

Appendix I

Responses to Comments on the Draft IS-MND

Responses to Comments on the Draft IS-MND

A Draft Initial Study – Mitigated Negative Declaration (IS-MND) was prepared in May 2023 for The Salvation Army Bell Oasis Apartments II Project, also known as the Salvation Army Permanent Supportive Housing Development Project (hereafter referred to as “proposed project” or “project”). The IS-MND was available for public comment for a 30-day public review period from May 12, 2023, through June 11, 2023. In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15074(b), or 14 California Code of Regulations (CCR) 15074(b), before approving the proposed project, the City of Bell (City), as the lead agency under CEQA, will consider the proposed IS-MND with any comments received during this public review period. Specifically, CEQA Guidelines Section 15074(b) states:

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.

The City received seven comment letters during the public review period for the Draft IS-MND. Although CEQA (California Public Resources Code, Section 21000 et seq.) and the *CEQA Guidelines* (14 CCR 15000 et seq.) do not explicitly require a lead agency to provide written responses to comments received on an IS-MND, the lead agency may do so voluntarily. The City has chosen to respond to the comments received for the proposed project, so this section includes written responses to each comment letter.

The commenters and their respective comment letters have been arranged in the following table in the order in which they were received by the City (i.e., by date). The table also identifies the page number that each letter appears in this section and where written responses to each letter may be found. Each issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the letter of the comment letter, and then the number assigned to each issue (Response A-1, for example, indicates that the response is for the first issue raised in comment Letter A).

Letter No. and Commenter		Page No.
A	Tamara Purvis, Associate Environmental Planner, Department of Toxic Substances Control (DTSC)	3
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D	Matt Wade, Director of Property Management, Pacific Industrial	21
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G	Kerry Shapiro, Jeffer Mangels Butler & Mitchell LLP (on behalf of CEMEX)	37

In some cases, responses to comments may result in changes to the text of the Draft IS-MND correcting information, data, or intent, other than minor typographical corrections or minor working changes. These text changes are noted in the Final IS-MND as changes from the Draft IS-MND in two ways. Where a comment results in the removal of text, it is signified by strikeout (~~example~~), and where a comment results in the addition of text, it is signified by underlined font (example). These revisions are also outlined in the Errata (Appendix K) of the Final IS-MND.



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

June 2, 2023

Rodrigo Pelayo
Associate Planner
City of Bell
6330 Pine Avenue
Bell, California 90201
rpelayo@cityofbell.org

RE: MITIGATED NEGATIVE DECLARATION (MND) FOR THE SALVATION ARMY
PERMANENT SUPPORTIVE HOUSING DEVELOPMENT PROJECT DATED MAY 12,
2023 (STATE CLEARINGHOUSE NUMBER: [2023050330](#))

Dear Rodrigo Pelayo:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Salvation Army Permanent Supportive Housing Development Project and after reviewing the document, DTSC would like to provide the following comments:

1. Based on the preliminary review of your project and documentation of contamination within the project area, DTSC recommends that you have this project come through our Standard Voluntary Agreement (SVA) program so that a proper evaluation of the Project can be reviewed by our technical staff.

The FLUXX portal link for a new user is:

A-1

https://dtsc.fluxx.io/user_sessions/new. This same page has a link to the Fluxx User Guide that can help you navigate the system. You will need to create a new profile. Once you get into the system, you need to click “Start a Request for Lead Agency Oversight Application.”

If you have any questions about the application portal, please contact the DTSC Brownfield Coordinator Gregory Shaffer at Gregory.Shaffer@dtsc.ca.gov or the Application Portal at applicationportal@dtsc.ca.gov.

2. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to [DTSC's 2001 Information Advisory Clean Imported Fill Material](#) webpage.

DTSC appreciates the opportunity to comment on the MND for your Project and if you have any questions on the application process, please contact DTSC's Brownfield Coordinator.

Sincerely,



Tamara Purvis
Associate Environmental Planner
Hazardous Waste Management Program
Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

A-1

A-2

A-3

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse

State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis

Associate Environmental Planner

Hazardous Waste Management Program

Permitting Division – CEQA Unit

Department of Toxic Substances Control

Dave.Kereazis@dtsc.ca.gov

Letter A

COMMENTER: Tamara Purvis, Associate Environmental Planner, DTSC

DATE: June 2, 2023

Response A-1

The commenter confirms that the DTSC received and reviewed the IS-MND for the project, and recommends that the project go through DTSC's Standard Voluntary Agreement (SVA) program and associated online portal. The commenter provides contact information for questions about the application portal.

The commenter's recommendation is noted; however, it is not a requirement for the project and does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND.

Response A-2

The commenter states that, if any development initiated as part of the proposed project requires the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. The commenter recommends that imported materials be characterized according to the 2001 *DTSC Information Advisory Clean Imported Fill Material Fact Sheet* webpage.

Due to on-site soil contamination, discussed in further detail in Section 9, *Hazards and Hazardous Materials*, of the Draft IS-MND, up to approximately 6,500 cubic yards of impacted soil would be excavated and exported to level the site at three feet below the existing ground surface prior to construction of the project. As such, construction activities would include up to 6,500 cubic yards of imported healthy soil to replace removed soil and be redistributed on the site. Although the *DTSC Information Advisory Clean Imported Fill Material Fact Sheet* webpage identifies procedures that can be used to minimize the possibility of introducing contaminated soil onto a site that requires imported fill material, the webpage also states "there are no established standards in the statutes or regulations that address environmental requirements for imported fill material."¹ The commenter's recommendation is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND.

Response A-3

The commenter states that DTSC appreciates the opportunity to comment on the IS-MND and questions for the DTSC can be directed to DTSC's Brownfield Coordinator.

The comment is noted but does not pertain to the analysis and findings of the Draft IS-MND.

¹ DTSC. 2001. DTSC Information Advisory Clean Imported Fill Material Fact Sheet. <https://dtsc.ca.gov/information-advisory-clean-imported-fill-material-fact-sheet/>. Accessed September 2023.



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
Converting Waste Into Resources

Robert C. Ferrante

Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

June 7, 2023

Ref. DOC 6922519

Mr. Rodrigo Pelayo, Associate Planner
City of Bell
Department of Community Development
6330 Pine Avenue
Bell, CA 90201

Dear Mr. Pelayo:

NOI Response to Salvation Army Permanent Supportive Housing Development Project

The Los Angeles County Sanitation Districts (Districts) received a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the subject project located in the City of Bell on May 15, 2023. The proposed project is located within the jurisdictional boundaries of District No. 2. We offer the following comments regarding sewerage service:

1. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Joint Outfall "A" Unit 9 Trunk Sewer, located in South Eastern Avenue, south of Mansfield Way. The Districts' 39-inch diameter trunk sewer has a capacity of 19.7 million gallons per day (mgd) and conveyed a peak flow of 1.3 mgd when last measured in 2020.
2. The wastewater generated by the proposed project will be treated at the Joint Water Pollution Control Plant located in the City of Carson, which has a capacity of 400 mgd and currently processes an average flow of 243.1 mgd.
3. The expected average wastewater flow from the project, described in the MND as 58 apartment units and a total of 335 square feet of office spaces, is 9,115 gallons per day. For a copy of the District's average wastewater generation factors, go to www.lacsd.org, under Services, then Wastewater Program and Permits and select Will Serve Program, and click on the [Table 1, Loadings for Each Class of Land Use](#) link.
4. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family Home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, please contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727.

