



CITY OF
FORTUNA CA

Final Supplemental Environmental Impact Report

Mill District Specific Plan

State Clearinghouse #: 2007062106

City of Fortuna
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Fortuna, CA 95540

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List of Acronyms

AB	Assembly Bill
BACT	Best Available Control Technology
BMP	Best Management Practices
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Fortuna
DSEIR	Draft Supplemental Environmental Impact Report
EIR	Environmental Impact Report
FSEIR	Final Supplemental Environmental Impact Report
GRTA	Great Redwood Trail Authority
LOS	Level of Service
MMRP	Mitigation Monitoring and Reporting Program
NCUAQMD	North Coast Unified Air Quality Management District
NOP	Notice of Preparation
Project	Fortuna Mill District Specific Plan
VMT	Vehicle Miles Traveled

1. Introduction

On October 26, 2010, the Fortuna City Council certified the Final Program Environmental Impact Report (PEIR) (State Clearing House Number 2007062106) for the 2030 General Plan Update (Resolution 2010-45) and approved the Fortuna General Plan 2030 (Resolution 2010-46). The Fortuna General Plan 2030 Land Use Element includes a Mill District Focus Area Goal (Goal LU-14) and associated policies and implementation programs that call for the adoption of a plan containing design and development standards and criteria to accommodate a range of mixed-use development options for the development of the Mill District, which the General Plan describes as “Fortuna’s greatest opportunity during the General Plan’s timeframe.”

In 2021, the City of Fortuna initiated the preparation of a specific plan to implement the General Plan for the Mill District Focus Area. During this planning process the City identified several General Plan Land Use Element policies that should be amended to achieve the City’s objectives for the Mill District. Following the preparation of a detailed draft plan, including proposed Mill District Specific Plan, changes to the Land Use Map and Zoning Map and amendments to Land Use Policy and the preparation of a Qualified Combining Zone to implement the plan (hereafter referred to as the Mill District Specific Plan, MDSP, or Project), the City determined that the changes would require the preparation of a supplemental environmental impact report.

The City prepared and distributed the Draft Supplemental Environmental Impact Report (DSEIR) for the Mill District Specific Plan on August 30, 2024, to evaluate the potential environmental impacts associated with the amendments to the Fortuna General Plan Land Use Element and Land Use Map, the adoption and implementation of the MDSP. The Mill District Specific Plan DSEIR can be downloaded at <https://ceqanet.opr.ca.gov/2007062106/7>.

1.1 Purpose of the Final Supplemental Environmental Impact Report

This Final Supplemental Environmental Impact Report (FSEIR) consists of the DSEIR for the Mill District Specific Plan, the Final PEIR prepared for the City of Fortuna General Plan 2030 (General Plan), which includes the July 2010 Draft PEIR, as well as comments received on the DSEIR, the responses to comments, revisions to the DSEIR, and a Mitigation, Monitoring and Reporting Program (MMRP). To certify the FSEIR, the City Council must find that:

- The FSEIR has been completed in compliance with CEQA;
- The FSEIR was presented to the decision-making body of the Lead Agency and the decision-making body reviewed and considered the information contained in the Final EIR prior to approval of a project;
- The FSEIR reflects the Lead Agency’s independent judgment and analysis (CEQA Guidelines Section 15090);
- The findings of the FSEIR are consistent with Section 15091 of the CEQA Guidelines, findings are supported by substantial evidence, the Final EIR includes a MMRP, and a Statement of Overriding Considerations has been made for each significant effect pursuant to Section 15093 of the CEQA Guidelines;
- When a FSEIR identifies one or more significant effects, the Lead Agency and each Responsible Agency shall make a finding under Section 15091 for each significant effect and may need to make a statement of overriding considerations under Section 15093 for the project;
- Approval of the FSEIR is consistent with Section 15092 of the CEQA Guidelines.

1.2 Environmental Review Process

CEQA requires lead agencies to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the DSEIR. This FSEIR has been prepared to respond to the written comments received on the DSEIR.

The DSEIR was made available for public review on August 30, 2024. The review period lasted 45 days and ended at 5:00pm on October 15, 2024. The document was made available for review at the following locations:

- City of Fortuna Community Development Department at 621 11th Street, Fortuna
- Online at https://www.friendlyfortuna.com/news_detail_T34_R567.php
- Online at <https://ceqanet.opr.ca.gov/2007062106/7>

The DSEIR was sent to the State Clearinghouse and was published on August 30, 2024, for distribution to State agencies, and was distributed to local, State, and federal responsible and trustee agencies and tribal governments. The general public was advised of the DSEIR through a Notice of Availability posted at the County Clerk's office, in the newspaper, and through a posting on the City's website. A public hearing was held before the Planning Commission on September 24, 2024, where the public could provide input on the DSEIR.

This FSEIR will be provided to the City Council for review and consideration on certification of the FSEIR as a full disclosure of potential impacts, mitigation measures, and alternatives. The FSEIR will be sent to the public agencies and others who commented on the DSEIR at least 10 days prior to certification of the FSEIR per CEQA Guidelines Section 15088. If the Project is approved, recommended mitigation measures will be adopted and implemented as specified in the City Council's resolution and an accompanying MMRP.

Any additions made as part of this FSEIR do not constitute "significant new information" requiring recirculation pursuant to Public Resources Code section 21092.1 and CEQA Guidelines Section 15088.5. The FSEIR merely clarifies, amplifies, and makes modifications to an adequate EIR, per CEQA Guidelines Section 15088.5(b).

1.3 Document Organization of the Final SEIR

The FSEIR is organized into the following chapters:

- **Chapter 1 – Introduction.** This chapter discusses the use and organization of this FSEIR and the environmental review process.
- **Chapter 2 – Comments and Responses.** This chapter includes a list of persons, organizations, and public agencies who commented on the DSEIR, reproductions of the letters received from the public on the DSEIR, and responses of the Lead Agency to those comments.
- **Chapter 3 – Errata, Revisions, and Clarifications.** This chapter includes text modifications to the DSEIR. Proposed text additions are signified with underlined bold text (**example**), and stricken text is signified with strike through (~~example~~).
- **Chapter 4 – List of Preparers.** This chapter includes the list of individuals who contributed to this document.

2. Comments and Responses

This chapter includes responses to comments received during the 45-day comment period. Included are copies of the written comments received by the City of Fortuna on the DSEIR through October 15, 2024. Per CEQA Guidelines Section 15204(a), in reviewing DSEIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. When responding to comments lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. Furthermore, CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

In some cases, comments include an opinion on the Project, questions about the Project's planning process, and requests that the project be eliminated from consideration. Such comments provide valuable input to the City of Fortuna's process of considering approval of a project, and the comments will be submitted to the Planning Commission and City Council as part of the approval process. Where the comments address the merits of the project and do not necessarily pertain to environmental issues, no further response to comments is provided. Such comments are fundamentally not comments on the EIR but are rather comments on the approval of the project, a process that will occur after CEQA documentation is considered for adoption. Nevertheless, if CEQA documentation is adopted for the project, the City of Fortuna will consider the recommendations in these comment letters as well as the information presented in the CEQA documentation or elsewhere in the record and will make its decision regarding approval of the project and/or consideration of project alternatives.

2.1 Comments Received During Circulation

During the public comment circulation period for the DSEIR, the City of Fortuna received two (2) comment letters/emails, which included comments on the DSEIR. No comments were received after the October 15, 2024 comment end date. A list of the comments received via letters is shown below in Table 2.1 (either by agency/organization or name of the individual).

Table 2.1 Public and Agency Comments Received on the DSEIR

LETTER	COMMENTOR NAME AND/OR AGENCY	LETTER DATE
1	Gary Ho, Blum, Collins & Ho LLP on behalf of the Golden State Environmental Justice Alliance	10/10/2024
2	Elaine Hogan, Executive Director, Great Redwood Trail Agency	10/15/2024

2.2 Public Comments Received During Circulation

Letter 1 – Golden State Environmental Justice Alliance

Comment received via email.

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October 10, 2024

Shari Meads
Community Development Director
City of Fortuna
621 11th Street
Fortuna, CA 95540

Via Email to:
smcads@ci.fortuna.ca.us

Subject: Comments on Fortuna Mill District Specific Plan Supplemental EIR (SCH NO. 2007062106)

Dear Ms. Meads,

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

1.0 Summary

Adoption of the Mill District Specific Plan (MDSP) provides the development capacity for 2,800,000 square feet (sf) of commercial/industrial area and 770 dwelling units within the Mill District area. The project proposes to amend the City's General Plan to adopt the MDSP within the Mill District Focus Area (and incorporate an adjacent area into the MDSP area) and offsite areas. The project requires approval of General Plan Amendments to revise the document narrative, change the Mill District (MD) Land Use Designation, change the Mill District Focus Area policy, and remove industrial and commercial use caps in the Land Use Element. The General Plan Land Use Map will also be revised to expand the MDSP Area to include an adjacent area, remove non-MDSP areas, apply an appropriate land use designation to the Riverwalk District land use change area, and allow development within the 100 year floodplain. Amendments are also proposed to the City's Zoning Map to reflect the proposed General Plan land use changes. The project also creates a new "Q – Qualified" Zoning District.

Comment 1-1

Comment 1-2

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1.5 Explanation of Decision to Prepare an SEIR

The SEIR states that CEQA Guidelines Section 15163 characterizes an EIR as:

- “A SEIR augments a previously certified EIR to address the fact that new information is now available and was not available at the time the EIR was certified, as described in Section 15163 of the CEQA Guidelines, and to examine mitigation measures and project alternatives accordingly.
- A SEIR need only contain the information necessary to make the previous FEIR adequate for the project as revised.”

However, this is misleading and erroneous as the SEIR excludes discussion of CEQA Guidelines Section 15163 (a)(1) and (a)(2), which states:

“(a) The Lead or Responsible Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

- (1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
- (2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.”

The SEIR has not provided any discussion or analysis of CEQA Guidelines Section 15163 (a)(2) that only permits a supplement to an EIR to be prepared if “only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.” The project requires extensive changes to the General Plan and its Program EIR (GP PEIR) such as allowing the development of 2,800,000 sf of commercial/industrial area and 770 dwelling units within the Mill District area, which is an 833% increase above the GP PEIR analysis of 300,000 sf of commercial area and 0 sf of industrial area; and a 156% increase above its analysis of 300 dwelling units within the Mill District area. Further, the GP PEIR analyzed buildout of 1,373,460 sf of non-residential building area in the entire City from 2010-2030, and the proposed project is a 103% increase above the GP PEIR analysis. Proposing to more than double the total non-residential development footprint analyzed for the entire City across a 20 year horizon period within a single focus area represents a significant change required for the GP PEIR, and therefore the proposed project does not comply with CEQA Guidelines Section 15163 (a)(2) and preparation of a Supplement to the GP PEIR is not an adequate environmental analysis. A Project EIR must be prepared pursuant to CEQA Guidelines Section 15161 and Article 9 of the CEQA Guidelines outlining required contents of an EIR.

Comment 1-3

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Further, other components of the proposed project include substantially revising the text of the General Plan, including increasing the allowable floor area ratio, removing smart growth measures (caps on development to prevent urban decay), allowing development within the 100 year floodplain of the Mill District, and creating a new Q Zoning District. These are also significant changes that exceed the threshold for minor changes listed in CEQA Guidelines Section 15163 (a)(2). A Project EIR must be prepared pursuant to CEQA Guidelines Section 15161 and Article 9 of the CEQA Guidelines outlining required contents of an EIR.

Comment 1-3 (cont)

2.0 Project Description

The SEIR states that, "This Draft Supplemental EIR evaluates the impacts associated with the anticipated development based on the conceptual plans, or a total of 980,500 square feet of employment related development and 100 residential units. The Draft Supplemental EIR does not analyze maximum buildout potential of all allocated land uses within the MDSP Area, because it is not reasonably foreseeable based upon past and current development and population growth trends, and such buildout is highly speculative." The SEIR's decision to not analyze the maximum buildout of the MDSP renders it an inadequate informational document. It is vital for a Project EIR to be prepared that analyzes the full buildout of the MDSP and all project components in order to provide an adequate and accurate environmental analysis. Upon approval of the MDSP, development capacity for 2,800,000 sf of commercial/industrial space and 770 dwelling units will be available via the land use and zoning changes. Subsequent proposed projects that are consistent with the newly applicable land use and zoning designations will be exempt from CEQA review as it is presumed any environmental document certified for the change in land use or zoning designations analyzed the full extent of the project, which in this case is at minimum the entire development capacity of the MDSP. A Project EIR must be prepared that analyzes the MDSP development capacity for 2,800,000 sf of commercial/industrial space and 770 dwelling units, and must include all CEQA topics for analysis, including cumulative impacts and alternatives.

Comment 1-4

3.1 Issues Requiring Changes to Prior EIR: Land Use

The SEIR does not present any analysis or discussion regarding the proposed project's significant increases to the developable building area in the City and revisions necessary to applicable tables in the GP PEIR. Table 3.1-6 Proposed General Plan Buildout Calculations¹ within the GP PEIR states that Mill District area 300,000 sf of commercial development, 0 sf of industrial development, and 300 dwelling units through the document's 2030 horizon year. The project's proposed

Comment 1-5

¹

<https://cms8.revize.com/revize/fortunaca/Document%20center/Department/Planning%20Division/General%20Plan%20and%20EIR%20Documents/EIR%20Documents/3.1%20Land%20Use.PDF>

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2,800,000 sf of commercial/industrial space is an 833% increase above the GP PEIR analysis; the project's 770 dwelling units is a 156% increase above the GP PEIR analysis. This indicates that the growth generated by the proposed project was not anticipated by the City's General Plan or the applicable RTP/SCS and AQMP. Further, the SEIR has not presented any discussion or analysis of the Humboldt County 2022 RTP/SCS², which is new significant information since the adoption of the GP PEIR. A Project EIR must be prepared with a finding of significance.

Comment 1-5 (cont.)

Additionally, the SEIR has not adequately analyzed all proposed components of the project, such as substantially revising the text of the General Plan to increase the allowable floor area ratio, removing smart growth measures/caps on development in Commercial and Industrial districts, allowing development within the 100 year floodplain of the Mill District, and creating a new Q Zoning District. These significant changes will apply citywide and the SEIR has not analyzed all components of the proposed project and their potential significance to physically divide an established community, conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, or result in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land. A Project EIR must be prepared to provide an adequate informational document that discusses and analyzes the potentially significant impacts of all components of the proposed project.

Comment 1-6

The SEIR does not include a project consistency analysis with any of the existing General Plan goals and policies, which are "a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." This does not comply with CEQA's requirements for meaningful disclosure as there is no meaningful discussion or analysis regarding the impacts of the proposed project's inconsistency with the GP and its PEIR, including the SEIR's conclusion the project will result in significant and unavoidable impacts to VMT. A Project EIR must be prepared to provide a consistency analysis with all General Plan goals, policies and programs, including but not limited to the following:

Comment 1-7

1. Policy TC-1.2 New Roadway Improvements. The City shall design and phase roadway improvements so that a level of service (LOS) C or better is maintained on all City streets, except that LOS D or better shall be maintained on Main Street.
2. Policy TC-1.13 Development Impacts. The City shall consider the effects of new development on local streets in residential areas and require new development to mitigate significant traffic impacts.

² https://www.hcaog.net/sites/default/files/vroom_2022-2042_full_report_0.pdf

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3. Goal LU-4 To create land-use patterns that promote the residential character of the community, including quality housing development and balanced, harmonious land-use types.
4. Policy LU-4.1 Residential Growth. The City shall support residential development at a manageable pace to achieve the City's fair share of regional housing needs and provide for orderly extension of infrastructure and public services.
5. Goal LU-5 To conserve and enhance the best qualities of existing neighborhoods as the city grows.
6. Policy LU-5.1 Compatibility. The City shall ensure that land use and development decisions are not detrimental to the positive character and identity of Fortuna's existing residential neighborhoods.
7. Policy LU-5.2 Infill and Reuse. The City shall encourage infill and reuse in existing neighborhoods that maintain the character and quality of the surrounding neighborhood and that does not negatively affect surrounding land uses.
8. Policy ED-2.1 Quality Jobs. The City shall strive to create an environment that fosters good-paying jobs.
9. Policy PFS-1.2 Adequate Public Facilities to Serve New Development. The City shall ensure through the development review process that adequate public facilities and services are available to serve new development when required. The City shall not approve new development where existing facilities are inadequate to support the project, unless the applicant can demonstrate that all necessary public facilities (including water, sewer, storm drainage, transportation, police and fire protection services) will be installed or adequately financed and maintained (through fees, special taxes, assessments, or other means).
10. Policy PFS-1.4 Ultimate Capacity Needs. The City shall ensure through the development review process that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for costly retrofitting.
11. Policy PFS-1.5 Necessary Infrastructure. The City shall require all new development and major modifications to existing development to construct necessary on-site infrastructure to serve the project in accordance with City standards.
12. Policy PFS-1.6 Project Impacts on Infrastructure. When reviewing applications for land use designation changes (i.e., General Plan amendments, specific plan), the City shall analyze the

Comment 1-7 (cont.)

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- impacts of the proposed land use designation changes on all aspects of the infrastructure system within the city and require mitigation as legally required. This shall include consultation with other service providers who have infrastructure within the city.
13. Policy PFS-4. New subdivisions, PUDs, and other large development projects (e.g., residential projects over 20 units, commercial/ office/industrial projects over 10,000 sq. ft.) shall demonstrate that adequate water, fire flow, wastewater collection, wastewater treatment/disposal, and storm drainage can be provided without adversely impacting service to existing uses.
 14. Policy PFS-5. The City shall require that a SB 610 Water Supply Assessment be prepared for proposed development projects that meet the State Assessment threshold (e.g., ≥ 500 EDUs). The Assessment shall demonstrate there is adequate potable water supplies to serve the proposed project along with existing and cumulative development within the City in 5-year increments over a 20-year projection, under average normal, single-dry, and multi-dry years.
 15. Goal PFS-2 To ensure that adequate facility and service standards are achieved and maintained through equitable funding methods.
 16. Policy PFS-2.2 Project Fiscal Impact Statements. The City shall analyze or require the preparation of a fiscal impact analysis for projects that require amendments of the General Plan land use designations. The analysis shall examine the fiscal impacts on City infrastructure and services as well as other public service providers and identify methods and means for the project to fund any fiscal deficits.
 17. Policy HS-1.1 New Development. The City shall permit development only in areas where the potential danger to the health and safety of people and property can be mitigated to an acceptable level.
 18. Policy HS-3.6 Greenhouse Gas Emissions Reduction from Transportation. Increase clean-fuel use, promote transit-oriented development and alternative modes of transportation, and reduce travel demand.
 19. Policy HS-3.7 Air Pollutant Emission Reduction Construction and Operation Measures. The City shall require that new development incorporate air pollutant emission reduction measures during construction and operation.

Comment 1-7 (cont.)

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20. Policy CD-1.13 Environmental Conformity. The City shall require development project design to reflect and consider natural features, noise exposure of residents, visibility of structures, circulation, access, and the relationship of the project to surrounding uses. Residential densities, building intensities, and lot patterns should be determined by these and other factors.

The SEIR does not provide any analysis with these items, particularly Policy PFS-2.2 that requires preparation of a fiscal impact analysis for projects that require amendments of the General Plan land use designations. Additionally, Policies PFS-1.2, 1.4, 1.6, PFS-4 and PFS-5 require specific analysis of utility capacities while Appendix E: Utility and Infrastructure Conceptual Design Technical Memorandum only analyzes the utility demand of the proposed development project, not the total 2,800,000 sf of non-residential buildings and 770 dwelling unit buildout proposed by the entirety of the proposed project. A Project EIR must be prepared to include these items (and analysis with all General Plan goals, programs, and policies) for analysis in order to provide an adequate informational document.

The SEIR has not provided any Level of Service (LOS) analysis. A Project EIR must be prepared to include a LOS analysis in order to provide an adequate informational document to analyze Transportation Impact Threshold 4.2.1-1 and Land Use and Planning Impact Threshold LU-02 in accordance with the following General Plan Policies:

1. Policy TC-1.2 New Roadway Improvements. The City shall design and phase roadway improvements so that a level of service (LOS) C or better is maintained on all City streets, except that LOS D or better shall be maintained on Main Street.
2. Policy TC-1.13 Development Impacts. The City shall consider the effects of new development on local streets in residential areas and require new development to mitigate significant traffic impacts.

Comment 1-7 (cont.)

3.2 Issues Requiring Changes to Prior EIR: Transportation and Circulation

The SEIR concludes the project will have significant and unavoidable impacts to VMT but has still underreported the quantity VMT of generated by the proposed project operations. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a fulfillment center, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from

Comment 1-8

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VTM analysis. The project's total operational VMT generated is further inconsistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

Comment 1-8 (cont.)

4.1.1 Impacts Found to Have no Substantial Change from Previous Analysis: Population and Housing

The SEIR states that, "The proposed MDSP identifies a conceptual development layout for planning purposes but does not include specific proposals for development. The MDSP continues to plan for a mixture of urban land uses and replaces specific caps on commercial and industrial square footage with an ongoing monitoring program intended to avoid urban decay. The proposed changes to the General Plan and MDSP would not change the finding from the previous FEIR that potential indirect growth allowed by the General Plan could have significant and unavoidable impacts." The SEIR provides the broad conclusion that the project would not change the previous GP PEIR finding and excludes quantified analysis of project impacts. Table 3.1-6 Proposed General Plan Buildout Calculations³ within the GP PEIR states that Mill District area 300,000 sf of commercial development, 0 sf of industrial development, and 300 dwelling units through the document's 2030 horizon year. Adoption of the proposed MDSP will provide development capacity for 2,800,000 sf of commercial/industrial space and 770 dwelling units within the Mill District area, which is an 833% increase above the GP PEIR analysis of 300,000 sf of commercial area and 0 sf of industrial area; and a 156% increase above its analysis of 300 dwelling units within the Mill District area. The GP PEIR analyzed buildout of 1,373,460 sf of non-residential building area in the entire City from 2010-2030, and adoption of the MDSP is a 103% increase above the GP PEIR analysis.

Comment 1-9

A substantial increase in the development capacity within the City (and associated removal of development caps citywide) has significant potential to increase population and employment in the City. A Project EIR must be prepared to provide a quantified analysis of the proposed project's employment and population generation in order to provide an adequate informational document. The Project EIR must also provide a cumulative analysis discussion of projects approved since the date of General Plan adoption and projects "in the pipeline" to adequately analyze the extent that the project exceeds the GP PEIR buildout scenario and growth forecasts.

³

<https://cms8.revize.com/revize/fortunaca/Document%20center/Department/Planning%20Division/General%20Plan%20and%20EIR%20Documents/EIR%20Documents/3.1%20Land%20Use.PDF>

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4.2 Impacts Found to Have no Substantial Change from Previous Analysis: Transportation and Circulation

The SEIR has not provided any Level of Service (LOS) analysis. A Project EIR must be prepared to include a LOS analysis in order to provide an adequate informational document to analyze Transportation Impact Threshold 4.2.1-1 and Land Use and Planning Impact Threshold LU-02 in accordance with the following General Plan Policies:

1. Policy TC-1.2 New Roadway Improvements. The City shall design and phase roadway improvements so that a level of service (LOS) C or better is maintained on all City streets, except that LOS D or better shall be maintained on Main Street.
2. Policy TC-1.13 Development Impacts. The City shall consider the effects of new development on local streets in residential areas and require new development to mitigate significant traffic impacts.

Comment 1-10

The SEIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits adequately depicting the onsite turning radius available for vehicles maneuvering throughout the area or at the intersection of streets. There are also no exhibits depicting emergency vehicle access. The SEIR states that, "Future intersection and roadway design would be required to meet applicable standards including appropriate geometry for the safe movement of all types of transportation," and that, "The previous FEIR found that intersection and roadway design in the future would have to meet applicable standards that include appropriate geometry and emergency vehicle access. The MDSP would continue to be consistent with application of the General Plan standards and roadway design guidance evaluated in the previous FEIR." This is deferred mitigation to after the CEQA public review process. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation, deferred mitigation, and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A Project EIR must be prepared to include a finding of significance due to these significant and unavoidable impacts.

Comment 1-11

4.5 Impacts Found to Have no Substantial Change from Previous Analysis: Public Facilities and Services

The SEIR does not provide an accurate analysis as required by General Plan Policy PFS-2.2 that requires preparation of a fiscal impact analysis for projects that require amendments of the General Plan land use designations. Additionally, General Plan Policies PFS-1.2, 1.4, 1.6, PFS-4 and PFS-5 require specific analysis of utility capacities while Appendix E: Utility and Infrastructure

Comment 1-12

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Conceptual Design Technical Memorandum only analyzes the utility demand of the proposed conceptual development project, not the total 2,800,000 sf of non-residential buildings and 770 dwelling unit buildout proposed by the entirety of the proposed project. A Project EIR must be prepared to include these items (and analysis with all General Plan goals, programs, and policies) for analysis in order to provide an adequate informational document.

Comment 1-12 (cont)

4.6.4 Impacts Found to Have no Substantial Change from Previous Analysis: Human Made Hazards and Emergency Response

Figure 1-7: Airport Influence Area - Rohnerville Airport of the Humboldt County 2021 Airport Land Use Compatibility Plan (ALCUP)⁴ depicts the entirety of the project area within the Airport Influence Area (AIA), the majority of the project area within Review Area 1 and the southern portion within Review Area 2 for Rohnerville Airport. Further, Figure 9-2: Safety Compatibility Policy Map - Rohnerville Airport depicts the southern portion of the project area within Safety Zone 6. The SEIR is erroneous and misleading in stating here that, "The MDSP Area is not located within an Airport Land Use Compatibility Zone and would therefore not result in airport hazards associated with incompatible land uses."

The project proposes multiple amendments to the City's General Plan Land Use Diagram to change land use designations and amendments to General Plan text revising multiple goals and policies, increasing the quantity of allowable development in commercial and industrial areas, and revising permitted uses within the Mill District Area. The SEIR does not provide any information regarding Airport Land Use Commission (ALUC) review of the project. California PUC Section 21676(b)⁵ requires that prior to the amendment of a General Plan, the ALUC shall review the plan, ordinance, or regulation for consistency with the ALUCP. Therefore, Humboldt County ALUC review is required for the proposed project; the Humboldt County Board of Supervisors act in the capacity as the ALUC. A Project EIR must be prepared to include this information for analysis and a finding of significance as it does not comply with PUC Section 21676(b), and therefore has not provided any meaningful evidence to conclude the project will not result in a safety hazard or excessive noise for people residing or working in the Project area.

Comment 1-13

⁴ <https://humboldt.gov.org/DocumentCenter/View/95080/2021-Airport-Land-Use-Compatibility-Plan-adopted-04132021-33-MB>

⁵ California Airport Planning Land Use Handbook Section 1.3.4. ALUC Review <https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf>

Shari Meads
October 10, 2024
Page 11

5.3 Growth-Inducing Impacts

The SEIR concludes that, “The changes to the General Plan and the adoption of the MDSP do not change the conclusions presented in the previous FEIR.” Again, the SEIR does not provide any quantified analysis or specific analysis of the proposed project, rendering it an inadequate informational document. Several components of the proposed project contribute to the severity of growth inducement and must be analyzed in a Project EIR, such as removal of development caps citywide, creation of a new Q Zoning designation, and permitting development within the floodplain. Additionally, adoption of the MDSP will result in development capacity of 2,800,000 sf of non-residential buildings and 770 dwelling units, which is an 833% increase above the GP PEIR analysis of 300,000 sf of commercial area and 0 sf of industrial area within the Mill District area, and a 156% increase above its analysis of 300 dwelling units within the Mill District area. The GP PEIR analyzed buildout of 1,373,460 sf of non-residential building area in the entire City from 2010-2030, and adoption of the MDSP is a 103% increase above the GP PEIR analysis. A Project EIR must be prepared to quantify and analyze the growth induced by all components of the proposed project. The Project EIR must also provide a cumulative analysis discussion of projects approved since the date of General Plan adoption and projects “in the pipeline” to adequately analyze the extent that the project exceeds the GP PEIR buildout scenario and growth forecasts.

Comment 1-14

Conclusion

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

Sincerely,



Gary Ho
Blum, Collins & Ho LLP

Attachments:

1. SWAPE Technical Analysis



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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October 10, 2024

Gary Ho
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Subject: Comments on the Mill District Specific Plan Amendment

Dear Mr. Ho,

We have reviewed the August 2024 Draft Supplemental Environmental Impact Report ("DSEIR") and for the Mill District Specific Plan Amendment ("Amendment") located in the City of Fortuna ("City"). The Project proposes to update the Mill District Specific Plan, which intends to implement the Fortuna General Plan 2030 Land Use Element Mill District Focus Area policies and facilitate the transformation of the former Pacific Lumber Company mill.

Our review concludes that the DSEIR fails to adequately evaluate the Project's air quality and health risk impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential air quality and health risk impacts that the project may have on the environment.

Comment 1-15

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DSEIR relies upon the previous 2010 Final and Draft Program Environmental Impact Report ("FPEIR"/"DPEIR"). The DSEIR maintains the previous FPEIR's significant-and-unavoidable air quality impact determination, stating:

"The previous FEIR discussed the significant and unavoidable adverse impacts related to air quality of General Plan implementation, including conflict with the PM₁₀ Attainment Plan, emissions of ROG, NO_x, CO and PM₁₀ above regional thresholds, and conflict with the state goal of reducing GHG emissions under AB 32 (8.1-1: Conflict With or Obstruct Implementation of the

Comment 1-16

Applicable Air Quality Management Plan, 8.1-2: Violate Air Quality Standards or Contribute Substantially to Existing/Projected Air Quality Violations, 8.1-3: Result in a Cumulatively Considerable Net Increase of Criteria Pollutants for which the Region is in Non-Attainment, and 8.1-6: Conflict with the State Goal of Reducing GHG Emissions Under AB 32). The changes to the General Plan and the adoption of the MDSP do not change the conclusions presented in the previous FEIR" (p. 161).

As demonstrated above, the DSEIR concludes that the Amendment would be consistent with the previous FPEIR/DPEIR and would result in significant-and-unavoidable air quality emissions. Specifically, the DPEIR indicates that construction-related carbon monoxide ("CO") emissions, as well as operational CO, reactive organic gases ("ROG"), nitrogen oxides ("NO_x"), and particulate matter 10 ("PM₁₀") emissions, would exceed the applicable North Coast Unified Air Quality Management District ("NCUAQMD") thresholds (p. 8.1-15 – 16, Table 8.1-6 and 7). The Amendment's air quality analysis is insufficient, however, because the DSEIR fails to mention or incorporate any mitigation measures to address the Amendment's significant-and-unavoidable air quality impact. This is unsupported, as according to California Environmental Quality Act ("CEQA") Guidelines § 15096(g)(2):

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

While the DSEIR is required under CEQA to implement all feasible mitigation to reduce impacts to the greatest extent feasible, the DSEIR fails to do so. Moreover, in regard to air quality mitigation, the previous 2010 DPEIR states:

"None available beyond those required by existing regulations, the proposed Land Use Diagram, and the proposed policies and programs" (p. ES-32).

The previous EIR did not incorporate mitigation, yet the DSEIR is still required to implement mitigation measures to reduce the Amendment's significant air quality impact before concluding a significant-and-unavoidable impact. Furthermore, considering the previous EIR was adopted over a decade ago, there is new, feasible mitigation available to reduce criteria air pollutant emissions. To reduce the Project's air quality impacts to the maximum extent possible, feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." The Amendment should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to the maximum extent possible.

Comment 1-16 (cont.)

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

Diesel Particulate Matter Emissions Inadequately Evaluated

Regarding the Amendment's potential impacts on the sensitive receptors in the area, the DSEIR again relies upon the 2010 FPEIR and concludes a less-than-significant health risk impact, stating:

"The previous FEIR found that the General Plan would facilitate new development which would in turn generate construction and operational emissions of criteria pollutants. However, the previous FEIR identified the relatively low density of development permitted under the General Plan and the relatively low volume of traffic compared to larger urbanized areas as being less-than-significant for potential to generate substantial pollutant concentrations.

The previous FEIR determined that the City of Fortuna is a small rural community with no potential to develop large toxic air contaminants (TAC) generators, which are highly regulated and must comply with applicable regulations to avoid dangerous concentrations. The General Plan contains policies and programs to avoid exposure to TACs. The MDSP would be subject to these General Plan policies or programs and would therefore not alter the potential impact on pollutant concentrations or other dangerous conditions as evaluated by the previous FEIR" (p. 152-153).

