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October 8, 2025

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: Council Members

Dear Honorable Members:

THE PROLOGIS VERMONT AND REDONDO PROJECT; CASE NOS. CPC-2017-1014-CU-ZAA-SPR-1A, ENV-2017-1015-EIR; CF 18-0279-S1

BACKGROUND

On March 16, 2018, the City Planning Commission adopted a Mitigated Negative Declaration (MND) (Case No. ENV-2017-1015-MND), and approved entitlements in association with the construction, use, and maintenance of a one-story, 341,402 square-foot, high-cube warehouse distribution center with 316,000 square feet of ground floor space and 150,000 square feet of mezzanine (Project), located at 15116-15216 South Vermont Avenue and 747-861 West Redondo Beach Boulevard in the Harbor Gateway Community, under Case No. CPC-2017-1014-CU-ZAA-SPR.

On March 22, 2018, two appeals were filed related to the CPC's determination by Jean Talaro and Rosalie Preston, primarily asserting that an Environmental Impact Report (EIR) should be the necessary environmental clearance under the California Environmental Quality Act (CEQA) for the Project based on a number of environmental issues, and accordingly, that a number of CEQA and entitlement findings cannot be made and are inadequate.

Council File No. 18-0279

The above-referenced appeals were originally scheduled to go before the Planning and Land Use Management (PLUM) Committee on November 26, 2018. On November 26, 2018, in response to issues raised, the Applicant requested to postpone consideration of the Project by the PLUM Committee in order to prepare an EIR for the Project. As a result, an EIR was prepared for a modified and slightly reduced version of the original Project.

Nonetheless, for the CPC meeting, Staff addressed the 2018 appeals and prepared responses to the issues that were raised in the appeals.

Modified Project and EIR

Following its original approval, the Project was revised to propose the construction, use and maintenance of a one-story, 340,298 square-foot high-cube warehouse distribution center with a 25,000 square foot mezzanine; and 36 high-dock truck loading positions and parking for up to 71 trailers. The City prepared an EIR (Case No. ENV-2017-1015-EIR) to analyze the environmental impacts of the revised Project, comprised of a Draft EIR (DEIR), dated August 2021, and a Final EIR (FEIR), dated March 2025. The FEIR included corrections, changes, and additions to the DEIR; response to comments received on the DEIR; and a Mitigation Monitoring Program.

The EIR and associated entitlements for the revised project were presented to the CPC on May 8, 2025. In addition, in its report to the CPC, Staff addressed the 2018 appeals and prepared responses to the issues that were raised.

At its meeting, the City Planning Commission adopted the EIR); approved a Conditional Use Permit for a Major Development, an Adjustment for an increase in the allowable height from 45 to 53 feet, and a Site Plan Review; and dismissed as not necessary a Conditional Use Permit for a Commercial Corner, for the revised Project, under Case No. CPC-2017-1014-CU-ZAA-SPR. A letter of the CPC's determination was issued on June 18, 2025.

On July 7, 2025, an appeal of the CPC's determination was filed by Advocates for the Environment, primarily asserting that the Greenhouse Gas (GHG) analysis in the Project EIR is inadequate and not in compliance with CEQA. On September 9, 2025, the appellant formally withdrew their appeal. Nonetheless, Staff prepared responses for the record to the issues that were raised.

On July 8, 2025, an additional appeal of the CPC's determination was filed by Friends of the Air, Earth, and Water, primarily asserting that the Project EIR fails to: analyze the Project's consistency with the Harbor Gateway Community Plan Update, adopt the feasible environmentally superior alternative, require all feasible mitigation measures and properly classify mitigation measures as opposed to project design features, and meet the requirements for adopting a statement of overriding considerations.

Council File No. 18-0279-S1

The above-referenced appeals were scheduled to go before the PLUM Committee on September 9, 2025. On August 20, 2025, the Applicant requested to postpone consideration of the Project by the PLUM Committee until a date certain in order to accommodate the appellant's availability. On September 9, 2025, the PLUM Committee continued the above-referenced appeals to October 14, 2025. Staff has prepared responses to include in the record to the issues that were raised in the appeals filed by aggrieved parties in July 2025.

CASE NO. CPC-2017-1014-CU-ZAA-SPR-1A, APPEAL RESPONSES

As mentioned above, the CPC decision was appealed by two aggrieved parties:

- ***Appeal A: Advocates for the Environment, represented by themselves (July 7, 2025)***
- ***Appeal B: Friends of the Air, Earth, and Water, represented by the Golden Gate University School of Law – Environmental Law and Justice Clinic (July 8, 2025)***

The appeals include references to topics that are discussed in greater detail within the Project EIR. As such, responses to those points are provided with references to sections of the EIR which address the specific concerns.

Appeal A: Advocates for the Environment, represented by themselves (July 7, 2025)

Appeal Point A-1

The City's determination that the Project would have a less-than-significant GHG impact was not supported by substantial evidence because the Project would conflict with applicable plans, policies, and regulations for reducing GHG emissions.

Staff Response A-1

Section IV-F, Greenhouse Gas Emissions, of the Draft EIR includes the full analysis of the Project's consistency with State, regional, and local plans, policies, and programs designed to reduce GHG emissions, which supports the City's conclusion that GHG emissions of the Project would be less than significant and implementation of Mitigation Measures AQ-MM-3, AQ-MM-4, AQ-MM-5, and AQ-MM6, as listed in Section IV.B, Air Quality, of the Draft EIR, would further reduce GHG emissions. Additionally, the comment provides no substantial evidence that the GHG analysis is inadequate. Thus, no further response is required.

Appeal Point A-2

The Project conflicts with the CARB 2022 Scoping Plan's goal of decarbonizing industrial facilities by "displacing fossil fuel use with a mix of electrification, solar thermal heat, biomethane, low or zero-carbon hydrogen, and other low-carbon fuels to provide energy for heat and reduce combustion emissions" (2022 CARB Scoping Plan, p. 208), due to the Project's heavy reliance on fossil fuels for its operations through the use of heavy-duty trucks and other mobile sources of GHG emissions.

Staff Response A-2

The Appellant is incorrect in stating that this statement reference is a goal of the 2022 Scoping Plan; rather, the quoted text is within the context of a discussion in the Scoping Plan relating to the future transition of the industrial sector as a whole. It should be noted that the industrial sector is discussed in the Scoping Plan, generally, as those uses which require fossil fuels for some type of a production process. The proposed Project is a warehouse use which does not include any industrially productive processes which manufactures or fabricates goods, but rather is a shell building which draws electricity from the grid. The 2022 Scoping Plan states that "[p]olicies that support decarbonization strategies like electrification, use of renewable energy, and transition to alternative fuels are needed" but is clear it is incumbent on local and state governments to adopt and enact these policies, and also addresses other emission-reduction strategies, such as implementing energy efficiency measures.

Section IV.F, Greenhouse Gas Emissions, of the Draft EIR, discusses the Project's potential to conflict with the applicable aspects of the Scoping Plan, specifically transportation, energy, water, and other sources. Further, were the Project to conflict or be inconsistent with a policy, objective, or goal of the Scoping Plan, as found in *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal. App. 4th 704, State CEQA law does not require an exact match between a project and a relevant plan. The court concluded that for a project to be "consistent," the project

must be “compatible with the objectives, policies, general land uses, and programs specified in the applicable plan,” meaning that a project must be in “agreement or harmony” with the applicable land use plan, but need not be in perfect conformity with every plan policy. As provided Section IV.F, Greenhouse Gas Emissions, of the Draft EIR the Project would not conflict with the Scoping Plan or preclude attainment of the plan’s goals.

As discussed in Section IV.F, Greenhouse Gas Emissions, of the Draft EIR, the Project would be designed and built to meet the standard for LEED Silver Certification and would include the installation of a solar photovoltaic system that would generate 460,000 kWh/yr of renewable electricity (see Draft EIR, p. II-26, Project Design Features AQ-PDF-3 and AQ-PDF-4), supporting a number of Scoping Plan goals and objectives, and the reduction strategy to prioritize on-site energy generation in support of decarbonization.

Appeal Point A-3

The Project EIR needs to analyze the Project’s consistency with the CARB 2017 Scoping Plan.

Staff Response A-3

In Section IV.F, Greenhouse Gas Emissions, of the Draft EIR, Table IV.F-5, Project Consistency with Applicable Climate Change Scoping Plan Greenhouse Gas Reduction Strategies, and Section IV.F, Greenhouse Gas Emissions, pages IV.F-35 through IV.F-40, of the Draft EIR, analyzed document consistency with the CARB 2017 Scoping Plan for each emissions sector, and, based on substantial evidence provided therein, concluded that the Project would not conflict with the Statewide GHG reduction goals.

Appeal Point A-4

The Project directly conflicts with the CARB 2017 Scoping Plan’s goal to reduce GHG emissions because it would exceed the statewide per capita GHG emissions targets of 6 MTCO₂e by 2030 and 2 MTCO₂e by 2050 (CARB Scoping Plan, p. 99) by hiring approximately 250 employees, resulting in GHG emissions of at least 71.4 MTCO₂e/capita.

Staff Response A-4

As discussed in Section IV.F, Greenhouse Gas Emissions, of the Draft EIR, the thresholds of significance used to analyze Greenhouse Gas Emissions, consistent with CEQA Guidelines Section 15064.4(b), do not include a numeric value. Rather, consistency with plans is sufficient to conclude impacts. The Appellant cites a “2050 goal of reducing emissions 80% below 1990 levels” which is not an appropriate threshold to apply to the Project for the above stated reasons. The Appellant continues to extrapolate from this Plan goal, a per capita or “service population” metric for GHG emissions. This metric does not apply to the Project, and as discussed above, consistency with the plan’s goals, policies, and objectives, which underly this target, was adequately discussed in Section IV.F, Greenhouse Gas Emissions, of the Draft EIR.

Appeal Point A-5

The Project EIR must demonstrate consistency with Executive Order B-55-18 (EO B-55-18), which requires the State of California to achieve net zero GHG emissions by 2045.

Staff Response A-5

In Section IV-F, Greenhouse Gas Emissions, of the Draft EIR, the threshold of significance did not include a numeric threshold, but the analysis included an informational numeric inventory of Project level emissions. This informational discussion included a long-term view of emissions to account for the reductions resulting from the Executive Order that the Appellant cites, as well as Assembly Bill (AB) 1279 (Muratsuchi, 2022), which similarly requires the state to achieve net zero GHG emissions as soon as possible, but no later than 2045. While these are goals identified for the State, no current regulation requires individual development projects to be net zero, and a compliance analysis is not required, as further discussed in Staff Response A-6.

Appeal Point A-6

The Project is inconsistent with EO B-55-18 unless it enters into agreements with the applicant and/or future tenant to ensure that fossil fuel use is on track to be eliminated by 2045 because it does not prohibit the use of gasoline, diesel, and natural gas, and involves truck fleets.

Staff Response A-6

The Appellant does not provide evidence or specifics to support the assertion of a conflict with any plans or Executive Order B-15-18 beyond the use of fossil fuels as part of the Project. As discussed in Section IV.F, Greenhouse Gas Emissions, of the Draft EIR, Executive Order B-55-18 does not prohibit development projects from using gasoline, diesel, and/or natural gas, but instead establishes a statewide goal to achieve carbon neutrality by 2045. Additionally, AB 1279 (Muratsuchi, 2022) codifies the goal introduced in Executive Order B-55-18 by setting statewide climate goals and does not impose direct Project level requirements.