B-1

B-2

B-3

B-4

B-5

5. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service but is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities.

B-6

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743, or mandyhuffman@lacs.org.

Very truly yours,

Mandy Huffman

Mandy Huffman
Environmental Planner
Facilities Planning Department

MNH:mnh

Letter B

COMMENTER: Mandy Huffman, Environmental Planner, Districts

DATE: June 7, 2023

Response B-1

The commenter confirms that the Districts received a Notice of Intent (NOI) to adopt the IS-MND for the project on May 15, 2023. The commenter states that the project is located within the jurisdictional boundaries of District No. 2.

The comment is noted but does not pertain to the analysis and findings of the Draft IS-MND.

Response B-2

The commenter notes that the wastewater flow originating from the project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Joint Outfall "A" Unit 9 Trunk Sewer, located in South Eastern Avenue, south of Mansfield Way. The commenter adds that the Districts' 39-inch diameter trunk sewer has a capacity of 19.7 million gallons per day (mgd) and conveyed a peak flow of 1.3 mgd when last measured in 2020.

The additional information regarding the Districts' trunk sewer's capacity and peak flow is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND. Nonetheless, a brief comparison between the District's trunk sewer's remaining capacity (i.e., 18.4 mgd) and the project's estimated wastewater generation is provided for informational purposes. As discussed in Section 18, *Utilities and Service Systems*, of the Draft IS-MND, the project is conservatively estimated to generate 2.2 million gallons of wastewater per year, or 0.01 mgd, based on California Emissions Estimator Model (CalEEMod) results for the project. Therefore, project wastewater would comprise approximately 0.05 percent of the trunk sewer's remaining capacity of 18.4 mgd. CalEEMod results are included as Appendix B to the Draft IS-MND for reference.

Response B-3

The commenter states that the wastewater generated by the proposed project will be treated at the Joint Water Pollution Control Plant (JWPCP) located in the City of Carson, which has a capacity of 400 mgd and currently processes an average treatment flow of 243.1 mgd.

Additional information regarding the JWPCP's capacity and average treatment flow is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND. Nonetheless, a brief comparison between the JWPCP's remaining capacity (i.e., 156.9 mgd) and the project's estimated wastewater generation is provided for informational purposes. As discussed under Response B-2, the project is conservatively estimated to generate 0.01 mgd. Therefore, project wastewater would comprise less than 0.01 percent of the JWPCP's remaining capacity of 156.9 mgd.

Response B-4

The commenter states that the average wastewater flow for 58 apartments and a total of 335 square feet of office space is 9,115 gallons per day based on the District's average wastewater

generation factors. The commenter provides additional instructions to reach their Will Serve Program online webpage and a copy of the District's average wastewater generation factors for various land uses.

The additional information regarding the Districts' average wastewater generation factors is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND. As discussed under Response B-2, and based on CalEEMod results, the project is conservatively estimated to generate 2.2 million gallons of wastewater per year, or 6,027 gallons of wastewater per day. This estimate is less than the average wastewater flow calculated by the commenter using the Districts' average wastewater generation factors found in their Will Serve Program webpage. However, as noted in the District's webpage, their average wastewater generation factors are to be used in the event project-specific development information is not available.² CalEEMod estimates water and wastewater consumption based on various project-specific inputs, including project land uses and square footages. Therefore, wastewater estimates included in the Draft IS-MND are assumed to be representative of the project's wastewater generation.

Response B-5

The commenter states that the Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. The commenter adds that payment of a connection fee may be required before the project is permitted to discharge to the Districts' Sewerage System. The commenter provides additional instructions to reach their Rates & Fees webpage and a copy of the Districts' Connection Fee Information Sheet.

The comment is noted but does not pertain to the analysis and findings of the Draft IS-MND. The project would comply with payment of any required connection fees as required.

Response B-6

The commenter states that all expansions of the Districts' facilities must be sized and service phased in a manner that will be consistent with the Southern California Association of Governments (SCAG) regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The commenter states that their letter is to advise the project developer that the Districts intend to provide wastewater service up to the levels that are legally permitted and to inform the project developer of the currently existing capacity and any proposed expansion of the Districts' facilities.

The comment is noted but does not pertain to the analysis and findings of the Draft IS-MND. Nonetheless, as discussed in Section 14, *Population and Housing*, of the Draft IS-MND, SCAG's demographic forecasts contained in the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) estimate that the City's population would increase to 37,100 persons by 2045, or an increase of 3,476 persons from the current population. As such, the project's estimated population increase of 61 persons would constitute approximately 1.8 percent of the overall population increase, which is consistent with SCAG's regional growth forecast.

² Districts. Will Serve Program. <https://www.lacsd.org/services/wastewater-programs-permits/will-serve-program>. Accessed September 2023.

Kerry Shapiro
kshapiro@jmbm.com

Two Embarcadero Center, 5th Floor
San Francisco, California 94111-3813
(415) 398-8080 (415) 398-5584 Fax
www.jmbm.com

June 9, 2023

BY EMAIL

Rodrigo Pelayo
Associate Planner
City of Bell
rpelayo@cityofbell.org

Re: Request for Extension to Comment on Notice of Intent to Adopt a Mitigated Negative Declaration – Salvation Army Permanent Supportive Housing Development Project (GPA 2022-02, ZC 2022-01, TPM No. 83748, SPR 2022-15, & CUP 2022-04)

Dear Mr. Pelayo:

I represent CEMEX Construction Materials Pacific, LLC ("CEMEX"), operator of the CEMEX – Bell Terminal, located adjacent to proposed Salvation Army Permanent Support Housing Development Project (GPA 2022-02, ZC 2022-01, TPM No. 83748, SPR 2022-15, & CUP 2022-04) ("Project"), located at 5600 Rickenbacker Road and inclusive of APNs 6332-00-2-090 and 6332-002-037 ("Project Location"). We hereby request a 30-day extension of the public comment period for the City's Notice of Intent to Adopt a Mitigated Negative Declaration ("NOI"), currently set to close on Monday, June 12, 2023, based on the City's failure to properly circulate notice to CEMEX of the NOI and the applicable public comment deadline.

CEMEX's request is based on the following:

1. On May 11, 2023, the City of Bell ("City") attempted to notify CEMEX of the NOI and comment period at the physical property address (5901 Rickenbacker Rd.).¹
2. However, the City's NOI was returned to the City as "not deliverable as addressed." The City received this notification from the United States Postal Service on May 22, 2023.²
3. Despite being notified by the Postal Service on May 22, that the NOI was undeliverable, the City waited seventeen days (June 8, 2023), to provide CEMEX

¹ See **Exhibit 1 (NOI with envelope)**, attached.