As demonstrated above, the DSEIR maintains the FPEIR's claim that future projects would not generate substantial toxic air contaminant ("TAC") emissions and would not warrant a quantitative health risk analysis ("HRA"). This determination, however, is unsupported. According to the State of California Department of Justice ("CA DOJ"), all warehouse projects should prepare a quantitative HRA pursuant to the Office of Environmental Health Hazard Assessment ("OEHH"), the organization responsible for providing guidance on conducting HRAs in California.² Review of the DSEIR indicates that the Amendment would include the buildout of industrial and warehouse land uses (see excerpt below) (p. 48, Table 8).

Comment 1-17

² "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, available at: <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>, p. 6.

Table 8: MDSP Area Assumed Buildout

Fortuna Mill Commerce Center Conceptual Development Plan	
Expected Use Type	Square Feet
Hotel	72,000
Retail	56,900
Retail Flex	43,200
Commercial Services	33,000
Flex Industrial	88,500
Industrial	84,900
Warehouse	381,000
Total	759,500
Summary Total	Square Feet
Commercial	205,100
Industrial	554,400

Comment 1-17 (cont)

As demonstrated above, the DSEIR includes industrial and warehouse land uses that should be required to prepare a quantitative HRA pursuant to the CA DOJ and OEHA. As such, a revised EIR should be prepared to require an analysis of health risk impacts posed to nearby sensitive receptors from DPM emissions generated during the construction and operation of industrial and warehouse projects under the Specific Plan Amendment.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

As mentioned above, according to CEQA Guidelines § 15096(g)(2):

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

The DSEIR is consequently required under CEQA to implement all feasible mitigation to reduce the Amendment’s potential impacts. As demonstrated in the sections above, the Amendment would result in a significant air quality impact that needs to be mitigated further. Future industrial and warehouse developments within the Specific Plan Amendment may also result in potentially significant health risk impacts that could require mitigation.

To reduce the Project’s emissions, we recommend consideration of SCAG’s 2020 RTP/SCS PEIR’s Air Quality Project Level Mitigation Measures (“PMM-AQ-1”), as described below:³

³ “4.0 Mitigation Measures.” Connect SoCal Program Environmental Impact Report Addendum #1, September 2020, available at: https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocial_addendum_4_mitigationmeasures.pdf?1606004420, p. 4.0-2 – 4.0-10; 4.0-19 –

Comment 1-18

SCAG RTP/SCS 2020-2045	
Air Quality Project Level Mitigation Measures – PMM-AQ-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the <i>State CEQA Guidelines</i>, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:	
a)	Minimize land disturbance.
b)	Suspend grading and earth moving when wind gusts exceed 25 miles per hour unless the soil is wet enough to prevent dust plumes.
c)	Cover trucks when hauling dirt.
d)	Stabilize the surface of dirt piles if not removed immediately.
e)	Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.
f)	Minimize unnecessary vehicular and machinery activities.
g)	Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.
h)	Revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities.
j)	Require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project. Prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for a CARB-approved fleet.
k)	Ensure that all construction equipment is properly tuned and maintained.
l)	Minimize idling time to 5 minutes—saves fuel and reduces emissions.
m)	Provide an operational water truck on-site at all times. Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas. Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.
n)	Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
o)	Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
p)	As appropriate require that portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, obtain CARB Portable Equipment Registration with the state or a local district permit. Arrange appropriate consultations with the CARB or the District to determine registration and permitting requirements prior to equipment operation at the site.
q)	Require projects within 500 feet of residences, hospitals, or schools to use Tier 4 equipment for all engines above 50 horsepower (hp) unless the individual project can demonstrate that Tier 4 engines would not be required to mitigate emissions below significance thresholds.

4.0-23; See also: "Certified Final Connect SoCal Program Environmental Impact Report." Southern California Association of Governments (SCAG), May 2020, available at: <https://scag.ca.gov/peir>.

t) Where applicable, projects should provide information about air quality related programs to schools, including the Environmental Justice Community Partnerships (EJCP), Clean Air Ranger Education (CARE), and Why Air Quality Matters programs.
u) Projects should work with local cities and counties to install adequate signage that prohibits truck idling in certain locations (e.g., near schools and sensitive receptors).
y) Projects that will introduce sensitive receptors within 500 feet of freeways and other sources should consider installing high efficiency of enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.
z) Develop an ongoing monitoring, inspection, and maintenance program for the MERV filters.
bb) The following criteria related to diesel emissions shall be implemented on by individual project sponsors as appropriate and feasible: - Diesel nonroad vehicles on site for more than 10 total days shall have either (1) engines that meet EPA on road emissions standards or (2) emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85% - Diesel generators on site for more than 10 total days shall be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%. - Nonroad diesel engines on site shall be Tier 2 or higher. - Diesel nonroad construction equipment on site for more than 10 total days shall have either (1) engines meeting EPA Tier 4 nonroad emissions standards or (2) emission control technology verified by EPA or CARB for use with nonroad engines to reduce PM emissions by a minimum of 85% for engines for 50 hp and greater and by a minimum of 20% for engines less than 50 hp. - Emission control technology shall be operated, maintained, and serviced as recommended by the emission control technology manufacturer. - Diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend approved by the original engine manufacturer with sulfur content of 15 ppm or less. - The construction contractor shall maintain a list of all diesel vehicles, construction equipment, and generators to be used on site. The list shall include the following: i. Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment. ii. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. iii. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date. - The contractor shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on site. Such zones shall be located where diesel emissions have the least impact on abutters, the general public, and especially sensitive receptors such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities. - The contractor shall maintain a monthly report that, for each on road diesel vehicle, nonroad construction equipment, or generator onsite, includes: i. Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date. ii. Any problems with the equipment or emission controls. iii. Certified copies of fuel deliveries for the time period that identify: 1. Source of supply 2. Quantity of fuel 3. Quantity of fuel, including sulfur content (percent by weight)
cc) Project should exceed Title-24 Building Envelope Energy Efficiency Standards (California Building Standards Code). The following measures can be used to increase energy efficiency:

- Provide pedestrian network improvements, such as interconnected street network, narrower roadways and shorter block lengths, sidewalks, accessibility to transit and transit shelters, traffic calming measures, parks and public spaces, minimize pedestrian barriers.
- Provide traffic calming measures, such as:
 - i. Marked crosswalks
 - ii. Count-down signal timers
 - iii. Curb extensions
 - iv. Speed tables
 - v. Raised crosswalks
 - vi. Raised intersections
 - vii. Median islands
 - viii. Tight corner radii
 - ix. Roundabouts or mini-circles
 - x. On-street parking
 - xi. Chicanes/chokers
- Create urban non-motorized zones
- Provide bike parking in non-residential and multi-unit residential projects
- Dedicate land for bike trails
- Limit parking supply through:
 - i. Elimination (or reduction) of minimum parking requirements
 - ii. Creation of maximum parking requirements
 - iii. Provision of shared parking
- Require residential area parking permit.
- Provide ride-sharing programs
 - i. Designate a certain percentage of parking spacing for ride sharing vehicles
 - ii. Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles
 - iii. Providing a web site or messaging board for coordinating rides
 - iv. Permanent transportation management association membership and finding requirement.

Furthermore, feasible mitigation measures can be found in the CA DOJ Warehouse Project Best Practices document, which are as follows:⁴

- Requiring off-road construction equipment to be hybrid electric-diesel or zero emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.

⁴ “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act.” CA DOJ, September 2022, available at: <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>, p. 8 – 10.

- Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.
- Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zero-emission beginning in 2030.
- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.

- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Designing to LEED green building certification standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

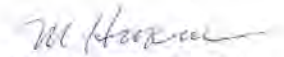
These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation. A revised EIR should be prepared to include all feasible mitigation measures, as well as

include updated air quality and health risk analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

Attachment A: Matt Hagemann CV

Attachment B: Paul Rosenfeld CV

Attachment A

Technical Consultation, Data Analysis and
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CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

- principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M., 2004.** An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

Attachment B

Technical Consultation, Data Analysis and
Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE

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Paul Rosenfeld, Ph.D.

Principal Environmental Chemist

Chemical Fate and Transport & Air Dispersion Modeling**Risk Assessment & Remediation Specialist****Education**

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
 UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
 UCLA School of Public Health; 2003 to 2006; Adjunct Professor
 UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
 UCLA Institute of the Environment; 2001-2002; Research Associate
 Komex H₂O Science; 2001 to 2003; Senior Remediation Scientist
 National Groundwater Association; 2002-2004; Lecturer
 San Diego State University; 1999-2001; Adjunct Professor
 Anteon Corp., San Diego; 2000-2001; Remediation Project Manager
 Ogden (now Amec), San Diego; 2000-2000; Remediation Project Manager
 Bechtel, San Diego, California; 1999 – 2000; Risk Assessor
 King County, Seattle; 1996 – 1999; Scientist
 James River Corp., Washington; 1995-96; Scientist
 Big Creek Lumber, Davenport, California; 1995; Scientist
 Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
 Peace Corps and World Wildlife Fund, St. Kitts, West Indies; 1991-1993; Scientist

Publications:

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution*, **233**, 171.

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*. Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*, 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*, 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*, 49(9), 171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*, 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellow, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*, 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS-6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*, 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*, 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*, 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A.; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tucson, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States~ Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tucson, AZ.

Wu, C.; Tam, L.; Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*, Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. *The 23rd Annual International Conferences on Soils Sediment and Water*, Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florida, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's CS/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium, California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association, Southwest Focus Conference, Water Supply and Emerging Contaminants*. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes, Sixth Annual Symposium On Off Flavors in the Aquatic Environment, International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment, International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington.

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld, P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

Rosenfeld, P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*, Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association, Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal, investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington. Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
 Rocky Bennyhoff Plaintiff vs. Norfolk Southern
 Case No. 20-L-56
 Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio
 Joe Briggins Plaintiff vs. CSX
 Case No. A2004464
 Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
 George LaFazia vs. BNSF Railway Company.
 Case No. BCV-19-103087
 Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
 Bobby Earles vs. Penn Central et. al.
 Case No. 2020-L-000550
 Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
 Albert Hartman Plaintiff vs. Illinois Central
 Case No. 2:20-cv-1633
 Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
 Barbara Steele vs. CSX Transportation
 Case No.16-219-Ca-008796
 Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
 Romano et al. vs. Northrup Grumman Corporation
 Case No. 16-cv-5760
 Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
 Linda Benjamin vs. Illinois Central
 Case No. No. 2019 L 007599
 Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
 Donald Smith vs. Illinois Central
 Case No. No. 2019 L 003426
 Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
 Jan Holeman vs. BNSF
 Case No. 2019 L 000675
 Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
 Dwayne B. Garrett vs. Norfolk Southern
 Case No. 20-SCCV-091232
 Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al.cvs. Cerro Flow Products, Inc.
Case No. 019-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. CV20127-094749
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al vs. CNA Insurance Company et al.
Case No. 1:17-cv-000508
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.
Case No. 1716-CV10006
Rosenfeld Deposition 8-30-2019

- In the United States District Court For The District of New Jersey
Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant
Case No. 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019
- In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk vs. Conti 168,, Schifffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" Defendant
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition 5-9-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No. BC615636
Rosenfeld Deposition 1-26-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19
- In United States District Court For The District of Colorado
Bells et al. Plaintiffs vs. The 3M Company et al., Defendants
Case No. 1:16-cv-02531-RBJ
Rosenfeld Deposition 3-15-2018 and 4-3-2018
- In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants
Cause No. 1923
Rosenfeld Deposition 11-17-2017
- In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No. C12-01481
Rosenfeld Deposition 11-20-2017
- In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.; No. 0i9-L-2295
Rosenfeld Deposition 8-23-2017
- In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020
- In The Superior Court of the State of California, For The County of Los Angeles
Warm Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No. LC102019 (c/w BC582154)
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018
- In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., Plaintiffs, vs. Meritor Inc., et al., Defendants
Case No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

In The Superior Court of the State of Washington, County of Snohomish
 Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
 Case No. 13-2-03987-5
 Rosenfeld Deposition, February 2017
 Trial March 2017

In The Superior Court of the State of California, County of Alameda
 Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
 Case No. RG14711115
 Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County
 Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
 Case No. L.ALA002187
 Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia
 Robert Andrews, et al. v. Antero, et al.
 Civil Action No. 14-C-30000
 Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County
 Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
 Case No. 4980
 Rosenfeld Deposition May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
 Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
 Case No. CACE07030358 (26)
 Rosenfeld Deposition December 2014

In the County Court of Dallas County Texas
 Lisa Parr et al, Plaintiff, vs. Aruba et al. Defendant.
 Case No. cc-11-01650-E
 Rosenfeld Deposition: March and September 2013
 Rosenfeld Trial April 2014.

In the Court of Common Pleas of Tuscarawas County Ohio
 John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
 Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
 Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
 James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.
 Civil Action No. 2:09-cv-232-WHA-TFM
 Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
 Jacanette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants
 Civil Action No. CV 2008-2076
 Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division
 Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.
 Case No. 2:07CV1052
 Rosenfeld Deposition July 2009

Letter 1 – Response to Comments

Response to Comment 1-1

This introductory paragraph states that the comment letter has been prepared on behalf of the Golden State Environmental Justice Alliance, who requests that they be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project and does not contain specific statements about the DSEIR or its adequacy.

This is an introductory statement and not a comment on DSEIR adequacy. No further response is necessary.

Response to Comment 1-2

This comment is a summary of the proposed Project by the commentor and the actions necessary to approve the Project, including an enumeration of the maximum theoretical development potential for the MDSP Area.

The commentor's general summary appropriately characterizes the components of the Project and the actions required for Project approval. No further response is required for the aspects of the comment relating to the components of the Project and the actions required for Project approval. However, the commentor substitutes the maximum theoretical development potential for the MDSP Area, generally described on page 49 of the SEIR and excluded from further consideration because it is determined to be speculative and not reasonably foreseeable, for the project buildout enumerated on page 48. Many subsequent comments by the commentor reference the maximum theoretical development potential and serve as a central claim that the DSEIR does not adequately analyze the impacts of the Project. See Response to Comment 1-4 for a complete discussion of maximum theoretical buildout.

Response to Comment 1-3

This comment summarizes references to CEQA Guidelines sections listed in the DSEIR describing supplemental EIRs and states that the DSEIR does not include references to subsequent EIRs or an analysis of why a supplemental EIR was prepared rather than a subsequent EIR. The comment states that the decision to prepare a supplemental EIR is "is misleading and erroneous" because the Project makes "extensive changes" to the General Plan and references the maximum theoretical development capacity as an example of the extensive change. The comment states that a Project EIR must be prepared.

At the time the City initiated the preparation of the MDSP, an addendum to the Fortuna General Plan EIR was considered to be the appropriate CEQA document for City Council plan approval because no specific projects were proposed and the General Plan Mill District Land Use Designation and Focus Area Policy clearly define the intended uses, circulation and community connectivity, and the process and implementations needed for plan approval and was analyzed in the Fortuna General Plan EIR. The MDSP was considered to be an implementation program that is clearly defined in the Fortuna GP.

After evaluating a range of potential revisions to the objectives for the Mill District Focus Area early in the planning process, the City decided to prepare a supplemental environmental impact report to support MDSP approval. As additional potential revisions were evaluated, the City considered the thresholds for a supplemental vs. a subsequent environmental impact report and determined that contents of both documents are similar, and both require the circulation of a public draft document, and responses to comments. The City of Fortuna determined based on initial project screening (which is confirmed in Section 3, Issues Requiring Changes to Prior EIR; 4, Impacts Found to have no Substantial Change from Previous Analysis, and 5, Mandatory CEQA Topics, of the DSEIR) that the proposed project, as it evolved in initial project planning and as it is presented in the project description (proposed changes to the Mill District Land Use Designation, Mill District Focus Area Policy, and commercial and industrial land use caps) would not increase the severity of impacts on the environment, and the City selected the term supplemental EIR as the document title.

As described in the Project Description, the City's objectives for the Mill District were refined over time during the MDSP planning process, including to consider an expanded range of compatible industrial uses within the Mill District and to allow development within the 100-year floodplain consistent with the General Plan and in a manner identical to other commercial, residential, and industrial areas within the City. Other changes include the replacement of square footage caps that are area based for industrial uses and Land Use Designation based for commercial uses, with a comprehensive annual monitoring and reporting program; and a change to the Mill District floor area ratio to match the surrounding commercial area to allow for the more efficient use of land. The City decided that these specific changes to the General Plan would be necessary to fulfil the vision and guiding objectives for MDSP for the Mill District Specific Plan (MDSP Chapter 2) and as a result, the City determined that additional environmental review would be required, and prepared supplemental EIR, which is intended to adhere to the requirements of either a supplemental EIR or subsequent EIR, as specified in CEQA.

The comment states that a Project EIR should have been prepared because changes are made to Mill District and Land Use Element Policy without identifying new or increased environmental impacts that are likely to occur. The following is a listing of what the commentor states are substantial revisions to General Plan text and which have been determined to not result in new or increased environmental impacts:

Increasing the allowable floor area ratio	The MDSP and Q-zone would increase the allowable FAR from 0.5 to 0.8 to be the same as the adjacent commercial area along South Fortuna Boulevard. The Q-zone specifies a maximum allowable ground coverage and building height that is the same as the industrial zones for industrial uses and the same as the commercial zones for commercial uses. The Mill District is a previously developed infill site and the Fortuna General Plan Policy LU-1.6 Infill Development, encourages infill development on vacant sites and reuse of underutilized parcels to minimize outward growth. The MDSP contains design guidelines and a review process to ensure the new development is compatible with surrounding areas. The Aquatic Resources Delineation for the Fortuna Mill Commerce Center (DSEIR Appendix F) identifies the existing landcover types as pavement, ruderal (unpaved), blackberry scrub, and riparian with perennial streams. There is no indication that allowing future development of this infill and reuse area to occur at a higher allowable floor area ratio (allowing greater building square feet), while still using City-standard ground coverage, setback, and building height requirements and increasing riparian and stream protections, would result in new or increased environmental impacts. In addition, given that the full acreage of the MDSPA is assumed to be graded as part of future General Plan development in the previous FEIR Table 8.1-4a, Net Increase in Development Under the Proposed General Plan, the proposed changes as part of the MDSP would not increase the level of impacts previously identified.
"Removing smart growth measures (caps on development to prevent urban decay)"	The proposed Project would remove and replace arbitrary caps on commercial and industrial developments with an annual monitoring and reporting program to track new commercial development and conditions relating to urban decay and report annually to the Planning Commission and City Council and where urban decay or other indications of overbuilding or high vacancies are occurring, identify City programs to limit urban decay, attract businesses, and encourage increased business activity.

The prior caps were based on local modelling using state projected population increases from the early 2000's that were likely intended to ensure that total commercial and industrial square footage does not exceed anticipated population and employment growth projected to occur during the planning period. However, there is no mechanism specified in the caps to ensure that actual total square footage constructed correlates with actual growth or that actual development does not result in urban decay. In other words, population and employment growth could be low but actual commercial and industrial construction could occur at maximum rates. The existing program would appear to allow "overbuilding that could result in high vacancy rates," to occur.

The LU-7.4 Targeted Industrial Use Levels limit industrial development in three areas South of Main Street in City, Riverwalk District Annexation, and Rohnerville Airport Annexation. The General Plan and previous FEIR do not define the South of Main Street Area, but it is assumed to include approximately 27 acres located south of Main Street area and west of 7th Street and potentially 53 acres are in the Dinsmore Drive area, which is located across U.S. 101 from Main Street. As stated on page 61 and 62 of the DSEIR, since the adoption of the General Plan in 2010, the Riverwalk District has been annexed to the City and the Riverwalk District General Plan Land Use Designation was applied. The Zoning that was applied to this area, Commercial Thoroughfare (C-T) and Freeway Commercial (F-C) allows only "light service industries," which include "bakeries, creameries, soft drink bottling plants, cleaning and drying plants, laundries, printing and engraving plants, and any other plant of a similar nature" (and only as an accessory use in the F-C Zone). As a result, the Riverwalk Area is largely no longer available for industrial use. The Rohnerville Airport Annexation area has not been annexed and there are no current plans to annex this area. As a result, the industrial use "caps" would only allow up to 100,000 square feet of industrial development within the City of Fortuna to occur within the South Main Street area and could only allow 150,000 square feet in the Rohnerville Airport area upon annexation, which does not appear to be reasonably foreseeable.

The LU-6.6 Targeted Commercial Use Levels distribute future allowable commercial square footage by General Plan Land Use Designation and not geographically, like the industrial square footage caps (although some land use designations are applied only to specific geographic areas). In addition, all commercial square feet (retail and service establishments, restaurants, banks, entertainment venues, professional and administrative offices) are considered to have the same effect, where "overbuilding that could result in high vacancy rates."

During the time that the Fortuna General Plan Update was being prepared, Humboldt County was projected to have approximately 143,000 persons and Fortuna was projected to grow to approximately 13,000 by 2025 (Note, this projection is from the Humboldt County General Plan Update Building communities Report, 2002, and is substantially less than what was projected as part of the Fortuna General Plan). The Fortuna General Plan assumed that City population would exceed 16,000 persons by 2030. The current population

of the County (2024) is 133,100 and the current population of Fortuna is 12,810 (California Department of Finance, Demographic Research Unit, Report E-5). The current state population projection for the County as a whole (2020 to 2070) would not exceed 143,000 persons until 2055. In short, actual population growth is significantly less than what was projected but the square footage caps remain pegged to the future population levels that were projected as part of the General Plan.

Given the above, there is no indication that replacing somewhat arbitrary “caps” based on past high population growth rates and that do not reflect the current low population growth rates, and where all commercial and industrial square feet is assumed to contribute equally to “overbuilding that could result in high vacancy rates,” with an ongoing monitoring program that is provided as part of the General Plan annual report and that contains defined feedback loops with policy makers, the business community, and property owners, would create a new or increase an existing environmental impact.

Section 3.1.2, Economic Impacts, analyzes the potential environmental impacts of replacing the existing General Plan Land Use Element policies and implementation programs that establish commercial and industrial “target” use levels with ongoing programs to monitor commercial and industrial development and conditions within the City relating to urban decay. This analysis discloses that the “current land use cap policies do not require that development occur at a pace commensurate with demographic growth and could allow all allocated development in one project or all development allowed city-wide within a short period of time. This disconnect could inadvertently allow urban decay to occur, in spite of its intent.

The proposed amendments to Land Use Element policy and implementation programs would remove specific square footage commercial and industrial caps as well as the allocation of square footage by land use designation within the City. The removal of policies and programs that establish commercial and industrial square footage caps and the allocation of square footage by land use designation or area within the City would not in and of itself result in new building square footage or change where or when new commercial or industrial development would occur. The proposed Land Use Element policy and implementation programs would maintain the original policy objective, presumably to prevent urban decay and to track the distribution of development, but do so through an ongoing monitoring and reporting program that engages the public, City policymakers, and interested parties rather than through a potentially arbitrary cap.

Given that the FMCC development concept or other assumed future development levels within the MDSP do not identify future tenants and does not establish a specific commercial or industrial land use program to be implemented according to a phasing schedule and would instead likely be developed over time according to regional demand, the removal of land use caps is replaced by an ongoing monitoring and reporting program, the proposed Land Use Element amendments and MDSP would not be presumed to result in urban decay.

allowing development within the 100 year floodplain of the Mill District,

The proposed Project would allow development in the MDSP Area to occur within the 100-year floodplain in a manner consistent with the General Plan Health and Safety Element policies relating to flood hazards, in particular Policy HS-7.6, Regulating Land Uses in the 100-Year Floodplain, and City of Fortuna Municipal Code Title 15, Division 2, Floodplain Management Regulations. There are no specific limitations in the General Plan for other areas of the City that are planned for commercial, industrial, mixed use, or residential use and that are within the 100-year flood plain, other than to allow them to be developed where flood hazards would not be worsened and the structure and road access is elevated above the 100-year Base Flood elevation.

A Floodplain Encroachment Analysis for Proposed Mill District Development was prepared to evaluate the proposed conceptual site plan Fortuna Mill Commerce Center, in compliance with General Plan policy PFS-5.14, Drainage Studies, and Policy HS-7.8, Flood Hazards Study and is summarized in Section 3.5.1 Flooding, and included as DSEIR Appendix D. This analysis determines the limits of encroachments by new construction within the floodplain, which is divided into floodway fringe and floodway, that will cause a specified change in water surface elevation. The encroachment limits were adjusted to define the encroachment boundary that would cause less than one foot of rise within the floodway fringe, minimal changes to upstream inundation areas, and cause no impact to roadways crossing Strongs Creek.

The Floodplain Encroachment Analysis concluded the following:

1. Change in land use - Existing impervious areas will be used for the construction of buildings and parking areas.
2. Change in impervious surface area – The Proposed Project will be constructed on areas that are currently impervious. The existing impervious area will be converted to parking areas or buildings.
3. Fill inside the floodplain - There is no proposed fill within the floodway.
4. Change in the 100-year water surface elevation (WSE) - There would be no encroachment within the floodway. Encroachment within the floodway fringe would result in a change in the water surface elevations (WSEs) of less than one foot and significant change to the extent of flooding off site. A profile of the water surface elevations for the Base and Encroached condition are shown in Figure 6. The change in water surface elevation between the Base and Encroached conditions may be seen in DSEIR Figure 7. Changes in water surface elevation and inundation areas were minimal and did result in increased impact to properties upstream (east of Fortuna Boulevard).

Section 3.5.1, Flooding, or the DSEIR concludes that “MDSP performance standards require that development within the 100-year floodplain be consistent with the Health and Safety Element policies relating to flood hazards, in particular Policy HS-7.6, Regulating Land Uses in the 100-Year Floodplain, and City of Fortuna Municipal Code Title 15, Division 2, Floodplain Management Regulations. These General Plan policies, including the MDSP

	expanded riparian setback buffer for Strongs and Mill Creeks, and City regulations, combined with MDSP performance measures, would minimize potential flood hazards, resulting in less than significant anticipated impacts relating to housing or other structures within a 100-Year Flood Hazard Area, structures that could impede or redirect flood flows within a 100-Year Flood Hazard Area, and people or structures that could be involved in flooding.”
creating a new Q Zoning District	The General Plan Mill District Focus Area Policy contains three implementation programs, which the MDSP is intended to implement. In particular, LU-16 specifies that the City shall prepare and adopt design and development standards and criteria for the Mill District to accommodate a range of development options including building types and uses. The MDSP and Q-Zone implement this program by defining the permitting requirements for all allowable uses, defining performance standards to ensure compatibility between uses, defining building design criteria to ensure that development is attractive, and defining development standards such as building setbacks, lot coverage, and building height that are consistent with existing standards for each use type that ensures compatibility with neighboring residential uses. The proposed Q-Zone is consistent with the Mill District Land Use Designation and Focus Area Policy. The DSEIR in Section 3.1. Land Use, Impact LU-03: Would the project result in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land? found that the “Mill District Specific Plan includes proposed changes to Land Use Element policies that include allowing a range of industrial uses instead of only “compatible light industrial uses” in areas Planned Mill District – MD. The Mill District is intended to be a mixed-use area with single-use and vertical and horizontal mixed-use development. This change would allow a full range of light industrial uses that is paired with a series of MDSP performance standards and design guidelines to ensure that development be compatible with adjacent uses. The MDSP also applies noise and screening performance standards that specify that parcels adjacent to existing or proposed residential areas provide attenuation measures such as structural features, construction materials, landscaping, and increased setbacks to reduce heat, trespassing, vibration, glare, dust, air quality impacts, or other annoyances and to reduce noise levels for proposed residential uses to the City’s noise standards, at or below 60 dB Ldn exterior, and 45 dB Ldn interior. In addition, the screening of off-street parking spaces that abut residential uses are required along all interior property lines pursuant to and consistent with (Fortuna Municipal Code Section 17.05.110D, Landscaping and screening). These criteria were prepared to be consistent with Fortuna General Plan Land Use Element policies LU-4, Residential Development, LU-5, Neighborhood Conservation & Enhancement, LU-6, Commercial Development, LU-7; Industrial Development, LU-14, Mill District Focus Area, and Fortuna Municipal Code Section 17.05.110 standards relating to landscaping and screening. The CEQA analysis of the MDSP and the implementing Q-zone land use impacts in Section 3.1 found that:

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- The MDSP will continue to provide street connections and multi-modal pathway connections and is intended to become an integral part of the City transportation system. Given that the proposed changes to the Fortuna General Plan Land Use Element and the MDSP policies and performance measures are comparable to the Mill District Focus Area policy that was analyzed in the previous FEIR, the potential impacts are comparable and would not change the prior finding that the MDSP will not divide an established neighborhood.
 - The maximum height for new or altered buildings within the Project site allowed under the Fortuna General Plan, MDSP, and Fortuna Zoning Regulations would not constitute hazards to aircraft in flight and the permit process for design review would ensure that land uses do not generate emissions, such as light, glare, and smoke that would impair aircraft operations. These ongoing requirements would reduce the potential for conflicts from the Mill District Specific Plan to the implementation of the ALUCP to less than significant, and
 - The addition of industrial as an allowable use in the Mill District Land Use Designation, (outside of the Creek Riparian and Trails Areas and the Residential Area), will ensure the City continues to meet the projected demand for industrial land and offset the loss of industrial land in the Riverwalk District and the potential that the Airport Area may be annexed for other than industrial uses. Therefore, a less-than-significant impact will occur.
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In the discussion of Project Buildout in DSEIR Section 2.7, Project Components, and in numerous locations through the DSEIR, the Project Description states that a conceptual development plan for site buildout, Figure 5, Proposed Fortuna Mill Commerce Center Improvements, is used for analysis purposes in the DSEIR and is not intended to precisely define individual building footprints or locations, but rather estimates how development may be best arranged within the site and the total estimated building area given site dimensions, topography, resources, surrounding uses, and lot requirements. No applications for building construction have been submitted and there are no specific MDSP projects known to the City. Development within the proposed MDSP area is projected to occur over time, based on market demand, and on an applicant-initiated build-to-suit basis rather than according to a phased buildout schedule that involves substantial speculative development, although some speculative buildings may be constructed. The MDSP area is a mixed-use area that could accommodate a mixture of commercial, industrial, and residential uses or a large single use development containing any one use type. Rather than a defined construction project, the MDSP is a comprehensive plan that identifies procedures for permitting allowable development, specific protections for riparian and aquatic resources, design and land use compatibility performance measures, facility and infrastructure needs, and programs to ensure that needed infrastructure is available to serve new development when it occurs. The MDSP is a plan to allow future development that implements a specific set of policies within the Fortuna General Plan and not a discrete, specifically defined, project and as a result a Project EIR was not prepared.

Response to Comment 1-4

This comment states that SEIR's decision to not analyze the maximum theoretical buildout of the MDSP renders it an inadequate informational document. It is vital for a Project EIR to be prepared that analyzes the full buildout of the MDSP and all project components in order to provide an adequate and accurate environmental analysis and that a Project EIR must be prepared that analyzes the MDSP development capacity for 2,800,000 sf of

commercial/industrial space and 770 dwelling units, and must include all CEQA topics for analysis, including cumulative impacts and alternatives.

The DSEIR conservatively uses the Table 8, MDSP Area Assumed Buildout, which summarizes the assumed buildout of the Fortuna Mill Commerce Center Conceptual Development Plan and the Other Mill District Specific Plan Full Buildout for the CEQA analysis and assumes that buildout will occur in the next fifteen years (DSEIR page 48 and 49). The MDSP Area Assumed Buildout was determined to be the best available information for purposes of the DSEIR. However, the likelihood that this level of buildout will actually occur during the planning period is not supported by data regarding commercial and industrial development within the City that has been developed since the approval of the Fortuna General Plan in 2010 (Table 9: City of Fortuna Tracking of Commercial and Industrial Square Footage on page 70 and 71), nor is this supported by past or projected population growth within the City of Fortuna or Humboldt County (as shown in the following paragraphs). Regardless, the MDSP Area Assumed Buildout could potentially occur because the new property owner is likely motivated to develop their holdings, as evidenced by multiple webpage listings, and the City of Fortuna's support for the development of the site as evidenced by the initiation of the Mill District Specific Plan in 2021. For this reason, the assumed buildout projections were used for CEQA purposes and considered to be conservative.

