

PLANNING COMMISSION

Meeting Date: 06/21/21

PUBLIC COMMENT #1 RECEIVED FOR ITEM NOT ON AGENDA

Date 06/21/21
Time 10:15 a.m.

Jackson, Gina

From:
Sent: Friday, June 18, 2021 10:25 AM
To: Jackson, Gina
Subject: public comment

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My name is Mark Sandson. I'm a resident of the Larkspur Heights-Calico Bluffs neighborhood. I've asked to speak to you today to encourage your involvement in the Diamond Street Industrial project TPM20-0001. I understand that for technically administrative reasons, this project doesn't require Planning Commission involvement, and can be implemented under the authorities of the City Planner and City Engineer.

I ask that you look into this project and the response we've provided to the draft Mitigated Negative Declaration report. I have taken the liberty of forwarding to you the report we filed to comment on the draft MND.

We believe the draft MND is seriously deficient in that it piece-meals the environmental impact of the entirety of the project. The draft MND only addresses the excavation and grading portion of the project, ignoring the impact of building construction and (likely) industrial operations. This is in violation of CEQA requirements. If allowed to go forward "as is" we're at serious risk of un-foretold environmental impacts and a detraction to the quality of life in San Marcos.

We recognize the property rights of the Diamond Street owners, but this application requires the City's discretionary approval. The developers must undertake their development in an environmentally responsible manner, and the City must comply with CEQA. This, I'm certain, has not yet been established, as our comments have made clear. I encourage you to look into this matter and re-involve yourselves in the project review process. The City must require an EIR that studies the whole project, before approving any portion of the project. The MND that studies only the initial site grading violates the law.

Thank you for your consideration.

Jackson, Gina

From: sandsons
Sent: Friday, June 18, 2021 10:33 AM
To: Jackson, Gina
Subject: re public comments
Attachments: Diamond Street Neighbors.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Henderson,

I've attached material to provide back-up for my request to make public comments I recently submitted. This material is not for reading during the meeting, but rather additional information for the Commission, should they wish to review it.

Respectfully,

Mark Sandson

Diamond Street Neighbors
Consolidated Comments on Diamond Street Industrial TPM 20-0001 Draft Initial
Study/Mitigated Negative Declaration ND21-002

Executive Summary

We, owners at and residents of the Larkspur Heights/Calico Bluffs neighborhood, have reviewed the subject Draft Mitigated Negative Declaration. We find this document to be seriously deficient. The DMND fails to evaluate fairly many of the environmental threats that will result from the initial grading project. More significantly the DMND treats the project piecemeal, totally failing to consider the end-project impacts of the construction and operational phases of the project being planned. This DMND breaches the most basic tenet **...under CEQA the City must study the whole of the project before it approves any portion of it.** This, not having been done, creates the risk of serious damage to the environment.

In addition, there are serious zoning questions. As will be seen in the section of "Land Use and Planning", the planned project is clearly Industrial, not Light Industrial. Moreover, a review of historical zoning changes (Appendix 1) would lead one to conclude that the designated site would better be classified Open Space, or possibly Residential.

After reviewing our comments, it will be clear that a comprehensive Environmental Impact Report is the appropriate tool for resolving these concerns.

Project Location and Setting

This is a 23 acre undeveloped site located northeast of the intersection of Melrose Drive and Diamond Street. It is bounded by open space, 0.5 miles southwest of Lake San Marcos and west of San Marcos Creek.

Has the Center for Natural Lands Management which manages the surrounding open space confirmed they are OK with this project?

The Final Map from the early 1990s allowed a 13-lot industrial subdivision. Wouldn't one large industrial site be more harmful to the environment than 13 smaller scale operations?

There is a 150-foot-wide SDG&E easement powerline and tower across the site. Has SDGE confirmed they are OK with this project?

There is great topography and a wildlife corridor and biological resources/vegetation communities on the site.

The proposed project is planned for an area zoned Light Industrial which, for several historical zonings and current uses of adjoining areas, we believe to be more appropriately Residential (see discussion in Appendix 1)

Project Description

16.12 acres of the undeveloped site to be mass graded for an industrial pad. “Any future development of an industrial building(s) would be subject to additional CEQA review.” But under CEQA the City must study the whole of the project before it approves any portion of it. The site grading is only one portion of the industrial development planned for the site. It is not an independent project being done for any other reason but to prepare the site for the industrial development. It is “piecemealing” the project in violation of CEQA to approve grading for an industrial pad before studying the environmental effects of the industrial building(s) that will be built on the pad.