² *Id.*

C-1

representatives the notice via email; thereby providing CEMEX only two (2) business days to provide public comments.³

4. An additional 30 days would be appropriate, and provide for a total comment period of 60-days. This extension maintains the public comment period for a negative declaration established by regulations implementing the California Environmental Quality Act ("CEQA Guidelines").⁴ This extension request is particularly necessary based on the City's recognition that CEMEX was entitled to receive notice and the City's failure to timely act after being notified by the Postal Service that the NOI was undeliverable as sent. CEMEX further notes there have been numerous communications between CEMEX and the City relating to CEMEX's property, both between the City Attorney and CEMEX's counsel, and between the City's Planning Staff and CEMEX's representatives. The City has had every opportunity to provide CEMEX with proper notice but failed to do so.

In sum, a 30-day extension will give CEMEX the same amount of time it would have otherwise been given, if the notice had been properly sent to CEMEX, and would rectify the City's failure to notify CEMEX of the NOI following the City being notified by USPS that the NOI has not been delivered..

Sincerely,



KERRY SHAPIRO of
Jeffer Mangels Butler & Mitchell LLP

cc: Manuel Acosta
macosta@cityofbell.org
David Aleshire
daleshire@awattorneys.com

³ See **Exhibit 2** (City email to CEMEX), attached.

⁴ See 14 C.C.R. 15073(a) (requiring lead agency to provide a public review period of an mitigated negative declaration of not less than 20 days).

EXHIBIT 1

CITY of BELL
Home...in the center of it all
 6330 Pine Avenue
 Bell, CA 90201

City of Bell
 Finance Dept.
MAY 22 2023
 Received by

Cemex - Bell Terminal
 5091 Rickenbacker Rd.
 Bell, CA 90201

80235597250009

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**CITY OF BELL
NOTICE OF INTENT TO
ADOPT A MITIGATED NEGATIVE DECLARATION**

**Salvation Army Permanent Supportive Housing Development Project
(GPA 2022-02, ZC 2022-01, TPM No.83748, SPR 2022-15, & CUP 2022-04)**

NOTICE IS HEREBY GIVEN that the City of Bell intends to adopt a Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA) for the Salvation Army permanent supportive housing development project (GPA 2022-02, ZC 2022-01, TPM No.83748, SPR 2022-15, & CUP 2022-04). The MND has been approved for public review by the City of Bell Community Development Director. Copies of the Mitigated Negative Declaration and the Initial Study will be available for public review and comment at the City of Bell Planning Counter, Department of Community Development, 6330 Pine Avenue, Bell, California 90201. Comments and recommendations on the adequacy of the environmental document may be filed at the aforementioned address during the public review period established for the project.

PROJECT NAME & CASE NOS.: Salvation Army Permanent Supportive Housing Development Project (GPA 2022-02, ZC 2022-01, TPM No.83748, SPR 2022-15, & CUP 2022-04)

APPLICANT: The Salvation Army Southern California Division, 16941 Keegan Ave, Carson, CA 90746

PROJECT LOCATION: The project site is located at 5600 Rickenbacker Road, which includes APN 6332-002-090 & 6332-002-037. The project site is located at the north-eastern portion of the City of Bell, east of the Interstate 710 highway (I-710).

PROJECT DESCRIPTION: The project proposes new construction of a three-story, 58-unit permanent supportive housing development for homeless adults with on-site supportive services offices. The proposed project will require approval of the following:

- Tentative Parcel Map for the subdivision of an approximately 23.72-acre parcel into two (2) resulting parcels that would each measure approximately 1.75 acres and 21.97 acres.
- General Plan Land Use Map amendment to change the planned (1.75-acre) parcel land use designation from "Industrial" to "Commercial".
- Zone Change to re-zone the planned (1.75-acre) parcel from a Commercial Manufacturing ("CM") zoning designation to a General Commercial ("C-3R") zoning designation, which allows for residential uses subject to approval of a Conditional Use Permit.
- Site Plan Review to allow the new construction of the proposed development project.
- Conditional Use Permit to allow a residential use (permanent supportive housing for homeless adults) project within the C-3R zone.

ENVIRONMENTAL DOCUMENT: The MND can be viewed at the City of Bell Planning Counter, Department of Community Development, 6330 Pine Avenue, Bell, California 90201 or on the City of Bell website at <https://www.cityofbell.org/?NavID=2377>

REVIEW PERIOD: May 12, 2023 – June 11, 2023, at 4:00pm.

CONTACT FOR MORE INFORMATION: Rodrigo Pelayo, Associate Planner at (323)588-6211 x2622 or via email at rpelayo@cityofbell.org.

The MND has a review period of **30 days**, starting on **Friday, May 12, 2023**, and ending on **Sunday, June 11, 2023**. Any written comments on the MND should be sent to the City of Bell at the address noted above, to the attention of: Rodrigo Pelayo, Associate Planner.

After the close of the public comment review period on the MND established by this notice, this matter will be set for public hearing before the **City of Bell Planning Commission**. Notice of the date, time and place for such public hearing will be published and/or mailed as provided by law.

Please take notice that - pursuant to Public Resource Code Section 21177, Government Code Section 65009, and other applicable law - if you challenge the proposed action described above in court, then you may be limited to raising only those issues or objections you or someone else raised during the public comment period or the public hearing, or in written correspondence delivered to the City of Bell within the review period, or to the Planning Commission during the public hearing.

PUBLISHED: May 12, 2023

EXHIBIT 2

From: Manuel Acosta <MAcosta@CITYOFBELL.ORG>

Sent: Thursday, June 8, 2023 3:56 PM

To: Deborah G Haldeman <deborahg.haldeman@cemex.com>; Michael J Thompson <mjason.thompson@cemex.com>

Subject: FW: Notice of Intent- 5600 Rickenbacker Rd (TSA Project)

CAUTION: External Email | PRECAUCIÓN: Correo electrónico externo | VORSICHT: Externe E-Mail | ATTENTION: Courriel externe [To learn more about email protection click here](#)

Hi Debbie and Jason,

Please take a look at the attached notice that was sent back. If you have any comments, we will need them by Monday, June 12, 2023.



Manuel Acosta

Community Development Director

Community Development Department
City of Bell · 6330 Pine Ave · Bell · CA · 90201

City Hall: (323) 588-6211 ext. 2623

Cell (323) 327-1065

macosta@cityofbell.org

www.cityofbell.org

From: Rodrigo Pelayo <Rpelayo@CITYOFBELL.ORG>

Sent: Thursday, June 8, 2023 3:36 PM

To: Manuel Acosta <MAcosta@CITYOFBELL.ORG>

Subject: Notice of Intent- 5600 Rickenbacker Rd (TSA Project)

Hi Manny,

Attached is a copy of the NOI that didn't make it to Cemex...

Regards,



Rodrigo Pelayo

Associate Planner

City of Bell · 6330 Pine Ave · Bell · CA · 90201

City Hall: (323) 588-6211 ext: 2622

rpelayo@cityofbell.org

www.cityofbell.org

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Letter C

COMMENTER: Kerry Shapiro, Jeffer Mangels Butler & Mitchell LLP (on behalf of CEMEX)

DATE: June 9, 2023

Response C-1

The commenter states they represent CEMEX Construction Materials Pacific, LLC (CEMEX), located adjacent to the project site, and requests a 30-day extension of the public comment period due to a series of mailing errors and subsequent delays that resulted in their receipt of the NOI for the project on June 8, 2023 – two days before the close of the public comment period on June 11, 2023. The commenter states that an additional 30-day extension would provide CEMEX with the same amount of time that would have been granted had CEMEX properly received notice of the project.