However, there are no regional economic development projections that suggest that Mill District absorption rates will match MDSP Area Assumed Buildout. On page 49, the DSEIR notes a number of regional factors that could affect MDSP buildout, such as the development of the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal and Nordic Aquafarms Project at the Redwood Marine Terminal, and the expansion of Cal Poly Humboldt. These are planned and proposed projects in the region that may contribute to the likelihood that the MDSP Area Assumed Buildout could occur. In addition, the locational attributes of the MDSP, as highlighted in the DSEIR, including the proximity to U.S. 101, proximity to Eureka and Arcata, its status as an infill site, and that infrastructure and services will be readily available also increase the likelihood that existing commercial and industrial demand within the region may choose the MDSP Area in the future. However, there are no known proposals that suggest with any certainty that such development will occur. This further confirms that the anticipated buildout of MDSP Area development including the FMCC concept plan, or a total of 980,500 square feet of employment related development and 100 residential units, is very conservative.

The courts have determined that an EIR should, when looked at as a whole, provide a reasonable, good faith disclosure and analysis of the project's environmental impacts. (*Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.). An EIR is not required to include an analysis of a worst-case scenario, such as the maximum theoretical buildout of the MDSP Area, and need only evaluate impacts that are a reasonably foreseeable consequence of the project (*East Oakland Stadium Alliance v City of Oakland* (2023) 89 Cal.App.5th 1226, 1252-1253; *League to Save Lake Tahoe Mtn. Area Preservation Found. v County of Placer* (2022) 75 Cal.App.5th 63, 141; *High Sierra Rural Alliance v County of Plumas* (2018) 29 Cal.App.5th 102, 122.). CEQA mandates only the consideration of "reasonably foreseeable indirect physical changes in the environment which may be caused by the project." (CEQA Guidelines, § 15064, subd. (d).) Based on the preceding, the City is not required to analyze maximum buildout, given that the EIR provides substantial evidence that the maximum would be speculative.

The Fortuna General Plan Update and PEIR were based on a background report that contains Chapter 2, Demographics & Economics Conditions. Section 2.2, Demographics, contains tables displaying historic growth for the City (Table 2-1, Historic Population Growth City of Fortuna and Humboldt County 1980-2005) and projected future growth (Table 2-2, Population Projections City of Fortuna). These tables were based on data from the Department of Finance from 2005 and the application of past population growth rates (the City of Fortuna growth rate between 1980 and 2005 was 1.6 percent based on Table 2-2). Table 2-2 shows population growth based on "low" (1.4% per year), "historic" (1.6% per year), and "high" (1.8 % per year)

growth rates, which project City populations of 14,856, 15,453, and 16,073 in 2025, respectively, and year 2030 of 15,926, 16,730, and 17,573, respectively. Table 3.2-2 of the Fortuna General Plan PEIR uses 2009 as the base year and applied an average annual growth rate of 1.5% per year to derive a prospected future population of the City of Fortuna of 14,752 in 2020 and 16,817 in 2030.

The projected future demand for commercial and industrial space from the Fortuna General Plan is based on projected population growth. The Fortuna General Plan PEIR Section 3.3, Economic Impacts, analysis summarized the “demand” for commercial and industrial space, which refers to the “the space needs of workers in commercial space-utilizing occupations.” The PEIR projected that “buildout under the proposed plan (which was projected to occur in 2030) will result in an estimated net increase of 5,725 residential units, 973,460 square feet of commercial (retail and office) space, 400,000 square feet of industrial space, 13,415 residents, and 9,625 employees.” Section 3.3 states that “this would represent 26.7% of the County’s 2030 commercial space demand of 3,646,720 square feet, and 30% of the County’s 2030 industrial space demand of 1,333,736 square feet.”

Actual population growth for the City of Fortuna is significantly different than what was projected in the Fortuna General Plan PEIR, (12,516 persons in 2020) less than ¼ of what was projected. The following table shows Census population counts for Fortuna in 2010 and 2020 and California Department of Finance population estimates for Fortuna in all other years:

Year	Population	Percent Change
2010	11,926	
2011	11,965	0.33%
2012	11,907	-0.48%
2013	11,885	-0.18%
2014	11,933	0.40%
2015	12,001	0.57%
2016	12,031	0.25%
2017	12,064	0.27%
2018	12,105	0.34%
2019	12,010	-0.78%
2020	12,516	4.21%
2021	12,523	0.06%
2022	12,317	-1.64%
2023	12,318	0.01%
2024	12,181	-1.11%

Almost 2/3rds of the Fortuna General Plan Planning Period has past and the actual Fortuna industrial development that has occurred between 2010 and 2023 is less than three percent (2.3%) of what was projected by the year 2030 (9,000 square feet of 400,000 total allocated square feet, it should be noted that the buildings and uses that are identified by the City as industrial contain retail and service related uses), and approximately 11.1 percent of projected commercial development has occurred (102,081 square feet of 921,000 total allocated square feet), based on City of Fortuna Community Development Department tracking of commercial and industrial development.

The state of California released updated population projections in September 2024 (California Department of Finance. Demographic Research Unit. Report P-2A: Total Population Projections, California Counties, 2020-2070 (Baseline 2023 Population Projections; Vintage 2024 Release) for the state and its counties for the years 2020 through 2070, based on a 2023 baseline. Sacramento: California. September 2024). These projections indicate that the total population of the County is expected to decline slightly between 2023 and 2030 and thereafter it is projected to experience limited growth between 2030 and 2040 (an absolute increase of 1,982 persons countywide during this period) and 2040 and 2050 (an absolute increase of 3,774 persons countywide during this period). On November 6, 2024, the California State Census Data Center held a webinar to talk about state census data and resources, including the Report P-2A: Total Population Projections. During this webinar, Walter Schwarm, the Chief Demographer of California, noted that the slight growth for Humboldt County is mostly due to the planned enrolment expansion of Cal Poly Humboldt. The Cal Poly Humboldt "Polytechnic Planning" webpage states that "Cal Poly Humboldt would expect to see enrollment increase 50% within three years and 100% within seven years"

(<https://www.humboldt.edu/about/polytechnic/planning#:~:text=Cal%20Poly%20Humboldt%20would%20expect,graduates%20to%20the%20California%20workforce>). The Cal Poly website indicates that enrollment is approximately 6,000 in 2024 and that the university has a goal to grow to approximately 11,000 in 2028 (<https://now.humboldt.edu/news/2023-24-enrollment-update>).

From Report P-2A: Total Population Projection for California and Humboldt County				
Geography	2020	2030	2040	2050
California	37,366,938	39,782,419	41,860,549	43,353,414
Humboldt County	136,406	135,283	137,265	141,039

The above information confirms that anticipated MDSP Area development including the FMCC concept plan, or a total of 980,500 square feet of employment related development and 100 residential units, is a conservative level of anticipated buildout for the DSEIR – meaning that economic and demographic indicators suggest that this level of buildout is not likely to occur in the planning period and assures that the actual level of development and potential impacts, will be within the range of analysis. The suggestion by the comment that the maximum theoretical buildout should be used instead, a level of development that is nearly three times the level analysis in the DSEIR, is not reasonable and not foreseeable.

Response to Comment 1-5

This comment states that the SEIR does not present any analysis or discussion regarding the proposed project's significant increases to the developable building area in the City and revisions necessary to applicable tables in the GP PEIR and states that the maximum theoretical buildout of commercial/industrial space is an 833% increase above the GP PEIR analysis and a 156% increase above the GP PEIR analysis of residential units. The commentor suggests that the maximum theoretical buildout was not anticipated in the Regional Transportation Plan or the Air Quality Management Plan and that a Project EIR must be prepared.

The maximum theoretical development capacity of the MDSPA is disclosed on Page 49 of DSEIR, which states this level of development is highly speculative and not considered reasonably foreseeable and therefore not analyzed. The response to comment 1-4 provides further evidence that the maximum theoretical development capacity is speculative and therefore not reasonably foreseeable. The anticipated MDSP Area development disclosed in the DSEIR is what the Project area is likely to accommodate at buildout, not what is proposed to be developed, given that no specific development proposal has been submitted to the City or are known to exist. The MDSP is a plan to accommodate development consistent

with the City of Fortuna's objectives for Mill District development and the Fortuna General Plan, as proposed to be amended.

Regarding the Regional Transportation Plan, the comment suggests that the Regional Transportation Plan is a Sustainable Communities Strategy, which it is not because the Humboldt County Association of Governments is not a metropolitan planning organization. Regarding the Regional Transportation Plan, the previous FEIR states on page 10-6 that the "2008 Regional Transportation Plan (RTP) for Humboldt County is a long-range planning document developed by the Humboldt County Association of Governments (HCAOG), the Regional Transportation Planning Agency (RTPA) for Humboldt County. The RTP was developed in cooperation with Caltrans, Humboldt County, the cities of Eureka, Arcata, Fortuna, Rio Dell, Blue Lake, Ferndale, Trinidad, local tribes, and other stakeholders pursuant to California Government Code § 65080 et seq. and U.S. Code Title 23, § 134 and §135 et seq. Per the RTP (HCAOG 2008), the plan was prepared to meet objectives including, but not limited to:

- Predicting the future needs for travel and the movement of goods;
- Identifying and documenting specific actions necessary to address the region's mobility and accessibility needs;
- Identifying needed transportation improvements; and
- Identifying and documenting public policy decisions by local, regional, state and federal officials regarding transportation expenditures and financing."

The Regional Transportation Plan contains broad policy statements that describe the purpose of the plan and that do not specify requirements for compliance with future land use actions approved by a city or the county. The current update to the Regional Transportation Plan, Variety in Rural Options of Mobility (VROOM) 2022-2042, is described on DSEIR page 80. Under its authority as the Regional Transportation Planning Agency for Humboldt County, HCAOG is required to adopt and submit an updated Regional Transportation Plan to the California Transportation Commission (CTC) and Caltrans every four years. Transportation projects must be consistent with adopted Regional Transportation Plans in order to qualify for funding in the State Transportation Improvement Program and be included in a Regional Transportation Improvement Program or the Interregional Transportation Improvement Program. The U.S. 101 interchanges described in the project description and that will follow a separate planning and environmental review process, will be required to be consistent with the adopted RTP in order to qualify for STIP or RTIP funding. The U.S. 101 interchanges are included in the DSEIR as a related project, because the anticipate buildout of the conceptual plan would require the completion of the interchange improvements.

Section 4.2, Transportation and Circulation, discloses why the MDSP does not affect the conclusions of the previous FEIR as it relates to transportation and circulation and that relate to the goals policies and objectives of the Regional Transportation Plan. Impacts analyzed in Section 4.2, Transportation and Circulation, include: 4.2.1-1, cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (including exceeding, either individually or cumulative, LOS standards) potential impact; 4.2.1-2 substantially increase hazards due to a design feature or incompatible uses potential impact; 4.2.1-3 result in inadequate emergency access potential impact; result in inadequate parking capacity potential impact; 4.2.2-1 discourage or interfere with pedestrian circulation potential impact: 4.2.2-1 discourage or interfere with pedestrian circulation potential impact; 4.2.2-2 increased need for new pedestrian facilities potential impact; 4.2.2-3 discourage or interfere with bicycle circulation potential impact; 4.2.2-4 increased need for new bicycle facilities potential impact; 4.2.3-1 discourage or interfere with fixed route transit service potential impact; 4.2.3-2 generate an increase in transit ridership potential impact. For all of the above impacts, the DSEIR concluded that the MDSP would be consistent with the General Plan policies relating to transportation and circulation, and in many instances adds performance measures that assure compliance, and was

developed to promote and support traffic safety, walking, biking, public transit services consistent with policies in the General Plan, so there would be no change in potential impacts

The MDSP does not change the goals and policies of the Mill District Focus Area relating to transportation, except to provide additional detail as to how they will be implemented. The MDSP does not affect the region's transportation system since it does not propose new or alternations to existing regional transportation networks, such as state routes or public transit (as described above, the City is separately planning U.S. 101 interchange improvements) and the MDSP proposes sidewalks, multiuse trails, regional trail interconnections, and transit improvements, which would encourage active transportation such as bicycling and walking. The MDSP was reviewed by the City Public Works Director and Engineer, which provided conditions to ensure the traffic safety.

Regarding the 1995 North Coast Regional Air Quality Management District adopted Particulate Matter Attainment Plan, which is the only air quality management plan applicable to the City of Fortuna, the anticipated MDSP Area development disclosed in the DSEIR is what the Project area is likely to accommodate at buildout, not what is proposed to be developed, given that no specific development proposal have been submitted to the City or are known to exist. The MDSP is a plan to accommodate development consistent with the City of Fortuna's vision and objectives for Mill District development and the Fortuna General Plan, as proposed to be amended. The MDSP does not change the goals and policies of the Mill District Focus Area relating to air quality. DSEIR Section 4.6.1, Air Quality, discloses why the MDSP does not affect the conclusions of the previous FEIR as it relates to the potential for the General Plan to conflict with the implementation of the NCUAQMD PM10 Attainment Plan. The MDSP maintains the Mill District as a mixed-use development area and must comply with all applicable NCUAQMD rules and regulations and General Plan policies to implement air emission reduction measures. As such, the proposed MDSP would not alter the potential impacts to the air quality management plan evaluated by the previous FEIR.

Response to Comment 1-6

This comment states that the SEIR does not analyze the increase to the allowable floor area ratio, removing smart growth measures/caps on development in Commercial and Industrial districts, allowing development within the 100 year floodplain of the Mill District, and creating a new Q Zoning District. These significant changes will apply citywide and the SEIR has not analyzed all components of the proposed project and their potential significance to physically divide an established community, conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, or result in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land. A Project EIR must be prepared to provide an adequate informational document that discusses and analyzes the potentially significant impacts of all components of the proposed project. and that a Project EIR must be prepared.

Response to comment 1-3 addresses this comment as it relates to the DSEIR analysis relating to an increase to the allowable floor area ratio, removing "smart growth measures/caps" on development in Commercial and Industrial districts, allowing development within the 100 year floodplain of the Mill District, and creating a new Q Zoning District.

The following summarizes where the DSEIR analyzes each of the other topics listed in this comment:

potential significance to physically divide an established community	Impact LU-01: Would the project physically divide an established community? DSEIR page 57 which concludes that the "MDSP will continue to provide street connections and multi-modal pathway connections and is intended to become an integral part of the City transportation system. Given that the proposed changes to the Fortuna General Plan Land Use Element and the MDSP policies and performance measures are comparable to the Mill District Focus Area policy that was analyzed in the previous FEIR, the potential impacts are comparable and would
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	not change the prior finding that the MDSP will not divide an established neighborhood."
conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect,	Impact LU-02: Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? DSEIR page 58, which concludes that the "previous FEIR found that the potential for the Fortuna General Plan 2030 and Mill District Focus Area policy to conflict with applicable land use plans, policies and regulations adopted to avoid or mitigate environmental effects to be less than significant as it relates to the City of Fortuna Zoning Regulations, Humboldt County Regional Transportation Plan, and the Humboldt County Airport Land Use Compatibility Plan. Other plans analyzed in this section of the previous FEIR are inapplicable to the Mill District Focus Area because they were only applicable within unincorporated areas. This analysis focuses on the recently updated Airport Land Use Compatibility Plan (ALUCP) airport influence areas, which now include the MDSP Area. The ALUCP is a plan that is adopted for the purpose of avoiding or mitigating an environmental effect, in particular aviation hazards and noise. The MDSP Area is now within the ALUCP Airport Influence Area (AIA) Review Area 2, which relates to airspace protection and overflight notification policies and does not contain policies that relate to airport noise or areas where noise and/or safety concerns may require limitations on the types of land use or the intensities or densities that may be developed. The DSEIR concluded that the "maximum height for new or altered buildings within the Project site allowed under the Fortuna General Plan, MDSP, and Fortuna Zoning Regulations would not constitute hazards to aircraft in flight and the permit process for design review would ensure that land uses do not generate emissions, such as light, glare, and smoke that would impair aircraft operations. These ongoing requirements would reduce the potential for conflicts from the Mill District Specific Plan to the implementation of the ALUCP to less than significant." Other sections of the DSEIR contain detailed analyses of the proposed changes to the Land Use Element and adoption of the MDSP and Q-zone to ensure that they do not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
result in negative community character, substantial land use conflict	Impact LU-03: Would the project result in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land? This section focuses on Land Use Element amendments and MDSP policies that relate to land use compatibility which could be considered a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. MDSP changes that could affect land use compatibility include the expansion of the range of allowable industrial uses. The DSEIR concludes that the "policies and performance standards (contained in the MDSP and design guidelines) described above, all of which are consistent with General Plan policies intended to avoid or mitigate environmental effects, and the requirement that projects be consistent with design guidelines and that would be implemented as part of a conditional use permit, would ensure that the proposed changes to the Fortuna General Plan Land Use Element Mill District Focus Area policies, the proposed MDSP and Fortuna Zoning implementation would continue

	to result in less than significant impacts to community character or land use conflicts.”
Result in an inadequate amount of industrially-designated land	Impact LU-03: Would the project result in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land? DSEIR page 60. This topic analyzes whether the change to the Mill District Land Use Designation to read “This designation provides for single-use and vertical and horizontal mixed-use development ~~as part of a large, center~~ <u>that is well integrated and compatible with the surrounding community</u> . Uses may include <u>small- and</u> large-scale <u>light industry</u> , retail and services, restaurants, entertainment venues, professional and administrative offices, residential units, compatible ~~light~~ <u>heavy</u> industry, public and quasi-public, and similar and compatible uses.” This change expands the range of allowable compatible industrial uses. The analysis concludes that the “addition of industrial as an allowable use in the Mill District Land Use Designation, (outside of the Creek Riparian and Trails Areas and the Residential Area), will ensure the City continues to meet the projected demand for industrial land and offset the loss of industrial land in the Riverwalk District and the potential that the Airport Area may be annexed for other than industrial uses. Therefore, a less-than-significant impact will occur.”
The comment also suggests that these “significant changes will apply citywide” which is not analyzed in the DSEIR	The only change to the Fortuna General Plan that is applicable beyond the Mill District is the changes to Policy LU-6.6 Targeted Commercial Use and Development Levels and Program LU-8 and Policy LU-7.4 Targeted Industrial Use and Development Levels and Program LU-9. These policies appear to be intended to limit the likelihood that urban decay could result from “overbuilding that could result in high vacancy rates.” These policies are referenced in the previous FEIR in Impact 3.2-1: Population Growth Inducement and Impact 3.3-1: Potential to Cause Blight Conditions. As described in response to comment 1-3, the proposed Project would remove and replace arbitrary caps on commercial and industrial developments with an annual monitoring and reporting program to track new commercial development and conditions relating to urban decay and report annually to the Planning Commission and City Council and where urban decay or other indications of overbuilding or high vacancies are occurring, identify City programs to limit urban decay, attract businesses, and encourage increased business activity. The caps were set based on a level of population growth that has not occurred and is not likely to occur. This disconnect could inadvertently allow urban decay to occur, in spite of its intent. The current land use cap policies do not require that development occur at a pace commensurate with demographic growth, only that total commercial or industrial development not exceed a maximum amount regardless of population growth levels, employment levels, or vacancy conditions. Impact ECO-01: Would the project result in the development of new commercial or industrial space which exceeds the absorptive capacity for those uses in Humboldt County, potentially resulting in blight conditions? addresses potential impacts relating to this policy change and concludes that the “removal of policies and programs that establish commercial and industrial square footage caps and the allocation of square footage by land use designation or area within the City would not in and of itself result in new building square footage or change where or when

	new commercial or industrial development would occur. The proposed Land Use Element policy and implementation programs would maintain the original policy objective, presumably to prevent urban decay and to track the distribution of development but do so through an ongoing monitoring and reporting program that engages the public, City policymakers, and interested parties rather than through a potentially arbitrary cap." DSEIR Section 4.1.1-1 Population Growth Inducement Potential Impact and Section 5.3, Growth-Inducing Impacts, evaluates that degree to which the changes to the General Plan Mill District Land Use Designation, Mill District Focus Area Policies, and adoption of the MDSP and Q-zone would alter the previous FEIR conclusion relating to growth inducing impact in previous FEIR. Section 4.11-1 concludes that "The MDSP continues to plan for a mixture of urban land uses and replaces specific caps on commercial and industrial square footage with an ongoing monitoring program intended to avoid urban decay. The proposed changes to the General Plan and MDSP would not change the finding from the previous FEIR that potential indirect growth allowed by the General Plan could have significant and unavoidable impacts." Section 11.2, Growth-Inducing Impacts, concluded that the "the proposed plan would be growth inducing" and the Section 5.3 analysis concluded that the "changes to the General Plan and the adoption of the MDSP do not change the conclusions presented in the previous FEIR"
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Response to Comment 1-7

This comment states that the SEIR does not include a project consistency analysis with any of the existing General Plan goals and policies, which are "a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect," and states that this does not comply with CEQA's requirements for meaningful disclosure as there is no meaningful discussion or analysis regarding the impacts of the proposed project's inconsistency with the GP and its PEIR, including the SEIR's conclusion the project will result in significant and unavoidable impacts to VMT. The comment states that a Project EIR must be prepared to provide a consistency analysis with all General Plan goals, policies and programs and lists a series of policies that the commenter suggests were intended to lessen environmental impacts

Response to comment 1-6 provides an extensive response to the comment demonstrating that the DSEIR contains a detailed analyses of the proposed changes to the Land Use Element and adoption of the MDSP and Q-zone to ensure that they do not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The proposed changes to the MD land use designation, Mill District Focus Area policy and other Land Use Element policies are analyzed in the DSEIR for their potential environmental impacts and their consistency with the General Plan.

Although not required by CEQA, the following is an analysis of each policy listed in the comment and its relationship to the MDSP:

Policy TC-1.2 New Roadway Improvements. The City shall design and phase roadway improvements so that a level of service (LOS) C or better is maintained on all City streets,	Level of service is no longer a CEQA impact threshold. The City of Fortuna General Plan does have a policy relating to level of service and as previously stated this policy does not relate to an environmental impact and would therefore not relate to "a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." The City conducted a vehicle traffic operational analysis for the MDSP based on the conceptual development plan. Intersections that would have operational
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except that LOS D or better shall be maintained on Main Street.	impacts were identified and performance measures relating to the needed improvements have been incorporated into the MDSP.
Policy TC-1.13 Development Impacts. The City shall consider the effects of new development on local streets in residential areas and require new development to mitigate significant traffic impacts.	Section 4.2.1-2 Substantially Increase Hazards due to a Design Feature or Incompatible Uses Potential Impact found that "Future intersection and roadway design would be required to meet applicable standards including appropriate geometry for the safe movement of all types of transportation. The MDSP will continue to implement General Plan Transportation and Circulation Element policies and would therefore not change impacts relating to hazards due to a design feature or incompatible uses." Based on the analysis in DSEIR Section 4.2.1 Roadway and Highway System, the proposed changes to the Land Use Element and adoption of the MDSP and Q-zone do not result in significant traffic impacts. See response to Policy TC-1.2 New Roadway Improvements, above.
Goal LU-4 To create land-use patterns that promote the residential character of the community, including quality housing development and balanced, harmonious land-use types.	Goal LU-4, does not appear to be specifically crafted for the purpose of avoiding or mitigating an environmental effect. DSEIR Section 4.1.1, Population and Housing, addresses impacts relating to population and housing. The MDSP implements the Mill District Focus Area Policy, which includes the Mill District as a mixed-use area. Response to comment 1-6 provides an extensive response to the comment demonstrating that the DSEIR contains a detailed analyses of the proposed changes to the Land Use Element and adoption of the MDSP and Q-zone to ensure that they do not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
Policy LU-4.1 Residential Growth. The City shall support residential development at a manageable pace to achieve the City's fair share of regional housing needs and provide for orderly extension of infrastructure and public services	Policy LU-4.1 Residential Growth does not appear to be specifically crafted for the purpose of avoiding or mitigating an environmental effect. DSEIR Section 4.1.1, Population and Housing, addresses impacts relating to population and housing. The MDSP implements the Mill District Focus Area Policy, which includes the Mill District as a mixed-use area. Response to comment 1-6 provides an extensive response to this comment demonstrating that the DSEIR contains a detailed analyses of the proposed changes to the Land Use Element and adoption of the MDSP and Q-zone to ensure that they do not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
Goal LU-5 To conserve and enhance the best qualities of existing neighborhoods as the city grows	Goal LU-5 To conserve and enhance the best qualities of existing neighborhoods as the city grows does not appear to be specifically crafted for the purpose of avoiding or mitigating an environmental effect. Response to comment 1-6 provides an extensive response to this comment demonstrating that the DSEIR contains a detailed analyses of the proposed changes to the Land Use Element and adoption of the MDSP and Q-zone to ensure that they do not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Policy LU-5.1 Compatibility. The City shall ensure that land use and development decisions are not detrimental to the positive character and identity of Fortuna's existing residential neighborhoods.	Policy LU-5.1 Compatibility does not appear to be specifically crafted for the purpose of avoiding or mitigating an environmental effect. The MDSP contains a series of policies and programs that are intended to achieve compatibility between existing and proposed land uses. Response to comment 1-6 provides an extensive response to this comment demonstrating that the DSEIR contains a detailed analyses of the proposed changes to the Land Use Element and adoption of the MDSP and Q-zone to ensure that they do not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
Policy LU-5.2 Infill and Reuse. The City shall encourage infill and reuse in existing neighborhoods that maintain the character and quality of the surrounding neighborhood and that does not negatively affect surrounding land uses	Policy LU-5.2 does not appear to be specifically crafted for the purpose of avoiding or mitigating an environmental effect. The MDSP contains a series of policies and programs that are intended to achieve compatibility between existing and proposed land uses. Response to comment 1-6 provides an extensive response to this comment demonstrating that the DSEIR contains a detailed analyses of the proposed changes to the Land Use Element and adoption of the MDSP and Q-zone to ensure that they do not conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
Policy ED-2.1 Quality Jobs. The City shall strive to create an environment that fosters good-paying jobs	Policy ED-2.1 Quality Jobs does not appear to be a "a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect" and would not require analysis as part of an EIR. However, the guiding principles of the MDSP appear to relate directly to this policy.
Policy PFS-1.2 Adequate Public Facilities to Serve New Development. The City shall ensure through the development review process that adequate public facilities and services are available to serve new development when required. The City shall not approve new development where existing facilities are inadequate to support the project, unless the applicant can demonstrate that all necessary public facilities (including water, sewer, storm drainage, transportation, police and fire protection services) will be installed or adequately financed and maintained (through fees, special taxes, assessments, or other means	Potential impacts relating to public facilities and services are evaluated in Section 4.5 Public Facilities and Services. Utility and infrastructure studies were prepared as part of the MDSP process and referred to in the DSEIR. The MDSP contains performance measures and a financing plan specifically intended to carry out this policy. For instance on page 140 in Section 4.5.1-2 Water Supply and Distribution Facilities Potential Impacts the DSEIR states that a "water supply and distribution analysis conducted for the MDSP (included in this SEIR as Appendix E) found that the water distribution and treatment system located outside the MDSP area is adequate to support the buildout of anticipated development and identified needed improvements within the MDSP including the installation of water mains, valves, services, meters, back-flow preventers, and hydrants. New facilities would be designed to accommodate the FMCC and other MDSP area development. Most water distribution facilities would be located within public roadways, private roadways with public utility easements, or areas adjacent to the travel way with public utility easements. However, components of the water distribution, wastewater collection, and stormwater collection systems may involve new bridge attachments over, aerial pipes over, horizontal directional drilled stream crossings under, or the establishment of stormwater discharges to, the stream and riparian

	areas of Strongs and Mill Creek. The details of these facilities, such as the number, type, size, design, or location are not known at this time. The ultimate location and design of such facilities would be subject to their own CEQA process and may require the need for approvals by state agencies under Section 401 of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne), Section 402 of the CWA National Pollutant Discharge Elimination System (NPDES), and Lake and Streambed Alteration Agreements pursuant to the California Fish and Game Code Section 1602. Therefore, the MDSP would not change previous FEIR significance determination relating to impacts to water distribution and treatment system."
Policy PFS-1.4 Ultimate Capacity Needs. The City shall ensure through the development review process that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for costly retrofitting.	See response to Policy PFS-1.2 Adequate Public Facilities to Serve New Development, above.
Policy PFS-1.5 Necessary Infrastructure. The City shall require all new development and major modifications to existing development to construct necessary on-site infrastructure to serve the project in accordance with City standards.	See response to Policy PFS-1.2 Adequate Public Facilities to Serve New Development, above.
Policy PFS-1.6 Project Impacts on Infrastructure. When reviewing applications for land use designation changes (i.e., General Plan amendments, specific plan), the City shall analyze the impacts of the proposed land use designation changes on all aspects of the infrastructure system within the city and require mitigation as legally required. This shall include consultation with other service providers who have infrastructure within the city.	See response to Policy PFS-1.2 Adequate Public Facilities to Serve New Development, above.
Policy PFS-4. New subdivisions, PUDs, and other large development projects (e.g.,	Although the project is a General Plan amendment and Specific Plan and not a new subdivision, PUDs, and other large development projects (e.g., residential projects over 20 units, commercial/

residential projects over 20 units, commercial/ office/industrial projects over 10,000 sq. ft.) shall demonstrate that adequate water, fire flow, wastewater collection, wastewater treatment/disposal, and storm drainage can be provided without adversely impacting service to existing uses.	office/industrial projects over 10,000 sq. ft, issues identified in this policy are addressed in the DSEIR, See response to Policy PFS-1.2 Adequate Public Facilities to Serve New Development, above.
Policy PFS-5. The City shall require that a SB 610 Water Supply Assessment be prepared for proposed development projects that meet the State Assessment threshold (e.g., ≥ 500 EDUs). The Assessment shall demonstrate there is adequate potable water supplies to serve the proposed project along with existing and cumulative development within the City in 5- year increments over a 20-year projection, under average normal, single-dry, and multi-dry years.	See Impact 4.5.1-1 Water Supply Potential Impacts: on page 140. The previous FEIR determined that the City had access to an adequate water supply to support buildout and impacts to water supply would therefore be less-than-significant. An analysis of water supply conducted for the MDSP (included in this SEIR as Appendix E) found that water use associated with the conceptual Mill District layout is less than that of the previously analyzed water demand under the City's 2020 Urban Water Management Plan and General Plan 2030. Therefore, the MDSP would not change previous FEIR significance determination relating to impacts to water supply.
Goal PFS-2 To ensure that adequate facility and service standards are achieved and maintained through equitable funding methods.	This may not be a "a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." However, as described in Project Background on page 13, "the vacant former mill site was beginning to be a nuisance for the community and the City of Fortuna initiated the preparation of the Specific Plan in 2021. This staff-led effort was conducted in close coordination with the property owners at the time, regional economic developers, and the California Department of Fish and Wildlife. The Mill District Specific Plan involved public outreach that consisted of stakeholder meetings, community workshops, and public hearings." The MDSP is a city-initiated planning project and the City maintains discretion as to whether a fiscal impact analysis should be prepared. The City prepared a comprehensive utility and infrastructure analysis to ensure that all public infrastructure improvements and costs as identified and can be addressed through project approvals.
Policy HS-1.1 New Development. The City shall permit development only in areas where the potential danger to the health and safety of people and property can be mitigated to an acceptable level.	Potential impacts to health and safety are disclosed in the DSEIR Section 2, Project Description and comprehensively addressed in Section 3, Issues Requiring Changes to Prior EIR and Section 4, Impacts Found to have no Substantial Change from Previous Analysis.

