed development will create a full movement driveway immediately adjacent to my property's north driveway. It could not have been designed to be any closer. The new driveway will also be offset from a public street intersection to the north. The analysis done by the Ganddini Group noted that movements to and from the new driveway would create turn movement conflicts with operations at my site's driveway as well as Cypress Way. The Ganddini Group provided a conflict diagram as well as a list of potential mitigation alternatives. In general, an increased number of conflict points in an intersection will correspond to a higher crash rate. All driveways and intersections result in conflict points, but the number increases with offset intersections and when driveways are close enough together for turn movement paths to overlap. The design and location of the Goodman driveway creates more conflict points than would occur with a design that didn't involve an offset intersection and an immediately adjoining driveway. In my letter of 4/27/2020 I noted that it was difficult to assess the safety impacts of adding conflict points in this area without first knowing whether the historic crash rate for the street was higher than normal or not. The fact that many of the new turn movements will be made by large slow-moving trucks increases the potential for conflicts with faster moving passenger vehicles.

Page I-7 of the EIR includes a notation that the turn movement conflict issue I raised would be addressed under section 4.11, "Transportation." There is not, however, any mention or analysis of turn movement conflicts in that section of the EIR. No discussion of: the number of conflict points that would result when compared to a design that didn't involve an offset intersection and an existing adjoining driveway; what operational/safety impacts could be expected to result from the additional conflicts; whether or not this segment of street has a higher than average crash rate that could be further exacerbated by the proposed design; or an analysis of design/mitigation alternatives that might provide benefit.

B. Vehicle queues on southbound State College Boulevard

The analysis provided by the Ganddini Group noted that the proposed Goodman driveway would result in queuing conflicts with my site's north driveway. Vehicles queued to make northbound left turn movements from S. State College Boulevard into the new driveway would block exiting left turn movements from my property. Many of the vehicles turning into the Goodman site will be large slow-moving trucks, which require a substantially larger gap than do passenger vehicles. In this case the necessary gap would need to involve all three southbound lanes of S. State College Boulevard. Because any vehicle turning left out of my property would be forced to wait for an inbound Goodman truck to find an acceptable gap, delays that occur at my driveway will be substantial. Exiting movements out of my driveway can already be problematic. A "Keep Clear" pavement marking has been placed on S. State College Boulevard opposite my driveway in order to keep southbound vehicles from queuing in that area; the proposed design would stage northbound left turns into the Goodman site at a location that causes the same problem.

H-4

H-5



COMMENT LETTER H

Page I-7 of the EIR includes a notation that the queuing issue at my site's driveway would be addressed under section 4.11, "Transportation." There is, however, no mention or analysis in that section of the EIR concerning queuing conflicts. No discussion of: the impact northbound queues into the Goodman site would have on the operation of my existing driveway; whether the type of vehicles making that left turn movement (large trucks) would contribute to the problem; or a discussion of feasible design/mitigation alternatives that might provide benefit.

H-5
(CONT.)

C. Turn Movement Conflicts with Cypress Way

While page I-7 of the EIR identifies turn movement conflicts at Cypress Way as being separate from the driveway turn movement conflicts, they cannot be split and reviewed independently. The two issues need to be considered and analyzed together. All of the newly created conflict points occur on the public street system and are the direct result of the proposed driveway location and allowed movements. My concerns regarding this issue are described under heading "A" of this letter above.

H-6

Page I-7 of the EIR includes a notation that turn movement conflicts involving Cypress Way would be addressed under section 4.11, "Transportation." There is no mention or analysis of the issue in that section of the EIR.

D. Line of Sight and operational impacts

The analysis provided by the Ganddini Group identified a sight distance issue resulting from the design and location of the proposed Goodman driveway. The concern was that vehicles queued to exit the Goodman site would prevent drivers exiting my site from seeing vehicles approaching from the north. The Ganddini analysis included a sketch showing the position of a driver exiting my site relative to a truck exiting the Goodman site, and the resulting impact on sight distance.

This issue was discussed within the EIR. There is an offset of about 10 feet in the curb alignment of S. State College Boulevard at the south boundary of the Goodman site. Analysis on page 4.11-32 of the EIR assumed that because of the curb offset vehicles exiting the Goodman site would be set back 10 feet from vehicles exiting my site, and that no sight distance obstruction would therefore occur.

H-7

The EIR analysis is simply wrong. The Goodman driveway is placed at the transition between the two curb alignments. A vehicle waiting to exit the Goodman site will not be set back 10 feet, but will instead be positioned nearly identically relative to the curb and vehicle travel lanes with a vehicle waiting to exit my site's driveway. I've attached a sketch showing Goodman's proposed driveway design and its impact on sight distance from my driveway. The sketch shows the proposed location and geometry of the Goodman driveway, the outline of a WB-67 truck (the driveway's design vehicle) and sight distance lines from my driveway based on the CalTrans design standard for a 40-mph street. A vehicle staged in the Goodman driveway would extend about 5 feet into the area a driver exiting my site needs to be clear in



COMMENT LETTER H

order to see vehicles approaching from the far lane of southbound traffic, and about 10 feet into the area needed for a view of vehicles approaching from the near lane.

Designing the Goodman driveway so that exiting vehicles stage farther back to mitigate the problem isn't feasible for a variety of reasons: sight distance for drivers exiting the Goodman site would be reduced, the length of the acceptable gap in approaching traffic needed by drivers exiting the Goodman site would increase, vehicles queued to exit my driveway would become a sight distance issue for drivers exiting the Goodman driveway, and perhaps most importantly the majority of drivers would simply choose not to comply and instead pull forward to a more advantageous position. The analysis provided by Ganddini suggested several mitigation options intended to address safety and operational issues that would result from the proposed Goodman driveway design. They included elimination or relocation of the driveway, movement restrictions, and/or a restriction on truck access. None of those suggestions were evaluated in the EIR.

In conclusion, the current design of the Goodman driveway to S. State College Boulevard will create conflicts and safety issues with the operation of my property. The draft EIR doesn't adequately address or in many cases even acknowledge those issues. As a result the application to develop the Goodman site cannot demonstrate compliance with land use review criteria. The Notice of Completion for the draft EIR included a request for comment, but did not say what the next step in the process would be if comments in opposition to the conclusions contained in the EIR were received. When a path forward has been determined, please let me know what the next step in the process will be. My preference is that the issues I have identified be addressed prior to a hearing before the Planning Commission. I would much very much like to be able to participate in that hearing as a supporter of the project, and based on the current site design that's not something I could do now.

H-7
(CONT.)

H-8

Julia Roper, State College LLC
2345 NW Hayes Avenue
Corvallis, OR 97330
irishroper@gmail.com

COMMENT LETTER H



Responses to Comment H

Julia Roper, State College LLC

September 7, 2020

- H-1. The Notice of Preparation (NOP) comment letter submitted by the commenter, and referenced in this comment, is included in Appendix A of the EIR. The traffic-related NOP comments are the same as those presented in this Draft EIR comment letter, and are addressed below. The analysis of transportation issues included in the EIR, and specifically, Section 4.11, Transportation, of the EIR, was conducted in accordance with the *City of Fullerton Transportation Assessment Policies and Procedures* (TAPP) adopted by the Fullerton City Council on June 16, 2020. The purpose of the TAPP is, in part, to establish the City's policies and procedures to evaluate a project for CEQA compliance (VMT analysis), and to address, through project conditions and mitigation measures, any corresponding effects on transportation or potential significant impacts. The EIR includes the CEQA analysis required by the TAPP. However, unrelated to the CEQA process and preparation of the EIR, and consistent with the procedures outlined in the TAPP, the City did require an assessment of additional traffic-related issues, including issues raised in this comment letter (i.e., turn-movement conflicts, vehicle queues, and line of sight). The *Goodman Logistics Center Fullerton Traffic Analysis, City of Fullerton* (Non-CEQA Traffic Analysis), prepared by Urban Crossroads (September 11, 2020) is included as an attachment to the staff report as it is the basis for the Traffic Engineering conditions of approval. The Non-CEQA Traffic Analysis is also available on the City's website at: https://www.cityoffullerton.com/gov/departments/dev_serv/development_activity/goodman_logistics.asp. The commenter's assertions that the Project driveway would create conflicts with existing movements from her property and that the EIR used a flawed analysis of the Goodman driveway's geometry and operation are unsupported by the traffic studies conducted for the Project, and information provided by the commenter.
- H-2. The commenter identifies one of the design review criteria for Site Plan Review outlined in Section 15.47.060 of the Fullerton Municipal Code related to circulation, and specifically traffic patterns. As stated in Section 15.47.060 of the City's Code, the Site Plan Review design review criteria are used to review and evaluate the appropriateness of a Site Plan. They are not intended to direct the scope of a traffic analysis presented in an EIR, as asserted by the commenter. Rather, the required components of the traffic-related CEQA analysis are outlined in the City's TAPP, as discussed above. As required, the City Planning Commission will evaluate the identified circulation-related design review criterion when making a decision on the Project's Site Plan Review application, and may impose appropriate conditions and standards, pursuant to Code Section 15.47.040.
- H-3. For clarification, Table 1-1, Summary of NOP Comments Received, in the EIR, is simply identifying the topical sections where issues raised in NOP comments are addressed (e.g., traffic issues are addressed in the Transportation section of the EIR [Section 4.11]). The Transportation section then outlines the scope of the analysis as required by the TAPP and the established CEQA thresholds of significance (refer to Section 4.11.3). Although not related to the CEQA-required analysis for the Project, the following responses address the issues raised in the comment letter.
- H-4. This comment addresses turn movement conflicts between the Project Driveway No. 16 at State College Boulevard, and states that "...movements to and from the new driveway would create turn movement conflicts with operations at my site's driveway as well as Cypress Way." For context, Driveway No. 16 would be one of three driveways for Building



4. Two of the proposed driveways for Building 4 accommodate trucks, including Driveway No. 16. Regarding the commenter's concern about the proximity of proposed Driveway No. 16 to the existing driveway to the south, the City does not have any standards for spacing of driveways on adjoining properties. Driveway No. 16 has been designed with a slight curve in order to better align the driveway with Cypress Way across State College Boulevard to reduce turning movement conflicts at the Cypress Way intersection. Contrary to the commenter's stated opinion, the alignment of the driveway was determined by traffic experts in consideration safe turning movements. Furthermore, Driveway 16 is located on the 78-foot wide section of State College whereas the driveway serving the adjoining property is located on the narrower 70-foot section of State College and is a one-way exit driveway for the commenter's property.