The comment is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND. Regarding the comment period, the City acknowledges the delay in CEMEX's receipt of the NOI and project documents in a timely manner to submit comments during the public review period. Rather than providing CEMEX a formal 30-day extension, the City informed CEMEX and their representatives that CEMEX will have the opportunity to submit additional comments following the upcoming Notice of Public Hearing for the Planning Commission meeting and during the "public comment" segment of the upcoming Planning Commission meeting scheduled for late September 2023.

PI Bell Mezzanine, LLC
6272 E Pacific Coast Highway, Suite E
Long Beach, CA 90803

June 9, 2023

VIA E-MAIL

Jason Garcia
City of Bell
Planning Division
6330 Pine Avenue
Bell, CA 90201
j_garcia@cityofbell.org

Rodrigo Pelayo
City of Bell
Associate Planner
6330 Pine Avenue
Bell, CA 90201
rpelayo@cityofbell.org

Re: Salvation Army Permanent Supportive Housing Development Project

Dear Jason Garcia:

PI Bell Mezzanine, LLC (“Owner”) is the current owner of certain properties within the City of Bell (“City”) located at 5091, 5630, 5390, and 5391 Rickenbacker Road. This letter serves to express Owner’s plea to address long standing unresolved security and safety issues, in response to the proposed Salvation Army expansionary development. Owner is opposed to any expansion of the Salvation Army facility that does not provide additional measures to address the safety and security of the Salvation Army’s occupants and surrounding properties occupants.

D-1


Several of our tenants have reported criminal activity resulting in physical harm and/or property damage in the area surrounding Rickenbacker Road. This has resulted in numerous complaints, straining the City and police resources. Expanding the Salvation Army’s use seems irresponsible without a plan from the applicant to pay for and increase the available resources.

D-2

We acknowledge the need for Salvation Army services and the humanitarian work that benefits all of society. However, the Salvation Army has not proven they can manage their existing challenges, so approval of any expansion is premature and inappropriate at this time.

We thank the City for allowing us to provide comment regarding this matter. If you have any questions or concerns please do not hesitate to contact me at mattw@pac-industrial.com or (323) 702-2688.

D-3

Sincerely,

Matt Wade
Director of Property Management

Letter D

COMMENTER: Matt Wade, Director of Property Management, Pacific Industrial

DATE: June 9, 2023

Response D-1

The commenter states that Pacific Industrial Bell Mezzanine, LLC (Pacific Industrial) owns the properties at 5091, 5630, 5390, and 5391 Rickenbacker Road. The commenter expresses concern about long-standing security and safety issues and states they are opposed to any expansion of The Salvation Army's facilities that does not provide additional measures to address the safety and security of The Salvation Army's occupants and surrounding properties.

As discussed in Section 15, *Public Services*, of the Draft IS-MND, the project would include a comprehensive system of cameras and security lighting throughout the project site. The project would also implement Crime Prevention through Environmental Design (CPTED) standards where possible. CPTED standards assist with the design and placement of buildings and open space to enhance supervision and visibility, which in turn alters offender behavior and discourages crime. Among these features are wrought iron security fences, well-lit walkways, gathering areas, and security cameras. The comment is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND.

Response D-2

The comment states that there have been reports of criminal activity resulting in physical harm and/or property damage in the area surrounding Rickenbacker Road that strain the City and police resources. The commenter acknowledges the need for The Salvation Army's services but adds that expansion of these services is premature without a plan to address security and safety issues.

Refer to Response D-1 for a brief description of the project's security measures. Furthermore, as discussed in Section 15, *Public Services*, the IS-MND, the addition of the 61 residents associated with the project does not alter the existing per capita ratio of 0.92 officers per 1,000 residents. The comment is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND.

Response D-3

The commenter thanks the City for allowing them to comment and provides additional contact information for any questions.

The comment is noted but does not pertain to the analysis and findings of the Draft IS-MND.

Rodrigo Pelayo

From: Matt Wade <mattw@pac-industrial.com>
Sent: Friday, June 9, 2023 10:36 AM
To: Rodrigo Pelayo
Subject: Re: Salvation Army Permanent Supportive Housing Development Project
Attachments: LETTER~1.PDF; 1. Fence between SA and 5630.jpg; 2(2). Gate along 6th.jpg; 2.(1) Perimeter fence.jpg

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Hi Rodrigo,

See attached letter from owner regarding SA expansion project. Please confirm receipt and that the letter will be added to the record.

Also included some solutions below. **Please confirm below email contents and attachments will be added to the record.**

Below are some thoughts for solutions:

1. 5630 Rickenbacker tenants have reported their rear fence being cut open from the Salvation Army side on multiple occasions, and thefts/vandalism in their truck courts. Recommend SA constructs a fence line on their property line, and maintain that fence line in good condition to prevent access to our fence. E-1
2. 5630 Rickenbacker tenants have reported individuals trespassing onto their property from SA's direction - some of which have resulted in vandalism or altercations with staff. Recommend (1) SA pay for perimeter fence installation, with gates, around Hain Celestial's front parking lot along street, (2) Build a gate along 6th Street that restricts access between SA and the 5630 Rickenbacker building. The fence would need to be maintained by SA. E-2

1. Fence between SA and 5630 building.



Letter E

COMMENTER: Matt Wade, Director of Property Management, Pacific Industrial

DATE: June 9, 2023

Response E-1

The commenter states that the tenants at 5630 Rickenbacker Road have reported their rear fence being cut open from The Salvation Army side and thefts/vandalism in their truck courts. The comment recommends that The Salvation Army construct a fence line on The Salvation Army's property line and maintain that fence line in good condition to prevent access to the fence at 5630 Rickenbacker Road.

The comment is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND.

Response E-2

The commenter states that the tenants at 5630 Rickenbacker Road have reported individuals trespassing on their property from The Salvation Army that has resulted in vandalism or altercation with staff. The commenter recommends that The Salvation Army construct and maintain perimeter fencing around Hain Celestial's front parking lot, and construct and maintain a gate along 6th street that restricts access between The Salvation Army and the building at 5630 Rickenbacker Road.

The comment is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND.

June 10, 2023

Rodrigo Pelayo
Associate Planner
Community Development Department
City of Bell, Planning Division
6330 Pine Ave
Bell, California 90201
Rpelayo@cityofbell.org

Re: Comment Letter for the Salvation Army Bell Oasis Apartments II

Dear Rodrigo Pelayo:

Communities for a Better Environment (“CBE”) is a community-based environmental justice organization located in Southern and Northern California. In Southern California, CBE works with community members throughout many Southeast Los Angeles, including the City of Bell. We appreciate the opportunity to submit this comment letter regarding the Mitigated Negative Declaration Draft for the Bell Oasis Apartments II.

