
**APPENDIX J COMMENT LETTERS ON THE 2021 DRAFT
SEIR**



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401
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FIFTH DISTRICT

November 17, 2021

Gena Guisar, Planner
City of Carson
Community Development Department
701 East Carson Street
Carson, CA 90745

Dear Ms. Guisar:

NOTICE OF AVAILABILITY OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, "THE DISTRICT AT SOUTH BAY SPECIFIC PLAN AMENDMENT," PROPOSES TO REPLACE THE GENERAL COMMERCIAL AND HOTEL USES THAT WERE PREVIOUSLY APPROVED UNDER THE 2018 SPECIFIC PLAN FOR 96 ACRES OF THE 157-ACRE SITE WITH LIGHT INDUSTRIAL USES, AND SEPARATE COMMERCIAL USES, TOGETHER WITH PRIVATELY MAINTAINED, PUBLICLY ACCESSIBLE OPEN SPACE AND COMMUNITY AMENITY AREAS DESCRIBED AND REFERRED TO IN THE 2021 SEIR AS THE CARSON COUNTRY MART, LOCATED AT 20400 SOUTH MAIN STREET, CARSON, FFER 2021011290

The Notice of Availability of a Supplemental Environmental Impact Report has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department.

The following are their comments:

LACoFD-1

PLANNING DIVISION:

We have no comments.

For any questions regarding this response, please contact Kien Chin, Planning Analyst, at (323) 881-2404 or Kien.Chin@fire.lacounty.gov.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

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AZUSA
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BELLFLOWER
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SOUTH GATE
TEMPLE CITY
VERNON
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

LACoFD-2

LAND DEVELOPMENT UNIT:

The development of this project must comply with all applicable code and ordinance requirements for construction, access, water main, fire flows, and fire hydrants.

This project does not propose construction of structures or any other improvements at this time. Therefore, until actual construction is proposed the project will not have a significant impact to the County of Los Angeles Fire Department's Land Development Unit.

Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department Land Development Unit's, Inspector Nancy Rodeheffer at (323) 890-4243.

LACoFD-3

FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:

The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.

Under the Los Angeles County Oak tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage or encroach into the protected zone of any tree of the Oak genus which is 25 inches or more in circumference (eight inches in diameter), as measured 4 1/2 feet above mean natural grade.

If Oak trees are known to exist in the proposed project area further field studies should be conducted to determine the presence of this species on the project site.

The County of Los Angeles Fire Department's Forestry Division has no further comments regarding this project.

For any questions regarding this response, please contact Forestry Assistant, Nicholas Alegria at (818) 890-5719.

LACoFD-4

HEALTH HAZARDOUS MATERIALS DIVISION:

The Health Hazardous Materials Division of the Los Angeles County Fire Department has no comments or requirements for the project at this time. The Cal-EPA Department of Toxic Substances Control is the regulatory environmental oversight agency on record for the project site.

Please contact HHMD senior typist-clerk, Perla Garcia at (323) 890-4035 or Perla.garcia@fire.lacounty.gov if you have any questions.

If you have any additional questions, please contact this office at (323) 890-4330.

Gena Guisar, Planner
November 17, 2021
Page 3

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ronald M. Durbin". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping tail.

RONALD M. DURBIN, CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

RMD:ac

DEPARTMENT OF TRANSPORTATION

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100 S. MAIN STREET, MS 16
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Making Conservation
a California Way of Life

December 7, 2021

Ms. Gena Guisar
City of Carson
Community Development Department
701 East Carson Street
Carson, CA 90745

RE: The District at South Bay Specific Plan
Amendment
Vic. LA-405/PM 11.25, LA-110/PM 7.00
SCH # 2005051059
GTS # LA-2017-03748AL-DSEIR

Dear Ms. Gena Guisar:

Caltrans-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The City of Carson will be considering an amendment to The District at South Bay Specific Plan adopted by the City and related improvements (2021 Project). Specifically, the 2021 Project would modify the scope of the 2018 Project to ultimately consist of approximately 2,312,390 square feet of light industrial, regional commercial, restaurant/cafe, neighborhood-serving commercial/retail, restaurants with a drive-thru component, and food & beverage kiosks, no more than 1,250 residential units, and 6.29 acres of passive/active open space/amenity areas. Overall, with these proposed modifications, the overall square footage is an increase to the square footage studied for the project in the 2006 EIR and 2018 SEIR. The 2006 EIR and 2018 SEIR both previously assessed the proposed remediation of the project site and the 2021 Project would continue to undertake remediation under the approved Remedial Action Plan.

Caltrans-2

As a reminder, the mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has been codified into CEQA law. It mandates that CEQA review of transportation impacts of proposed developments be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts. As a reminder, Vehicle Miles Traveled (VMT) is the standard transportation analysis metric in CEQA for land use projects after the July 1, 2020 statewide implementation date. You may reference The Governor’s Office of Planning and Research (OPR) website for more information.

<http://opr.ca.gov/ceqa/updates/guidelines/>

Caltrans-2
(cont.)

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Caltrans-3

Caltrans-4

Caltrans-5

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This development should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

The 2021 Project is expected to produce total VMT per service population greater than the VMT impact threshold, and thus results in a significant VMT impact. Mitigation measures were proposed to reduce total VMT per service population for the Project, but the measures are not expected to reduce total VMT per service population below the VMT impact threshold, and therefore a significant and unavoidable VMT impact would remain.

For the City’s consideration, we encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements.

