

PLANNING COMMISSION  
Albert Enault, Chair  
Kristina Elder, Vice Chair  
Herbert Dardon, Commissioner  
Vinay Tewari, Commissioner  
Terrence West, Commissioner



PLANNING COMMISSION MEETING

**A G E N D A**  
**REGULAR MEETING OF THE SUISUN CITY**  
**PLANNING COMMISSION**  
**TUESDAY, SEPTEMBER 24, 2024**  
**6:30 PM**

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**Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California**

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*PLANNING COMMISSION MEETINGS ARE HELD IN-PERSON  
PUBLIC PARTICIPATION IS ALSO AVAILABLE VIA ZOOM  
ZOOM MEETING INFORMATION:  
WEBSITE: <https://zoom.us/join>  
MEETING ID: **856 2648 8324**  
CALL IN PHONE NUMBER: (707) 438-1720*

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE PLANNING COMMISSION MEETING BY EMAILING  
[CLERK@SUISUN.COM](mailto:CLERK@SUISUN.COM) (PRIOR TO 4 PM), VIA WEBSITE OR ZOOM CALL IN PHONE NUMBER: (707) 438-1720.*

*(If attending the meeting via phone press \*9 to raise your hand and \*6 to unmute/mute for public comment.)*

(Next Resolution No. PC 24-11)

**ROLL CALL**

Planning Commissioners  
Pledge of Allegiance  
Invocation

**CONFLICT OF INTEREST NOTIFICATION**

*(Any items on this agenda that might be a conflict of interest to any Commissioners should be identified at this time.)*

**REPORTS: (Informational items only.)**

1. City Staff.

## **PUBLIC COMMENTS**

*(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)*

## **CONSENT CALENDAR**

*Consent calendar items requiring little or no discussion may be acted upon with one motion.*

2. Planning Commission Approval of the Minutes of the Regular Meeting of the Suisun City Planning Commission held on July 9, 2024, and September 10, 2024- (Vasquez: bvasquez@suisun.com).

## **PUBLIC HEARING**

3. PUBLIC HEARING: Resolution PC24-\_\_\_; A Resolution of the Planning Commission of the City of Suisun City Approving Conditional Use Permit No. CUP 24/25-001 for a Convenience Market Located at 601 Main Street (Assessor's Parcel Number 0032-122-130).

## **GENERAL BUSINESS**

4. Official Director's Interpretation: Planning Commission evaluation and review of Director's determination regarding proposed uses within the Waterfront District Specific Plan area - (Bermudez: jbermudez@suisun.com).

## **REPORTS: (Informational items only.)**

5.
  - a. Commission Members
  - b. Commission Chairperson

## **ADJOURNMENT**

### **Public Access To Agenda Documents**

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council /Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting related to an agenda item for the open session of this meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The city may charge photocopying charges for requested copies of such documents. To the extent feasible, the agenda packet is available for online public viewing on the City's website: <https://www.suisun.com/Government/City-Council/Agendas>

The City Council/Agency/Authority hopes to conclude its public business by 10:00 p.m. No new items will be taken up after 10:00 p.m., unless so moved by a majority of the City Council, and any items remaining will be agendaized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.

### **Accommodations**

If you require an accommodation to participate in this meeting, please contact the City Clerk at (707) 421-7302 or [clerk@suisun.com](mailto:clerk@suisun.com). The City's reasonable accommodation policy is available for review on the City's website at [www.suisun.com/government/city-council/](http://www.suisun.com/government/city-council/), you may request an electronic copy or have a copy mailed to you. Please

note that for accommodations that are not readily available, you must make your request as soon as you can prior to the time of the meeting.

**Decorum**

All participants are expected to conduct themselves with mutual respect. Conduct that disrupts meetings will be addressed in accordance with Section 54957.95 of the Government Code.

**Ordinances**

Ordinances are city laws contained in the Suisun City Municipal Code. Enacting a new city law or changing an existing one is a two-step process. Government Code 36934 provides, except when, after reading the title, further reading is waived by regular motion adopted by majority vote all ordinances shall be read in full either at the time of introduction or passage; provided, however, that a reading of the title or ordinance shall not be required if the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

**Certification Of Posting**

Agendas for regular and special meetings are posted in accordance with the Brown Act at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including:

- Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA;
- Joe Nelson Center, 611 Village Drive, Suisun City, CA;
- Harbor Master Office, 800 Kellogg Street, Suisun City, CA.

I, Bianca Vasquez, Administrative Assistant for the City of Suisun City, declare under penalty of perjury that the above agenda was posted and available for review, in compliance with the Brown Act.

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PLANNING COMMISSION  
Albert Enault, Chair  
Kristina Elder, Vice Chair  
Herbert Dardon, Commissioner  
Vinay Tewari, Commissioner  
Terrence West, Commissioner



PLANNING COMMISSION MEETING

**MINUTES**  
**REGULAR MEETING OF THE SUISUN CITY**  
**PLANNING COMMISSION**  
**TUESDAY, JULY 9, 2024**  
**6:30 PM**

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**Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California**

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**NOTICE**

*Pursuant to Government Code Section 54953(b) the following City Council meeting includes teleconference participation by:*

- *Commissioner Tewari from: Windes, 2050 Main Street, Irvine, CA 92614*

*PLANNING COMMISSION MEETINGS ARE HELD IN-PERSON  
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*ZOOM MEETING INFORMATION:*

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(Next Resolution No. PC 24-04)

**ROLL CALL**

Chairperson Enault called the meeting to order at 6:34 pm with the following Planning Commissioners present:

**PRESENT: Commissioners: Dardon, West, Tewari, Enault**

**ABSENT: Commissioners: Elder**

Pledge of Allegiance led by Commissioner Dardon

Invocation led by Development Services Director Bermudez

**CONFLICT OF INTEREST NOTIFICATION - NONE**

*(Any items on this agenda that might be a conflict of interest to any Commissioners should be identified at this time.)*

## **REPORTS: (Informational items only.)**

1. City Staff - None

## **PUBLIC COMMENTS**

*(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)*

Steve Olry commented on concerns with the events of the Fourth of July.

Donna LeBlanc commented on projects within the City.

George Guynn commented on efficiency in penalizing illegal activities.

Online Public Comment: Michelle Chavez commented on fires and disruptions caused by illegal fireworks.

## **CONSENT CALENDAR - NONE**

*Consent calendar items requiring little or no discussion may be acted upon with one motion.*

## **PUBLIC HEARING**

2. **Highway 12 Logistics Center Project:** Approval of Annexation, General Plan Amendment, Prezone, and Certification of the Environmental Impact Report (EIR) and approval of the Planned Unit Development to develop 1.28 million square feet of warehouse and logistics uses on approximately 93 acres within a 487-acre project site (Assessor's Parcel Numbers 0032-190-190; 180; 170; 200; 260; 160; and 0032-010-390; 0032-020-100; 140; 160; and 0046-010-280; and 390) - (Bermudez: jbermudez@suisun.com):
  - a. Planning Commission Adoption of Resolution No. PC 24-05: Recommending that the City Council certify the Final Environmental Impact Report for the Highway 12 Logistics Center Project, Adopt the CEQA Findings of Fact and Statement of Overriding Considerations, adopt a Mitigation Monitoring Program, and Authorize the filing of a Notice of Determination in accordance with the California Environmental Quality Act for the Highway 12 Logistics Plan Project; and
  - b. Planning Commission Adoption of Resolution No. PC 24-06: Recommending the City Council of the City of Suisun City to Approve General Plan Amendment No. GP 24-01, Re-Designating APN 0032-190-260, and 0032-190-160 to 13.41 Acres of Commercial Mixed Use for the Highway 12 Logistics Project; and
  - c. Planning Commission Adoption of Resolution No. PC 24-07: Recommending the City Council of the City of Suisun City, to Amend the Suisun City Zoning Map for APN 0032-010-390, 0032-190-260, and 0032-190-160 to Prezone the Property to 53.5 Acres of Commercial Services and Fabricating (CSF) and 107.5 Acres of Open Space (OS) for the Highway 12 Logistics Project; and
  - d. Planning Commission Adoption of Resolution No. PC 24-08: Approving a Planned Unit Development Application to the PD 24-01, for a Warehouse and Logistics Project, Elevations and Site Plans, and Granting the Deviations to Development Standards for the Highway 12 Logistics Center Project; and
  - e. Planning Commission Adoption of Resolution No. PC 24-09: Recommending the City Council of the City of Suisun City, to Approve and Submit an Application to the Solano County LAFCO for Annexation/Reorganization of the Highway 12 Logistics Project.

Development Services Director Bermudez introduced David Wade from Wade and Associates and Associate Vice President, Matthew Gerken from AECOM to provide a presentation on the Project.

After discussion from Commissioners, Applicants and Staff, Chairperson Enault called recessed for five minutes at 7:54 pm and called meeting back to order at 8:01 pm.

Commissioners asked clarifying questions and Mr. Gerken, Public Works Director Vue, and Applicants commented on Project and answered clarifying questions from Commissioners.

Public Comments made in person by the following:

Kevin Carmichael commented on behalf of *Napa/Solano Residents for Responsible Development*, in opposition of the project.

Mike Zeiss commented on behalf of *Solano County Orderly Growth Committee*, asking for a continuation to modify the blueprint to include improvement to mitigation.

Donna LeBlanc commented on the volume of material of the item and suggested a continuation.

Steven Chappell asked for a continuation for further review and clarification on the reduced alternatives.

Steve Olry commented on the confusion in dialogue and asked for further review of the project.

George Guynn commented on money generation with projects within the city and transportation balance.

James Berg commented on a need for public to review further and asked questions concerning the project.

Online Public comment made by Michelle Chavez regarding clarification of location proximity to Railroad and traffic study.

After further discussion from Commissioners, Applicants, and staff, Chairperson Enault recessed for five minutes at 9:27 pm. Chairperson Enault called the meeting back to order at 9:34 pm.

Chairperson Enault opened up to deliberate with Commissioners on recommendations to City Council for the project. The following comments were made by Commissioners:

- Unavoidable significant impacts with both the original and alternative project.
- Not a good idea to choose a lesser project when the Army Corps of Engineers may impose further restrictions on the project.
- Rather go with the holistic project knowing the unavoidable impacts and knowing the conversation with the Army Corps would lead to a middle ground with the preservation of wetlands.
- Not clear on the position of the Army Corps of Engineers on both projects.
- Maintaining the original plan would be beneficial for businesses, higher revenue and employment.
- Clarification on the entire original project (1.2 million square feet) to have no reduced footprints.

Applicant's Attorney Jim Moose commented that if recommending full project a motion for Staff to change the documentation to reflect recommendation; including the approval resolution and CEQA findings.

Chairperson Enault clarified why the full project is more feasible than the alternative project with the following remarks:

- Alternative 2 would substantially reduce the financial benefit that the City would gain.
- Reduce a significant amount of jobs that the City would have.
- Reduction in frontage improvements that could be attained as a whole project to benefit holistically for frontage and aesthetics improvements for the city.
- There are still mitigation measures in play for biological resources that would be able to mitigate those resources at the project for reserving them or creating them elsewhere.

Commissioner West motioned and Commissioner Dardon seconded the following motions:

Motion to approve staff recommendation to adopt Resolution (**PC 24-04**), hereby recommending that the City Council consider approval of the original proposed Highway 12 Logistics Center and Revise the CEQA Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring Program, and related documentation to reflect the original proposed project of up 1.28 million square feet of building square footage instead of the reduced footprint alternative.

Motion was made to approve the remainder of the Resolutions along with an amendment with the additional conditions to the Planned Unit Development Resolution to add double row of trees along Highway 12, increase landscape along Pennsylvania Avenue to not have trees conflict with the public utility easements, add another sign along Cordelia avenue consistent with the one along Highway 12 and pushback basin to allow room for a consistent row of landscaping along Pennsylvania Avenue.

**AYES: Commissioners: West, Dardon, Tewari, Chair Enault**

**ABSTAIN: Commissioners: None**

**ABSENT: Commissioners: Elder**

**GENERAL BUSINESS - NONE**

**REPORTS: (Informational items only.)**

- a. Commission Members – Commissioner Dardon spoke in favor of the Fourth of July event.
- b. Commission Chairperson - Congratulated Vice Chair Elder with the new addition to her family.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 10:32 pm.

**From:** [Pete Sheehan](#)  
**To:** [Jim Bermudez](#); [City Clerk](#)  
**Subject:** [External]GSEJA Public Comment Highway 12 Logistics Center Project EIR Suisun Planning Commission 7-9-24 Public Hearing Item 2  
**Date:** Monday, July 8, 2024 10:04:33 AM  
**Attachments:** [2024 City of Suisun Hiway 12 Logistics Center.pdf](#)  
[GSEJA Letter Highway 12 Logistics Center Project EIR.pdf](#)

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**Subject:** GSEJA Public Comment Highway 12 Logistics Center Project EIR Suisun Planning Commission 7-9-24 Public Hearing Item 2

To Whom It May Concern,

Attached and below are public comments on behalf of Golden State Environmental Justice Alliance. These comments are submitted to the Planning commission to be included in the record for the Planning Commission Meeting 7-9-24 Public hearing Item 2 Highway 12 Logistics Center Project EIR.

For clarification purposes, only the highlighted yellow portion of the body of this email is the public comment to be added into the record along with the two attachments.

Please confirm receipt of this email.

#### Public Comment

Good evening, my name is Pete Sheehan and I'm with the Golden State Environmental Justice Alliance. We submitted a comment letter to the Draft Environmental Impact Report. Our letter identified several deficiencies with the EIR.

During these turbulent times, we as citizens expect and deserve our local government's elected and appointed officials to protect us from environmental and social injustice, to aid in the preservation and rehabilitation of the environment in which we all share, and to ensure accountability and responsibility regarding the environmental decisions they may make.

We stand by our comment letter and believe the EIR is flawed and must be redrafted and recirculated for public review. In closing we call on this commission to be a leader on the aforementioned issues and be the first line of defense for our citizenry and environment. Only by working together can we continue to be excellent stewards of our environment, outstanding stewards to our citizens and each other. Thank You.

Please confirm receipt of this email.

Thank You,

Pete Sheehan

**BLUM, COLLINS & HO LLP**

ATTORNEYS AT LAW  
AON CENTER  
707 WILSHIRE BOULEVARD  
SUITE 4880  
LOS ANGELES, CALIFORNIA 90017  
(213) 572-0400

October 17, 2023

Jim Bermudez  
Development Services Director  
City of Suisun City  
701 Civic Center Blvd.  
Suisun City, CA 94585

VIA EMAIL TO:  
jbermudez@suisun.com

*SUBJECT: Comments on Highway 12 Logistics Center EIR (SCH NO. 2021040016)*

Dear Mr. Bermudez,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Highway 12 Logistics Center 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**

The approximately 486-acre Project Site is in unincorporated Solano County, California, within the City of Suisun City Sphere of Influence. The project proposes to annex and pre-zone 161 acres of the approximately 486-acre Project Site into the City of Suisun City and develop 1.28 million square feet of warehouse and logistics uses on approximately 93 acres (referred to as the "development area" in the EIR). The remainder of the annexation area is proposed as managed open space. The portion of the Project Site not proposed for annexation is outside the City's Sphere of Influence (SOI), is not proposed for any SOI change or annexation, and is proposed for managed open space. This open space would be managed consistent with the Suisun Marsh Protection Plan and in accordance with any required permit conditions imposed by applicable regulatory agencies. The Project proposes an amendment to the City's General Plan Land Use Diagram so that the proposed development and conservation areas are consistent with the General Plan's Commercial Mixed Use and Open Space land use designations.

## 4.2 Air Quality and 4.6 Greenhouse Gas Emissions and Energy

Please refer to attachments from SWAPE for a complete technical commentary and analysis.

The EIR does not include meaningful analysis of relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0<sup>1</sup>, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6095252402) is highly burdened by pollution. The surrounding community bears the impact of multiple sources of pollution and is more polluted than average compared to the rest of the State in many pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 59th percentile for traffic burdens. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births<sup>2</sup>.

The census tract ranks in the 88th percentile for hazardous waste facility impacts. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people<sup>3</sup>. The census tract also ranks in the 53rd percentile for solid waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilities are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations<sup>4</sup>. The census tract also ranks in the 59th percentile for toxic releases. People living near facilities that emit toxic releases may breathe contaminated air regularly or if contaminants are released during an accident<sup>5</sup>.

The census tract ranks above average in several areas that impact water quality. The census tract ranks in the 59th percentile for impaired waters. Water pollution can harm wildlife habitats and change the number and types of plants and animals in the environment<sup>6</sup>. When fish and shellfish

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<sup>1</sup> CalEnviroScreen 4.0 <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

<sup>2</sup> OEHHA Traffic <https://oehha.ca.gov/calenviroscreen/indicator/traffic-density>

<sup>3</sup> OEHHA Hazardous Waste Generators and Facilities  
<https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities>

<sup>4</sup> OEHHA Solid Waste Facilities <https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities>

<sup>5</sup> OEHHA Toxic Releases <https://oehha.ca.gov/calenviroscreen/indicator/toxic-releases-facilities>

<sup>6</sup> OEHHA Impaired Waters <https://oehha.ca.gov/calenviroscreen/indicator/impaired-water-bodies>

are contaminated, people who eat them can be exposed to toxic substances<sup>7</sup>. The census tract also ranks in the 86th percentile for groundwater threats. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes<sup>8</sup>.

Further, the census tract is a diverse community including 42% Hispanic, 10% African-American, and 14% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 76% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community has a high rate of poverty, meaning 64% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care<sup>9</sup>. Poor communities are often located in areas with high levels of pollution<sup>10</sup>. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution<sup>11</sup>. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 68th percentile for incidence of cardiovascular disease and 95th percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 79% of the census tract speaks little to no English and faces further inequities as a result.