The California Environmental Quality ACT (CEQA) has four basic functions:

1. To inform decision makers and the public about the potential, significant environmental effects of proposed activities.
2. To identify ways that environmental damage can be avoided or significantly reduced.
3. Prevent significant, avoidable damage to the environment by requiring changed in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
4. Disclose to the public reasons why a governmental agency approved the project in the manner the agency chose if significant effects are involved.¹

With these principles in mind, we ask for more information about soil remediation and air pollution impacts.

CBE acknowledges the existence of the ongoing affordable housing crisis, and we support providing safe and accessible housing to all California residents, especially those who are most

¹ Cal. Code Regs., tit. 14, §15002, subd. (a)(1-4)

2.(1) Perimeter fence and gates for 5630 building.



2.(2) Gate along 6th Street between SA and 5630 building.



Sincerely,

Matt Wade | Director of Property Management
PACIFIC INDUSTRIAL
M. 323.702.2688

On Wed, May 17, 2023 at 3:11 PM Rodrigo Pelayo <Rpelayo@cityofbell.org> wrote:

Hi Matt,

Please feel free to direct the comments to me.

vulnerable and currently unhoused. The proposed Bell project attempts to remedy the detrimental impacts of the housing crisis for local unhoused veterans in the City of Bell by developing a 3-story permanent supportive housing apartment building with administrative and supportive services. However, the issue remains that the current site is zoned commercial manufacturing and located within a district that is industrial with a very long history of polluting facilities and industry. We need accessible and healthy housing, and we must do everything to ensure projects being built do not endanger workers and residents.

F-2

Concerns on Hazards and Hazardous Materials

CBE has long worked on the issue of toxics in the Southeast Los Angeles area. CBE's more recent work has included advocacy for the shutdown of the Exide facility in the City of Vernon and the subsequent clean-up of the surrounding community and Exide site. Due to racist land use practices that include redlining of communities, many residences in the SELA area abut industrial uses. CBE has long understood that the same market forces that have created housing injustice has also created environmental injustice. A commitment to environmental justice requires looking at the cumulative environmental impacts as well as public health outcomes.

F-3

Due to the legacy of contamination at the site we urge the City of Bell to enter into an oversight agreement with the Department of Toxic Substance Control (DTSC), as per DTSC's suggestion in their June 2, 2023 letter.² CBE is very concerned with the redevelopment of brownfields and contaminated sites for housing. In order to avoid further environmental injustices, it is crucial that the City commit to stringent land remediation standards. The development of the proposed project would involve site preparation grading, building construction, and other construction-related activities that have potential to generate substantial air pollutant emissions.³

The project requires removal and re-compaction of on-site soil as recommended by Rincon Consultants, Inc in the Phase II ESA.⁴ Therefore, a cleanup plan must be developed. However, the cleanup/mitigation plans as proposed are lacking in specificity and detail as to exactly how

F-4

² <https://files.ceqanet.opr.ca.gov/287831-1/attachment/UZkMOin1xCMEx-0VXaBMo79Ha1hd-9gLFRXQ0ukQ4gGncYp9ouxSBnuwnHYaOzCorAc0uZgQE1XAASUUQ>

³ Rincon Consultants, Inc., Initial Study-Mitigated Negative Declaration, p. 38

https://files.ceqanet.opr.ca.gov/287831-1/attachment/KqIkripDSiBXr0ashVZuAiXZQ_-L6YrPDDyrn1a8upW-FnrV4YPqjgoFDkPIP2TrR2Z8_4ADUUEelaHtOPg. (last visited June 10, 2023).

⁴ Rincon Consultants, Inc., APPENDIX F PHASE II ENVIRONMENTAL SITE ASSESSMENT CITY OF BELL (2022), <https://www.cityofbell.org/home/showpublisheddocument/17145/638194166900670000> (last visited Jun 10, 2023).

this will be accomplished to protect the health and safety of construction workers and residents alike.

The Mitigated Negative Declaration indicates that contaminated soil exceeding Environmental Screening Levels (ESLs) will be excavated and disposed of offsite, and a follow-up soil sampling assessment will be conducted to ensure that concentrations above screening levels are removed prior to construction grading activities. However, little is mentioned in the report about how the excavation and disposal are expected to be conducted or where the offsite disposal location will be. A Soil Management Plan should be implemented prior to any continuing excavation to mitigate risk, not after or during excavation. There is no further mention of a Soil Management Plan nor any further mention of how to properly handle and dispose of the contaminated soil. It is critical that there is some accountability as to any remediation work that is done at this site.

The EIR states that the project has “less than significant” impact related to on-site soil contamination. CBE believes there to be a discrepancy between the information in the EIR and its appendices and documents that are stored online through DTSC.⁵ In fact, the site history itself of the project on Envirostor admits the following:

According to the Kanoa Co. Phase I ESA and Phase II, several recognized environmental hazards have been identified and sampled at the Site. No VOCs or TPHs were detected in any of the samples collected. However, there are no records regarding the procedures and/or guidance’s used to properly collect and analyze the samples and or/confirmation samples. Historical Site plans and aerial photographs show the areas of concern at the Site to include onsite oil wells, dumping areas, a “Pistol Range Pit”, and open areas located west of Buildings 2. According to the Hazardous Waste Tracking System (HWTS), the Site has been a generator for inorganic solid waste, materials containing PCBs, asbestos containing waste, waste oil, mixed oil waste, and “other inorganic solid wastes.” However, there are no hazardous waste records on the Site before 2007.⁶

A "Health and Safety Plan" is also said to be prepared to describe the procedures that onsite workers will follow to minimize hazards. However, there is no further mention of this plan in the document either. There is no mention of which entity, if any, will oversee the cleanup

⁵ Salvation Army Envirostor data entry.

https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60002608 (site last visited June 10, 2023)

⁶ Salvation Army Envirostor data entry, Site History.

https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60002608 (site last visited June 10, 2023)

process or to which entity cleanup records will be submitted to. Rincon also presents no residential cleanup standards for the contaminants found at the site.

F-6

Air Pollution and Impact on Sensitive Receptors

Sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes (SCAQMD 1993). This development would introduce a new sensitive receptor to the area. While the California Air Resources Board recommends that housing development should be sited no less than 500 feet, the Los Angeles County of Public Health recommends that any development of new housing that is in proximity to a freeway must also adhere to current best-practice mitigation measures to reduce exposures to air pollution.⁷

CBE, along with our partners in the Coalition for Environmental Health and Justice (CEHAJ), fought for Bell's Salvation Army shelter to not be displaced by the proposed freeway expansion. There are very few resources serving the Southeast community in terms of shelter for houseless individuals or even deeply affordable housing. As a result, we recognize the importance of this project, however, given the proximity to air pollutants from nearby I-710 Freeway and even the majority of industrial facilities CBE would be remiss if not to advocate that the City ensures policies are in place that will mitigate any air pollution issue for this site. The EIR must study more in depth the cumulative impacts of the surrounding community as it relates to air pollution.

F-7

Discriminatory Land Use Practices that Results in Environmental Injustice

In addition, to finding that the Mitigated Negative Declaration is insufficient. CBE fears that if there is not a commitment to stringent clean up at this site before the development of housing it will lead to a discriminatory land use practice.