As discussed above, consistent with CEQA Guidelines Section 15064.4(b), Section IV-F, Greenhouse Gas Emissions, of the Draft EIR includes an analysis of the Project's consistency with State, regional, and local plans, policies, and programs designed to reduce GHG emissions. Further, while no numeric threshold of significance was applied in the analysis, the Draft EIR nonetheless included an informational numeric inventory of Project level emissions. This informational discussion included a long-term view of emissions to account for the reductions resulting from the Executive Order the Appellant cites as well as AB 1279, but a compliance analysis is not required. As discussed in the Draft EIR, Project impacts related to GHG emissions would be less than significant. Refer also to Response to Comment 9-42 of the Final EIR regarding the compliance requirement placed upon the Project from the State's GHG reduction strategies. It should be noted, that while not required to mitigate Greenhouse Gas Emissions, implementation of Mitigation Measures AQ-MM-3, AQ-MM-4, AQ-MM-5, and AQ-MM-6, as listed in Section IV.B, Air Quality, of the Draft EIR, would further reduce the Project's GHG emissions.

Appeal Point A-7

The Project would have a significant GHG impact under the second threshold of the CEQA Appendix G Guidelines ("Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?").

Staff Response A-7

Refer to Staff Response A-1 through A-6 above.

Appeal B: Friends of the Air, Earth, and Water, represented by the Golden Gate University School of Law – Environmental Law and Justice Clinic (July 8, 2025)

Appeal Point B-1

As there is no identified tenant for the site, understanding the specific impacts from Project operation is not possible.

Staff Response B-1

The Appellant's assertion that determining Project operation impacts is not possible does not identify a specific environmental issue and is made without evidence. While specific details regarding an identified tenant are not available, the analysis for the Project was prepared based on potential use of the site within a clearly defined project description, and with a conservative set of assumptions which were supported by substantial evidence and permissible speculation under CEQA Guidelines 15384(a)-15384(b). Accordingly, the analysis was prepared pursuant to CEQA requirements.

Appeal Point B-2

The City must analyze the Project's consistency with the proposed Harbor Gateway Community Plan, which has proposed a Hybrid Industrial zoning on the site since 2020, the City Planning Commission approved the Harbor Gateway Community Plan Update on February 8, 2024, and the current Harbor Gateway Community Plan is outdated.

Staff Response B-2

The Appellant states that CEQA requires that EIRs discuss any inconsistencies between the proposed project and applicable plans, and that the City must analyze the Project's consistency with the proposed Harbor Gateway Community Plan. The Appellant states that the two court cases cited by the City in Response to Comment 8-75 of the Final EIR (which argued a similar issue) underscore that the City is not precluded from analyzing impacts based on proposed zoning. Further, the Appellant states that the Project is different than the type of project contemplated by the Hybrid Industrial (HI) zoning, which would be designed to be a transitional land use between industrial land and residential land. While the CPC approved an update to the Community Plan in February 2024, the City Council has most recently approved the update in early October 2025. However, the Community Plan update is still pending form and legality review, and final action by the City Council prior to becoming effective.

The Appellant is referred to Response to Comment Nos. 8-75 and 10-65 in Section II, Responses to Comment, of the Final EIR, which address the proposed Harbor Gateway Community Plan (HGCP) Update. CEQA requires an EIR to analyze a proposed project's consistency with the applicable general plans, specific plans, and regional plans that have been adopted, but does not require a consistency analysis with draft plans that have not yet been adopted. The EIR's environmental impact analyses (Section IV, Environmental Impact Analysis, of the Draft EIR) analyzed the Project with the applicable plans that were adopted and in effect at the time, including the current 1997 HGCP, which is still the operative Community Plan in effect today. While the City may not be precluded from analyzing consistency from draft plans, there is no requirement to do so in the EIR. The Appellant summarizes the findings in the cases cited in Response to Comment Nos. 8-75 and 10-65 of the Final EIR, and reiterates the rulings which provide that there is no specific mandate to analyze an unadopted plan, yet suggests that the City

should still provide such an analysis. Further, the CEQA Guidelines Section 15125(e) states that when analyzing plans outlined in 15125(d) “where a proposed Project is compared with an adopted plan the analysis shall examine the existing physical conditions at the time of Notice of Preparation.” CEQA Guidelines Section 15126.2(a) further supports this by establishing baseline conditions for the entire document as the conditions when the Notice of Preparation is issued. While this does not necessarily preclude the City from considering new information, much of the environmental analysis was conducted before preliminary details for the plan had been released, as the draft Community Plan text was released in July 2021, and in August 2021 the DEIR was published. Finally, it should be noted that while the Community Plan Update is still under consideration by the City and is not yet operative, specific details related to the proposed rezoning of the Project Site are available. The Community Plan Update proposes to designate the Project Site for Hybrid Industrial land uses, and the following zoning: [LB3-G3-14][IX7-8][O]. Allowable by-right uses on the site under the IX7 Use District would include commercial uses, light manufacturing uses, and research and development. In addition, warehousing and logistics uses are conditionally permissible in the IX7 use district (under a Conditional Use Permit entitlement), contrary to the Appellant’s characterization that the proposed Project would conflict with the proposed zoning and land use designation under the proposed Community Plan Update.

Appeal Point B-3

Health impacts, while not exceeding the threshold, will still increase due to the Project being sited in an overburdened area that already exceeds the South Coast Air Quality Management District’s (SCAQMDs) cancer risk threshold for the maximum exposed residential receptor.

Staff Response B-3

The Appellant states that the Project area already exceeds the SCAQMD’s cancer risk threshold for the maximum exposed residential receptor and will do so even with expected pollution reductions by 2050. The Appellant states that health impacts will still increase due to the Project being sited in an already overburdened area and in an area where the City has proposed changing the zoning.

The cumulative analysis of health risks from emissions (summarized in Table IV.B-20 of the Draft EIR) are provided for informational purposes because it provides additional context in the Project Site vicinity. As provided in Table IV.B-20, Project Plus Existing Off-Site Sources – Health Risks, of the Draft EIR, the cumulative risks for the maximum exposed sensitive receptors in the surrounding community were predicted to decrease between 55 to 77 percent from 2020 to 2050. A health risk evaluation of construction emissions was conducted for the Project, and the results were provided in Table IV.B-16, Construction Risk Summary, of the Draft EIR. Additionally, an evaluation of risks combining construction and operation was conducted over a 30-year exposure scenario, and the results were provided in Table IV.B-19, Construction and Operation Risk Summary, of the Draft EIR. The results of the construction Health Risk Assessment (HRA) and combined construction and operational HRAs concluded that the Project would not result in health risks which exceed the South Coast AQMD significance thresholds and, as such, would not result in a project-specific or cumulative health risk impact to nearby sensitive receptors. The Appellant concedes that the Project would not exceed the health risk threshold but still argues that the analysis is inadequate because the surrounding community is already overburdened. This sentiment does not provide substantial evidence that the Project would exceed a threshold of significance for air quality emissions and, therefore, does not support the contention that the EIR violates CEQA. As discussed in Section IV.B, Air Quality, of the Draft EIR, AQMD establishes thresholds for health risk resulting from emissions, generally, in the form of Localized Significance

Thresholds. Project impacts related to these localized impacts, as well as the informational cumulative analysis discussed above were provided in Section IV.B, Air Quality, of the Draft EIR.

Appeal Point B-4

The City must adopt the Environmentally Superior Alternative (Alternative C) and reduce the Project size because it is feasible and substantially lessens Project impacts. The City does not provide any specific considerations related to the feasibility of Alternative C.

Staff Response B-4

The Appellant states that the City must adopt the Environmentally Superior Alternative and reduce the Project size, and that the City does not provide any specific considerations related to the feasibility of Alternative C in the Findings for the Project made by the City Planning Commission.

A comprehensive analysis of alternatives, as required by CEQA, was provided in Draft EIR Section V, Alternatives. CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to a project that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any significant environmental impacts. Section V, Alternatives, of the Draft EIR, evaluated each alternative in detail pursuant to CEQA requirements.

The Appellant continues to discuss Alternative C and references an estimation of a 60% reduction needed to reduce the Project's air quality impacts. Here the Appellant references a Response to Comments in the Final EIR, specifically Response to Comment 11-15 on page II-282 and misattributes CEQA Guidelines Section 15126.6(a) and 15126(b) to the appellant's argument related to Findings made by the City Planning Commission. First, Response to Comment 11-15 is addressing an assertion that the range of alternatives in the DEIR was insufficient because, as the Appellant asserts, a reduced alternative that reduces air quality impacts was not considered. The Alternatives Section, on pages V-5-6 considered a range of Alternatives and rejected from further discussion an Alternative which reduces floor area sufficiently to reduce air quality impacts to less than significant levels. As outlined in CEQA Guidelines Section 15126(c) the Alternatives analysis must discuss Alternatives rejected and briefly justify why they were rejected, and provides for three grounds to reject an alternative including "i) failure to meet most of the basic Project Objectives, ii) infeasibility iii) inability to reduce significant and unavoidable environmental impacts." As discussed on pages V-5-6 of the Alternatives Section, a 60% reduction alternative was not considered due to failure to meet most of the basic Project Objectives.

The Appellant states that the City rejected the Reduced Project Alternative C because it will not eliminate all the significant and unavoidable impacts from NOx emissions. While this is noted in the Project Findings, the City provided additional information and justification for approving the Project and rejecting Alternative C, including that the alternative would only partially meet the Project objectives. The alternatives analyzed in the EIR were prepared pursuant to Section 15126, a specific rationale for why each alternative was considered and rejected was provided. In addition, as discussed above, an alternative which reduced the Project enough to eliminate impacts was rejected and a justification for the rejection was provided.

The Appellant also conflates a condition reducing nighttime activities, imposed by the City Planning Commission as a land use matter, as a component of the alternative. The Appellant also states that the City did not analyze the impact of eliminating nighttime operation and also reiterates that the City does not provide justification for analyzing a 25% reduction as an alternative. As discussed in Section V, Alternatives, page V-5, of the Draft EIR, an alternative to

restrict the hours of operation was rejected from further consideration since this alternative would not reduce a significant environmental impact pursuant to CEQA Guidelines Section 15126(c). As the Project EIR analyzes nighttime activities, elimination or reduction of these activities would be with the maximum envelope analyzed in the EIR and no analysis of this change is required. Further, it should be noted that the condition was added by the City Planning Commission as a land use matter and was not tied to the reduction of specific environmental impact.

Appeal Point B-5

The City needs to consider an alternative based on the Hybrid Industrial zoning in the Updated Harbor Gateway Community Plan.

Staff Response B-5

In regard to the Appellant's suggestion of an alternative using permitted uses in the draft HGCP Update, an Existing Zoning Alternative was analyzed in Section V, Alternatives, pages V-15 through V-24, of the Draft EIR based on the adopted and existing zoning and HGCP, as pointed out by the Appellant. In addition, the proposed project's uses would be permitted by the zoning and IX7 Use District under a Conditional Use Permit prescribed under the HGCP Update, and the entitlement process and scope of the a suggested HGCP Update Alternative would be similar to that of the Project. Thus, an analysis of a HGCP Alternative would not likely result in any substantive reductions in environmental impacts. As discussed above in Staff Response B-2, the alternatives analysis was prepared in compliance with CEQA and the Appellants assertions related to the Community Plan Update are unfounded.