Additionally, the project census tract (6095252402) and the census tract adjacent to the northeast of the project site (6095252502) are identified as SB 535 Disadvantaged Communities<sup>12</sup>. This indicates that cumulative impacts of development and environmental impacts in the area are disproportionately impacting these communities. The EIR does not discuss that the project site and surrounding area are disadvantaged communities and does not utilize this information in its analysis. The negative environmental, health, and quality of life impacts of the warehousing and logistics industry in the area have become distinctly inequitable. The severity of impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR.

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<sup>7</sup> Ibid.

<sup>8</sup> OEHHA Groundwater Threats <https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats>

<sup>9</sup> OEHHA Poverty <https://oehha.ca.gov/calenviroscreen/indicator/poverty>

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> OEHHA SB 535 Census Tracts <https://oehha.ca.gov/calenviroscreen/sb535>

California's Building Energy Code Compliance Software (CBECC) is the State's only approved energy compliance modeling software for non-residential buildings in compliance with Title 24<sup>13</sup>. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. A revised EIR with modeling using the approved software (CBECC) must be circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not the approved software.

#### **4.7 Hazards, including Wildfire, and Hazardous Materials**

The Travis Air Force Base Airport Land Use Compatibility Plan<sup>14</sup> (TAFB ALUCP) depicts the project site within Airport Influence Area (AIA) Zone D. The EIR does not provide any information regarding ALUC review of the project. TAFB ALUCP Section 6.1.4(a)(1): Actions Which Always Require Airport Land Use Commission Review states that "The adoption or approval of any amendment to a general or specific plan affecting the property within an AIA (State Aeronautics Act Section 21676(b))." The project proposes an amendment to the City's General Plan Land Use Diagram to change the General Plan land use designation for a portion of the project site from Open Space to Commercial Mixed Use. The project also proposes a change to the Vehicular Circulation Diagram in the Transportation Element of the General Plan to depict Cordelia Road and Pennsylvania Avenue in areas adjacent to the Project Site as two-lane Arterials rather than four-lane Arterials. Therefore, Solano County Airport Land Use Commission (SCALUC) review is required for the proposed project.

The EIR is misleading to the public and decision makers by excluding the required airport compatibility review beyond that of the City. Delaying SCALUC review until after the CEQA process is implementation of the project prior to CEQA review and deferred mitigation in violation of CEQA. The EIR cannot conclude that the project has less than significant impacts until and unless it includes the SCALUC review and determination. A revised EIR must be prepared which includes a review and determination letter regarding the proposed development plans from the SCALUC.

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<sup>13</sup> California Energy Commission 2022 Energy Code Compliance Software  
<https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1>

<sup>14</sup> Travis Air Force Base ALUCP  
<https://www.solanocounty.com/civicax/filebank/blobdload.aspx?BlobID=34765>

#### **4.9 Land Use and Planning, Including Agriculture Resources, Population, and Housing**

The EIR does not provide any substantial or meaningful evidence to support the claim that the project does not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. A revised EIR must be prepared to provide a consistency analysis with all of the most updated versions of the General Plan objectives, goals, policies, and actions, including but not limited to the following:

1. Goal CCD-1 Maintain and Strengthen the Character of Suisun City through Changes in the Built Environment.
2. Objective CCD-1 Enforce design policies and standards that ensure a unique sense of place in new developments so that the City's overall design character is improved between present and 2035.
3. Policy CCD-1.1 The City will review and condition new developments, as necessary, to ensure that development is consistent with the desired future character of the City. This review will take into consideration the size, location, orientation, and height of buildings, as well as proposed signs, fences, drainage, walls, landscaping, and lighting.
4. Policy CCD-1.2 The City will require the use of durable, high-quality building materials to reduce maintenance and replacement needs and ensure the aesthetic appeal of new developments.
5. Policy CCD-1.3 The architectural style, exterior materials, and other design features of accessory buildings, including garages, shall complement the primary structure.
6. Policy CCD-1.5 New developments should locate and size proposed surface parking areas in a way that reduces the visual dominance of parking as viewed from the front property line. In general, street frontages should be composed of building fronts and complementary landscaping, with parking located to the side or rear of the site.
7. Policy CCD-1.6 Proposed buildings of more than 20,000 square feet in gross floor area shall use balconies, bay windows or other window treatments, pitched roofs, arcades, or other architectural features to provide visual interest.
8. Policy CCD-1.10 The City will encourage the use of public art within new development projects. Policy CCD-1.11 The City will require that development projects outside the Downtown incorporate improvements that improve connectivity with the Downtown.
9. Policy CCD-1.17 Trash bins, HVAC equipment, and other required mechanical equipment should be located in areas that are accessible for their intended use and screened from view along public rights-of-way.

10. Policy CCD-1.18 Colors and logos associated with a company shall not be a significant architectural element in any new development. Commercial signage should be restrained in size and height and shall not involve any more than one square foot of building signage for each linear foot of building frontage facing a public street.
11. Goal CCD-4 Design Streetscapes to Create Attractive and Comfortable Spaces for People.
12. Objective CCD-4 Provide a comfortable visual environment along streetscapes throughout the community.
13. Policy CCD-4.1 New streets shall provide comfortable travel areas for pedestrians, bicyclists, and drivers to facilitate multi-modal travel for people of all ages.
14. Goal LU-4. Ensure growth patterns that promote long-term economic prosperity and make efficient use of resources.
15. Objective LU-4 Provide coordinated land use and public infrastructure planning in a way that increases service efficiencies, minimizes environmental impacts, and reduces ongoing costs to the City.
16. Policy LU-4.3 Annexation requests shall provide an analysis of infrastructure and public facilities demand, as well as the financing necessary to support planned development.
17. Policy LU-4.8 The City will use performance-based standards to address important aspects of land use compatibility (air, noise, vibration, heavy truck traffic, light, and glare) without impeding mixed-use infill development.
18. Goal T-1 Provide an efficient, safe transportation system that is free of barriers to travel by all segments of Suisun City's population.
19. Objective T-1 Develop, maintain, and enforce transportation performance standards and public improvement standards that implement the 2035 General Plan.
20. Policy T1.1 The City will review and condition developments to maintain level of service E or better during peak travel periods, as feasible.
21. Policy T1.3 The City's Level of Service policy will be implemented in consideration of the need for pedestrian and bicycle access, the need for emergency vehicle access, and policies designed to reduce vehicle miles traveled.
22. Policy T2.1 The City will require and maintain an interconnected street network with short blocks to support pedestrian, bicycle, transit, automobile, and emergency access.
23. Policy T2.2 New streets shall be arranged in a grid or other highly connected pattern so that pedestrians, bicyclists, and drivers have multiple, direct routes to nearby destinations.
24. Policy T2.5 The City prefers direct connections that allow cars, bikes, and pedestrian through traffic over "doglegs" or "T" intersections.

25. Goal T-3 Manage travel demand in order to reduce up-front and ongoing cost of transportation infrastructure, enhance local mobility, improve air quality, and improve the local quality of life.
26. Objective T-3 Vehicle miles traveled (VMT) by Suisun City residents and to Suisun City destinations should increase at a lower rate than that of population and employment growth.
27. Policy T3.4 The City's analytical methods, review requirements, impact fees, and investments will be designed and implemented, in part, to reduce VMT by Suisun City residents and to local commercial and employment uses.
28. Policy T3.6 New developments that would accommodate 100 full or part-time employees or more are required to incorporate feasible travel demand management strategies, such as contributions to transit/bike/pedestrian improvements; flextime and telecommuting; a carpool program; parking management, cashout, and pricing; or other measures, as appropriate, to reduce travel demand.
29. Policy T4.2 The City will manage truck traffic, freight rail, and hazardous materials movements in a way that is protective of the public and environmental health, in collaboration with Caltrans, Solano County, the California Highway Patrol, the California Public Utilities Commission, and the Union Pacific Railroad.
30. Objective T-6 Increase the share of work and non-work trips by Suisun City residents and to Suisun City destinations for walking (by 1%), bicycling (by 0.3%), and public transit (by 2.6%) compared to that documented by the 2000 U.S. Census and ABAG.
31. Policy T6.12 New building frontages shall be oriented to pedestrians. Primary pedestrian entries to nonresidential buildings should be from the sidewalk, not from parking areas.
32. Policy T6.13 New developments shall provide pathways that link to sidewalks, trails, streets, and adjacent transit stops.
33. Policy T6.14 Lockers and showers for cyclists shall be provided for new developments that would accommodate 100 or more full or part-time employees.
34. Goal T-7 Maintain an adequate supply of parking and avoid oversupply of parking that would unnecessarily increase urban water runoff, require expensive construction and maintenance, and discourage alternatives to vehicular travel.
35. Objective T-7 Reduce the proportion of parking spaces that are unused during the daytime, evenings, or weekends.
36. Policy T7.1 Parking shall be located and designed to facilitate convenient pedestrian access to and from buildings, trails, sidewalks, and transit stops.
37. Policy T7.3 New developments should optimize and make use of onstreet parking spaces prior to proposing additional surface parking.

38. Policy T7.8 New developments shall break up and distribute any proposed surface parking and shall provide adequate landscaping to achieve at least 50percent shading of parking areas at maturity.
39. Policy T7.11 New developments that require loading areas shall provide these facilities in a way that does not conflict with pedestrian, bicycle, transit, or automobile circulation.
40. Policy OSC-7.2 The City will require demonstration of adequate long-term water supply for large development projects, as defined in Water Code 10912(a) (also known as Senate Bills 610 and 221).
41. Policy OSC-7.3 The City will condition approval of new developments on the availability of sufficient water supply, storage, and fire flow (water pressure), per City standards.
42. Policy OSC-7.8 New developments shall incorporate climate-appropriate landscaping to reduce water demand and ongoing maintenance costs.
43. Goal PHS-17 Reduce the Potential for Human Injury or Property Damage Resulting from Activities at Travis Air Force Base.
44. Objective PHS-17 Promote the ongoing mission of Travis AFB, while avoiding local risks related to ongoing operations.

This is vital as the EIR concludes that the project will have significant and unavoidable impacts to Aesthetics and Visual Resources (cumulatively considerable), Greenhouse Gas Emissions (cumulatively considerable), and Noise and the Land Use and Planning analysis has not considered these impacts in analyzing the project's conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. It is clear that the project conflicts with several General Plan goals, policies, and objectives adopted for the purpose of avoiding or mitigating an environmental effect, as well as state laws adopted to reduce GHG emissions. Therefore, the EIR must be revised to include a finding of significance in the Land Use and Planning analysis.

Further, the EIR does not discuss that the proposed project site is designated as Conservation: Higher Priority in Exhibit 7-3: Open Space Diagram of the Open Space and Conservation chapter of the General Plan<sup>15</sup>. An additional General Plan Amendment is required to amend Exhibit 7-3 and the EIR has not analyzed this requirement or stated that it is part of the proposed project application. The EIR must be revised to provide this information for analysis and include a finding of significance due to this significant and unavoidable impact.

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<sup>15</sup> Suisun City Open Space and Conservation Element of the General Plan  
<https://www.suisun.com/files/sharedassets/suisuncity/v/2/departments/development-services/planning/documents/chapter-7-through-glossary.pdf>

The Travis Air Force Base Airport Land Use Compatibility Plan<sup>16</sup> (TAFB ALUCP) depicts the project site within Airport Influence Area (AIA) Zone D. The EIR does not provide any information regarding ALUC review of the project. TAFB ALUCP Section 6.1.4(a)(1): Actions Which Always Require Airport Land Use Commission Review states that “The adoption or approval of any amendment to a general or specific plan affecting the property within an AIA (State Aeronautics Act Section 21676(b)).” The project proposes an amendment to the City’s General Plan Land Use Diagram to change the General Plan land use designation for a portion of the project site from Open Space to Commercial Mixed Use. The project also proposes a change to the Vehicular Circulation Diagram in the Transportation Element of the General Plan to depict Cordelia Road and Pennsylvania Avenue in areas adjacent to the Project Site as two-lane Arterials rather than four-lane Arterials. Therefore, Solano County Airport Land Use Commission (SCALUC) review is required for the proposed project.

The EIR is misleading to the public and decision makers by excluding the required airport compatibility review beyond that of the City. Delaying SCALUC review until after the CEQA process is implementation of the project prior to CEQA review and deferred mitigation in violation of CEQA. The EIR cannot conclude that the project has less than significant impacts until and unless it includes the SCALUC review and determination. A revised EIR must be prepared which includes a review and determination letter regarding the proposed development plans from the SCALUC.

The EIR does not discuss or analyze the project’s compliance with the General Plan’s Land Use Buildout Scenario. The Land Use Element of the General Plan states that the 2035 General Plan accommodates “5.8 million square feet of non-residential development at buildout of the Land Use Diagram (Exhibit 3-3).” Since the project requires a General Plan Amendment to change a portion of the project site’s land use designation from Open Space to Commercial Mixed Use, the General Plan EIR did not analyze the buildout of this area with building floor space. Further, the proposed project’s 1,280,000 square feet represents 22% of the General Plan buildout for the Commercial Mixed Use land use designation, which is significant to be attributed to a single project. The EIR has not demonstrated that the proposed project is within the General Plan buildout scenario, including all cumulative development constructed, approved projects not yet constructed, and “projects in the pipeline.” A revised EIR must be prepared to include this analysis in order to provide an adequate and accurate environmental analysis.

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<sup>16</sup> Travis Air Force Base ALUCP  
<https://www.solanocounty.com/civicax/filebank/blobdload.aspx?BlobID=34765>

The EIR utilizes uncertain and misleading information to conclude that impacts to Population and Housing are less than significant. The EIR relies upon the statement that “approximately 96.6 percent of City residents commute to jobs outside of the city and 85 percent of local jobs within the city are filled by employees from outside of the city, mainly from the cities of Fairfield and Vacaville,” to support the conclusion that “the proposed Project supports the City’s goals to create opportunities to generate jobs and attract new employment-creating industries to Suisun City.” However, it is clear that there is a mismatch between the existing jobs and housing within the City and adjacent cities. Since the predominant majority of Suisun City residents commute outside of the City for work and the City subsequently imports workers from other cities to fill its jobs, there is a mismatch between the types of workers and jobs available within each jurisdiction. The proposed project will compound this problem unless the EIR provides meaningful evidence that the available workforce within the City is qualified for and interested in work in the industrial sector. The EIR must be revised to provide information and analysis on the City’s unemployed workforce. Otherwise, the project will rely on the entire labor force within an undefined distance, notably the greater Bay Area region, to fill the project’s construction and operational jobs will increase project VMT and emissions during all phases of construction and operations. A revised EIR must be prepared to account for longer worker trip distances as a result. Additionally, the revised EIR must also provide demographic and geographic information on the location of qualified workers to fill these positions in order to provide an accurate environmental analysis.

The EIR does not meaningfully discuss the project’s compliance with the Association of Bay Area Governments (ABAG) RTP/SCS (Plan Bay Area 2050). Plan Bay Area 2050’s Growth Pattern<sup>17</sup> notes that the North Solano County area (Dixon, Fairfield, Rio Vista, Suisun City, and Vacaville) will add 53,000 jobs between 2015 - 2050. Utilizing the EIR’s calculation of 1,275 employees, the project represents 2.4% of the North Solano County area employment growth from 2015 - 2050. A single project accounting for this amount of the projected employment and/or population over 35 years represents a significant amount of growth. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2015 and projects “in the pipeline” in Dixon, Fairfield, Rio Vista, Suisun City, and Vacaville to determine if the project will exceed Plan Bay Area 2050’s employment and/or population growth forecast for North Solano County. The amount of growth accounted for by cumulative projects multiplies exponentially when other commercial and industrial development activity approved since 2015 are added to the calculation. A revised EIR must be prepared to include this information for analysis and also include a cumulative development analysis of projects approved since 2015

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<sup>17</sup> Plan Bay Area 2050 Growth Pattern  
[https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease\\_December2020\\_GrowthPattern\\_Jan2021Update.pdf](https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease_December2020_GrowthPattern_Jan2021Update.pdf)

and projects in the pipeline” to determine if the proposed project exceeds ABAG’s and/or the City’s growth forecasts.

#### **4.12 Transportation and Circulation**

The EIR concludes that “the Project is expected to result in 14.2 home-based work daily VMT per employee, which is 1.6 VMT greater than the threshold. The Project would also increase total citywide daily VMT by approximately 10,000. Therefore, this impact would be potentially significant.” Of note, the citywide daily VMT includes the project’s truck traffic.

The EIR implements Table 4.12-3. TDM Plan as mitigation “designed to achieve the trip reduction, as required to reduce the commute trip VMT per employee from 14.2 to 12.6” to reduce impacts to less than significant levels.

However, this is unenforceable mitigation in violation of CEQA § 21081.6 (b). The EIR provides the following information regarding TDM plan implementation:

“As part of the TDM Plan, the Project applicant/contractor(s) shall monitor and report its effectiveness at reducing home-based work VMT per employee. Tenant/s shall submit annual reports to the City describing the specific TDM measures that are being implemented, the number of employees on-site, the daily vehicle trips generated by the Project, and length of the trips being generated by the Project. The report shall be prepared by an independent City-approved transportation planning/engineering firm. The TDM Coordinator will provide information to the firm to monitor implementation effectiveness of the approved TDM Plan. To assess the TDM Plan’s commute trip reductions, a baseline daily driveway count of vehicle trips shall be conducted before implementation of the TDM Plan and compared to the driveway count *after one year* of TDM Plan implementation. If the monitoring report shows that there was at least 11.3 percent commute trip VMT reduction, then the TDM Plan is *presumed* to effectively mitigate the Project impact on VMT. If the monitoring report shows that the TDM Plan *does not* reduce commute trip VMT by at least 11.3 percent, then the transportation planning/engineering firm *shall assess for financial penalties for non-compliance* and provide guidance for TDM Plan modification to achieve the VMT reduction goal.”