Under the California Code of Regulations, 2 CCR §12161:

- (a) It shall be unlawful for any person to engage in any public or private land use practice that:
 - (1) intentionally discriminates based on membership in a protected class pursuant to Government Code section 12955.8(a) or

F-8

7

http://www.publichealth.lacounty.gov/place/docs/DPH%20Recommendations%20to%20Minimize%20Health%20Effects%20of%20Air%20Pollution%20Near%20Freeways_Final_March%202019.pdf

- (2) has a discriminatory effect on members of a protected class pursuant to Government Code section 12955.8(b) and Article 7, unless there is a legally sufficient justification for the practice
- (b) Subsections (a)(1) and (a)(2) include a practice that does any of the following in connection with housing opportunities or existing or proposed dwelling, if the practice intentionally discriminates or has a discriminatory effect on members of a protect class:
- ...
- (10) Results in the location of toxic, polluting, and/or hazardous land uses in a manner that denies, restricts, conditions, adversely impacts, or renders infeasible the enjoyment of residence, land ownership, tenancy, or any other land use benefit related to residential use, or in connection with housing opportunities or existing or proposed dwellings;

F-8

The City of Bell must ensure that the project proposed by Salvation Army does not have a discriminatory impact on the low-income community is seeks to serve. CBE believes that through a proper soil remediation plan and putting in place multiple public health measures this site can serve as an example as to the importance of environmental safety.

CONCLUSION

Although recommended by Rincon, it is unclear whether the Salvation Army has engaged any other regulatory agency to affirm consistency of the proposed onsite remediation activities. It is difficult to understand how impacts will be “less than significant” when the mitigation in question has not been sufficiently proposed or established.

F-9

We appreciate the opportunity to comment on the Mitigated Negative Declaration Draft for the Bell Oasis Apartments II. We look forward to working with the Community Development Department to address the concerns and comments provided above.

Sincerely,

Jennifer Ganata
Senior Staff Attorney

Diana Cruz
Legal Intern

Letter F

COMMENTER: Jennifer Ganata, Senior Staff Attorney, CBE

DATE: June 10, 2023

Response F-1

The commenter states that CBE is a community-based environmental justice organization that works with community members in the City of Bell. The commenter states they appreciate the opportunity to comment on the Draft IS-MND for the project and reiterates the function of CEQA per *CEQA Guidelines* Section 15002.

The comment is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND.

Response F-2

The commenter acknowledges that the project would provide permanent supportive housing in the midst of an ongoing affordable housing crises, but notes that the project site is zoned for Commercial Manufacturing (CM) and is located in an industrial area with a history of pollution.

As discussed in Section 14, *Population and Housing*, of the Draft IS-MND, the project includes a Zone Change from CM to C-3R with a conditional use permit to allow for housing in the C-3R zone; however, the project would not result in unplanned population growth in the project area. In August 2007, the federal government donated about 25 acres of property in Bell to The Salvation Army with a restriction that the property be used solely to serve the homeless, a mandate consistent with The Salvation Army's mission. Uses surrounding the project site include the donated property which has been developed over years to make up the campus that exists today. Therefore, the project would result in new residential units for homeless individuals consistent with the intended use of the site.

Furthermore, environmental analysis of the project site included in-depth site investigations over the course of several assessments prepared by Rincon Consultants, Inc. (Rincon) as part of the Draft IS-MND. As discussed in Section 9, *Hazards and Hazardous Materials*, of the Draft IS-MND, a Phase I Environmental Site Assessment (ESA) was conducted by Rincon for the project in January 2022 to determine any on-site Recognized Environmental Conditions (RECs), taking into account commonly and reasonably ascertainable information, and to qualify for Landowner Liability Protections under the Brownfields Amendments to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Phase I ESA found that a southern adjacent property across the railroad tracks is associated with an open Cleanup Program Site case. As discussed in the Phase I ESA, this facility (also identified as the Valspar site at 5501 East Slauson Avenue) has been recommended ongoing soil vapor and groundwater monitoring. The two nearest Valspar groundwater monitoring wells to the subject property contained VOCs as of December 2020, including TCE at concentrations above residential and/or commercial/industrial ESLs for groundwater vapor intrusion. For these reasons, the Phase I ESA recommended a Soil Vapor Investigation as part of a Phase II ESA, which was completed in August 2022 by Rincon to determine if soil and soil vapor at the site have been impacted by former adjacent land uses and adjacent properties of concern.

Under the Phase II ESA, Rincon oversaw the advancement of six soil vapor borings and the collection of seven soil vapor samples, which were analyzed for VOCs and total petroleum hydrocarbons (TPH) as gasoline (TPHg). Soil vapor sampling was performed in general accordance with the DTSC

Advisory for Active Soil Gas Investigations. Rincon confirmed that the laboratory reporting limits for each constituent are below the established residential Environmental Screening Levels (ESLs), except for vinyl chloride. Vinyl chloride is a degradation product of tetrachloroethene (PCE) and trichloroethene (TCE). Because PCE and TCE were not detected above laboratory practical quantitation limits (PQLs) in the soil vapor samples analyzed, Rincon determined it is unlikely that vinyl chloride is present in soil vapor at the site at concentrations that present a risk. Other findings under the Phase II ESA included on-site arsenic above its respective residential ESL in all the soil samples analyzed; however, the vertical and horizontal extent of arsenic impacts remained unknown at this time. Lead was also detected in all the soil samples analyzed. In particular, a soil sample from one of the six boring locations exceeded the residential ESL whereas all other concentrations of lead detected were either below their respective residential ESL or within the typical background concentration range. No other metals were detected above their respective residential ESLs or at concentrations exceeding their respective background concentration range. However, due to the presence of arsenic and lead on-site, Rincon recommended step-out sampling in the areas of arsenic- and lead-impacted soil, which was subsequently conducted as part of an Additional Phase II ESA.

The Additional Phase II ESA, completed in January 2023, comprised of a soil assessment to achieve horizontal and vertical delineation of lead- and arsenic-impact soil to develop a remedial action plan prior to project construction. Rincon completed a total of ten soil borings and delineated the extent of soil impacted with arsenic and/or lead concentrations exceeding residential ESLs. Because the project includes removal and re-compaction of on-site soil for geotechnical purposes, concentration of arsenic and lead in portions of the on-site soil present a potential risk to human health for future project residents. As such, the Draft IS-MND included Mitigation Measure HAZ-1 (Arsenic- and Lead-Impacted Soil Removal and Soil Management), which would require proper excavation, management, and export of contaminated soil prior to project construction. As discussed under Response F-4, the language in Mitigation Measure HAZ-1 has been reorganized from the Draft IS-MND into HAZ-1a and HAZ-1b in the Final IS-MND for added clarity. With implementation of revised Mitigation Measures HAZ-1a and HAZ-1b, impacts related to on-site soil contamination would be less than significant. The Phase I ESA, Phase II ESA, and Additional Phase II ESA are included as Appendix A, F, and G, respectively, to the Draft IS-MND. Therefore, the contamination associated with the previous uses at the project site would be remediated to comply with the standards for residential development.