We are afraid a large industrial warehouse is eventually planned for the site. Warehouses are a notorious source of “belching diesel trucks.” The New York Times Article attachment (Appendix 2) states: The emissions are a major contributor to smog-causing nitrogen oxides and diesel particulate matter pollution, which are linked to health problems including respiratory conditions. If such an incompatible use really is going to happen, the project must be required to install air filters (and noise mitigation) in impacted homes and schools. The “initial study” ignores all of these impacts because it is “piecemealed.”

If the City approves this initial project (for large scale grading), it will be all but forced to approve construction on the new industrial pad – otherwise all the grading would be for waste. The eventual environmental review of the industrial warehouse(s) might show that mitigation or alternatives are needed to avoid impacts, yet some of these options might no longer be available if the site is allowed to be graded. Under CEQA the City needs to study the environmental consequences of the industrial construction and operation before it commits itself down this path by allowing the grading for the industrial operation.

If the developers really don’t know yet what they want to build on the site after it’s graded, then they must wait until they do know so that the real full impacts can be studied in a comprehensive manner. Until then there is not enough information to study the real project.

The CEQA review must wait until then. The grading should be as narrowly tailored as possible to the intended use (once known) so as to minimize impacts.

The project will cut into/reconfigure the landscaped slope (50-foot high?) adjacent to Melrose Drive. This is a big impact that is not needed. Aren’t there existing brick and mortar locations that can be redeveloped to serve the need for this project?

The project will construct an industrial sized (40-foot wide?) private driveway and traffic signal at Melrose Drive and Diamond Street. This will cut across the tree lined dirt path along Melrose Drive that many people use every day. This is a major impact. Many trucks will be going in and out of that driveway on a daily basis. The environmental study needs to disclose how many trucks are expected from the grading, and how many are expected from the construction and operation of the actual industrial building(s). How are people going to get around this, especially since the project will eliminate the trails that cut through the site?

The project will grade approximately 359,670 cubic yards (cy) of earth material (122,750 cy of cut and 236,920 cy of fill). It will import 144,170 cubic yards of material. To give this information a scale reference, the total volume of material used for the construction of the Empire State Building was 119,000 cubic yards. The project will cause approximately 60 hauling truck trips per day, for 6 (or more) months. Blasting “may be required” as part of the grading operations – this is misleading based on the geotechnical report, which shows that a significant amount of blasting of the “very hard granitic rock” on the site is expected. Grading will consist of cuts and fills up to approximately 20 feet and 40 feet, respectively.

“As a condition of project approval, all heavy diesel construction equipment used during project construction would be classified as Tier IV.” How will this be enforced?

Aesthetics

The project has a substantial adverse effect on many scenic vistas. There are extensive dirt trials throughout the hills of the project site and the immediate and general surrounding area - - Old Creek Ranch Trail, Quarry Trail, Canyon Trail, Lake San Marcos Trail, Ridgeline Trail, San Elijo Hills Trails to name a few, and the project site is visible from all of these areas. The project site is visible from the San Marcos Cross, a local landmark. These are some of the best scenic vistas in the county. The environmental analysis concludes there is “no impact” on a scenic vista but does not even mention these vistas.

The project will significantly impact scenic resources, including, but not limited to, trees and rock outcroppings. The project site is at the foot of the massive vertical rock outcroppings from the historic rock quarry in the side of the mountain. This is a major scenic resource that defines the local area. Yet the study is also silent about this rock outcropping. How big/tall is the rock outcropping? How far away is the industrial pad from this rock outcropping? Placing an industrial pad and industrial building next to this rock outcropping is a significant impact to this resource.

The project is also bounded by the very large Rancho La Costa Habitat Conservation Area, which is also a scenic resource. Placing an industrial pad and industrial building next to this conservation area is a significant impact to this resource.

The study claims that the project will not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. But the study only covers the initial grading. Industrial building(s) on the site could very well cause this impact. This must be studied before the grading is approved. If it is not yet known what the design of the building(s) is, then the environmental review must wait until the actual environmental analysis can be performed. An EIR is needed to study all of these impacts.