For additional TDM options, please refer to the Federal Highway Administration’s *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). This reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

We concur that “*the site on which the 2021 Project would be developed is comprised of approximately 157 acres located southwest of the San Diego Freeway (I-405) and north of the Avalon Boulevard Interchange. The Project proposes to provide signalized vehicular ingress and egress at three primary locations: Street “B” & Del Amo Boulevard, Street “A” & I-405 Southbound Ramps/Avalon Boulevard, and Main Street & Street “A”.*”

Please be reminded that any work performed within the State right-of-way will require an Encroachment Permit from Caltrans if the improvement project is at State facility such as the signal improvement on I-405 Southbound ramps/Avalon Blvd. as mentioned above. Any modifications to State facilities must meet all mandatory design standard and specifications.

- ↑
- Caltrans-5
(cont.) | Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities without any storm water management plan.
- Caltrans-6 | Additionally, the project will generate heavy construction vehicles and worker personal vehicles during the construction period. Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods.
- Caltrans-7 | If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2017-03748AL-NOP.

Sincerely,

Miya Edmonson

MIYA EDMONSON
IGR/CEQA Branch Chief

email: State Clearinghouse



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

December 10, 2021

gguisar@carsonca.gov

Gena Guisar, Planner
City of Carson, Community Development Department
701 East Carson Street
Carson, California 90745

**Draft Supplemental Environmental Impact Report (SEIR) for the
Proposed District at South Bay Specific Plan Amendment Project (Proposed Project)
(SCH No.: 2005051059)**

SCAQMD-1

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Carson is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments on the Draft SEIR include recommended revisions to the CEQA air dispersion modeling parameters and the localized NO₂ air quality impact analysis, recommended revisions to two existing project design features and one mitigation measure, and a discussion of South Coast AQMD permits that the Lead Agency should include in the Final SEIR.

SCAQMD-2

Based on the Draft SEIR, the Proposed Project consists of construction and operation of 1,250 residential units, 745,300 square feet of commercial uses, 1,567,090 square feet of light industrial uses, and 273,906 square feet of park amenities/passive open space on a 157-acre site. The Proposed Project is located at 20400 South Main Street on the southeast corner of East Del Amo Boulevard and East Main Street within the City of Carson in the designated AB 617 Wilmington, Carson, West Long Beach community.

The Proposed Project site was formerly developed as a Class II Landfill site between 1959 through 1965 and received 6.2 million cubic yards of solid municipal waste and 7.8 million cubic yards of waste during operations. Since landfill closure, the site has undergone remediation activities under direction of two Remedial Action Plans (RAPs) prepared and approved by the Department of Toxic Substances Control (DTSC). The RAPs divided the 157-acre site into the Lower Operable Unit and the Upper Operable Unit, and each RAP was subject to separate CEQA clearance. As part of remediation efforts, Landfill Gas Control and Collection System components have been installed onsite, and additional components such as horizontal and vertical collector wells and piping will be installed in the future.

The Lead Agency has previously prepared several CEQA documents for the Proposed Project since 2006. The original 2006 Final EIR analyzed construction and operation of 1,995,125 square feet of commercial uses and 1,550 residential units¹. The Proposed Project was revised in 2018 to include construction and operation of 1,601,500 square feet of commercial uses, 1,250 residential units, and 350 hotel rooms. The City of Carson prepared a Final SEIR (also referred

¹ Draft SEIR. Page II-8 to II-11.

SCAQMD-2
(cont.)

to as the 2018 Final SEIR) to analyze these changes² and certified it before approving the changes (referred to as the approved Project). The approved Project and the Proposed Project presented in this 2021 Draft SEIR remain unchanged in Planning Area (PA) 1 and PA 2; however, the Proposed Project analyzed in this 2021 Draft SEIR replaces the commercial uses in the approved Project with 1,567,090 square feet of light industrial uses and park amenities/passive open space³.

Construction of the Proposed Project is anticipated to occur in nine phases over three planning areas (PA 1, PA 2, and PA 3) and will begin in 2022. Beginning in 2024, PA 3 will be fully operational; PA 2 will follow in 2025; and PA 1 will be the last to be operational by 2026⁴. Construction within each PA will consist of remediation and relocation of landfill trash with backfilling, as required⁵. The Proposed Project will include 24 project design features for air quality. These features include requiring the use of Tier 4 construction equipment, or zero-emissions equipment where available, and 2014 or newer diesel fueled on-road heavy-duty haul trucks during construction activities, among others. During operations, project design features include a leasing preference to tenants with facility-owned and operated fleets that are alternative-fueled or zero-emissions, and a requirement that all owned or contracted fleets must meet or exceed 2014 model-year emissions standards, among others⁶. Once operational, the Proposed Project is anticipated to generate 42,791 trip-ends per day, 1,418 of which would be made by light-, medium-, and heavy-heavy-duty trucks traveling to and from PA 2 and PA 3⁷. Although the tenant for the Proposed Project is unknown, the Proposed Project may include up to 76,379 square feet of refrigerated logistics uses; therefore, 39 trucks are anticipated to include transportation refrigeration units (TRUs)⁸. However, only trucks with electric TRUs will be permitted to operate within the light industrial portion of PA 3, therefore only seven of the 39 trucks were analyzed as using a diesel-fueled TRU in the Draft SEIR⁹. Based on the Draft SEIR, existing off-site sensitive receptors are located to the south and west of the Project site, directly adjacent to the Proposed Project¹⁰.

SCAQMD-3

Based on a review of the Draft SEIR and supporting technical documents, South Coast AQMD staff has five main comments. A summary of these comments is provided as follows with additional details provided in the attachment.

SCAQMD-4

1. CEQA Air Dispersion Modeling Parameters: The air dispersion modeling performed in the Draft SEIR represented all heavy-duty trucks idling as discrete point sources and utilized hour-of-day variable emissions for stationary and mobile sources. South Coast AQMD staff recommends the Lead Agency use volume sources in the air dispersion model to represent heavy-duty truck idling and adjust the hour-of-day variable emission scalar such that a

² *Ibid.*

³ *Ibid.* Page II-15.

⁴ *Ibid.* Page IV.D-25.