Response F-3

The comment provides background information of the CBE's experience and understanding of toxics in the Southeast Los Angeles area and recommends that the City enter into an oversight agreement with DTSC. The commenter states that the development of the proposed project would involve site preparation grading, building construction, and other construction-related activities that have potential to generate substantial air pollutant emissions.

The commenter's recommendation for an oversight agreement with DTSC is noted; however, it is not a requirement for the project. As discussed in Section 3, *Air Quality*, of the Draft IS-MND, the project's construction and operational emissions, and localized concentrations of carbon monoxide (CO), nitrogen oxides (NO_x), small particulate matter that measure no more than 10 microns in diameter (PM₁₀), and small particulate matter that measure no more than 2.5 microns in diameter (PM_{2.5}) would not exceed SCAQMD regional significance thresholds or Localized Significance Thresholds (LSTs) and would not require mitigation. In addition, the project would comply with all

applicable SCAQMD rules and regulations, including Rule 403 that requires excessive fugitive dust emissions controlled by regular watering or other dust prevention measures.

Refer to Response F-2 and F-4 for a summary of investigations regarding on-site contamination and identified mitigation to address related impacts. With implementation of Mitigation Measure HAZ-1a and HAZ-1b, which are based on the findings of the Phase II ESA and Additional Phase II ESA, contamination associated with the previous uses at the project site would be remediated to comply with the standards for residential development.

Response F-4

The commenter states that, in reference to Mitigation Measure HAZ-1, the proposed cleanup/mitigation plans lack specificity and detail as to how they will be accomplished to protect the health and safety of construction workers and residents. The commenter adds that the Soil Management Plan in Mitigation Measure HAZ-1 should be implemented prior to any excavation work, not during or after. The commenter also states that the Soil Management Plan does not mention how to properly handle and dispose of the contaminated soil and adds that accountability for the remediation work is critical.

As written in Mitigation Measure HAZ-1, the Soil Management Plan (as well as the Health and Safety Plan) would be prepared prior to issuance of a grading permit and any on-site ground disturbance. Nonetheless, the language in Mitigation Measure HAZ-1 has been reorganized into HAZ-1a and HAZ-1b and revised in the MND for added clarity as follows:

Mitigation Measures

HAZ-1a ~~Arsenic and Lead Impacted Soil Removal and Soil Management Plan~~

The project applicant shall retain a qualified environmental consultant (PG or PE), to prepare a Soil Management Plan (SMP) prior to construction. Prior to the issuance of a grading permit, the City shall review and approve the SMP, which shall:

- ~~A Soil Management Plan shall be prepared and implemented during remedial soil excavation. Identify activities to mitigate risk to construction workers and the community during construction, and to~~
- ~~Describe~~ how to properly handle and dispose of arsenic and lead impacted soils.

Soil management practices to ensure construction worker and community safety shall include, but are not limited to stockpile management, investigation procedures, ongoing monitoring, and reporting.

A Health and Safety Plan shall also be prepared for the remedial soil activities to outline the procedures that onsite personnel will follow to minimize the potential for health and safety hazards during the course of work to be performed at the site.

The City shall review and approve the SMP and Health and Safety Plan prior to issuing of a grading permit. The project applicant shall implement the SMP and Health and Safety Plan during demolition, grading, and construction at the project site.

HAZ-1b Arsenic- and Lead-Impacted Soil Removal

Soil containing arsenic and/or lead exceeding their respective residential Environmental Screening Levels (ESLs) shall be excavated and disposed offsite- by a qualified environmental consultant (PG or PE) retained by the project applicant. The qualified environmental consultant shall utilize the project site analytical results for waste characterization purposes prior to offsite transportation or disposal of potentially impacted soils. The qualified consultant shall provide disposal recommendations and arrange for proper disposal of the soils and/or provide recommendations for remedial engineering controls, if appropriate.

The City shall review and approve the project site disposal recommendations prior to transportation of waste soils offsite, and review and approve remedial engineering controls, prior to issuance of a grading permit. The project applicant shall review and implement the project site disposal recommendations prior to transportation of waste soils offsite and review and implement the remedial engineering controls prior to construction.

In addition, confirmation soil sampling and analysis for total arsenic and total lead shall be conducted in the excavation sidewalls and bottoms by the qualified environmental consultant, to demonstrate that concentrations above residential ESLs were successfully removed. The City shall review and approve the confirmation soil sampling and analysis prior to issuance of a building permit.

These revisions are also outlined in the Errata (Appendix K) of the Final IS-MND.

Response F-5

The commenter states that there is a discrepancy between the information in the Draft IS-MND/appendices and documents stored online through DTSC's Envirostor database.

The commenter references an excerpt pulled from DTSC's Envirostor database upon searching the address 5600 Rickenbacker Road. However, this address identifies the entirety of The Salvation Army's campus not solely the project site. The exact project address within the campus is yet to be determined; however, the site consists of The Salvation Army's property south of K Street and east of the Honorable Judge Harry Pregerson Community Building, which is located between the project site and Hunt Apartments. A review of the excerpt pulled by the commenter indicates that the excerpt itself is in reference to "two permanent buildings onsite designated as Buildings 1 and Building 2, which were used for warehouse purposes."³ Buildings 1 and 2 are located north of the site across K Street. Refer to Response F-2 and F-4 for a summary of investigations regarding on-site contamination and revisions to Mitigation Measure HAZ-1 for added clarity. These revisions are also outlined in the Errata (Appendix K) of the Final IS-MND.

Response F-6

The commenter states that, in reference to Mitigation Measure HAZ-1, the Health and Safety Plan does not mention which entity would oversee the plan or cleanup records and does not include cleanup standards for on-site contamination.

Refer to Response F-4 for revisions to Mitigation Measure HAZ-1 for added clarity. These revisions are also outlined in the Errata (Appendix K) of the Final IS-MND.

³ DTSC. 2023. Envirostor. https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60002608. Accessed September 2023.

Response F-7

The commenter states that the project would introduce a sensitive receptor near Interstate 710 (I-710) and industrial facilities. The commenter requests that the City ensure policies are in place that will mitigate any air pollution issue for the project.

As discussed in Section 3, *Air Quality*, of the Draft IS-MND, CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* (2005) provides recommended buffer distances between sensitive land uses and potential sources of toxic air emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities). CARB recommends that local agencies avoid siting new, sensitive land uses within 500 feet of a freeway and 1,000 feet of a major rail yard. The project is located approximately 750 feet away from I-710 at its nearest distance to the freeway and would not be subject to a substantial source of diesel particulate matter (DPM) from truck traffic on the freeway. Furthermore, a mostly inactive railroad spur ROW abuts the project site to the south and connects to the freight railroad system approximately 730 feet west of the site; however, the project is not within 1,000 feet of a major rail yard. The nearest railyard is located approximately 2,500 feet northeast of the site.