With respect to other potential turn movement conflicts, any potential for "new" conflicts resulting from the Project would be at the proposed Driveway No. 16, not the existing driveway to the south. While the Project would contribute traffic towards the through traffic, the number of trips, and notably truck trips, anticipated to use Driveway No. 16 is limited and would not cause a conflict at the existing driveway. During both the morning (AM) and evening (PM) peak hours, it is estimated that there would be only 1 truck using this driveway, 12 passenger cars during the AM peak hour, and 14 passenger cars during the PM peak hour. Further, the City has reviewed the proposed Project driveways, including Driveway No. 16, for potential turn movement conflicts, including completion of a sight distance analysis (refer to Section 6.6 of the Non-CEQA Traffic Analysis). The sight distance analysis was completed for each Project Driveway and for the driveway to the south of Driveway No. 16 to confirm that adequate visibility for vehicular and pedestrian traffic can be provided at each Project driveway, consistent with the requirements outlined in Section 15.40.040E of the City's Municipal Code, as discussed in Section 4.11, Transportation, of the EIR (refer to Threshold c). The sight distance analysis is addressed in response to comment 7 below.

Based on review of the Project, the City has determined that the proposed Project driveways would not create turn movement conflicts between existing driveways or intersections, therefore further analysis is not required. Additionally, due to the lack of potential conflict, there is no need to consider alternative design options.

- H-5. This comment is titled "Vehicle queues on southbound State College Boulevard"; however, based on the content of the comment, it appears the concern is related to the queues on northbound State College Boulevard. Consistent with procedures outlined in the TAPP, a queueing analysis has been conducted for the Project Driveways and adjacent intersections and is included in Section 6.4 of the Non-CEQA Traffic Analysis. The analysis was conducted for both the weekday AM and weekday PM peak hours. The 95th percentile queues for the applicable study area intersections can be found in Appendix 6.2 of the Non-CEQA Traffic Analysis. The results of the queueing analysis have been utilized to verify that adequate on-street storage can be accommodated at and between the proposed Project driveways. The queueing analysis concluded that sufficient storage for queueing at the intersection of N. State College Boulevard and Driveway 16/Cypress Way could be accommodated within the existing painted median. As a condition of approval, the City is requiring the Project Applicant to make following improvement at this intersection: *Accommodate a minimum of 50-feet of storage for the northbound left turn lane within the existing painted median (refer to Exhibit 6-1 of the Non-CEQA Traffic Analysis)*. The anticipated queues are well within the 50-feet and would not block the northern driveway of the property immediately to the south of Driveway 16. Therefore,



peak hour queues would not result in any blockages of adjacent driveways or spill back to adversely affect the operations at any of the site adjacent intersections. Further, as addressed in response to comment 2, above, the number of trucks using Driveway No. 16 would be limited.

As such, based on review of the proposed Project Driveway No. 16 on State College, with incorporation of the required northbound left-turn lane storage recommendation, the City has determined that the Project would not create conditions effecting traffic safety or undue conflicts with turning movements into or out of existing driveways, therefore further analysis is not required. There is no need to consider alternative design options.

- H-6. As previously identified, Table 1-1, Summary of NOP Comments Received, in the EIR, is simply identifying the topical sections where issues raised in NOP comments are addressed. These are summary statements and not intended to reflect that approach to the technical analysis. Please refer to response to comment 4, above, and response to comment 7, below, which address turn movement conflicts at Cypress Way. All potential turn movement conflicts were considered and analyzed together as part of the Project's traffic analysis. Further, the Non-CEQA Traffic Analysis includes an assessment of operations (level of service [LOS]) at the intersection of Cypress Way/Driveway 16 on State College Boulevard, and concluded that this intersection would operate at an acceptable LOS C with the Project.
- H-7. As discussed above, a sight distance analysis has been conducted for the Project to confirm that adequate visibility for vehicular and pedestrian traffic can be provided at each Project driveway at the driveway south of Driveway No. 16. The sight distance analysis is provided in Section 6.6 of the Non-CEQA Traffic Analysis and concludes that adequate visibility for vehicular and pedestrian traffic can be provided at each Project driveway by limiting sight obstructions within the limited use area, which is depicted on Exhibit 6-3 of the Non-CEQA Traffic Analysis. The limited use area is determined by starting with a point located 15-feet back from the edge of the traveled way which represents the position of the driver in a vehicle waiting to exit the driveway (minor approach). Then a line is drawn to the center of the farthest lane (representing the location of an approaching vehicle) at the required distance per the Caltrans Highway Design Manual (HDM) (Section 405.1) along the major roadway in both directions of travel. The distance along the major roadway is based on the posted speed limit and the vehicle time gap using the equation: $1.47 \times \text{design speed in miles per hour} \times \text{time gap in seconds}$ (per Table 405.1A of the HDM).

As identified in Section 4.11, Transportation of the Draft EIR, based on the setback of Driveway 16 from the existing driveway to the south (approximately 10-feet to the west), the sight distance for a vehicle waiting to exit from existing driveways to the south is not affected by any vehicle waiting to exit from Driveway 16 (refer to Exhibit 6-3 [5 of 5] of the Non-CEQA Traffic Analysis). The Project would not alter the location of the existing curb along State College Boulevard in this area. A vehicle waiting to exit the Project at Driveway 16 on State College Boulevard does not lie within the limited use area for the southbound approaching vehicles. As such, the Project's driveway does not affect the sight distance for the vehicles waiting to exit the existing driveway immediately to the south of Driveway 16. The limited use area for the driveway to the south of Project Driveway No. 16 is identified east of the limit line for the exiting Project traffic. It should be noted that the sight distance analysis conducted by the commenter's traffic engineer did not use the correct distance for the sight distance evaluation based on the speed/roadway type (or was not apparent as the hand drawing did not identify the distance or provide a scale). Therefore,



the limited use area that is identified is not correct. The vehicle on the sketch attached to the comment letter appears to be past the limit line. Vehicles stop on the limit line and proceed past the limit line to complete a turning movement. The 10-foot setback represents the location of the driver in a vehicle as opposed to the front of the vehicle as the sight distance needs to be performed with respect to where the driver is located. Based on the direction provided by City staff, the minimum sight distance to be provided in the southbound direction is 617-feet and 676-feet for the northbound direction. These distances are determined based on the number of lanes along the major roadway (N. State College Boulevard), the design speed, and the type of vehicle being served. For the Project analysis, trucks have been used for determining the requirement as trucks would result in a greater distance than passenger cars since both vehicles types are anticipated to utilize Driveway 16. The position of oncoming traffic should be placed on the centerline of the nearest lane (with respect to the vehicle on the minor approach) for approaching traffic.

Based on review of the Project and the sight distance analysis, the City has determined that the Project would not cause sight obstructions within the designated limited use area, and further analysis is not required. Due to the lack of sight obstructions, there is no need to consider alternative design options.

- H-8. Following completion of the Final EIR, including responses to comments, the City's Planning Commission will consider the Project and the associated Final EIR at a public hearing, and will make recommendations to the City Council regarding approval of the Project and certification of the Final EIR. Prior to the Planning Commission hearing, the responses to comments will be provided to the respective commenters. Commenters have an opportunity to provide additional comments prior the Planning Commission public hearing, or at the public hearing.



COMMENT LETTER I

From: curtis gamble [<mailto:curtisgamble1@gmail.com>]
Sent: Tuesday, September 15, 2020 4:56 PM
To: Edgardo Caldera <edgardo.caldera@cityoffullerton.com>
Subject: [EXTERNAL MAIL]RE: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Goodman Logistics Center Fullerton Project

September 15, 2020

Edgardo Caldera Assistant Planner
City of Fullerton
303 West Commonwealth Avenue
Fullerton, California 92832
Phone: (714) 773-5773
EdgardoC@CityofFullerton.com

RE: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Goodman Logistics Center Fullerton Project

Dear Edgardo Caldera:

Thank you for the opportunity to comment on the Notice of Preparation for the Goodman Logistics Center Fullerton Project Draft Environmental Impact Report.

My goal is to include the Fullerton Municipal Code, for Emergency Shelter Overlay Zone, Sections: 15.42.010, 15.42.020, 15.42.030, 15.42.050 and 15.42.010 into the Draft Environmental Impact Report. See the end of Section 2.3.4 Zoning.

2.3.4 ZONING

The Fullerton Zoning Ordinance (Municipal Code, Title 15) contains the regulatory framework that specifies allowable uses for real property by zone and includes the development standards such as building intensity/density, site layout, building setbacks, heights, lot coverage, parking, landscaping, signs, and other standards to implement the General Plan; it also includes the procedures for complying with the zoning regulations.

As shown in Figure 2-3, Existing Zoning Classifications, which reflects the City of Fullerton Zoning Map, the majority of the Kimberly-Clark site is zoned M-P-200-ES (Manufacturing Park, 200,000 s.f. minimum lot size, in an Emergency Shelter Overlay Zone), and the southeast corner of the Kimberly-Clark site is zoned M-G ES (Manufacturing General in an Emergency Shelter Overlay Zone).

The potential expansion site is also zoned as M-G-ES. According to Chapter 15.40, Industrial Zone Classifications, of the Fullerton Municipal Code, the M-P and M-G zones are established to allow compatible industrial uses in proximity to each other while protecting the public health, safety, and welfare through development standards and site plan review process.

I-1



COMMENT LETTER I

The M-P zone is intended for a wide range of light industrial activities, often based on a multiple-tenant development type. The M-G zone is intended for more intensive uses. Both zones focus on minimizing impacts on any nearby residential use.

In addition, as identified in Chapter 15.42, Emergency Shelter Overlay Zone, of the Fullerton Municipal Code, the intent and purpose of the ES Overlay are to identify areas within the City in which emergency shelters for homeless and multi-service centers for homeless may, but are not required to, be established.

Please remove (but are not required to, be established) and add may be established by right in accordance with Section 15.42.050.

It's also important to include the Fullerton Municipal Code Sections 15.42.010 Emergency Shelter Overlay Zone and the SB2 Industrial By-right Zone also add the Right of first refusal with the Option to purchase within an lease agreement.

Thank you,

Curtis Gamble,
Former, Real-Estate Broker
(714) 854-4561
curtisgamble1@gmail.com

I-1
(CONT.)