⁵ *Ibid.* Page II-45.

⁶ *Ibid.* Pages IV.D-38 to IV.D-43.

⁷ *Ibid.* Page IV.E-14.

⁸ *Ibid.* Pages IV.D-31 to IV.D-32.

⁹ *Ibid.*

¹⁰ Draft SEIR. Page IV.D-7.

SCAQMD-4
(cont.)

complete emission inventory for annual concentrations, which will then be used in HARP2 to calculate cancer risks, is modeled in the Final SEIR.

SCAQMD-5

2. CEQA Air Quality Impact Analysis – Localized NO2 Impacts Analysis: The Lead Agency analyzed the Proposed Project’s localized NO2 impacts by modeling the Project’s own NO2 concentrations and adding the peak concentration to a three-year average background NO2 concentration. The Lead Agency should use the peak observed NO2 background concentration over a three-year period instead of an averaged three-year background concentration to calculate the Proposed Project’s NO2 concentrations in the Final SEIR.

SCAQMD-6

3. Recommended Revisions to Existing Project Design Features (PDFs): The Lead Agency requires the use of clean off-road construction equipment if commercially available (2021 SEIR PDF-C1). Additional information on how commercial availability will be determined should be provided in the Final SEIR. Additionally, the Lead Agency should expand the requirement for using alternative-fueled and zero-emissions trucks during operation to all trucks accessing the Proposed Project, not limited to those trucks that are owned or contracted by warehouse tenants (2021 SEIR PDF-O16).

SCAQMD-7

4. Recommended Revisions to Existing Mitigation Measure (MM) G-7: The Lead Agency will require implementation of MM G-7 to reduce significant VOC emissions from architectural coatings to 74.9 pounds per day (lbs/day) by requiring either the use of low VOC content architectural coatings or no overlapping architectural coating phases. South Coast AQMD staff recommends the Lead Agency strengthen MM G-7 to include both requirements in the Final SEIR.

SCAQMD-8

5. Responsible Agency and South Coast AQMD Permits: Since the Proposed Project will require the use of six new stationary source emergency generators, permit(s) from South Coast AQMD will be required. Additionally, due to ongoing remediation efforts that involve landfill excavation and landfill gas management, implementation of the Proposed Project may require additional permit(s) or plan approvals from South Coast AQMD. Therefore, the Lead Agency should identify South Coast AQMD as a CEQA Responsible Agency for the Proposed Project in the Final SEIR and consult early with South Coast AQMD Engineering and Permitting.

SCAQMD-9

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Air Quality Specialist, at amullins@aqmd.gov, should you have any questions or wish to discuss the comments.

Sincerely,

Lijin Sun

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
LS:AM
LAC211102-02
Control Number

ATTACHMENT

SCAQMD-10

South Coast AQMD Staff's Summary of Air Quality Analysis and Health Risk Assessment in the Draft SEIR

In the Air Quality Analysis Section of the Draft SEIR, the Lead Agency quantified the Proposed Project's maximum daily construction and operational emissions and compared them to the respective South Coast AQMD's recommended regional and localized CEQA air quality significance thresholds. Additionally, the analysis was also compared against the air quality impact findings from the 2018 Final SEIR to determine if the 2021 Draft SEIR would result in new impacts or those that were more severe than those found in the 2018 Final SEIR.

Construction emissions in this Draft SEIR included emissions from landfill excavation, hauling due to trash relocation, and up to 450,000 cubic yards of soil import activities¹¹. Additionally, both the construction and operational impacts analysis accounted for emission reductions associated with implementation of 24 project design features (PDFs). PDFs for construction include, but are not limited to, the following: requirements for construction equipment to meet Tier 4 standards or Tier 3 standards at minimum with zero-emissions equipment to be incorporated as available; mobile off-road construction equipment less than 50 horsepower to be electric; idling restrictions of 2 minutes per occurrence; and on-road diesel fueled haul trucks to be model year 2014 or greater. For operation, PDFs include, but are not limited trip demand measures; electric landscaping equipment; minimum of 251 parking spaces be equipped with electric vehicle charging; electric on-site cargo handling equipment; electric plugs for TRUs and restrictions for diesel TRUs in PA 3; leasing preference to facility-owned and operated fleets that are alternative or zero emission; requirements for all owned or contracted fleets to meet or exceed 2014 model year emission standards; and lastly, tenants must ensure that all 75 percent of trucks model year 2021 and newer will be zero- or near-zero emissions by 2035 and 100 percent by 2040.

SCAQMD-11

Based on the analysis, the Lead Agency found that construction of the Proposed Project would result in 113 pounds per day (lbs/day) of VOC emissions¹², which is above South Coast AQMD's CEQA significance threshold for regional construction VOC emissions at 75 lbs/day. Mitigation Measure (MM) G-7 would require the use of low VOC content architectural coatings or require a restriction on overlapping architectural coating activities between PA 1 and PA 2. With implementation of this mitigation measures, regional construction VOC emissions were reduced to less than significant between 64 lbs/day to 74.9 lbs/day, depending on which portion of MM G-7 is selected¹³.

SCAQMD-12

The Lead Agency also found that that the Proposed Project's regional operational air quality impacts would be significant for VOC, NOx, CO, PM10, and PM2.5¹⁴. Implementation of MMs G-12 to G-13, G-15 to G-21, G-25, G-29, and C-18 would require various emission reduction measures such as energy efficient lighting; delivery schedules that avoid overlap or peak hours; priority parking for clean air vehicles; implementation of a transportation demand management

¹¹ Draft SEIR. Appendix D 1 Assumptions and 2 Air Quality Calculations.

¹² *Ibid.* Table IV.D-6, Page IV.D-51.

¹³ *Ibid.* Page IV.D-78.

¹⁴ *Ibid.* Table IV.D-7, Page IV.D-52.