The mitigation of the TDM Plan is inadequate as it permits the proposed project to operate while exceeding VMT thresholds, and only be monitored on an annual basis while violations could occur at any time throughout the year (notably the busy holiday seasons). The EIR has not provided any quantified evidence that financial penalties for noncompliance will achieve VMT reductions to less than significant levels. It is not possible for the City to ensure that the TDM Plan will be implemented continuously, at all times, throughout the life of the project and maintain a VMT

reduction to less than significant levels at all times. The efficacy of the proposed TDM measures and reduction of VMT impacts below the applicable thresholds cannot be assured and the project's VMT impact is therefore significant and unavoidable. A revised EIR must be prepared to include a finding of significance because there is no possible assurance of the percentage of project employees that would utilize the TDM programs and mitigation of the project's VMT impact to less than significant is not feasible.

The EIR has not adequately analyzed the project's potential to result in inadequate emergency access. There are no exhibits adequately depicting the onsite turning radius available for emergency vehicles maneuvering throughout the site. Notably, the truck/trailer parking stalls are adjacent to the the truck/trailer loading docks for each building, as shown on the project site plan. These parking stalls that may be in use at any time and further restrict truck/trailer movement on the site. The EIR states that "the final site plan must be approved by the Suisun City Fire Department to ensure the emergency access routes meet requirements to facilitate the safe movement of emergency vehicles," which 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 revised EIR must be prepared to include a finding of significance due to these significant and unavoidable impacts.

## **6.0 Alternatives**

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include No Project (Buildout of Existing Land Use Designations) Alternative, Reduced Footprint Alternative, and Reduce Criteria Air Pollutant/GHG Emissions/Transportation Related Energy Consumption Alternative. The No Project (Buildout of Existing Land Use Designations) Alternative analyzes that "the current land use designations as set forth in the Suisun City General Plan would remain unchanged," and includes development of a 363,000 square foot project. The EIR relies upon CEQA Guidelines Section 15126.6(e)(2) to decide the components of the No Project alternative in stating that "a discussion of the "No Project" alternative must consider 'what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans.'" However, CEQA Guidelines Section 15126.6(e)(3)(B) states that "If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the 'no project' alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved." Since the proposed project requires the revision of an existing

land use/regulatory plan and is also a development project on identifiable property, the EIR must be revised to include a “No Project/No Build” Alternative in addition to an alternative which analyzes development of the site in accordance with existing land use designations (CEQA § 15126.6(e)).

The EIR does not evaluate a reasonable range of alternatives as only three alternatives are analyzed and the No Project/No Build alternative has been excluded. Table 6-7 Comparison of Impacts of the Alternatives to the Proposed Project is misleading to the public and decision makers as it does not identify that several impact areas of the alternative projects continue to have significant and unavoidable impacts, such as the significant and unavoidable Noise impacts under Alternative 2. Table 6-7 must be revised to clarify the impacts that remain significant and unavoidable under each alternative project, even if that significant impact is less than the impact of the proposed project.

The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a project that reduces all of the proposed project’s significant and unavoidable impacts to less than significant levels, or mixed-use project that provides affordable housing and local-serving commercial uses that may reduce VMT, GHG emissions, and improve Air Quality.

## **7.0 Other CEQA Considerations**

Table 2-1. Analyses Required by the CEQA Guidelines within the EIR states that the Irreversible Environmental Effects discussion required by CEQA Guidelines Section 15126.2(c) is found within Section 7 of the EIR. However, this analysis is not provided in Section 7 of the EIR or anywhere else within the EIR. The EIR must be revised to include a discussion of Irreversible Environmental Effects discussion as required by CEQA Guidelines Section 15126.2(c) in order to provide an adequate and accurate environmental analysis.

### **7.1 Growth-Inducing Impacts**

The EIR does not discuss or analyze the project’s compliance with the General Plan’s Land Use Buildout Scenario. The Land Use Element of the General Plan states that the 2035 General Plan accommodates “5.8 million square feet of non-residential development at buildout of the Land Use Diagram (Exhibit 3-3).” Since the project requires a General Plan Amendment to change a portion of the project site’s land use designation from Open Space to Commercial Mixed Use, the General Plan EIR did not analyze the buildout of this area with building floor space. Further, the proposed project’s 1,280,000 square feet represents 22% of the General Plan buildout for the Commercial Mixed Use land use designation, which is significant to be attributed to a single project. The EIR

has not demonstrated that the proposed project is within the General Plan buildout scenario, including all cumulative development constructed, approved projects not yet constructed, and “projects in the pipeline.” A revised EIR must be prepared to include this analysis in order to provide an adequate and accurate environmental analysis.

## **Conclusion**

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised 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,

A handwritten signature in black ink, appearing to be 'Gary Ho', with a stylized, overlapping loop structure.

Gary Ho  
Blum, Collins & Ho LLP

Attachments:

1. SWAPE Analysis



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

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October 13, 2023

Gary Ho  
Blum Collins LLP  
707 Wilshire Blvd, Ste. 4880  
Los Angeles, CA 90017

**Subject:           Comments on the Highway 12 Logistics Center Project (SCH No. 2021040016)**

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Dear Mr. Ho,

We have reviewed the August 2023 Draft Environmental Impact Report (“DEIR”) for the Highway 12 Logistics Center Project (“Project”) located in Suisun City (“City”). The Project proposes to construct 1,276,237-square-feet (“SF”) of warehouse space and 2,024 parking stalls on the 93.4-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project’s air quality and greenhouse gas 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 EIR should be prepared to adequately assess and mitigate the potential air quality and greenhouse gas impacts that the project may have on the environment.

## **Air Quality**

### **Failure to Implement All Feasible Mitigation to Reduce Emissions**

The DEIR concludes that the Project’s operational air quality emissions would be significant-and-unavoidable. Specifically, the DEIR estimates that the Project’s operational VOC and NO<sub>x</sub> emissions would exceed the applicable Bay Area Air Quality Management District (“BAAQMD”) thresholds (see excerpt below) (p. 4.2-32 – 4.2-33, Table 4.2-9).

**Table 4.2-9. Mitigated Annual and Average Daily Criteria Air Pollutant Operational Emissions**

Description	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Annual Emissions (tons)	<u>13.05</u>	7.19	2.81	0.82
Threshold of Significance (tons/year)	10	10	15	10
Exceeds Threshold?	Yes	No	No	No
Average Daily Emissions (pounds per day) <sup>1</sup>	<u>71.49</u>	<u>39.37</u>	15.39	4.48
Threshold of Significance (pounds per day)	54	54	82	54
Exceeds Threshold?	Yes	Yes	No	No

Source: Estimated by AECOM in 2023. See Appendix B for detailed modelling assumptions, outputs, and results.

Notes: NO<sub>x</sub> = oxides of nitrogen; PM<sub>10</sub> = particulate matter less than 10 microns in diameter; PM<sub>2.5</sub> = particulate matter less than 2.5 microns in diameter; ROG = reactive organic gases.

<sup>1</sup> Average daily emission estimates are based on the annual operational emissions divided by 365 days.

The DEIR concludes that the Project’s operational air quality impacts would be significant and unavoidable. Specially, the DEIR states:

“Implementation of Mitigation Measures 4.2-1c through 4.2-1j would reduce energy, area, and mobile source operational emissions associated with the proposed Project. As shown in Table 4.2-9, these mitigation measures would reduce operational emissions of NO<sub>x</sub> to below the BAAQMD thresholds. However, ROG emissions would still exceed the BAAQMD thresholds of significance and Project operations could result in a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.

There is no additional feasible mitigation. Therefore, this impact would be significant and unavoidable" (p. 4.2-32 – 4.2-33).

While we agree that the Project would result in significant air quality impacts, the DEIR’s assertion that this impact is significant-and-unavoidable is unreliable. 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.”<sup>1</sup>

The DEIR is therefore required under CEQA to implement all feasible mitigation to reduce impacts to a less-than-significant level. While the DEIR implements Mitigation Measure (“MM”) 4.2-1c through MM 4.2-1j, the DEIR fails to implement *all* feasible mitigation (p. 4.2-26 – 4.2-29). Consequently, the DEIR’s conclusion that Project’s air quality emissions would be significant-and-unavoidable is unsubstantiated. To reduce the Project’s air quality impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled

<sup>1</sup> “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>.

“Feasible Mitigation Measures Available to Reduce Emissions.” The Project should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

## Greenhouse Gas

### Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would result in net annual greenhouse gas (“GHG”) emissions of 21.80- and 15.65-metric tons of carbon dioxide equivalents per year per service population (“MT CO<sub>2</sub>e/year/SP”) in 2026 and 2045, respectively (see excerpt below) (p. 4.6-27 – 4.6-28, Table 4.6-4).

**Table 4.6-4. Mitigated Proposed Project GHG Efficiency in the Years 2026 and 2045**

Proposed Project Emissions Source	Mitigated GHG Emissions in 2026 (MT CO <sub>2</sub> e)	Mitigated GHG Emissions in 2045 (MT CO <sub>2</sub> e)
Visiting Trucks	22,209	14,829
Worker Passenger Vehicles	1,897	1,437
Transportation Refrigeration Units	-	-
Electricity	-	-
Natural Gas	-	-
Fugitive Refrigerants	2,620	2,620
Yard Equipment (e.g., forklifts)	-	-
Stationary (e.g. backup generators and fire pumps)	16	16
Area Sources	6	6
Water Use	585	585
Waste Generation	375	375
<b>Total Annual Operational Emissions</b>	<b>27,707</b>	<b>19,866</b>
<b>Annual Construction Amortized over 30 years<sup>1</sup></b>	<b>84</b>	<b>84</b>
<b>Total Project Annual Emissions (Operational + Amortized Construction)</b>	<b>27,791</b>	<b>19,950</b>
Proposed Project Service Population (Employees)	1,275	1,275
<b>Proposed Project GHG Efficiency (MT CO<sub>2</sub>e per service population)</b>	<b>21.80</b>	<b>15.65</b>
<b>2030 GHG Efficiency Target (MT CO<sub>2</sub>e per service population)</b>	<b>13.98</b>	<b>3.32</b>
<b>Project Consistent with GHG Efficiency Target?</b>	<b>No</b>	<b>No</b>

Notes:

GHG = greenhouse gas emissions; MT CO<sub>2</sub>e = metric tons of carbon dioxide equivalents

See Appendix B for detailed calculations and inputs.

<sup>1</sup> See Table 4.6-2 for detailed construction emissions by year and total construction emissions.

The DEIR concludes that the Project would result in a significant-and-unavoidable GHG impact, stating:

“Therefore, with implementation of Mitigation Measures 4.6-1a through 1n, the generation of GHG emissions associated with the proposed Project would not result in a substantial contribution to the significant impact of climate change or conflict with an applicable plan, policy, or regulation adopted for the purposes of reduction GHG emissions. However, the City cannot guarantee the availability of emissions credits meeting the standards outlined in Mitigation Measures 4.6-1n presented above. There is no additional feasible mitigation

available. Therefore, with implementation of Mitigation Measures 4.6-1a through 4.6-1n, the Project construction and operations would be cumulatively considerable and significant and unavoidable” (p. 4.6-28).

While we agree that the Project would result in a significant GHG impact, the DEIR’s assertion that this impact is significant-and-unavoidable is unreliable. As previously discussed, 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.”

An impact can therefore only be labeled as significant-and-unavoidable after all available, feasible mitigation measures are considered. While the DEIR incorporates MM 4.6-1a through 4.6-1n, there are additional measures that the DEIR fails to consider (p. 4.6-23 – 4.6-27). To reduce the Project’s GHG impacts to the maximum extent possible, additional 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 Project should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

## Mitigation

### Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project would result in potentially significant air quality and GHG impacts that should be mitigated further. In an effort to reduce the Project’s emissions, we recommend the consideration of the following measures from the California Department of Justice Warehouse Project Best Practices document:<sup>2</sup>

- Prohibiting off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Requiring on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled.
- 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.
- 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.

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<sup>2</sup> “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act.” State of California Department of Justice.

- 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.
- Requiring all heavy-duty vehicles entering or operated on the project site to be zero-emission beginning in 2030.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- 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 air district, and the building manager.
- 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.
- Constructing electric truck charging stations proportional to the number of dock doors at the project.
- Constructing electric light-duty vehicle charging stations proportional to the number of parking spaces at the project.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity, such as equal to the building's projected energy needs.
- 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.
- Achieving certification of compliance with LEED green building 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 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.

Furthermore, as it is policy of the State that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045, we emphasize the applicability of incorporating solar power system into the Project design. Until the feasibility of incorporating on-site renewable energy production is considered, the Project should not be approved.

A revised EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality and GHG 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



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## Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert  
Industrial Stormwater Compliance  
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 nationwide 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 Clean up 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.

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**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.



Technical Consultation, Data Analysis and  
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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 H<sub>2</sub>O 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 Aermol 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., Sellew, 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 Tuscon, 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 Tuscon, 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 23<sup>rd</sup> 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 23<sup>rd</sup> 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 23<sup>rd</sup> 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 C8/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 4<sup>th</sup> 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. 0i9-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., Schiffahrts-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, 112<sup>th</sup> 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  
Warrn Gilbert and Penny Gilbert, 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. LALA002187  
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 17<sup>th</sup> 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  
Jaeante 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

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To: City of Suisun Planning Commission

From: Golden State Environmental Justice Alliance

Subject: Highway 12 Logistics Center EIR

This letter is to serve as further comment in addition to all previously submitted comments and documents by Golden State Environmental Justice Alliance.

### **CalEnviroScreen Information**

CalEnviroScreen is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the state. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores. CalEnviroScreen ranks communities based on data that are available from state and federal government sources. CalEnviroScreen is updated and maintained by The Office of Environmental Health Hazard Assessment, on behalf of the California Environmental Protection Agency.

### **CalEnviroScreen Data on : Highway 12 Logistics Center EIR Project Location/Area**

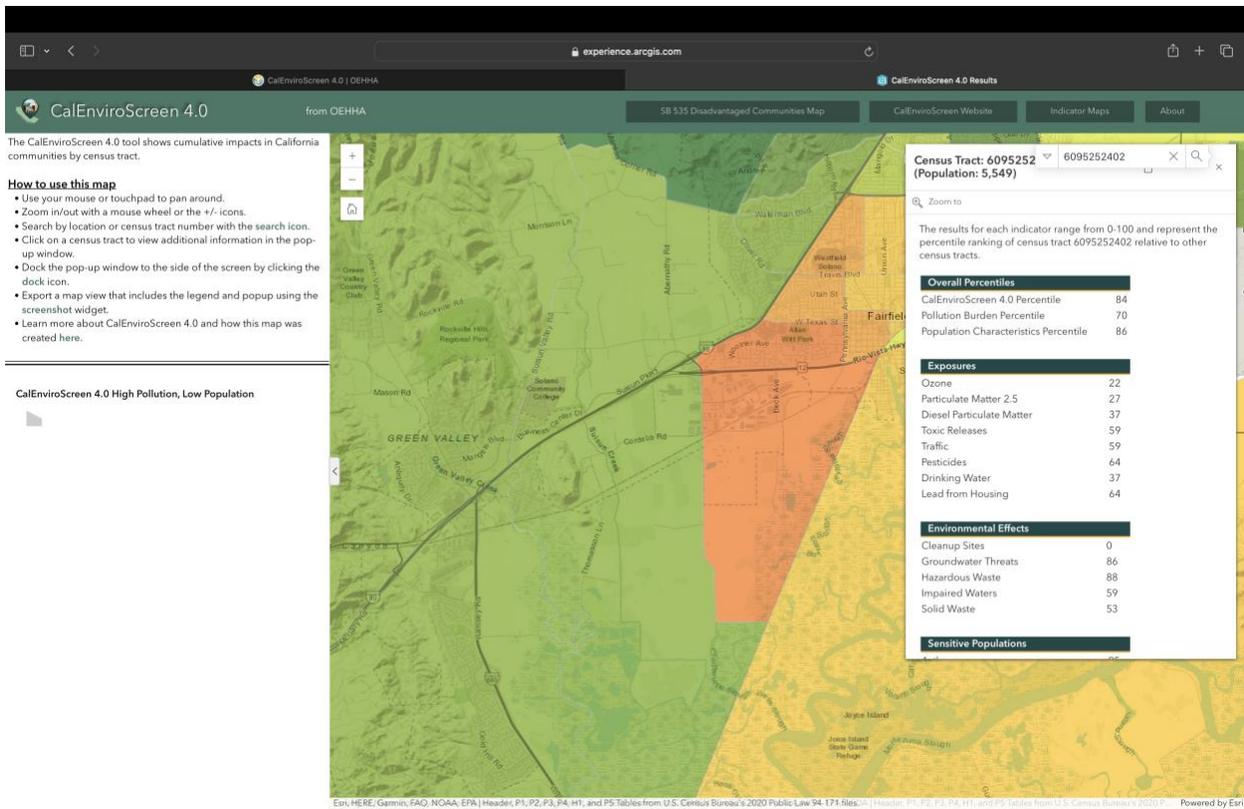
The above listed project is in census tract **(6095252402)**. Overall, when compared to other census tracts, the project site census tract is in the 84th percentile regarding pollution. As far as pollution burden is concerned, this census tract is in the 70th percentile. In terms of Ozone, this census tract is in the 22<sup>nd</sup> percentile, Particulate Matter 2.5 27th percentile, Diesel Particulate Matter 37th percentile, Toxic Releases 59<sup>th</sup> percentile and Traffic 59<sup>th</sup> percentile to name a few.

**Highway 12 Logistics Center**

**Census Tract: 6095252402**

**Population: 5,549**

<b>Overall Percentiles</b>	<b>%</b>
CalEnviroScreen 4.0 Percentile	<b>84%</b>
Pollution Burden Percentile	<b>70%</b>
<b>Exposures</b>	<b>%</b>
Toxic Releases	<b>59%</b>
Traffic	<b>59%</b>
Pesticides	<b>64%</b>
Lead From Housing	<b>64%</b>
Drinking Water Contaminants	<b>99%</b>
<b>Environmental Effects</b>	<b>%</b>
Groundwater Threats	<b>86%</b>
Hazardous Waste	<b>88%</b>
Impaired Waters	<b>59%</b>
Solid Waste	<b>53%</b>
<b>Sensitive Populations</b>	<b>%</b>
Asthma	<b>95%</b>
Low Birth Weight	<b>93%</b>
Cardiovascular Disease	<b>68%</b>



## Conclusion

Consider the above referenced information when making this important decision. Realize that you and the citizens of this area face some of the **WORST POLLUTION** in the entire state of California.