Air Quality

The air quality initial study states “no development is proposed under the project.” This is misleading and violates CEQA piecemealing. Why would you grade 16 biologically, culturally, and aesthetically important acres if no development is proposed? Warehouses are

a known “indirect source” of serious air emissions from diesel trucks. The “initial study” ignores these impacts and makes the “project” seem much less impactful than it really is. The City must evaluate air pollution from traffic caused by the industrial building(s) before it pre-commits itself down this path by authorizing the site preparation/grading for the industrial building(s). Anything less is a plain violation of CEQA, which is State law. What if the “additional CEQA review” for the industrial building(s) shows that the environmental impacts are too great and nothing should be approved? What would then be done with the mass graded industrial pad at that time?

The analysis assumes Tier IV equipment will be used as a “project design feature.” We understand Tier IV is expensive and often not even available. The analysis is fatally flawed because it assumes Tier IV will be used, but there is no adequate assurance that this will be the case. If Tier IV is not achieved, the air quality impacts will be much greater.

Does the health risk assessment incorporate the already existing baseline ambient air pollution (ie, the cumulative impact)? Or does it only assess the incremental health risk associated with the grading “project”?

The health risk assessment is inadequate because it only assesses cancer impacts. It ignores non-cancer health hazards. According to the SDAPCD Supplemental Guidelines for Submission of Air Toxics “Hot Spots” Program HRAs, HRAs shall include the estimated maximum non-cancer chronic health hazard index (HHI), the estimated 8-hour chronic HHI, and the estimated maximum non-cancer acute HHI. There is a significant impact if there are incremental chronic/acute hazards indices of 1.0 or greater.

The health risk assessment is also inadequate because it ignores the cancer burden. The cancer burden is a required element of HRAs under the SDAPCD guidance and there is a significant impact if there is a cancer burden of equal to or greater than 1.0. Given the several hundreds of multi-family homes in the immediate vicinity of the project, the cancer burden is likely equal to or greater than 1.0.

The health risk assessment is inadequate because it only calculates the inhalation risks. However the SDAPCD Supplemental Guidelines require: “Cancer and non-cancer chronic risk estimates shall include estimates of both inhalation and multipathway noninhalation risks.”

The health risk assessment is deficient because it does not include the two preschools in the vicinity. According to the SDAPCD Supplemental Guidelines, these schools are sensitive receptors, and health risk to sensitive receptors within 2 kilometers of the facility “shall be evaluated.” The initial study shows that the two schools are within 0.8 kilometers (0.5 miles) of the site, yet the study ignores the project’s health impacts to these extremely sensitive receptors.

The initial study states that the inhalation cancer risk for the worst-case receptor is 7.19 per one million exposed. The study also states that the rule requires that projects that propose to increase cancer risk to between 1 and 10 in one million need to implement toxics best

available control technology (T-BACT) or impose the most effective emission limitation, emission control device or control technique to reduce the cancer risk. Given that the project will significantly increase cancer risk to sensitive receptors, it must ensure these T-BACT and other requirements are imposed. However, there are no assurances that these requirements and all other available mitigations will be imposed. The initial study is thus deficient under CEQA and there will be significant air quality impacts from the site grading alone.

The project will potentially cause a carbon monoxide (CO) hotspot, given all of the heavy truck traffic it will cause. The environmental study fails to include the required CO hotspots analysis.

Page 23 wrongly states there is an “absence of sensitive receptors in the project vicinity.” Figure 4 shows the project is immediately adjacent to hundreds of densely populated homes, including Larkspur Heights/Calico Bluffs and Melrose Villas. The thousands of residents in extremely close proximity to the project site will be significantly impacted by both the six (or more) months of intense grading and blasting, and the industrial operations, and all of the attendant diesel emissions. An EIR is required, and it must study the whole of the project, not just the site grading.

Biological Resources

The study area contains multiple vegetation communities. The project site provides suitable native habitat that can support native wildlife species. Mammal species expected to pass through the site include mule deer, coyote, bobcat, and potentially mountain lion. The site is highly suitable for birds due to the presence of available habitat. The project site contains special-status biological resources, including sensitive vegetation communities, sensitive plant species, suitable habitat for sensitive wildlife species and nesting birds, and potentially jurisdictional drainages. Site preparation would begin with removal of all vegetation.