SCAQMD-12
(cont.)

program. However, the Lead Agency found that operation of the Proposed Project would still result in significant and unavoidable air quality impacts for VOC, NOx, CO, PM10, and PM2.5¹⁵. The Lead Agency also quantified air quality impacts from overlapping construction and operation activities and compared the overlapping emissions to South Coast AQMD's recommended air quality CEQA significance threshold for operation. Based on the analysis, the Lead Agency found that overlapping activities would result in significant and unavoidable air quality impacts for VOC, NOx, CO, PM10, and PM2.5¹⁶.

SCAQMD-13

In the Draft SEIR, the Lead Agency quantified the Proposed Project's localized construction and operational emissions and compared them to the applicable South Coast AQMD's localized significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's localized construction and operational air quality impacts would be less than significant¹⁷.

SCAQMD-14

Additionally, the Lead Agency calculated cancer risks from Proposed Project's construction and operational activities and took into consideration the cancer risk to the on-site residential receptors being developed in PA 1 of the Proposed Project for informational purposes only. Based on the analysis, the Lead Agency found that the cancer inhalation risk from construction activities would be 4.41 in one million; cancer inhalation risk from operation would be 1.1 in one million¹⁸. Both construction and operational cancer risks were found to be below South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk¹⁹. Finally, the Lead Agency discussed South Coast AQMD Rules 2305 and 316 in the Draft SEIR²⁰.

SCAQMD-15

South Coast AQMD staff's detailed comments on the Draft SEIR are provided as follows.

1. CEQA Air Dispersion Modeling Parameters

Based on a review of the air dispersion modeling performed using AERMOD, South Coast AQMD staff has the following comments regarding the modeling parameters.

a) Truck Idling Modeled as Point Sources

South Coast AQMD staff found that the Lead Agency modeled truck idling as discrete point sources in various locations within the Proposed Project site. The Proposed Project will have 1,418 daily truck trips. Due to the nature of warehousing and commercial operations, it is reasonably foreseeable that truck idling may occur across the entire Proposed Project site including ingress or egress from the site, and not limited to discrete locations modeled in AERMOD. Additionally, modeling point sources in AERMOD requires specific information about a source's stack, such as the temperature, velocity, and flow rate exiting the stack and the stack's diameter. It is reasonably foreseeable that the Proposed Project will service a diverse truck fleet with different engines and exhaust systems, and that not every truck will have stack

¹⁵ *Ibid.* Page IV.D-73.

¹⁶ *Ibid.* Page IV.D-54.

¹⁷ *Ibid.* Pages IV.D-55 to IV.D-62.

¹⁸ *Ibid.* Page IV.D-64.

¹⁹ South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk is based on the most current methodology recommended by the California Office of Environmental Health Hazard assessment.

²⁰ Draft SEIR. Pages IV.G-13 to IV.G-14.

SCAQMD-15
(cont.)

parameters similar to the ones used in the modeling. Therefore, South Coast AQMD staff recommends that the Lead Agency use a series of volume sources to account for onsite truck idling. Alternatively, the Lead Agency can provide additional information to justify that modeling truck idling as discrete point across the Proposed Project site is appropriate. When modeling idling emissions from a truck with cargo container as a point source, it is important to note that the cargo container has a downwash effect on the plume released from nearby stacks such that wind flowing over or around the container creates a cavity of recirculating winds in the area near the container, and the cavity causes increased vertical dispersion of plumes emitted from stacks on or near the container. Therefore, the building downwash parameters should be used in AERMOD.

SCAQMD-16

b) Use of Hour-of-Day Variable Emissions

The Lead Agency modeled multiple stationary and mobile sources using the hour-of-day variable emission factor option in AERMOD to account for the sources' non-continuous operations. The stationary and mobile sources were assumed to operate for only 16 hours per day²¹. The resulting concentrations were then used to calculate construction and operational cancer risks using HARP2. However, in doing so, the Lead Agency did not properly account for concentrations from non-continuous operations. According to the HARP2 User Guide, in order to maintain a consistent emission inventory when the hour of day option is selected, annual emissions are required to sum to 31,536 kg/yr (i.e. $31,536 \text{ kg/yr} = 1 \text{ g/s} * 3600 \text{ s/hr} * 8760 \text{ hr/yr}$)²². Because of this requirement, hourly emissions should be adjusted accordingly when using variable emissions. For example, if the stationary sources will only operate for 16 hours a day, then an adjustment to the variable emission scalar is needed and should be 1.5 (i.e. $1.5 \text{ g/s} * 3600 \text{ s/hr} * 5,840 \text{ hr/yr} = 31,536 \text{ kg/yr}$).

SCAQMD-17

2. CEQA Air Quality Impacts Analysis – Localized NO₂ Impacts Analysis

In the Draft SEIR, the Lead Agency analyzed the Proposed Project's localized NO₂ impacts by modeling the Proposed Project's own NO₂ concentrations in AERMOD and adding the resulting maximum concentration from the Proposed Project itself to a three-year average background concentration²³. Based on this analysis, the Lead Agency found that localized NO₂ impacts would be less than significant. The Lead Agency's use of a three-year average background concentration is not appropriate. As discussed in the South Coast AQMD's Final Localized Significance Threshold Methodology, when determining whether or not construction activities would create a significant adverse localized air quality impacts, the observed peak concentrations for a three-year period should be utilized²⁴. Therefore, South Coast AQMD staff recommends the Lead Agency revise the localized NO₂ impacts analysis to identify the peak background NO₂ concentration observed over the last three years of available monitoring data (not a three-year average NO₂ background concentration) and add that concentration to the Proposed Project's own peak NO₂ concentration for comparison to the NAAQS and CAAQS.

²¹ Draft SEIR. Appendix D. 5d.iii.