Responses to Comment I

Curtis Gamble

September 15, 2020

- I-1. This comment accurately presents text that is included in Section 2.3.4 discussing the zoning designations for the Project site, including acknowledgment that the Project site is within an Emergency Shelter Overlay Zone as described in Section 15.42 of the Fullerton Zoning Code. The commenter requests that provisions outlined in Section 15.42.010 of the Zoning Code related to this overlay zone be added to the Draft EIR. This Section establishes the intent and purpose of the zone wherein Emergency Shelters for Homeless and Multi-Service Centers for Homeless may be established by right. While such a use is permitted on the Project site and if constructed Section 15.42 would provide additional site development standards, the Project is not proposing this use nor is it required to do so under the aforementioned Zoning Code. Revisions to the text of the Draft EIR are not required.



COMMENT LETTER J

From: Jensen Hallstrom <jensenhallstrom@gmail.com>

Sent: Thursday, September 17, 2020 5:00 PM

To: Edgardo Caldera

Subject:[EXTERNAL MAIL]Kimberly Clark Orchards

CAUTION: BE CAREFUL WITH THIS MESSAGE

Hello,

Please read and consider the following slideshow. Thank you.

Best regards, Jensen

<https://docs.google.com/presentation/d/1Vu1dGThPHT8oJrPyQQ011lx5Lbvub1agshrQytt5qA0/edit?usp=sharing>

← J-1
←



COMMENT LETTER J

Historic Kimberly Clark Citrus Orchard





COMMENT LETTER J

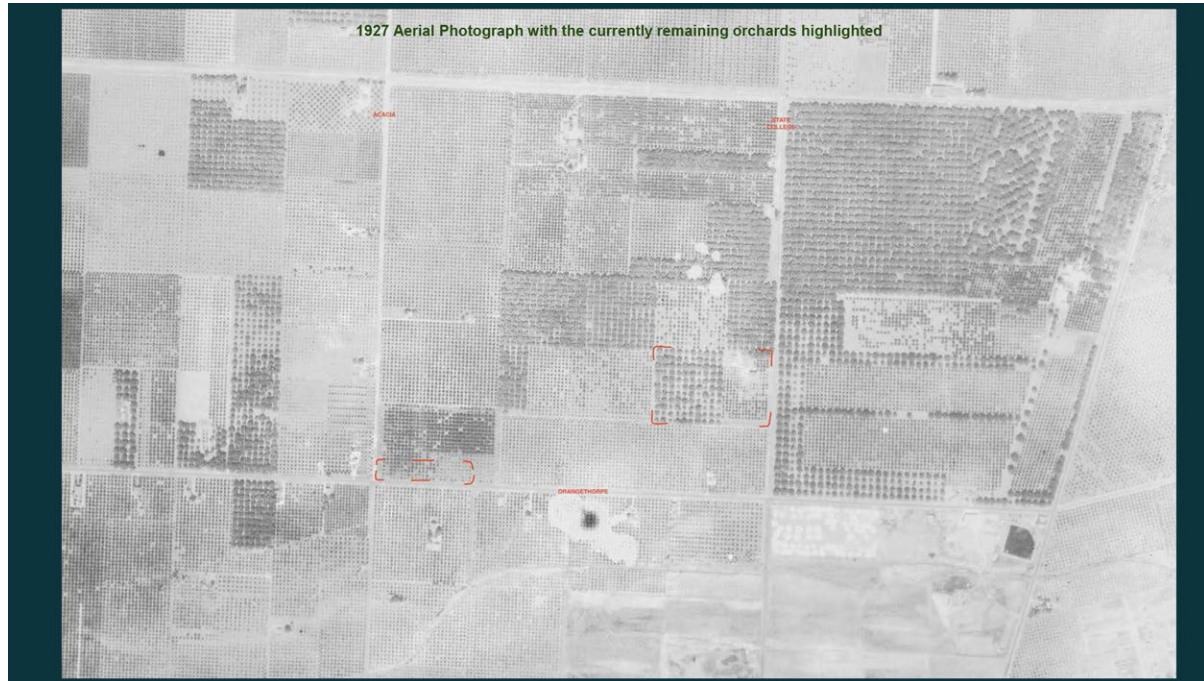


At the former Kimberly-Clark site exists a thriving, historic citrus grove that dates back to at least 1927. It is a rare remnant of what was once vast citrus orchards in Fullerton. On this property are some the last surviving groves in Fullerton and they should be thoroughly researched and possibly protected from disturbance/destruction during future construction on the site.

J-1
(CONT.)



COMMENT LETTER J





COMMENT LETTER J





COMMENT LETTER J



Responses to Comment J

Jensen Hallstrom

September 17, 2020

- J-1. The commenter requests that the on-site remnant orange orchards be researched and possibly protected from disturbance/destruction. The *Cultural Resources Technical Report for the Goodman Logistics Center Fullerton, Orange County, California* (Cultural Resources Report) prepared by ASM Affiliates, Inc. (ASM) (May 2020), and included in Appendix C to the Draft EIR, includes the results of research conducted regarding the remnant orange orchards, and an evaluation of the historic significance of the remnant orange orchards. This information is summarized in Section 4.3, Cultural Resources, of the Draft EIR. As summarized in Section 4.3 (pages 4.3-15 through 4.3-17), the evaluation concludes that the remnant orange orchards are not eligible for listing in the California Register of Historic Resources (CRHR), and are not eligible for designation as a City of Fullerton Historical Landmark. The key factors leading to this conclusion are summarized below. Because the remnant orange orchards have been thoroughly researched and concluded to not be eligible for listing in the CRHR or as a City Historical Landmark, protection of the remnant orange orchards is not warranted.

California Register of Historic Resources

- **CRHR Criterion 1.** The remnant orange orchards appear to be associated with the development of the citrus industry in Fullerton in the early decades of the twentieth century and the City's associated historical settlement. However, as an example of an orchard landscape, these orchards do not represent a good example of the property type within the state of California. Although the remnant orange orchards at the Kimberly-Clark site are among the few remaining, if not the only, examples of remaining orange orchards in the City of Fullerton, they are not as good representations of this property type as several other orchards from this period that have been preserved in Orange County. Research did not reveal that the property reflects the influence of important horticultural innovation, practice, or event, such as the discovery or cultivation of a new variety at the property or an improved method of production. The orchards at the Kimberly-Clark site produced fruit, and were not innovative, and they were not the first or largest in the Fullerton area. They appear to be similar to numerous other orchards, and no distinctive activities occurred there.
- **CRHR Criterion 2.** No notable persons were found to be associated specifically with the orchards.
- **CRHR Criterion 3.** The orchards do not embody the distinctive characteristics of a type, period, horticultural system, or style, nor do they contain a rare or unusual genotype, such as a variety or strain of a variety. The remnant orange orchards are not part of a historic designed landscape or agricultural site, designed for research, or designed for the demonstration of "good" horticulture. Research has not revealed a master horticulturalist associated with the property.
- **CRHR Criterion 4.** The remnant orange orchards are recommended not eligible under Criterion 4 because they have not yielded, and are not likely to yield, information important to the prehistory or history of the area.



City of Fullerton Historical Landmarks Criteria

For eligibility as a City of Fullerton Historical Landmark, the City's 10 criteria were considered, for which only one criterion needs to be met for eligibility as a local landmark, as well as a high degree of integrity.

Similar to the analysis for CRHR Criterion 1, although the remnant orange orchards at the Kimberly-Clark site may be the only remaining remnants of orchards in Fullerton, they are not a good representation of the character, interest, or value as part of the heritage of the City. They appear to be similar to numerous other orchards, and no distinctive activities occurred there. Therefore, the remnant orange orchards at the Kimberly-Clark site are recommended not eligible for listing under City Criterion 1.

The remnant orange orchards at the Kimberly-Clark site are not the location of a site of a historic event (Criterion 2). They are not identified with a person or persons or groups who significantly contributed to the culture and development of the city (Criterion 3). Criteria 4 and 5 are not applicable to the orchards. They have not been identified as the work of a person or persons whose work has influenced the heritage of the City, the state of California, or the United States (Criterion 6). They do not embody the elements of outstanding attention to architectural design, detail, materials, or craftsmanship (Criterion 7). They do not have a relationship to other landmarks, where the preservation of one has a bearing on the preservation of another (Criterion 8). They do not have a unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood (Criterion 9). Finally, the remnant orange orchards at the Kimberly-Clark site do not display integrity as a natural environment that strongly contributes to the well-being of the people of the City (Criterion 10).



COMMENT LETTER K

From: Jane Reifer [<mailto:cluttercontrol@earthlink.net>]
Sent: Thursday, September 17, 2020 5:02 PM
To: Edgardo Caldera <edgardo.caldera@cityoffullerton.com>
Subject: [EXTERNAL MAIL]Goodman Logistics EIR Comments

Thank you for the opportunity to comment on the DEIR for the Goodman Logistics Center.

Fullerton was once one of the thriving centers of the citrus industry, and even had the largest family-owned citrus grove in the world. As more and more subdivisions and development occurred, removing more and more orange trees, something that was once part of our regional identity has been lost.

The DEIR should conduct a more thought discussion of the impacts to agricultural resources of the removal of all the citrus trees. The fact that there was no agricultural use recently does not mean that such use could not exist in the future.

The removal of all of the citrus trees appears to qualify as a significant impact under Cultural Resources: Association with significant events or the social history of Fullerton, including the City's educational, social, and economic development

The Goodman Logistics site appears to be one of less than a half dozen groves remaining in the city, and is the largest. It is the last intact large orange grove in Fullerton remaining from the period of time when orange growing was the predominant business and land use in this area and exemplifies an important period in the city's history and does qualify under the Fullerton criteria for local landmarks, remaining as a permanent monument to the history of Fullerton, Orange County, California.

While saving all the trees on the property maybe impractical, the mitigation of this impact can be a symbolic number or representative sample. Perhaps the grove can be integrated into whatever outdoor landscaping / lunch / break area proposed, and even be a highlight of the project, and an excellent gesture of goodwill and connection to the community.

The DEIR fails to include preservation options as part of its alternatives, and discussion of preservation alternatives.'

Removal of the trees and reduction of landscaped area will contribute to the degradation of replenishment of the groundwater supply and will contribute to the "heat island" effect. Hard surfaces absorbing heat and make it harder for the urban area to recuperate.

There is no mitigation mentioned in the column regarding Archeological resources as there is for human remains.

If there's an historic building associated with the SCE substation, has this been reviewed for a cultural resources impact?