Cultural Resources

The cultural resources report, Appendix D, identifies 25 previously recorded cultural resources within a 1-mile radius of the project area. There are rich cultural resources in the area and a mass grading and industrial project would diminish them. The study states there would be “no impact” under Section 15064.5 because these resources are “outside of the project site footprint.” But Section 15064.5 states that a substantial adverse change in the significance of an historical resource includes the physical demolition or destruction of the resource or its immediate surroundings. The project will encroach on and substantially impact the many cultural resources in its immediate surroundings.

There is an onsite cultural resource that was first recorded in 1989, as a bedrock milling station (SDI-11441). The site was reported to consist of several features containing numerous slicks and at least two bedrock mortars. A rock alignment on one of the boulders was also suggested as a possible granary base. The site integrity was reported as good with relatively

no disturbance; although the area west of the site had recently been graded at the time of the site recording.

How far from the cultural resource site do they now propose to grade? Placing an industrial pad and industrial building next to this site is a significant impact to this resource and diminishes its context and setting.

This recorded onsite cultural resource site was likely used as a seasonal food-processing site, periodically occupied over a short time based on the number of slicks and the shallowness of the conical mortars. What is the estimated timeframe(s)/era when this historic milling station was in use?

The project area is situated within the Territory of the Luiseño people and within the Band's specific Area of Interest. The Rincon Band of Luiseño Indians has knowledge of a gathering area adjacent to the proposed project site.

The Viejas Band of Kumeyaay Indians determined that the project area has cultural significance or ties to the Kumeyaay Nation.

The mitigation measures acknowledge the “high cultural sensitivity of the Project,” but do nothing to prevent the permanent devaluation of land in the immediate surroundings of cultural resources. They just impose “best practices” to be followed while the devaluation (the grading and development) occurs. These are significant environmental impacts.

Geology and Soils

Potential “Ice-age” fossils are located onsite that could be disturbed during grading activities for the project, which represents a potentially significant impact (Impact GEO-2). The mitigation (MM-GEO-2) is deficient under CEQA. It is improper deferral of mitigation because it calls for the hiring of a qualified paleontologist at some later time. Under CEQA, the review of the project area to determine the potential for paleontological resources must take place before the City approves the project.

Greenhouse Gas Emissions

The GHG analysis “focuses on construction emissions” because “no development is proposed at this time, so there would not be any operational emissions.” This is piecemealing in violation of CEQA. There of course will be operational emissions. Those emissions must be fully evaluated before the City approves any portion of the project, including the six months of site grading.

Per the City’s CAP, new discretionary projects subject to CEQA review that emit fewer than 500 metric tons of carbon dioxide equivalent annually would not contribute considerably to cumulative climate change impacts. Even ignoring the operation of the industrial building(s), the initial study claims that the grading alone will cause 784.14 MT/year (but the numbers presented in Appendix B indicate the project will more likely emit 1,220 MT/year). Thus, the

project will contribute considerably to cumulative climate change impacts. The initial study tries to circumvent this fact by “amortizing” the emissions over 30 years per SCAQMD guidance. This is unfounded and misrepresents the true impacts of the grading. The SCAQMD “guidance” is only interim guidance, and it dates back to 2008, which means it is outdated. Worse yet, the so- called logic behind the guidance is that operational GHG reduction strategies can address construction GHG emissions, so it is fair to average the emissions over the life of the project. But this logic does not apply here because the environmental review has been piecemealed, so there is no operation of the project and no ability to impose operational GHG reductionstrategies. Therefore, averaging the GHG emissions from six months of intensive grading over the course of 30 years is improper. The grading portion of the project will thus exceed the CAP limit of 500 metric tons. This is an unmitigated significant impact and it requires the preparation of an EIR.

The Appendix F CAP checklist shows just how impactful the project will be. The checklist shows that 58,000 square feet of general light industrial would emit fewer than 500 MT CO₂e per year. Because the project here has been piecemealed/segmented, we don’t know the size of the ultimate industrial building(s) for the site. But, an “up to” 221,000 square foot building is being publicized for the site. This shows that the real project is expected to greatly exceed the 500 MT/year limit. This is a significant impact.

Because the project is not consistent with the CAP, it must prepare a comprehensive project-specific analysis of GHG emissions, including quantification of existing and projected GHG emissions and incorporation of the measures in the Checklist to the extent feasible. Of course the whole of the project must be included in this analysis.