Appeal Point B-6

The City needs to consider an alternative with reduced square footage combined with reduced hours of operation from the currently proposed 24-hour operation, limiting operation during peak traffic hours and nighttime hours.

Staff Response B-6

The Appellant states that the City does not analyze other ways to reduce Project impacts that could be used in combination with reducing the square footage such as reducing hours of operation from 24 hours per day. As discussed above, per CEQA Guidelines 15126, the EIR must consider a reasonable range of alternatives, but may dismiss alternatives from further discussion. The Appellant states that the City does not analyze the impact of eliminating nighttime operation. The Appellant does not provide substantial evidence on how reducing the hours of operation would lessen an environmental impact. As discussed in Section V, Alternatives, page V-5, of the Draft EIR, an alternative to restrict the hours of operation was rejected from further consideration since this alternative would not reduce a significant environmental impact pursuant to CEQA Guidelines Section 15126(c).

The Appellant states that reducing the square footage along with the hours of operation, would reduce the number of trucks coming to and from the site and thereby reduce NO_x emissions - the Project's significant and unavoidable impact. The Appellant does not provide evidence to support the statement that restricting the hours of operation would reduce the number of truck trips. While a reduction in hours would reduce the duration of air pollutant emissions, the air quality analysis provided in the Draft EIR is based on conservative trip rates (including 24/7 operation), maximum daily emissions, and comparison with the South Coast AQMD maximum daily thresholds for

operation. Accordingly, if the hours of operation are reduced, the number of truck trips could be maintained, and the air quality impact would remain significant and unavoidable, and could result in greater localized emissions from a condensed timeframe for vehicles to operate on-site, a greater potential health risk.

The Appellant notes that the City's findings of infeasibility are conclusive and unsupported by substantial evidence in the record and that all feasible alternatives that must be analyzed and required before adopting a statement of overriding considerations, certifying the EIR, and approving the Project. Refer to Staff Response B-4.

Appeal Point B-7

The City needs to consider implementing conditions that limit operation during peak traffic hours.

Staff Response B-7

The Appellant states that the City does not consider any conditions that limit operation during peak traffic hours. There are no requirements to limit traffic during morning drop off or dismissal times at Amestoy Elementary School. The Appellant states that this is particularly important because one of the truck entrances is just north of the bus stop which puts pedestrian safety at risk. The Appellant states that the City has not analyzed the impact of reducing the hours of operations to avoid impacts during peak community hours to reduce impacts from the project.

As discussed in Section IV-J, Transportation, vehicle delay is no longer a CEQA impact, pursuant to SB 743. As the Appellant references impacts to peak hour traffic, it should be noted that vehicle delay does not constitute an environmental impact. Further, as shown in Figure IV.B-2, Project Site and Off-Site Receptor Locations for Operational Analysis, of the Draft EIR, the evaluated operational truck routes include the segment of Redondo Beach Boulevard between I-110 and Vermont Avenue, the on- and off-ramps to I-110 within 1,000 feet of the Project, and the segment of Vermont Avenue within 1,000 feet of the Project. The majority of trucks have been assumed to be generated to/from the I-110 freeway northbound and southbound on/off ramps at Redondo Beach Boulevard, as this interchange is the closest to the Project Site. In accordance with Project Design Feature T-PDF-5, established truck routes shall avoid traveling through residential streets or local streets with other sensitive land uses. Therefore, trucks would be prohibited from traveling along Marine Avenue and would not pose a safety impact to Amestoy school morning drop off or dismissals.

The Appellant does not provide any evidence, data, or information to support the assertion that the Project would result in impacts related to pedestrian safety or that the analyses contained in the EIR is inadequate. To the contrary the Project would improve the sidewalks surrounding the Project Site per City requirements, improving pedestrian safety. The Project also proposes to install a new bus turnout and improve an existing shelter at the existing bus stop on Vermont Avenue approximately 100 feet north of Redondo Beach Boulevard, thereby reducing the potential for conflicts along a heavily traveled street. Refer to Response to Comment No. 6-1, 9-5, and 9-10 of the Final EIR for a full discussion of Project's truck circulation and maneuvering and pedestrian, sidewalk, and bus transit safety improvements. As the Project would not result in impacts related to pedestrian safety, no additional alternative analysis is required.

The Appellant asserts that the City has not analyzed the impact of reducing the hours of operations to avoid impacts during peak community hours to reduce impacts from the Project. The City does not have a threshold of significance related to "peak community hours," and the

Appellant does not provide details on any such impacts. As discussed above, insofar this can be inferred to refer to peak hours for vehicle traffic, vehicle delay is no longer a CEQA impact.

Appeal Point B-8

The Project's Air Quality analysis is inadequate because it does not designate a truck route to and from the facility and disclose operational impacts within 1,000 feet along the assumed truck routes.

Staff Response B-8

The Appellant states that the Project's air quality analysis is inadequate and that the Project does not designate a truck route to and from the facility. The Appellant states that the Draft EIR identifies several possible routes for trucks but the City declines to designate truck routes prior to Project approval. The Appellant states that the Draft EIR does not model air impacts along a designated truck route. The Appellant also states that based on another jurisdiction's approach, it is feasible to identify a truck route prior to project approval and analyze the impacts such that they are disclosed to the public and decision-makers at the earliest opportunity in compliance with CEQA.

As discussed in Section IV.B, Air Quality, pages IV.B-43 through IV.B-51 of the Draft EIR, Project operations were modeled along designated truck routes. An operational Health Risk Assessment (HRA) was also prepared in conformance with the South Coast AQMD and Office of Environmental Health Hazard Assessment (OEHHA) guidance to evaluate all sensitive receptors within 1,000 feet of the Project Site (See Appendix C, and Section IV.B, Air Quality, page IV.B-47, of the Draft EIR). The predicted health risks at nearby residences would be highest near the Project Site since the vast majority of Project-related emissions would occur at the Project Site and not along the designated truck routes. Therefore, the HRA included the most critical truck route segments and the roadways in closest proximity to the Project Site and nearby sensitive receptors. As discussed in Section IV.B, Air Quality, of the Draft EIR, operation of the Project would not result in health risks that exceed the South Coast AQMD significance thresholds for all identified nearby receptors. (Refer to Response to Comment No. 10-17 of the Final EIR regarding analysis of the truck route within 1,000 feet of the Project Site.)

Operational Project trip distribution for trucks and passenger cars is shown in Figures 6-1 and 6-2 of the TAR (See Appendix I1 of the Draft EIR) and emissions methodology is discussed in Section IV.B, Air Quality, page IV.B-27 through IV.B-28 of the Draft EIR. The vast majority of truck trips (85 to 90 percent, according to Figure 6-1 in the TAR) are expected to enter and exit the site from Orchard Avenue and travel east on Redondo Beach Boulevard to I-110, and only 10 to 15 percent of truck traffic is projected to enter and exit the Project Site from Vermont Avenue.

Appeal Point B-9

The Project must include all feasible mitigation measures for Air Quality; therefore, AQ-MM-6 must be updated to match the proposed Prologis logistics center in San Francisco which requires that all gasoline or diesel-powered vehicles over 14,000 tons operating on the site have a model date no more than nine years from project construction completion.

Staff Response B-9

The Appellant states that the City has not adopted all feasible mitigation measures for the Project even if impacts remain significant and unavoidable after mitigation. The Appellant incorrectly

states the Project incorporates six mitigation measures to reduce impacts to air quality. The Project Final EIR considered additional mitigation measures and added new measures for a total of ten mitigation measures addressing Air Quality. Refer to the Project's Mitigation Monitoring Program in Section IV of the Final EIR.

The Appellant further lists AQ-MM-6 which requires all transport trucks used for daily operations to have engines that meet the California Air Resources Board's 2010 engine emissions standards specified in California Code of Regulations, Title 13, Article 4.5, Chapter 1, Section 2025 (i.e., 0.01 gram per brake horsepower-hour (g/bhp-hr) of particulate matter and 0.20 g/bhp-hr of NO_x emissions). The Appellant states that these standards are outdated and references the SF Gateway Project Mitigation and Monitoring Report M-AQ-3i and notes that the referenced mitigation measure focuses on the medium and heavy-duty trucks expected to travel to the logistics center in San Francisco. The San Francisco Mitigation Measure requires that all gasoline or diesel-powered vehicles over 14,000 tons operating on the site whether or not owned by the future tenants have a model date no more than nine years from project construction completion (if construction were completed in 2026, trucks would have model years no earlier than 2017). The Appellant also notes that the City does not include State agency requirements such as those from CARB and the Department of Transportation to require mandated lease terms for use of electric vehicles at the earliest year possible in the Mitigation Monitoring Program and states that the City must adopt all feasible mitigation prior to Project approval and EIR certification.

The Appellant cites the San Francisco case as a comparable Project, despite various differences in both Project size and scope such as the San Francisco Project totaling over 2.1 million square feet of floor area, different analyzed uses, a longer development timeline, multiple legislative entitlements, and a voluntary development agreement. While the mitigation may be technically feasible, the feasibility of the measure in the context of this Project is limited in a number of ways. Primarily the development timeline in San Francisco in conjunction with entitlements and a development agreement allow for the developer to develop the Project within the next 15 years, rather than the shorter three-year timeline to effectuate the entitlements for the Project under consideration by the City.

The primary implementation and enforcement mechanism in the San Francisco case is through clauses in tenant leases, and ongoing monitoring and compliance via annual Development Agreement reporting. Similarly, the Appellant cites a recommendation from CARB and Caltrans to incorporate various operational air quality measures into lease terms. However, the City does not have suitable enforcement and monitoring tools or staff capacity to verify these tenant lease terms, or ongoing changes to private agreements in lease terms for the life of the Project. In conjunction with the greater flexibility in implementation and enforcement mechanisms and a longer development timeline, the San Francisco Project also includes different uses and a much larger footprint, greatly aiding in flexibility and economies of scale to require such a measure. The greater scale and diversity of uses allows for the greater costs associated with the proposed Mitigation to be offset. The longer timeline and assurances provided by the San Francisco case entitlements provides a more stable and predictable permitting environment, greatly aiding economic viability of a larger long-term Project. The longer timeline also allows for emissions technology to advance, the regulatory regime to develop, for the commercial availability of advanced technologies to increase, and more time for fleet turnover in third-party fleets which may serve a Project. Further, the City does have the ability to require that the current Mitigation Measure for 2010 engine emission standards be implemented, as it generally aligns with advances by CARB and SCAQMD in advancing vehicle fleet emissions at the state level. By verifying compliance with these existing State programs, the City is ensuring compliance with the best available technology that is currently commercially available. Refer to Response to Comment

2-17 of the Final EIR regarding compliance with CARB's Truck and Bus Regulation and the feasibility of enforcing model year restrictions for further discussion.