Policy HS-3.6 Greenhouse Gas Emissions Reduction from Transportation. Increase clean-fuel use, promote transit-oriented development and alternative modes of transportation, and reduce travel demand.	Greenhouse gas emissions are addressed in Section 4.6.1-1 Conflict With The State Goal Of Reducing GHG Emissions Under AB 32 Potential Impacts. The proposed project is an amendment to the General Plan and the adoption of a specific plan and implementation programs. Consistent with the current Mill District Focus Area policy and the General Plan, the MDSP includes: Policy LU-4. The Mill District's design and development shall be compatible with adjacent uses. The following factors shall be considered in reviewing proposals for the development of new and/or expanding Mill District uses: ▪ Buildings shall be oriented to the street, residential areas, and transit services, wherever feasible; ▪ The site plan for individual projects shall include features to integrate the new development with surrounding uses; ▪ The site plan shall promote safe, comfortable, convenient, and barrier-free pedestrian travel within the District, between the District and adjacent uses, and to and from transit stops; ▪ The site plan promotes public safety; ▪ The site is well integrated with the rest of the city; ▪ The site plan promotes convenient access to streets, the bike and trail network, and public transit services; ▪ Off-street parking areas should be located in the side and rear yards and designed to be compatible with adjacent residential uses wherever feasible. Policy LU-8. Mill District streets shall accommodate the movement of large trucks and include public transit, bicycle, and pedestrian facilities and shall maximize the safety of all street users: ▪ Safe, comfortable, and convenient access shall be provided for pedestrians between buildings and transit stops, parking areas and other buildings and facilities. ▪ The Mill District shall be designed to support public transportation and the safe and efficient operation of the adjacent arterial and/or collector roads; ▪ The Mill District design shall facilitate the use of the Great Redwood Trail; and ▪ The portion of the Strongs Creek "River to Forest" trail within the Mill District shall connect with access points to the Riverwalk area, Strongs Creek Plaza, and the Great Redwood Trail. And Performance Measure Transit Services. Implement transit-related improvements on the west and/or east sides of the future road to be named later to provide on-site transit services.
Policy HS-3.7 Air Pollutant Emission Reduction Construction	Potential air quality impacts are addressed in Section 4.6.1 Air Quality. The proposed project is an amendment to the General Plan

and Operation Measures. The City shall require that new development incorporate air pollutant emission reduction measures during construction and operation.	and the adoption of a specific plan and implementation programs and not a specific project. The MDSP allows single-use and vertical and horizontal mixed-use development as part of a large, integrated center. Uses may include large-scale retail and services, restaurants, entertainment venues, professional and administrative offices, residential units, compatible light industry, public and quasi-public, and similar and compatible uses as well as proposed to be changed to allow "small-and large-scale light industry" and "compatible heavy industrial uses" that are "well integrated and compatible with the surrounding community." As new development is proposed the City will continue to implement its practices in development review, which includes the referral of projects that could include the emission of pollutants or toxic air contaminants to the North Coast Unified Air Pollution Control District for the permitting of applicable generators.
Policy CD-1.13 Environmental Conformity. The City shall require development project design to reflect and consider natural features, noise exposure of residents, visibility of structures, circulation, access, and the relationship of the project to surrounding uses. Residential densities, building intensities, and lot patterns should be determined by these and other factors.	Impacts relating to environmental conformity are disclosed in the DSEIR Section 2, Project Description and comprehensively addressed in Section 3, Issues Requiring Changes to Prior EIR and Section 4, Impacts Found to have no Substantial Change from Previous Analysis. The proposed project is an amendment to the General Plan and the adoption of a specific plan and implementation programs and not a specific development project. The Mill District General Plan Land Use Designation, Mill District Focus Area Policy, MDSP policies and performance measure and Design Guidelines were developed to address the issues in this policy. Given that there are no direct impacts, potential impacts are identified to the extent feasible and where indicated proposed mitigations are provided.
The SEIR does not provide any analysis with these items, particularly Policy PFS-2.2 that requires preparation of a fiscal impact analysis for projects that require amendments of the General Plan land use designations. Additionally, Policies PFS-1.2, 1.4, 1.6, PFS-4 and PFS-5 require specific analysis of utility capacities while Appendix E: Utility and Infrastructure Conceptual Design Technical Memorandum only analyzes the utility demand of the proposed development project, not the total 2,800,000 sf of non-residential buildings and 770 dwelling unit buildout proposed by the entirety of the proposed project. A Project EIR	The above responses address all of these comments. The maximum theoretical buildout identified in the DSEIR is determined to <u>not be</u> reasonably foreseeable and is therefore <u>not analyzed</u>. The utility needs and impacts of the conceptual development plan are analyzed fully in the DSEIR and described above.

must be prepared to include these items (and analysis with all General Plan goals, programs, and policies) for analysis in order to provide an adequate informational document.	
The SEIR has not provided any Level of Service (LOS) analysis. A Project EIR must be prepared to include a LOS analysis in order to provide an adequate informational document to analyze Transportation Impact Threshold 4.2.1-1 and Land Use and Planning Impact Threshold LU-02 in accordance with the following General Plan Policies: Policy TC-1.2 New Roadway Improvements. The City shall design and phase roadway improvements so that a level of service (LOS) C or better is maintained on all City streets, except that LOS D or better shall be maintained on Main Street.	As described above, level of service is no longer a CEQA impact threshold. The City does have a General Plan policy relating to level of service and as previously stated this does not relate to an environmental impact and would therefore not relate to “a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.” The City conducted a vehicle traffic operational analysis for the MDSP based on the conceptual development plan provided by the property owner. Intersections that would have operational impacts were identified and performance measures relating to the needed improvements have been incorporated into the MDSP.
Policy TC-1.13 Development Impacts. The City shall consider the effects of new development on local streets in residential areas and require new development to mitigate significant traffic impacts.	The City conducted a vehicle traffic operational analysis for the MDSP based on the conceptual development plan provided by the property owner. Intersections that would have operational impacts were identified and performance measures relating to the needed improvements have been incorporated into the MDSP. Section 4.2.1-2, Substantially Increase Hazards due to a Design Feature or Incompatible Uses Potential Impact found that “Future intersection and roadway design would be required to meet applicable standards including appropriate geometry for the safe movement of all types of transportation. The MDSP will continue to implement General Plan Transportation and Circulation Element policies and would therefore not change impacts relating to hazards due to a design feature or incompatible uses.” As described above, the City conducted a vehicle traffic operational analysis for the MDSP based on the conceptual development plan provided by the property owner. Intersections that would have operational impacts were identified and performance measures relating to the needed improvements have been incorporated into the MDSP.

Response to Comment 1-8

This comment states that the SEIR concludes the project will have significant and unavoidable impacts to VMT but has still underreported the quantity VMT of generated by the proposed project operations. The operational nature of

industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations and states that a revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

The location, use, and nature of any specific development in the MDSP Area is not known. The proposed project is a City-initiated plan intended to implement the General Plan policies for the Mill District Focus Area, as amended to reflect the City's current objectives, and that includes performance measures, design guidelines, and implementing zoning regulations. The Mill District allows single-use and vertical and horizontal mixed-use development that could include compatible industrial uses, commercial uses and residential uses. The major landowner prepared a development concept that contains a mixture of commercial and industrial structures that has been used for purposes of CEQA to evaluate the proposed plan. Compatible industrial uses are allowable and such uses may involve heavy truck traffic; however, no specific projects have been submitted. Multi-family housing developments could also be the primary use within the MDSP Area and again, no specific projects have been submitted.

CEQA Guideline 15064.3 was adopted in 2018 to provide guidance in determining the significance of transportation impacts. It provides that "[g]enerally, vehicle miles traveled is the most appropriate measure of transportation impacts." (Cal. Code Regs., tit. 14, § 15064.3(a). The guideline further provides that "[f]or the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." In April 2018, the Governor's Office of Planning and Research published the Technical Advisory on Evaluating Transportation Impacts in CEQA, which provides several pages of guidance. Section C-1 states that the term "automobile" in Guideline 15064.3 "refers to on-road passenger vehicles, specifically cars and light trucks. Heavy-duty truck VMT could be included for modeling convenience and ease of calculation (for example, where models or data provide combined auto and heavy truck VMT)." Given the language of the California Code and the state agency guidance, local agencies evaluate automobile vehicle miles traveled associated with on-road passenger vehicles, specifically cars and light trucks.

Fehr and Peers, under contract to the County of Humboldt, provided a report (VMT Study Report) that gives an overview of SB 743 and related policies and how VMT may be measured and recommends VMT methods and thresholds for lead agencies in Humboldt County. This report and the accompanying tool were released after the VMT modelling for this Project was completed. This report states that the "changes to the CEQA Guidelines identify automobile (with a footnote on the work automobile reading "(w)hile SB 743 did not define the term "automobile," OPR's Technical Advisory defines "automobile" as excluding heavy-duty trucks, i.e., automobile is defined as "on-road passenger vehicles, specifically cars and light trucks." (OPR Technical Advisory, p. 4.) However, OPR did note that "[h]eavy duty truck VMT could be included for modeling convenience and ease of calculation (for example, where models or data provide combined auto and heavy truck VMT)." VMT as the preferred CEQA transportation metric and, upon their certification on December 28, 2018, eliminated use of auto delay and LOS statewide for CEQA transportation analysis" (VMT Study Report page 3).

Response to Comment 1-9

This comment lists the projected development within the Mill District from the previous FEIR (Table 3.1-6 Proposed General Plan Buildout Calculations) and compares this level of development to the maximum theoretical development capacity of the Project and states that the maximum theoretical development capacity would result in a substantial increase in the development capacity within the City (and associated removal of development caps citywide) has significant potential to increase population and employment in the City. A Project EIR must be prepared to provide a quantified analysis of the proposed project's employment and population generation in order to provide an adequate informational document. The Project EIR must also provide a cumulative analysis discussion of projects approved since the date of General Plan adoption and projects "in the pipeline" to adequately analyze the extent that the project exceeds the GP PEIR buildout scenario and growth forecasts.

Consistent with recommendations in the Governor's Office of Planning and Research General Plan Guidelines Chapter 10, CEQA, this supplemental EIR contains the standard EIR content requirements (i.e., project description, environmental setting, significant effects, mitigation measures, etc.), but does not duplicate information and analysis that is already included in the program EIR, including the environmental setting, project alternatives, and cumulative impacts. A reasonably foreseeable level of potential future employment and population are identified and analyzed in the DSEIR.

The utility needs and impacts of the conceptual development plan are fully analyzed in the DSEIR. The maximum theoretical buildout identified in the DSEIR is determined to not be reasonably foreseeable and is therefore not analyzed. See response to comment 1-4 for a complete discussion of why the maximum theoretical capacity is speculative and not considered reasonably foreseeable.

See response to comment 1-3 for a discussion regarding the replacement of caps on commercial and industrial developments with an annual monitoring and reporting program to track new commercial development and conditions relating to urban decay and report annually to the Planning Commission and City Council and where urban decay or other indications of overbuilding or high vacancies are occurring, identify City programs to limit urban decay, attract businesses, and encourage increased business activity.

The previous FEIR was a programmatic environmental impact report. As described in the previous FEIR in Section 1.3, Use of this EIR as a Program EIR, the previous FEIR was intended to provide the following advantages:

- Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in a PEIR on an individual action;
- Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis;
- Avoid duplicative reconsideration of basic policy considerations;
- Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early point, when the agency has greater flexibility to deal with basic problems or cumulative impacts; and
- Allow reduction in paperwork.

The Governor's Office of Planning and Research General Plan Guidelines Chapter 10, CEQA on page 273 states that a "program EIR prepared for a general plan examines broad policy alternatives, considers the cumulative effects and alternatives to later individual activities where known, and contains plan-level mitigation measures." The previous FEIR fully addresses cumulative effects in Chapter 10, Cumulative Impact, based on assumptions regarding population and employment growth that have not occurred and are not projected to occur. The proposed project is a City-initiated plan intended to implement the General Plan policies for the Mill District Focus Area, as amended to reflect the City's current objectives, that includes performance measures, design guidelines, and implementing zoning regulations. The Mill District allows single-use and vertical and horizontal mixed-use development that could include compatibility industrial uses, commercial uses and residential uses. As stated in DSEIR Section 2.7 under the heading Projected Buildout on page 49:

"Development within the proposed MDSP area is projected to occur over time, based on market demand, and on an applicant-initiated build-to-suit basis rather than according to a phased buildout schedule that involves substantial speculative development, although some speculative buildings may be constructed. Given that there is no defined schedule and no readily available demographic or economic data that could support an objective absorption rate for MDSP buildout, this SEIR assumes that buildout would occur within the next 15 to 20 years. Factors that could affect MDSP buildout include local and regional economic and demographic trends, such as the development of the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal and Nordic Aquafarms Project at the Redwood Marine Terminal, and the expansion of Cal Poly Humboldt."

As assumed in the previous FEIR, development within the City and Mill District Focus Area (MDSPA) will likely occur at a rate commensurate with local and regional population growth, economic conditions, and demand for commercial and industrial space and housing units, and the previous FEIR comprehensively analyzed cumulative impacts based on this assumption in Chapter 10. See response to comment 1-4 for detailed information regarding past higher, and current lower population growth projections. Given that the implementation of the Mill District Focus Area policy is a part of the General Plan and was evaluated as part of the previous FEIR, and current population projections suggest that the previous FEIR total projected population and employment levels exceed the current state projections for the region, no additional analysis of cumulative impacts in the DSEIR is required.

Response to Comment 1-10

The comment states that SEIR has not provided any Level of Service (LOS) analysis. A Project EIR must be prepared to include a LOS analysis in order to provide an adequate informational document to analyze Transportation Impact Threshold 4.2.1-1 and Land Use and Planning Impact Threshold LU-02 in accordance with the following General Plan Policies.

As described above, level of service is no longer a CEQA environmental impact. The City does have a General Plan policy relating to level of service and as previously stated, this does not relate to an environmental impact and would therefore not relate to “a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.” The City conducted a vehicle traffic operational analysis for the MDSP based on the conceptual development plan provided by the property owner. Intersections that would have operational impacts were identified and performance measures relating to the needed improvements have been incorporated into the MDSP. No operational impacts on local streets in residential areas were identified and if such impacts were identified, CEQA would not require mitigation.

Response to Comment 1-11

The comment states that the SEIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits adequately depicting the onsite turning radius available for vehicles maneuvering throughout the area or at the intersection of streets. There are also no exhibits depicting emergency vehicle access. The comment also states that the “MDSP would continue to be consistent with application of the General Plan standards and roadway design guidance evaluated in the previous FEIR.” This is deferred mitigation to after the CEQA public review process. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation, deferred mitigation, and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A Project EIR must be prepared to include a finding of significance due to these significant and unavoidable impacts”

As described above, the proposed project is an amendment to the General Plan and the adoption of a specific plan and implementation programs and not a specific development project. The MDSP contains a conceptual circulation plan based on the conceptual development plan. Beyond the Mill District Focus Area LU-14.4, Balanced Transportation, MDSP performance measures relating to transportation safety and circulation improvements, and the conceptual development plan, there are no specific roadway designs.

The Fortuna General Plan Transportation and Circulation Element contains policies and programs relating to street design. In addition, the City of Fortuna prepared a Local Road Safety Plan that was adopted by City Council on November 15, 2021. This safety plan will be a living document and will guide the City's roadway safety needs for the next five years. It will be updated as needed and the goals will be monitored. The previous FEIR in Impact 4.1-2, Substantially increase hazards due to a design feature or incompatible uses, analyzed hazards due to a geometric design features, which remains fully applicable to the proposed Project and is summarized in the DSEIR in impact 4.2.1-2, which states that “(i)intersection and roadway design in the future will have to meet applicable standards that include appropriate geometry for the safe movement of all

types of transportation. These standards currently include City of Fortuna zoning and development standards, Caltrans Highway Design Manual, AASHTO Geometric Design of Highways and Streets, California Building Code, California Fire Code, and Caltrans Manual of Uniform Traffic Control Devices. These requirements are implemented by the City through the subdivision and development review process.”

The application of the above standards is not the deferral of mitigation. The MDSP contains objective performance measures relating to the design of the proposed public roadway and states that the “cross section shall contain two vehicle lanes and a left turn lane within 78-foot right of way containing Class II bike lanes, gutters, curbs, sidewalks, streetlights, and public utility easements” where...” improvements, (are) to be approved by the City Engineer.” The design of roads in the City is governed by the Fortuna General Plan and local and state design guidelines which include measures relating to safety. This is noted in the DSEIR in Impact 3.2.1-01, which states that “In Impact 4.1-2, Substantially Increase Hazards Due to a Design Feature or Incompatible, the previous FEIR found that the General Plan contained specific policies and programs that would minimize hazards by establishing design standards for a variety of traffic, transit, and a variety of transportation modes. Other policies, including land use and circulation concepts, integrated early in the design phases of citywide development would minimize land use conflicts. Future intersection and roadway designs would need to comply with applicable standards, ensuring appropriate geometry for the safe movement of all types of transportation.”

Regarding emergency evacuation, the MDSP contains a requirement to “(m)aintain fire, police, utility, and emergency access across the Strongs Creek bridge between the “lower valley industrial park area” in the Strongs Creek Area and the Kenmar Road freeway commercial area, and to the western portion of 3rd Avenue.” In addition, MDPS Policy LU -15 requires that new development within the MDSP shall be submitted to the Fortuna Fire Protection District for review of Fire Code requirements, emergency access, signage, and that measures recommended by the Fortuna Fire District shall be incorporated into the design of future MDSP area developments unless the City explicitly approved otherwise. Environmental impacts relating to emergency access were fully evaluated in Impact 4.2.1-3.

Response to Comment 1-12

The comment states that the SEIR does not provide an accurate analysis as required by General Plan Policy PFS-2.2 that requires preparation of a fiscal impact analysis for projects that require amendments of the General Plan land use designations. Additionally, General Plan Policies PFS-1.2, 1.4, 1.6, PFS-4 and PFS-5 require specific analysis of utility capacities while Appendix E: Utility and Infrastructure Conceptual Design Technical Memorandum only analyzes the utility demand of the proposed conceptual development project, not the maximum theoretical development capacity and that a Project EIR must be prepared to include these items (and analysis with all General Plan goals, programs, and policies) for analysis in order to provide an adequate informational document.

Regarding MDSP build out, see the many responses to comment above, including response to comment 1-3, relating to how speculative the maximum theoretical development capacity is, and why the conceptual development plan was selected as a reasonable estimate of potential buildout for purposes of the DSEIR. A detailed analysis of utility and infrastructure requirements are included in Appendix E: Utility and Infrastructure Conceptual Design Technical Memorandum. This memorandum was used throughout the DSEIR analysis of potential environmental impacts.

Regarding the need for fiscal and utility impact analyses, as described in Project Background on page 13, “the vacant former mill site was beginning to be a nuisance for the community and the City of Fortuna initiated the preparation of the Specific Plan in 2021. This staff-led effort was conducted in close coordination with the property owners at the time, regional economic developers, and the California Department of Fish and Wildlife. The Mill District Specific Plan involved public outreach that consisted of stakeholder meetings, community workshops, and public hearings.” The MDSP is a city-initiated planning project and the City maintains discretion as to whether a fiscal impact analysis should be prepared. The City prepared a

comprehensive utility and infrastructure analysis to ensure that all public infrastructure improvements and costs as identified and can be addressed through project approvals. In addition, whether a fiscal impact analysis is prepared is not a CEQA issue, nor is the policy relating to the preparation of fiscal impact analysis a policy that is adopted to mitigate and environmental impact.

Response to Comment 1-13

The comment states that the Figure 1-7: Airport Influence Area - Rohnerville Airport of the Humboldt County 2021 Airport Land Use Compatibility Plan (ALCUP) depicts the entirety of the project area within the Airport Influence Area (AIA), the majority of the project area within Review Area 1 and the southern portion within Review Area 2 for Rohnerville Airport and states that the SEIR is erroneous and misleading in stating here that, "The MDSP Area is not located within an Airport Land Use Compatibility Zone and would therefore not result in airport hazards associated with incompatible land uses. The comment states that the SEIR does not provide any information regarding Airport Land Use Commission (ALUC) review of the project and that a Project EIR must be prepared to include this information for analysis and a finding of significance as it does not comply with PUC Section 21676(b), and therefore has not provided any meaningful evidence to conclude the project will not result in a safety hazard or excessive noise for people residing or working in the Project area.

The comment incorrectly states that any portion of the MDSP Area is located within Review Area 1, however the entire MDSP Area is within Review Area 2 as clearly identified and evaluated in the DSEIR. The figure on the following page shows the MDSP Area boundary and the GIS layers for AIA Review Areas 1 and 2. The closest point of the MDSP Area to the outer edge of Review Area 1 is approximately 300 feet south of the southernmost boundary of the MDSP Area along Kenmar Road.

The comment also incorrectly states that the project proposes "multiple amendments to the City's General Plan Land Use Diagram to change land use designations and amendments to General Plan text revising multiple goals and policies, increasing the quantity of allowable development in commercial and industrial areas." The changes do not affect development intensity other than within the MDSP where the FAR is proposed to be increased from 0.5 to 0.8. Changes to the commercial and industrial caps do not change potential development intensity in any individual area, given that they only cap total commercial and industrial development at a level commensurate with total projected population growth.

The Targeted Use Levels were not developed or analyzed as a means to achieve consistency with or to lessen impacts relating to the ALUCP. The replacement of Targeted Use Levels with a monitoring program does not increase the intensity at which any parcel of land can be developed or increase the likelihood that development allowed by the General Plan could be inconsistent with the ALUCP. Regardless of the modification of policies relating to Targeted Use Levels, all development within Review Area 1 would be subject to all compatibility criteria associated with noise, safety, airspace protection and overflight notification.



The comment also states that a "Project EIR must be prepared to include this information for analysis and a finding of significance as it does not comply with PUC Section 21676(b), and therefore has not provided any meaningful evidence to conclude the project will not result in a safety hazard or excessive noise for people residing or working in the Project area." ALUCP Policy GP-4, Actions that Always Require ALUC Review, which references PUC Section 21676(b), states that "land use actions (such as the adoption, approval, or amendment of any land use plan) shall be referred to the ALUC for a determination of consistency with this Compatibility Plan prior to their approval by the local agency." This policy and the Public Utilities Code does not require that the consistency determination by the ALUC to be included in the CEQA review as the threshold criteria for impact.

As clearly stated in the DSEIR, "AIA Review Area 2 contains policies relating to airspace protection and overflight notification policies. AIA Review Area 2 does not contain policies that relate to airport noise or areas where noise and/or safety concerns may require limitations on the types of land use or the intensities or densities that may be developed. As a result, the ALUCP does not affect the range of allowable uses within the MDSP or the location, intensity, or density of such uses. All of the MDSP Area is within AIA Review Area 2 and ALUCP Airspace Protection Compatibility Policies (ALUCP Section 3.4) and Overflight Notification Policies (ALUCP Section 3.5) are applicable to the MDSP Area. Airspace Protection Compatibility policies relate to tall structures, trees, other objects, or high terrain on or near airports, may constitute hazards to aircraft in flight. The ALUCP Airspace Compatibility Policy Map for Rohnerville Airport (Figure 9-3) shows the 14 Code of Federal Regulations (CFR) Part 77 outer approach surface and associated transitional surface overlaying City of Fortuna boundaries. Part 77 establishes standards to protect airspace by defining imaginary surfaces in areas around airports that relate to structure height limitations. The location of each imaginary surface is based on the category or type of approach of each runway."

The DSEIR contains an in depth analysis of the 14 CFR Part 77 outer approach surface and associated transitional surface overlaying City of Fortuna boundaries, which establishes standards to protect airspace by defining imaginary surfaces in areas around airports that relate to structure height limitations. This analysis determined that the proposed Q-Zone would not allow a building over 48 feet in height and the runway imaginary surface at its lowest point within the MDSPA is 355 above ground level. The DSEIR analysis concluded that the “maximum height for new or altered buildings within the Project site allowed under the Fortuna General Plan, MDSP, and Fortuna Zoning Regulations would not constitute hazards to aircraft in flight and the permit process for design review would ensure that land uses do not generate emissions, such as light, glare, and smoke that would impair aircraft operations. These ongoing requirements would reduce the potential for conflicts from the Mill District Specific Plan to the implementation of the ALUCP to less than significant.”

The ALUCP Appendix A, General Plan Consistency Checklist, was consulted in the preparation of the DSEIR. Portions of the checklist relating to allowable land uses, noise levels, density or intensity limitations, and requirements for the provision of open land, are only applicable within Review Area 1 noise impact areas and within defined safety zones. The only applicable consistency criteria on the checklist is the requirement that the proposed Project must be submitted for airport land use commission review prior to approval. As such, prior to approval of the Project, the City of Fortuna is required to refer the project to the ALUC for a determination of consistency with the ALUCP.

On November 15, 2024, an email was sent to the Humboldt County Department of Aviation entitled “Fortuna Mill District Specific Plan Approval and amendments to the Fortuna General Plan.” The email requested that the Department of Aviation “accept this as a request for ALUCP consistency pursuant to ALUCP Policy GP-4, Actions that Always Require ALUC Review.” The email contained a detailed description of the amendments to the General Plan to fully implement the proposed Mill District Specific Plan and a summary of the SEIR review of the Mill District Specific Plan consistency with the ALUCP as well as a link to the supplemental EIR. On November 18, 2024, the Department of Aviation responded with the following:

“After reviewing the proposed MD land use designation and environmental impact information provided below (referring to the email to the Department of Aviation), comparing the map graphic provided below against the Rohnerville Airport ALUCP policy maps, and reviewing the ALUCP Section 3.4 Airspace Protection Compatibility Policies and Section 3.5 Overflight Notification Policies against these materials, it appears the impacted land use designation area has minimal impact on the Rohnerville Airport ALUCP identified areas. For these reasons, the Department of Aviation is comfortable providing a blanket approval for the General Plan MD land use designation modification with the understanding that any building or land use improvement or development efforts that fall within the Rohnerville Airports’ ALUCP impact zones will require notice to the Department of Aviation for review and approval pursuant to the ALUCP.”

Response to Comment 1-14

The comment states that the SEIR does not provide any quantified analysis or specific analysis of the proposed project, rendering it an inadequate informational document. Several components of the proposed project contribute to the severity of growth inducement and must be analyzed in a Project EIR, such as removal of development caps citywide, creation of a new Q Zoning designation, and permitting development within the floodplain and the maximum theoretical development capacity.

Response to comment 1-6 fully addresses comments regarding the adequacy of the DSEIR analysis relating to growth inducement.

Response to Comment 1-15

This introductory paragraph states that the DSEIR fails to adequately evaluate the Project’s air quality and health risk impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed

Project may be underestimated and inadequately addressed. A revised Environmental Impact Report (“EIR”) should be prepared to adequately assess and mitigate the potential air quality and health risk impacts that the project may have on the environment.

This is an introductory statement that summarizes the conclusions of the commentor. The following responses to comments fully address these conclusions.

Response to Comment 1-16

The comment quotes a portion of the conclusions of the SEIR in Section 4.6.1, Air Quality and states that the “air quality analysis is insufficient, however, because the DSEIR fails to mention or incorporate any mitigation measures to address the Amendment’s significant-and-unavoidable air quality impact.” In addition, the comment quotes CEQA Guidelines Section 15096(g)(2) which requires that a “Responsible Agency” shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. The comment further states that the previous FEIR did not incorporate mitigation relating to Air Quality impacts, the previous FEIR is over 10 years old and new feasible mitigation measures are available to reduce criteria air pollutant emissions and that should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to the maximum extent possible.

First, the comment references CEQA Guidelines Section 15096(g)(2), which is not applicable to this project as it specifically applies to the special duties of a public agency when acting as a Responsible Agency. CEQA defines a Responsible Agency in Section 15381 as a “public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration.” The City of Fortuna is a Lead Agency, not a Responsible Agency. The City of Fortuna prepared the previous FEIR as a Lead Agency and also preparing this SEIR as Lead Agency.

The comment states that the City of Fortuna General Plan Final Programmatic Environmental Impact Report did not incorporate mitigation measures relating to significant and unavoidable Air Quality impacts. In the previous FEIR analysis of air quality impacts in the Environmental Setting under the heading “Applicable Plans, Policies, Codes and Regulations” / “Regional,” on pages 8 through 10, the previous FEIR describes the North Coast Unified Air Quality Management District (NCUAQMD) PM10 Attainment Plan and NCUAQMD Rule 430 – Fugitive Dust Emissions. Fugitive Dust Emissions is now a part of NCUAQMD Rule 104 (Prohibitions) Section D (Fugitive Dust Emission), which requires reasonable precautions be taken to prevent particulate matter from becoming airborne. These precautions include covering open bodied trucks when used for transporting materials likely to give rise to airborne dust and the use of water during the grading of roads or the clearing of land. The Rule 104 (Prohibitions) Section D (Fugitive Dust Emission) are applicable to the General Plan and enforced by the City of Fortuna through grading permits.

For each impact, the previous FEIR describes the “General Plan Policy Response,” which enumerates the provisions of the General Plan that are intended to reduce the potential environmental impacts of the implementation of the General Plan and that serve as mitigations. For air quality, the General Plan Policy Response includes:

- **Policy HS-3.1 Agency Cooperation**, where the City shall cooperate with other agencies (in particular the NCUAQMD) in developing an effective approach to regional air quality planning management.
- **Policy HS-3.2, Particulate Matter**, where the City shall strive to achieve and maintain compliance with National Ambient Air Quality Standards for PM10 and all Federal, State, regional and local air quality standards.
- **Policy HS-3.4, Wood Burning Appliance Standards.**, where the City shall adopt appropriate State and federal standards for EPA approved wood burning appliances, and shall make educational materials available for residents about the NCUAQMD Woodstove change-out program.

- **Policy HS-3.7, Air Pollutant Emission Reduction Construction and Operation Measures**, where the City shall require that new development incorporate air pollutant emission reduction measures during construction and operation; and
- **Program HS-4**, where the City shall work with the North Coast Unified Air Quality Management District to develop and implement an Air Quality Management Plan for controlling PM10.
- **Program HS-5**, where the City shall require proposed new subdivisions, and other large development projects to implement the following air emission reduction measures:

Construction Emission Reduction Measures (to be implemented during construction):

- (a) Use watering to control dust during tree clearing activities;
- (b) Spray exposed soils and dirt roads as needed during clearing, grading, and trenching;
- (c) Sweep paved streets used by earth-moving equipment at least once a day;
- (d) Apply soil stabilizers to inactive exposed soils;
- (e) Plant ground cover in disturbed areas immediately after grading;
- (f) Cover haul-truck loads;
- (g) Use only low VOC and low formaldehyde coatings, paints and insulation in buildings;
- (h) Fit construction equipment with EPA and/or NCAQMD-approved exhaust systems, and keep these vehicles tuned and in good working order;
- (i) Limit diesel-powered construction equipment idling time to 10 minutes; and
- (j) Stage diesel-powered construction equipment as far away from residences as possible.

Area Source Emission Reduction Measures (to be implemented during operation):

- (a) Limit residential development to one wood-burning EPA Phase III or better stove or fireplace per unit;
- (b) Equip all new buildings with natural gas-powered and not wood heating systems (e.g., one EPA Phase III or better stove will be permitted in each new residence, but a natural gas powered heating system rather than the stove will serve as the primary heating source);
- (c) Prohibit open burning of vegetation, slash, and refuse (including construction debris);
- (d) Fit all buildings with electrical outlets on the exterior walls to promote the use of electrical rather than gas-powered landscape maintenance equipment; and
- (e) Increase energy efficiency in proposed buildings by 20% beyond Title 24 requirements.

Mobile Source (Traffic) Emission Reduction Measures (to be implemented during operation):

- (a) Provide sidewalks and pedestrian-enhancing features including street trees, street lighting and pedestrian cross-walk striping at intersections;
- (b) Provide bicycle lanes within and adjacent to the project site (e.g., not on every street within new development, but from new development to any existing adjacent bicycle lanes that may exist);
- (c) Provide bicycle-locking areas at proposed parks;
- (d) Work with RTS to extend transit service, and provide a stop if requested by RTS;
- (e) Work with the Fortuna Public Works Department to synchronize any existing or new traffic signals along roads to carry a substantial amount of project traffic;
- (f) For commercial, office and mixed-use projects, initiate a voluntary ridesharing program for the on-site workforce and preferential parking for ridesharing vehicles;
- (g) For commercial, office and mixed-use projects, provide bicycle-parking areas; and
- (h) For commercial, office and mixed-use projects provide employees with transit incentives (e.g., subsidized bus passes) to minimize driving to work.

For Impact 8.1-1, Conflict with or Obstruct Implementation of the Applicable Air Quality Management Plan, The previous FEIR summarized the General Plan Policy Response related to air quality impacts as follows:

The proposed plan includes policies and programs designed to reduce construction and operational air emissions of PM10:

- Policy HS-3.1, Agency Cooperation, requires the City to strive to achieve and maintain compliance with federal, state and regional PM10 standards;
- Policy HS-3.4, Wood Burning Appliance Standards, requires the City to adopt appropriate federal and state standards for EPA approved wood burning appliances;
- Program HS-4, requires the City to work with NCUAQMD to develop/implement an Air Quality Management Plan for controlling PM10;
- Program HS-5 requires proposed new subdivisions, PUDs and other large development projects to implement a series of listed air emission reduction measures during construction and operation (see listed under "General Plan Policy Response" subsection).

The previous FEIR concluded that compliance "with federal, state and NCUAQMD PM10-reduction requirements (such as those required by the NCUAQMD PM10 Attainment Plan and Rule 430), together with implementation of the proposed policies and programs, will reduce PM10 emissions from what would occur without their implementation. The General Plan policy response listed above represents all feasible mitigation. Even with the mitigation measures, operational emissions will still exceed the specified NCUAQMD threshold for PM10 under the PM10 Attainment Plan (Table 8.7-1). Therefore, a significant impact will occur."