Land Use and Planning

The site is apparently zoned for 13 smaller “light industrial” uses. It is not zoned to create a mega-warehouse and “diesel death zone” for the many residents living along Melrose Drive and beyond.

Light Industrial is defined as light manufacturing, processing, assembly, wholesale, office, and research and development laboratories, all within enclosed buildings with limited outdoor storage, in freestanding or campus-style industrial development. Supporting uses, such as office, limited retail, and business services, are also allowed.

Industrial is defined as manufacturing, assembly, processing, and distribution of goods. Warehousing and wholesale activities associated with industrial operations, and small-scale support retail, service commercial, and office uses may also be established. Allows outdoor storage as part of industrial operations and, in limited circumstances, without buildings on-site.

The up to 221,000 square foot “modern industrial” building being piecemeal planned for the site is an “Industrial” use and not a “Light Industrial” use. Therefore, the grading for the industrial pad conflicts with the City’s General Plan land use designation for the site. This is a significant environmental impact.

Noise

The project will create a temporary and permanent increase in ambient noise levels in the vicinity of the project in excess of applicable standards. This is a noise impact that requires an EIR.

There are several hundreds of multi-family homes along the segment of Melrose Drive from Rancho Santa Fe Road to San Elijo Road, including the Larkspur Heights/Calico Bluffs, Melrose Villas, Larkspur Creek, Laurel/Magnolia, and Dove Tail communities, and there are many other nearby homes in San Marcos and Carlsbad. Larkspur Heights/Calico Bluffs is immediately adjacent to the project site and Melrose Villas is essentially immediately across Melrose Drive from the site. The communities are within about 200-300 feet of Melrose Drive. Some are within 50 feet of Melrose Drive, including Melrose Villas and Larkspur Creek.

The City's traffic engineers estimate over 13,000 vehicles per day currently travel this stretch of Melrose Drive. The speed limit is posted at 40 MPH and the average 85th percentile speed is 48 MPH.

The many residents who live along this stretch of Melrose Drive already live with significant noise from traffic on Melrose Drive. This is a fact based on our lived experiences as residents along Melrose Drive. Even with household windows closed, traffic noise causes interference with our sleep, conversation, concentration, and television watching. Outdoor noise is of course that much more elevated.

Medical studies show that environmental noise is associated with heart attacks, cardiovascular disease, sleep disruptions and disturbance, stress, impaired cognitive performance, and other adverse impacts.

The City General Plan has a land use compatibility noise standard of 65 dBA CNEL for multi-family residences for traffic noise. Noise levels of 65 dBA are permitted for multi-family housing and housing in mixed-use contexts.

We used a factory calibrated VLIKE digital Sound Level Meter designed to measure the ambient sound level, such as sound level around residential and roads, to measure the sound levels around Melrose Drive. The sound level meter complies with IEC651 Type 2 and ANSI S1.4 Type 2. It has a measuring scope from 30 to 130 dB at an accuracy of +/- 1.5 dB. We used the A (not C) weighting mode to simulate the hearing characteristics of human ears. We used the "FAST" response rate selection to read real-time sound level. We did not utilize the MAX locking function for the maximum sound level. The anti-wind ball was installed on the microphone head.

At Larkspur Heights/Calico Bluffs, we took measurements on June 2, 2021 at 8:00am. Standing from private usable open space areas (such as yards, decks, and balconies) and common use usable open space areas (such as the swimming pool, patios, open landscaped areas, driveways), when pointing the Sound Level Meter to Melrose Drive, exterior ambient

noise levels ranged from 53.6 to 55.0 dBA when no vehicles were passing by on Melrose Drive. When vehicles passed on Melrose Drive, ambient noise levels ranged from 64.1 to 67.9 dBA at Larkspur Heights/Calico Bluffs.

At Larkspur Creek, we took measurements on June 2, 2021 at 8:20am. Standing from common use usable open space areas (such as the swimming pool, patios, open landscaped areas, driveways), when pointing the Sound Level Meter to Melrose Drive, exterior ambient noise levels ranged from 54.0 to 55.1 dBA when no vehicles were passing by on Melrose Drive. When vehicles passed on Melrose Drive, ambient noise levels ranged from 67.9 to 68.4 dBA at Larkspur Creek.