The economic and technical infeasibility of this measure is supported by communication received from the Applicant dated October 1, 2025, and October 7, 2025, explaining the economic infeasibility of such a measure. Prologis operates over 127 million square feet of logistics floor area in the Los Angeles region and provided a survey of tenants in the South Bay area, primarily served by the Port of LA and Port of Long Beach, which are comparable to the potential tenants of the Project. Based on this survey, over 90% of tenants rely on third-party fleet services or have a mix of third party and a small fleet for specialized activities, which greatly limits or precludes control over the vehicles visiting the site. Based on communication from both CBRE and the Applicant, both with extensive commercial real estate experience, further restricting the model year of trucks allowed to enter the site, would drastically reduce or nearly eliminate the pool of third-party fleets that prospective tenants could utilize. This would either drastically reduce the ability of the Applicant to find a tenant for their Project or substantially reduce the economic activity, tax revenue and employment the Project would otherwise generate. Further, were this measure technically and practically feasible (discussed further below), it would greatly impact the economic viability for a majority of tenants which might occupy the site. This may result in more warehouse uses to be located farther from the Port of LA/Long Beach complex at locations with more favorable lease terms, and possibly requiring new construction elsewhere to meet ongoing demand. This could result in more trucks (the Project also includes a truck trip cap not likely to imposed on other sites), longer truck trip lengths, and more air pollution.

Further, the Project has been designed to minimize off-site queuing of trucks and reduce idling by efficiently moving trucks on the site. As operations would be reliant on almost exclusively third-party services by the proposed Mitigation Measure, enforcement would fall to on-site verification of each vehicle serving the site, greatly reducing efficiency in on-site vehicle movements and potentially resulting in a greater presence of trucks on City streets and off-site queuing for verification, with associated greater emissions.

The proposed Mitigation Measure the Appellant suggests may ostensibly be feasible for the San Francisco context, but due to technical, economic and legal considerations outlined above, the measure is not feasible for implementation by the Project and enforcement/monitoring by the City.

Appeal Point B-10

The Project must include all feasible mitigation measures for Air Quality; therefore, the City must require the use of electric vehicles at the earliest year possible through contractual provisions in lease agreements with tenants.

Staff Response B-10

Regulating and enforcing the types of vehicles sold and permitted to operate on public roads in the State of California falls outside of the jurisdictional authority of the City. The City has no ability or capacity to exclude vehicles that are permitted to be driven on public roads from accessing the Project Site. It is the responsibility of federal and State agencies to regulate the types of vehicles sold and driven in California.

Appeal Point B-11

The City improperly defers mitigation measures for truck trips in AQ-MM-8.

Staff Response B-11

The Appellant states that under CEQA, formulation of mitigation measures shall not be deferred until some future time, regarding the Project's Mitigation Measure requiring the Project Applicant to prepare a Truck Trip Management Plan prior to construction. The Appellant states that the agency must commit itself to the mitigation, adopt specific performance standards that will be achieved, and identify the types of potential actions that can feasibly meet that performance standard and that will be considered, analyzed, and potentially incorporated in that mitigation measure. The Appellant lists the AQ-MM-8 requirement that the number of trucks shall not exceed 768 trips per day. The Appellant states that the City identifies a number of metrics that could be incorporated into the plan, but no discussion about the effectiveness of the protocols named in the mitigation measure that could be included in a monitoring plan. The Appellant states that compliance with truck limits may vary over time and the City has not provided substantial evidence that a five-year time limit for reporting is warranted.

Mitigation Measure AQ-MM-8 incorporates specific performance standards as well as actions that can feasibly meet the performance standard to ensure the air quality emissions do not exceed the levels analyzed in the EIR. Specifically, preparation of a Truck Trip Monitoring Plan will ensure compliance with a daily truck trip cap of 768 trips per day. The Truck Trip Monitoring Plan shall establish protocol for conducting monitoring of truck trips (e.g., appropriate software or equipment, placement of monitoring equipment, establishing protocol for addressing mechanical or human error, information on shifts, trips per shift, and operating hours, etc.), on-site circulation management strategies to maintain on-site safety, ensure idling restriction compliance, and ensure a safe and orderly pedestrian and vehicle environment when trucks enter and exit the public-right-of-way. The Monitoring Plan shall also identify staff responsible for on-site monitoring, and when truck trips reach 95% of the Daily Trip Cap or (729) trips; the plan shall include notification and management protocols to ensure compliance with the Daily Trip Cap. The Monitoring Plan shall also include protocols in the event the Daily Trip Cap is exceeded. Protocols shall include a process to notify the Department of City Planning of the exceedance, recommendations to retain compliance with the established trip cap, and a subsequent CEQA review of the impacts (if any) resulting from the exceedance. The Monitoring Plan shall include documentation (e.g., a letter, advisory notice, or similar written documentation) confirming that the Project Applicant and/or future tenant will implement the Monitoring Plan during Project operation. During Project operation, the Project Applicant shall submit an annual report on compliance with the truck trip monitoring plan to the Department of City Planning and Los Angeles Department of Transportation, and within 15 days of a request for a report by the Department of City Planning or Los Angeles Department of Transportation. Therefore, the mitigation measure meets the requirements of specificity for plans that cannot be developed at the time of certification of the EIR by including specific requirements, monitoring and management protocols. Additionally, the five-year time limit provides more than adequate time to establish normal business operations for a tenant. Additionally, Mitigation Measure AQ-MM-8 includes a catch-all to ensure compliance throughout the life of the Project. Specifically, Mitigation Measure AQ-MM-8 states that: "The Los Angeles Department of Transportation may at any time request and shall be granted permission to audit or observe the monitoring on site."

Appeal Point B-12

Mitigation measures for Hazardous Materials (HAZ-PDF-1, HAZ-PDF-2) are misidentified as project design features (PDFs), as they would contribute to minimizing impacts associated with

hazardous materials from the Project. Therefore, the City fails to analyze the effectiveness of the measures in the EIR.

Staff Response B-12

The Appellant states that several of the Project Design Features (PDF) related to hazardous materials are misclassified and summarizes CEQA Guidelines on mitigation measures. The Appellant states that the PDFs at issue are identified to reduce environmental impacts below CEQA thresholds of significance. The Appellant states by classifying the Soil Management Plan (SMP) (HAZ-PDF-1) and Vapor Intrusion Mitigation System (VIMS) (HAZ-PDF-2) as Project Design Features, the City sidesteps CEQA's requirements to evaluate the effectiveness of the measures included in the plan.

The Appellant references CEQA Guidelines Section 15126.4 in asserting a number of requirements that are not enumerated in the section. The Appellant suggests that "all" mitigation measures are required to be described and discussed, while CEQA Guidelines Section 15126.4 (a)(1) merely requires that feasible mitigation measures are described. The Appellant seems to conflate the language in CEQA Guidelines Section 15126.4(a)(1)(B) which states when multiple measures are available, further discussion is required, as a requirement for the City to analyze and discuss any and all possible measures. The proposed SMP was included as a PDF as it includes regulatory measures or describes plans to comply with such measures which provides the City further enforcement during the permitting phase to ensure compliance with these measures. Generally, regulatory measures are not permissible mitigation measures, as described in CEQA Guidelines 15126.4 (4)(A-B). Mitigation measures must have a rough proportionality and an essential nexus to the impact, while regulatory compliance is a prerequisite and not typically considered mitigation measure but may mitigate or reduce impacts. Further, while CEQA requires discussion of mitigation measures, level of significance after mitigation, and potential impacts resulting from mitigation, the ultimate goal is for Projects to reduce or mitigate impacts to the extent feasible through PDFs or mitigation. The City's standard process includes adopting the entire Mitigation Monitoring Program (MMP), which includes all PDFs, as Conditions of Approval (COA) for the Project to require that all components of the Project are included during and after the permitting phase. The SMP PDF is included in the MMP and was included as Condition of Approval #26 as part of the full MMP. The points raised by the Appellant asserting, incorrectly, that the PDF should be considered a mitigation measure are nonetheless discussed below.

The Appellant asserts that the PDFs adopted for the Project are mitigation measures and that by including a number of elements in the SMP, the City "sidesteps CEQA's requirements to evaluate the effectiveness of the measures included in the [soil management] plan." The Appellant continues to accurately summarize the site conditions and identified potential impacts disclosed in the DEIR and lists the aspects of the SMP asserting that "this list of activities does not contain any information about the effectiveness of the measures to protect public health. By classifying the Soil Management Plan as a PDF rather than as a mitigation measure, the City avoids this analysis." Here, the Appellant again refers to a "requirement" that the "effectiveness of the measure to protect public health" be analyzed. There is no citation to support that such a requirement exists, and while mitigation measures by definition reduce impacts, the proposed PDF is not a mitigation measure. Further, CEQA requires that impacts related to Appendix G threshold questions be discussed, rather than the nebulous "protection of public health". All City EIRs include a discussion of impacts after mitigation, including this Project. The DEIR discussed impacts to both public health and the environment under thresholds a, b, and d, but did not discuss any mitigation measures, as the SMP was identified as a PDF. The DEIR did discuss the potential for impacts, assuming implementation of the PDF, from general construction debris, underground

storage takes, impacted soils, impacted concrete, and potential hazards during operation, connecting various elements of the PDF to each category, fulfilling the purported issue the Appellant cites.

The Appellant continues and acknowledges this discussion of the PDF discussing the analysis in the above referenced thresholds in addition to threshold c, and conclusory states “The City did not comply with CEQA because it has not adopted a performance standard to measure the effectiveness of the Soil Management Plan.” Here the Appellant again misattributes CEQA Guidelines Section 15126.4(a)(1)(B), which requires a performance standard for deferred mitigation, as applying to the SMP. As discussed above, the SMP is a PDF, and even were it included as a Mitigation Measure, a discussion of impacts after implementation has already been provided in the DEIR and concluded no impact. Were it to be included as mitigation, a performance standard would not be required because, as discussed above, the SMP complies with regulatory requirements protecting public health and the environment.

The Appellant continues to discuss HAZ-PDF-2, a requirement to install a vapor intrusion mitigation system (VIMS) to prevent vapor intrusion into the building, asserting many of the same above points. As discussed above, the VIMS is required to comply with regulatory requirements to permit the building to be habitable and is not a mitigation measure. Similarly, performance standards and other elements of mitigation measures the Appellant asserts are required do not apply. The Appellant suggests that further detail related to the activation of the VIMS from its passive state is required and obfuscates impacts. The VIMS design would be determined during the permitting phase with the appropriate departments, including the Department of Building and Safety when more details are available as the specific building design, construction, and civil engineering details are not available at this time. Additionally, pursuant to Los Angeles Regional Water Quality Control Board’s directive, to mitigate the risk of potential vapor intrusion, the VIMS will include: (i) below-slab impermeable membrane; (ii) Passive venting system with perforated horizontal piping and vent risers; (iii) Cut-off barriers/seals for utility trenches and conduit slab penetrations; and (iv) Monitoring probes¹.

As discussed above, HAZ- PDF-1 and HAZ-PDF-2 were properly identified as PDFs per CEQA, however, even if these PDFs were not incorporated into the Project or were incorporated as Mitigation Measures the conclusion would similarly be less than significant. As the Appellant suggests the City did not disclose potential impacts without the PDFs obfuscating the public’s ability to comment on measures addressing impacts, while providing no indication or suggestion of other suitable mitigation measures or additional measures the City could have included.

Nonetheless, analysis is provided below without the implementation of the PDFs to address the suggestion the City did not disclose potential impacts.