The project is not located near ports, refineries, chrome plating facilities, dry cleaners, and gasoline stations; however, there are various industrial uses surrounding the site that use heavy-duty trucks and operate other machinery. CARB recommends that local agencies avoid siting new, sensitive land uses within 1,000 feet of a distribution center, particularly away from entry and exit points of these uses. Warehousing, wholesalers, and resin manufacturing uses are located south of the site across the railroad spur with additional industrial uses located approximately 850 north of the site.

However, entrances and exits to the industrial uses are located along Slauson Avenue, approximately 500 feet away from the project site, and are only accessible from Slauson Avenue. Therefore, truck traffic associated with these uses would not travel through K Street. Furthermore, The Salvation Army's Building 1 and Building 2 are located between the project site and industrial uses to the north and would serve as a buffer between these uses. Although the project's outdoor areas would be subject to air pollutant emissions and odors from heavy-duty trucks and other machinery, the project would include MERV 13 filtration as part of project design to remove most pollutants from intake air and improve indoor air quality.

Response F-8

The commenter states that a lack of commitment to stringent cleanup at the site before project development will lead to discriminatory land use practice per 2 CCR Section 12161. The commenter requests that the City ensure that the project does not have a discriminatory impact on the low-income community it seeks to serve.

Refer to Response F-2 and F-4 for a summary of investigations regarding on-site contamination and revisions to Mitigation Measure HAZ-1 for added clarity. These revisions are also outlined in the Errata (Appendix K) of the Final IS-MND.

Response F-9

The commenter concludes that it is difficult to understand how impacts from on-site contamination will be reduced with current mitigation. The commenter adds that they appreciate the opportunity to comment on the Draft IS-MND.

Refer to Response F-4 for revisions to Mitigation Measure HAZ-1 for added clarity. These revisions are also outlined in the Errata (Appendix K) of the Final IS-MND.

Kerry Shapiro
kshapiro@jmbm.com

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June 16, 2023

BY EMAIL

Rodrigo Pelayo
Associate Planner
City of Bell
rpelayo@cityofbell.org

Re: Mitigated Negative Declaration
GPA 2022-02, ZC 2022-01, TPM No. 83748,
SPR 2022-15, & CUP 2022-04)

Dear Mr. Pelayo:

I represent CEMEX Construction Materials Pacific, LLC ("CEMEX"), operator of the CEMEX – Bell Terminal, located adjacent to the above-referenced project (the "Project Location"). On June 9, 2023 we requested a 30-day extension of the public comment period for the City's Notice of Intent to Adopt a Mitigated Negative Declaration ("NOI"), based upon the City's failure to provide timely notice to CEMEX, despite its knowledge for over two weeks that the notice was deficient and had been returned to the City. In reply, and based upon the apparent time constraints of the applicant's consultant, the City's Community Development Director, granted to CEMEX a wholly inadequate **four days** extension to comment, while also assuring CEMEX that it would have an additional opportunity to provide further comment "during the public hearing notice period and at the public hearing, tentatively scheduled in mid-July or early August." Due to this this inadequate amount of time, ***CEMEX is unable to provide comments within this truncated time, but will take the City at its word and avail itself of the opportunity to comment at the public hearing.***

G-1

First, we are disappointed by the City's apparent delegation of CEQA decision-making to the applicant's environmental consultant, as the City retains ultimate responsibility as the lead agency for CEQA compliance.¹ Public participation comprises a mandatory and essential component of CEQA, and the public holds a "privileged position" in the CEQA process.²

G-2

Second, the four-day comment period has not provided CEMEX enough time to read and digest the MND and other project documents, and then prepare meaningful written comments. Thus,

¹ CEQA Guidelines § 15367.

² *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.

despite concerns we have started to identify regarding the adequacy of the CEQA review for the Project, we will not be providing specific comments within this four-day comment period.

↑
G-2

Third, although the City has assured us that the public hearing process provides an adequate avenue for public participation, the timing appears inconsistent with CEQA's command to respond to environmental considerations *before* an agency becomes committed to it as a practical matter.³ CEMEX is concerned that providing comments so late in the public hearing process may be "too far down the road" to meaningfully inform the City of its concerns.

↑
G-3

Lastly, to the extent the City is asserting CEMEX was not entitled to notice regarding the MND, such assertion would conflict with the City's conduct in attempting (albeit unsuccessfully) to provide notice of the MND to CEMEX. Further, participation in the CEQA process is public: it is not limited to property owners. Because CEMEX operates at an adjacent property, CEMEX is among the parties that would experience the greatest effects of any development on the Project Location, , and thus would be most entitled to and in need of notice of this MND. in order to gain an understanding of the environmental consequences of such development, and the adequacy of any such effort.

↑
G-4

Accordingly, we request the City provide CEMEX and our office with all future notices associated with the above-referenced Project and MND.

Sincerely,



KERRY SHAPIRO of
Jeffer Mangels Butler & Mitchell LLP

cc: Manuel Acosta (macosta@cityofbell.org)
David Aleshire (daleshire@awattorneys.com)

³ See, *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, discussing prior commitment.

Letter G

COMMENTER: Kerry Shapiro, Jeffer Mangels Butler & Mitchell LLP (on behalf of CEMEX)

DATE: June 16, 2023

Response G-1

The commenter reiterates that they represent CEMEX and points back to their previous comment letter dated June 9, 2023 in which they requested a 30-day extension of the public comment period. The commenter states that the City granted CEMEX an additional four days extension to provide comments on the project with the opportunity to provide further comment during the upcoming public hearing notice period and at the public hearing. The commenter notes that CEMEX is unable to provide comments within the four additional days but will take the City at their word regarding the opportunity to comment at the upcoming public hearing for the project.

Refer to Response C-1 for a summary of the commenter's previous letter dated June 9, 2023. The comment is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND.

Response G-2

The commenter states that the City, as lead agency, is responsible for CEQA compliance and public participation is an essential component of CEQA. The commenter adds that they have identified concerns regarding the adequacy of the CEQA review for the project but clarifies that CEMEX will not be providing specific comments during the four additional days granted by the City.

The comment is noted. Although the commenter states they have identified concerns regarding the adequacy of the CEQA review, they do not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND. No additional comments have been received by the City from CEMEX during the preparation of the Final IS-MND.

Response G-3

The commenter states that CEMEX is concerned that provided comments late in the public hearing process may be "too far down the road" to inform the City of their concerns in a meaningful manner.

Although the commenter states they have identified concerns regarding the adequacy of the CEQA review, they do not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND. No additional comments have been received by the City from CEMEX during the preparation of the Final IS-MND. Nonetheless, per CEQA Guidelines Section 15074(b), the City is obligated to consider an MND together with any comments received during the public review process, including the public hearing, prior to approving a project.

Response G-4

The commenter states that, as a property adjacent to the project site, CEMEX is among the parties that would be most entitled to and require notice of the IS-MND for the project to understand the

project's impacts and adequacy of the environmental analysis. The commenter requests that the City provide CEMEX with future notices associated with the project.

The comment is noted; however, it does not raise any significant environmental issues or raise other issues on the adequacy of the environmental analysis included in the Draft IS-MND. The City will provide CEMEX with a Notice of Public Hearing for the Planning Commission meeting and will accept additional comments during the "public comment" segment of the upcoming Planning Commission meeting scheduled for late September 2023.