²² User Manual for HARP2. Pages 31 to 32. Accessed at:

<https://ww2.arb.ca.gov/sites/default/files/classic/toxics/harp/docs2/harp2admrtuserguide.pdf>.

²³ Draft SEIR. Appendix D. The District at South Bay LST - Monitoring Data. PDF page 110.

²⁴ South Coast AQMD Final Localized Significance Threshold Methodology. Accessed at:

<http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf>.

SCAQMD-18

3. Recommended Revisions to Existing Project Design Features (PDFs)

a) *2021 SEIR PDF-C1*

2021 SEIR PDF-C1 requires that during construction, all off-road equipment meet Tier 4 Final emission standards, with a minimum requirement to meet Tier 3 standards if Tier 4 is not commercially available when construction begins. Additionally, the PDF requires that zero-emission construction equipment be incorporated when commercially available. South Coast AQMD staff recommends that the Lead Agency provide additional information on how “availability” will be defined and determined in the Final SEIR. The recommended information would establish a clear set of standards and criteria for assessing the commercial availability and feasibility of using both Tier 4 Final and zero-emission construction equipment, provide public transparency in the Lead Agency’s decision-making regarding Tier 4 Final and zero-emission construction equipment, demonstrate a commitment by the Lead Agency to using Tier 4 Final and zero-emission construction equipment, ensure implementation of Tier 4 Final and zero-emission construction equipment when it is available, strengthen the Proposed Project’s mitigation monitoring and reporting program, and facilitate the purpose and goal of CEQA on public disclosure.

SCAQMD-19

b) *2021 SEIR PDF-O16*

2021 SEIR PDF-O16 requires 1) for the industrial uses within PA 3, a leasing preference will be given to prospective tenants that have facility-owned and operated fleets that are alternative or zero-emissions; 2) all owned and contracted fleets shall meet or exceed the 2014 model-year emissions equivalent engine standards; 3) light industrial tenants will ensure that all truck models 2021 and newer are 75 percent zero-emissions or near-zero emissions by 2035 and 100 percent zero-emissions or near-zero emissions by 2040; and 4) all operators are to maintain records demonstrating compliance with these requirements and make the records available for inspection purposes. Since the Proposed Project will have different tenants/owners and operators and to further reduce the Proposed Project’s significant and unavoidable NOx emissions during operation, South Coast AQMD staff recommends that the Lead Agency strengthen the PDF as follows to require the use of alternative-fueled and zero-emissions trucks during operation by all trucks accessing the Proposed Project, not limited to those trucks that are owned or contracted by warehouse tenants. This recommendation would support and facilitate implementation of South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule.

2021 SEIR PDF-O16: For the uses within PA 3(a), leasing preference shall be given to prospective tenants with facility-owned and operated fleet that is alternative/zero-emissions. At a minimum, warehouse tenants/owners and/or operators shall ensure that all truck fleets accessing the Proposed Project’s industrial uses ~~All owned and contracted fleets~~ shall meet or exceed the 2014 model-year emissions equivalent engine standards as currently define in the California Code of Regulations title 13, Division 3, Chapter 1, Article 4.5. Section 2025. Light Industrial tenants shall ensure that of all trucks of model year 2021 and newer 75 percent will be zero- or near-zero-emission vehicles by 20235, and 100 percent zero- or near-zero-emission vehicles by 2040. Facility operators shall maintain records on site

SCAQMD-19
(cont.)

demonstrating compliance with this requirement and shall make records a viable to inspection by local jurisdiction, air districts, and the State upon request.

SCAQMD-20

4. Recommended Revisions to Existing Mitigation Measure (MM) G-7

In the Draft SEIR, the Lead Agency found that the Proposed Project would result in 64 lbs/day to 74.9 lbs/day of VOC emissions after implementation of MM G-7, which offers two mutually exclusive options to reduce VOC emissions from architectural coating during construction. These options require that either the construction contractor ensure that architectural coatings have either low or no VOC content, or that architectural coating activities between PA 1 and PA 2 do not overlap. Since it is not known at this time what option within MM G-7 will be utilized, VOC emissions from construction may be 74.9 lbs/day, which is just slightly below South Coast AQMD's recommended CEQA significance threshold for VOC emissions during construction at 75 lbs/day. CEQA requires that the Lead Agency consider all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse impacts. Therefore, South Coast AQMD staff recommends that the Lead Agency revise MM G-7 as follows to require both options be utilized to further reduce VOC emissions during construction:

Mitigation Measure G-7: To reduce VOC emissions associated with construction activities, the contractor for PA 1 shall ensure that VOC emissions from architectural coating activities have low/no VOC content ~~or~~ and ensure that architectural coating activities for PA 1 do not occur at the same time as architectural coating activities for PA 2.

SCAQMD-21

5. Responsible Agency and South Coast AQMD Permits

The Draft SEIR contemplates the use of six new stationary source emergency generators to be installed and operated within the industrial area of the Proposed Project. Since implementation of the Proposed Project requires the use of stationary equipment, including but may not be limited to, emergency generator(s), permits from South Coast AQMD are required. Additionally, due to the site's historical usage as a former landfill and due to the ongoing remediation efforts, including landfill excavation and waste relocation, implementation of the Proposed Project may require additional permits or landfill excavation plans to be approved by South Coast AQMD. Therefore, South Coast AQMD staff recommends the Lead Agency consult with South Coast AQMD Engineering and Permitting to identify additional South Coast AQMD rules and regulations that the Proposed Project may be subject to. The Final SEIR should include a list of stationary equipment that will require South Coast AQMD permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project. Any assumptions used in the Final SEIR will be used as the basis for permit conditions and limits for the Proposed Project. The 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology is being used by South Coast AQMD for determining operational health risks for permitting applications and also for all CEQA projects where South Coast AQMD is the Lead Agency. Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions on permits. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

SCAQMD-22

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final SEIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, if the Lead Agency makes the findings that the recommended revisions to existing 2021 SEIR PDF-C1, 2021 SEIR PDF-O16, and MM G-7 are not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting them in the Final SEIR (CEQA Guidelines Section 15091).