The Project Site includes the remains of two former manufacturing facilities—Virco on the western half and Electricord and Leviton on the eastern half of the Project Site. The Virco site was identified on the GeoTracker database as a Cleanup Program Site. Based on the results of previous investigations and remediation, the LARWQCB issued a “No Further Action” determination for the Virco Cleanup Program case on September 13, 2011. A total of approximately 750 tons of metals-impacted soil and 333 tons of petroleum hydrocarbon-impacted soil were excavated and removed from the former Virco portion of the Project Site. HHRAs conducted in 2009 and 2010 to evaluate

¹ For more details on the ongoing RWQCB enforcement action on-site see:

https://geotracker.waterboards.ca.gov/getfile?filename=/esi%2Fuploads%2Fgeo_report%2F6539087235%2FSL0603729001.PDF

risks from VOCs in soil vapor reported that there was low vapor intrusion risk to human health (less than 1×10^{-6} cancer risk) under a residential scenario. OEHHA reviewed the HHRAs and concurred with the finding. However, as discussed in the DEIR, the Phase II Investigation identified tetrachloroethene (PCE) in 5-foot soil vapor samples at concentrations up to 21 µg/l. A former Arco gas station was located at the southwestern corner of the Project Site from the mid-1950s to 1989 when a total of seven USTs and associated dispensers and piping were removed. LARWQCB issued closure for the former Arco gas station in a letter dated December 31, 2012.

The former Electricord area (eastern half of the Project Site) is currently an active Cleanup Program Site overseen by the LARWQCB (Global ID SL0603729001). Six groundwater monitoring wells exist on the Electricord portion of the Project Site (along with two off-site wells) that are currently monitored on a semiannual basis. A workplan to install additional soil vapor and groundwater monitoring wells has been approved by the LARWQCB and is planned for the near future. The Draft EIR provides further site history and summarizes various surveys on pages IV.G-12 to IV.G-19.

Threshold (a): Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Construction

Underground Storage Tanks

The proposed site includes one 10,000-gallon kerosene-based wash thinner UST that was abandoned in place. Additionally, review of historical information could not definitively account for the removal of two other USTs on the Virco portion of the Project Site. Since these USTs were used for storage of hazardous materials, they could pose a health risk to construction workers during handling, transport, and disposal (Draft EIR, Page IV.G-25). If any of the USTs on the Project Site are encountered during grading activities, before implementation of regulatory procedures, removal of USTs could result in a significant hazard to the public through the routine transport, use, or disposal of hazardous materials. The Project includes HAZ-PDF-1 which ensures compliance with regulatory requirements protecting public health and the environment by requiring the preparation of a Soil Management Plan demonstrating compliance with UST regulations before construction activities start. With regulatory compliance, impacts would be less than significant.

Impacted Soils and Concrete

Construction activities required to develop the Project Site would involve the disturbance of onsite soils. There is the potential for the discovery of contamination during these activities since the Project Site has had a long history with extensive chemical use associated with manufacturing facilities, including several known or suspected chemical releases and past remediation efforts. Most of these known or suspected releases have been investigated and, as necessary, remediated to the satisfaction of the Los Angeles Fire Department (LAFD) and the LARWQCB. However, the Phase I ESA did identify RECs onsite. Further investigation into the RECs, as detailed in the Phase II report, concluded that TPH was present in some soil samples above the screening limits. However, none of the samples were deeper than 2 feet bgs, indicating that the TPH contamination is limited to shallow soils. Furthermore, the concentrations of all VOCs detected were well below their corresponding screening levels for soils for commercial/industrial sites (Draft EIR, Page IV.G-25).

PCB was detected at a concentration of 0.217 mg/kg, below its residential screening level of 0.24 mg/kg. Therefore, PCBs do not appear to represent a risk to human health for both residential and industrial/commercial exposure scenarios and would not be a concern to a regulatory agency. To be conservative, the Draft EIR assumed that 1,000 tons of stained concrete would be hauled off and reprocessed or disposed of offsite (Draft EIR, Page IV.G-26).

Although contaminated soils and concrete would be removed and disposed of offsite in accordance with all applicable regulatory guidelines, including, but not limited to, South Coast AQMD Rule 1166 and Rules 402 and 403, there is potential risk of exposure of hazardous materials to the workers and the public through the routine transport, use, or disposal of contaminated or potentially contaminated soil and concrete. The Project includes HAZ-PDF-1 which ensures compliance with regulatory requirements protecting public health and the environment by requiring the preparation of a Soil Management Plan demonstrating compliance with soil removal and contaminated soil remediation regulations before construction activities start. With regulatory compliance, impacts would be less than significant.

Operation

Hazards from Existing and Previous Uses

Previous investigations on the Project Site have shown residual concentrations of TPH and VOCs in soil and soil vapor. Additionally, VOC concentrations in groundwater, both beneath the former Electricord site and downgradient of the Project Site, exceed regulatory screening levels (Draft EIR, Page IV.G-27). As a result of residual VOCs in the subsurface, there could be a potential for vapor intrusion into the proposed building, which could result in a significant risk of exposure of hazardous materials to the public. The Project includes HAZ-PDF-2 which ensures compliance with regulatory requirements protecting public health and the environment by requiring installation of a compliant vapor intrusion mitigation system (VIMS) to address soil vapor regulatory requirements. With regulatory compliance, impacts would be less than significant.

Threshold (c): Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?

Construction

Amestoy Elementary School is located approximately 0.14 miles northwest of the site. The use of hazardous materials onsite during the Project's construction phase and the transport of contaminated soil could pose a hazard to the school site (Draft EIR, Page IV.G-29). Therefore, the use of these hazardous materials and the transportation of contaminated soil during construction could result in potential significant impacts to nearby school. The Project includes HAZ-PDF-1 which ensures compliance with regulatory requirements protecting public health and the environment by requiring the preparation of a Soil Management Plan demonstrating compliance with soil removal and contaminated soil remediation regulations before construction activities start. With regulatory compliance, impacts would be less than significant.

Threshold (d): Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?

As previously discussed, PCE concentrations up to 21 µg/l were identified at the Project Site and the former Electricord area (eastern half of the Project Site) is currently an active Cleanup Program Site overseen by the LARWQCB due to groundwater contamination. Grading and construction activities would not affect existing groundwater contamination and construction would not affect groundwater remediation or monitoring, which occurs at depths over 30 feet below the surface (Draft EIR, Page IV.G-30). However, due to the residual VOCs in the subsurface, contaminated groundwater could pose a potential health risk to future employees at the Project Site. Therefore, the risk of exposure of hazardous materials due to the Project Site being included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 would be potentially significant. The Project includes HAZ-PDF-1 which ensures compliance with regulatory requirements protecting public health and the environment by requiring the preparation of a Soil Management Plan demonstrating compliance with hazardous material regulations in addition to soil removal and contaminated soil remediation regulations before construction activities start. With regulatory compliance, impacts would be less than significant.

As discussed above, with the inclusion of the measures identified as HAZ-PDF-1 and HAZ-PDF-2, which provide further detail on regulatory compliance, the Project would not result in significant impacts, and these measures have been incorporated as COA. Even if these measures were to be labeled as Mitigation Measures, as discussed in the DEIR, no change in impacts would occur and the Project EIR would remain in compliance with CEQA.

Appeal Point B-13

Mitigation measures for Noise (N-PDF-1, N-PDF-3) are misidentified as project design features (PDFs), as they would contribute to minimizing noise impacts from the Project. Therefore, the City fails to analyze the effectiveness of these measures in the EIR.

Staff Response B-13

The Appellant states that the City is relying on the Noise PDFs to reduce impacts from the Project. The Appellant notes that by classifying them as PDFs, the City escapes having to demonstrate the effectiveness of those measures.

As discussed above, and in greater detail below in Staff Response B-15, the measures identified by the Appellant are PDFs and assertions contrary are inaccurate. First, the Appellant cites Findings on page F-8, which are entitlement Findings for consistency with the Noise Element, which discusses land use compatibility for industrial uses, and does not establish a nexus between inconsistencies or “noise impacts from changing land uses” and an environmental impact. Contrary to the Appellant’s assertions, the City is discussing the design of the Project and its land use considerations. References to these PDFs further support the City’s designation of them as PDFs, such as they are elements of the Project rather than requirements developed as mitigations from the EIR. The Appellant does not identify any deficiencies with the analysis in the EIR to support their assertion that PDFs were incorporated improperly into the EIR, but rather points to entitlement findings. Further, the Appellant then states that the City did not include analysis as a result of these PDFs, but again does not identify any issues with the analysis in the EIR. As discussed above, the PDFs merely memorialize aspects of the Project design such as the number of loading docks, a perimeter wall design and a nighttime operational scheme to allow for quantification of those measures in the analysis, rather than obfuscate impacts. The PDFs the Appellant cites are N-PDF-1, which explains that the Project will not have more than 36 dock high truck loading positions, N-PDF-3, which explains an operational limitation to prohibit the use of

back up beepers from 10:00 PM to 7:00 AM, and N-PDF-5, which was analyzed as a proposed 14-foot wall at the northern property line; though, it should be noted that the wall was conditioned by the CPC to be increased from 14 to 18 feet, and that while this change would increase the height of the sound wall, the analysis in the EIR is conservative as the taller wall will further reduce noise north of the Project Site. Each aspect of the Project listed above was included as a PDF because it is an intrinsic part of the Project design and is not required to reduce impacts. For example, the Project proposes 36 loading docks, this is incorporated into the noise analysis by virtue of N-PDF-1. Similarly, N-PDF-3 is an operational element of the proposed Project. As this wall is part of the overall design of the Project, as discussed above in Staff Response B-15, while the wall may reduce impacts it is an integral part of the proposed Project and not designed to mitigate impacts, and therefore, it was appropriately analyzed as a PDF (see Pages 1-5, 1-14, 2-9, Figure II-4, Site Plan [Note 11], II-12, II-23, II-24, II-29, and II-30 of the Draft EIR).

The Appellant also states that the City improperly defers determining feasibility of using electric equipment and solar generators rather than diesel generators during construction until after Project approval by classifying it as a Project Design Feature, N-PDF-6(d). Project Design Feature, N-PDF-6, which would be enforced through the Mitigation Monitoring Program, includes construction best management practices to reduce increased noise levels during demolition, grading, and construction activities. See Staff Response B-12 above regarding the differences between mitigation measures and project design features and the appropriateness of incorporating PDFs into the design of a project. As concluded under Threshold (a) in Section IV.I, Noise, of the Draft EIR, the Project's on-site construction-related noise would not result in the generation of a substantial temporary or periodic increase in ambient noise levels in the Project vicinity, and impacts would be less than significant and no mitigation would be required (see Section IV.I, Noise, pages IV.I-25 through IV.J-27, of the Draft EIR). Nevertheless, Project Design Feature N-PDF-6 includes additional measures to control Project construction noise.

Appeal Point B-14

Mitigation measures for Air Quality (AQ-PDF-1 through AQ-PDF-6) are misidentified as project design features (PDFs), as they would contribute to minimizing air quality emissions from the Project. Therefore, the City fails to analyze the effectiveness of these measures in the EIR.

Staff Response B-14

The Appellant states that the City is avoiding analyzing the effectiveness of the air quality PDF measures by classifying them as PDFs. For example, the City does not analyze the effectiveness of limiting the size of the roof top solar array to cover the energy of only the office portion of the Project. In addition, the City does not require tenant leases to include requirements regarding the use of electric vehicles during project operation. The Appellant states that the City also avoids disclosing the feasibility of the PDFs in violation of CEQA.