Thank you again,

Jane Reifer

714-525-3678

K-1

K-2

K-3

K-4

K-5

K-6

Responses to Comment K

Jane Reifer

September 17, 2020

- K-1. This comment addresses the remnant orange orchards on-site, specifically alleging that the Draft EIR should conduct a more thorough discussion of agricultural resources and arguing that the orange orchards should be considered a City of Fullerton Historical Landmark.

Agricultural Resources

The comment incorrectly asserts that the potential for future agricultural use should be considered when evaluating impacts relative to agricultural resources. This is not the threshold of significance for determining impacts to agricultural resources. Rather, as identified in Appendix G of the State CEQA Guidelines, a project will normally have significant impact on agricultural resources if it would:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

As discussed in Section 6.1, Effects Determined Not to be Significant, of the Draft EIR, the Project site, including the area planted with a remnant orange orchard in the eastern portion of the Project site, is classified as “Urban and Built-Up Land” by the California Department of Conservation Farmland Mapping and Monitoring Program. The fruit from the orange trees is not harvested or sold and the area where the trees are planted is not considered agricultural land. There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (collectively referred to as Farmland), on or near the Project site. Further, the Project site and surrounding areas are zoned for industrial uses, and are not zoned for agricultural land uses, nor is the Project site subject to a Williamson Act contract. Accordingly, implementation of the Project would not result in the loss of Farmland, or result in the conversion of Farmland to non-agricultural use. No impact to agricultural resources would result, as concluded in the Draft EIR.

City of Fullerton Historical Landmark

The commenter suggests that the remnant orange orchards are eligible for designation as a City of Fullerton Historical Landmark, and requests additional discussion. The comment does not acknowledge or otherwise comment on the analysis that is included in the *Cultural Resources Technical Report for the Goodman Logistics Center Fullerton, Orange County, California* (Cultural Resources Report) prepared by ASM Affiliates, Inc. (ASM) (May 2020), and included in Appendix C to the Draft EIR, and summarized in Section 4.3, Cultural Resources, of the Draft EIR. The City’s 10 criteria for determining eligibility as a City of Fullerton Historical Landmark were considered, for which only one criterion needs to be met for eligibility as a local landmark, as well as a high degree of integrity. The



historic resource evaluation for the remnant orange orchards is presented in Section 4.3 (pages 4.3-15 through 4.3-17) of the Draft EIR, and summarized below.

Although the remnant orange orchards at the Kimberly-Clark site may be the only remaining remnants of orchards in Fullerton, they are not a good representation of the character, interest, or value as part of the heritage of the City. This issue is further addressed in Response to Comment 1 for Comment K, relative to CRHR Criterion 1. They are not part of a larger agricultural site, including a ranch house and other elements of a working orange production property. They do not represent the influence of important horticultural innovation, practice, or event, such as the discovery or cultivation of a new variety at the property or an improved method of production. The orchards at the Kimberly-Clark site were not innovative, and they were not the first or largest in the Fullerton area. They appear to be similar to numerous other orchards, and no distinctive activities occurred there. Therefore, the remnant orange orchards at the Kimberly-Clark site are recommended not eligible for listing under City Criterion 1.

The remnant orange orchards at the Kimberly-Clark site are not the location of a site of a historic event (Criterion 2). They are not identified with a person or persons or groups who significantly contributed to the culture and development of the city (Criterion 3). Criteria 4 and 5 are not applicable to the orchards. They have not been identified as the work of a person or persons whose work has influenced the heritage of the City, the state of California, or the United States (Criterion 6). They do not embody the elements of outstanding attention to architectural design, detail, materials, or craftsmanship (Criterion 7). They do not have a relationship to other landmarks, where the preservation of one has a bearing on the preservation of another (Criterion 8). They do not have a unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood (Criterion 9). Finally, the remnant orange orchards at the Kimberly-Clark site do not display integrity as a natural environment that strongly contributes to the well-being of the people of the City (Criterion 10).

Therefore, the evaluation concludes the remnant orange orchards on the Kimberly-Clark site are not eligible for designation as a City of Fullerton Historical Landmark. The commenter has not provided any additional information that would change this conclusion.

2. The commenter suggests that mitigation for the removal of the remnant orange orchards should be provided. Because the Draft EIR adequately addressed the Project's potential impacts related to the removal of the remnant orange orchards, and impacts were determined not to be significant, as addressed above, the City has determined that mitigation is not required.
3. The commenter suggests that the EIR should include a discussion of alternatives that preserve the remnant orange orchards. As discussed in Section 5, Alternative, of the Draft EIR, an EIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any significant effects of the project...". As identified above, the Project would not result in any significant impacts related to the removal of the remnant orange orchards and no mitigation is required. Therefore, an alternative that would preserve the remnant orange orchards would not avoid or lessen any project impacts or even reduce the need for mitigation measures associated with the Project. Consideration of an alternative to preserve the remnant orange orchard is not warranted.



4. This comment suggests that the removal of the remnant orange orchards would result in impacts to groundwater supply and would contribute to the “heat island” effect. Potential impacts to the groundwater supply are addressed in Section 4.8, Hydrology and Water Quality (refer to Threshold b on page 4.8-20 of the Draft EIR). As identified, The Project would not involve direct or indirect withdrawals of groundwater. The City of Fullerton would supply the Project with potable water services. The City receives over 70 percent of its water from groundwater managed by the Orange County Water District, with the remainder coming from imported water supplies. The Project’s demand for water has been analyzed in a Project-specific Water Supply Assessment (WSA) included in Appendix L1 of the Draft EIR. The Project would result in an overall reduction in water demand generated at the Project site with implementation of the Project, compared to the water demand associated with the previous Kimberly-Clark manufacturing operations (the net decrease in water demand for the site would be approximately 1,659.8 acre-feet per year). Moreover, water that percolates into the ground on the site does not contribute to any groundwater recharge basin. Groundwater recharge basins for the Lower Santa Ana River Groundwater Basin, also known as the Orange County Groundwater Basin, are located within the City of Anaheim and the City of Orange. Therefore, the conversion of pervious to impervious surfaces at the remnant orange orchards would not affect the amount of available groundwater. Implementation of the Project would not interfere with groundwater recharge.

According to the United States Environmental Protection Agency (EPA), “[h]eat islands are urbanized areas that experience higher temperatures than outlying areas. Structures such as buildings, roads, and other infrastructure absorb and re-emit the sun’s heat more than natural landscapes such as forests and water bodies. Urban areas, where these structures are highly concentrated and greenery is limited, become “islands” of higher temperatures relative to outlying areas.”⁵

As shown in the aerial photograph presented in Figure 2-1 of the Draft EIR, the Project site is in an urban area with very limited natural landscape, and meets the characteristics for a “heat island” under existing condition. The removal of the remnant orange orchard from this urban environment would not substantially change the existing heat island condition. Further, as shown on the conceptual landscape plan provided in Figure 3-18 of the Draft EIR, the Project includes landscaping along the perimeter of the Project site and within the automobile parking areas, which would serve to provide shade and a cooling effect. Further, the proposed buildings would have “cool roofs”, which would reflect sunlight and heat away from the buildings, and all of the proposed on-site paving would be concrete, further reducing the heat island effect. No significant effects related to a potential heat island would result from the Project and no further evaluation is required in the Draft EIR.

5. This comment refers to the need for mitigation for impacts to archaeological resources. While not specified, it seems this comment is referring to information presented in Table S-1, in the Executive Summary of the Draft EIR. As identified in this table under Cultural Resources, Threshold b (see page S-14), and further discussed in Section 4.3, Cultural Resources, of the Draft EIR, the Project would have a less than significant impact on archaeological resources; therefore, no mitigation is required. However, The Fullerton

⁵ United States Environmental Protection Agency (2020, August 24). Heat Island Effect. Available at: <https://www.epa.gov/heatislands>



Plan EIR MM CR-3, which addresses potential impacts to Tribal Cultural Resources (starts on page S-31 of the Draft EIR), would serve to protect archaeological resources in the unlikely event they are encountered during construction activities. No additional mitigation is required.

6. This comment indicates that if there is a historic building associated with the on-site SCE substation a cultural resource impact may result. The Cultural Resources Report prepared for the Project (included in Appendix C of the Draft EIR) addresses the potential for the presence of historic resources at the Project site. Based on review of the existing facilities it was determined that there were three building on-site and the remnant orange orchards that required further evaluation for significance on the federal, state, and local levels for the CRHR and City of Fullerton Historical Landmarks register. The SCE substation and associated facilities were not identified as potential historic resources requiring further evaluation. Further, SCE has prepared a historical context statement and survey to identify historical resources in their territory. SCE has identified a list of substations that are potential historical resources. The substation at the Kimberly-Clark site is not included on that list. A project proposed at a substation that is not identified on that list is exempt from consideration of impacts to historical resources under CEQA because SCE has identified all substations that are eligible or may be determined eligible within the SCE service territory⁶. As such, the substation at the Kimberly-Clark site was not evaluated separately.

⁶ *Southern California Edison Company Historic-Era Electrical Infrastructure Management Program*. Prepared by Urbana Preservation & Planning for SCE. November 2017.



SECTION 3.0 CLARIFICATIONS AND REVISIONS

Corrections to the Draft Environmental Impact Report (EIR) text generated either from responses to comments or independently by the City, are stated in this section of the Final EIR. The Draft EIR has not been modified and published in its entirety as a single document to reflect these EIR modifications.

The information included in this section does not constitute substantial new information that requires recirculation of the Draft EIR. Section 15088.5 of the State CEQA Guidelines states in part:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The minor Draft EIR revisions identified below are provided to clarify information in the Draft EIR. The revisions are insignificant modifications and none of the information contained in this section constitutes significant new information or changes to the analysis or conclusions of the Draft EIR. There were no new environmental impacts, project alternatives, or mitigation measures identified following circulation of the Draft EIR. Likewise, there were no substantial increases in the severity of environmental impacts identified after circulation of the Draft EIR. Therefore, recirculation of the Draft EIR is not required because the new information added to the EIR through these modifications clarifies or amplifies information already provided or makes insignificant modifications to the already adequate Draft EIR.

CLARIFICATIONS AND REVISIONS TO THE DRAFT EIR

This section includes recommended clarifications and revisions to the Draft EIR including those identified in Section 2.0 above. This section is organized by respective sections of the Draft EIR. Deleted text is shown as ~~strikeout~~ and new text is **underlined bold**.