It is the responsibility of the City's elected and appointed officials to make environmentally responsible development decisions. Based on the CalEnviroScreen data, this is more than sufficient evidence of the further air quality impacts that the citizenry of Suisun will continue to encounter with further development of another warehouse. We are not against development, as we believe it is necessary for further economic growth in our current society. Development needs to be conducted with the highest of expectations to ensure the local population does not suffer further air quality burdens.

We stand by our comments and believe the EIR is flawed and should be redrafted and recirculated for public review.

Respectfully Submitted,

*Pete Sheehan*

Pete Sheehan  
GSEJA

**Source -**

[https://experience.arcgis.com/experience/4af93cf9888a424481d2868391af2d82/page/home/?data\\_id=dataSource\\_2-1754d6afdb4-layer-9%3A7306](https://experience.arcgis.com/experience/4af93cf9888a424481d2868391af2d82/page/home/?data_id=dataSource_2-1754d6afdb4-layer-9%3A7306)

**Glossary of Terms**

Ozone - Amount of daily maximum 8-hour Ozone concentration

Particulate Matter 2.5 - Annual mean PM 2.5 concentrations

Diesel Particulate Matter - Diesel PM emissions from on-road and non-road sources

Toxic Releases - Toxicity-weighted concentrations of modeled chemical releases to air from facility emissions and off-site incineration.

Traffic -Traffic density, in vehicle-kilometers per hour per road length, within 150 meters of the census tract boundary.



To: City of Suisun Planning Commission

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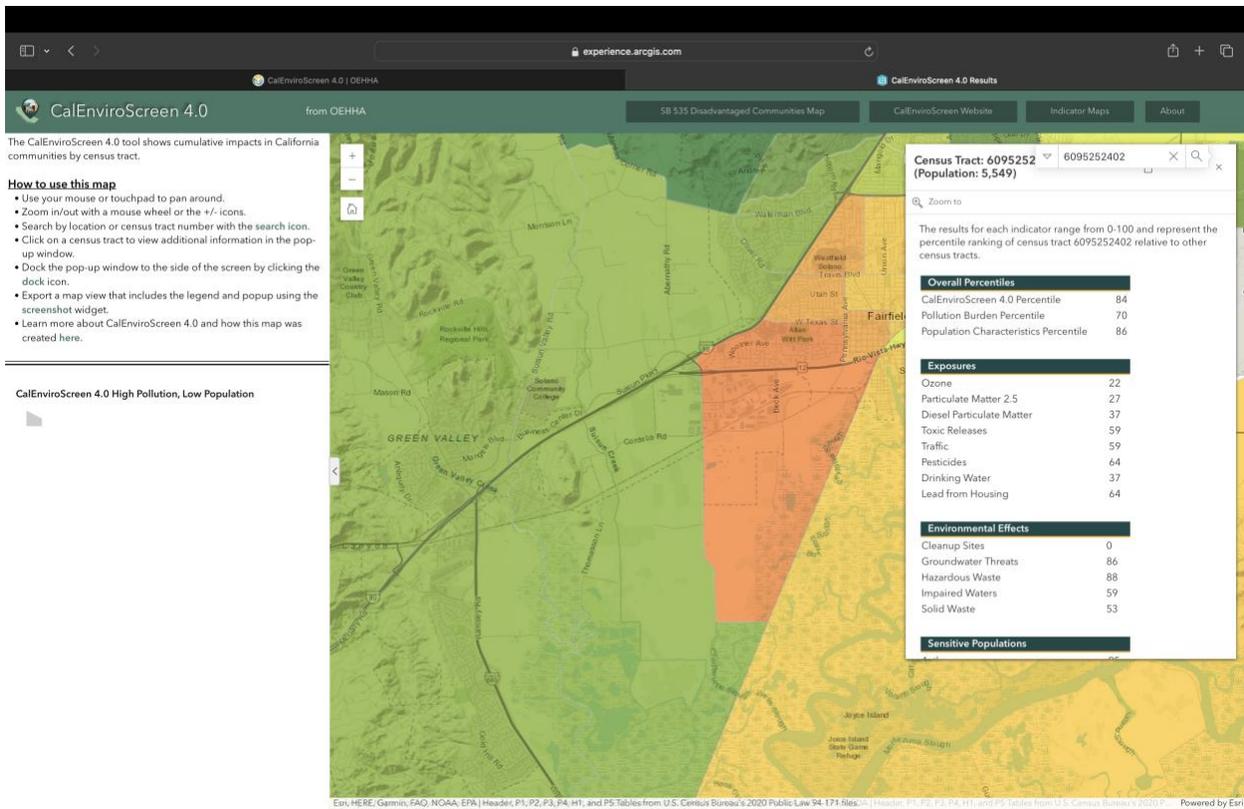
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**Highway 12 Logistics Center**

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**Population: 5,549**

<b>Overall Percentiles</b>	<b>%</b>
CalEnviroScreen 4.0 Percentile	<b>84%</b>
Pollution Burden Percentile	<b>70%</b>
<b>Exposures</b>	<b>%</b>
Toxic Releases	<b>59%</b>
Traffic	<b>59%</b>
Pesticides	<b>64%</b>
Lead From Housing	<b>64%</b>
Drinking Water Contaminants	<b>99%</b>
<b>Environmental Effects</b>	<b>%</b>
Groundwater Threats	<b>86%</b>
Hazardous Waste	<b>88%</b>
Impaired Waters	<b>59%</b>
Solid Waste	<b>53%</b>
<b>Sensitive Populations</b>	<b>%</b>
Asthma	<b>95%</b>
Low Birth Weight	<b>93%</b>
Cardiovascular Disease	<b>68%</b>



## Conclusion

Consider the above referenced information when making this important decision. Realize that you and the citizens of this area face some of the **WORST POLLUTION** in the entire state of California.

It is the responsibility of the City's elected and appointed officials to make environmentally responsible development decisions. Based on the CalEnviroScreen data, this is more than sufficient evidence of the further air quality impacts that the citizenry of Suisun will continue to encounter with further development of another warehouse. We are not against development, as we believe it is necessary for further economic growth in our current society. Development needs to be conducted with the highest of expectations to ensure the local population does not suffer further air quality burdens.

We stand by our comments and believe the EIR is flawed and should be redrafted and recirculated for public review.

Respectfully Submitted,

*Pete Sheehan*

Pete Sheehan  
GSEJA

**Source -**

[https://experience.arcgis.com/experience/4af93cf9888a424481d2868391af2d82/page/home/?data\\_id=dataSource\\_2-1754d6afdb4-layer-9%3A7306](https://experience.arcgis.com/experience/4af93cf9888a424481d2868391af2d82/page/home/?data_id=dataSource_2-1754d6afdb4-layer-9%3A7306)

**Glossary of Terms**

Ozone - Amount of daily maximum 8-hour Ozone concentration

Particulate Matter 2.5 - Annual mean PM 2.5 concentrations

Diesel Particulate Matter - Diesel PM emissions from on-road and non-road sources

Toxic Releases - Toxicity-weighted concentrations of modeled chemical releases to air from facility emissions and off-site incineration.

Traffic -Traffic density, in vehicle-kilometers per hour per road length, within 150 meters of the census tract boundary.

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**Subject:** Fw: [External]Planning Commission Hwy 12 Logistics center  
**Date:** Monday, July 8, 2024 1:13:10 PM

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Please forward this letter to the Planning Commissioners for consideration.

Thanks,

Herbert Dardon

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**From:** Donna LeBlanc <donnaleblanc08@comcast.net>  
**Sent:** Monday, July 8, 2024 1:09 PM  
**To:** Herbert Dardon <hdardon@suisun.com>  
**Subject:** [External]Planning Commission Hwy 12 Logistics center

Dear Commissioner Dardon,

I am writing in regards to the upcoming Planning Commission Public Hearing (Hwy12 Logistics Center) on July 9, 2024.

I have some major concerns with this project and the affects it will have on traffic and environmental issues.

First a little background. Mike Zeiss & I and a few others have been really doing our due diligence on the Logistic Centers. Mike & I had a zoom meeting with City Manager Prebula on June 25th to address our concerns with the Draft EIR report for the Hwy 12 project. Mostly about the Air Quality, Traffic, and environmental mitigation. During that meeting we asked if a Combined Air Quality and a Combined Traffic report could be done which adds in the Air Quality & Traffic from the Fairfield Logistic center that is under construction right now. Note: The Fairfield Center is on Pennsylvania right across from where the Hwy12 project is located. The Hwy12 report does not reflect the additional impacts of the Fairfield project.

Mr. Prebula said he would look into the possibility of having those reports combined. Little did Mike or I know, that the Final EIR had already been completed at that time and that our "concerns & requests" meant nothing at that point. So disappointing. Because Mike had a written concern/protest to the hwy12 project back in Oct 2023 he received an email from Director Bermudez on June 27 that the Public Hearing would be held on July 9th and that his letter of comments and concerns would be attached to the Final EIR report & posted on the City Website. The posting of the Final EIR is on the website as of July 2.

<https://www.suisun.com/files/sharedassets/suisuncity/v/3/departments/development-services/documents/highway-12/highway-12-final-eir.pdf>

This does not allow sufficient time in my opinion, for residents and the Planning Commission to review ALL of the changes in an over 400 page report. It is VITAL to our community that we look at all the aspects of what this Center will potentially bring. One of the recommendations in the annexation portion of the report is that Suisun should annex Pennsylvania Ave from Hwy 12 to Cordelia Road and also a portion of Cordelia Road into the City since "road maintenance" would then be under the City's responsibility rather than the County. Honestly - we can't even maintain the

City streets let alone take on Pennsylvania with the damage that big rigs will cause. If it is within the Planning Commission's authority, please consider requesting a combined Air Quality report and Combined Traffic report be presented before you make a decision. It shouldn't be that difficult for AECOMM to get Fairfield's Air Quality & Traffic impact reports for their project, plug them into the database for Suisun's reports and calculate any increases that result.

In the EIR report the responses to the letters from all the different agencies have resulted in some changes, but most were denied with explanations. I think that the Planning Commission should have the time to really go through the EIR, and be able to address any concerns the Commission would have prior to sending it to Council for final approval.

Bottom line, what I'm asking is that the Planning Commission open the Public Hearing but then move to Continue the hearing to a future date. This will allow the public and the Commission sufficient time to read the reports, get a combined Air Quality report & a combined Traffic Report and be prepared to ask appropriate & relevant questions.

Thank you for your time & consideration of my requests.

Respectfully,

Donna LeBlanc

Concerned Resident of Suisun City

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ANDREW J. GRAF  
TANYA A. GULESSERIAN  
DARION N. JOHNSON  
RACHAEL E. KOSS  
AIDAN P. MARSHALL  
TARA C. RENGIFO

*Of Counsel*

MARC D. JOSEPH  
DANIEL L. CARDOZO

July 9, 2024

**Via Email and Hand Delivery**

City of Suisun City  
Albert Enault, Chair  
Members of the Planning Commission  
c/o Jim Bermudez, Development Services Director  
701 Civic Center Boulevard  
Suisun City, CA 94585  
Email: [jbermudez@suisun.com](mailto:jbermudez@suisun.com)

**Via Email Only**

John Kearns  
Principal Planner  
Email: [jkearns@suisun.com](mailto:jkearns@suisun.com)

**Re: Agenda Item 2: Final Environmental Impact Report for the Highway 12 Logistics Center Project**

Dear Chair Enault, Planning Commission Members, Mr. Bermudez and Mr. Kearns:

We are writing on behalf of Napa/Solano Residents for Responsible Development (“Residents”) to provide comments on Agenda Item No. 2, the Highway 12 Logistics Center Project (SCH Number 2021040016) (“Project”) proposed by Buzz Oates Construction, Inc. (“Applicant”).<sup>1</sup>

Residents provide these preliminary comments on the Project’s Final Environmental Impact Report (“FEIR”) prepared by the City of Suisun City (“City”) as well as the Project’s proposed General Plan Amendment, Community Plan Amendment, Zoning Amendment, Planned Unit Development, Site Development

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<sup>1</sup> City of Suisun City, Highway 12 Logistics Center FEIR (hereinafter “FEIR”) (July 1, 2024) available at <https://www.suisun.com/files/sharedassets/suisuncity/v/3/departments/development-services/documents/highway-12/highway-12-final-eir.pdf>  
5176-009j

July 9, 2024

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Permit and application to the Solano County LAFCO for Annexation/Reorganization of the Project site (collectively, “Project Approvals”).<sup>2</sup>

The Project proposes to annex and pre-zone 161 acres of the approximately 486-acre Project site into the City of Suisun City and develop 1.28 million square feet (“sf”) of warehouse and logistics uses on approximately 93 acres (referred to as the “Development Area”).<sup>3</sup> Per the Staff Report, City staff recommend that the Planning Commission adopt a resolution recommending that the City Council certify the FEIR for a reduced footprint alternative to the Project totaling 529,708 square feet of warehouse and logistics uses.

On October 17, 2023, Residents submitted written comments on the Draft Environmental Impact Report (“DEIR”) (“DEIR Comments”), including expert comments, which identified significant errors, omissions, and evidentiary defects in the City’s environmental analysis.

Residents have performed a preliminary review of the FEIR and the July 9, 2023, Planning Commission Staff Report (“Staff Report”) prepared for this hearing. In response to comments from Residents and other commenters, the FEIR sets out several revisions to the DEIR and amends or adds mitigation measures for air quality, GHG emissions, biological resources, hazards, water quality, noise, transportation, and utilities impacts. However, Residents’ review of the FEIR demonstrates that the FEIR’s transportation and GHG analyses remain substantially inaccurate and incomplete. The FEIR also fails to meaningfully respond to many of Residents’ technical comments and fails to resolve the legal and evidentiary deficiencies Residents identified in the DEIR. As a result, the FEIR still fails to adequately disclose the Project’s potentially significant impacts related to transportation, and GHG emissions, as required by the California Environmental Quality Act (“CEQA”).<sup>4</sup>

The FEIR also lacks substantial evidence to support its conclusions that impacts will be mitigated to less than significant levels and lacks substantial evidence to support the Project’s proposed approval findings and Statement of

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<sup>2</sup> City of Suisun City, Planning Commission, Agenda Packet and Staff Report for the Highway 12 Logistics Center Project (hereinafter “Staff Report”) (July 9, 2024) p. 2, available at <https://d3n9y02raazwpg.cloudfront.net/suisuncityca/597394f5-dcad-11ee-98bb-0050569183fa-a11370bd-d0f0-4367-9e08-c055def230ff-1720030504.pdf>

<sup>3</sup> Staff Report, p. 5.

<sup>4</sup> Pub. Resources Code (“PRC”) §§ 21000 et seq.; 14 Cal. Code Regs (“CCR”) §§ 15000 et seq. 5176-009j

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Page 3

Overriding Considerations. The FEIR relies on ineffective and unenforceable mitigation measures that fail to adequately reduce impacts. The Planning Commission cannot recommend that the City Council approve the Project in reliance on a legally inadequate FEIR.

These preliminary comments on the FEIR are supported by technical comments from traffic and transportation expert Norman Marshal, principal at Smart Mobility.<sup>5</sup> We reserve the right to supplement these comments at a later date, and at any later proceedings related to this Project.<sup>6</sup>

Residents urge the Planning Commission to carefully consider these comments and to recommend denial of the Project for the reasons stated herein. The Project should not be rescheduled for a further public hearing until all of the issues raised in these comments, and in the comments of other members of the public, have been addressed in a revised EIR.

## I. STATEMENT OF INTEREST

Napa/Solano Residents for Responsible Development is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential environmental impacts associated with Project development. Residents includes members of the International Brotherhood of Electrical Workers Local 180, Plumbers & Steamfitters Local 343, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483, District Council of Ironworkers and their members and their families, and other individuals that live and/or work in the Suisun City and Solano County.

Residents support the development of sustainable commercial and industrial centers where properly analyzed and carefully planned to minimize impacts on public health and the environment. Logistics centers like the Project should avoid adverse impacts to air quality, biological resources, transportation, and public health, and should take all feasible steps to ensure unavoidable impacts are mitigated to the maximum extent feasible. Only by maintaining the highest standards can commercial and industrial development truly be sustainable.

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<sup>5</sup> Mr. Marshall's technical comments are attached hereto as **Exhibit A**.

<sup>6</sup> Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* ("Bakersfield") (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.  
5176-009j

The individual members of Residents and the members of the affiliated labor organizations live, work, recreate and raise their families in and around Suisun City and Solano County. They would be directly affected by the Project's environmental and health and safety impacts. Individual members may also work constructing the Project itself. They would be the first in line to be exposed to any health and safety hazards which may be present on the Project site. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

Residents and its members also have an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for the members they represent. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for industry to expand in Suisun City and Solano County, and by making it less desirable for businesses to locate and people to live and recreate in the County, including the Project vicinity. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduces future employment opportunities.

Finally, Residents is concerned with projects that can result in serious environmental harm without providing countervailing economic benefits. CEQA provides a balancing process whereby economic benefits are weighed against significant impacts to the environment.<sup>7</sup> It is in this spirit we offer these comments.

## **II. LEGAL DISCUSSION**

### **A. The City's Responses to Public Comments on the DEIR Are Inadequate**

CEQA requires that a lead agency evaluate and prepare written responses to comments in a FEIR.<sup>8</sup> Agencies are required to provide "detailed written response to comments . . . to ensure that the lead agency will fully consider the

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<sup>7</sup> PRC § 21081(a)(3); *Citizens for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.