The Appellant applies similar arguments as discussed above in Staff Response B-12 and B-13 asserting that elements of the Project design are mitigation measures. As discussed above, measures that are intrinsic to the Project design are considered PDFs for the purpose of CEQA analysis. It should be noted that the Project DEIR was published a number of years ago, and assumed construction under an older set of CalGreen building codes (Green Building Code), and while these building codes are not current, EV charging for passenger vehicles (AQ-PDF-1), and roof reflectivity (AQ-PDF-6) have been explicit requirements of the Green Building Code for some time, while LEED Silver certification (AQ-PDF-4) is attainable with some operational commitments, in addition to the requirements of green building code. Subsequent updates to the

Green Building Ccode, which the Project would be required to comply with, now include dedicating a portion of the rooftop of non-residential buildings for installed solar arrays (AQ-PDF-4), while LEED Silver is now on par with the standards of the current Building Code. The Appellant suggests “the City does not analyze the effectiveness of limiting the size of the roof top solar array to cover the energy of only the office portion of the project.” However, the PDF bears no nexus or proportionality to Project impacts, contrary to CEQA Guidelines Section 15126.4 (4)(A-B), and is now regulatory compliance where previously it was a design element. The Appellant continues to suggest that lease agreements are required of the Project but neglects to include a number of mitigation measures which address Project operational mobile source emissions (AQ-MM-4 through AQ-MM-10), including AQ-MM-9 which includes an operational implementation plan. The Appellant suggests lease agreement requirements similar to the San Francisco case referenced in Appeal Point B-9 above. However, as discussed above, that case includes an entitlement that is not before the City which allows for that implementation method. The Appellant’s suggestion again paradoxically would have the City require a measure it does not have the legal authority to enforce nor the mechanism to monitor, while AQ-MM-9 provides for implementation. The Appellant concludes with an assertion the City does not provide for feasibility for these measures, which as discussed here, are primarily reflective of compliance with the Building Code, with some provision for chargers for future EV trucks, charging systems which are commercially available.

Appeal Point B-15

The Appellant states that PDFs and mitigation measures are treated differently in terms of enforcement, that the City included the PDFs in the Mitigation Monitoring Program, and discusses the applicability of mitigation measures pertaining to the CEQA Guidelines. The Appellant states that labeling an activity as a PDF impacts enforceability and future public review should PDFs be abandoned or altered during Project implementation. The Appellant states that the City should revise and recirculate the EIR to analyze the effectiveness of mitigation measures for noise.

Staff Response B-15

All Project Design Features and feasible Mitigation Measures were identified in the Project’s Mitigation Monitoring Program (see Final EIR Section IV, Mitigation Monitoring Program, of the Final EIR), which are included as Condition of Approval #26 in the CPC Letter of Determination (LOD). Each element of the MMP, PDFs and MMs, are therefore adopted as Conditions of Approval and fully enforceable. As noted in Section IV, Mitigation Monitoring Program, of the Final EIR, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency. Additionally, if the department or agency cannot find substantial conformance, a PDF or mitigation measure (MM) may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval, complies with CEQA Guidelines, Sections 15162 and 15164, including by preparing an addendum or subsequent environmental clearance to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM. Under this process, the modification or deletion of a PDF or MM shall not require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the PDFs or MMs results in a substantial change to the Project or the non-environmental conditions of approval. Both PDFs and MMs would require substantiation to

support the changes, with the process explicitly referencing the same CEQA Guidelines Sections the Appellant cites.

Appeal Point B-16

The City needs to utilize the California Department of Justice, Warehouse Project's: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Sept. 2022) as mitigation measures for the Project.

Staff Response B-16

The Appellant states that since the Project was first proposed in 2017, there is significant new information, specifically pertaining to the Attorney General's guidance on mitigation measures for warehouses particularly in overburdened communities. The Appellant states that the guidance is relevant to the Project, but that the City does not adopt the proposed measures even though there are significant and unavoidable impacts. The Appellant lists measures from the California Department of Justice, Warehouse Project's: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Sept. 2022).

Per PRC section 15088.5, "Significant New Information" is defined as "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 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." Therefore, the California Department of Justice, Warehouse Project's: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Sept. 2022) does not qualify as "Significant New Information" per CEQA because it does not meet any of the standards listed above. Also, there is no substantial evidence provided that these proposed mitigation measures are considerably different from others previously analyzed and would reduce Project impacts to Less Than Significant levels, and these suggested measures do not present substantial evidence to demonstrate that the Project's EIR was inadequate or conclusory. Regardless, each suggested mitigation is responded to individually below.

The Appellant suggests a measure to require all heavy-duty vehicles engaged in drayage to or from the Project Site to be zero-emission beginning in 2030 as early as feasible. The Appellant suggests a measure to require tenants to use zero-emission light- and medium-duty vehicles as part of business operations. Refer to Response to Comment No. 10-22 of the Final EIR regarding the City's lack of jurisdiction to regulate the types of vehicles sold and permitted to operate on public roads in the State. The suggestion to require near zero emission or zero emission trucks is infeasible because regulating and enforcing the types of vehicles sold and permitted to operate on public roads in the State of California falls outside of the jurisdictional authority of the City of Los Angeles. The City has no ability, capacity, or enforcement mechanism to exclude vehicles that are permitted to be driven on public roads from accessing the Project Site. It is the responsibility of federal and State agencies to regulate the types of vehicles sold and driven in California. Refer to Staff Response B-10, above. At present, compliance with CARB's Truck and Bus Regulation, as discussed in Section IV.F, Greenhouse Gas Emissions, page IV.F-20, of the Draft EIR, is required for the Project, which has phase-in timelines required by State regulation to ensure that any heavy truck serving the Project would meet 2010 model year engine requirements

or equivalent by January 1, 2023. In June 2020, CARB adopted a new Rule (Advanced Clean Trucks Regulation) that is the strictest in the United States, requiring truck manufacturers to transition from diesel trucks and vans to electric ZE trucks beginning in 2024. By 2045, every new truck sold in California will be required to be zero emissions, as mentioned in Section IV.F, Greenhouse Gas Emissions, page IV.F-19, of the Draft EIR.

The Appellant suggests a measure to install solar photovoltaic (PV) systems on the Project Site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers. Refer to Response to Comment No. 10-36 of the Final EIR regarding the Project's installation of a solar PV system. As mentioned in Section II, Project Description, page II-23, and Section IV.D, Energy, of the Draft EIR, page IV.D-17, of the Draft EIR, the Project would provide a rooftop solar installation or other renewable energy power source sized to offset the expected house meter and office electrical consumption of the tenant. As part of Project Design Feature AQ-PDF-3, the Project would install a solar PV system that will generate a minimum of 460,000 kilowatt-hours per year (kWh/yr) of renewable electricity. Further, as described in Section II, Project Description, page II-23, of the Draft EIR, energy-saving and sustainable design features and operational programs would be incorporated into the Project, including those required by CALGreen (CCR, Title 24, Part 11). As mentioned in Section II, Project Description, page II-23, of the Draft EIR, the Project would also incorporate design features and attributes promoting energy efficiency and sustainability. The Project building would be designed and built to meet the standard for LEED Silver Certification under either the (1) LEED v.4 Building Design and Construction Standards for Core and Shell Development set forth by the U.S. Green Building Council or (2) LEED precertified Prologis program.

The Appellant suggests a measure to design all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible. The Project would install a solar PV system as part of Project Design Feature AQ-PDF-3. This PV system would generate 460,000 kilowatt-hours per year of renewable electricity. Providing additional rooftop solar would not substantially reduce any of the Project's significant environmental impacts, including the one significant and unavoidable operation-related NOx emissions impact, which primarily comes from emissions of mobile sources.

The Appellant suggests a measure to construct zero-emission truck charging/fueling stations proportional to the number of dock doors. Refer to Response to Comment No. 10-20 of the Final EIR regarding charging stations. Since the Project tenant has not yet been identified, it is not possible to forecast what an actual future user of the building may need or require in terms of EV truck charging because needs vary widely among building users, and the technology is rapidly advancing. The Project's EV charging facilities for trucks will be tailored to the needs of the building user because committing to a system too early and then needing to retrofit it to meet building-user specifications is technologically and cost prohibitive. However, to accommodate charging of battery-powered trucks, as listed in in Section IV.B, Air Quality, Subsection 3.c, Project Design Features, of the Draft EIR, the Project would install at least six tractor-trailer parking stalls capable of supporting future EV supply equipment (Project Design Feature AQ-PDF-2).

The Appellant suggests a measure recording a covenant on the title of the property to prohibit cold storage. Refer to Response to Comment No. 2-8 of the Final EIR regarding cold storage restrictions. As stated in Section II, Project Description, page II-10, of the Draft EIR, the Project does not propose cold storage warehouse uses. Furthermore, the City included a Project condition of approval to prohibit cold storage warehouse uses. The City requires that the Project Applicant record a covenant to comply with all conditions of approval. Because cold storage warehouse would not be an allowed use, the Project would not result in use of TRUs or trucks

equipped with TRUs. Therefore, the suggested measures prohibiting TRUs and requiring a restrictive covenant would already occur.

The Appellant suggests a measure to oversize electrical rooms by 25 percent or provide a secondary electrical room to accommodate future expansion of electric vehicle charging capability. Refer to the above response regarding electrical vehicle charging stations. Moreover, the Project Applicant's current standard design for warehouse development includes sections for loads associated with future expansion of electric vehicle charging capability. This is part of the Project's Applicant standard protocol across the State as part of its sustainability practices. Therefore, the Project's design ensures that there is sufficient electrical capacity to accommodate the future expansion of electric vehicle charging capability and further mitigation is not required.

The Appellant suggests a measure to install and maintain, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the Project. Additionally, the Appellant suggests a measure to install and maintain, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project and making the resulting data publicly available in real time. Refer to Response to Comment No. 10-38 and 10-39 of the Final EIR regarding air filtration issues. As provided in Table IV.B-16, Construction Risk Summary, and Table IV.B-18, Operation Risk Summary, of the Draft EIR, the HRA (Appendix C, Item 9, of the Draft EIR) concluded that the construction and operation of the Project would not result in health risks that exceed the South Coast AQMD significance thresholds for any nearby sensitive receptors. Therefore, additional mitigation measures to reduce pollutant concentrations at off-site locations is not required. With respect to regional emissions, the provision of new air monitoring stations is not within the jurisdiction of the City of Los Angeles, but with the South Coast AQMD. Monitoring of air pollutants in the region does not distinguish between ambient concentrations generated by the freeways versus other stationary, area, and nonfreeway sources of pollution. In addition, concentrations of air pollutants in the SoCAB are dispersed throughout the air basin according to regional meteorological conditions, as described in Section IV.B, Air Quality, of the Draft EIR. Therefore, the provision of an air monitoring station is not warranted.

The Appellant suggests a measure to require tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers. As discussed in Section IV-F, Greenhouse Gas Emissions, of the Draft EIR, trucks on-site are required to comply with CARB's Heavy-Duty (Tractor-Trailer) GHG Regulation, which requires SmartWay tractor trailers that include idle-reduction technologies, aerodynamic technologies, and low-rolling resistant tires that would reduce fuel consumption and associated GHG emissions. As such, a mitigation measure is not required to ensure regulatory compliance.