At the Melrose Villas Apartments, we took measurements on June 2, 2021 at 8:45am. Standing from common use usable open space areas (such as the swimming pool, patios, open landscaped areas, driveways), when pointing the Sound Level Meter to Melrose Drive, exterior ambient noise levels ranged from 53.9 to 54.6 dBA when no vehicles were passing by on Melrose Drive. When vehicles passed on Melrose Drive, ambient noise levels ranged from 67.8 to 69.2 dBA at the Melrose Villas Apartments.

Residents along this stretch of Melrose Drive are in at least the 65 dBA noise contour given the current noise impacts we experience. The General Plan notes that noise impacts start in the 60 dBA contour, and heavy traffic at 300 feet is typically expected to cause a 60 dBA noise level.

According to the General Plan, new construction or development in the 65 dBA contour should be undertaken only after a detailed noise analysis is conducted to determine if noise reduction measures are necessary to achieve acceptable levels for land use. The City must require a detailed noise analysis before any grading or industrial development is allowed.

The project will substantially increase ambient noise levels in the vicinity of the project in excess of the 65 dBA noise standard. The City General Plan shows that a diesel truck at 50 feet (50 mph) generates an 80 dBA noise level, the equivalent of a food blender at 3 feet. The project will cause 60 dirt hauling diesel trucks a day during the six months of grading.

Further, the eventual industrial building(s) on the site will permanently increase the ambient noise in excess of the 65 dBA standard. Apparently, an up to 221,000 square foot industrial warehouse is planned for the site, and 16.12 acres of the site would be graded for the industrial pad. According to the City's Transportation Impact Analysis Guidelines, industrial warehousing uses are expected to generate 5 trips per 1000 square feet or 60 trips per acre. The warehouse's square footage and acreage is therefore expected to generate about 1,036 vehicle trips (1,105 trips based on square footage and 967 trips based on acreage). Industrial/business park industrial uses (as opposed to warehousing) generate 16 trips per 1000 square feet or 200 trips per acre, which would mean the project would generate about 3,380 vehicle trips under this scenario. Thus, operation of the industrial project would permanently cause about 1,036 to 3,380 additional vehicle trips along Melrose Drive. This is an 8% to 26% increase over the 13,000+ vehicles currently traveling this stretch of Melrose

Drive. An 8% to 26% increase in traffic noise, where residents along Melrose Drive are already impacted by traffic noise, is a significant noise impact that requires an EIR.

Recreation

The project will decrease available recreation activities. This is a significant environmental effect under CEQA.

The aerial photo shows trails cut through the project site from the north east to the south east side of the site. The project is going to eliminate these trails.

The public has a constructive easement for these trails. We have been using these trails openly and continuously for over 10 years. The project will violate the constructive easement.

Additionally, the project will intersect a dirt path along the north side of Melrose Drive with a 40 foot wide industrial driveway. The driveway will then be clogged with diesel trucks throughout the grading and construction and operation of the industrial warehouse(s). This will disconnect the communities of Larkspur Heights & Calico Bluffs, Laurel/Magnolia, and others from the many interconnected trails in San Elijo hills and the surrounding area.

The recreation analysis is also deficient because it claims the project will not add residents to the City. This is not true because employees working at the site are expected to live in San Marcos.

Transportation

Per the City's Transportation Impact Analysis Guidelines: "A proposed project will result in a significant impact if it will conflict with or impact existing or proposed public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities."

The project will conflict with and impact the existing bicycle and pedestrian facilities along the north side of Melrose Drive. The project will also decrease the performance or safety of such facilities. These are significant impacts. The project's initial study notes there is an existing Class I Bikeway (Bike Path) on Melrose Drive adjacent to the project site. A Class I Bikeway is a bike path within an exclusive right-of-way physically separated from vehicular roadway and intended specifically for non-motoring use. The project will bisect this Class I Bikeway with a 40-foot wide industrial driveway, forcing bicyclists and pedestrians to fight with heavy diesel trucks to continue their use of the facilities. The emissions from the diesel trucks are incompatible with these public facilities because they are harmful to the health and safety of the pedestrians and bicyclists.

Additionally, many road bicyclists ride on this stretch of Melrose Drive each day and there are no bike lanes. The road is too narrow for bicyclists to share the road with vehicles. The project will add many heavy trucks to this roadway, during grading and permanently. This

will significantly impact the road bicycle facilities on this roadway and will cause a safety hazard.

An EIR studying the whole of the project (grading plus ultimate industrial use) is required.