Section 1 – Executive Summary

1. Threshold c under Hydrology and Water Quality on page S-25 of the Draft EIR is hereby modified as follows to clarify that MM HYD-1 applies to construction related water quality impacts, as identified in Section 4.8, Hydrology and Water Quality:
 - Consistent with existing conditions, stormwater runoff from the Project site would flow through an on-site private storm drain system to existing public storm drain facilities and ultimately to the Fullerton Channel. With the implementation of The Fullerton Plan EIR **MM HYD-1, which requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) during construction, and** MM HYD-2, which requires preparation of a WQMP and implementation of identified BMPs **during operation**, the 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 result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, 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, or impede or redirect flood flows. Impacts would be less than significant.

Section 3.0 – Project Description

1. The 1st sentence on page 3-9 of the Draft EIR is hereby revised as follows to correct a typographical error:
 - Following is a description of the physical and operational Project characteristics associated with implementation of the proposed Major Site Plan and **Optional** ~~Operational~~ Site Plan.

Section 4.8 – Hydrology and Water Quality

1. The 1st and 2nd paragraph of Section 2.4.8, Hydrology, of the Draft EIR (page 2-12), are hereby revised to clarify that the Project site is within the Fullerton Creek Channel watershed, rather than the Santa Ana River watershed, as identified in Section 4.8.1(A), Regional Watershed, of the Draft EIR:
 - ~~The Project site lies within the Santa Ana River watershed, which drains an approximately 2,650-square mile area and is the principal surface flow water body within the region. The Santa Ana River starts in the Santa Ana Canyon in the southern San Bernardino Mountains and runs southwesterly across San Bernardino, Riverside, and Orange Counties, where it discharges into the Pacific Ocean at the City of Huntington Beach. The Project site and vicinity are within the purview of the Santa Ana Regional Water Quality Control Board (RWQCB). The Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) is the~~



governing water quality plan for the region, which sets forth goals and objectives for protecting water quality within the region (RWQCB, 2016).

The Project site lies within the Fullerton Creek Channel watershed. Runoff from the Project site flows via sheet flow or through existing storm drains to storm drain facilities in adjacent roadways and ultimately to the existing public storm drain laterals located beneath Kimberly Avenue that convey stormwater runoff to the existing concrete channel that runs north of Kimberly Avenue. The Kimberly Storm Channel connects to the Fullerton Creek Channel (**Orange County Flood Control Facility No. A03**). **The Fullerton Creek extends approximately 10.5 miles from the Fullerton Dam to,** ~~which joins the~~ Coyote Creek, which flows into the San Gabriel River and ultimately drains to the Pacific Ocean.

2. The 2nd paragraph of Section 4.8.5, Cumulative Impacts, of the Draft EIR (page 4.8-28) is hereby revised to clarify the cumulative study area for drainage and water quality issues.
 - The Project cumulative impact analysis considers the construction and operation of the Project in conjunction with other development projects in the vicinity of the Project site **as follows: (1) the Fullerton Creek Channel watershed and San Gabriel River-Coyote Creek watershed with respect to local and regional drainage, (2) the Santa Ana River Basin with respect to water quality (because the LARWQCB has no jurisdiction over the Orange County portion of the Coyote Creek watershed), and (3) the Coastal Plain of Orange County Groundwater Basin with respect to groundwater resources.** This area was selected for analysis because ~~it encompasses the Project's watershed, and because the Project does not have the potential to result in hydrology or water quality impacts outside of these~~ **se areas.** ~~Project's watershed.~~
3. The 3rd paragraph of Section 4.8.5, Cumulative Impacts, of the Draft EIR (page 4.8-28) is hereby revised to clarify information pertaining to the Santa Ana River Basin versus the Santa Ana River watershed:
 - Project construction and the construction of cumulative development would have the potential to contribute to waterborne pollution, including erosion and siltation, to the **receiving waters** ~~Santa Ana River Watershed~~...Also, the Project Applicant and all cumulative developments in the Santa Ana River Basin would be required to comply with the Santa Ana Basin **Plan**, which **is applicable to the Project site, and** establishes water quality standards for ground and surface waters of the region. As concluded in The Fullerton Plan EIR, compliance with these mandatory regulatory requirements would ensure that development projects ~~within the Santa Ana River watershed~~, including the Project, would not contribute to cumulative water quality impairments during construction.
4. The 2nd sentence of the 1st full paragraph on page 4.8-29 of the Draft EIR is hereby revised to clarify information pertaining to the Santa Ana River Basin Plan:
 - Other development projects ~~within the watershed~~ **subject to requirements outlined in the Santa Ana River Basin Plan** would similarly be required by law to prepare and implement site-specific WQMPs to ensure that runoff does not substantially contribute to water quality violations.

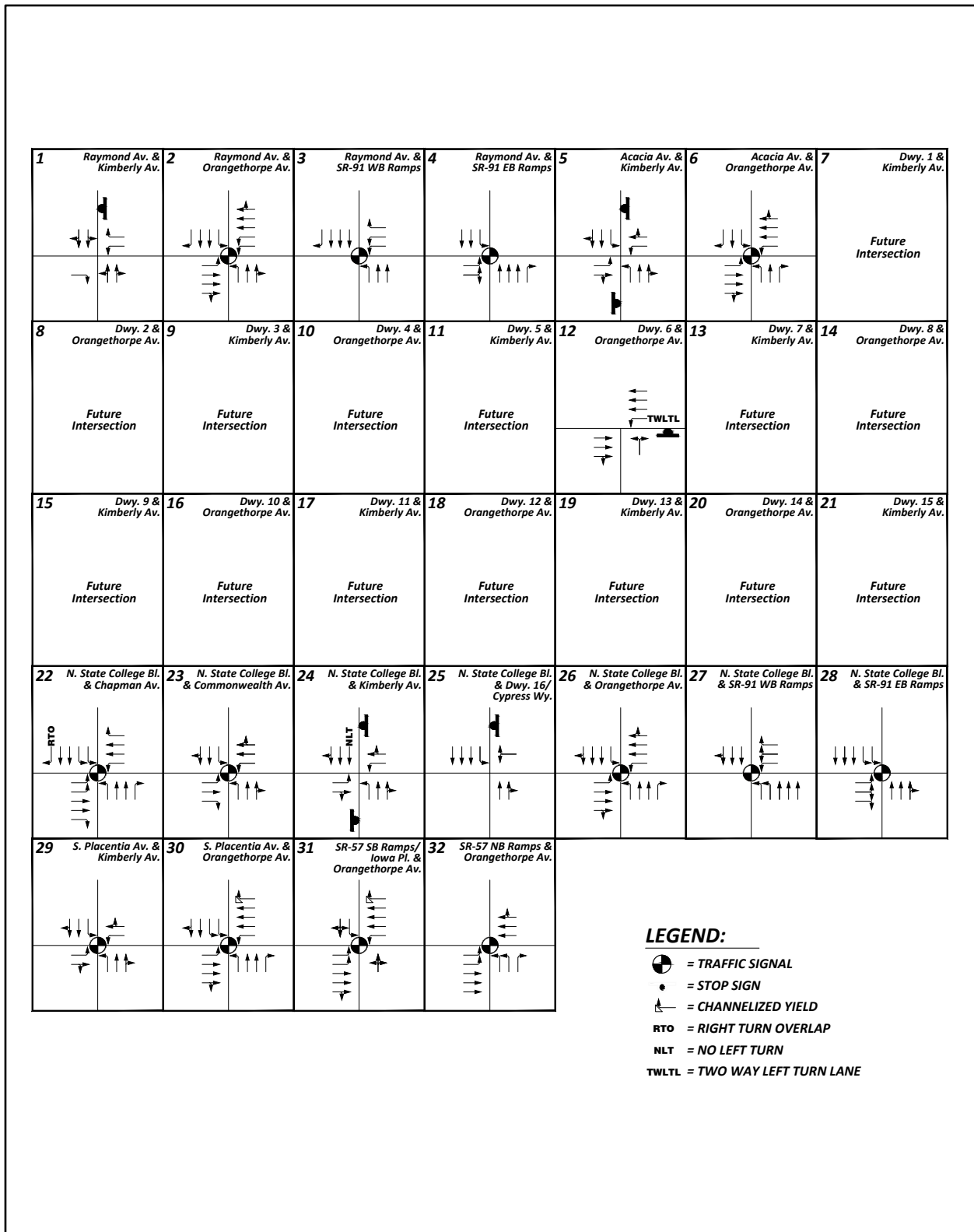
5. The 3rd paragraph on page 4.8-29 of the Draft EIR is hereby revised to clarify information pertaining to watersheds:
 - Construction of the Project and other development projects within the ~~Santa Ana River Basin~~ **Fullerton Creek Channel watershed and San Gabriel River-Coyote Creek watershed** would be required to comply with federal, State, and local regulations and applicable regional and local master drainage plans to mitigate flood hazards both on- and off-site...Also, future development proposals within ~~these watersheds Santa Ana River Basin~~ would be required to prepare hydrologic and hydraulic calculations, subject to review and approval by the City, to demonstrate that substantial on- and/or off-site flood hazards would not occur...Because the Project and all other developments throughout ~~these watersheds Santa Ana River Basin~~ would need to comply with federal, State, and local regulations to ensure that stormwater discharges do not substantially exceed existing volumes or exceed the volume of available conveyance infrastructure, a cumulative impact related to flood hazards would not occur.

4.11 Transportation

1. Figure 4.11-1b on page 4.11-5 of the Draft EIR is hereby revised to show the correct eastbound lane configuration for Intersection No. 23 (State College Boulevard/Commonwealth Avenue). Revised Figure 4.11-1b is attached at the end of this section.

Section 4.13 – Utilities and Services Systems

1. The last sentence of the 1st paragraph under “D. Wastewater Infrastructure” on page 4.13-7 is hereby revised as following to correct the size of the OCSD sewer line in State College Boulevard.
 - The sewer flows from the 18-inch line in Kimberly Avenue flow to an existing ~~33~~**48**-inch OCSD line in State College Boulevard.



Source(s): Urban Crossroads (10-01-2020)

Revised Figure 4.11-1b



Not to Scale

Existing Number of Through Lanes
and Intersection Controls

ATTACHMENT A

ATTACHMENTS TO THE BLUM COLLINS COMMENT LETTER



Guide to Off-Road Vehicle & Equipment Regulations

The California Air Resources Board (CARB) is actively enforcing off-road diesel and large spark-ignition engine vehicle and equipment regulations in support of California's clean air goals. Enforcement of clean off-road vehicle rules provides a level playing field for those who have already done their part and are in compliance. If your fleet does not meet state clean air laws, you could be subject to fines.