The Appellant suggests a measure to create a fund to mitigate impacts on affected residents, schools, places of worship, and other community institutions by retrofitting their property. Draft EIR, Section IV.B, Air Quality, includes a discussion of criteria pollutants, volatile organic compounds, and toxic air contaminants and their health effects, and discloses Project-related emissions of these pollutants. All Project construction- and operational-related air quality impacts to sensitive receptors would be less than significant (see Section IV.B, Air Quality, pages IV.B-42 through IV.B-51, of the Draft EIR). The EIR concluded that the Project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant. As such, a mitigation measure to retrofit nearby properties is not warranted.

The Appellant suggests a measure to limit operation hours to daytime hours on weekdays. The Draft EIR analyzed the alternative to restrict operations to 12 hours per day to reduce noise impacts. As demonstrated in Section IV.I, Noise, in this Draft EIR, the Project would not result in significant operational-related noise impacts due to increased traffic (including truck trips), mechanical equipment, or loading dock activity. Further, the Project would incorporate several project design features which address operational noise impacts, including; (1) utilize other safety means (no back-up beepers) for vehicles between the hours of 10:00 p.m. and 7:00 a.m. (Project Design Feature N-PDF-3); and (2) prohibit loading and unloading within 300 feet of any existing residential building between the hours of 10:00 p.m. and 7:00 a.m. (Project Design Feature N-PDF-4). Therefore, this suggested measure would not reduce a significant environmental impact and is not warranted.

The Appellant suggests a measure to pave roads where truck traffic is anticipated with low noise asphalt. As shown in Table IV.I-15 of Section IV.1, Noise, of the Draft EIR, six roadway segments were analyzed for the Project's buildout conditions, which were chosen as these segments would be most affected by the Project, as determined by the City's Department of Transportation ("LADOT"). As shown in Table IV.I-15, roadway segments 4 to 6 include trucks accessing the Project from the I-110 Freeway. The Project generated noise level increase along these roadways was combined with a cumulative increase to calculate the Project's cumulative contribution to traffic noise. As shown in Table IV.I-15, Project cumulative noise impacts due to off-site mobile noise sources, future growth, and related projects would be less than significant. As such, a mitigation measure regarding low noise asphalt is not warranted.

Appeal Point B-17

The City has violated CEQA by adopting a statement of overriding considerations (SOCs) without requiring all feasible mitigation measures and alternatives.

Staff Response B-17

The Appellant states that the City violated CEQA by adopting a statement of overriding considerations without requiring all feasible mitigation measures and alternatives. The Appellant states that the City's discussion of the Project's benefits is conclusory and does not constitute substantial evidence supporting the City's decision. The Appellant asserts that an agency's findings in a statement of overriding considerations constitute an abuse of discretion where they are misleading or not supported by substantial evidence per Public Resources Code 21168.5; CEQA Guidelines 15093(b) and case law. The Appellant states that each of the City's identified benefits individually and collectively are not supported by substantial evidence. The Appellant states that because the City has not reduced the environmental impacts from the Project by adopting all feasible mitigation measures or alternatives and has not provided substantial evidence to support its identified benefits, the City has violated CEQA by adopting the Statement of Overriding Considerations for the Project.

Refer to Staff Response B-15 above regarding the Appellant's suggested mitigation measures and Staff Response B-17 through B-22 below for a discussion of each of the Project's benefits. Thus, the City has adequately incorporated all feasible mitigation measures and provided substantial evidence to support its Statement of Overriding and Considerations. Moreover, even if one of the listed benefits, or certain aspects of the a benefit is not fully supported by substantial evidence in the administrative record for the Project, the City makes clear in its Statement of Overriding Considerations, that: "Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to

approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding consideration separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project."

Appeal Point B-18

The City's claim in the SOC that "The Project's freeway adjacency would limit or reduce truck trips in residential or other sensitive neighborhoods" is not supported by substantial evidence, because it is not specific to the Project itself, conflicts with the City's Preliminary Draft of the Health and Environmental Justice General Plan Element, and is based on past land use decisions that were harmful to overburdened BIPOC communities.

Staff Response B-18

The Appellant states that the City identifies six benefits from the Project but does not provide substantial evidence to support that conclusion. The Appellant lists the City's first SOC point that "The Project's freeway adjacency would limit or reduce truck trips in residential or other sensitive neighborhoods"" and states that justifying the Project based on past land use decisions regarding the location of freeways that overburdened Black, Indigenous and People of Color communities locks the community into a cycle of pollution from warehouses and trucks rather than address the Health and Environmental Goals the City articulates in recent plans.

No substantial evidence was provided to demonstrate that benefit #1 was not applicable to the specific Project Site. In addition, on page F-58 of the LOD, the City provided justification supported by substantial evidence that the Project provided benefit #1, including that the Project Site is located within one mile of the Interstate 110 (Harbor Freeway), which provides direct access to the Ports of Long Beach and Los Angeles without requiring truck routing through adjacent sensitive receptors. Therefore, the EIR and resulting CEQA findings were completed in full compliance with CEQA, and no substantial evidence was provided to demonstrate that the Project's EIR or CEQA findings, including the Statement of Overriding Considerations, was inadequate. Further, the Health and Environmental Justice General Plan Element is a draft document, and as discussed in Staff Response B-2, discussion of draft plans is speculative and does not constitute substantial evidence per CEQA law. Similarly, CEQA Findings are required to be made based on substantial evidence, per CEQA guidelines Section 15384.

Appeal Point B-19

The City's claim in the SOC that "the Project would support city and regional land use and environmental goals" is not supported by substantial evidence, because the Project was not evaluated against the Harbor Gateway North Community Plan Update, and identified improvements are not unique benefits to the proposed Project.

Staff Response B-19

The Appellant lists the SOC point that "the Project would support city and regional land use and environmental goals" and states that the City never evaluated the impacts of the Project in relation to the City's proposed HGCP Update. The Appellant states that activities regarding sidewalk and road improvements are not unique benefits to the Project. Refer to Staff Response B-2 above related to consistency analysis of the Project with the proposed HGCP Update.

No substantial evidence was provided to demonstrate that this benefit was not applicable to the Project Site. In addition, on page F-58 of the LOD, the City provided justification supported by substantial evidence that the Project provided this benefit, including that the Project locates 250 jobs within a High Quality Transit Area (HQTa) per SCAG's 2020-2045 RTP/SCS, which is aligned with regional land use plans. Therefore, the EIR and resulting CEQA findings were completed in full compliance with CEQA, and no substantial evidence was provided to demonstrate that the Project's EIR or CEQA findings, including the Statement of Overriding Considerations, was inadequate. Further, as discussed in Staff Response B-2, discussion of draft plans is speculative and does not constitute substantial evidence per CEQA law. Similarly, CEQA Findings are required to be made based on substantial evidence per CEQA guidelines Section 15384.

Appeal Point B-20

The City's claim in the SOC that "the Project would provide economic development, employment opportunities, and tax revenue for the City" is not supported by substantial evidence, because it is a conclusory statement.

Staff Response B-20

The Appellant lists the SOC point that "the Project would provide economic development, employment opportunities, and tax revenue for the City and states that this is a conclusory statement and that the specific benefit is unknown due to the uncertainty of the future tenant and projected employment. The Appellant states that the economic benefit is also not compared to the economic cost of continued unmitigated NOx emissions locally or regionally as caused by the Project.

As discussed on page F-58 of the Project LOD, the Project would provide an estimated 250 jobs to the region, as well as generate property and business license tax revenues on a currently vacant site. The appellant does not provide any substantial evidence to support their argument that this evidence is conclusory or that this benefit does not apply to the Project. Further, the City need not identify the future tenant to properly analyze Project impacts (see Staff Response B-1, above). Further, the Appellant's suggestion that the Project should compare and balance the economic impact of NOx emissions is not technically or scientifically feasible and not required by CEQA. Further, CEQA requires the Lead Agency balance environmental impacts of the Project with its benefits, but not its potential economic impacts with its potential economic benefits. Therefore, the EIR and resulting CEQA findings were completed in full compliance with CEQA, and no substantial evidence was provided to demonstrate that the Project's EIR or CEQA findings, including the Statement of Overriding Considerations, was inadequate.

Appeal Point B-21

The City's claim in the SOC that "the Project would represent Smart Growth" is not supported by substantial evidence, because it is a conclusory statement.

Staff Response B-21

The Appellant lists the SOC point that "the Project would represent Smart Growth." The Appellant states that this is a conclusory statement and states that there is no evidence in the record to support that the workers will live close to the site and no information about where the workers will come from and no information about who will be the future tenant.

As discussed on page F-58 of the Project LOD, the Project would develop a warehouse/manufacturing/high-cube warehouse/distribution center within a SCAG-designated HQTa and in close proximity to the Harbor Freeway and the Ports of Long Beach and Los Angeles, thereby the Project would not require the extension of roads or utility infrastructure or result in urban sprawl. The appellant does not provide any substantial evidence to support their argument that this evidence is conclusory or that this benefit does not apply to the Project. Further, the City need not identify the future tenant to properly analyze Project impacts (see Staff Response B-1, above). Therefore, the EIR and resulting CEQA findings were completed in full compliance with CEQA, and no substantial evidence was provided to demonstrate that the Project's EIR or CEQA findings, including the Statement of Overriding Considerations, was inadequate.

Appeal Point B-22

The City's claim in the SOC that "the Project would represent sustainable development and support the transition to sustainable freight transportation" is not supported by substantial evidence, because there are no findings that LEED Gold certification is infeasible, and the Project does not represent a transition since it allows trucks to meet 2010 emissions standards.

Staff Response B-22

The Appellant lists a Project benefit that "the Project would represent sustainable development and support the transition to sustainable freight transportation" and states that there is no finding in the record that LEED Gold certification is infeasible. Additionally, the Appellant states that the Project does not represent a transition and that it is not pushing the industry to adopt more modern or electric vehicles. The Appellant does not provide substantial evidence to suggest that the Project does not represent a transition to sustainable development and freight transportation.

While LEED Gold would create increased building efficiencies (reduce energy demand and associated emissions), it would not substantially reduce any of the environmental impacts of the Project. As shown in Table IV.B-14 of the Draft EIR, energy related emissions are an extremely small percentage of the Projects maximum daily NOx emissions (less than 1.5%). The vast majority of NOx emissions is from mobile sources (trucks), representing 131 maximum daily pounds per day of the total 135 pounds per day; 97% of the total maximum day NOx emissions are from trucks. Refer to Staff Response B-9 regarding mitigation measure AQ-MM-6.

Nevertheless, energy-saving and sustainable design features and operational programs would be incorporated into the Project, including those required by the California Green Building Standards Code (CALGreen; CCR, Title 24, Part 11). The Project would also incorporate design features and attributes promoting energy efficiency and sustainability. The Project building would be designed and built to meet the standard for LEED Silver Certification under either the (1) LEED v.4 Building Design and Construction Standards for Core and Shell Development set forth by the U.S. Green Building Council or (2) LEED pre-certified Prologis program. Additionally, the Project would provide a rooftop solar installation or other renewable energy power source sized to offset the expected house meter and office electrical consumption of the tenant. As previously mentioned, the Project would include at least six tractor trailer parking stalls capable of supporting future electric vehicle supply equipment (EVSE). Additionally, the Project would include 20 electric charging stalls for electric passenger vehicles with an additional 38 stalls capable of supporting future electric vehicle chargers. The Draft EIR has substantial evidence that the Project will include sustainability features beyond regulatory requirements and, therefore, represents sustainable development (See e.g., Section II, Project Description, page II-23 for a summary of

the Project's sustainability features and Project Design Features, AQ-PDF-1 (EV charging stations), AQ-PDF-2 (future charging stations), AQ-PDF-3 (solar PV system), and AQ-PDF-4 (LEED Silver certification)). Therefore, the EIR and resulting CEQA findings were completed in full compliance with CEQA, and no substantial evidence was provided to demonstrate that the Project's EIR or CEQA findings, including the Statement of Overriding Considerations, was inadequate.