<sup>8</sup> PRC § 21091(d); 14 CCR §§ 15088(a), 15132.  
5176-009j

environmental consequences of a decision before it is made, that the decision is well informed and open to public scrutiny, and the public participation in the environmental review process is meaningful.”<sup>9</sup> When a comment raises a “significant environmental issue,” the written responses must describe the disposition of each such issue raised by commentators.<sup>10</sup> Specifically, the lead agency must address the comment “in detail giving reasons why” the comment was “not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice,”<sup>11</sup> particularly in response to comments are made by agencies or experts.<sup>12</sup> Failure of a lead agency to respond to comments raising significant environmental issues before approving a project frustrates CEQA’s informational purpose and may render the EIR legally insufficient.<sup>13</sup>

The FEIR fails to adequately respond to transportation expert Mr. Marshall’s comment that the DEIR underestimates the trip generation rate of the Project, thereby underestimating the Project’s operational VMT and GHG emissions impacts. Mr. Marshall’s comments on the DEIR explained that the DEIR erroneously relied on the Institute of Transportation Engineers’ (“ITE”) Fulfillment Center Warehouse land use category (Category 155) for its trip generation assumptions.

Mr. Marshall explained that using Category 155 underestimates truck trips given that Fulfillment Center is on the low end of truck trip rates specified by ITE and the DEIR is uncertain as to the ultimate uses of the Project. Mr. Marshall found that the DEIR should have used the truck trip rate for Parcel Hub warehouse (Category 156) which is higher and therefore more conservative.

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<sup>9</sup> *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.4th 889, 904.

<sup>10</sup> PRC §21091(d); 14 CCR §§15088(c), 15132(d), 15204(a).

<sup>11</sup> 14 CCR § 15088(c); see *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1124 (“*Laurel II*”); *The Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal. App. 4th 603, 615.

<sup>12</sup> *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1367, 1371; *People v. County of Kern* (1976) 62 Cal.App.3d 761, 772).

<sup>13</sup> *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; *Rural Landowners Association v. City Council* (1983) 143 Cal.App.3d 1013, 1020.

5176-009j

In response, the FEIR states that the trip generation rate used in DEIR was appropriate given the Project's proposed zoning, Project description and preliminary design including Project size.<sup>14</sup> The FEIR goes on to state that the Category 156 Parcel Hub trip generation rate is based on sites with an average of 540,000 square feet of building area "which is less than half of the proposed Project's total building square footage. Given the difference in the site's size, the Parcel Hub Warehouse land use code was not appropriate."<sup>15</sup>

However, this response fails to recognize that City is now proposing the Reduced Footprint Alternative, which would reduce total square footage of the Project to approximately 529,708, thereby undermining the FEIR's rationale for not using the Category 156 Parcel Hub trip generation rate. With the reduction in square footage, the rationale for using the Parcel Hub rate is given even more weight, and to be conservative in the analysis of the Project's reasonably foreseeable VMT and GHG emissions impacts, the City must analyze the Project using the increased rate.

Mr. Marshall's comments provide an analysis of the Reduced Footprint Alternative's trip generation using the Parcel Hub Warehouse trip rate of 4.63 per 1,000 square feet. Applying this rate, the staff-recommended Reduced Footprint Alternative of 529,708 square feet would generate 2,453 daily trips which is higher than the 2,310 daily trips estimated in the DEIR for the proposed Project even though the project is much smaller in size, and 2.55 times the 960 daily trips estimated in the DEIR for the reduced footprint Alternative 2.<sup>16</sup>

The FEIR fails to account for the reasonably foreseeable use of the Project site as a Parcel Hub Warehouse. Vehicle trips generated have a direct impact on the Project's GHG emissions and air quality impacts. As a result, the City lacks substantial evidence to conclude that the FEIR has mitigated the Project's significant impacts to the greatest extent feasible. The EIR must be revised and recirculated to include an analysis of the Project's reasonably foreseeable trip generation rates and the corresponding GHG emissions and air quality impacts, and include additional mitigation measures to reduce these impacts.

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<sup>14</sup> FEIR, p. 2-175.

<sup>15</sup> FEIR, p. 2-175.

<sup>16</sup> Marshall Comments, p. 2; *see also* DEIR, pp. 6-4; and 6-14.  
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### III. CONCLUSION

For the reasons stated herein, and in the public comments of other members of the public, Residents urges the Planning Commission to recommend denial of the Project. In the alternative, Residents urges the Planning Commission to remand the Project to City staff to prepare and circulate a legally adequate EIR which fully discloses and mitigates the Project's potentially significant impacts

The City must remedy all substantial defects in the FEIR, and in the Project as a whole, before the Project may be presented to the City Council at any future public hearing. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Carmichael". The signature is written in a cursive, flowing style.

Kevin Carmichael

KTC:ljl

# **EXHIBIT A**



794 Sawnee Bean Road  
Thetford Center VT 05075  
Norman Marshall, President  
(802) 356-2969  
nmarshall@smartmobility.com

July 5, 2024

Richard M. Franco  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080

**Subject: Highway 12 Logistics Center**

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Dear Mr. Franco,

In October 2023, I reviewed vehicle miles traveled (VMT) impacts, trip generation and greenhouse gas (GHG) impacts of the City of Suisun City Draft Environmental Impact Report for the Highway 12 Logistics Center ("DEIR"). I now have reviewed the Final Environmental Impact Report ("FEIR") and the Planning Commission Agenda Report dated July 9, 2024 ("Staff Report")

In my October 2023 comments I wrote:

The DEIR documents that VMT calculated for the project exceeds the City's VMT threshold. It is likely that the actual VMT from this project would be even higher because the DEIR documents that an alternative project with office jobs would result in lower VMT per worker than the proposed project, and the model used to estimate VMT is incapable of making this distinction. . .

The DEIR states that Alternative 3 with predominantly office jobs instead of the warehouse jobs in the proposed project: "would have the potential to decrease commute-related VMT and associated criteria air pollutant emissions by approximately 30 percent, assuming single-occupant vehicular trips only." (DEIR p. 6-26) The City of Fairfield Model used to calculate project VMT is incapable of making this distinction between commute VMT for different types of jobs, and instead calculates average VMT for all jobs. Therefore, the 30 percent difference documented in the DEIR between office commute lengths and warehouse commute lengths means the model overestimates commute lengths for office jobs and underestimates average commute

lengths for the warehouse jobs in the proposed project. It then follows that the model underestimates project commute VMT.

The FEIR response to this comment (p. 2-172 – 2-173) agrees with this comment, stating: “. . . even greater VMT reductions could be achieved by other local residents filling employment opportunities afforded by Alternative 3.” (p. 2-173)

In my October 2023 comments I wrote:

The DEIR fails to justify the trip generation rate used, and project trip generation would likely be higher than assumed. Given the large uncertainty in the project’s trip generation, the applicant should take one of two paths -either a) applying a significantly higher and more conservative trip generation rate, or b) requesting as a condition of approval that trip generation will not exceed the number assumed in the EIR, and this be certified prior to beginning construction.

The FEIR acknowledges that:

The Parcel Hub Warehouse (land use code 156) results in a more conservative daily trip generation; however, the sites sampled had an average of approximately 540,000 square feet of building space, which is less than half of the proposed Project’s total building square footage. Given the difference in the site's size, the Parcel Hub Warehouse land use code was not appropriate. (2-175)

The Staff Report recommends approval of “a reduced footprint alternative totaling 529,708 square feet.” (p. 5 of Agenda package) This is almost identical to the average size for Parcel Hub Warehouses given in the FEIR. Therefore, it would be more conservative to use the Parcel Hub Warehouse trip generation rate. This rate is 4.63 per 1000 square feet. Applying this rate, the staff-recommended alternative with 529,708 square feet would generate 2,453 daily trips which is higher than the 2,310 daily trips estimated in the DEIR for the proposed project (p. 6.4) even though the project is much smaller in size, and 2.55 times the 960 daily trips estimated in the DEIR (p. 6-14) for the reduced footprint Alternative 2.

Sincerely,



Norman L. Marshall

## Resume

### NORMAN L. MARSHALL, PRESIDENT

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[nmarshall@smartmobility.com](mailto:nmarshall@smartmobility.com)

#### EDUCATION:

Master of Science in Engineering Sciences, Dartmouth College, Hanover, NH, 1982

Bachelor of Science in Mathematics, Worcester Polytechnic Institute, Worcester, MA, 1977

#### PROFESSIONAL EXPERIENCE: (36 Years, 22 at Smart Mobility, Inc.)

Norm Marshall helped found Smart Mobility, Inc. in 2001. Prior to this, he was at RSG for 14 years where he developed a national practice in travel demand modeling. He specializes in analyzing the relationships between the built environment and travel behavior and doing planning that coordinates multi-modal transportation with land use and community needs.

#### Regional Land Use/Transportation Scenario Planning

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Portland Area Comprehensive Transportation System (PACTS) – the Portland Maine Metropolitan Planning Organization. Updating regional travel demand model with new data (including AirSage), adding a truck model, and multiclass assignment including differentiation between cash toll and transponder payments.

Loudoun County Virginia Dynamic Traffic Assignment – Enhanced subarea travel demand model to include Dynamic Traffic Assignment (Cube). Model being used to better understand impacts of roadway expansion on induced travel.

Vermont Agency of Transportation-Enhanced statewide travel demand model to evaluate travel impacts of closures and delays resulting from severe storm events. Model uses innovative Monte Carlo simulations process to account for combinations of failures.

California Air Resources Board – Led team including the University of California in \$250k project that reviewed the ability of the new generation of regional activity-based models and land use models to accurately account for greenhouse gas emissions from alternative scenarios including more compact walkable land use and roadway pricing. This work included hands-on testing of the most complex travel demand models in use in the U.S. today.

Climate Plan (California statewide) – Assisted large coalition of groups in reviewing and participating in the target setting process required by Senate Bill 375 and administered by the California Air Resources Board to reduce future greenhouse gas emissions through land use measures and other regional initiatives.

Chittenden County (2060 Land use and Transportation Vision Burlington Vermont region) – led extensive public visioning project as part of MPO's long-range transportation plan update.

Flagstaff Metropolitan Planning Organization – Implemented walk, transit and bike models within regional travel demand model. The bike model includes skimming bike networks including on-road and off-road bicycle facilities with a bike level of service established for each segment.

Chicago Metropolis Plan and Chicago Metropolis Freight Plan (6-county region)— developed alternative transportation scenarios, made enhancements in the regional travel demand model, and used the enhanced model to evaluate alternative scenarios including development of alternative regional transit concepts. Developed multi-class assignment model and used it to analyze freight alternatives including congestion pricing and other peak shifting strategies.

### **Municipal Planning**

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City of Grand Rapids – Michigan Street Corridor – developed peak period subarea model including non-motorized trips based on urban form. Model is being used to develop traffic volumes for several alternatives that are being additional analyzed using the City’s Synchro model

City of Omaha - Modified regional travel demand model to properly account for non-motorized trips, transit trips and shorter auto trips that would result from more compact mixed-use development. Scenarios with different roadway, transit, and land use alternatives were modeled.

City of Dublin (Columbus region) – Modified regional travel demand model to properly account for non-motorized trips and shorter auto trips that would result from more compact mixed-use development. The model was applied in analyses for a new downtown to be constructed in the Bridge Street corridor on both sides of an historic village center.

City of Portland, Maine – Implemented model improvements that better account for non-motorized trips and interactions between land use and transportation and applied the enhanced model to two subarea studies.

City of Honolulu – Kaka’ako Transit Oriented Development (TOD) – applied regional travel demand model in estimating impacts of proposed TOD including estimating internal trip capture.

City of Burlington (Vermont) Transportation Plan – Led team that developing Transportation Plan focused on supporting increased population and employment without increases in traffic by focusing investments and policies on transit, walking, biking and Transportation Demand Management.

### **Transit Planning**

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Regional Transportation Authority (Chicago) and Chicago Metropolis 2020 – evaluated alternative 2020 and 2030 system-wide transit scenarios including deterioration and enhance/expand under alternative land use and energy pricing assumptions in support of initiatives for increased public funding.

Capital Metropolitan Transportation Authority (Austin, TX) Transit Vision – analyzed the regional effects of implementing the transit vision in concert with an aggressive transit-oriented development plan developed by Calthorpe Associates. Transit vision includes commuter rail and BRT.

Bus Rapid Transit for Northern Virginia HOT Lanes (Breakthrough Technologies, Inc and Environmental Defense.) – analyzed alternative Bus Rapid Transit (BRT) strategies for proposed privately-developing High Occupancy Toll lanes on I-95 and I-495 (Capital Beltway) including different service alternatives (point-to-point services, trunk lines intersecting connecting routes at in-line stations, and hybrid).

## **Roadway Corridor Planning**

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I-30 Little Rock Arkansas – Developed enhanced version of regional travel demand model that integrates TransCAD with open source Dynamic Traffic Assignment (DTA) software, and used to model I-30 alternatives. Freeway bottlenecks are modeled much more accurately than in the base TransCAD model.

South Evacuation Lifeline (SELL) – In work for the South Carolina Coastal Conservation League, used Dynamic Travel Assignment (DTA) to estimate evaluation times with different transportation alternatives in coastal South Caroline including a new proposed freeway.

Hudson River Crossing Study (Capital District Transportation Committee and NYSDOT) – Analyzing long term capacity needs for Hudson River bridges which a special focus on the I-90 Patroon Island Bridge where a microsimulation VISSIM model was developed and applied.

## **PUBLICATIONS AND PRESENTATIONS (partial list)**

DTA Love: Co-leader of workshop on Dynamic Traffic Assignment at the June 2019 Transportation Research Board Planning Applications Conference.

Forecasting the Impossible: The Status Quo of Estimating Traffic Flows with Static Traffic Assignment and the Future of Dynamic Traffic Assignment. *Research in Transportation Business and Management* 2018.

Assessing Freeway Expansion Projects with Regional Dynamic Traffic Assignment. Presented at the August 2018 Transportation Research Board Tools of the Trade Conference on Transportation Planning for Small and Medium Sized Communities.

Vermont Statewide Resilience Modeling. With Joseph Segale, James Sullivan and Roy Schiff. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

Assessing Freeway Expansion Projects with Regional Dynamic Traffic Assignment. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

Pre-Destination Choice Walk Mode Choice Modeling. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

A Statistical Model of Regional Traffic Congestion in the United States, presented at the 2016 Annual Meeting of the Transportation Research Board.

## **MEMBERSHIPS/AFFILIATIONS**

Associate Member, Transportation Research Board (TRB)

Member and Co-Leader Project for Transportation Modeling Reform, Congress for the New Urbanism (CNU)

PLANNING COMMISSION  
Albert Enault, Chair  
Kristina Elder, Vice Chair  
Herbert Dardon, Commissioner  
Vinay Tewari, Commissioner  
Terrence West, Commissioner



PLANNING COMMISSION MEETING

**MINUTES**  
**REGULAR MEETING OF THE SUISUN CITY**  
**PLANNING COMMISSION**  
**TUESDAY, SEPTEMBER 10, 2024**  
**6:30 PM**

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**Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California**

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*PLANNING COMMISSION MEETINGS ARE HELD IN-PERSON  
PUBLIC PARTICIPATION IS ALSO AVAILABLE VIA ZOOM*

*ZOOM MEETING INFORMATION:*

*WEBSITE: <https://zoom.us/join>*

*MEETING ID: **872 3827 7412***

*CALL IN PHONE NUMBER: (707) 438-1720*

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE PLANNING COMMISSION MEETING BY EMAILING  
[CLERK@SUISUN.COM](mailto:CLERK@SUISUN.COM) (PRIOR TO 4 PM), VIA WEBSITE OR ZOOM CALL IN PHONE NUMBER: (707) 438-1720.*

*(If attending the meeting via phone press \*9 to raise your hand and \*6 to unmute/mute for public comment.)*

(Next Resolution No. PC 24-10)

**ROLL CALL**

Chairperson Enault called the meeting to order at 6:31 pm with the following Planning Commissioners present:

**PRESENT: Commissioners: Tewari, West, Elder, Enault**

**ABSENT: Commissioners: Dardon**

Pledge of Allegiance led by Vice Chair Elder

Invocation led by Principal Planner Kearns

**CONFLICT OF INTEREST NOTIFICATION - NONE**

*(Any items on this agenda that might be a conflict of interest to any Commissioners should be identified at this time.)*

**REPORTS: (Informational items only.)**

1. City Staff - NONE

## **PUBLIC COMMENTS**

*(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)*

Steve Olry commented on community development in the city.

Michelle Chavez commented on concerns about the sale of businesses.

Donna LeBlanc asked clarifying questions online regarding a list of projects.

## **CONSENT CALENDAR**

*Consent calendar items requiring little or no discussion may be acted upon with one motion.*

2. Planning Commission Approval of the Minutes of the Regular Meeting of the Suisun City Planning Commission held on June 11, 2024 - (Vasquez: [bvasquez@suisun.com](mailto:bvasquez@suisun.com)).

Commissioner West motioned and seconded by Commissioner Tewari for approval of the minutes.

Motion passed by the following vote:

**AYES: Commissioners: West, Tewari, Elder, Enault**

**ABSTAIN: Commissioners: None**

**ABSENT: Commissioners: Dardon**

## **PUBLIC HEARING**

3. Planning Commission Adoption of Resolution No. PC24-10: A Resolution of the Planning Commission of the City of Suisun City Recommending City Council Approval of Site Plan/Architectural Review SP/AR No. 20-1-001 and Commercial Cannabis Permit CCBP No. 20-1-001 and Finding the Project is Exempt from the California Environmental Quality Act (CEQA) Per Section 15303 for the Cannabissary Retail Cannabis Dispensary Project located at Assessor's Parcel Numbers 0038-231-020 through 040 - (Kearns: [jkearns@suisun.com](mailto:jkearns@suisun.com)).

Principal Planner Kearns presented on Cannabissary project and answered clarifying questions from Commissioners.

Applicant Dr. Verna Schuetter commented online regarding Cannabissary project and answered clarifying questions from Commissioners.

Steve Olry complimented the owner of the project, spoke on environmental concerns, and streamlining.