This conclusion was premised on the implementation of the policies and programs listed in the General Plan Policy Response, which requires that all projects comply with NCUAQMD Rules and Program HS-5 which contains a comprehensive list of air emission reduction measures that are required during construction and operation. These measures are policies and implementation programs contained in the General Plan, which are in effect a part of the project, and are not additional mitigation measures that would be required to be incorporated as part of the project upon approval. The General Plan Policy Response was therefore determined as part of the prior FEIR to contain all feasible mitigation.

The City of Arcata, located within the same County and air basin as the City of Fortuna, recently updated its General Plan and concluded in the EIR (State Clearinghouse #: 2022020107) on page 3.3-13 that "compliance with applicable NCUAQMD PM10 rules is applied as the threshold of significance for the purposes of analysis. NCUAQMD Rule 104 Section D, Fugitive Dust Emissions, is applicable to the Project" and the EIR found that because Rule 104 Section D is applicable to all projects, the potential for the General Plan to conflict with the 1995 Particulate Matter Attainment Plan would be less than significant. Similar to the City of Fortuna General Plan, Humboldt County was more conservative and found that "adoption of the proposed General Plan Update would not conflict with or obstruct the application of the current NCUAQMD PM10 Attainment Plan, (but that) there is no evidence that plan is adequate to reduce PM10 to a level less than significant" and that no "feasible mitigation measures have been identified that would be reasonably expected to result in reducing PM10 levels below levels that would not violate applicable standards, or not be cumulatively considerable net increase in PM10 emissions, to a level less than significant."

The requirement to comply with NCUAQMD Rule 104 Section D, Fugitive Dust Emissions (what was referred to a NCUAQMD Rule 430 – Fugitive Dust Emissions, in the previous FEIR is now a part of NCUAQMD Rule 104 (Prohibitions) Section D (Fugitive Dust Emission)) is a part of the General Plan, and the construction and operation emissions reductions measures contained in Program HS-5 are feasible mitigations which are incorporated into the General Plan. The commentor recommends additional mitigation measures (beginning with comment 1-18) relating to PM10 in subsequent comments which are fully addressed in the associated response to comments.

Response to Comment 1-17

The comment states that the “DSEIR maintains the FPEIR’s claim that future projects would not generate substantial toxic air contaminant (“TAC”) emissions and would not warrant a quantitative health risk analysis (“HRA”) and that “all warehouse projects should prepare a quantitative HRA pursuant to the Office of Environmental Health Hazard Assessment (“OEHHA”), the organization responsible for providing guidance on conducting HRAs in California”. The comment concludes that the City of Fortuna “should be required to prepare a quantitative HRA pursuant to the CA DOJ and OEHHA. As such, a revised EIR should be prepared to require an analysis of health risk impacts posed to nearby sensitive receptors from DPM emissions generated during the construction and operation of industrial and warehouse projects under the Specific Plan Amendment.”

The previous FEIR states on page 8.1 - 20:

“The proposed plan facilitates new development that will generate construction and operational emissions of criteria pollutants. Because of the relatively low density of development permitted under the proposed plan and the relatively low volume of traffic compared to larger urbanized areas, the potential to generate substantial pollutant concentrations is considered less-than significant. However, no specific development proposals have been made under the proposed plan, so quantified estimates of hourly criteria pollutant concentrations at given locations within the City are not possible at this time. Not speculating with respect to potential environmental effects is encouraged under the State CEQA guidelines. Section 15145 states that, if after evaluation a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact. Section 15146(b) states that a PEIR for a plan should address the secondary effects that can be expected to follow from its adoption, but that the PEIR need not be as detailed as an EIR on a specific construction project that might reasonably follow. At the time that specific development proposals are made, the environmental effects of those proposals will be evaluated in accordance with CEQA. This may include quantified evaluations of criteria pollutant concentrations associated with the proposed development projects, if determined by a CEQA Initial Study to be required.”

“For the same reasons as discussed above for criteria pollutants (e.g., no specific development proposals, CEQA sections discouraging speculation, etc.), a Health Risk Assessment (HRA) is not required to assess potential TACs impacts under the proposed plan. No HRA was prepared for this PEIR. Implementing the proposed plan will not result in the generation of dangerous TAC concentrations. First, the City of Fortuna is a small rural community with no potential to develop large TAC generators such as power plants, heavy industrial facilities, or landfills.

Secondly, TACs are highly regulated by the federal and state government, NCUAQMD, and the Humboldt County Health Department; compliance with applicable regulations will avoid dangerous TAC concentrations. Thirdly, the proposed plan includes policies and programs designed to avoid dangerous conditions associated with TACs:

- Policy LU-7.1 requires new industrial development to avoid creating substantial pollution that would negatively affect adjacent uses;
- Policy HS-1.1 allows new development only in areas where the potential danger to the health and safety of people can be mitigated to acceptable levels;
- Policy HS-6.1 requires that all land uses that emit hazardous materials be in compliance with all applicable federal, state, County and local hazardous materials safety laws and regulations;
- HS-6.3 requires new land uses that process hazardous materials provide a buffer zone between the installation and adjacent properties to protect public safety;

- Policy HS-6.7 requires hazardous waste repositories, incinerators, and facilities that use or store substantial quantities of hazardous materials be sited in appropriate (nonresidential) land use districts.

"For all these reasons, the proposed plan will not expose sensitive receptors to substantial TAC concentrations, and any impacts will be less-than-significant."

The comment incorrectly states that the previous FEIR concludes that *future projects* (emphasis added) would not generate substantial toxic air contaminant ("TAC") emissions and would not warrant a quantitative health risk analysis ("HRA"). The analysis on page 8.1 - 20 states that because "of the relatively low density of development permitted under the proposed plan and the relatively low volume of traffic compared to larger urbanized areas, the potential to generate substantial pollutant concentrations is considered less-than significant." The previous FEIR further states that "no specific development proposals have been made under the proposed plan, so quantified estimates of hourly criteria pollutant concentrations at given locations within the City are not possible at this time" and based on "CEQA guidelines. Section 15145" would be "too speculative for evaluation." "At the time that specific development proposals are made, the environmental effects of those proposals will be evaluated in accordance with CEQA. This may include quantified evaluations of criteria pollutant concentrations associated with the proposed development projects, if determined by a CEQA Initial Study to be required."

The previous FEIR states in the last paragraph on page 8.1 - 20 that "(n)o HRA was prepared for this PEIR" because the General Plan update does not contain "specific development proposals...(and)...a Health Risk Assessment (HRA) is not required to assess potential TACs impacts under the proposed plan" because specific development proposals are not included in the General Plan. The previous FEIR concludes that "the proposed plan will not result in the generation of dangerous TAC concentrations" because

- 1) there is "no potential to develop large TAC generators such as power plants, heavy industrial facilities, or landfills";
- 2) "TACs are highly regulated by the federal and state government, NCUAQMD, and ...compliance with applicable regulations will avoid dangerous TAC concentrations"; and
- 3) the General Plan includes "includes policies and programs designed to avoid dangerous conditions associated with TACs", specifically including: LU-7.1, Minimize Nuisances, which requires new industrial development to avoid creating substantial pollution that would negatively affect adjacent uses; HS-1.1, New Development, which allows new development only in areas where the potential danger to the health and safety of people can be mitigated to acceptable levels; HS-6.1, Compliance with Hazardous Material Laws and Regulation, which requires that all land uses that emit hazardous materials be in compliance with all applicable federal, state, County and local hazardous materials safety laws and regulations; HS-6.3, Buffer Zones, which requires new land uses that process hazardous materials provide a buffer zone between the installation and adjacent properties to protect public safety; and HS-6.7, Hazardous Waste Sites, which requires hazardous waste repositories, incinerators, and facilities that use or store substantial quantities of hazardous materials be sited in appropriate (nonresidential) land use districts.

The previous FEIR clearly states in the preceding paragraph on page 8.1 - 20 that at "the time that specific development proposals are made, the environmental effects of those proposals will be evaluated in accordance with CEQA. This may include quantified evaluations of criteria pollutant concentrations associated with the proposed development projects, if determined by a CEQA Initial Study to be required."

The comment states that the DSEIR should be required to prepare a Health Risk Assessment. Like the General Plan, the MDSP does not contain any specific development proposals. As described in detail in Response to Comment 1-3 above, the MDSP is not a defined construction project, the MDSP is a comprehensive plan that identifies procedures for permitting allowable development and design and land use compatibility

performance measures. The MDSP allows future development that implements a specific set of policies within the Fortuna General Plan and not a discrete project and as a result a Health Risk Assessment was not prepared. Consistent with the conclusion of the previous FEIR, to the extent that a development application is submitted that has the potential to emit TACs, the environmental effects of those proposals will be evaluated in accordance with CEQA. This may include quantified evaluations of criteria pollutant concentrations associated with the proposed development projects (which may include an HRA), if determined by a CEQA Initial Study to be required.

As described above, not “speculating with respect to potential environmental effects is encouraged under the State CEQA guidelines. CEQA Guidelines Section 15145 states that, if after evaluation a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.” Consistent with the conclusion of the previous FEIR, to the extent that a development application is submitted that has the potential to emit TACs, the environmental effects of those proposals will be evaluated in accordance with CEQA. This may include quantified evaluations of criteria pollutant concentrations associated with the proposed development projects (which may include an HRA), if determined by a CEQA Initial Study to be required.

The comment states that “the DSEIR includes industrial and warehouse land uses that should be required to prepare a quantitative HRA pursuant to the CA DOJ and OEHHA.” The General Plan currently allows appropriate light industrial uses within the Mill District Focus Area. The proposed Project would change the Mill District Land Use Designation to allow “small-and large-scale light industry” and “compatible heavy industry” that are well integrated and compatible with the surrounding community and change Mill District Focus Area Policy LU-14.1 Compatible Uses from “appropriate light industrial” to “compatible... industrial uses,” and to add a requirement to “(m)inimize potential land use conflicts within and adjacent to the Mill District by applying appropriate land use designations and implementing appropriate development standards, buffer widths, and designs to minimize impacts from future development on existing and planned development in surrounding areas.”

The conceptual development plan identified square footage (Table 8, MDSP Assumed Buildout) associated with potential commercial and industrial development, however the MDSP does not contain any specific development proposals. As described in detail in Response to Comment 1-3 above, the MDSP is not a defined construction project, the MDSP is a comprehensive plan that identifies procedures for permitting allowable development and design and land use compatibility performance measures. To be clear, future industrial development could be proposed within the MDSP Area, but such development would be subject to applicable General Plan policies and programs described above, MDSP development and compatibility standards, buffer widths, and design requirements to minimize impacts from future development on existing and planned development in surrounding areas. If there is the potential for future a development proposal or application to generate TACs, such development would be referred to, and regulated by, the NCUAQMD pursuant to state law and its Rules, and ...compliance with applicable regulations will avoid dangerous TAC concentrations.

As individual developments facilitated by the MDSP are evaluated on a future project-by-project basis, the proposed policies mentioned above would be implemented to reduce impacts. In particular, Policy HS-1.1, New Development, which allows new development only in areas where the potential danger to the health and safety of people can be mitigated to acceptable levels. However, the above policies, alone, cannot be relied upon to ensure that sensitive receptors would not be exposed to substantial pollutant concentrations due to location or design, especially given that some projects that could generate TACs are principally permitted and do not require discretionary and CEQA review. In particular and as specified in the proposed Q-Qualified Zone, many industrial uses allowed in the MDSP Area require the approval of a Use Permit and would therefore be subject to CEQA, but “small” and “light” manufacturing and “research/light industrial,”

and “wholesaling and distribution” would be principally permitted and would not automatically trigger site-specific environmental review. Therefore, construction and operational impacts relating to TACs could be potentially significant because there is no clear mechanism to trigger the protective requirements of Policy HS-1.1, New Development. Given that the presence of the Policy HS-1.1 alone cannot assure that less than significant impacts would occur, an analysis of potential air quality impacts of uses allowed within the MDSP Area by adoption of the proposed Project, DSEIR Section 4.6.1, Air Quality, with the exception of Section 4.6.1-1 Conflict with the State Goal of Reducing GHG Emissions Under AB 32 Potential Impacts, is completely deleted from Chapter 4, Impacts Found to have no Substantial Change from Previous Analysis, and the following new Section 3.5.2, Air Quality, is added to Chapter 3, Issues Requiring Changes to Prior EIR, as Section 3.5.2, Air Quality, in section 3.5, Public Health and Safety.

Response to Comment 1-18

The comment states that the DSEIR is “required under CEQA to implement all feasible mitigation to reduce the Amendment’s potential impacts. As demonstrated in the sections above, the Amendment would result in a significant air quality impact that needs to be mitigated further. Future industrial and warehouse developments within the Specific Plan Amendment may also result in potentially significant health risk impacts that could require mitigation. To reduce the Project’s emissions, the commentor recommends consideration of SCAG’s 2020 RTP/SCS PEIR’s Air Quality Project Level Mitigation Measures (“PMM-AQ-1”).”

First, response to comment 1-16 addresses CEQA Guidelines Section 15096(g)(2), which relates to the process for Responsible Agencies in complying within CEQA and applicable only to Responsible Agencies, where the City of Fortuna is a Lead Agency. The comment also states that Future industrial and warehouse developments within the Specific Plan Amendment may also result in potentially significant health risk impacts that could require mitigation. Response to comment 1-17 addresses the conclusion of the previous FEIR relating to potential impacts from future applications for industrial development within the MDSP Area and how referrals to, and regulations by, the NCUAQMD pursuant to state law and its Rules, and ...compliance with applicable regulations will avoid dangerous TAC concentrations.

The comment contains recommended mitigation measures to reduce emissions associated with future, as yet unknown, applications for development within the MDSP Area. The following table identifies where the recommended mitigation measures contained within the comment are specifically addressed with existing Fortuna General Plan policies and programs, proposed MDSP policies and performance measures, and applicable state and regional regulations.

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
a) Minimize land disturbance.	Policy HS-5.8 Grading Guidelines.
b) Suspend grading and earth moving when wind gusts exceed 25 miles per hour unless the soil is wet enough to prevent dust plumes.	Program HS-5
c) Cover trucks when hauling dirt.	Program HS-5 NCUAQMD Rule 104 D. Fugitive Dust Emissions
d) Stabilize the surface of dirt piles if not removed immediately.	Program HS-5 NCUAQMD Rule 104 D. Fugitive Dust Emissions

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
e) Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.	Program HS-5
f) Minimize unnecessary vehicular and machinery activities.	Program HS-5
(i) Limit diesel-powered construction equipment idling time to 10 minutes maximum	NCUAQMD Rule 104 D. Fugitive Dust Emissions
h) Revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities.	Program HS-5
j) Require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project. Prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for a CARB-approved fleet.	13 CCR § 2485 § 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. 13 CCR § 2449. General Requirements for In-Use Off-Road Diesel-Fueled Fleets.
k) Ensure that all construction equipment is properly tuned and maintained.	Program HS-5
l) Minimize idling time to 5 minutes—saves fuel and reduces emissions.	13 CCR § 2485 § 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. 13 CCR § 2449. General Requirements for In-Use Off-Road Diesel-Fueled Fleets.
m) Provide an operational water truck on-site at all times. Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas. Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.	Program HS-5
n) Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.	Program HS-5 nonvehicular airborne toxic control measures shall be implemented by adoption of regulations by local air pollution control and air quality management districts pursuant to Health and Safety Code Section 39666
o) Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule	Fortuna Municipal Code Chapter 12.08, Encroachment Permits, 12.08.020 Permit application. E. The proposed method of

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.	traffic control when required by the city engineer;
p) As appropriate require that portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, obtain CARB Portable Equipment Registration with the state or a local district permit. Arrange appropriate consultations with the CARB or the District to determine registration and permitting requirements prior to equipment operation at the site.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD. CARB implemented Portable Equipment Registration Program (PERP) is a voluntary statewide program to register portable equipment such as air compressors, generators, concrete pumps, tub grinders, wood chippers, water pumps, drill rigs, pile drivers, rock drills, abrasive blasters, aggregate screening and crushing plants, and concrete batch plants. With certain limited exceptions, including a determination by a local air district that a permit is required for operation at a given location, portable equipment registered in PERP may operate throughout the state without obtaining permits from any of California's 35 air quality management or air pollution control districts (air districts).
q) Require projects within 500 feet of residences, hospitals, or schools to use Tier 4 equipment for all engines above 50 horsepower (hp) unless the individual project can demonstrate that Tier 4 engines would not be required to mitigate emissions below significance thresholds.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
t) Where applicable, projects should provide information about air quality related programs to schools, including the Environmental Justice Community Partnerships (EJCP), Clean Air Ranger Education (CARE), and Why Air Quality Matters programs.	There are no identified sources of toxic air contaminants within the MDSP Area. U.S. 101 and the major roadways adjacent to the MDSP Area have current and projected future total average daily volumes far below the CARB screening level of 100,000 vehicles per day (projected U.S. 101 volumes in 2045 are less than 27,000 vehicles per day and Fortuna Boulevard, which has the next highest vehicle volumes

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
	is projects to have less than 16,000 vehicles per day (Humboldt County Travel Demand Model, Caltrans). The MDSP Area is not currently exposed to high levels of emissions, such as ozone, particulate matter, diesel particulate matter, toxic releases, traffic, or pesticides, based on CalEnviroScreen 4.0 (Census Tracts 6023010901 and 6023011000) https://oehha.ca.gov/calenviroscreen/sb535 This is not a mitigation that would directly reduce future project-related emissions.
u) Projects should work with local cities and counties to install adequate signage that prohibits truck idling in certain locations (e.g., near schools and sensitive receptors).	This is not a mitigation that would directly reduce future project-related emissions.
y) Projects that will introduce sensitive receptors within 500 feet of freeways and other sources should consider installing high efficiency of enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.	Aspects of this recommended mitigation relating to “other sources,” which do not now exist, would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
z) Develop an ongoing monitoring, inspection, and maintenance program for the MERV filters.	There are no known MERV filters within the MDSP Area. This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
bb) The following criteria related to diesel emissions shall be implemented on by individual project sponsors as appropriate and feasible: - Diesel nonroad vehicles on site for more than 10 total days shall have either (1) engines that meet EPA on road emissions standards or (2) emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85% - Diesel generators on site for more than 10 total days shall be equipped with emission control technology verified by EPA or CARB to reduce PM	Given that this mitigation states that it “shall be implemented on by individual project sponsors as appropriate and feasible,” it is not an appropriate MDSP program level mitigation or measure and may not be determined to be feasible. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
emissions by a minimum of 85%. - Nonroad diesel engines on site shall be Tier 2 or higher. - Diesel nonroad construction equipment on site for more than 10 total days shall have either (1) engines meeting EPA Tier 4 nonroad emissions standards or (2) emission control technology verified by EPA or CARB for use with nonroad engines to reduce PM emissions by a minimum of 85% for engines for 50 hp and greater and by a minimum of 20% for engines less than 50 hp. - Emission control technology shall be operated, maintained, and serviced as recommended by the emission control technology manufacturer. - Diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend approved by the original engine manufacturer with sulfur content of 15 ppm or less. - The construction contractor shall maintain a list of all diesel vehicles, construction equipment, and generators to be used on site. The list shall include the following: i. Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment. ii. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. iii. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date. - The contractor shall establish generator sites and truck-staging zones for vehicles waiting to load or	

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
unload material on site. Such zones shall be located where diesel emissions have the least impact on abutters, the general public, and especially sensitive receptors such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities. - The contractor shall maintain a monthly report that, for each on road diesel vehicle, nonroad construction equipment, or generator onsite, includes: i. Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date. ii. Any problems with the equipment or emission controls. iii. Certified copies of fuel deliveries for the time period that identify: 1. Source of supply 2. Quantity of fuel 3. Quantity of fuel, including sulfur content (percent by weight)	
cc) Project should exceed Title-24 Building Envelope Energy Efficiency Standards (California Building Standards Code). The following measures can be used to increase energy efficiency: - Provide pedestrian network improvements, such as interconnected street network, narrower roadways and shorter block lengths, sidewalks, accessibility to transit and transit shelters, traffic calming measures, parks and public spaces, minimize pedestrian barriers. - Provide traffic calming measures, such as: i. Marked crosswalks ii. Count-down signal timers iii. Curb extensions iv. Speed tables v. Raised crosswalks vi. Raised intersections vii. Median islands viii. Tight corner radii viii. Roundabouts or mini-circles	Program HS-5 Fortuna General Plan MD Focus Area Policy LU-14.4 Balanced Transportation. LU-14.5 Parking Standards. MDSP Goal LU-3. MDSP Policy LU-3. MDSP Policy LU-4. MDSP Policy LU-8. MDSP Policy LU-9. MDSP Policy LU-13. MDSP Circulation Performance Measures: Transit Services; Strongs Creek Trail; Great Redwood Trail.

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
ix. On-street parking x. Chicanes/chokers - Create urban non-motorized zones - Provide bike parking in non-residential and multi-unit residential projects - Dedicate land for bike trails - Limit parking supply through: i. Elimination (or reduction) of minimum parking requirements ii. Creation of maximum parking requirements iii. Provision of shared parking - Require residential area parking permit. - Provide ride-sharing programs i. Designate a certain percentage of parking spacing for ride sharing vehicles ii. Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles iii. Providing a web site or messaging board for coordinating rides iv. Permanent transportation management association membership and finding requirement.	
Requiring off-road construction equipment to be hybrid electric-diesel or zero emission, where available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier IV-compliant engines or better, and including this requirement in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.	NCUAQMD Rule 104 D. Fugitive Dust Emissions
Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
	Health Risk Assessment conducted in coordination with the NCUAQMD.
Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Limiting the amount of daily grading disturbance area.	Policy HS-5.8 Grading Guidelines.
Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.	The primary air quality concern in the NCUAQMD area is particulate matter (PM10), which is why the district is currently classified as "nonattainment" for the state 24-hour PM10 standard. AQ monitoring for the air based is carried out by the NCUAQMD. Based on the 2024 Annual Network Plan For Ambient Air Monitoring for the North Coast Unified Air Quality Management District the "NCUAQMD has never had an exceedance of Ozone and has been below the (PM10) standard since operation of the monitor" and "the NCUAQMD continues to only have rare exceedances of PM10." The City of Fortuna relies upon the NCUAQMD to determine the necessary actions in the rare instance that PM10 index exceeds 100.
Forbidding idling of heavy equipment for more than three minutes.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Keeping onsite and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Providing information on transit and ridesharing programs and services to construction employees.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zero- emission beginning in 2030.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
	Health Risk Assessment conducted in coordination with the NCUAQMD.
Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use.	Program HS-5 13 CCR § 2485 § 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. 13 CCR § 2449. General Requirements for In-Use Off-Road Diesel-Fueled Fleets.
Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.	The City of Fortuna is participating with other local agencies in the development of a Regional Climate Act Plan for which Strategy 4: Decarbonization of new construction addresses installing solar systems. This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.	The City of Fortuna is participating with other local agencies in the development of a Regional Climate Act Plan for which Strategy 4: Decarbonization of new construction addresses installing solar systems. This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.	The City of Fortuna is participating with other local agencies in the development of a Regional Climate Act Plan for which Strategy 8: Increase zero-emission vehicle adoption addresses charging and fueling stations. This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Running conduit to designated locations for future electric truck charging stations.	The City of Fortuna is participating with other local agencies in the development of a Regional Climate Act Plan for which Strategy 8: Increase zero-emission vehicle adoption addresses charging and fueling stations. This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
vehicle charging stations of at least Level 2 charging performance)	Health Risk Assessment conducted in coordination with the NCUAQMD.
Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air monitoring station proximate to sensitive receptors and the facility for the life of the project, and making the resulting data publicly available in real time. While air monitoring does not mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the affected community by providing information that can be used to improve air quality or avoid exposure to unhealthy air.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Requiring all stand-by emergency generators to be powered by a non-diesel fuel.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Requiring operators to establish and promote a rideshare program that discourages single occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.	3.2.1 Vehicle Miles Traveled, Mitigation Measure: Proposed Policy LU-1.20, The City shall work with HCAOG to incorporate findings and recommendations of the ongoing Multimodal and Vibrant Neighborhood Planning Project, or other similar HCAOG planning efforts, to develop

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
	and implement policies and programs to be included in the City General Plan, or other appropriate plans, and projects related to the City's transportation system to reduce automobile dependency for local trips.
Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Designing to LEED green building certification standards.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Providing meal options onsite or shuttles between the facility and nearby meal destinations.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Posting signs at every truck exit driveway providing directional information to the truck route.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Improving and maintaining vegetation and tree canopy for residents in and around the project area.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on-site demonstrating compliance and	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific

Recommended Mitigation	Reference to Comparable Measure in Fortuna General Plan or City Code or Applicable NCUAQMD Rule
make records available for inspection by the local jurisdiction, air district, and state upon request.	Health Risk Assessment conducted in coordination with the NCUAQMD.
Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.
Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.	This is not an appropriate MDSP program level mitigation or measure. This recommended mitigation would be considered as part of a project-specific Health Risk Assessment conducted in coordination with the NCUAQMD.

In spite of the inapplicability of Section 15096(g)(2) to the Project, the list of recommended mitigation measures contained in this comment suggest that the treatment of potential air quality impacts in the SEIR may not be sufficient to fully communicate the applicable state laws and NCUAQMD Rules and the policies and programs in the General Plan that limit air quality impacts as well as the additional policies and performance measures contained in the MDSP and its implementing Zone.

Although the response to comments above demonstrates that amendments to General Plan and the adoption of the MDSP does not add new or increase the level of air quality impacts previously identified in the previous, the following modifications to the DSEIR shall be made to Section 3, Issues Requiring Changes To Prior EIR to add Section 3.5.2, Air Quality, to provide greater detail regarding potential air quality impacts, and applicable state laws and NCUAQMD Rules and the policies and programs in the General Plan that limit air quality impacts as well as the additional policies and performance measures contained in the MDSP and its implementing Zone.

Letter 2 – Great Redwood Trail Agency

Comment received via email.



GREAT REDWOOD TRAIL AGENCY

PO Box 458, Blue Lake, CA 95525
(707) 463-3280 | TheGreatRedwoodTrail.org

October 15, 2024

Shari Meads
Community Development Director
City of Fortuna
621 11th Street
Fortuna, CA 95540

Re: City of Fortuna Mill District Specific Plan Supplemental Draft EIR

Dear Ms. Meads,

We commend the City of Fortuna on their efforts to revitalize the Mill District Focus Area (Mill District) in Fortuna, a former Pacific Lumber Company (PALCO) mill site that has been underutilized for decades. The Great Redwood Trail Agency (GRTA) is committed to working with the City of Fortuna (City) and local businesses in the development of the Great Redwood Trail (GRT) and trail amenities in the Mill District.

The GRTA manages the GRT, a 307-mile, world-class, multi-use rail-to-trail connecting California's San Francisco and Humboldt bays. This legacy trail will travel through some of the most remote and scenic landscapes in the United States, including old growth redwood forests and the winding Eel River canyon, as well as connect rural and small urban communities. In Fortuna, the Great Redwood Trail (GRT) will pass through the Mill District for almost a mile along the former North Coast Railroad line as it runs south to north through the City, parallel to US 101. Any development within the GRTA right-of-way will require an encroachment permit and close consultation with GRTA regarding potential project-related encroachments. Additionally, the GRTA released a Draft Master Plan for the GRT in April 2024, available at greatredwoodtrailplan.org, which provides guiding principles for the design, maintenance, and operation of the GRT. The GRTA is interested in collaborating with the City to ensure that the GRT segment included as part of the Mill District follows the design guidance outlined in the Draft Master Plan and conforms to encroachment best management practices in service to co-creating a valuable community asset.

The GRTA would like to provide these additional comments related to specific areas of the Mill District Specific Plan SEIR. Our comments are as follows:

Comment 2-1

- Bicycle and Pedestrian Access, Great Redwood Trail (p. 28) – We strongly recommend the City include construction of that portion of the GRT which passes through the Mill District as a required circulation and mobility improvement. Therefore, we recommend changing this section to read as, “Construct the Great Redwood Trail, a Class I Bikeway (Multi-Use Path) as defined in the Great Redwood Trail Draft Master Plan (2024, or refinements thereof), which is planned to cross through western portions of the MDSP area along the former Northwestern Pacific Railroad alignment. Trail improvements include:
 - Trail(s) meeting Class I Bikeway standards, Great Redwood Trail Master Plan trail design guidance, and Great Redwood Trail Agency encroachment permit requirements extending along the Western boundary of the MDSP area to the Kenmar Road roundabout on the southern end and to the Newburg Rd./12th St. Roundabout on the northern end.
 - Install connections meeting Class I Bikeway standards and Great Redwood Trail Master Plan trail design guidance between the Great Redwood Trail and Eel River Drive at locations specified by the City Engineer, including the installation of crosswalks with median pedestrian refuge area (if required).
 - Install accessible crosswalks and sidewalk ramps to provide access from the Great Redwood Trail to the Fortuna Mill Commerce Center.”
- Chapter 5: Infrastructure Financing (p. 37) - We recognize that development of this chapter is in progress. We suggest construction of the portion of the GRT which passes through the Mill District be a required transportation public improvement as the GRT will be a regional transportation corridor that reduces vehicle miles traveled and can therefore also be implemented as a mitigation strategy. The City could ensure trail development by including this requirement in the development agreement and subsequent financing plan. If the City requires trail construction under the development agreement, the developer’s share of cost could be held in a bond by the City. GRTA could work with the City and/or the developer to leverage funding from other sources to complete trail construction with appropriate amenities to enhance the Mill District and provide services to residents and businesses.
- Figure 4-1 (p. 26) – The Circulation Plan currently shows the GRT as ending where it connects with the Strongs Creek Trail on the northern side of the Kenmar Interchange. The GRT trail corridor should be shown as continuing through the Kenmar Rd. Interchange, as the trail will continue south out of Fortuna along the GRTA right-of-way to provide regional connections.
- Other Plans (p. 42) – With a segment of the GRT included in the Mill District, we recommend adding the Draft Master Plan for the Great Redwood Trail to the list of other relevant plans. The GRT Master Plan is a high-level roadmap for planning, constructing, and managing the Great Redwood Trail in Mendocino, Trinity, and Humboldt counties. The Master Plan provides guidelines for trail design and trail-oriented development to create safe and memorable recreational experiences and active transportation opportunities. The Master Plan includes a conceptual map for the Fortuna GRT segment with suggested placement of different trailhead types and opportunities for community connections. The GRTA would like to partner with the City to build a Community Gateway, the largest GRT trailhead type, within the Mill District to bring GRT users closer to amenities and promote economic vitality for local businesses.

Comment 2-2

Comment 2-3

Comment 2-4

Comment 2-5

- U.S. 101 12th Street and Kenmar Road Interchange Roundabout Project Planning (pg. 42) – The GRTA provided comment on the Mitigated Negative Declaration for the Kenmar Interchange. The GRTA continues to be in consultation with the City regarding proposed encroachments into the GRTA right-of-way and GRT integration into the planning and design for both the Newburg Rd. and Kenmar Rd. Interchange projects. We request that the City include the GRTA, where Caltrans is mentioned, in the final sentence of this section as an agency in close consultation.
- CEQA Mitigation Strategies (p. 41, Technical Memorandum) – The GRTA strongly recommends that the City prioritize mitigation strategy #2, which describes implementation of a Class I trail through the Mill District. A complete GRT segment through the Mill District would be a linear corridor between Kenmar Road and Newburg Rd/12th Street and bring not just local residents to the Mill District, but also connect commuters and travelers from across the region to this new destination. Therefore, we recommend changing this strategy to read, “The City shall work with the developer to implement a Class I trail through the Mill District as part of the Great Redwood Trail and Strongs Creek Trail to provide a continuous active transportation corridor between Kenmar Rd, Fortuna Boulevard and Newburg Road / 12th Street, as specified in the Mill District Specific Plan (MDSP) Bicycle and Pedestrian Access performance standard and shown on the circulation diagram.”

Comment 2-6

Comment 2-7

Our agency would like to strengthen our partnership with the City by collaborating on elements of this proposed development to improve the functionality of the Great Redwood Trail and active transportation in the City of Fortuna and beyond. We appreciate the City’s incorporation of the GRT into the plans for the Mill District. This proposed development is aligned with our goals of increasing active transportation and local recreation opportunities, integrating open space areas and local trails, creating community connections, and supporting trail-oriented economic development.

Comment 2-8

Thank you for your consideration of our comments. If you have any questions, please do not hesitate to reach out to us at 707-463-3280 or elaine@thegreatredwoodtrail.org. We look forward to continuing our work together on the Great Redwood Trail.