Appendix 1 Historical and Current Use Zoning

Pursuant to the MND, Final Map number 12781 established the Diamond Street Development in the early 1990's, and was assigned a land use of Light Industrial (LI).

The DMND includes a fairly representative account of the project site and surrounding areas. The descriptions, however, do not take into account the fact that the site and surrounding parcels are open space and have been void of any development for at least the past fifteen years. In fact, the former quarry, in or around 2008, was restored to its natural habitat, returning the site as an environmental and significant asset to the city. Hiking and riding trails criss cross the terrain from the residential properties to the west of Diamond Street and continue up and through the San Elijo Hills community. The DMND only casually references these corridors of environmental significance and public enjoyment. The development of the Diamond Street industrial project will eliminate a critical component of that trail system.

While the historical and cultural significance of the Diamond Street property is likely noteworthy, the fact remains that significant development has taken place within the general vicinity of the project site.

Of critical concern, however, and not adequately discussed within the DMND, is as follows. When the Diamond Street project was initially approved and designated LI in the early 1990's, the surrounding parcels were also designated as LI. While, at the time, the existing land use designation was in conformity with the surrounding parcels which were also designated as LI. That LI designation is consistent with the La Costa Meadows industrial zone that borders Rancho Santa Fe Road to the west, Melrose Drive to the north, and San Elijo Road to the south.

At the time that the Diamond Street parcel was initially designated as LI, the properties immediately to the west (north of Melrose Dr and west to Rancho Santa Fe Road) were also designated as LI. It wasn't until some time after the Diamond Street parcels were designated LI that the parcels immediately to the west were re-zoned residential. The Diamond Street parcels, when initially approved, were consistent with existing land uses, as noted above. However, when the parcels to the west were rezoned residential, the nature of the prior planning process related to the Diamond Street project also changed. The DMND does not entertain that change in land use, and the significant impacts the Diamond Street project will have on the hundreds of residential properties immediately to the west of the project site.

Inasmuch as the DMND fails to acknowledge this significant land use change, it also glosses over significant environmental impacts to the residential properties adjacent to the proposed development. We contend that the land use change from LI to residential is significant in size and scope that a more in-depth environmental review and assessment take place, and that the MND should be reconsidered in this light.

As a result, we find that the DMND is flawed as it failed to recognize past land use changes and any project impacts to the residential properties to the west. Residential was never

anticipated at the time the project site was approved in the early 1990's and the DMND needs to address this significant omission to the environmental document and CEQA revi

Appendix 2 E-Commerce Mega-Warehouses, a Smog Source, Face New Pollution Rule

<https://www.nytimes.com/2021/05/08/climate/e-commerce-warehouse-smog-regulation.html>

A plan aimed at the nation's largest cluster of warehouses is designed to spur electrification of pollution-spewing diesel trucks and could set a template for restrictions elsewhere.

Southern California is home to the nation's largest concentration of warehouses — a hub of thousands of mammoth structures, served by belching diesel trucks, that help feed America's booming appetite for online shopping and also contribute to the worst air pollution in the country.

On Friday, hundreds of residents flocked to an online hearing to support a landmark rule that would force the warehouses to clean up their emissions. The new rule, affecting about 3,000 of the largest warehouses in the area used by Amazon and other retailers, requires operators to slash emissions from the trucks that serve the site or take other measures to improve air quality.

"I'm just tired of living with warehouses, trucks — driving down the Sierra, having trucks pull up, having to put down your windows," said Daniel Reyes, a resident and member of a group that has long sought changes like these. "I'm tired of seeing warehouses next to schools. I'm over it, man."

The rule, which was adopted late Friday by the South Coast Air Quality Management District's 13-member board in a 9-4 vote, sets a precedent for regulating the exploding e-commerce industry, which has grown even more during the pandemic and has led to a spectacular increase in warehouse construction.

Vast warehouse hubs have sprung up across the country, including in the Lehigh Valley in eastern Pennsylvania, as have sprawling installations in New Jersey, Dallas, Atlanta and Chicago.

The changes could also help spur a more rapid electrification of freight trucks, a significant step toward reducing emissions from transportation, the country's biggest source of planet-warming greenhouse gases. The emissions are a major contributor to smog-causing nitrogen oxides and diesel particulate matter pollution, which are linked to health problems including respiratory conditions.