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
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GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



SENT BY EMAIL ONLY

December 13, 2021

Ms. Gena Guisar
 City of Carson
 701 East Carson Street
 Carson, CA 90745
gguisar@carsonca.gov

Subject: Supplemental Environmental Impact Report for The District at South Bay Specific Plan Amendment, SCH #2005051059, City of Carson, Los Angeles County

Dear Ms. Guisar:

CDFW-1

The California Department of Fish and Wildlife (CDFW) has reviewed the Supplemental Environmental Impact Report (SEIR) from the City of Carson (City; Lead Agency) for The District at South Bay Specific Plan Amendment (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish



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December 13, 2021
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CDFW-1
(cont.)

& G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

CDFW-2

Project Description and Summary

Objective: The Project includes the adoption and implementation of the District at South Bay Specific Plan Amendment (2021 Specific Plan Amendment). Under the 2021 Specific Plan Amendment, the Project would retain the wide range of land uses included in The District at South Bay Specific Plan that was approved by the City in 2018 (2018 Specific Plan). The Project does not propose any changes to the residential or regional commercial uses previously approved under the 2018 Specific Plan for 61 acres of the 157-acre site (i.e., Planning Areas 1 and 2). Instead, the Project proposes to replace the general commercial and hotel uses that were previously approved under the 2018 Specific Plan (within Planning Area 3) with light industrial uses, and separate commercial uses. This will be included with privately maintained, publicly accessible open space and community amenity areas. Specifically, in Planning Area 3, the Project will replace the previously approved general commercial uses under the 2018 Specific Plan with a maximum of 1,567,090 square feet (sf) of light industrial development and supportive office uses and the Carson Country Mart. The Carson Country Mart will consist of passive and active uses including a dog park, botanic garden, children’s play area, plaza areas, garden terrace, flexible event/social lawn, performance pavilion, beer garden, water feature, sculpture garden, bioretention garden, games terrace, and pedestrian and bicycle pathways. Ultimately, the Carson Country Mart will include up to 10,000 sf of commercial/retail uses, 12,600 sf of restaurants (with drive-through capability), a 2,200 sf walk-up cafe adjacent to the dog park and event lawn, and 9,000 sf of food and beverage kiosks.

Location: The 157-acre site is generally located at 20400 South Main Street in the City of Carson, approximately 17 miles south of downtown Los Angeles and approximately 6.5 miles east of the Pacific Ocean. The Project site is located in the South Bay area of Los Angeles County. It is located west of the San Diego Freeway (Interstate 405 [I-405] Freeway), south of Del Amo Boulevard, and north of the Avalon Boulevard interchange with the I-405 Freeway.

CDFW-3

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project’s significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project’s CEQA mitigation, monitoring, and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

CDFW-4

Specific Comments

Comment #1: Impacts to Wading Bird Habitat

Issue: The Project will remove water retention/detention basins on site that are often utilized by wading birds, ducks, and shorebirds.

Specific impacts: The SEIR states, “avian species are attracted to the surface water and wet soil conditions associated with the basins on site, including mallard (*Anas platyrhynchos*), ruddy

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CDFW-4
(cont.)

duck (*Oxyura jamaicensis*), American avocet (*Recurvirostra americana*), and black necked stilt (*Himantopus mexicanus*)." There will be a loss of foraging habitat for a variety of avian species in the vicinity.

Why impacts would occur: The Project site will be entirely graded and redeveloped, and the multiple retention/detention basins on site will be completely removed. The variety of birds that currently utilize this site will no longer have the ability to forage. This will force individuals to the surrounding area, which lowers the carrying capacity of the surrounding habitat by putting more pressure on the resources available to the individuals currently occupying these areas.

Evidence impacts would be significant: The Project may have an adverse effect on avian species that utilize the site for foraging activities. In addition, the forced movement of individuals to surrounding areas lowers the carrying capacity of the surrounding habitat by putting more pressure on the resources available to the individuals currently occupying these areas. The Project will modify the habitat, resulting in a net loss of what is already little habitat available.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: Due to the loss of functional foraging habitat, CDFW recommends mitigating this loss at a 1:1 ratio on site. These on-site areas should provide foraging habitat for wading birds and include requisite elements for wading birds, such as snags, shade, native wetland vegetation, and other vegetation beneficial to birds and insects.

CDFW-5

Additional Recommendations

Coyotes: The SEIR states, "During surveys conducted in both 2020 and 2021, a family group of coyotes (*Canis latrans*) were observed and at least one den was noted near the north end of the Project Site." In order to prevent potential interaction during construction activities with coyotes known to be on site, CDFW recommends the following.

1. Outside of breeding and pupping season, sound or visual stimuli should be utilized to keep coyotes away from the den area.
2. Once it is confirmed that coyotes have left the den, it may be necessary for exclusionary fencing to be constructed that discourages coyotes from returning to the site during construction activities. Such a fence may have the following design characteristics.
 - a. Fence height should be a minimum of 5-1/2 feet and should be built higher on sloping terrain.
 - b. Net wire-mesh should be no larger than 6 inches between stays.
 - c. To deter digging under, bury a galvanized wire-mesh apron, attached securely to the bottom of the fence, 4 to 6 inches below the soil and extending outward at least 15 inches.
3. An extra degree of protection against coyotes scaling a fence can be obtained by installing a wire-mesh overhang of at least 18 inches, slanted outward, or roller-type devices designed to be attached to the top of a fence, which prevent coyotes from getting a foothold in their attempts to climb or jump over (Timm 2007).
4. Maintain fencing on site until the den area is graded.