Sincerely,

Elaine Hogan

Digitally signed by Elaine Hogan
DN: cn=Elaine Hogan, o=Great Redwood Trail Agency, c=US

Elaine Hogan

Executive Director

Great Redwood Trail Agency

Letter 2 – Response to Comments

Response to Comment 2-1

These introductory paragraphs provide background information on the Great Redwood Trail Agency (GRTA) and states that the GRTA is interested in collaborating with the City of Fortuna “to ensure that the GRT segment included as part of the Mill District follows the design guidance outlined in the Draft Master Plan and conforms to encroachment best management practices in service to co-creating a valuable community asset.”

This is an introductory statement and not a comment on DSEIR adequacy. No further response is necessary.

Response to Comment 2-2

This comment is a recommendation that Bicycle and Pedestrian Access, Great Redwood Trail (p. 28) –include construction of that portion of the GRT which passes through the Mill District as a required circulation and mobility improvement and includes specific recommended edits.

This comment does not relate to the DSEIR, identify a new impact or suggest that previously identified impacts would be more significant. Rather, the comment recommends changes to the MDSP to require that, in addition to connections to the GRT, that developers be also required to construct the GRT. The statement is about who will be responsible for constructing the GRT, which is generally described in the Project Description, and not a comment on EIR adequacy. Several following comments and associated responses also relate to responsibility for, or planning for, GRT construction. No further response is necessary.

Response to Comment 2-3

This comment is a suggestion that construction of the portion of the GRT which passes through the Mill District be a required transportation public improvement as the GRT will be a regional transportation corridor that reduces vehicle miles traveled and can therefore also be implemented as a mitigation strategy.

This comment does not relate to the DSEIR, identify a new impact or suggest that previously identified impacts would be more significant. Rather, the comment recommends changes to the MDSP to require that, in addition to connections to the GRT, that developers be also required to construct the GRT. The comment uses the phrase “mitigation strategy,” but does not state that the requested changes to the MDSP would reduce specific environmental impacts or that not making the requested change results in any particular environmental impact. The is a statement about who will be responsible for constructing the GRT, which is generally described in the Project Description, and not a comment on EIR adequacy. The City of Fortuna is assuming a level of responsibility for seeking grant and other funding to conduct planning and environmental review for the GRT through Fortuna and to try to seek funding to support the construction of the GRT, similar to City planning efforts relating to the interchanges. No further response is necessary.

Response to Comment 2-4

This comment states that Figure 4-1 (p. 26) shows the GRT as ending where it connects with the Strongs Creek Trail on the northern side of the Kenmar Interchange. The GRT trail corridor should be shown as continuing through the Kenmar Rd. Interchange, as the trail will continue south out of Fortuna along the GRTA right-of-way to provide regional connections.

This comment does not relate to the DSEIR, identify a new impact or suggest that previously identified impacts would be more significant. Rather, the requests that MDSP Figure 4-1 be revised to show the GRT continuing to the south of the MDSP Area along the GRT Right of Way. The City of Fortuna has consented to modify Figure 4-1 to show the GRT alignment throughout the extent of the Figure. No further response is necessary.

Response to Comment 2-5

This comment recommends adding the GRT Draft Master Plan for the Great Redwood Trail, which includes a conceptual map for the Fortuna GRT segment with suggested placement of different trailhead types and opportunities for community connections, to the list of other relevant plans to Other Plans on MDSP page. 42.

This comment does not relate to the DSEIR, identify a new impact or suggest that previously identified impacts would be more significant. Rather, the comment requests that GRT Draft Master Plan for the Great Redwood Trail be referenced as relevant plans that will continue to guide the design and development of each respective study area in Other Plans on MDSP page. 42. The City of Fortuna has consented to reference the GRT Draft Master Plan for the Great Redwood Trail. Regarding the GRT Draft Master Plan for the Great Redwood Trail through Fortuna, it may be more appropriate to add the details included in the comment, “conceptual map for the Fortuna GRT segment with suggested placement of different trailhead types and opportunities for community connections. The GRTA would like to partner with the City to build a Community Gateway, the largest GRT trailhead type, within the Mill District to bring GRT users closer to amenities and promote economic vitality for local businesses” to the general description of the GRT on MDSP page 25. No further response is necessary.

Response to Comment 2-6

This comment states that the GRTA provided comment to the City of Fortuna on the Mitigated Negative Declaration for the Kenmar Interchange and that the GRTA continues to be in consultation with the City regarding proposed encroachments into the GRTA right-of-way and GRT integration into the planning and design for both the Newburg Rd. and Kenmar Rd. Interchange projects. We request that the City include the GRTA, where Caltrans is mentioned, in the final sentence of this section as an agency in close consultation.

This comment does not relate to the DSEIR, identify a new impact or suggest that previously identified impacts would be more significant. Rather, the comment requests and the City of Fortuna has consented to reference the GRTA where Caltrans is mentioned, in the final sentence of this section as an agency in close consultation in the MDSP on page 42. No further response is necessary.

Response to Comment 2-7

This comment recommends that the City prioritize mitigation strategy #2, from page 41 of the “VMT Option 2 / Smart Growth Score”: Methodology, Land Use Scenario Analysis, Thresholds of Significance, Significance Determinations and Mitigations” (VMT Technical Memorandum) which describes implementation of a Class I trail through the Mill District. A complete GRT segment through the Mill District would be a linear corridor between Kenmar Road and Newburg Rd/12th Street and bring not just local residents to the Mill District, but also connect commuters and travelers from across the region to this new destination. Therefore, we recommend changing this strategy to read, “The City shall work with the developer to implement a Class I trail through the Mill District as part of the Great Redwood Trail and Strongs Creek Trail to provide a continuous active transportation corridor between Kenmar Rd, Fortuna Boulevard and Newburg Road / 12th Street, as specified in the Mill District Specific Plan (MDSP) Bicycle and Pedestrian Access performance standard and shown on the circulation diagram.”

The DSEIR concludes in DSEIR Section 3.2.1, Vehicle Miles Traveled, that the impact of the project relating to vehicle miles travelled is significant and unavoidable and specifies a series of mitigation measures from the VMT Technical Memorandum that could lessen impacts but not to less than significant levels. Mitigation Strategy 2, “(t)he City shall work with the developer to implement a Class I trail through the Mill District as part of the Great Redwood Trail and/or Strongs Creek Trail to provide a continuous active transportation corridor between Fortuna Boulevard and Newburg Road / 12th Street, as specified in the Mill District Specific Plan (MDSP) Bicycle and Pedestrian Access performance standard and shown on the circulation diagram,” is considered to be a part of the MDSP and its inclusion as a mitigation measure in Section 3.2.1 was considered to be redundant. Figure 4-1 shows a Class 1 Trail from Fortuna Boulevard to Kenmar Road and Newburg Road, as specified in the mitigation, and the MDSP requires that the City work with the developer

to carry this out. In addition, the developer is also required to install a Class 2 bike lane between Fortuna Boulevard and Newburg Road.

This comment recommends adding an additional mitigation to DSEIR Section 3.2.1, Vehicle Miles Traveled, to direct the City to “work with the developer to implement a Class I trail through the Mill District as part of the Great Redwood Trail and Strongs Creek Trail to provide a continuous active transportation corridor between Kenmar Rd, Fortuna Boulevard and Newburg Road / 12th Street, as specified in the Mill District Specific Plan (MDSP) Bicycle and Pedestrian Access performance standard and shown on the circulation diagram.” As stated in the proposed comment and the mitigation measure, all aspects of the mitigation are identified in the MDSP, except that the MDSP does not specify that applicants for development will be required to construct the GRT.

The presence of a Class 1 Trail, as described above, is a part of the MDSP but would not reduce significant VMT impacts to less than significant levels. The MDSP requires that the portions of the Strongs Creek Trail within the MDSP Area be constructed by a developer, and a number of the trail segments are adjacent to or in the same location as other likely infrastructure improvements, and the requirement to construct portions of the Strongs Creek Trail is therefore considered feasible. It is not known whether it would be feasible to require that the GRT be constructed by developers through exactions. For this reason and because the state, the region, and the City of Fortuna are coordinating in the planning for the GRT, including funding and construction timing, the construction of the GRT was not included as a mitigation requirement to lessen VMT impacts.

3. Errata, Revisions, and Clarifications

The purpose of this errata is to document revisions to the DSEIR that are intended to clarify project details since it was submitted to the Office of Planning and Research State Clearinghouse on August 26, 2024, and publicly circulated between August 26, 2024 to October 15, 2024.

The errata includes excerpts of text from the DSEIR that are proposed for modification, and does not include the entire DSEIR. Specifically, the entire subsection that contains the text proposed for modification is copied into the errata, and newly proposed text in the errata is **underlined and bolded**, deleted text from the original DSEIR is stricken with ~~single strikethrough~~, and unchanged text remains in normal font. Only the subsections of the original DSEIR that are proposed for modification are copied into the errata.

Where a change to the DSEIR revises text that appears in multiple chapters of the DSEIR, it can be assumed that the revision is changed in all locations. For example, if a mitigation measure has been revised, and that mitigation measure is referenced in additional chapters other than the chapter in which it was modified herein, it can be assumed to be changed in all chapters including the Executive Summary which contains a summary table of all mitigation measures. Revisions herein typically refer to the primary location of the text.

3.1 Environmental Analysis Text Clarifications

The following details have been edited or added to the SEIR as revisions or errata. Deleted text is shown in ~~strikethrough~~ and added text is shown in bold **underline**. Where an entire new section is added, no strikethrough or underline will be used.

In response to comments, the analysis of potential air quality impacts of uses allowed within the MDSP Area by adoption of the proposed Project, DSEIR Section 4.6.1, Air Quality, with the exception of Section 4.6.1-6 Conflict with the State Goal of Reducing GHG Emissions Under AB 32 Potential Impacts, is completely deleted from Chapter 4, Impacts Found to have no Substantial Change from Previous Analysis, and the following entirely new section, Air Quality, is added to Chapter 3, Issues Requiring Changes to Prior EIR, as Section 3.5.2, Air Quality, in section 3.5, Public Health and Safety.

3.5.2 AIR QUALITY [NEW SECTION]

As analyzed in the previous FEIR in Section 8.1, Air Quality, which generally coincides with CEQA Guidelines Appendix G environmental factor III, Air Quality.

ENVIRONMENTAL SETTING

The previous FEIR described the environmental setting in terms of air quality, in particular relating to ambient air quality and criteria pollutants, and although there are no changes to existing conditions within the Mill District that would affect the environmental setting, additional information is provided in this section regarding existing land uses and sensitive receptors within and surrounding the MDSP Area.

Sensitive Receptors. The previous FEIR defined sensitive receptors on page 8.1-2 as land “uses such as schools, hospitals, and convalescent homes are considered sensitive to poor air quality because infants and children, the elderly, and people with health afflictions, especially respiratory illnesses, are more susceptible to ailments resulting from poor air quality than is the general public. Residential areas are also considered to be sensitive to air pollution because residents (including children and the elderly) tend to be at home for extended periods, resulting in sustained exposure to any nearby pollutants.” This definition is consistent with

the definition used by the California Air Resources Board in California Health and Safety Code Section 42705.5(a)(5)). Regarding the General Plan planning area evaluated as part of the previous FEIR, the description of sensitive receptors on page 8.1-2 states that "(General Plan) Planning Area contains multiple sensitive receptors, including urban and suburban residential neighborhoods, 11 schools, one hospital (Redwood Memorial at 3300 Renner Dr.), and at least one convalescent facility (St. Luke Healthcare & Rehab Center at 2321 Newburg Rd.). The (General Plan) Planning Area is not located adjacent to any other large groupings of sensitive receptors; the closest such groupings are residential neighborhoods and schools in the City of Rio Dell approximately five miles to the southwest."

The following is a description of sensitive receptors within and near the MDSP (See Figure 3-1, Sensitive Receptors & Land Uses within 1,000 Feet). There is one single family residence within the Pond Street Area and one within the Central Area located along Newburg Road, which also serves as the business address for a commercial tree trimming service. The following sensitive receptors are located within the Residential Area of the MDSP Area, which is a total of approximately 20 acres and primarily developed with residential uses at an average density of approximately 5 dwelling units per acre:

- Single Family Residential or Manufactured Homes = 60 Assessor's Parcels
- Multiple Family Residential 2-4 Units = 8 Assessor's Parcels
- Multiple Family Residential 5-9 Units = 1 Assessor's Parcel
- Rainbow Junction Children's Center = 1 Assessor's Parcel

There are no hospitals or convalescent homes within 1,000 feet of the MDSP Area. The following is a general summary of existing sensitive receptors within 1,000 feet of the sub-areas of MDSP Area that are most likely to be developed with commercial or industrial uses, Central/Pond Street/Strongs Creek/ and Mill Creek:

North:

- Residences (primarily single family with some duplexes) along the 12th Street, Newburg Road, Meadow Brook Lane, Sunnybrook Drive, Randolph Way, and South 15th Street.

East:

- Residences (primarily single family and manufactured homes, with some duplexes). The edge of the Redwood Court Apartment complex behind the Redwood Village Shopping Center falls within 1,000 feet of the MDSP Area.

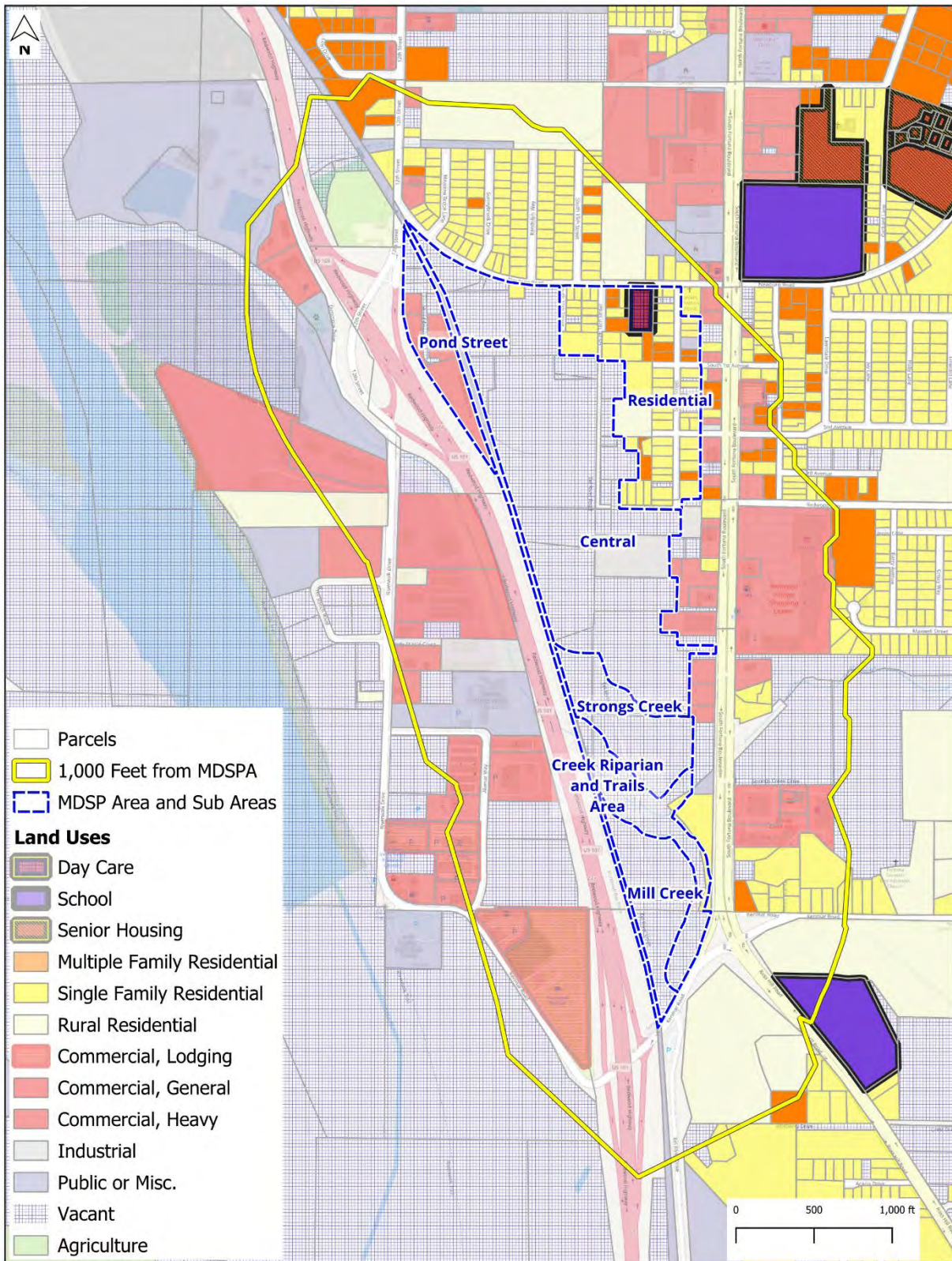
South:

- Residences (primarily single family, manufactured homes and some duplexes).
- A portion of the Redwood Junior Academy on Ross Hill Road falls within 1,000 feet of the MDSP Area.

West:

- One single family residence located adjacent to the Recology Eel Rive solid waste transfer station.

Figure 3-1, Sensitive Receptors & Land Uses within 1,000 Feet



There are several potential sensitive receptors located beyond 1,000 feet but within approximately one-half mile of the outer boundary of the MDSP Area sub areas where commercial and industrial development is likely to occur, including the Linell K. Walker Elementary School and associated family resource center, Fortuna Rehabilitation and Wellness Center, St. Luke Rehab Center, Newburg Retirement Center, the Mountain View Village Retirement Home, and the Sequoia Springs Senior Living Community.

Emissions Sources. The CARB Land Use Handbook identifies sources of air pollution to include high traffic freeways and roads, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and large gas dispensing facilities. There are no identified sources of toxic air contaminants within the MDSP Area. The Sequoia Gas propane distribution facility in the Pond Street sub area and activities in the multi-tenant light industrial building are other activities which could generate stationary source emissions and would be subject to NCUAQMD permit requirements which are designed to reduce air pollution and to help achieve and maintain federal and state air quality health standards. These uses would not qualify as CARB Land Use Handbook defined sources of air pollution.

U.S. 101 and the major roadways adjacent to the MDSP Area have current and projected future total average daily volumes far below the California Air Resources Board (CARB) screening level of 100,000 vehicles per day, based on the Air Quality and Land Use Handbook: A Community Health Perspective, April 2005. Projected U.S. 101 volumes near the MDSP Area in 2045 (which are more than current volumes) are less than 27,000 vehicles per day and Fortuna Boulevard, which has the next highest vehicle volumes is projected (projected volumes are higher than current volumes) to have less than 16,000 vehicles per day (Humboldt County travel demand model, Caltrans).

There are no high-volume freeways or roads, distribution centers, rail yards, ports, refineries, chrome plating facilities, or dry cleaners in or near the City of Fortuna, let alone within 1,000 feet of the MDSP Area. CARB defines large gas dispensing facilities as those that sell more than 3.6 million gallons per year or greater, and according to the California Energy Commission table CEC-A15, Gasoline Sales by Cities, an average of 5.7 million gallons per year by the ten gas stations located within the City (minimum total annual sales within the City of 2,969,699 gallons and a maximum of 7,916,350 gallons) between the years of 2010 and 2023). There are potential generators of air emissions near the MDSP Area, including a plant that periodically produces ready mix and asphalt that is located across U.S. 101 approximately 2,000 feet to the north west of the MDSP Area, and industrial operations, including auto wrecking and a solid waste transfer station, located within 1,000 feet of the MDSP Area to the west. Potential stationary source generators of air emissions would be subject to NCUAQMD permit requirements which are designed to reduce air pollution and to help achieve and maintain federal and state air quality health standards

There are no changes to air quality monitoring from the previous FEIR. The previous FEIR on page 8.1-6 notes that "Air Resources Board monitoring of TACs occurs associated at individual TAC-emitting facilities. Examples of monitored TAC emitters in the Planning Area include Fortuna Wastewater Treatment Plant (located over 1,000 feet north west of the MDSP Area across U.S. 101), Rohnerville Airport (located approximately 1.4 miles south of the MDSP Area across U.S. 101), Fortuna Body & Paint (no longer operating under that name, however there is an auto body/paint business located over 1,000 feet west of the MDSP Area and another over 1,000 feet to the north), Humboldt Petroleum (not operating under that name, but there are two gas stations within 1,000 feet of the MDSP Area) Don's Transmission Works (not operating under that name, but there are several auto repair facilities within 1,000 feet of the MDSP Area), and Fortuna Shell (see Humboldt Petroleum)." As stated above, activities that could generate stationary source emissions would be subject to NCUAQMD permit requirements which are designed to reduce air pollution and to help achieve and maintain federal and state air quality health standards.

REGULATORY SETTING

Federal

The Fortuna General Plan previous FEIR described the federal regulatory setting relating to air quality.

State

The Fortuna General Plan previous FEIR described the state regulatory setting relating to air quality.

Statewide Warehouse Design and Build Standards. Since the time of the adoption of the Fortuna General Plan, the state of California approved Assembly Bill 98 (2024) that prescribes various statewide warehouse design and build standards for any proposed new or expanded logistics use developments, as specified, including standards for building design and location, parking, truck loading bays, landscaping buffers. The AB 98 design and build standards become applicable beginning January 1, 2026.

Regional and Local

The previous FEIR for the Fortuna General Plan evaluated the local and regional land use regulatory setting and except for changes to the numbering of North Coast Unified Air Quality District (NCUAQMD) Rules, there are no changes that would affect the Mill District.

North Coast Unified Air Quality District. The NCUAQMD has renumbered its rules. What was referred to in the previous FEIR as NCUAQMD Rule 430 – Fugitive Dust Emissions, is now a part of NCUAQMD Rule 104 (Prohibitions) Section D (Fugitive Dust Emission), which requires reasonable precautions be taken to prevent particulate matter from becoming airborne. These precautions include covering open bodied trucks when used for transporting materials likely to give rise to airborne dust and the use of water during the grading of roads or the clearing of land. The Rule 104 (Prohibitions) Section D (Fugitive Dust Emission) are applicable to the General Plan and enforced by the City of Fortuna through grading permits. Rule 104 (previously numbered as Rule 430) is fully described in previous FEIR on page 8.1-10. NCUAQMD Rule 110 - New Source Review And Prevention of Significant Deterioration establishes the preconstruction review requirements for new and modified stationary sources of air pollution. NCUAQMD Rule 300 sets standards for managing and controlling the emission of airborne toxic contaminants in the region, including measures for construction, demolition, and industrial operations related to the control of airborne toxic substances that could pose health risks to the community. Rule 300 regulations also apply to industrial facilities that emit toxic air contaminants, requiring the implementation of emission control measures

Fortuna General Plan 2030. The adopted Fortuna General Plan contains a series of policies and programs that were determined in the previous FEIR to be the full range of feasible policies and programs to address air quality impacts that affect the City of Fortuna. The following is a summary of Fortuna General Plan policies that are intended to be consistent with state and federal and regional air quality regulations and are applicable to the MDSP:

Policy HS-1.1, New Development, allows new development only in areas where the potential danger to the health and safety of people can be mitigated to acceptable levels.

Policy HS-3.1 Agency Cooperation, the City shall cooperate with other agencies (in particular the NCUAQMD) in developing an effective approach to regional air quality planning management.

Policy HS-3.2, Particulate Matter, the City shall strive to achieve and maintain compliance with National Ambient Air Quality Standards for PM10 and all Federal, State, regional and local air quality standards.

Policy HS-3.4, Wood Burning Appliance Standards., the City shall adopt appropriate State and federal standards for EPA approved wood burning appliances and shall make educational materials available for residents about the NCUAQMD Woodstove change-out program.

HS-3.6 Greenhouse Gas Emissions Reduction from Transportation, directs the City to increase clean-fuel use, promote transit-oriented development and alternative modes of transportation, and reduce travel demand.

Policy HS-3.7, Air Pollutant Emission Reduction Construction and Operation Measures, the City shall require that new development incorporate air pollutant emission reduction measures during construction and operation.

Program HS-4, the City shall work with the North Coast Unified Air Quality Management District to develop and implement an Air Quality Management Plan for controlling PM10.

Program HS-5, the City shall require proposed new subdivisions, and other large development projects to implement the following air emission reduction measures:

Construction Emission Reduction Measures (to be implemented during construction):

- (a) Use watering to control dust during tree clearing activities;
- (b) Spray exposed soils and dirt roads as needed during clearing, grading, and trenching;
- (c) Sweep paved streets used by earth-moving equipment at least once a day;
- (d) Apply soil stabilizers to inactive exposed soils;
- (e) Plant ground cover in disturbed areas immediately after grading;
- (f) Cover haul-truck loads;
- (g) Use only low VOC and low formaldehyde coatings, paints and insulation in buildings;
- (h) Fit construction equipment with EPA and/or NCAQMD-approved exhaust systems, and keep these vehicles tuned and in good working order;
- (i) Limit diesel-powered construction equipment idling time to 10 minutes; and
- (j) Stage diesel-powered construction equipment as far away from residences as possible.

Area Source Emission Reduction Measures (to be implemented during operation):

- (a) Limit residential development to one wood-burning EPA Phase III or better stove or fireplace per unit;
- (b) Equip all new buildings with natural gas-powered and not wood heating systems (e.g., one EPA Phase III or better stove will be permitted in each new residence, but a natural gas powered heating system rather than the stove will serve as the primary heating source);
- (c) Prohibit open burning of vegetation, slash, and refuse (including construction debris);
- (d) Fit all buildings with electrical outlets on the exterior walls to promote the use of electrical rather than gas-powered landscape maintenance equipment; and
- (e) Increase energy efficiency in proposed buildings by 20% beyond Title 24 requirements.

Mobile Source (Traffic) Emission Reduction Measures (to be implemented during operation):

- (a) Provide sidewalks and pedestrian-enhancing features including street trees, street lighting and pedestrian cross-walk striping at intersections;

- (b) Provide bicycle lanes within and adjacent to the project site (e.g., not on every street within new development, but from new development to any existing adjacent bicycle lanes that may exist);
- (c) Provide bicycle-locking areas at proposed parks;
- (d) Work with RTS to extend transit service, and provide a stop if requested by RTS;
- (e) Work with the Fortuna Public Works Department to synchronize any existing or new traffic signals along roads to carry a substantial amount of project traffic;
- (f) For commercial, office and mixed-use projects, initiate a voluntary ridesharing program for the on-site workforce and preferential parking for ridesharing vehicles;
- (g) For commercial, office and mixed-use projects, provide bicycle-parking areas; and
- (h) For commercial, office and mixed-use projects provide employees with transit incentives (e.g., subsidized bus passes) to minimize driving to work.

Policy LU-7.1, Minimize Nuisances, requires new industrial development to avoid creating substantial pollution that would negatively affect adjacent uses.

Policy HS-1.1, New Development, allows new development only in areas where the potential danger to the health and safety of people can be mitigated to acceptable levels.

Policy HS-6.1, Compliance with Hazardous Material Laws and Regulation, requires that all land uses that emit hazardous materials be in compliance with all applicable federal, state, County and local hazardous materials safety laws and regulations.

HS-6.3, Buffer Zones, requires new land uses that process hazardous materials provide a buffer zone between the installation and adjacent properties to protect public safety.

Policy HS-6.7, Hazardous Waste Sites, requires hazardous waste repositories, incinerators, and facilities that use or store substantial quantities of hazardous materials be sited in appropriate (nonresidential) land use districts.

LU-14.1, Compatible Uses, where the City shall ensure a variety of compatible uses in the Mill District including retail, office, service commercial, appropriate light-industrial, recreation, and residential.

IMPACT ANALYSIS

Significance Thresholds

The proposed Project would have a significant air quality impact if it would:

- a) Conflicts with or obstructs implementation of the applicable air quality management plan;
- b) Violates any air quality standard or contributes substantially to existing/projected air quality violations;
- c) Results in a cumulatively considerable net increase of any criteria pollutant for which the plan region is in non-attainment under an applicable federal or State ambient air quality standard;
- d) Exposes sensitive receptors to substantial pollutant concentrations or other dangerous conditions; or
- e) Creates objectionable odors affecting a substantial number of people.

This analysis addresses the significance criteria from the then current 2009 CEQA Guidelines Appendix G, III Air Quality items (a) through (e). Significance threshold “f” relating to greenhouse gas emission is an impact topic specific to the Fortuna General Plan FEIR and was added to the impact topics to address the requirements of the 2005 AB 32 – California Global Warming Solutions Act. Since the previous FEIR was certified the CEQA Guidelines relating to air quality impacts have been revised and impact topics (b) and (c) listed above (conflict with or obstruct implementation of the applicable air quality plan and result in a

cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?) are generally combined into the current impact topic III(b). Impact topic (f) from the previous FEIR relating to greenhouse gas emissions is no longer a topic addressed as part of the air quality topic. It is now addressed in topic VIII. Greenhouse Gas Emissions and is fully addressed in Chapter 4, Section 4.6.1-1 Conflict with the State Goal of Reducing GHG Emissions Under AB 32 Potential Impacts.

Methodology

The following tables list the criteria used in the previous FEIR to assess the air quality impacts of the proposed plan and how any changes from the MDSP would affect the analysis of air quality impacts in this SEIR:

Previous FEIR Air Quality Impact Methodology	Methodology Changes Due to MDSP
The proposed Land Use Diagram (Figure 2-3 in Chapter 2 of this PEIR) will designate a range of uses within the Planning Area. Development consistent with the proposed land use designations will occur over time and will generate air emissions;	The proposed Project modifies the Land Use Diagram as defined in SEIR Project Description Tables 4 and 5. The total acres of area that could be graded under the MDSP is consistent with the previous FEIR, as identified in Table 8.1-4, Net Increase in Development Under the Proposed General Plan, and Table 8.1-5, Air Quality Model Inputs for Construction Under the Proposed General Plan. Table 8.1-5, Air Quality Model Inputs for Construction Under the Proposed General Plan shows the total acres of land that could be graded and includes 262.6 acres of Mixed Use, of which 97.2 is a portion of the MDSP Area, and 250.2 acres of IND, of which approximately 5.9 acres is a portion of the MDSP Area). Therefore, the previous FEIR assumes that all MDSP Area acres would be graded and the changes to the Land Use Diagram associated with the proposed Project would not change the air quality modelling inputs used in the previous FEIR, as it relates to construction. The proposed Project changes the MD Land Use Designation to expand the range of compatible industrial uses allowed within the Mill District. There is the potential that this expanded range of allowable uses could facilitate future land uses that may generate air emissions beyond those considered in the previous FEIR evaluation of operational emissions.
The proposed Land Use Diagram will apply to the incorporated City and its sphere of influence, facilitating development and an incremental increase in emissions to the air;	The proposed MDSP does not change how or where the Land Use Diagram will apply to areas within and outside the City. Therefore, the proposed project does not affect this methodology criteria.
The proposed Land use Diagram will not apply to the unincorporated portion of the Planning Area outside the SOI. Therefore, the proposed plan will	The proposed MDSP does not change how or where the Land Use Diagram will apply to areas within and

Previous FEIR Air Quality Impact Methodology	Methodology Changes Due to MDSP
not be responsible for any incremental increase in air emissions in this area;	outside the City. Therefore, the proposed project does not affect this methodology criteria.
Development under the proposed plan will occur consistent with the growth projections contained in Table 3.1-6 of this PEIR;	The entire MDSP Area is accounted for in the 755.3 acres to be graded as specified in Table 8.1-5. Therefore, the MDSP Area would not change the scale of construction-related air quality impacts evaluated as part of the previous FEIR. Table 3.1-6 and Table 8.1-4 assumed that 300 housing units and 300,000 square feet of non-residential development (assumed to be a variety of commercial uses) within the MDSP Area would be developed consistent with the General Plan FEIR growth projections. The SEIR project description assumes that: • approximately 100 new housing units would be developed, rather than 300 housing units, a difference of 200 fewer housing units; • approximately 285,512 square feet of new commercial will be developed at buildout rather than 300,000 square feet, a difference of approximately 14,000 fewer square feet of commercial uses; • approximately 654,489 square feet of new industrial uses will be developed at buildout (approximately 40,000 square feet of industrial space is currently occupied within the MDSP Central Area and was developed and occupied at the time the General Plan was approved). It should be noted that the <u>assumed buildout</u> in Section 2.7 of the SEIR is not based on <u>population or employment growth projections</u>. Previous FEIR Table 8.1-4 assumes that 400,000 square feet of new industrial development will occur within 78.8 acres of the City planned and available for industrial use consistent with citywide population or employment growth projections prior to General Plan buildout in 2030 (of the approximately 200.72 acres for the General Plan Planning Area are planned for industrial development as part of the General Plan Land Use Diagram, including: 67.6 acres in the South of Main Street Area, 27.78 acres in the Riverwalk Area, and 104.24 acres in the Airport area). The Riverwalk area has since been annexed and only 2.94 acres are zoned for industrial use, and there are no current

Previous FEIR Air Quality Impact Methodology	Methodology Changes Due to MDSP
	plans to annex the Airport Area prior to the General Plan buildout year. SEIR Section 3.1 Impact LU-03 also indicates that only 9,000 square feet of industrial development has occurred in the City since the adoption of the General Plan and only approximately 4,500 of that is on land planned for industrial uses. These structures are flexible multi-tenant spaces that accommodate a range of uses including retail, commercial printing, and artisan work spaces, and are classified by the County Assessor as "Commercial, Miscellaneous," and not as industrial uses. The SEIR states that development "within the proposed MDSP area is projected to occur over time, based on market demand, and on an applicant-initiated build-to-suit basis rather than according to a phased buildout schedule that involves substantial speculative development, although some speculative buildings may be constructed. Given that there is no defined schedule and no readily available demographic or economic data that could support an objective absorption rate for MDSP buildout, this SEIR assumes that buildout would occur within the next 15 to 20 years." Although the proposed project does not affect methodology criteria, given that the air quality analysis and the SEIR assume that residential, commercial, and industrial development will occur at a rate with projected employment and population growth, the SEIR project description Table 5 shows building square footage associated with an <u>assumed build out</u> that exceeds the <u>population/employment demand</u>-related industrial square footage included in previous FEIR Table 3.1-6 and Table 8.1-4.
The rate at which vacant land in the City is developed will be determined primarily by market forces, but for purposes of this analysis it is assumed that the Planning Area would be fully built out according to the proposed Land Use Diagram during the time horizon of the proposed plan (e.g., by 2030).	The proposed MDSP does not change that rate at which vacant land within the City will be developed or real estate market conditions. Note 8 in previous FEIR Table states that buildout "will occur after the year 2030 time horizon of the proposed plan based on current growth rates. However, in order to provide a conservative analysis, buildout is assumed to occur in year 2030 in this EIR." The SEIR states that development "within the proposed MDSP area is projected to occur over time, based on market demand, and on an applicant-initiated build-to-suit basis rather than according to a phased buildout

Previous FEIR Air Quality Impact Methodology	Methodology Changes Due to MDSP
	schedule that involves substantial speculative development, although some speculative buildings may be constructed. Given that there is no defined schedule and no readily available demographic or economic data that could support an objective absorption rate for MDSP buildout, this SEIR assumes that buildout would occur within the next 15 to 20 years." Although the proposed project does not affect these methodology criteria, and the air quality analysis and the SEIR assume that residential, commercial, and industrial development will occur at a rate with projected employment and population growth, SEIR project description Table 5 shows an assumed build out that exceeds the industrial square footage included in previous FEIR Table 3.1-6 and Table 8.1-4. Therefore, this analysis, like the previous FEIR, assumes that buildout is assumed to occur within the planning timeframe - within the next 15 to 20 years.