Michelle Chavez complimented the business model of the owner.

Jim MacLaughlin commented on his opposition to the project.

Donna LeBlanc commented online about the project and its process.

Chairperson Enault closed Public Hearing and Commissioners had further discussion.

Commissioner West motioned and Commissioner Tewari seconded to approve the project and adopt the Resolution. Motion passed with the following vote:

**AYES: Commissioners: West, Tewari, Elder**

**ABSTAIN: Commissioners: Enault**

**ABSENT: Commissioners: Dardon**

**GENERAL BUSINESS - NONE**

**REPORTS: (Informational items only.) - NONE**

4. a. Commission Members
- b. Commission Chairperson

**ADJOURNMENT**

There being no further business the meeting was adjourned at 8:23 p.m.



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www.macco.org

September 10, 2024

*By Electronic Mail*

Suisun City Development Services Department  
c/o John Kearns, Principal Planner  
701 Civic Center Boulevard  
Suisun City, California 94585  
[jkearns@suisun.com](mailto:jkearns@suisun.com)

[vtewari@suisun.com](mailto:vtewari@suisun.com) [aenault@suisun.com](mailto:aenault@suisun.com) [hdardon@suisun.com](mailto:hdardon@suisun.com) [kelder@suisun.com](mailto:kelder@suisun.com) [twest@suisun.com](mailto:twest@suisun.com)

**RE: Cannabis Business Permit No. SP/AR 20/21-001 (Item 3, Planning Commission Meeting, September 10, 2024)**

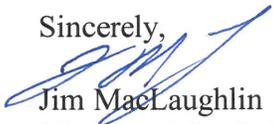
Dear Commission Members:

I write to again express my opposition to the above-referenced proposed development project, and to strongly urge the Planning Commission to recommend that the Suisun City Council deny the pending application for Business Permit No. SP/AR 20/21-001.

Upon review of the application and my attorney's memo, I noticed conditions of approval item G-6: "developer to obtain a retailer cannabis license and a Cal Cannabis Cultivation License." I believe the application is for retail use only and not a cultivation use. It appears that this is further evidence that this project is for a vertically integrated multi-phased project that has not been fully reviewed. Please evaluate the *whole* project, not just this preliminary phase.

I have attached a memorandum from Rachel Doughty of Greenfire Law, PC, summarizing significant concerns about the application process, as well as my prior letter to the Planning Commission, dated August 26, 2024, as Exhibits 1 and 2. Please include all of these items in the administrative record for this matter. Thank you for your consideration.

Sincerely,

  
Jim MacLaughlin  
**MacLaughlin & Company**

**Memorandum**

To: Almond Tree Storage  
From: Rachel Doughty  
Date: September 9, 2024  
RE: Cannabis Business Permit No. SP/AR 20/21-001 (Item 3, 9/10/24 PC Mtg)

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**Question Presented:** Should Planning Commission recommend the City Council approve Cannabis Business Permit No. SP/AR 20/21-001 for Cannabissary?<sup>1</sup>

**Short Answer:** No. The application is incomplete, the project is not accurately described and is improperly segmented, CEQA requires further environmental analysis, information was withheld improperly from the public, and approval is not protective of the public welfare.

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<sup>1</sup> No Statement of Information has been filed with the Secretary of State for this entity since June 2021, although one is due annually.



**I. Application Not Provided Public as Stated in Notice.**

The Notice provided to the public stated that “[t]he original application is on file and may be reviewed at the Suisun City Development Services Department at 701 Civic Center Boulevard between 9:00 a.m. and 5:00 p.m. [Monday through Thursday]. However, the application was not readily provided to the public. One member of the public sought to review the application on September 4 at the address provided and was made to wait for *hours*, and then provided with an incomplete application, missing, for instance, everything in the Planning Commission Agenda Packet for September 10, 2024 from page 171 to page 303. Note that this delay has impaired Greenfire Law’s ability to thoroughly review the entire application.

**II. Application Incomplete**

Contents of an application for a commercial cannabis business permit are governed by Suisun City Code (SCC) 18.49.90. Requirements are extensive, including at least 25 different categories. Cannabissary’s application falls short on several.

**A. Odor Control Plan is Grossly Inadequate.**

SCC 18.49.090 requires:

13. A description of the odor control devices and techniques that will be used to prevent odors from cannabis or cannabis products from becoming detectable off of the premises, in compliance with Section 18.49.150 G.

Section 18.49.150.G requires:

All premises must be equipped with an air treatment system sufficient to ensure that off-site odors shall not result from its activities. The premises shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location of the commercial cannabis operation is not detected outside the building, on adjacent properties or public rights-of-way, or within any other unit located within the same building as the commercial cannabis operation, if the use occupies a portion of a building.

The apparent entirety of the air quality/odor control plan for the Project is this statement:

Best Industry Practices in technology, engineering controls for air quality and odor mitigation practices; and, procedures including prevention, monitoring, detection and mitigation measures, employee training and documentation.

(Planning Commission Packet, 9/10/24, p. 240.) This is of particular importance because the applicant plans to immediately offer immature cannabis plants for sale, as well as finished product. (9/10/24 PC Packet at 191.) Longer term, a vertically integrated business including cultivation is anticipated.

**B. Plan For Curbside and Delivery Services Not Described.**

Applicants for Cannabis Business Licenses are to provide:

12. A transportation plan describing the procedures for safely and securely transporting cannabis and cannabis products and currency to and from the premises.

[ . . . ]

16. An operations plan, detailing the operating procedures of the proposed commercial cannabis business, tailored to the specific type of business proposed. Such procedures shall address, without limitation, storage, handling and use of cannabis, cannabis products, and any other materials to be used or contained in the proposed operation, handling of cash, equipment and methods to be used, inventory procedures, lighting, signage and quality control procedures, as applicable.

(SCC 18.49.090.B.)

Applicant will offer delivery and , curbside pickup. (9/10/24 PC Packet, pp. 191, 229-231.) The plans for security, handling of cash, and storage and handling do not adequately address curbside safety, and do not at all address products carried by vehicle to “care boxes,” including limits on the amount that may be transported at any given time. (9/10/24 PC Packet, p. 230.)

The applicant plans for a drive “thru” window, for which security measures (or even a window) have not been described. (9/10/24 PC Packet, p. 25.)

**C. Insurance Requirements Not Met.**

SCC 18.49.090 requires:

Evidence of compliance with all applicable insurance requirements under State and local law, including but not limited to those established by the director pursuant to Section 18.49.130 A.1. and 18.49.150 I.

Endorsements reflecting the city's status as an additional insured on all required policies shall be provided by the applicant.

No such evidence appears in the application.

**D. Application not Validated.**

SCC 18.49.090 requires: “A written statement, signed under penalty of perjury by the applicant, certifying that all of the information contained in the application is true and correct.” No such statement, validating the contents of the application, was included.

**E. Merger of Lots Required.**

The Project requires merger. Merger of lots is governed by SCC 17.31.010, which allows:

A. Upon request of the legal owner of contiguous parcels, the city engineer in coordination with the community development director may approve the merger of the parcels, with the exception of lot merger occurring in the historical residential zone district. The request shall be in writing on a form approved by the community development department and shall be accompanied by data and documents, as required by the city engineer in coordination with the community development director.

[ . . . ]

C. In approving the merger, the city may impose reasonable conditions. The planning commission shall review the lot merger with the historic residential district purpose and intent. A finding of compliance by the planning commission with the historic residential zone district purpose and intent shall be required. The reasonableness of the conditions may be appealed to the planning commission and/or the city council within ten days of action by the city engineer or planning commission.

It does not appear that the lots have been merged, although merger is a proposed condition of approval.

### III. CEQA

#### A. Project Description Inaccurate in Initial Study.

An initial study must consider all phases of project planning, implementation, and operation, including phases planned for future implementation. 14 Cal Code Regs §15063(a)(1). This rule follows logically from the principles that the “whole of the action” that may result in a physical change must be considered (14 Cal Code Regs §15378(a); see §6.31) and that environmental analysis should not be deferred (see Pub Res C §21003.1).

Practice Under the California Environmental Quality Act (2d ed. Cal. CEB 2024) §6.32. Here the project is defined as only Phase I of the ultimate project. (See below.) The Project description is inaccurate because the project has been illegally segmented.

#### B. Segmentation of the Project is Improper.

The Project may not be split into smaller ones resulting in piecemeal environmental review that fails to consider the environmental consequences of the entire project. *East Sacramento Partnership for a Livable City v City of Sacramento* (2016) 5 CA5th 281, 293. “[A]n EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.*, 47 Cal. 3d 376, 396 (1988). Improper piecemealing occurs “when the purpose of the reviewed project is to

be the first step toward future development.” (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1223.)

The applicant here has identified her “[u]ltimate goal to develop all 5 parcels on Humphrey drive into commercial Use buildings with multiple suites, landscaping and provide ample parking spaces.” Enviro. Questionnaire, part 1 of Initial Study. In the business plan, the applicant states:

After opening the retail storefront and operating with continual compliance, we want to expand to a vertically integrated model, either: a distributor, or manufacturer or a microbusiness license . . . We have five parcels, totaling ~ 2 Acres, to expand into, the development possibilities for additional cannabis space for our brand and/or other cannabis businesses and licenses are planned to be added.

Our dream is to produce medical craft cannabis products that we will cultivate, process, manufacture, package, label and distribute—plus our retail store.

(9/10/24 PC Packet, p. 189.)

On May 1, 2024, the applicant wrote to the Planning Commission that site plans incorporate elements for Phase II and beyond:

These updated plans move the lot lines of the development space to the two center lots and allows for adequate Emergency Vehicle access, provides ample parking, security, lighting and allows expansion to a vertical business model, a cannabis microbusiness in Suisun City, with plenty of room for additional expansion and uses.

This design within Suisun’s light industrial zone allows for either option of additional enclosed building spaces and/or supplemental lighting greenhouse canopy—master planned with optimal solar input; futuristically it can also incorporate a drive “thru” window, much like a drive thru pharmacy.

We plan on developing the adjacent lots to include leasable commercial-light industrial and commercial mixed-use suites and/or combination storage facilities in the future.

(9/10/24 PC Packet, p. 25.)

### **C. Project Is Too Large for Exemption Class 3.**

The City has stated in its September 2024 Notice that “the City performed an environmental assessment . . . and determined the Project Approvals were subject to exemptions pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).” A Class 3 Exemption extends to:

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding

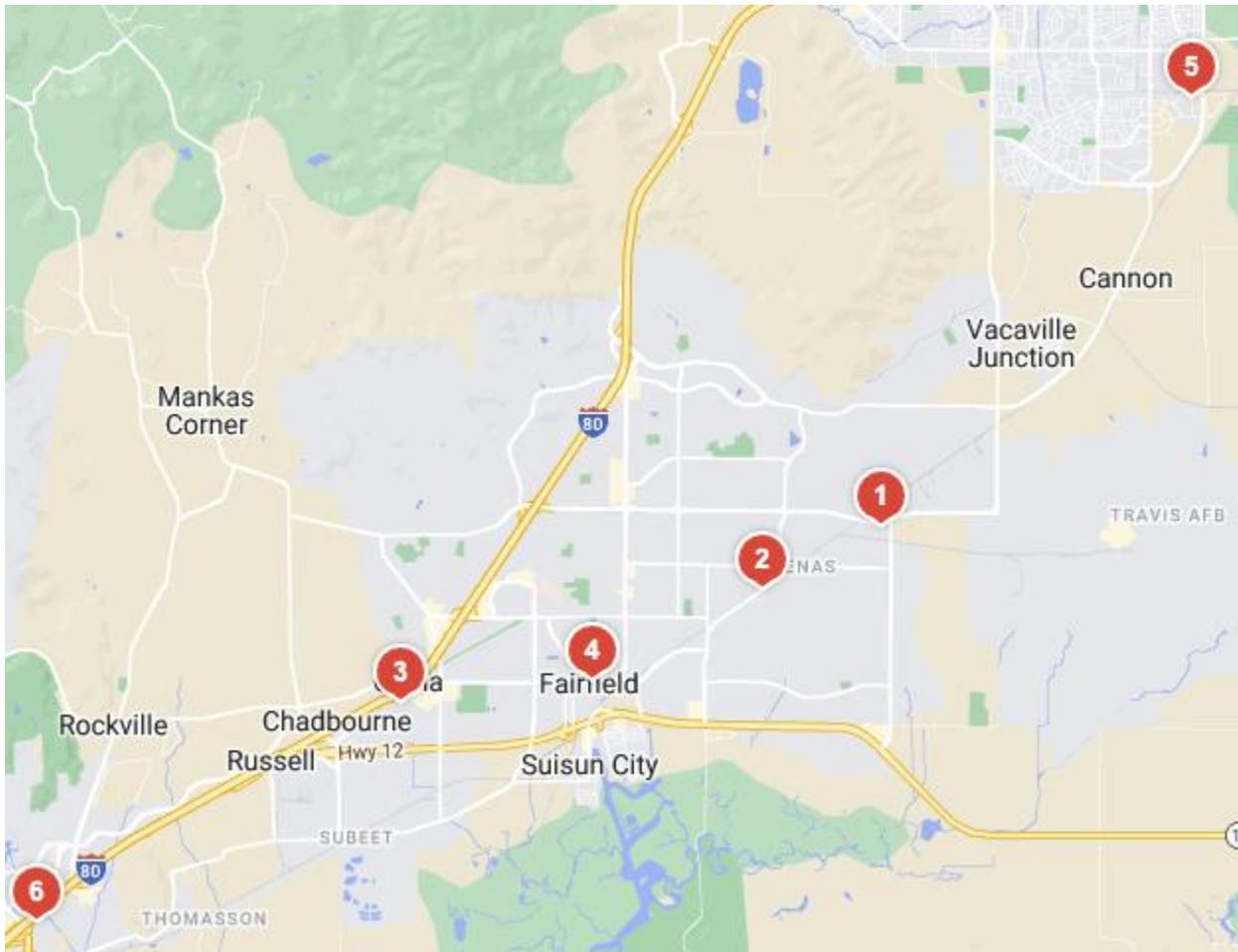
2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

(14 CCR § 15303(c).)

Here the business plan discusses that phase II “within 3 years after opening operations” is to obtain Cannabis Business Zone and: “[a]dd 5500 sq feet Microbusiness, with up to 5628 sq ft.-triple indoor canopy, and 2800 sq feet drying, curing, packaging, labeling, inventory spaces (see Expansion Spaces on Site Plan Section 2.1)” (9/10/24 PC Packet, p. 209) This is in addition to the approximately 2,000 square foot that is Phase I. The Project exceeds 10,000 square feet and a Class 3 Exemption is not available.

**D. Exception to Exemption Class 3 Applies.**

Even if the Project could be described as its Phase I only, there are exceptions to exemptions, including where significant cumulative impacts from projects of the same type will result (14 Cal Code Regs §15300.2(b).) The cumulative impact must result from “successive projects of the same type in the same place.” 14 Cal Code Regs §15300.2(b). There are multiple projects of similar type already in the area. A quick Yelp search identified the following:



Business	Distance from Project (Crow)	Distance from Project (Driving)
1. The Bright Spot 1990 Walters Ct Fairfield, CA 94533	1.08 miles	1.5 miles
2. Stiiizy 521 Railroad Ave Suisun City, CA 94585	0.2 miles	0.3 miles
3. Embarc 180 Serrano Dr Fairfield, CA 94533	3.78 miles	4.8 miles
4. Tree Frog Botanicals No address provided		unknown
5. Tree Frog Botanicals No address provided		unknown
6. The Showcase 101 Grobric Ct Fairfield, CA 94534	7.7 miles	8.6 miles

The City, by limiting the number of cannabis retail licenses to 3, recognized that there is a need for such limitation. And, because of development of the cannabis industry in adjacent jurisdictions, it is likely that capacity to assimilate has now been exceeded.

**E. City Must Consider Direct, Indirect, and Cumulative Impacts.**

Upon adoption of its cannabis ordinances, the City deferred CEQA review, and must now consider the direct, indirect, and cumulative impacts of this Project and its ordinance, having elected to delay that consideration until the time of discretionary approval—now. (See Planning Commission Agenda Report 1/21/20, p. 10.) Normally, adoption of an ordinance would have necessitated such review, but then-extant state law allowed a deferral, *not an exemption*, from the requirement to consider impacts.

**I. Project will not promote the general welfare of the City.**

In order to approve the Project, the City Council will need to determine that it “will positively impact the community” and “will be sensitive to community concerns and is not likely to result in negative or nuisance impacts on the community.” (SCC 18.49.090.) Mr. MacLaughlin and Mr. Sordi both have businesses in the neighborhood and have observed negative off-site nuisance behavior as a result of the expansion of the cannabis industry in the area, notably the recent opening of Stiiizy. Evidence in the record, including from Mr. MacLaughlin, establishes an increase in crime and nuisance behavior since the opening of Stiiizy, just 0.2 miles from this new proposed Project.

This is of particular concern because the neighborhood where the Project is proposed is already a stressed neighborhood, with residents paying 30% or more of their income for rent.