CDFW-6

Ephemeral Ditch: Figure IV F-1 Biological Observations on the Project Site indicates a lined ephemeral ditch on the southeast corner of the Project area. From the information provided by the SEIR and aerial photography, it is unclear where this ditch flows and if there is any potential connectivity at this time with the Carson Lateral. If there is connectivity, Project activities may be

Gena Guisar
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CDFW-6
(cont.)

subject to notification pursuant to Fish and Game Code section 1600 *et seq.* CDFW recommends the SEIR clarify where this ephemeral ditch flows and whether there is any connectivity with other streams (i.e., the Carson Lateral).

CDFW-7

Nesting Birds. CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying Mitigation Measure K-1 by including the underlined language and excluding the ~~strikethrough~~ as follows:

Impacts to nesting birds would be avoided by conducting all construction activities outside of the bird nesting season (i.e., from September 4 15 to February 14 for most birds, from July 1 to January 44 1 for raptors). However, if construction activities must occur during the nesting season, the following measures shall apply:

A. Prior to work during the bird nesting season (February 15 to ~~August 31~~ September 15 for most birds, January 4~~5~~ 1 to June 31 for raptors), a qualified biologist shall conduct a pre-construction survey of all suitable habitat for the presence of nesting birds no more than 7 days prior to construction activities, including any ground-disturbing activities (e.g., staging, mobilization, grading), as well as prior to any vegetation removal within the Project site. The results of the pre-construction survey shall be valid for 7 days; if vegetation removal activities do not commence within 7 days following the survey or if activities cease for more than 7 consecutive days, a new pre-construction nesting bird survey shall be conducted before construction resumes.

It should be noted that the temporary halt of project activities within nesting buffers during nesting season does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss. Additional mitigation would be necessary to compensate for the removal of nesting habitat within the project site based on acreage of impact and vegetation composition. Mitigation ratios should increase with the occurrence of an SSC and should further increase with the occurrence of a CESA-listed species.

CDFW-8

Rodenticides. CDFW recommends the SEIR prevent the use of second-generation anticoagulant rodenticides on all future housing development associated with the Project.

CDFW-9

Data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database [i.e., California Natural Diversity Database (CNDDDB)] which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, CDFW recommends that the subsequent CEQA documents include measures where lead agencies of individual projects report any special status species detected during preparation of project-level environmental impact analyses/environmental documents. Special status species information should be submitted to the CNDDDB by completing the [Online Field Survey Form](#) (CDFW 2021). The lead agency should ensure all pertinent data has been properly submitted, with all applicable data fields filled out, prior to finalizing/adopting an environmental document.

CDFW-10

Mitigation and Monitoring Reporting Plan. CDFW recommends the City update the Project's environmental document to include mitigation measures recommended in this letter. CDFW provides comments to assist project proponents in developing mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The

Gena Guisar
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CDFW-10
(cont.)

City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A).

CDFW-11

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CDFW-12

Conclusion

We appreciate the opportunity to comment on the Project to assist the City of Carson in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at (562) 292-8105 or by email at Felicia.Silva@wildlife.ca.gov.

Sincerely,

DocuSigned by:


B6E58CFE24724F5...
Erinn Wilson-Olgin
Environmental Program Manager I

ec: CDFW

Erinn Wilson-Olgin – Erinn.Wilson-Olgin@wildlife.ca.gov
Victoria Tang – Los Alamitos – Victoria.Tang@wildlife.ca.gov
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Cindy Hailey – San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator – Sacramento – CEQACommentLetters@wildlife.ca.gov

State Clearinghouse - state.clearinghouse@opr.ca.gov

CDFW-13

References:

[CDFW] California Department of Fish and Wildlife. 2021. Submitting Data to the CNDDDB. Available from: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>

[CDFW] California Department of Fish and Wildlife. 2020. Natural Communities. Accessed at: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

R. M. Timm, UC Research & Extension Center, Hopland; C. C. Coolahan, USDA-APHIS Wildlife Services, Sacramento, CA.; R. O. Baker, emeritus, CA State Polytechnic Univ.-Pomona; and S. F. Beckerman, USDA-APHIS Wildlife Services, Springfield, IL. Produced by IPM Education and

Gena Guisar
December 13, 2021
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<http://ipm.ucanr.edu/PMG/PESTNOTES/pn74135.html>



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CDFW-13

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project.

Biological Resources (BIO)			
	Mitigation Measure (MM) or Recommendation (REC)	Timing	Responsible Party
MM-BIO-1-Wading Birds	Due to the loss of functional foraging habitat, the City shall mitigate this loss at a 1:1 ratio on-site. These on-site areas shall provide foraging habitat for wading birds and include requisite elements for wading birds, such as snags, shade, native wetland vegetation, and other vegetation beneficial to birds and insects.	Prior to project ground-disturbing activities	Lead Agency/Project proponent
REC-1-Coyotes	<p>The SEIR states, "During surveys conducted in both 2020 and 2021, a family group of coyotes (<i>Canis latrans</i>) were observed and at least one den was noted near the north end of the Project Site." In order to prevent potential interaction during construction activities with coyotes known to be on site, CDFW recommends the following.</p> <ol style="list-style-type: none"> 1. Outside of breeding and pupping season, sound or visual stimuli should be utilized to keep coyotes away from the den area. 2. Once it is confirmed that coyotes have left the den, it may be necessary for exclusionary fencing to be constructed that discourages coyotes from returning to the site during construction activities. Such a fence may have the following design characteristics. <ol style="list-style-type: none"> a. Fence height should be a minimum of 5-1/2 feet and should be built higher on sloping terrain. b. Net wire-mesh should be no larger than 6 inches between stays. c. To deter digging under, bury a galvanized wire- 	Prior to project ground-disturbing activities	Lead Agency/Project proponent



Gena Guisar
 December 13, 2021
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 (cont.)