Project Impacts and Mitigation

Impact AQ-01: Would the project conflict with or obstructs implementation of the applicable air quality management plan?

Previously Identified Level of Significance. The North Coast Air Basin is in "attainment," meaning the area meets or exceeds the standards set by the U.S. Environmental Protection Agency (EPA), for all criteria pollutants except inhalant particulate matter with a diameter of 10 micrometers or less (PM10), which is "nonattainment." The USEPA states that PM10 is "emitted directly from a source, such as construction sites, unpaved roads, fields, smokestacks or fires." As described above, the NCUAQMD adopted a Particulate Matter Attainment Plan in 1995, which is the only air quality management plan applicable to the City of Fortuna. The attainment plan presents available information about the nature and causes of PM10 standard exceedances and identifies cost-effective control measures to reduce PM10 emissions to levels necessary to meet California Ambient Air Quality Standards. The previous FEIR in Impact 8.1-1, determined that the General Plan would generate less than significant levels of PM10 during construction but would exceed PM10 significance thresholds and thus could contribute to an obstruction of the North Coast Unified Air Quality Management District's (NCUAQMD) PM10 Attainment Plan.

The General Plan includes policies and programs intended to reduce construction and operational air emissions of PM10 (see listing of such policies in the Regulatory Setting above), and the NCUAQMD has a standard set of emission reduction measures that new development must comply with during construction and operation. As described above, the NCUAQMD adopted a Particulate Matter Attainment Plan in 1995 presents available information about the nature and causes of PM10 standard exceedances and identifies cost-effective control measures to reduce PM10 emissions to levels necessary to meet California Ambient Air Quality Standards. However, the NCUAQMD Planning and CEQA webpage states that the Particulate Matter

Attainment Plan “should be used cautiously as it is not a document that is required in order for the District to come into attainment for the state standard.”

However, despite implementing these policies, programs, and NCUAQMD requirements, operational emissions projected to occur under the Fortuna General Plan were still expected to exceed the NCUAQMD threshold for PM₁₀ under the Attainment Plan. This impact was found to be significant and unavoidable with no feasible mitigation measures available beyond those provided by existing regulations, the General Plan Land Use Diagram, and the General Plan’s policies and programs.

Mill District Specific Plan Changes. As part of the adoption of the MDSP, the Fortuna General Plan is proposed to be amended in several ways that could affect air quality impacts, including changes to the range of allowable uses and the intensity of allowable development within the MDSP Area. The Mill District Land Use Designation is proposed to be modified to allow small-and large-scale light industry and compatible heavy industry, rather than just compatible light industry, and to increase the allowable floor area ratio from 0.5 to 0.8. The General Plan Land Use Element would also be amended to replace caps on commercial and industrial developments, tracked by both land use designations and city neighborhood, with an annual monitoring and reporting program to track new commercial development and conditions relating to urban decay and report annually to the Planning Commission and City Council and where urban decay or other indications of overbuilding or high vacancies are occurring, identify City programs to limit urban decay, attract businesses, and encourage increased business activity.

Construction. As indicated in the methodology, the area of the MDSP Area that could be subject to grading is the same area that was analyzed in the previous FEIR, which is the primary input for construction emissions. Table 8.1-6, Construction Emissions of Criteria Pollutants Under the Proposed Plan, on page 8.1-15 shows that PM₁₀ emissions from construction allowed by the General Plan would not exceed thresholds of significance. The model outputs assume the full implementation of NCUAQMD Rule 104 Section D, which requires the handling, transporting, or open storage of materials in such a manner that does not allow unnecessary amounts of PM to become airborne. Reasonable precautions shall be taken to prevent PM from becoming airborne, including, but not limited to: 1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and 2) the use of water during the grading of roads or the clearing of land. In addition, General Plan Program HS-5, requires proposed new subdivisions, and other large development projects, such as those that would likely occur under the MDSP, to implement air emission reduction measures that in some instances mirror, and also, exceed the requirements of NCUAQMD Rule 104 Section D, including a comprehensive list of construction emission reduction measures listed in the Regulatory Setting above.

As indicated above, The USEPA states that PM₁₀ is typically emitted from sources, such as construction sites, unpaved roads, fields, smokestacks or fires. For construction sites, NCUAQMD Rule 104 Section D, which requires the handling, transporting, or open storage of materials in such a manner that does not allow unnecessary amounts of PM to become airborne and General Plan Program HS-5, implemented through construction permits by the City of Fortuna, requires that proposed new subdivisions, and other large development projects, which includes the MDSP, to implement air emission reduction measures that in some instances mirror, and also, exceed the requirements of NCUAQMD Rule 104 Section D, including a comprehensive list of construction emission reduction measures listed in the Regulatory Setting above. Given that the MDSP is fully addressed in the previous FEIR construction air quality model and General Plan construction emissions, the MDSP would not increase the level of impacts construction-related air quality impacts previously identified.

Operations. The previous FEIR air quality model indicates that operational emissions of PM₁₀ would exceed significance thresholds, even after the implementation of what are referred to as “mitigation” measures,

which consist of General Plan policy and NCUAQMD Rules. Such measures are intended to lessen construction and operational emissions are all applicable to the MDSP and include:

Policy HS-3.1 Agency Cooperation, the City shall cooperate with other agencies (in particular the NCUAQMD) in developing an effective approach to regional air quality planning management.

Policy HS-3.2, Particulate Matter, the City shall strive to achieve and maintain compliance with National Ambient Air Quality Standards for PM10 and all Federal, State, regional and local air quality standards.

Policy HS-3.4, Wood Burning Appliance Standards, adhering to appropriate State and federal standards for EPA approved wood burning appliances.

Policy HS-3.7, Air Pollutant Emission Reduction Construction and Operation Measures, requiring that new development incorporate air pollutant emission reduction measures during construction and operation.

Program HS-4, the City shall work with the North Coast Unified Air Quality Management District to develop and implement an Air Quality Management Plan for controlling PM10.

Program HS-5, a series of area and mobile source emission reduction measures specifically applicable to proposed new subdivisions and other large development projects, which includes the MDSP Area, that require that:

- o Limit residential development to one wood-burning EPA Phase III or better stove or fireplace per unit;
- o Equip all new buildings with natural gas-powered and not wood heating systems;
- o Prohibit open burning of vegetation, slash, and refuse (including construction debris);
- o Fit all buildings with electrical outlets on the exterior walls to promote the use of electrical rather than gas-powered landscape maintenance equipment; and
- o (e) Increase energy efficiency in proposed buildings by 20% beyond title 24 requirements.

In addition to the above, the General Plan policies specific to the Mill District and goals, policies and performance measures in the MDSP would also lessen operational emissions of particulate matter. The following is a summary of Mill District Focus Area and MDSP goals, policies, and measures that would lessen operational emission of particulate matter.

Fortuna General Plan MD Focus Area Policy applicable to the MDSP Area

Policy LU-14.4 Balanced Transportation, which ensures a safe and convenient streets and roadways system in the Mill District that utilizes public transit, bicycle and pedestrian facilities

Policy LU-14.5 Parking Standards, allows reduced parking standards and/or on-street parking in the Mill District to reflect the increased intensity of development and accessibility by transit and other modes of travel

Mill District Specific Plan Goals, Policies, and Performance Measures applicable to the MDSP Area that would reduce air emissions:

MDSP Goal LU-3, which seeks to stimulate economic growth within a City infill area and provide an essential link to the Class I John Campbell Memorial Trail system which connects neighborhoods to jobs and services.

MDSP Policy LU-3, which implements the “River to Forest” public walkways system as identified in the General Plan

MDSP Policy LU-4, which directs that Mill District’s design and development is integrated with the rest of the City and promotes convenient access to streets, the City bike and trail network, and public transit services for safe, convenient, and barrier-free multi-modal travel within the MDSP Area, between the MDSP Area and adjacent uses, and to and from transit stops

MDSP Policy LU-8, which requires that the MDSP provide safe and convenient access for pedestrians between buildings and transit stops, parking areas and other buildings and facilities; be designed promote active transportation, and public transportation usage; facilitate the use of the great Redwood Trail; and connect with access points to the Riverwalk area, Strongs Creek Plaza, and the Great Redwood Trail.

MDSP Policy LU-9, which requires interconnection of the MDSP Area and citywide street network to facilitate convenient walking, biking through the MDSP Area.

MDSP Policy LU-13, allow reduced parking standards and/or on-street parking to reflect the increased intensity of development and accessibility by transit and other modes of travel. Shared parking is encouraged where it can be demonstrated that uses are complimentary.

MDSP Circulation Performance Measures

Transit Services. Implement transit-related improvements on the west and/or east sides of the new through road to provide on-site transit services at location(s) that provide convenient connections to the Great Redwood Trail, marked crossings of the New Through Road and walking or biking access points to Fortuna Mill Commerce Center development.

Strongs Creek Trail. Construct the John Campbell Memorial Greenway and Strongs Creek Trail, a Class I Bikeway (Multi-Use Path) which provides convenient connections within the City to and from the River Lodge, Mill District, Strongs Creek Plaza Shopping Center, Redwood Memorial Hospital, Sequoia Springs Retirement Cottages, low-income housing projects, the Senestraro neighborhood and Newburg Park.

Great Redwood Trail. Install connections meeting Class I Bikeway standards between the Great Redwood Trail and Eel River Drive at locations specified by the City Engineer, including the installation of crosswalks with median pedestrian refuge area (if required). Install accessible crosswalks and sidewalk ramps to provide access from the Great Redwood Trail to the Fortuna Mill Commerce Center.

Future development consistent with the MDSP conceptual development plan that would be allowed by the proposed General Plan changes and the adoption of the MDSP, as shown in DSEIR Table 8, could potentially increase operational PM10 emissions beyond the quantitative estimate of operational emissions associated with buildout of the Fortuna General, if the MDSP Area Assumed Buildout occurs. However, the previous FEIR assumes that residential, commercial, and industrial development will occur at a rate consistent with population growth and did not evaluate the air emissions associated with the full buildout of all developable land, which is what is depicted in DSEIR Table 8. The air emissions analyzed in the previous FEIR are those assumed to occur due to population growth within the City during the General Plan Planning period (2010 to 2030) and include 300,000 square feet of commercial development and 300 housing units within the MDSP

Area (none of which has been developed) and 400,000 square feet of industrial development in areas planned for industrial uses throughout the City.

The following non-residential development has occurred in the City of Fortuna since the adoption of the Fortuna General Plan:

- 102,081 square feet of the 921,000 square feet of commercial development (approximately 11 percent of what was assumed to occur) has occurred since the adoption of the General Plan.
- 9,000 square feet of the 400,000 square feet of industrial development (or less than three percent) of what was assumed to occur.

There is no evidence that development within the MDSP will occur at a rate that exceeds population growth, which is the rate of growth assumed part of the previous FEIR air quality analysis. The Draft SEIR states that development “within the proposed MDSP area is projected to occur over time, based on market demand, and on an applicant-initiated build-to-suit basis rather than according to a phased buildout schedule that involves substantial speculative development, although some speculative buildings may be constructed. Given that there is no defined schedule and no readily available demographic or economic data that could support an objective annual absorption rate for MDSP buildout, this SEIR assumes that buildout would occur within the next 15 to 20 years.”

Compliance with federal, state and NCUAQMD PM10-reduction requirements, including NCUAQMD Rule 104 Section D, together with implementation of the current General Plan policies and programs, the measures that the previous FEIR found to be the full range of feasible mitigations, and proposed MDSP goals, policies and performance measures will reduce MDSP PM10 emissions from what would occur without their implementation. Even with these goals, policies and performance measures, operational emissions were determined in the previous FEIR to still exceed the specified NCUAQMD threshold for PM10 (Table 8.7-1). This impact would remain significant and could potentially exceed the impacts analyzed in the previous FEIR if the “Net Increase in Development Under the Proposed General Plan” as defined in Table 8.1-4 of the previous FEIR were to be fully developed and the assumed buildout of the MDSP as set forth in SIER Table 8: MDSP Area Assumed Buildout were to be fully developed. It should be noted that the buildout of the Fortuna General Plan land uses is far below what was projected to occur during the Planning Period in the previous FEIR and there is no objective data suggesting that the MDSP buildout would occur in the next 15 to 20 years. However, to be conservative, it is possible that the full (assumed) buildout of the MDSP could worsen impacts of the Fortuna General Plan relating to the PM10 Attainment Plan.

Mitigation Measure

Mitigation Measure AQ-1: Add the following new Policy and Performance Measure to the MDSP to ensure that levels of residential, commercial, and industrial development air emissions within the MDSP Area do not exceed those evaluated as part of the Fortuna General Plan FEIR:

New Chapter 3: Land Use, Open Space & Design Policy:

Policy LU-16 New MDSP residential and commercial development and City of Fortuna cumulative industrial development which was used to model air quality emissions shall not exceed those analyzed in the Fortuna General Plan Final EIR, as defined in Table 8.1-4a “Net Increase in Development Under the Proposed General Plan.

New Chapter 3: Land Use, Open Space & Design Air Quality Performance Measure:

Air Quality. Levels of new residential, commercial, and industrial development within the MDSP, as measured in residential units or commercial or industrial square feet, shall not be in excess of the following thresholds unless an amendment to the MDSP is approved that includes a comprehensive air quality modelling analysis that is conducted using the most current version of the California

Emissions Estimator Model (CalEEMod), or the model recommended by the state of California for use in CEQA air quality analysis, to estimate air pollutant emissions from the assumed buildout of the MDSP Area construction and operation (SEIR Project Description Table 8: MDSP Area Assumed Buildout) plus the non-MDSP Area land use development and growth described in the previous FEIR Net Increase in Development Under the Proposed General Plan" Table 8.1-4a, and all feasible mitigation measures identified as part of the analysis are implemented; or the Fortuna General Plan is comprehensively updated including a CEQA analysis of air quality impacts and all feasible goals, policies, and programs are adopted to reduce air quality emissions. The following are MDSP new residential, commercial, and industrial development thresholds:

- (a) New residential development within the MDSP Area in excess of 300 dwelling units;
- (b) New commercial development within the MDSP Area in excess of 300,000 square feet; and,
- (c) New industrial development in the MDSP Area and the City of Fortuna in excess of a cumulative citywide total of 400,000 square feet, including all new industrial development that has occurred in the City of Fortuna since October 2010.

Significance After Mitigation

The previous FEIR determined that implementation of NCUAQMD Rules relating to fugitive dust emissions and the implementation of General Plan policies and programs intended to reduce PM10 emissions represent the full range of feasible mitigations. The proposed Project would add a series of goals, policies, and performance measures that add site specific requirements applicable within the MDSP Area to encourage mixed use development that reduces air emissions by reducing the need for vehicle trips, increasing the connectivity and comfort and transportation routes for people walking or on bikes and requiring transit improvements to encourage walking and biking and reduce vehicle trips, and reducing parking requirements to further reduce vehicle trips. Despite these policies and programs, impacts would be significant and could conservatively be assumed to potentially be increased beyond those analyzed in the previous FEIR. Mitigation AQ-01 adds a new Policy and Performance Measure to the MDSP to ensure that levels of residential, commercial, and industrial development within the MDSP Area do not exceed those evaluated as part of the Fortuna General Plan FEIR air quality emissions analysis. This mitigation would ensure that air emissions resulting from the MDSP do not exceed impacts that were determined to occur based on the Fortuna General Plan. This impact would continue to be significant and unavoidable.

Impact AQ-02: Would the project violate any air quality standard or contributes substantially to existing/projected air quality violations; or result in a cumulatively considerable net increase of any criteria pollutant for which the plan region is in non-attainment under an applicable federal or State ambient air quality standard?

Previously Identified Level of Significance. The North Coast Air Basin is in "attainment," meaning the area meets or exceeds the standards set by the U.S. Environmental Protection Agency (EPA), for all criteria pollutants except inhalant particulate matter with a diameter of 10 micrometers or less (PM10) which is in "nonattainment". As described above, the NCUAQMD adopted a Particulate Matter Attainment Plan in 1995, which is the only air quality management plan applicable to the City of Fortuna. The attainment plan presents available information about the nature and causes of PM10 standard exceedances and identifies cost-effective control measures to reduce PM10 emissions to levels necessary to meet California Ambient Air Quality Standards. The previous FEIR in Impact 8.1-2, Violate Air Quality Standards or Contribute Substantially to Existing/Projected Air Quality Violations, that construction activities under the General Plan would produce air emissions. It anticipated that these activities would result in pollutant emissions below NCUAQMD

thresholds for all criteria pollutants except carbon monoxide (CO). However, the CO emissions from construction were determined to be temporary, and all land use activities are required to comply with NCUAQMD rules and regulations. Despite the inclusion of policies and programs in the General Plan that are intended to reduce CO emissions, the FEIR concluded that construction activities could potentially exceed the NCUAQMD threshold for CO.

New development permitted by the General Plan would also generate operational emissions of criteria pollutants. These emissions would come from stationary sources such as heaters, wood-burning fireplaces, restaurant exhaust, and industrial activities, as well as mobile sources including motor vehicles. The FEIR found that operational emissions would exceed NCUAQMD thresholds for reactive organic gases (ROG), nitrogen oxides (NO_x), carbon monoxide (CO), and particulate matter (PM₁₀). Even with compliance to applicable NCUAQMD rules and regulations, the promotion of mixed-use development for efficient land use and reduced motor vehicle use, and the implementation of policies and programs to lower operational emissions, the General Plan would still result in operational emissions above NCUAQMD thresholds for ROG, NO_x, CO, and PM₁₀.

Mill District Specific Plan Changes. As part of the adoption of the MDSP, the Fortuna General Plan is proposed to be amended in several ways that could affect air quality impacts, including changes to the range of allowable uses and the intensity of allowable development within the MDSP Area. The Mill District Land Use Designation is proposed to be modified to allow small-and large-scale light industry and compatible heavy industry, rather than just compatible light industry, and to increase the allowable floor area ratio from 0.5 to 0.8. The General Plan Land Use Element would also be amended to replace caps on commercial and industrial developments tracked by both land use designations and city neighborhood with an annual monitoring and reporting program to track new commercial development and conditions relating to urban decay and report annually to the Planning Commission and City Council and where urban decay or other indications of overbuilding or high vacancies are occurring, identify City programs to limit urban decay, attract businesses, and encourage increased business activity.

Construction. Construction activities associated with new development permitted under the General Plan will produce emissions. These construction activities will generate criteria pollutants including ROG, NO_x, CO, PM₁₀ and PM_{2.5}. The URBEMIS model was used as part of the General Plan FEIR to estimate construction emissions for the General Plan based on the air quality model inputs for construction identified in Table 8.1-5. As indicated in Table 8.1-6, Construction Emissions of Criteria Pollutants Under the Proposed Plan, construction activities associated with buildout under the proposed plan will result in the emission of pollutants below NCUAQMD thresholds for all criteria pollutants except CO. The previous FEIR identifies a number of factors that would lessen construction impacts. First, the emission of construction-related CO will be temporary in nature. Second, construction activities associated with the proposed plan will be required to comply with all applicable NCUAQMD rules and regulations and Fortuna General Plan air quality policies and programs designed to reduce construction-related CO emissions, including Program HS-5 (see the full text of this program in the Regulator Setting above) requiring the use of low VOC coatings and paints, fitting construction equipment with state approved-exhaust systems, limiting diesel-powered construction equipment idling time to 10 minutes, staging diesel-powered construction equipment as far away from residences as possible, and prohibiting open burning of cleared vegetation and construction debris. Still, even with the implementation of NCUAQMD Rules and General Plan policies and programs, which were considered in the previous FEIR to be mitigation, construction activities under the General Plan could result in CO emissions above the NCUAQMD threshold (e.g., even after implementation of NCUAQMD requirements, the proposed policies/programs, etc.). Therefore, a significant impact could occur.

As indicated in the methodology, the area of the MDSP Area subject to grading is the same area that was analyzed in the previous FEIR and given that there is no change to the area to be graded there would be no

increase in the level of construction related air pollutant emissions due to the adoption of the proposed Project. Table 8.1-6, Construction Emissions of Criteria Pollutants Under the Proposed Plan, includes the MDSPA acreage to be graded as an air quality modelling input for construction related air quality impacts. Table 8.1-6 on page 8.1-15 shows that CO emissions from construction allowed by the General Plan would exceed thresholds of significance and impacts of the adoption of the proposed project would not change the level of construction-related air pollutant emissions. Construction emissions of all other pollutants would not exceed significance thresholds for other pollutants. Emissions of PM10 are fully evaluated in Impact AQ-01 above.

Operations. New development under the General Plan and MDSP will generate operational emissions of criteria pollutants. These emissions will result from stationary sources such as heaters, wood burning fireplaces, restaurant exhaust, and industrial activities, and mobile sources including motor vehicles. The URBEMIS model was used to estimate operational emissions for the General Plan based on the development assumptions identified in Table 8.1-4 and model defaults. Predicted annual unmitigated operational emissions for the proposed plan are presented in Table 8.1-7. As indicated, operational emissions associated with the proposed plan will exceed the NCUAQMD thresholds of significance for ROG, NOx, CO and PM10 (construction and operational emission of PM10 are fully evaluated in AQ-01 above). The previous FEIR identifies a number of factors that would lessen operational impacts that must be highlighted. First, operational activities associated with the proposed plan will be required to comply with all applicable NCUAQMD rules and regulations and state law relating to mobile and stationary sources. Second, the proposed Land Use Diagram includes mixed-use development that will provide for efficient land use patterns and reduce motor vehicle use. Third, the General Plan includes policies and programs designed to reduce operations-related emissions.

The previous FEIR air quality model indicates that operational emissions of ROG, NOx, CO and PM10 would exceed significance thresholds, even after the implementation of what are referred to as the full range of feasible “mitigation” measures, which consist of General Plan policy and NCUAQMD Rules. Such measures are intended to lessen construction and operational emissions and are all applicable to the MDSP and include:

Policy HS-3.1 Agency Cooperation, the City shall cooperate with other agencies (in particular the NCUAQMD) in developing an effective approach to regional air quality planning management.

Policy HS-3.2, Particulate Matter, the City shall strive to achieve and maintain compliance with National Ambient Air Quality Standards for PM10 and all Federal, State, regional and local air quality standards.

Policy HS-3.4, Wood Burning Appliance Standards, adhering to appropriate State and federal standards for EPA approved wood burning appliances;

HS-3.6 Greenhouse Gas Emissions Reduction from Transportation, directs the City to increase clean-fuel use, promote transit-oriented development and alternative modes of transportation, and reduce travel demand.

Policy HS-3.7, Air Pollutant Emission Reduction Construction and Operation Measures, requiring that new development incorporate air pollutant emission reduction measures during construction and operation.

Program HS-4, the City shall work with the North Coast Unified Air Quality Management District to develop and implement an Air Quality Management Plan for controlling PM10.

Program HS-5, a series of area and mobile source emission reduction measures specifically applicable to proposed new subdivisions and other large development projects, which includes the MDSP Area, that require that:

- o Limit residential development to one wood-burning EPA Phase III or better stove or fireplace per unit;
- o Equip all new buildings with natural gas-powered and not wood heating systems;
- o Prohibit open burning of vegetation, slash, and refuse (including construction debris);
- o Fit all buildings with electrical outlets on the exterior walls to promote the use of electrical rather than gas-powered landscape maintenance equipment; and
- o (e) Increase energy efficiency in proposed buildings by 20% beyond title 24 requirements.

In addition to the above, the General Plan policies specific to the Mill District and goals, policies and performance measures in the MDSP would also lessen operational emissions of particulate matter. The following is a summary of Mill District Focus Area and MDSP goals, policies, and measures that would lessen operational emission of particulate matter.

Fortuna General Plan MD Focus Area Policy applicable to the MDSP Area

Policy LU-14.4 Balanced Transportation, which ensures a safe and convenient streets and roadways system in the Mill District that utilizes public transit, bicycle and pedestrian facilities.

Policy LU-14.5 Parking Standards, allows reduced parking standards and/or on-street parking in the Mill District to reflect the increased intensity of development and accessibility by transit and other modes of travel.

Mill District Specific Plan Goals, Policies, and Performance Measures applicable to the MDSP Area

MDSP Goal LU-3, which seeks to stimulate economic growth within a City infill area and provide an essential link to the Class I John Campbell Memorial Trail system which connects neighborhoods to jobs and services.

MDSP Policy LU-3, which implements the “River to Forest” public walkways system as identified in the General Plan.

MDSP Policy LU-4, which directs that Mill District’s design and development is integrated with the rest of the City and promotes convenient access to streets, the City bike and trail network, and public transit services for safe, convenient, and barrier-free multi-modal travel within the MDSP Area, between the MDSP Area and adjacent uses, and to and from transit stops.

MDSP Policy LU-8, which requires that the MDSP provide safe and convenient access for pedestrians between buildings and transit stops, parking areas and other buildings and facilities; be designed promote active transportation, and public transportation usage; facilitate the use of the great Redwood Trail; and connect with access points to the Riverwalk area, Strongs Creek Plaza, and the Great Redwood Trail.

MDSP Policy LU-9, which requires interconnection of the MDSP Area and citywide street network to facilitate convenient walking, biking through the MDSP Area.

MDSP Policy LU-13, allow reduced parking standards and/or on-street parking m to reflect the increased intensity of development and accessibility by transit and other modes of

travel. Shared parking is encouraged where it can be demonstrated that uses are complimentary.

MDSP Circulation Performance Measures

Transit Services. Implement transit-related improvements on the west and/or east sides of the new through road to provide on-site transit services at location(s) that provide convenient connections to the Great Redwood Trail, marked crossings of the New Through Road and walking or biking access points to Fortuna Mill Commerce Center development.

Strongs Creek Trail. Construct the John Campbell Memorial Greenway and Strongs Creek Trail, a Class I Bikeway (Multi-Use Path) which provides convenient connections within the City to and from the River Lodge, Mill District, Strongs Creek Plaza Shopping Center, Redwood Memorial Hospital, Sequoia Springs Retirement Cottages, low-income housing projects, the Senestraro neighborhood and Newburg Park.

Great Redwood Trail. Install connections meeting Class I Bikeway standards between the Great Redwood Trail and Eel River Drive at locations specified by the City Engineer, including the installation of crosswalks with median pedestrian refuge area (if required). Install accessible crosswalks and sidewalk ramps to provide access from the Great Redwood Trail to the Fortuna Mill Commerce Center.

The previous FEIR concluded that the General Plan would result in operational emissions of ROG, NO_x, and CO above NCUAQMD thresholds (see previous FEIR Table 8.1-7 under the "After Mitigation" column) even after "mitigation," which are not additional programs that were specifically called out as mitigations in the EIR, but are a comprehensive list of NCUAQMD requirements and General Plan policies and programs which are implemented as part of applicable project through the implementation of the General Plan and are considered to be the range of feasible programs available to reduce air emissions. Therefore, a significant impact will occur.

The MDSP would allow a broader range of industrial development and allow development to occur at a Floor Area Ratio of 0.8, rather than 0.5. Future development consistent with the proposed General Plan changes and the adoption of the MDSP could potentially increase construction and operational levels of ROG, NO_x, and CO emissions beyond those previously analyzed, if the MDSP Area Assumed Buildout occurs.

Compliance with federal, state and NCUAQMD ROG, NO_x, and CO reduction requirements, together with implementation of the current General Plan policies and programs, the measures that the previous FEIR found to be the full range of feasible mitigations, and proposed MDSP goals, policies and performance measures will reduce MDSP ROG, NO_x, and CO emissions from what would occur without their implementation. Even with these goals, policies and performance measures, operational emissions would likely still exceed the specified NCUAQMD thresholds for ROG, NO_x, and CO (Table 8.7-1). The impact would remain significant and although not likely to occur, full buildout of the MDSP conceptual development plan, as presented in DSEIR Table 8, could potentially exceed the impacts analyzed in the previous FEIR.

Mitigation Measure

Mitigation Measure AQ-2: Implement Mitigation Measure AQ-01

Significance After Mitigation

The previous FEIR determined that implementation of NCUAQMD requirements and the implementation of General Plan policies and programs intended to reduce ROG, NO_x, and CO emissions represent the full

range of feasible mitigations. The proposed Project would add a series of goals, policies, and performance measures that add site specific requirements applicable within the MDSP Area to encourage mixed use development which reduces air emissions by reducing the need for vehicle trips, increasing the connectivity and comfort and transportation routes for people walking or on bikes and requiring transit improvements to encourage walking and biking and reduce vehicle trips, and reducing parking requirements to further reduce vehicle trips. Despite these policies and programs, impacts would be significant. Mitigation AQ-01 adds a new Policy and Performance Measure to the MDSP to ensure that levels of residential, commercial, and industrial development air emissions within the MDSP Area do not exceed those evaluated as part of the Fortuna General Plan FEIR. This mitigation would ensure that air emissions resulting from the MDSP do not exceed the level of impacts that were determined to occur based on the Fortuna General Plan. Therefore, this impact would continue to be significant and unavoidable and impacts of the MDSP would not exceed impacts that were determined to occur based on the Fortuna General Plan.