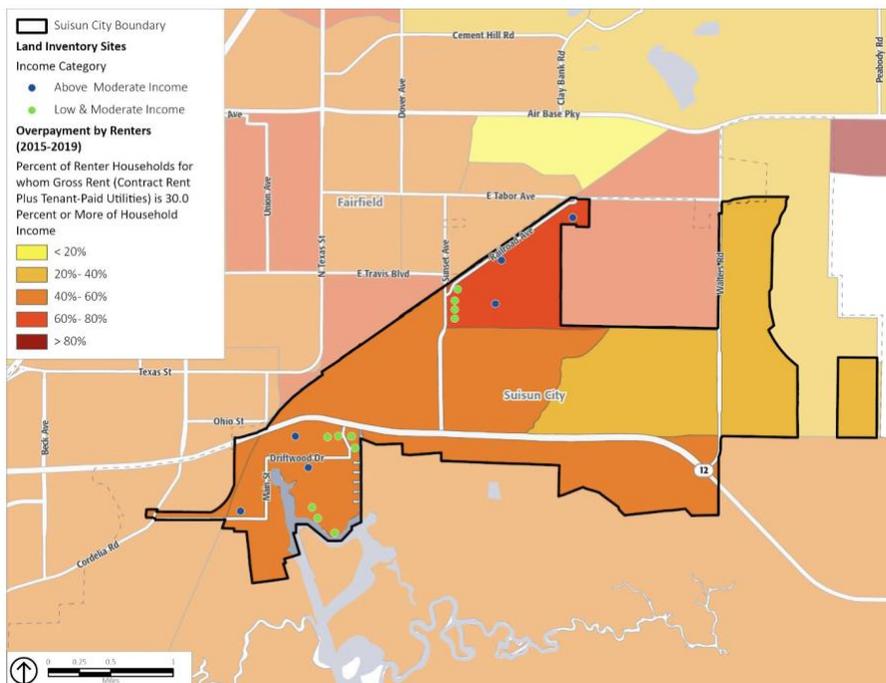


Figure 1: from Suisun City 2023-2031 Housing Element (March 21, 2023), Figure 3-38

And the scope here is greater than the superficial project description would suggest, as the applicant intends to seek a Cannabis Business Zone application and build a vertically integrated cannabis business on site. The Planning Commission has not considered the impact of the full project on surrounding properties.

## **II. Approval by Planning Commission Cannot be Justified.**

The Planning Commission can only recommend approval of a use permit if:

That the applicant exhibits proof that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city, provided that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.

(SCC 18.73.080 C.)

In the specific case of a Cannabis Business License, the scrutiny is even sharper. The Planning Commission is charged with recommending to the city counsel whether to issue a business permit. *See* SCC, Ch. 18.49.110.A. It may only make a recommendation to approve where it has made a “positive finding that the proposed operation will promote the overall health, safety and welfare of the city's residents.” *Id.* at B. It must consider the following factors in making that determination (*Id.* at B).

1. The proposed operating procedures are detailed, comprehensive, and consistent with best practices and industry standards.
2. The proposed security plan is thorough and establishes high standards for public safety, and for protection of cannabis and cannabis products against theft and diversion to unlawful uses.
3. The exterior appearance of the premises of the proposed operation is aesthetically pleasing and architecturally consistent with surrounding uses.
4. The proposed operation is compatible with surrounding land uses.
5. The proposed operation will provide economic benefits to the city.
6. The proposed operation will provide employment opportunities for city residents.
7. The proposed operation will positively impact the community, based on factors such as, without limitation, whether and to what extent the

proposed operation will offer or engage in community service, education, outreach and engagement programs.

8.The proposed operation will be sensitive to community concerns and is not likely to result in negative or nuisance impacts on the community.

9.The proposed operation will maintain best practices with regards to sanitation, cleanliness, and handling, treatment and disposal of waste, contaminants and hazardous materials.

10.The proposed operation will make efficient and safe use of energy, water and other resources.

11.The proposed operation is in compliance with the California Environmental Quality Act.

12.The proposed operation is adequately capitalized.

13.The owner, managers and employees of the proposed operation possess a high degree of training, professionalism and experience.

14.The proposed operation meets all applicable requirements of this chapter, this Code and state law.

15.The proposed operation will be within an established cannabis business zone.

16.The proposed operation satisfies any additional criteria that the planning commission determines is of benefit to making a determination of the applicant's commitment to the health, safety and welfare of the residents and visitors of the city.

(emphasis added.) If the “planning commission finds the applicant fails to satisfy three or more of the [above factors]” it must recommend denial of the application to the city council. Regardless of the recommendation of the Planning Commission, “the city council shall not be obligated at any time to approve any application for issuance of a commercial cannabis business permit for a storefront retailer/dispensary.” (SCC ch. 18.49.160.B.)

Here, there are at least three deficiencies, including but not limited to:

1. The proposed operating procedures do not adequately describe curbside and delivery practices;
2. The proposed Project will not economically benefit the neighborhood, which is already feeling the negative off-site impacts of other cannabis businesses nearby, including nuisance impacts (e.g., loitering, litter, break-ins);
3. Capitalization is described only for Phase I of the Project;

4. The Project, with all its phases, must be in a Cannabis Business Zone and it is not;
5. The Project application is not in compliance with CEQA (does not fit within Class 3 exception, is subject to exception even if it did, has an inaccurate project description, and is improperly segmented).

The Planning Commission should not recommend approval.

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**Jim MacLaughlin**

August 26, 2024

The City of Suisun Development Services Department  
**ATTN: John Kearns-Principal Planner**  
701 Civic Center Blvd  
Suisun City, CA 94585

**RE: Cannabis Business Permit #CCBP20/21-001- Site Plan/Architectural Review Permit No. Sp./Ar. 2021-001 Property located at Assessor's Parcel #0038-231-020;030; N040**

Dear John:

My name is Jim MacLaughlin, I'm the owner of Almond Tree Self Storage located at 725 Railroad Avenue, Fairfield, CA. The purpose to this letter is to oppose Cannabis Permit Application CCBP20/21-00- Site Plan/Architectural Review Permit No. Sp./Ar. 2021-001. While I own Almond Tree Storage, I'm also a property manager of Commercial Real Estate. I have been practicing real estate since 1986, overseeing 50 different projects totaling 12 million square feet. The projects range from neighborhood office buildings, multi-tenant industrial buildings, non-anchored & anchored shopping centers and cannabis cultivation properties.

The purpose of the opposition is based on the following factors:

- 1) There is already an existing marijuana dispensary (Stiiiz's) down the street literally 500 feet from this purposed site. Adding another Dispensary would create an oversaturation factor that would hurt both the existing operator as well as the developer of the proposed project. The city should realize this and keep in mind this is not fast food at a truck stop.
- 2) This proposed use of a marijuana dispensary would be located directly across the street from my business as well as a proposed single-family home development totaling around 180 units. The city needs to rethink how the proposed project will affect that development as well as the surrounding businesses.
- 3) The proposed use will definitely bring increased traffic to Railroad Ave., especially at the signalized intersection of Railroad Ave. and East Tabor Ave.  
Has a traffic study been completed. If so, please advise where we can review it. If not, I think it would be prudent to have the applicant complete one.
- 4) Since the opening of Stiiizys dispensary (521 Railroad Ave.), we have seen an increase in crime from burglary, increased loitering as well as homelessness in the area. Another dispensary will only increase those problems and further downgrade the neighborhood.

- 5) Our self-storage property, which is open to the public, provides a service to our customers, ensuring that their personal property will remain safe and secure. However, that assurance is compromised when suspicious uses such as cannabis dispensaries, who bring people with bad intentions to the neighborhood as a result crime goes up. While the City requires additional security for that location the city is offering no additional security for my location. As a result, I have to pay for additional security due to the suspicious uses that are going to be permitted. That is unfair to the surrounding businesses.
6. Chris Sorti's proposed housing development located directly across the street on Humphrey would be severely impacted. Since Suisun has such a severe housing shortage why would the city slow track his housing development while at the same time fast tracking a cannabis permit. Does the County Board of Supervisors and City Council realize the long-term damage this use would impose upon our neighborhood.
7. We realize the need to increase tax proceeds, and our elected representatives think there is a golden goose with the cannabis sales tax. However, as a property manager I have seen two of my 5 cannabis tenants go out of business as the industry is experiencing a contraction. As a Result, those 2 licenses have been revoked due to non-payment of tax. In short there is no guarantee the city will collect the tax as represented by the developer.
8. City representatives should bring development proposals that enhance the surrounding neighborhoods. Such as Chris Sorti's housing development. A cannabis dispensary does not enhance the neighborhood it will hurt the neighborhood. Is devaluing a neighborhood worth the short-term increase in sales tax dollars, I think not.
9. We assume the only reason the city is considering this use is due to the increase in sales tax dollars, however there are other options to increase the income to the city without hurting the neighborhood. I would be willing to meet with the city to discuss those options so as to protect and enhance the neighborhood.

Please advise if there has been any environmental report done or required for this project as we would like instructions on where to review it.

We have not been notified of any public hearing in relation to this permit. It was brought to my attention by a neighbor.

In the future, please mail all notices to:

Almond Tree Self Storage

C/O MacLaughlin and Company

1401 Shore Street, West Sacramento, CA 95691.

Last, I am hoping that the county board of supervisors will delay this permit application so that staff and the neighborhood community can come up with a development plan that benefits all property owners. Almond Tree doesn't want to pursue legal remedies against the city and/or the developer. We are hoping we can work together to find a development that best enhances the community such as generic multi-industrial uses.

I look forward to your continued dialog.

Please contact me directly at 916-374-4232.

Kindest Regards,

**MacLAUGHLIN AND COMPANY**

Jim MacLaughlin

0826 City of Suisun Development Services Dept.ltr



DATE: 09/24/2024  
 TO: PLANNING COMMISSION  
 FROM: JOHN KEARNS, PRINCIPAL PLANNER  
 RE: PROPOSED CONVENIENCE MARKET – 601 MAIN STREET

Files: CUP 24/25-001
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**SUMMARY**

This report reviews the Conditional Use Permit application for a new convenience market located at 601 Main Street within the Waterfront District Specific Plan. The applicant, Hakim Yahya, is seeking approval to establish a convenience market within an existing vacant building at 601 Main Street in the Main Street Mixed Use (MSMU) specific plan district. This report outlines the key aspects of the proposal, including the proposed business description and floor plan as well as staff’s recommendations for conditions of approval.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission conduct a public hearing, for the convenience market at 601 Main Street:

1. Find the Project is Exempt from the California Environmental Quality Act (CEQA) Per Section 15301 for the convenience market located at Assessor’s Parcel Numbers 0032-122-130.
2. Adopt Resolution No. PC24-\_\_\_; A Resolution of the Planning Commission of the City of Suisun City Approving Conditional Use Permit No. CUP 24/25-001 for a Convenience Market Located at 601 Main Street (Assessor’s Parcel Number 0032-122-130).

**BACKGROUND**

Project Description

As stated in the submitted project description (Attachment 2), the applicant describes the proposed use as a neighborhood-serving convenience market which sells as diverse selection of snacks, beverages, and essential groceries. Additionally, **approximately 15% of the inventory will be tobacco products** and **no alcoholic beverages will be sold.** The proposed hours of operation are 7AM – 9PM seven (7) days a week and will be staffed with two employees.

The proposed location (601 Main Street) is situated at the northwest corner of Main Street and Sacramento Street and was formerly used as a salon for several years before recently becoming vacant. The location is adjacent to a restaurant (south), small commercial building (west), temporary parking lot (north), and public waterfront parking (east).

### Property Owner Notification

A public hearing notice was sent out to adjacent property owners making them aware of the September 24 public hearing. At the time this staff report was released, one letter was received from Charanjit Singh Minhas, Suisun Port of Call inc., opposing the request for Conditional Use Permit. Issues raised in the letter include:

- Challenges with compliance and enforcement regarding the proposed use.
- Direct competition with Port of Call.
- The proposed use may not align with a family-friendly atmosphere.
- Proposed use would not provide business diversity by not selling items that are new to the area.
- Consider broader impact on the community.

The letter has been included as Attachment 4 of the staff report.

### **DISCUSSION/ANALYSIS**

The proposed use (“Convenience Market”) is classified as a conditional use in the Main Street Mixed Use (“MSMU”) zone of the Waterfront District Specific Plan (“WDSP”). Further, with the proposed sale of tobacco products, the provision of sale of “age-restricted” goods provides another layer requiring a Conditional Use Permit. Below is an analysis of the Main Street Mixed Use District, proposed conditions of approval, and required Planning Commission findings for granting a Conditional Use Permit (“CUP”).

### **Waterfront District Specific Plan/Zoning**

The MSMU district acts as the primary retail focus of the WDSP with focus on convenience and restaurant uses as described on Page 3-8 of the Plan. However, due to the nature of the items that are typically sold within convenience markets, there is a need to go through a CUP process to be able to assure consistency and compatibility with applicable plans as well as adjacent residents and properties.

### Proposed Conditions of Approval

As stated in the project description, the proposed use indicates sale of convenience goods with a limited sale of tobacco products (15%). In reviewing the proposal, the Suisun City Police Department recommended the following conditions of approval for the Planning Commission to consider:

1. Applicant must comply with all federal, state and local laws regarding the sale of tobacco.
2. Applicant is required to collect specific taxes on tobacco products.
3. No cannabis products of any kind, including vapes are to be sold at any time from this location.
4. Applicant is required to train all employees on the sale of tobacco products to persons under the age of 21, etc.

5. No alcohol to be sold at any time. If alcohol were proposed to be sold in the future it would require an amendment to the Conditional Use Permit by the Suisun City Planning Commission.

#### Required Findings for Conditional Use Permit

In order for the Planning Commission to adopt a Conditional Use Permit application, specific findings are required to be made. These findings assure consistency with applicable regulatory plans and compatibility with adjacent land uses and residents. Below are the required findings:

1. That the proposed location of the use is consistent with the goals, objectives, and policies of this Plan and the purposes of the zone in which the site is located.
2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan.
3. That the proposed use will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the City.

In evaluating the above findings, staff has determined each of the findings can be made by the Planning Commission when taking into the account the project description, Purpose and Intent of the Main Street Mixed Use District of the Waterfront District Specific, as well as the proposed conditions of approval included as Attachment 1 Exhibit A.

#### **CEQA REVIEW**

Subsequent to the filing of the Project Applications, the City performed an environmental assessment pursuant to the requirements of the California Environmental Quality Act (California Public Resources Code section 21000, *et seq.*) and the Guidelines thereunder (14 California Code of Regulations section 15000, *et seq.*) (collectively, “CEQA”), and determined the Project Approvals were subject to exemptions pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

#### **ATTACHMENTS**

1. PC24-\_\_\_: A Resolution of the Planning Commission of the City of Suisun City Approving Conditional Use Permit No. CUP 24/25-001 for a Convenience Market Located at 601 Main Street (Assessor’s Parcel Number 0032-122-130).
2. Project Description
3. Floor Plan
4. Charanjit Singh Minhas, Letter received September 19, 2024.

## RESOLUTION PC24-

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUISUN CITY APPROVING CONDITIONAL USE PERMIT NO. CUP 24/25-001 FOR A CONVENIENCE MARKET LOCATED AT 601 MAIN STREET (ASSESSOR'S PARCEL NUMBER 0032-122-130).**

**WHEREAS**, Hakim Yahya, (hereinafter referred to as Applicant) filed an application with the City of Suisun City for Conditional Use Permit for a convenience market located at 601 Main Street (APN 0032-122-130); and

**WHEREAS**, the applicant has met all applicable requirements under State law and City ordinances related to this project; and

**WHEREAS**, the Planning Commission is required to make a determination for final action on this Project; and

**WHEREAS**, the Planning Commission of the City of Suisun City did conduct a properly noticed public hearing on September 24, 2024 pursuant to Government Code Section 65090 and has considered all written and verbal testimony presented during the hearing; and

**NOW, THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CITY OF SUISUN CITY** does hereby make the following findings:

- A. The City performed an environmental assessment pursuant to the requirements of the California Environmental Quality Act (California Public Resources Code section 21000, *et seq.*) and the Guidelines thereunder (14 California Code of Regulations section 15000, *et seq.*) (collectively, "CEQA"), and determined the Project Approvals were subject to exemptions pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

**Response: The convenience market use is located within an existing building with no proposed exterior improvements or expansion of building space. No impacts to existing infrastructure in or around the property are necessitated as a part of this permit and the issuance of the permit is consistent with the Suisun City General Plan, Zoning Code, and Waterfront District Specific Plan.**

- B. The Planning Commission approves the Conditional Use Permit as depicted on the submitted plans and exhibits and subject to Conditions of Approval provided as Exhibit A of this Resolution:

1. That the proposed location of the use is consistent with the goals, objectives, and policies of this Plan and the purposes of the zone in which the site is located.

**Response: The proposed project brings a neighborhood-serving retail use to the downtown area which will occupy a vacant building space. Further, through a conditional use permit process the applicant has met all procedural requirements as stated in the Code.**

2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan.

**Response: City staff has reviewed the project and applied the attached conditions of approval which will assure the business operates consistent with the General Plan as**

**well as all other applicable regulatory plans.**

3. That the proposed use will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the City.

**Response: Careful consideration has been given to the project’s location as well as all of the adjacent land uses. Further, the proposed business hours are consistent with typical operating hours and will not cause any conflicts with adjacent land uses.**

The forgoing motion was made by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ and carried by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

**WITNESS** my hand and the seal of said City this 24<sup>th</sup> day of September 2024.

\_\_\_\_\_  
Donna Pock, Commission Secretary

Exhibit A: Conditions of Approval

## EXHIBIT A

### Conditions of Approval

1. The applicant or applicants successor in interest shall indemnify, defend and hold harmless the City of Suisun City it's agents, officers, and employees from any and all claims, actions or proceedings against the City of Suisun City, its agents, officers, and employees to attach, set aside, void or annul, any approval by the City of Suisun City and its advisory agency, appeal board, or legislative body concerning this application which action is brought within applicable statutes of limitations. The City of Suisun City shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans, or other documents pertaining to this application.
2. The use shall be constructed in accordance with the information presented (except as otherwise identified in the Conditions of Approval) and shall conform to all requirements of the City of Suisun City Code including but not limited to the Uniform Building Code as adopted by the City of Suisun City.
3. Approval of this permit will be effective, provided no appeals are received within 10 calendar days of the Planning Commission meeting date of September 24, 2024, and that the property owner and the applicant signatures are obtained affirming that they have read and understand the Conditions of Approval for Conditional Use Permit No. CUP24/25-001 and agree to comply with the conditions.
4. The applicant shall comply with all applicable Federal, State, and local codes including, but not limited to, the Uniform Building Code, Fire Code and County Health Department guidelines as interpreted by the County Health Inspectors.
5. Applicant shall apply for and receive a City of Suisun City Business License prior to operation.
6. Applicant shall apply for and receive a building permit any building signage or tenant improvements to be completed to the space.
7. Applicant must comply with all federal, state and local laws regarding the sale of tobacco.
8. Applicant is required to collect specific taxes on tobacco products.
9. No cannabis products of any kind, including vapes are to be sold at any time from this location.
10. Applicant is required to train all employees on the sale of tobacco products to persons under the age of 21, etc.
11. No alcohol to be sold at any time. If alcohol were proposed to be sold in the future it would require an amendment to the Conditional Use Permit by the Suisun City Planning Commission.

