From: Cortez, Joanna
Sent: Thursday, April 2, 2026 2:14 PM
To: Cortez, Joanna
Subject: FW: appeals
Attachments: CUP 24-011_MND 24-002 (Redondo Circle Industrial Project).pdf; CUP 24-008 (Liberty Duplex).pdf

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From: Burns, Pat <Pat.Burns@surfcity-hb.org>
Sent: Monday, March 9, 2026 4:00 PM
To: Lopez, Michelle <Michelle.Lopez@surfcity-hb.org>
Cc: Hopkins, Travis <thopkins@surfcity-hb.org>; Villasenor, Jennifer <JVillasenor@surfcity-hb.org>; McKeon, Casey <Casey.McKeon@surfcity-hb.org>
Subject: appeals

I am appealing both these CUP's. CUP 24-011_MND 24-002: The wall height seems low. Should it be higher for sound deflection? Cup 24-008: Why the height of 33.5 feet? Does this need to be so high.
I would like both these projects referred to and reviewed by our Planning Commission in their entirety.

Pat Burns
Councilman
City Council

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VIA EMAIL & FEDEX

March 11, 2026

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Joanna Cortez, Principal Planner
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Re: Appeal of the Zoning Administrator's Decision to Approve the Conditional Use Permit No. 24-011 for the 7600 Redondo Circle Project

Dear Director Villasenor and Planner Cortez,

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") and its members living and/or working in or around the City of Huntington Beach ("City") to appeal the Zoning Administrator's March 4, 2026 decision to approve Conditional Use Permit No. 24-011 for the 7600 Redondo Circle Project ("Project") and certify the Mitigated Negative Declaration (MND No. 2024-002) prepared for the Project. The Project involves the construction of two warehouses totaling 185,912 square feet on a 9.59-acre site, located at 7600 Redondo Circle in the City of Huntington Beach.

This appeal is timely filed within 10 days of the Zoning Administrator's decision and is accompanied by the required filing fee of $5,349. The reasons for the appeal are set forth in the attached letter dated December 16, 2025, which was submitted to the Zoning Administrator before its decision.

Sincerely,

Rebecca Davis
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VIA EMAIL & ONLINE PUBLIC PORTAL

December 16, 2025

Madalyn Welch, Zoning Administrator
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Jason Kelley, Staff Liaison
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Re: Comment on the Draft Initial Study/Mitigated Negative Declaration for the 7600 Redondo Circle Project (MND No. 2024-002; CUP No. 24-011)

Dear Ms. Welch, Mr. Kelley, and Ms. Cortez:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Draft Initial Study/Mitigated Negative Declaration ("MND") prepared for the 7600 Redondo Circle Project (MND No. 2024-002; CUP No. 24-011) ("Project"). The Project involves the construction of two warehouses totaling 185,912 square feet on a 9.59-acre site, located at 7600 Redondo Circle in the City of Huntington Beach, California.

SAFER is concerned that the MND violates CEQA because (1) there is substantial evidence of a fair argument that the Project will have significant adverse impacts related to hazardous materials, air quality, and greenhouse gases; and (2) the MND relies on improperly deferred mitigation for the Project's potentially significant impacts for geology and soils and hazardous materials, which is prohibited under the California Environmental Quality Act ("CEQA"). Therefore, SAFER respectfully requests that the Zoning Administrator deny approval of the Project and adoption of the MND and instead require the City to prepare and circulate an EIR before Project approval to adequately address the Project's potentially significant adverse impacts and ensure compliance with CEQA.

SAFER's review of the MND was assisted by expert environmental engineers Dr. Yilin

Tian, Ph.D, Patrick Sutton, P.E., and Cem Atabek from Baseline Environmental Consulting ("Baseline"). Baseline's written comments and CV are attached hereto as Exhibit A and are incorporated herein by reference in their entirety.

PROJECT DESCRIPTION

The Project involves the demolition of an existing operating lumber yard and associated surface parking and the construction of a new, industrial warehouse complex consisting of two warehouses totaling 185,912 square feet on a 9.59-acre parcel. The Project site is located at 7600 Redondo Circle, in the City of Huntington Beach. The site is bounded by a Southern Pacific Railroad right-of-way to the west, Taylor Drive to the south, Parkview Lane to the east, and industrial and commercial properties to the north. Surrounding land uses include industrial and commercial uses to the north, a public park and residential townhome community to the east, and single-family residences to the south.