Appeal Point B-23

The City's claim in the SOC that "the Project would enhance the built environment in the Project Site vicinity" is not supported by substantial evidence, because it is a conclusory statement with benefits listed that are not specific to the Project.

Staff Response B-23

The Appellant lists a Project benefit that "the Project would enhance the built environment in the Project Site vicinity". The Appellant states that landscaping and sidewalk repair are not specific, unique, or integral to this Project.

As discussed on page F-59 of the Project LOD, the Project would provide dedications and improvements along all three street frontages, including reconstructing damaged sidewalks; and provide 73,583 square feet of native landscaping, including approximately 166 on-site trees and installation of street trees within the newly constructed sidewalks along all street frontages abutting the Project Site, on a previously vacant site. The appellant does not provide any substantial evidence to support their argument that this evidence is conclusory or that the benefit does not apply to the Project. Therefore, the EIR and resulting CEQA findings were completed in full compliance with CEQA, and no substantial evidence was provided to demonstrate that the Project's EIR or CEQA findings, including the Statement of Overriding Considerations, was inadequate.

Appeal Point B-24

The EIR should be withdrawn, revised, and recirculated for public comment in accordance with CEQA.

Staff Response B-24

The Appellant concludes the appeal letter and states that the EIR should be withdrawn, revised, and recirculated for public comment in accordance with CEQA. Refer to Staff Responses B-1 through B-23, above. As the Appellant has not presented substantial evidence of new impacts nor of defects in the analysis of potential impacts in the EIR, recirculation of the EIR is not warranted.

Conclusion

Per LAMC Section 13A.2.8.E.1, unless otherwise required by a specific process, the appellate body shall hear the matter de novo, considering the whole of the project with no deference given to the decision of the initial decision maker. The appellate body shall make its decision based on the record before the initial decision maker and any other evidence or testimony presented at or before the appellant body's hearing.

In conclusion, the Appellants have failed to present new evidence or testimony that the certification of the ENV-2017-1015-EIR and the approval of entitlements associated with Case No. CPC-2017-1014-CU-ZAA-SPR was inadequate, and the appeals have not provided any substantial evidence to dispute the findings provided for the entitlements and the EIR.

The EIR is comprehensive and has been completed in full compliance with CEQA. As demonstrated by the responses to the appeal points, there are no new impacts or substantial increases in previously identified impacts that would result from the comments raised herein. As such, in accordance with CEQA Guidelines Section 15088.5, no substantial evidence or details to support the conclusory statements regarding the supposed inadequacy of the EIR, mitigation measures, statements of overriding consideration, or the findings, have been provided to demonstrate that there are new impacts or substantial increases in previously identified impacts, or that revision of the Draft EIR is warranted.

The City Planning Commission's decision adequately made findings of approval consistent with the LAMC and the provisions of CEQA. Therefore, in consideration of all the facts, Planning staff recommends that the PLUM Committee and City Council deny the appeals and sustain the decisions of the City Planning Commission.

VINCENT P. BERTONI, AICP
Director of Planning


Kiersten Turner
Planning Assistant

VPB:MZ:MN:JM:KT

cc: Pamela Thornton, Planning Director, Council District 15

Attachments:

Attachment 1 CBRE Letter Dated October 1, 2025

Attachment 2 Prologis Letter Dated October 7, 2025

William F Reid III
Vice Chairman

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October 1, 2025

Jason McCrea
City Planner, Major Projects
Los Angeles City Planning
221 N. Figueroa St., Room 1350
Los Angeles, CA 90012

Subject: Opposition to Age-Based Restrictions on Vehicle Access to Prologis'
Redondo@Vermont Development

Dear Mr. McCrea,

This letter expresses our strong opposition to any proposed age-based restrictions on vehicles accessing the Redondo@Vermont development. We believe such restrictions, particularly when coupled with the complexities of existing comprehensive California Truck Standards and WAIRE regulations, pose significant challenges to the efficient operation of businesses within the development and would ultimately narrow the prospective tenant pool, delay occupancy, and hinder economic activity and job creation.

Our concern of limiting site access to only semi-trucks from the last nine model years lies in the potential for such restrictions to negatively impact occupancy of the development and the success of businesses operations. The restrictions would disproportionately impact smaller businesses, independent owner-operators, and those operating older, but still compliant, vehicles. The financial burden of replacing compliant vehicles prematurely is substantial, increasing operational costs, reducing profit margins, and limiting service flexibility. These costs ultimately lead to increased inflation and reduced employment.

Additionally, most warehouse and advanced manufacturing tenants rely on third-party carriers and a robust regional and national supply chain that they do not directly control. A nine-year age cutoff would exclude many carriers, reduce service availability, and increase transportation costs.

Furthermore, we believe that age-based restrictions will be difficult to implement, challenging to enforce, and further complicate an already robust compliance framework for trucks operating in California and the AQMD South Coast Air Quality Management District.

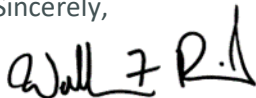
- California Truck Standards already address emissions through California's stringent air quality regulations, including the California Air Resources Board (CARB) standards, which are designed to phase out older, less-efficient vehicles and promote the use of cleaner technologies.
- The Warehouse Actions and Investments to Reduce Emissions (WAIRE) program, designed to address emissions from warehouse operations, provides a framework for addressing air quality concerns at the facility level. WAIRE focuses on incentivizing the adoption of cleaner technologies and practices within the warehousing sector, including zero-emission trucks. By focusing on the implementation and enforcement of WAIRE, we can achieve meaningful emissions reductions without unduly burdening businesses with additional layers of compliance based on vehicle age.

Finally, enforcement of a strict age limit presents significant challenges to prospective tenants. It requires complex supply chain management processes, verification of vehicle age at the point of entry, and creates logistical challenges to third party vendors arriving at their end point destination. This process of verifying vehicle age for site entry will create congestion and operational inefficiency as vehicles stage and are turned away or told to return to original point of origin ultimately creating more traffic and air impacts both locally and regionally. Ultimately the operational challenge and compliance risk to operators will negatively impact their interest in leasing and investment at this location.


We urge you to reconsider any proposal for age-based restrictions on vehicle access. Prospective tenant concerns of complexities, costs, enforcement liability, and burden of age based specific limitations on the project will significantly hinder the potential and timeline to lease the property. Relying on the already robust State and Regional regulations will ensure the success of the development creating the most direct path to investment and jobs for the local community.

We are available to discuss these concerns further and offer our expertise in finding practical and equitable solutions. Thank you for your time and consideration.

Sincerely,



Tres Reid
Vice Chairman
310 363 4948



Greg Dyer
Executive Vice President
310 363 4953



October 7, 2025

Jason McCrea
City Planner, Major Projects
Los Angeles City Planning
221 N. Figueroa St., Room 1350
Los Angeles, CA 90012

Re: Harbor Gateway; Mitigation Measure Infeasibility

Dear Mr. McCrea,

Prologis is the global leader in logistics real estate, owning, managing, and developing high-quality industrial facilities across 20 countries, with a focus on high-barrier, high-growth markets. Prologis' global portfolio spans approximately 1.3 billion square feet in 5,895 buildings, serving approximately 6,500 customers spanning e-commerce, manufacturing, automotive, and third-party logistics sectors.

In Southern California, Prologis is the dominant logistics property owner and operator, with approximately 127 million square feet of logistics facilities owned and managed in 556 buildings, concentrated in the Los Angeles, notably the South Bay, and the Inland Empire markets. Los Angeles represents one of the most critical logistics hubs in the world – supporting international trade via the Ports of Los Angeles and Long Beach, and powering regional supply chains through modern, sustainable distribution space.

Prologis has a long track record of investment, job creation, and sustainable development in the Southern California region. In the South Bay market, Prologis serves over 100 customers in over 75 facilities, highlighting Prologis' critical role in connecting shippers, tenants, carriers and consumers that sustain Southern California's goods movement network. With this background, Prologis understands the industrial market better than most, if not anyone.

Limiting site access to only semi-trucks from the last nine model years would materially narrow the prospective tenant pool. Many otherwise compliant carriers – particularly small fleets and owner-operators – operate trucks older than nine years that still meet or exceed California Air Resources Board (CARB) standards (e.g., 2010-or-newer engines).

As most warehouse tenants rely on some element of third-party carriers they do not control, such a mitigation measure would exclude a significant share of compliant carriers, reduce logistics reliability, and materially raise transportation costs. Based on our experience and discussions with our tenants, specifically, over 90% of Prologis' customers in the South Bay submarket rely fully or partially on third party trucking fleets. In practice, this constraint would deter logistics and manufacturing users from leasing the site by imposing operational limits without providing any measurable environmental benefit beyond existing CARB requirements.

Why This Limits Tenants

- Carrier Availability: A nine-year cutoff would exclude many compliant trucks, shrinking the pool of eligible carriers and undermining reliable, time-sensitive operations.



- Tenant Control: Tenants typically contract with multiple third-party carriers; they cannot guarantee every arriving truck meets an arbitrary model-year screen.
- Cost & Competitiveness: Reduced carrier competition increases freight rates and lead times—key site selection risks that push tenants toward alternative, less restrictive locations.
- Enforcement Burden: Gate-checking model year creates compliance risk and liability for both tenants and property owners, introducing delays and disputes with no practical enforcement mechanism.

We confirmed only approximately 5% of our customers own their own fleet and the remaining 95% rely on either third-party operators or have mixed fleets.

- Fleet Owners: ~5% (beverage distributors, PODS, asset-based carriers)
 - Only a handful of tenants are manufacturers or distributors with dedicated fleets. Most are not.
- Third Party Reliant: 60–65% (freight forwarders, logistics firms, 3PLs)
 - The bulk of the South Bay portfolio consists of freight forwarders and logistics companies whose business model is non-asset based.
- Mixed / Limited Fleet: 25–35% (smaller manufacturers, food/beverage producers, niche operators)
 - These tenants may keep a few trucks for specialized local runs, but supplement heavily with third-party carriers.

A comparison was made to a proposed project that Prologis has in San Francisco. The comparison is simply inaccurate (i.e., apples to orange comparison). The San Francisco market is very different than the South Bay, so it is not appropriate to compare the two.

Therefore, based on our experience and discussions with our tenants, the imposition of such a mitigation measure would make developing the project infeasible.



Thank you, and happy to discuss.

Sincerely,

Prologis, L.P., a Delaware limited partnership

By: Prologis, Inc.

Its: General Partner

A handwritten signature in black ink that reads "Lauren Achtemeier". The signature is written in a cursive, flowing style.

Name: Lauren Achtemeier

Title: VP, Investment Officer