This booklet provides basic information and resources to help take the guesswork out of California's clean off-road vehicle and equipment requirements. This booklet is not comprehensive of all CARB regulations that an off-road fleet may be subject to, but provides basic information specific to the following:

- Regulation for In-Use Off-Road Diesel-Fueled Fleets
- Large Spark-Ignition Engine Fleet Requirements Regulation
- Portable Equipment Registration Program

DISCLAIMER

While this booklet is intended to assist vehicle owners with their compliance efforts, it is the sole responsibility of fleets to ensure compliance with applicable regulations.

For more information or assistance with compliance options, visit arb.ca.gov/offroadzone, call the toll-free hotline at (877) 59DOORS (877-593-6677), or email at doors@arb.ca.gov.

Table of Contents

What off-road vehicle and equipment rules may apply to you?	1
Regulation for In-Use Off-Road Diesel-Fueled Fleets	2
Basic Reporting	3
Reporting – Initial & Annual	3
Labeling	3
Emission Performance Compliance Options	4
Meeting the Fleet Average Target	4
Complying with BACT Requirements	4
Ban on Adding Vehicles	5
Disclosure for Selling Vehicles	6
Idling Limited to 5 Minutes	6
Written Idling Policy	6
Optional Compliance Schedule for Fleets with 500 hp or Less	7
Off-Road Large Spark-Ignition Engine Fleet Requirements Regulation	8
Basic Reporting	9
Reporting – Initial & Annual	9
Fleet Average Emission Level Standards	10
Labeling	10
Rental/Lease Equipment	10
Agricultural Crop Preparation Service (ACPS) Equipment	11
In-Field Agriculture	11
Portable Equipment Registration Program (PERP)	12
Portable Engine Examples	13
Why Regulate Portable Engines?	13
Two-Engine Vehicles	14
Two-Engine Vehicles May Be Subject to Two Regulations	14
Funding Assistance	15
The Carl Moyer Memorial Air Quality Standards Attainment Program	15
Agricultural Equipment Incentive Funding	15
Quick Tips	16
How do I get assistance with CARB regulations?	17
Contact Information	17

What off-road vehicle and equipment rules may apply to you?

Check all that apply:

- ☐ Are your off-road vehicles or equipment self-propelled and have diesel engines?
See the Regulation for In-Use Off-Road Diesel-Fueled Fleets: Page 2
- ☐ Do you operate a diesel off-road fleet with a combined horsepower (hp) of 500 or less?
See the Optional Compliance Schedule overview: Page 7
- ☐ Do you operate forklifts, sweeper/scrubbers or airport ground support equipment?
See the Large Spark-Ignition Engine Fleet Requirements Regulation: Page 8
- ☐ Does a vehicle pull your equipment?
See the Portable Equipment Registration Program: Page 12
- ☐ Do you own or operate two-engine cranes, water-well drilling rigs, or other two-engine diesel vehicles?
See the Two-Engine Vehicle overview: Page 14

Regulation for In-Use Off-Road Diesel-Fueled Fleets

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the Regulation for In-Use Off-Road Diesel-Fueled Fleets (Off-Road Diesel Regulation). This includes rented and leased vehicles. The overall purpose of the Off-Road Diesel Regulation is to reduce emissions of oxides of nitrogen (NO_x) and particulate matter (PM) from off-road diesel vehicles operating within California. The Off-Road Diesel Regulation does the following:

- Requires all vehicles be reported to CARB (online reporting tool, DOORS) and labeled.
- Restricts the adding of older vehicles into fleets starting on January 1, 2014.
- Requires fleet owners to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies (VDECS) i.e., exhaust retrofits.
- Imposes limits on idling and requires a written idling policy, and
- Requires a disclosure when selling vehicles.

Fleet Size	
Category	Description
Small	< 2,500 hp
Medium	2,501 to 5,000 hp
Large	> 5,000 hp

The requirements and compliance dates of the Off-Road Diesel Regulation vary by fleet size. For a fleet owner to determine their fleet size, it must add up all of the off-road diesel horsepower under common ownership or control in the fleet.

Basic Reporting

Reporting – Initial & Annual

Fleet owners must report the vehicle and engine information for all vehicles within their fleets operating in California. Fleet owners must also report owner information. Fleet owners should report using DOORS, which is CARB's free online reporting tool. For more information on how to report and what information is required, visit arb.ca.gov/offroadzone.

New California fleet owners must report their vehicle and engine information within 30 days of the date of purchase or bringing the vehicles into the state. Fleet owners must report new vehicles, sold vehicles, and retired vehicles within 30 days.

All fleet owners must review and update their information by March 1st of each year. For each annual reporting date, a fleet owner must report any changes to the fleet, hour meter readings (for low-use vehicles and vehicles used a majority of the time, but not solely, for agricultural operations), and submit the Responsible Official Affirmation of Reporting (ROAR) form. Fleet owners submit this information using DOORS or forms available on CARB's website.

Labeling

After fleet owners report vehicles to CARB, a unique Equipment Identification Number (EIN) is assigned to each vehicle. The fleet owner must label their vehicles within 30 days of receiving EINs. CARB does not issue EIN labels; it is the fleet owner's responsibility to follow CARB's label specification and to make or purchase the labels or placards, or paint the EINs on their vehicles. Off-road diesel vehicles must have two labels, one on each side of the vehicle.



Emission Performance Compliance Options

By each annual compliance deadline, a fleet owner must demonstrate that their fleet has met the fleet average target for that year, or completed the Best Available Control Technology (BACT) requirements.

Meeting the Fleet Average Target

The fleet average index is an indicator of a fleet's overall emissions rate determined by the horsepower and model year of each engine in the fleet. If the fleet average index is equal to or less than the fleet average target for a given year, the fleet owner is not required to take further action to reduce emissions from their vehicles.

Complying with BACT Requirements

If a fleet owner cannot, or chooses not to, meet the fleet average target in a given year, it may instead comply with the BACT requirements. A fleet owner may meet the BACT requirements each year by turning over or installing VDECS on a certain percentage (referred to as the BACT rate) of the fleet's total horsepower.

Table 1: Compliance Dates for Annual Reporting and Emission Performance Requirements by Fleet Size

Compliance Dates		
Fleet Size	Annual Reporting*	Fleet Average Target or BACT Dates*
Large	2012 - 2023	2014 - 2023
Medium	2016 - 2023	2017 - 2023
Small	2018 - 2028	2019 - 2028

* A fleet using BACT to comply may have requirements beyond these dates if the fleet average target is not achieved.

Ban on Adding Vehicles

- **Ban on adding Tier 0 Vehicles:** Effective January 1, 2014, a fleet owner may not add a vehicle with a Tier 0 engine to their fleet.
- **Ban on adding Tier 1 Vehicles:** Effective January 1, 2014, for large and medium fleets, and January 1, 2016, for small fleets, a fleet owner may not add any vehicle with a Tier 1 engine.
- **Ban on adding Tier 2 Vehicles:** Effective January 1, 2018, for large and medium fleets, and January 1, 2023, for small fleets, a fleet owner may not add a vehicle with a Tier 2 engine to their fleet. The engine must be Tier 3 or higher.



Table 2: Adding Vehicles Requirements by Fleet Size & Calendar Year

Fleet Size	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Medium/ Large	T2				T3					
Small	T1		T2							T3

(Minimum Engine Tier Allowed to be Added to a Fleet)

Disclosure for Selling Vehicles

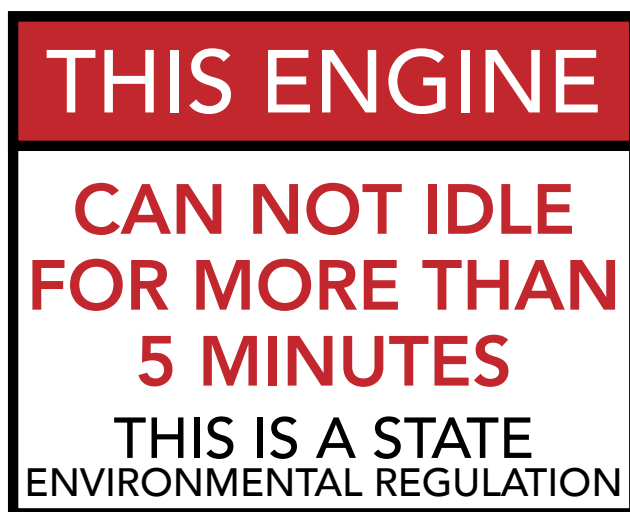
The seller (whether a dealer or a contractor with just one vehicle) must provide disclosure of the Off-Road Diesel Regulation (exact language provided in the regulation) on the bill of sale or invoice, and must keep records that the disclosure was provided for three years after the sale. The seller must also report the vehicle sale to CARB within 30 days of the sale.

Idling Limited to 5 Minutes

Fleet owners must limit their unnecessary idling to five minutes; there are exceptions for vehicles that need to idle to perform work (such as a crane providing hydraulic power to the boom), vehicles being serviced, or in a queue waiting for work.

Written Idling Policy

Medium and large fleet owners must have a written idling policy.



Optional Compliance Schedule for Fleets with 500 hp or Less

Small fleets with 500 hp or less may comply with the small fleet requirements, or may comply with an optional compliance schedule. The optional compliance schedule allows the fleet owner to phase out Tier 0 and Tier 1 vehicles by 2029 by demonstrating, through annual reporting that the fleet has a minimum percentage of vehicles with a Tier 2 engine. The optional compliance schedule is shown in the table below.

Optional Compliance Schedule for Fleets with 500 hp or Less	
Compliance Date: January 1 of Year	Percent of Fleet (by hp)
2019	25
2022	50
2026	75
2029	100

By 2029, fleet vehicles must have Tier 2 or higher engines. If small fleet owners with 500 hp or less choose not to pursue this compliance path, they must meet the small fleet requirements.



Off-Road Large Spark-Ignition Engine Fleet Requirements Regulation

All forklifts, floor scrubbers and sweepers, industrial tow tractors, and airport ground support equipment with large spark-ignited (LSI) engines meeting the following requirements are subject to the Off-Road Large Spark-Ignition Engine Fleet Requirements Regulation (LSI Fleet Regulation):

- 25 horsepower (19 kilowatts) or greater, and
- greater than 1 liter displacement.

LSI engines use gasoline, propane, and compressed natural gas as fuel. The LSI Fleet Regulation includes some electric-powered equipment.