Impact AQ-03: Would the project expose sensitive receptors to substantial pollutant concentrations or other dangerous conditions

Previously Identified Level of Significance. The previous FEIR found that the General Plan would facilitate new development which would in turn generate construction and operational emissions of criteria pollutants and contains policies and programs to avoid exposure to toxic air contaminants (TACs), in particular Policy HS-1.1, New Development, which allows new development only in areas where the potential danger to the health and safety of people can be mitigated to acceptable levels. The previous FEIR states that the project is the adoption of a General Plan and not a specific development proposal, and because CEQA discourages speculative analysis, a Health Risk Assessment (HRA) was not prepared to assess potential TAC impacts under the General Plan. In support of this, the previous FEIR determined that the City of Fortuna is a small rural community with no potential to develop *large* (emphasis added) toxic air contaminants generators, such as power plants, heavy industrial facilities, or landfills, which are highly regulated and must comply with applicable regulations to avoid dangerous concentrations, especially near sensitive receptors. TACs are highly regulated by the federal and state government, and the NCUAQMD, and compliance with applicable regulations will avoid dangerous TAC concentrations. In addition, the General Plan includes policies and programs designed to avoid dangerous conditions associated with TACs. For all these reasons, the previous FEIR determined that the General Plan would not expose sensitive receptors to substantial TAC concentrations, and impacts were determined to be less-than-significant.

Mill District Specific Plan Changes. As part of the adoption of the MDSP, the Fortuna General Plan is proposed to be amended in several ways that could potentially lead to the exposure of sensitive receptors to pollutant concentrations or other dangerous conditions, including changes to the range of allowable uses and the intensity of allowable development within the MDSP Area. Potential sensitive receptors in and around the MDSP Area are identified in the Environmental Setting above.

The Mill District Land Use Designation is proposed to be modified to allow small-and large-scale light industry and compatible heavy industry, rather than just compatible light industry, and to increase the allowable floor area ratio from 0.5 to 0.8. The General Plan Land Use Element would also be amended to replace specific caps on commercial and industrial developments, which are based on projected population and employment growth that are tracked by both land use designations and city neighborhood, with an annual monitoring and reporting program to track new commercial development and conditions relating to urban decay and report annually to the Planning Commission and City Council and where urban decay or

other indications of overbuilding or high vacancies are occurring, identify City programs to limit urban decay, attract businesses, and encourage increased business activity.

Construction. The General Plan and MDSP would allow new development that may generate emissions of criteria pollutants during construction. The MDSP is a land use plan with implementation programs to facilitate future development and the location, use, and nature of any specific future development in the MDSP Area is not known. The proposed project is a City-initiated plan intended to implement the General Plan policies for the Mill District Focus Area, as amended to reflect the City's current objectives, that includes performance measures, design guidelines, and implementing zoning regulations. The Mill District allows single-use and vertical and horizontal mixed-use development that could include compatible industrial uses, commercial uses and residential uses. The major landowner prepared a development concept that contains a mixture of commercial and industrial structures that has been used for purposes of CEQA to evaluate the environmental impacts of the proposed plan. However, the changes in land use or intensity do not affect the construction related air quality impacts from the Mill District as depicted in Table 8.1-5, Air Quality Model Inputs for Construction under the General Plan, where all MDSPA acres are assumed to be graded.

Construction activity associated with the development of individual projects allowed by the General Plan and MDSP may temporarily increase localized concentrations of diesel particulate matter or PM_{2.5} in proximity to a sensitive receptor. The presence of existing potential sensitive receptors as well as existing potential generators of emissions in and around the MDSP Area are described in the Environmental Setting above. Diesel particulate matter from equipment exhaust and PM_{2.5} pose potential health impacts to nearby receptors if those receptors have prolonged exposure to substantial emissions. As required by the California airborne toxics control measure Title 13 CCR Section 2485, construction contractors would be required to minimize idling times for trucks and equipment to five minutes, as well as to ensure that construction equipment is maintained in accordance with manufacturer's specifications.

It is not possible to quantify risk without specific project details and locations, as impacts would vary based on location, duration, intensity, construction methods, etc. The dose to which receptors are exposed is the primary factor affecting health risk from TACs. Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Although detailed information is not available at this time, construction emissions of future development could expose sensitive receptors to substantial TACs. As a result, construction impacts would be potentially significant.

Operations. New development under the General Plan and MDSP could generate new sources of TACs or PM_{2.5} from area or stationary sources or locate sensitive receptors within close proximity of existing sources of TACs or PM_{2.5}. Land uses with a known risk for generating substantial TACs or PM_{2.5} emissions include high volume roadways, distribution centers, dry-cleaning operations, and gas dispensing facilities.

CARB has published the Air Quality and Land Use Handbook, A Community Health Perspective (Land Use Handbook), that provides CARB's recommendations regarding the siting of new sensitive land uses near facilities that are associated with health risks, particularly from air toxic emissions. Although this guidance is for siting new locations of sensitive receptors, the facility distance and size guidance may be used as a screening criteria to identify when proposed land uses trigger the need for additional analysis during environmental review. As described above, there are currently no high-volume roadways nor are any roadways projected to become high volume in the future and there is little or no likelihood that a rail yard, port, refinery, or chrome plating facility (uses for which the CARB Air Quality and Land Use Handbook specifies siting guidance) would be located within the MDSP Area. However, distribution centers, dry cleaning operations (likely small scale) and gas dispensing facilities (likely small scale) could be proposed within the MDSP Area. However, no specific uses or projects have been proposed within the MDSP Area.

The NCUAQMD also implements Rule 300, State Airborne Toxic Control Measures, which incorporates California State Air Toxic Control Measures (ATCMs) for sources of TACs that apply to the specific sources

operating within the District. Operational activities associated with the proposed plan will be required to comply with all applicable NCUAQMD rules and regulations and state law relating to mobile and stationary sources. The previous FEIR identifies a number of factors that would lessen operational impacts. In addition, the following Fortuna General Plan Policies and Programs are intended to lessen construction and operational emissions and are all applicable to the MDSP and include:

Policy HS-1.1, New Development, allows new development only in areas where the potential danger to the health and safety of people can be mitigated to acceptable levels.

Policy HS-3.1 Agency Cooperation, the City shall cooperate with other agencies (in particular the NCUAQMD) in developing an effective approach to regional air quality planning management.

Policy HS-3.2, Particulate Matter, the City shall strive to achieve and maintain compliance with National Ambient Air Quality Standards for PM10 and all Federal, State, regional and local air quality standards.

Policy HS-3.7, Air Pollutant Emission Reduction Construction and Operation Measures, requiring that new development incorporate air pollutant emission reduction measures during construction and operation.

Program HS-5, where the City shall require proposed new subdivisions, and other large development projects to implement the following air emission reduction measures:

Construction Emission Reduction Measures (to be implemented during construction):

- (a) Use watering to control dust during tree clearing activities;
- (b) Spray exposed soils and dirt roads as needed during clearing, grading, and trenching;
- (c) Sweep paved streets used by earth-moving equipment at least once a day;
- (d) Apply soil stabilizers to inactive exposed soils;
- (e) Plant ground cover in disturbed areas immediately after grading;
- (f) Cover haul-truck loads;
- (g) Use only low VOC and low formaldehyde coatings, paints and insulation in buildings;
- (h) Fit construction equipment with EPA and/or NCAQMD-approved exhaust systems, and keep these vehicles tuned and in good working order;
- (i) Limit diesel-powered construction equipment idling time to 10 minutes; and
- (j) Stage diesel-powered construction equipment as far away from residences as possible.

Area Source Emission Reduction Measures (to be implemented during operation):

- (a) Limit residential development to one wood-burning EPA Phase III or better stove or fireplace per unit;
- (b) Equip all new buildings with natural gas-powered and not wood heating systems (e.g., one EPA Phase III or better stove will be permitted in each new residence, but a natural gas powered heating system rather than the stove will serve as the primary heating source);
- (c) Prohibit open burning of vegetation, slash, and refuse (including construction debris);
- (d) Fit all buildings with electrical outlets on the exterior walls to promote the use of electrical rather than gas-powered landscape maintenance equipment; and
- (e) Increase energy efficiency in proposed buildings by 20% beyond Title 24 requirements.

Mobile Source (Traffic) Emission Reduction Measures (to be implemented during operation):

- (a) Provide sidewalks and pedestrian-enhancing features including street trees, street lighting and pedestrian cross-walk striping at intersections;

- (b) Provide bicycle lanes within and adjacent to the project site (e.g., not on every street within new development, but from new development to any existing adjacent bicycle lanes that may exist);
- (c) Provide bicycle-locking areas at proposed parks;
- (d) Work with RTS to extend transit service, and provide a stop if requested by RTS;
- (e) Work with the Fortuna Public Works Department to synchronize any existing or new traffic signals along roads to carry a substantial amount of project traffic;
- (f) For commercial, office and mixed-use projects, initiate a voluntary ridesharing program for the on-site workforce and preferential parking for ridesharing vehicles;
- (g) For commercial, office and mixed-use projects, provide bicycle-parking areas; and
- (h) For commercial, office and mixed-use projects provide employees with transit incentives (e.g., subsidized bus passes) to minimize driving to work.

Policy LU-7.1, Minimize Nuisances, requires new industrial development to avoid creating substantial pollution that would negatively affect adjacent uses.

Policy HS-6.1, Compliance with Hazardous Material Laws and Regulation, requires that all land uses that emit hazardous materials be in compliance with all applicable federal, state, County and local hazardous materials safety laws and regulations.

HS-6.3, Buffer Zones, requires new land uses that process hazardous materials provide a buffer zone between the installation and adjacent properties to protect public safety.

Policy HS-6.7, Hazardous Waste Sites, requires hazardous waste repositories, incinerators, and facilities that use or store substantial quantities of hazardous materials be sited in appropriate (nonresidential) land use districts.

In addition to the above, the following General Plan policies specific to the Mill District and goals, policies and performance measures in the MDSP would also lessen operational emissions. The following is a summary of Mill District Focus Area and MDSP goals, policies, and measures that would lessen operational emission of TACs.

Fortuna General Plan MD Focus Area Policy applicable to the MDSP Area

LU-14.1, Compatible Uses, where the City shall ensure a variety of compatible uses in the Mill District including retail, office, service commercial, appropriate light-industrial, recreation, and residential.

Mill District Specific Plan Goals, Policies, and Performance Measures applicable to the MDSP Area

MDSP Policy LU-1, encourages a broad range of compatible development in the Mill District including industrial, retail, office, service commercial, recreation, and medium and high-density residential uses, consistent with the Land Use element and Land Use diagram.

MDSP Design Guidelines

Setbacks Access, & Circulation

- 1c. Provide landscaping along the street and property lines to enhance the appearance and provide a development buffer (per LU-6.3 Development Buffers and CD-1.18 Industrial Design and Landscaping) that is 20-foot deep along the front and 6-foot along side street and property lines, except as provided below, composed of plantings, earth berms, and/or low walls, exclusive of storage yards, loading areas, parking, or similar uses. (CD-1.18 Industrial Design and Landscaping and MDSP "Buffer and Landscape Design" and "Noise and Screening")

- (i) Buffers where commercial or industrial development is adjacent to residential development shall be expanded to achieve compatibility as specified in Fortuna General Plan, 2030, Land Use Element Residential Development Program LU-5.

Building Form & Massing

2e. Incorporate loading docks, truck parking, outdoor storage, utility meters, backflow devices, HVAC equipment, trash collection, trash compaction, and other service functions into the overall site design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and where possible, out of view from adjacent properties and public streets. Furthermore, using different or inferior screening materials than the principal materials of the building and landscape are prohibited. Noise generating uses and activities should be located as far as possible from adjacent properties, especially residential uses. Sound attenuation walls are acceptable where necessary to mitigate/reduce noise.

Perimeter & Parking Lot Landscaping

8a. Parcels adjacent to existing or proposed residential areas shall provide buffers, as a means to reduce, trespassing, glare, or other annoyances, through methods such as landscaping and setbacks and to reduce noise levels for proposed residential uses to within the City's 60 dB Ldn exterior noise standards. A screening device shall be required along all interior property lines from all off-street parking spaces abutting a residential use (Program LU-5 and Policy LU-6.3, Fortuna Zoning Regulations Section 17.05.110, D, Landscaping and screening):

- Not less than six feet in height, as measured from the top of the existing adjacent street, curb, or, where no curb exists, as measured from the average cross-section elevation of the street.
- The height shall be between two and one-half and three and one-half feet on the side property line for a distance of 20 feet as measured from the street right-of-way.
- Said screening shall be a wall, grill constructed of solid fencing material, or dense landscaping.

As individual developments facilitated by the proposed Project are evaluated on a future project-by-project basis, the proposed policies and programs listed above would be implemented to reduce impacts. In particular, Policy HS-1.1, New Development, which allows new development only in areas where the potential danger to the health and safety of people can be mitigated to acceptable levels. Also, after January 1, 2026, the AB 98 California state warehouse design and build standards would be applicable to specified warehouse and distribution uses in the MDSP.

However, the above policies, alone, cannot be relied upon to ensure that all potential TACs are identified and that sensitive receptors would not be exposed to substantial pollutant concentrations due to location or design, especially given that some uses that could generate TACs are principally permitted and do not require discretionary and CEQA review. In particular, many industrial uses allowed in the MDSP Area do not require the approval of a Use Permit which would otherwise make them subject to CEQA. Instead, "small" and "light" manufacturing and "research/light industrial," and "wholesaling and distribution" would be principally permitted and would not automatically trigger site-specific environmental review. Therefore, construction and operational impacts relating to TACs could be potentially significant because there is no

clear mechanism to trigger the enhanced evaluation of incompatible land uses that could specify required protective measures per Policy HS-1.1, New Development.

Mitigation Measure

Mitigation Measure AQ-3: Add the following new Policy and Performance Measure to the MDSP to provide for compatibility between sensitive receptors and warehouse and distribution related land uses:

New Chapter 3: Land Use, Open Space & Design Policy:

Policy LU-17 In an effort to ensure that mixed uses are compatible and that development standards are applied equitably and consistently during the life of the MDSP, AB 98 California state warehouse design and build standards shall be applicable upon approval of the MDSP.

New Chapter 3: Land Use, Open Space & Design Air Quality Performance Measure:

Air Quality.

The provisions of Government Code Title 7, Division 1, Chapter 2.8, Warehouse Design and Build Standards, are immediately applicable to applicable new development in the Mill District Specific Plan Area upon approval of the MDSP and prior to January 1, 2026, unless repealed by the Legislature.

Mitigation Measure AQ-4: Add the following new Performance Measure to the MDSP to ensure that projects that could general toxic air contaminants are referred to the North Coast Unified Air Quality Management District:

New Chapter 3: Land Use, Open Space & Design Performance Measure:

Air Quality. The City shall refer to the NCUAQMD applications for development types within the MDSPA where there is the potential for new equipment or processes that may release air pollutants. such as

- o Stationary internal combustion engines with a rating of at least 50 brake-horsepower (bhp);
- o Mixing, blending, or processing of any organic solvents, adhesives, paints, fertilizers, or coatings;
- o Facilities that create dust, smoke, or incinerate any materials;
- o Facilities that refine any liquids or solids or reclaim any metals;
- o Facilities that paint, plate, or coat anything;
- o Facilities that have any combustion equipment (e.g., boilers, ovens, furnaces, etc.);
- o Facilities that handle or store any solvents or motor fuels;
- o Facilities that use or store any acids;
- o Facilities that have any chemical processes or any solvents dispensed or used for cleanup; or
- o Soil remediation.

Mitigation Measure AQ-5: Add the following new Performance Measure to the MDSP to ensure enhanced evaluation of incompatible land uses to reduce the potential exposure of sensitive receptors:

New Chapter 3: Land Use, Open Space & Design Performance Measure:

Air Quality. The City shall implement an enhanced evaluation of incompatible land uses to reduce the potential exposure of sensitive receptors to substantial air pollutants for land use developments

that would locate sources of air pollutants or sensitive receptors in closer proximity than the distances based on recommendation in the California Air Resources Board's Land Use Handbook:

- o 1,000 feet of a distribution center (more than 100 heavy-duty trucks per day, more than 40 trucks with operating transport refrigeration units per day, or where transport refrigeration unit operations exceed 300 hours per week, where heavy-duty trucks are defined in Government Code 65098(c));
- o 300 feet of any dry-cleaning operation;
- o 500 feet for dry cleaning operations with two or more machines;
- o Within the same building for dry cleaning operations that use perc dry cleaning operations;
- o 300 feet of a large gas dispensing facilities (throughput of 3.6 million gallons per year or greater); or,
- o 50 feet of typical gas dispensing facilities

For projects that would result in sensitive receptors being closer than the screening distances above, the project applicants shall submit a Health Risk Assessment to the Community Development Department prior to project approval. The Health Risk Assessment shall be prepared pursuant to the latest Office of Environmental Health and Hazard Assessment policies and guidance and use the following quantitative performance measures:

- o Result in an excess cancer risk level of less than 10 in a million;
- o Result in a non-cancer hazard index less than 1.0 (acute or chronic); and
- o Result in an incremental increase of less than 0.3 µg/m³ annual average PM_{2.5}.

If the Health Risk Assessment demonstrates that the development project would meet all performance measures above, no other action is required. If the Health Risk Assessment shows the development project would not meet all necessary performance measures, the applicant shall identify, quantify, and implement project design features, incorporate best available control technologies (BACT) or other measures to reduce the impact to the satisfaction of the City. The applicant shall provide quantification to the City to demonstrate that the project achieves the performance measures.

Mitigation Measure AQ-6: Revise Section 4. Special Restrictions, (a) Permitted Uses, of the Draft Q-Qualified Zone for the MDSP Area in the following manner:

Use Types	Permit Type	
	Pond Street, Central, Strongs Creek, and Mill Creek Area	Creek Riparian and Trails Area
Industrial		
Manufacturing, small scale	P <u>UP</u>	NA
Manufacturing, minor Light	P <u>UP</u>	NA
Research/Light Industrial	P <u>UP</u>	NA
Wholesaling and distribution	P <u>UP</u>	NA
Storage, Warehouse	P <u>UP</u>	NA

Significance After Mitigation

By (1) requiring a use permit for all industrial, warehouse, and distribution uses, such uses would be subject to CEQA review and potential TAC emissions would be evaluated; (2) implementing clear referral requirements for a specific set of regulated uses to the NCUAQMD would ensure that projects undergo evaluation for conformance with State and Air District Rules; (3) making state design and build standards for warehouse and distribution uses immediately applicable, that would otherwise be applicable in 2026, which are intended to reduce emissions and enhance community health will ensure that minimum state standards are consistently applied to distribution and warehouse uses; and (4) specifying quantitative and objective performance standards for uses that may emit TACs will ensure that future projects fully implement General Policy, as specified in Mitigation Measures AQ-3 through AQ-6, construction and operation related TACs exposure impacts associated with development within MDSP Area would be less than significant.

Impact AQ-04: Would the project create objectionable odors affecting a substantial number of people

Previously Identified Level of Significance. The previous FEIR found that the General Plan would facilitate the development of agriculture, restaurants, industrial facilities, and a variety of other uses that are often associated with objectionable odors. The General Plan includes policies requiring all new businesses to minimize odors to an undetectable level off-site. With implementation of these policies the previous FEIR found that a less-than significant odor impact would occur.

Mill District Specific Plan Changes. As part of the adoption of the MDSP, the Fortuna General Plan is proposed to be amended in several ways that could potentially lead to development of land uses that could generate objectionable odors, including changes to the range of allowable uses and the intensity of allowable development within the MDSP Area. The Mill District Land Use Designation is proposed to be modified to allow small-and large-scale light industry and compatible heavy industry, rather than just compatible light industry, and to increase the allowable floor area ratio from 0.5 to 0.8. The General Plan Land Use Element would also be amended to replace specific caps on commercial and industrial developments, which are based on projected population and employment growth that are tracked by both land use designations and city neighborhood, with an annual monitoring and reporting program to track new commercial development and conditions relating to urban decay. Potential sensitive receptors in and around the MDSP Area are identified in the Environmental Setting above.

Construction. Development by allowed uses in the MDSP Area could generate oil and diesel fuel odors during construction from equipment use as well as odors related to asphalt paving. The odors would be limited to the construction period and would be temporary. Therefore, odors emitted from the construction of individual future projects under the proposed Project would be less than significant.

Operations. NCUAQMD does not have adopted thresholds or guidance for assessing potential odor impacts. Land uses associated with adverse odors often include chemical plants, wastewater treatment plants, landfills, and animal rendering plants. No new or substantially expanded sources of adverse odor are anticipated within the MDSP Area. In addition, the City of Fortuna implements General Plan Health and Safety Element Policy HS-3.3 Odors, which requires that all businesses, particularly fast food and manufacturing, to minimize odors generated by the business to not be detectable off site. In addition, the MDSP and Design Guidelines contain various policies and performance measures that are described in detail in Impacts AQ-01 through AQ-03 which are intended to assure compatibility between uses.

As individual developments allowed by the proposed Project are evaluated on a future project-by-project basis, the proposed policies mentioned above, and specified in detail in the Regulatory Setting, would be implemented to reduce impacts. However, the above policies, alone, cannot be relied upon to ensure that sensitive receptors would not be exposed to substantial odor concentrations due to the location or design of future projects, because some uses that may generate odors are proposed to be ministerial rather than discretionary. In addition, as specified in the proposed Q-Qualified Zone, many industrial uses allowed in the MDSP Area do not require the approval of a Use Permit and would therefore not automatically trigger site-specific environmental review. Therefore, operational impacts relating to odor could be potentially significant.

Mitigation Measure

Mitigation Measure AQ-3: Add new Policy and Performance Measure to the MDSP to provide for compatibility between sensitive receptors and warehouse and distribution related land uses:

Mitigation Measure AQ-6: Revise Section 4. Special Restrictions, (a) Permitted Uses, of the Draft Q-Qualified Zone for the MDSP Area to require a Use Permit for specific industrial and warehouse uses.

Significance After Mitigation

By requiring a use permit for industrial, warehouse, and distribution uses construction where such uses would be subject to CEQA review, and by making state design and build standards for warehouse and distribution uses that are intended to regulate warehousing and trucking activity to reduce emissions and enhance community health immediately applicable, as specified in Mitigation Measures AQ-3 and AQ-6, operational related odor impacts associated with development within MDSP Area would be less than significant.

4. Report Preparers

Planwest Partners Inc.

John Miller Principal Planner

Vanessa Blodgett Principal Planner

5. Attachment A - Mitigation, Monitoring, and Reporting Program

Land Use and Safety Element Updates

To avoid, reduce or mitigate significant effects resulting from the proposed Project (the City of Fortuna General Plan Land Use and Safety Element Updates) Public Resources Code Section 21081.6 requires that monitoring and reporting procedures take place through the implementation of a Mitigation Monitoring and Reporting Program (MMRP). The following table provides the MMRP for the proposed City of Fortuna General Plan Land Use and Safety Elements in accordance with those guidelines.

Mitigation Monitoring and Reporting Program

Fortuna Mill District Specific Plan

State Clearinghouse #: 2007062106

Table A: MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsible Party for Monitoring and Reporting	Responsible Party for Verifying Compliance	Timing	Performance Criteria
Mitigation Measure AQ-1: Add the following new Policy and Performance Measure to the MDSP to ensure that levels of residential, commercial, and industrial development air emissions within the MDSP Area do not exceed those evaluated as part of the Fortuna General Plan FEIR: New Chapter 3: Land Use, Open Space & Design Policy: Policy LU-16 New MDSP residential and commercial development and City of Fortuna cumulative industrial development which was used to model air quality emissions shall not exceed those analyzed in the Fortuna General Plan Final EIR, as defined in Table 8.1-4a "Net Increase in Development Under the Proposed General Plan. New Chapter 3: Land Use, Open Space & Design Air Quality Performance Measure: Air Quality. Levels of new residential, commercial, and industrial development within the MDSP, as measured in residential units or commercial or industrial square feet, be in excess of the following thresholds unless an amendment to the MDSP is approved that includes a comprehensive air quality modelling analysis that is conducted using the most current version of the California	Community Development Department. To track all new square feet of commercial and housing units within the MDSP Area and industrial development within the MDSP Area and Citywide and report such development levels of development to the Planning Commission and City Council as part of the General Plan Annual Report. Recommend MDSP Area that the City initiate an MDSP amendment when development levels approach levels after which additional development will be prohibited.	Community Development Director	Ongoing during General Plan Annual Report	New development consistent Policy and Performance Measures included in General Plan Annual Report with finding related to MDSP consistency

Mitigation Measure	Responsible Party for Monitoring and Reporting	Responsible Party for Verifying Compliance	Timing	Performance Criteria
Emissions Estimator Model (CalEEMod), or the model recommended by the state of California for use in CEQA air quality analysis, to estimate air pollutant emissions from the assumed buildout of the MDSP Area construction and operation (SEIR Project Description Table 8: MDSP Area Assumed Buildout) plus the non-MDSP Area land use development and growth described in the previous FEIR Net Increase in Development Under the Proposed General Plan” Table 8.1-4a, and all feasible mitigation measures identified as part of the analysis are implemented; or the Fortuna General Plan is comprehensively updated including a CEQA analysis of air quality impacts and all feasible goals, policies, and programs are adopted to reduce air quality emissions. The following are MDSP new residential, commercial, and industrial development thresholds: (a) New residential development within the MDSP Area in excess of 300 dwelling units; (b) New commercial development within the MDSP Area in excess of 300,000 square feet; and, (c) New industrial development in the MDSP Area and the City of Fortuna in excess of a cumulative citywide total of 400,000 square feet, including all new industrial development that has occurred in the City of Fortuna since October 2010.				

Mitigation Measure	Responsible Party for Monitoring and Reporting	Responsible Party for Verifying Compliance	Timing	Performance Criteria
Mitigation Measure AQ-3: Add the following new Policy and Performance Measure to the MDSP to provide for compatibility between sensitive receptors and warehouse and distribution related land uses: New Chapter 3: Land Use, Open Space & Design Policy: Policy LU-17 In an effort to ensure that mixed uses are compatible and that development standards are applied equitably and consistently during the life of the MDSP, AB 98 California state warehouse design and build standards shall be applicable upon approval of the MDSP. New Chapter 3: Land Use, Open Space & Design Air Quality Performance Measure: Air Quality. The provisions of Government Code Title 7, Division 1, Chapter 2.8, Warehouse Design and Build Standards, are immediately applicable to applicable new development in the Mill District Specific Plan Area upon approval of the MDSP and prior to January 1, 2026, unless repealed by the Legislature.	Community Development Department Evaluate applicable projects for consistency with Government Code Title 7, Division 1, Chapter 2.8, Warehouse Design and Build Standards, and condition approval based upon these requirements.	Community Development Director	Ongoing during project review	Applicable development within the MDSP Area approved in a manner that is consistent with Government Code Title 7, Division 1, Chapter 2.8, Warehouse Design and Build Standards, as applicable
Mitigation Measure AQ-4: Add the following new Performance Measure to the MDSP to ensure that projects that could general toxic air contaminants are referred to the North Coast Unified Air Quality Management District: New Chapter 3: Land Use, Open Space & Design Performance Measure: Air Quality. The City shall refer to the NCUAQMD applications for development types within the MDSP Area	Community Development Department Refer application materials relating to applicable projects to the NCUAQMD and seek input relating to NCUAQMD permit requirements and required mitigations	Community Development Director	Ongoing during project review	Documentation of NCUAQMD referral and applicable air quality permit requirements and recommended mitigation relating to air quality in project approval

Mitigation Measure	Responsible Party for Monitoring and Reporting	Responsible Party for Verifying Compliance	Timing	Performance Criteria
where there is the potential for new equipment or processes that may release air pollutants such as - o Stationary internal combustion engines with a rating of at least 50 brake-horsepower (bhp); - o Mixing, blending, or processing of any organic solvents, adhesives, paints, fertilizers, or coatings; - o Facilities that create dust, smoke, or incinerate any materials; - o Facilities that refine any liquids or solids or reclaim any metals; - o Facilities that paint, plate, or coat anything; - o Facilities that have any combustion equipment (e.g., boilers, ovens, furnaces, etc.); - o Facilities that handle or store any solvents or motor fuels; - o Facilities that use or store any acids; - o Facilities that have any chemical processes or any solvents dispensed or used for cleanup; or - o Soil remediation.				
Mitigation Measure AQ-5: Add the following new Performance Measure to the MDSP to enhanced evaluation of incompatible land uses to reduce the potential exposure of sensitive receptors: New Chapter 3: Land Use, Open Space & Design Performance Measure: <u>Air Quality.</u> The City shall implement an enhanced evaluation of incompatible land uses to reduce the potential exposure of sensitive receptors to substantial air pollutants for land use developments that would locate	Community Development Department Apply procedures relating to enhanced evaluation of incompatible land uses, prepare Health Risk Assessment, if required, and condition approval upon	Community Development Director	Ongoing during project review	Applicable development within the MDSP Area approved in a manner that is consistent with mitigations contained in the Health Risk Assessment, if

Mitigation Measure	Responsible Party for Monitoring and Reporting	Responsible Party for Verifying Compliance	Timing	Performance Criteria
sources of air pollutants or sensitive receptors in closer proximity than the distances based on recommendation in the California Air Resources Board's Land Use Handbook of: - o 1,000 feet of a distribution center (more than 100 heavy-duty trucks per day, more than 40 trucks with operating transport refrigeration units per day, or where transport refrigeration unit operations exceed 300 hours per week) where heavy-duty trucks are defined in Government Code 65098(c); - o 300 feet of any dry-cleaning operation; - o 500 feet for dry cleaning operations with two or more machines; - o Within the same building for dry cleaning operations that use perc dry cleaning operations; - o 300 feet of a large gas dispensing facilities (throughput of 3.6 million gallons per year or greater); or, - o 50 feet of typical gas dispensing facilities For projects that would result in sensitive receptors being closer than the screening distances above, the project applicants shall submit a Health Risk Assessment to the Community Development Department prior to project approval. The Health Risk Assessment shall be prepared pursuant to the latest Office of Environmental Health and Hazard Assessment policies and guidance and use the following quantitative performance measures: - o Result in an excess cancer risk level of less than 10 in a million; - o Result in a non-cancer hazard index less than 1.0 (acute or chronic); and	implementation of mitigation measures			required to be prepared.

Mitigation Measure	Responsible Party for Monitoring and Reporting	Responsible Party for Verifying Compliance	Timing	Performance Criteria																							
o Result in an incremental increase of less than 0.3 µg/m3 annual average PM2.5. If the Health Risk Assessment demonstrates that the development project would meet all performance measures above, no other action is required. If the Health Risk Assessment shows the development project would not meet all necessary performance measures, the applicant shall identify, quantify, and implement project design features, incorporate best available control technologies (BACT) or other measures to reduce the impact to the satisfaction of the City. The applicant shall provide quantification to the City to demonstrate that the project achieves the performance measures.																											
Mitigation Measure AQ-6: Revise Section 4. Special Restrictions, (a) Permitted Uses, of the Draft Q-Qualified Zone for the MDSPA in the following manner: <table><tr><th rowspan="2">Use Types</th><th colspan="2">Permit Type</th></tr><tr><th>Pond Street, Central, Strongs Creek, and Mill Creek Area</th><th>Creek Riparian and Trails Area</th></tr><tr><td>Industrial</td><td></td><td></td></tr><tr><td>Manufacturing, small scale</td><td># <u>UP</u></td><td>NA</td></tr><tr><td>Manufacturing, minor Light</td><td># <u>UP</u></td><td><u>NA</u></td></tr><tr><td>Research/Light Industrial</td><td># <u>UP</u></td><td>NA</td></tr><tr><td>Wholesaling and distribution</td><td># <u>UP</u></td><td>NA</td></tr><tr><td>Storage, Warehouse</td><td># <u>UP</u></td><td>NA</td></tr></table>	Use Types	Permit Type		Pond Street, Central, Strongs Creek, and Mill Creek Area	Creek Riparian and Trails Area	Industrial			Manufacturing, small scale	# <u>UP</u>	NA	Manufacturing, minor Light	# <u>UP</u>	<u>NA</u>	Research/Light Industrial	# <u>UP</u>	NA	Wholesaling and distribution	# <u>UP</u>	NA	Storage, Warehouse	# <u>UP</u>	NA	Community Development Department Add Policy and Performance Measure to final draft of MDSP	Community Development Director	Ongoing during project review	Policy and Performance Measure incorporated into MDSP
Use Types		Permit Type																									
	Pond Street, Central, Strongs Creek, and Mill Creek Area	Creek Riparian and Trails Area																									
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Manufacturing, small scale	# <u>UP</u>	NA																									
Manufacturing, minor Light	# <u>UP</u>	<u>NA</u>																									
Research/Light Industrial	# <u>UP</u>	NA																									
Wholesaling and distribution	# <u>UP</u>	NA																									
Storage, Warehouse	# <u>UP</u>	NA																									