	<p>mesh apron, attached securely to the bottom of the fence, 4 to 6 inches below the soil and extending outward at least 15 inches.</p> <p>3. An extra degree of protection against coyotes scaling a fence can be obtained by installing a wire-mesh overhang of at least 18 inches, slanted outward, or roller-type devices designed to be attached to the top of a fence, which prevent coyotes from getting a foothold in their attempts to climb or jump over (Timm 2007).</p> <p>4. Maintain fencing on site until the den area is graded.</p>		
REC-2- Ephemeral Ditch	<p>Figure IV F-1 Biological Observations on the Project Site indicates a lined ephemeral ditch on the southeast corner of the Project area. From the information provided by the SEIR and aerial photography, it is unclear where this ditch flows and if there is any potential connectivity at this time with the Carson Lateral. If there is connectivity, Project activities may be subject to notification pursuant to Fish and Game Code section 1600 <i>et seq.</i> CDFW recommends the SEIR clarify where this ephemeral ditch flows and whether there is any connectivity with other streams (i.e., the Carson Lateral).</p>	<p>Prior to project ground-disturbing activities</p>	<p>Lead Agency/Project proponent</p>
REC-3-Nesting Birds	<p>CDFW recommends avoiding any construction activity during nesting season. If not feasible, CDFW recommends modifying Mitigation Measure K-1 by including the <u>underlined</u> language and excluding the struck through as follows:</p> <p>Impacts to nesting birds would be avoided by conducting all construction activities outside of the bird nesting season (i.e., from September 4 <u>15</u> to February 14 for most birds, from July 1 to January 14 <u>1</u> for raptors). However, if construction activities must occur during the nesting season, the following measures shall apply:</p> <p>A. Prior to work during the bird nesting season (February 15 to August 31 <u>September 15</u> for most birds, January 15 <u>1</u> to June 31 for raptors), a qualified biologist shall conduct a</p>	<p>Prior to finalizing ND /During/After project</p>	<p>Lead Agency/Project proponent</p>

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 December 13, 2021
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	<p>pre-construction survey of all suitable habitat for the presence of nesting birds no more than 7 days prior to construction activities, <u>including any ground-disturbing activities (e.g., staging, mobilization, grading), as well as prior to any vegetation removal within the Project site.</u> The results of the pre-construction survey shall be valid for 7 days; if vegetation removal activities do not commence within 7 days following the survey or if activities cease for more than 7 consecutive days, a new pre-construction nesting bird survey shall be conducted before construction resumes.</p>		
REC-4-Rodenticides	<p>CDFW recommends the ND require subsequent project proponents prevent the use of second-generation anticoagulant rodenticides on all future housing development associated with the Project.</p>	<p>Prior to finalizing ND /During/After project</p>	<p>Lead Agency/Project proponent</p>
REC-5-Data	<p>Project-level lead agencies shall ensure sensitive and special status species data has been properly submitted to the California Natural Diversity Database with all data fields applicable filled out. Confirmation of data submittal shall be provided to CDFW.</p>	<p>Prior to finalizing/ adopting project-level CEQA document</p>	<p>Lead Agency/Project proponent</p>
REC-6-Mitigation and Monitoring Reporting Plan	<p>The City shall update the Project's proposed Biological Resources Mitigation Measures and condition the environmental document to include mitigation measures recommended in this letter. The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures.</p>	<p>Prior to finalizing CEQA Document</p>	<p>Lead Agency/Project proponent</p>

Gabrieleno



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION

Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

November 9, 2021

Project Name: The District at South Bay Specific Plan Amendment

located: 20400 South Main Street, City of Carson

Gabrieleno-1

Thank you for your letter regarding the project above. This is to concur that we are in agreement with the Specific Plan Amendment. However, our Tribal government would like to request consultation for any and all future projects when ground disturbance will be occurring within this location.

Sincerely,

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation
1(844)390-0787

Andrew Salas, Chairman

Albert Perez, treasurer I

Nadine Salas, Vice-Chairman

Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary

Richard Gradias, Chairman of the council of Elders

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LATHAM & WATKINS LLP

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December 13, 2021

VIA EMAIL AND U.S. MAIL

Gena Guisar, Planner
City of Carson
Community Development Department, Planning Division
701 East Carson Street
Carson, CA 90745
gguisar@carsonca.gov

Re: Draft Supplemental Environmental Impact Report, The District at
South Bay Specific Plan Amendment (SCH No. 2005051059)

Dear Ms. Guisar:

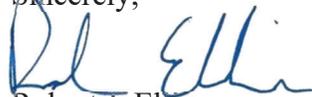
CAM-Carson-1

We submit this letter on behalf of our client CAM-Carson LLC. As the City is aware, CAM-Carson LLC entered into certain agreements related to the development of Planning Area 2 of the Districts at South Bay in 2018, and CAM-Carson filed litigation against the Carson Reclamation Authority (CRA) and the City related to such agreements.

The Draft Supplemental Impact Report (SEIR) released in October 2021 states that remediation was halted due to disputes between CAM-Carson and the CRA regarding CAM-Carson's failure to reimburse for certain expenses. (SEIR, Project Description, page II-15.) That is a mischaracterization of the dispute and does not accurately reflect the facts and issues as detailed in CAM-Carson's operative complaint and reflected in documentary evidence. Among other issues, as noted elsewhere in the SEIR, the CRA did not, and still does not, have sufficient funds to complete the remediation that was required to be completed prior to CAM-Carson undertaking its construction under the relevant agreements. The mischaracterization of the dispute with CAM-Carson should be deleted from, or corrected in, the SEIR.

Given the limited time available, CAM-Carson has not fully assessed the proposed amendments to the Specific Plan and related environmental review and reserves its right to comment further at a later date.

Sincerely,



Robert J. Ellison
of LATHAM & WATKINS LLP