The overall purpose of the LSI Fleet Regulation is to reduce emissions of NO_x and hydrocarbons from an estimated 90,000 pieces of equipment in California by accelerating the introduction of cleaner equipment through retrofits and the retirement of older, dirtier equipment. The LSI Fleet Regulation does the following:

- Requires fleets to meet a fleet average emission level (FAEL) standard.
- Requires all equipment subject to the FAEL standard be reported to CARB and labeled.
- Reduces emissions from uncontrolled equipment through engine retrofit or replacement with newer, lower-emission equipped engines or electric-powered equipment.

Small fleets, those fleets with less than four forklifts or less than four non-forklifts, are excluded from the LSI Fleet Regulation.

Basic Reporting

Reporting – Initial & Annual

Fleet operators must report the equipment and engine information for all equipment subject to the FAEL standards to CARB. Fleet operators must also report operator's information. Fleet operators report using DOORS, which is CARB's free online reporting tool for the LSI Fleet Regulation. For more information on how to report and what information is required, visit arb.ca.gov/offroadzone.

Fleet operators were required to complete initial reporting by June 30, 2017. Fleets that are newly subject to the FAEL after June 30, 2017 (for example, a new fleet operating in California or fleet that grew from small to large fleet size), must report within 60 days.

Fleets subject to the FAEL must submit a reporting attestation annually between June 1st and June 30th each year through 2023. The attestation must affirm that the reported information is true, accurate, and complete. Fleet operators must report any changes to the fleet and hour meter readings for low-use vehicles. Fleet operators submit this information using DOORS or forms available on CARB's website.



Fleet Average Emission Level Standards

Fleets were required to meet FAEL standards in accordance to the compliance schedule described in Table 3. The final compliance date for the FAEL standards was January 1, 2013. Fleet operators can reduce their fleet's average emissions by replacing older equipment with used or new equipment that has engines certified to the 2010 emission standard, replacing with zero-emission electric equipment, or by installing retrofits (available for 1990 and newer model year engines).

Table 3: LSI Fleet Regulation Fleet Average Emission Level Standards

Fleet Type	Number of Units	Fleet Average Emission Level g/kW-hr (g/bhp-hr)		
		1/1/2009	1/1/2011	1/1/2013
Large forklift fleet	26+	3.2 (2.4)	2.3 (1.7)	1.5 (1.1)
Medium forklift fleet	4 - 25	3.5 (2.6)	2.7 (2.0)	1.9 (1.4)
Non-forklift fleet	4+	4.0 (3.0)	3.6 (2.7)	3.4 (2.5)

Labeling

After a fleet operator reports their equipment to CARB, CARB assigns each piece of equipment a unique Equipment Identification Number (EIN). The fleet operators must label their equipment within 30 days of receiving EINs. CARB does not issue EIN labels; it is the fleet operator's responsibility to follow CARB's label specification and to make or purchase the labels or placards, or paint the EINs on their vehicles. Off-road LSI equipment must have one label per piece of equipment.

Rental/Lease Equipment

In certain situations, rental and leased equipment may be included in a fleet's FAEL calculation. For example, since this equipment is typically newer, fleet operators may want to include this equipment to lower their FAEL. Fleet operators must report and label any rental or leased equipment that is included in their FAEL calculation in the same manner as the equipment the fleet operator owns.



Agricultural Crop Preparation Service (ACPS) Equipment

Operators of ACPS equipment are subject to emission requirements in the LSI Fleet Regulation. The LSI Fleet Regulation does not require ACPS equipment to be reported and labeled. ACPS equipment is defined as packinghouses, cotton gins, nut hullers and processors, dehydrators, feed and grain mills, and other related activities that fall within the United States Census Bureau's North American Industry Classification System (NAICS) definition for Industry 115114 (Postharvest Crop Activities) (published 2002). For forestry operations, ACPS means milling, peeling, producing particleboard and medium density fiberboard, and producing woody landscape materials and other related activities the NAICS definition for 321113 (Sawmills, published in 2007) and 321219 (Reconstituted Wood Product Manufacturing, published in 2007).

In-Field Agriculture

In-field agricultural equipment is exempt from the LSI Fleet Regulation.

Portable Equipment Registration Program (PERP)

If you own or operate a portable engine 50 hp or greater, you may need a permit or registration to legally operate in California. California has 35 local air districts that are responsible for taking enforcement action against individuals who own or operate portable equipment without a registration or permit.

PERP is a statewide program, established in 1997 with the PERP Regulation that provides an alternative path to registration for portable equipment owners who operate in multiple air districts. Without the uniform statewide program, equipment owners would have to obtain an operating permit from each air district where the engine or equipment unit operates, potentially leading to multiple permits for one piece of equipment. Portable equipment registered in PERP may operate throughout the state without obtaining multiple local air district permits.



Portable Engine Examples

Examples of portable engines include those used in well drilling, service or work-over rigs, power generation (excluding cogeneration), pumps, compressors, diesel pile-driving hammers, welding, cranes, wood chippers, dredges, and military tactical support equipment applications. Equipment units are pieces of portable equipment that emit non-combustion-related particulate matter less than 10 microns in diameter (PM_{10}) and are used in activities that include, but are not limited to, confined and unconfined abrasive blasting, concrete batch plants, sand and gravel screening, rock crushing, wood chipping, and unheated pavement recycling and crushing.

Why Regulate Portable Engines?

The Portable Engine Airborne Toxic Control Measure (ATCM) is a regulation adopted in 2004 that sets emissions requirements for portable engines to reduce exposure to toxic diesel particulate matter and protect public health. The ATCM works in concert with PERP to allow fleets to voluntarily register portable equipment used across California with the state rather than permitting or registering the equipment with each local air district individually.

Learn more about your specific requirements by emailing portable@arb.ca.gov, visiting arb.ca.gov/portable/portable.htm



Two-Engine Vehicles

Two-Engine Vehicles May Be Subject to Two Regulations

CARB has tried to limit the situations in which the engines of a two-engine vehicle are subject to different regulations. In most cases, both engines of a two-engine vehicle are subject to the Off-Road Diesel Regulation. However, there are exceptions to this rule. In certain cases, a two-engine vehicle may be subject to two of the following regulations:

- Truck and Bus Regulation
- Off-Road Diesel Regulation
- Fleet Rule for Public Agencies and Utilities
- Portable Engine Airborne Toxic Control Measure

CARB has defined two-engine vehicles in the Off-Road Diesel Regulation as “a specially constructed on-road or off-road mobile diesel-powered vehicle that was designed by the original equipment manufacturer to be equipped with two diesel engines: one engine provides the primary source of motive power of the vehicle while the second engine is an auxiliary engine 50 brake horsepower (bhp) or greater that is permanently attached and integrated into the design of the vehicle to perform a specific function, which may include providing auxiliary power to attachments, performing special job functions, or providing additional motive power.”

If a vehicle was originally designed to be able to accommodate an auxiliary engine, but someone other than the original equipment manufacturer installed that engine, the vehicle still qualifies as a two-engine vehicle.

Examples of two-engine vehicles include augers, boom trucks, concrete mixers, concrete pump trucks, cranes, drill rigs, guardrail fence installers, and vacuum pump trucks.

Funding Assistance

Grant funding may be available to help fleets and individuals comply with California regulations earlier or beyond regulatory requirements.

The Carl Moyer Memorial Air Quality Standards Attainment Program

One of the most popular assistance options is the Carl Moyer Program (Moyer program). This grant program funds the incremental cost of cleaner-than-required engines, equipment and other sources of air pollution. The Moyer program complements California's regulatory programs by providing incentives to obtain early or extra emission reductions beyond what is required by regulation.

Implementation of the Moyer program is a partnership between CARB and California's 35 local air districts. Over the Moyer program's history, more than half of the total program funding has gone towards off-road projects.

Funding is available for vehicle replacements, retrofits, zero-emission technologies, and infrastructure. Equipment owners are encouraged to apply as early as possible to maximize potential funding options. Please contact the local air district where you are based to determine if you are eligible for funding or if an opportunity may become available in the future.

Agricultural Equipment Incentive Funding

The "Funding Agricultural Replacement Measures for Emission Reductions" (FARMER) Program provides \$135 million for cleaner heavy-duty trucks, tractors, harvesting equipment, agricultural pump engines, utility terrain vehicles, and other equipment used in agricultural operations.

FARMER Program incentive funding is available for participants to purchase cleaner agricultural equipment to help reduce their exposure to harmful diesel emissions, improve local air quality, and lower greenhouse gas emissions. Similar to the Carl Moyer Program, FARMER is administered through California's local air districts.

To learn more about the FARMER program and funding eligibility requirements, potential participants are encouraged to visit CARB's FARMER website at arb.ca.gov/agincentives, or contact their local air district.

Quick Tips

- All fleet owners must report and label their off-road diesel vehicles with two Equipment Identification Numbers (EIN).
- All fleet owners must report and label their large spark-ignited engine equipment with one EIN.
- You can access your DOORS account for the Off-Road Diesel and LSI Fleet Regulations with one username and password.
- Remember to update DOORS after you sell a diesel vehicle or LSI equipment within 30 days. Once this you do so, the new owner can enter the vehicle/equipment into their fleet.
- The Responsible Official Affirmation Report (ROAR) for the Off-Road Diesel Regulation can be completed electronically using the e-ROAR in DOORS – saving time, money, and trees.
- Off-road diesel vehicles used 100% of the time in agricultural operations are exempt from the Off-Road Diesel Regulation.
- Off-road LSI equipment used 100% of the time for in-field agricultural operations are exempt from the LSI Fleet Regulation.
- Large and medium off-road diesel fleets can no longer add vehicles with Tier 0, Tier 1, or Tier 2 engines to their fleets.
- Small fleets can add vehicles with Tier 2 diesel engines until January 1, 2023.
- Small off-road diesel fleets with 500 horsepower or less may comply with an optional compliance schedule requiring a percentage of Tier 2 engines in the fleet.
- CARB frequently sends out regulatory reminders to fleets; make sure your contact information is up to date in DOORS so you don't miss this important information.

How do I get assistance with CARB regulations?

For more information or help with the Off-Road Diesel Regulation or the LSI Fleet Regulation, call CARB's toll-free DOORS hotline at (877) 59DOORS (877-593-6677) or email at doors@arb.ca.gov. DOORS may be accessed at: ssl.arb.ca.gov/ssldoors/doors_reporting/doors_login.html.

For more information or assistance with the Portable Equipment Registration Program (PERP), email portable@arb.ca.gov.