"This isn't just something that's happening in California — these warehouses are proliferating across the country," said Adrian Martinez, a staff lawyer at Earthjustice, a nonprofit environmental law firm that supports the restrictions. "This could be a way for other states to also crack down on warehouse emissions."

The pollution has taken a particularly heavy toll in Southern California, which suffers from the nation's worst air quality. The heavy presence of industry in the region, combined with heat waves and wildfire smoke, helped make 2020 the smoggiest year in the region since the mid-1990s. Minority neighborhoods have been disproportionately affected.

And the industry is surging. Last year, Inland Empire, a region close to the Los-Angeles-Long Beach port where retailers and manufacturers offload billions of dollars in goods, added 23 million square feet of new warehouse construction, an area the equivalent of nearly 500 football fields.

“Where we live, these warehouses are popping up like Starbucks,” said Ivette Torres of the People’s Collective for Environmental Justice, a local nonprofit organization that has campaigned for warehouses to address their role in air pollution.

Operators of warehouses larger than 100,000 square feet (roughly two football fields) are required to earn points to make up for emissions from the trucks that come and go from the warehouses. Operators can earn these points by acquiring or using zero-emissions trucks or yard vehicles, or investing in other methods for reducing greenhouse gas emissions, for example, installing solar panels at the warehouses or having air filters installed in local homes, schools and hospitals. Or they could choose to pay a fee if not in compliance.

Many warehouses are far larger. One planned site involves 40 million square feet of industrial buildings, an area about the size of Central Park in New York.

Known as an “indirect source rule,” the effort is unusual because it largely targets emissions from the trucks that service warehouses, rather than the warehouses themselves. In the past, similar approaches have been made to address the heavy traffic drawn by sports stadiums or shopping malls.

According to estimates by the regulator, its plan will reduce nitrogen oxide emissions by up to 15 percent and result in up to 300 fewer deaths, up to 5,800 fewer asthma attacks, and up to 20,000 fewer work loss days between 2022 and 2031. The district estimated that public health benefits from its plan could be as much as \$2.7 billion, about three times the projected costs.

The region, which includes portions of Los Angeles, Riverside and San Bernardino Counties and all of Orange County, has a population of 18 million people — more than most states.

Last year, California also adopted a separate rule requiring more than half of all trucks sold in the state to be zero-emissions by 2035.

The regulations come on the heels of California’s new landmark rule requiring more than half of all trucks sold in the state to be zero-emissions by 2035. Philip Cheung for The New York Times

Several industries, including commercial real estate and trucking, have opposed Southern California’s plan to specifically target warehouses, saying the district is overstepping its legal authority, that the rule would add to the expense of doing business in the area and would cost jobs.

“The proposed increases would substantially increase the cost of all goods and services, including groceries,” the Commercial Real Estate Development Association, which represents developers nationwide, said in its letter on March 2 to regulators. Many warehouses don’t have control over the trucks that service them, the industry group wrote. And for some larger classes of freight trucks, fully electric versions are not yet available.

“As we emerge from the pandemic, the last thing we should be doing is threatening jobs,” said Paul Granillo, president of the Inland Empire Economic Partnership, a local chamber of commerce organization.

Supporters of the rule say that warehouse real estate values have surged in recent years, giving developers financial leeway to clean up their operations. According to the air district, about 40 percent of warehouse operators own their own trucks, and others contract directly with trucking companies, giving them control over the fleets that service them. Many new electric truck models are in the pipeline, which supporters say will give operators more environmental-friendly options to choose from. And if operators fall short, they can opt to comply through other means or pay a fee instead.

In its analysis, the air board said it expected “no warehouse relocation and minimal goods movement diversion” from the new rule.

Not all business interests are opposed. The Southern California Edison utility, electric truck makers, as well as some trade groups, spoke out in support.

“Not only will this protect the district, especially warehouse workers,” said Joe Sullivan of the National Electrical Contractors Association of Greater Los Angeles, “it will create projects that our contractors are eager to bid on, and build careers for skilled tradespeople.”

Large retailers like Amazon and Walmart — who have pledged to clean up the environmental effects of their supply chains, including electrifying their fleets — have largely stayed on the sidelines of the debate.

Walmart, which has committed to operate 100 percent zero-emission trucks by 2040, did not respond to a request for comment. Amazon said it was “committed to finding innovative solutions to reduce emissions.” The online retailer has pledged to be net zero carbon emissions across its business, also by 2040.

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