**Business Name:** Main St Market

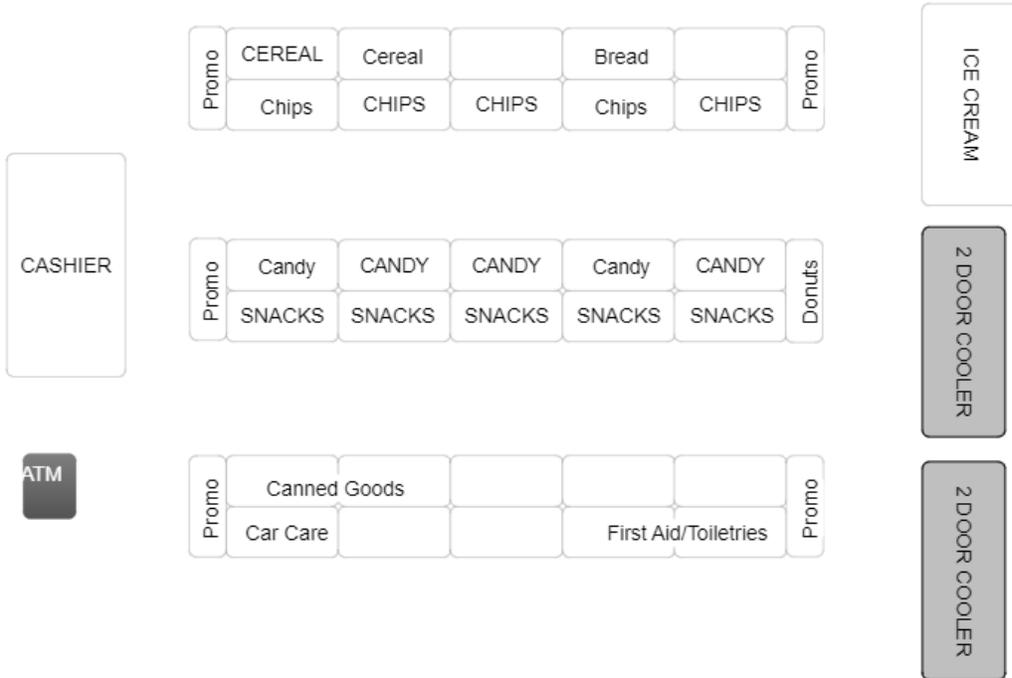
**Business Location:** 601 Main St

**Business Hours:** 7 AM - 9 PM, 7 days a week

**Description:** Main St Market is a neighborhood convenience store dedicated to serving the local community. Our market will offer a diverse selection of products including snacks, beverages, and essential groceries. In addition to these items, we will feature a modest range of tobacco products, which will make up approximately 15% of our inventory. Please note that we will not be offering any alcoholic beverages.

Our operation will be staffed by two employees who will ensure the smooth running of the store and assist customers with their needs. Main St Market will not engage in any outdoor activities or events, focusing instead on providing a convenient shopping experience within our store.

The expected customer traffic will primarily come from residents of Main St and the surrounding neighborhood, reflecting our commitment to serving the immediate community. Our store's location and hours are designed to meet the daily needs of our customers in a convenient and accessible manner.



City of Suisun City,  
Suisun City, CA 94585

Subject: Concerns Regarding Proposed Smoke Shop and Convenience Store in Downtown Suisun

Dear City Council Members,

As the President of Suisun Port of Call Inc. and a business owner in downtown Suisun for the past 25 years, I am writing to raise concerns about the proposed addition of a smoke shop and convenience store. My liquor and grocery store has served this community for decades, and I believe there are significant risks that need to be considered.

The previous smoke shop in Suisun, which closed in 2019, had a history of being involved in criminal activity, including selling THC to minors at their Napa location. Given this history, it is crucial to evaluate the potential risks of another smoke shop opening in our community and the possible challenges with compliance and enforcement.

My additional concerns include:

Direct competition with my business, particularly in the convenience sector, which could impact my ability to serve the community.

Family-friendly atmosphere, as smoke shops may not align with the welcoming environment we aim to maintain for families and tourists.

Business diversity, as adding another convenience store would offer little that is new, limiting the unique appeal of downtown.

I have invested in downtown Suisun's growth for 25 years. I urge the City Council to take these potential risks seriously and consider the broader impact on our community before approving this new smoke shop.

Thank you for your attention.

Sincerely,

Charanjit Singh Minhas

President,

Suisun Port of Call Inc.

715 Main Street,

Suisun City, CA 94585



DATE: September 24, 2024	Files:
TO: PLANNING COMMISSION	
FROM: Jim Bermudez, Development Services Director	
RE: <b>Official Director’s Interpretation:</b> Planning Commission evaluation and review of Director’s determination regarding proposed uses within the Waterfront District Specific Plan area	

**SUMMARY**

The Waterfront District Specific Plan grants the Development Services Director (Director) the authority to oversee and implement the plan's provisions and the Director must interpret and make decisions to ensure the plan's effective application. In this case, the Director is requesting a determination from the Planning Commission to assess whether two proposed uses are significantly similar in terms of their characteristics, intensity, and compatibility to uses already operating within Waterfront District Specific Plan.

**STAFF RECOMMENDATIONS**

The Development Services Director is seeking a Planning Commission evaluation and determination regarding the operation of M Auto Sport and California Street Machines within the Waterfront District Specific Plan (Specific Plan).

**BACKGROUND**

The Specific Plan designates the Director of Development Services as the plan’s Administrator, responsible for implementing its vision and provisions. This role requires not only a comprehensive understanding of the plan but also the ability to leverage staff expertise and past decisions to determine appropriate development in the plan area. While these resources typically equip the staff to effectively execute the plan, there are occasions when the plan’s vision does not synch with existing uses or on occasion proposed uses. In these instances, it is practical to rely on diverse perspectives to navigate these challenges and consider additional input.

The most recent update to the Waterfront District Specific Plan occurred in 2015 which detailed various land use designations. These land use designations were developed to ensure that over time the plan area would see incremental change. The Specific Plan makes it clear that over time existing uses that did not fit the planned vision of retail/commercial/housing would ultimately transition out of the plan area. This is indicative by the few light industrial uses operating within the plan area and staff’s pursuit of developers that specialize in mixed-use development.

The City has recently received two business license applications for the Downtown Mixed-Use (DMU) zone, located within the light industrial area of the Specific Plan. This zone is distinguished by its small-scale industrial operations and older buildings, primarily around Driftwood Drive and Benton Court.

Given the current planning initiatives—including the launch of an Economic Development Strategy—and ongoing discussions with developers regarding the transition to mixed-use projects, staff recognized the need for the Planning Commission to evaluate these applications. Using the administrative authority provided by the Specific Plan, staff aims to determine how the proposed businesses align with the broader vision for the area.

It is important to clarify that staff is not seeking the Planning Commission's approval of the business licenses. Instead, they are looking for a consensus on how these two applications fit into the larger conversation about the City's transition and the implementation of the Specific Plan.

Further information regarding the two business licenses are as follows:

#### M Auto

Since 1995, Hi-Tech Auto has been operating from 237 Benton Court. The owner is now requesting to expand his business into auto sales, which would operate under the name "M Auto". M Auto would include the sales of a limited number of used vehicles (typically no more than 5 per month) from the business location. The business would operate during the same hours as Hi-Tech Auto (8am-6pm) and the property owner indicates in his project description that the expanded business would provide a strategic advantage by providing integrated approach to automotive repair and sales.

#### California Street Machines

California Street Machines is a machine shop which is a specialized facility where precision parts are manufactured, repaired, or restored using a variety of tools and machines. The business is proposed to be located at 215 Benton Court in a single tenant space. California Street Machines has been operating within Suisun City for many years from different locations and the stated primary focus of the business is to create custom parts that are no longer available due to discontinued production. The applicant states in his letter that he feels this type of business is important in Downtown Suisun City as it can keep businesses operational when equipment breaks down and replacement parts are unavailable.

### **DISCUSSION/ANALYSIS**

The proposed business license requests are situated within the Downtown Mixed-Use (DMU) land use designation, which permits a diverse range of activities focused on retail, commercial enterprises, and mixed housing. However, upon reviewing the specific characteristics of both proposals, staff has concluded that they do not align with the current land use designation.

Nevertheless, the Administrative Review process outlined in the Specific Plan grants the Development Services Director the authority to make determinations, provided these do not negatively impact neighboring properties or the surrounding area. Given the recent developments highlighted in the Background Section of this report, staff believes it is important for the Planning Commission to weigh in and offer insights on how various uses might be retained or permitted moving forward.

Some key points for consideration include:

1. Should the City continue to allow uses that are inconsistent with the designated uses in the plan area based on the outcome of this discussion?
2. Should the City adopt a stricter stance, permitting only those uses that align explicitly with the land use table of the Specific Plan?
3. Is there potential for a transitional phase that allows uses inconsistent with the vision of the plan to operate for a limited period?

The City is currently collaborating with the Kosmont Company on an Economic Development Strategy. Over time, it has become clear that one of the shortcomings of the Specific Plan is its insufficient connection to current market conditions, as well as a lack of understanding regarding the true costs of development. This includes how the costs and revenues generated from development will ultimately benefit the City. The forthcoming plan, set for completion in early 2025, aims to provide valuable insights into these areas, equipping staff with the tools needed to effectively implement the vision of the Specific Plan.

The two uses are classified as light industrial, typically found in the Commercial Services and Fabricating (CSF) zone within the City, with the Railroad Avenue corridor being the primary location for such activities. However, given the limited availability of space citywide and the historical presence of many light industrial uses in the DMU area of the Specific Plan, it is worth reconsidering the highest and best use of the Driftwood Drive and Benton Court DMU zone.

The City's zero vacancy rate for light industrial space raises an important question: should this factor influence the decision to permit these types of uses in the plan area moving forward? This consideration invites a broader dialogue about the future of the DMU zone in that location and its potential to accommodate light industrial activities.

Over time, the City has faced challenges when new businesses conflict with the intended transition of the plan area and its land use designations. In such cases, the City has typically evaluated the proposed uses and often approved various business operations that align with the vision of the plan.

With the current focus on forward planning in the area, staff finds itself at a crossroads regarding how to address businesses that are inconsistent with the existing land use designations. While recognizing that the future vision will take time to fully realize—likely a decade or more—it is essential to ensure that opportunities for new businesses remain viable in the plan area. Balancing these competing priorities will be crucial as the City moves forward.

In exploring how to address future uses within the Specific Plan, staff has identified several options for consideration:

Option #1:

Continue to permit uses that are inconsistent with the land use designation without any stipulations, allowing these businesses to operate indefinitely until they cease operations.

**Option #2:**

Allow existing uses to remain as legal non-conforming businesses, but stipulate that once they cease operations, only those uses that align with the land use designation table will be permitted.

**Option #3:**

Permit uses that do not conform to the land use designation, but implement a timing restriction (to be determined) that phases out these uses as development progresses within the plan area.

These options invite further discussion on how to balance the needs of current businesses with the long-term vision for the area.

**CONCLUSION**

The discussion and analysis presented by staff is complex and heavily contingent on the future outcomes of the Specific Plan, which is, in many respects, decades old and has seen slow implementation over the years. While it may seem that change is imminent, staff understands that growth and development occur incrementally and require time.

With this understanding, we aim to adopt a practical business approach that recognizes the need to navigate the legal requirements outlined in the Specific Plan. At the same time, we intend to leverage the provisions within the plan that empower the Planning Commission to consider broader decisions regarding its implementation. This balanced approach seeks to ensure that we can effectively foster business opportunities while adhering to the plan's guidelines.

**ATTACHMENTS**

1. M Auto Project Description
2. California Steet Machines Project Description

### **Objective:**

Obtaining a business license for M Auto Sport to legally sell a limited number of vehicles through Hi-Tech Auto Center in Suisun City, a reputable auto repair shop specializing in high-tech diagnostics and repairs.

### **Business Overview:**

Hi-Tech Auto, established in 1995, has built a strong reputation for its expertise in automotive repair and maintenance, focusing on advanced diagnostic techniques and high-quality service. Our shop caters to a diverse clientele, offering everything from routine maintenance to complex repairs. To further enhance our service offering and better meet the needs of our customers, we aim to expand into vehicle sales with M Auto Sport, specifically targeting a curated selection of a few cars.

### **Reason for Seeking a Business License:**

1. **Enhanced Customer Experience:** By offering a limited selection of vehicles M Auto Sport can provide a more comprehensive service to our customers. This integration allows us to ensure that each vehicle sold meets our high standards of quality and reliability.
2. **Synergy with Existing Services:** Selling cars directly aligns with our core business of automotive repair. We can leverage our diagnostic expertise to thoroughly inspect and certify each vehicle, providing customers with peace of mind and enhancing our reputation for quality.
3. **Increased Business Opportunities:** Introducing vehicle sales opens up new revenue streams and business opportunities. This move not only allows us to offer a more complete service package but also strengthens customer loyalty and expands our market presence.

### **License Application Details:**

1. **Business Structure and Compliance:**
  - **Business Name:** M Auto Sport
  - **Type:** Used Car Sales
  - **Location:** 237 Benton Ct Suisun City CA 94585
  - **Owner/Operator:** Sajid Akram
  - **Business Registration:** Need Business license for Suisun City, CA
2. **Vehicle Inventory Management:**
  - **Scope:** We intend to sell a limited number of vehicles, typically no more than 5 per month. This selective approach ensures quality control and aligns with our existing service model.
  - **Procurement:** Vehicles will be sourced through reputable auctions, trade-ins, and direct purchases, with a strong emphasis on quality and condition.
3. **Operational Plan:**

- **Sales Process:** Each vehicle will undergo a thorough inspection and reconditioning process at our shop before being offered for sale. This includes detailed diagnostic checks, necessary repairs, and a final quality assurance review.
  - **Customer Experience:** We will offer transparent vehicle histories, detailed inspections reports, and allow customers to purchase limited warranty on vehicles sold. Our goal is to maintain the high standards of service that our customers have come to expect.
  - **Hours of Operation:** We will be open from the same time as Hi-Tech Auto Center. Hours will be from 8am-6pm.
4. **Regulatory Compliance:**
- **Licensing Requirements:** We are committed to adhering to all state and federal regulations governing vehicle sales. This includes our current and valid Dealer License, following disclosure requirements, and maintaining accurate records.
5. **Marketing and Promotion:**
- **Strategy:** We will promote our vehicle sales through our existing customer base, local advertising, and online platforms. Emphasis will be placed on the added value of purchasing from a trusted repair shop with a focus on quality and customer care.

**Conclusion:**

Acquiring a business license for M Auto Sport represents a strategic expansion of our business model, enhancing our ability to serve our customers with an integrated approach to automotive repair and sales. By maintaining our commitment to quality and customer satisfaction, we aim to successfully help expanding Hi-Tech Auto to include vehicle sales. This is a strategic move designed to strengthen our financial foundation, prevent layoffs, and ensure we can meet our operational expenses. By diversifying our revenue streams, enhancing job security for our employees, and maintaining financial stability, we position Hi-Tech Auto for continued success and growth. This expansion not only benefits the business but also positively impacts our employees and the broader community we serve.

Lance Clontz  
California Street Machine LLC  
500 Wood Duck Drive  
Suisun City, CA 94585

September 5, 2024

City of Suisun City  
Planning and Development Department  
701 Civic Center Blvd  
Suisun City, CA 94585

Dear City of Suisun City,

I am writing to you as the owner of California Street Machine LLC, a proposed machine shop in Old Town Suisun City, and as a seasoned machinist with 49 years of experience in the industry. I would like to outline the role and value of a machine shop to the community, and I am confident that our services will not only complement the city's vision but will also provide essential support to local businesses and industries.

A machine shop is a specialized facility where precision parts are manufactured, repaired, or restored using a variety of tools and machines. At California Street Machine, our primary focus is on creating custom parts that are no longer available due to discontinued production. This is a vital service for businesses relying on older equipment, where replacements can be nearly impossible to find.

For example, we have successfully restored critical components for the Family Cookie Co. Outlet Store (It's-It), where their cookie manufacturing machines, some of which are over 75 years old, had essential parts that simply couldn't be sourced anywhere else. Our ability to recreate these parts has allowed them to continue operations seamlessly, preventing downtime and preserving an iconic business in the community.

The importance of having a machine shop like California Street Machine within Suisun City cannot be overstated. We offer the unique ability to keep local businesses operational when something breaks, eliminating the need for expensive replacements or lengthy delays from waiting on distant suppliers. Additionally, we collaborate with City, State and County maintenance facilities, local trades, such as automotive repair shops, the maritime industry, and small manufacturers, offering them immediate and reliable access to custom machining and repair services.

While I understand the city's concern about the waterfront restructuring agenda, I believe a machine shop can fit within Suisun City's evolving landscape by supporting the very businesses that make Old Town vibrant. Our services will attract not just local business owners but also those from surrounding areas seeking high-quality, precise machining services. Our ability to solve problems when machines break down or parts are unavailable adds an essential layer of resilience to Suisun City's business ecosystem.

With nearly five decades of experience, I am committed to ensuring California Street Machine operates in a way that respects and enhances the city's plans. I hope you will consider the essential role that a machine shop can play in sustaining the economic vitality of Old Town Suisun City, as well as our commitment to being a responsible and engaged part of the community.

Thank you for your time and consideration. I look forward to the opportunity to contribute to the continued success of Suisun City.

Sincerely,

Lance Clontz  
California Street Machine LLC