Visit the arb.ca.gov/offroadzone to access vital information including program pages for each regulation. These pages contain detailed documents meant to help fleets with their compliance efforts, such as Frequently Asked Questions, User Guides, and compliance forms.

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Contact Information

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**In-Use Off Road Diesel-
Fueled Fleets Regulation
Overview, Revised
October 2016**



The Off-Road Regulation Applies To:

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets).

Personal use vehicles, vehicles used solely for agriculture, vehicles that are awaiting sale, and vehicles already covered by the Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards (Cargo Handling regulation), are exempt from the Off-Road regulation.

Emergency operations vehicles, dedicated snow removal vehicles, low-use vehicles (used under 200 hours per year, as confirmed by a non-resettable hour meter), and vehicles used a majority of the time (but not solely) for agricultural operations, must be reported to CARB and labeled, but are exempt from the performance requirements of the Off-Road regulation.

Summary:

The overall purpose of the Off-Road regulation is to reduce emissions of oxides of nitrogen (NO_x) and particulate matter (PM) from off-road diesel vehicles operating within California. The Off-Road regulation:

- Imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles;
- Requires all vehicles to be reported to CARB (using CARB's online reporting system DOORS) and labeled;
- Restricts the adding of older vehicles into fleets starting on January 1, 2014; and

While this document is intended to assist fleets with their compliance efforts, it does not alter or modify the terms of any CARB regulation, is not a substitute for reading the regulation, nor does it constitute legal advice. It is the sole responsibility of fleets to ensure compliance with the Regulation for In-Use Off-Road Diesel-Fueled Fleets.

- Requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies, VDECS (i.e., exhaust retrofits).

The requirements and compliance dates of the Off-Road regulation vary by fleet size. For a fleet to determine their size, it must add up all of the off-road horsepower under common ownership or control in the fleet.

Fleet Size Category	Description
Small	Fleet or municipality <= 2,500 hp, or Municipality fleet in low population county, captive attainment area fleet, or non-profit training center, regardless of total hp
Medium	Fleet with 2,501 to 5,000 hp
Large	Fleet with more than 5,000 hp, or All state and federal government fleets, regardless of total hp

Requirements Currently in Effect:

The following requirements are in effect and being enforced:

**Effective June 2008
for All Fleets:
Idling and Disclosure**

Idling Limited to 5 Minutes – Fleets must limit their unnecessary idling to 5 minutes; there are exceptions for vehicles that need to idle to perform work (such as a crane providing hydraulic power to the boom), vehicles being serviced, or in a queue waiting for work.

For more information about CARB enforcement advisory for idling, please see the "Advisory 377" available in the Off-Road Regulation's homepage under "Forms & Advisories" at www.arb.ca.gov/ordiesel.

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Written Idling Policy – Medium and large fleets must have a written idling policy.

For more information about the written idling policy, please see the “Advisory 391” available in the Off-Road Regulation’s homepage under “Forms & Advisories” at www.arb.ca.gov/ordiesel.

Suggested language – For more information, see the “Written Idling Policy Guidelines FAQ”, available on the Frequently Asked Questions page in the [Off-Road Zone](http://arb.ca.gov/offroadzone) at <http://arb.ca.gov/offroadzone>.

Disclosure for Selling Vehicles – The seller (whether a dealer or a contractor with just one vehicle) must provide disclosure of the Off-Road regulation (exact language provided in the regulation) on the bill of sale or invoice, and must keep records that the disclosure was provided for three years after the sale. The seller must also report the vehicle sale to CARB via DOORS within 30 days of the sale.

For more information about dealer/seller disclosure, please see the “Advisory 378” available in the Off-Road Regulation’s homepage under “Forms & Advisories” at www.arb.ca.gov/ordiesel.

The following requirements are in effect and being enforced:

**Effective 2009
for All Fleets:
Reporting and Labeling**

Reporting – Reporting can be completed using DOORS, which is CARB’s free online reporting tool for the Off-Road regulation. Additionally, hard copy reporting forms are also available. More information on how to report and what information is required is available on the DOORS website which is available in the [Off-Road Zone](http://arb.ca.gov/offroadzone) at <http://arb.ca.gov/offroadzone>.

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Labeling – After a fleet reports their vehicles to CARB, each vehicle is assigned a unique Equipment Identification Number (EIN). The fleet must label its vehicles within 30 days of receiving EINs. Note that CARB does not issue EIN labels; it is the fleet’s responsibility to follow CARB’s label specifications and to make or purchase the labels or placards, or paint the EINs on its vehicles. More information on label specifications, see the EIN Labeling FAQ, available on the Frequently Asked Questions page in the [Off-Road Zone](http://arb.ca.gov/offroadzone) at <http://arb.ca.gov/offroadzone>.



A list of label vendors is available under “Helpful Links” in the [Off-Road Zone](http://arb.ca.gov/offroadzone) at <http://arb.ca.gov/offroadzone>.

Previously, fleets were only required to label the right (starboard) side of the vehicle. However, the labeling provisions of the Off-Road regulation were amended in December 2010 to require labels on both sides of each vehicle. Additionally, fleets reported as ‘captive attainment area fleets’ must have labels with a green background instead of red. Fleets had until January 1, 2013, to implement both of these changes.

For more information about labeling amendments please see the “Advisory 12-08” available in the Off-Road Regulation’s homepage under “Forms & Advisories” at www.arb.ca.gov/ordiesel.

Annual Reporting – All fleet owners must review and update their information by March 1st each year that annual reporting is required. Large fleets must report annually from 2012 to 2023, medium fleets from 2016 to 2023, and small fleets from 2018 to 2028. For each annual reporting date, a fleet must report any changes to the fleet, hour meter readings (for low-use vehicles and vehicles used a majority of the time, but not solely, for agricultural operations), and also must submit the Responsible Official Affirmation of Reporting (ROAR) form. All of these items should be submitted using DOORS.

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Effective January 1, 2014, there are restrictions on adding older vehicles to a fleet.

**Effective January 1, 2014
for All Fleets:
Restrictions on Adding
Vehicles**

CARB received authorization from the United States Environmental Protection Agency (U.S. EPA) on September 13, 2013, to enforce the Off-Road regulation's restrictions on fleets adding vehicles with older tier engines, and will start enforcing beginning January 1, 2014.

Ban on adding Tier 0s – Effective January 1, 2014, a fleet may not add a vehicle with a Tier 0 engine to its fleet.

Prohibition on adding Tier 1s – Also effective January 1, 2014, for large and medium fleets, and January 1, 2016 for small fleets, a fleet may not add any vehicle with a Tier 1 engine. The engine tier must be Tier 2 or higher.

Prohibition on adding Tier 2s – Beginning January 1, 2018, for large and medium fleets, and January 1, 2023, for small fleets, a fleet may not add a vehicle with a Tier 2 engine to its fleet. The engine tier must be Tier 3 or higher.

More information on the adding vehicles requirements, see the Restrictions on Adding Vehicles FAQ, available on the Frequently Asked Questions page in the [Off-Road Zone](http://arb.ca.gov/offroadzone) at <http://arb.ca.gov/offroadzone>.

Upcoming Requirements:

**Upcoming Requirements
for all Fleets:
Performance Requirements**

The performance requirements begin:
July 1, 2014, for large fleets
January 1, 2017, for medium fleets
January 1, 2019, for small fleets

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Compliance Options – By each annual compliance deadline, a fleet must demonstrate that it has either met the fleet average target for that year, or has completed the Best Available Control Technology requirements (BACT). Large fleets have compliance deadlines each year from 2014 through 2023, medium fleets each year from 2017 through 2023, and small fleets each year from 2019 through 2028. These requirements are described further below. Note that although the first deadline for large fleets in 2014 is on July 1, the compliance deadline in all future years will be January 1 (for example, the second compliance deadline for large fleets will be on January 1, 2015).

Meeting the fleet average targets – The fleet average index is an indicator of a fleet’s overall emissions rate, and is based on the fleet’s average NOx emissions which is determined by the horsepower and model year of each engine in the fleet. If the fleet average index is equal to or less than the fleet average target for a given year, the fleet is not required to take further action to reduce emissions from its vehicles.

OR

Complying with BACT requirements – If a fleet cannot, or does not want to meet the fleet average target in a given year, it may instead choose to comply with the BACT requirements. A fleet may meet the BACT requirements each year by turning over or installing VDECS on a certain percentage (referred to as the BACT rate) of its total fleet horsepower. ‘Turnover’ means retiring a vehicle, designating a vehicle as permanent low-use (a vehicle used less than 200 hours per year), repowering a vehicle with a higher tier engine, or rebuilding the engine to a more stringent emission standard. ‘Installing VDECS’ means installing the highest level VDECS verified by CARB to reduce PM, or installing a VDECS verified to reduce NOx. In order to fulfill the BACT requirements for large and medium fleets, if a VDECS cannot be installed on a vehicle, then that vehicle must be turned over. However, for small fleets, if a VDECS cannot be installed, that vehicle is exempt from the BACT requirements. The BACT rates for each fleet size are shown below.

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Large fleets:

2014: 4.8 percent

2015 to 2017: 8 percent

2018 to 2023: 10 percent

Medium fleets:

2017: 8 percent

2018 to 2023: 10 percent

Small fleets:

2019 to 2028: 10 percent

Optional Compliance Schedule for Fleets with 500 Hp or Less – Small fleets with 500 hp or less may comply with the small fleet requirements listed above, or may comply with an optional compliance path which requires the fleet to phase out Tier 0 and Tier 1 vehicles by 2029. This optional compliance schedule is shown in the table below.

Optional Compliance Schedule for Fleets with 500 HP or Less

Compliance Date: January 1 of Year	Percent of Fleet (by horsepower) Which Must Have a Tier 2 or Higher Engine
2019	25
2022	50
2026	75
2029	100

By 2029, all of the fleet's vehicles must have Tier 2 or higher engines. If small fleets with 500 hp or less choose not to pursue this compliance path, they must meet the small fleet requirements above.

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Additional Information:

Off-Road regulation homepage: www.arb.ca.gov/ordiesel

For more information on the Off-Road regulation, including Fact Sheets, Frequently Asked Questions (FAQs), and DOORS User Guides, please visit the Off-Road Zone at <http://arb.ca.gov/offroadzone>

For assistance with Off-Road reporting or using CARB's online reporting system DOORS, please contact the DOORS hotline by phone at (877) 59DOORS (877-593-6677), or by email at doors@arb.ca.gov

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