LEGAL STANDARD

As the California Supreme Court held, "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-20.) "Significant environmental effect" is defined very broadly as "a substantial or potentially substantial adverse change in the environment." (Pub. Res. Code ["PRC"] § 21068; *see also* 14 Cal. Code Regs. ["CCR"] § 15382.) An effect on the environment need not be "momentous" to meet the CEQA test for significance; it is enough that the impacts are "not trivial." (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Env't v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 109.)

The EIR is the very heart of CEQA. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.) The EIR is an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." (*Bakersfield Citizens*, 124 Cal.App.4th at 1220.) The EIR also functions as a "document of accountability," intended to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (*Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The EIR process "protects not only the environment but also informed self-government." (*Pocket Protectors*, 124 Cal.App.4th 903, 927.)

An EIR is required if "there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment." (PRC § 21080(d); *see also Pocket Protectors*, 124 Cal.App.4th at 927.) An MND instead of an EIR is proper only if project revisions would avoid or mitigate the potentially significant effects

identified in the initial study "to a point where clearly no significant effect on the environment would occur, and . . . there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." (*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331 [quoting PRC §§ 21064.5, 21080(c)(2)].) In that context, "may" means a reasonable possibility of a significant effect on the environment. (PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors*, 124 Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-05.)

An EIR must be prepared rather than an MND "whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact." (*No Oil, Inc.*, 13 Cal.3d at 75.) Under this "fair argument" standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency's decision. (14 CCR § 15064(f)(1); *Pocket Protectors*, 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. Cnty. of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.) The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. (*Pocket Protectors*, 124 Cal.App.4th at 928.)

The "fair argument" standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

> This 'fair argument' standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency's decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.

(Kostka & Zischke, *Practice Under CEQA*, § 6.29, pp. 273-74.) The Courts have explained that "it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is *de novo*, with a preference for resolving doubts in favor of environmental review." (*Pocket Protectors*, 124 Cal.App.4th at 928.)

DISCUSSION

I. There is substantial evidence of a fair argument that the Project may have significant adverse impacts related to hazardous materials.

Baseline reviewed the MND and other relevant documents regarding the Project's

environmental impacts related to hazardous materials and subsurface contamination on the Project site. Baseline concluded that the Project may have significant adverse impacts related to hazardous materials and subsurface contamination that the MND failed to sufficiently address and mitigate, thereby warranting additional CEQA review through an EIR. (Ex. A at 1.)

First, as part of the City's review of the Project's environmental impacts related to hazardous materials and subsurface contamination, a Phase I Environmental Site Assessment ("Phase I Study"), Phase II Subsurface Investigation ("Phase II Study"), and Additional Subsurface Investigation Report ("ASI Report") of the Project site, among other things, were prepared for the MND. (*Id.*) However, Baseline found several deficiencies in these studies. For example, these studies did not identify the source and extent of much of the perchloroethylene ("PCE") contamination on the Project site. (*Id.* at 4.) Additionally, although the Phase I Study noted past agricultural land use on the site, the Phase II Study failed to analyze the potential for agricultural soil contamination on the site, including residual contamination from persistent arsenic-based pesticides and organochlorine pesticides ("OCPs"). (*Id.* at 3.) Moreover, even though the Phase I Study stated that railroad tracks can be sources of contamination due to the historical use of polychlorinated biphenyls, herbicides, arsenic, and coal cinders along railroad tracks, the Phase II Study did not analyze any soil samples along the railroad spur located on the site. (*Id.*) Baseline also found that the Phase II Study and ASI Report did not sample the area of the site where former underground storage tanks ("USTs") were located. (*Id.* at 4.)

Baseline explained that, if the unidentified soil contamination discussed above is present at the Project site, then disturbance and movement of contaminated soil during Project construction could result in the release of hazardous materials into the environment, posing serious health risks to the public and the environment through various exposure routes, such as direct contact and inhalation risks for construction and maintenance workers, public exposure to fugitive dust and vapors, and contamination of stormwater runoff and groundwater. (*Id.* at 5.) Therefore, further CEQA review is required to evaluate and mitigate the potential for unidentified subsurface contamination on the site. (*Id.*)

Baseline also identified multiple flaws in the MND's proposed mitigation measures for hazardous materials and subsurface contamination. For example, MM HAZ-1 recommends remediating the subsurface impacts of the volatile organic compounds ("VOCs") at the Project site, noting that regulatory oversight would be required. (*Id.*) However, the MND did not identify any existing regulations or requirements to require the Applicant to engage with a regulatory agency to oversee further investigation or remediation at the site. (*Id.*) The MND also did not include any discussion of what the remediation activities would entail, the potential impacts of remediation activities, or any performance measures to ensure that the site is properly remediated to protect human health and the environment. (*Id.* at 6.) Baseline held that a regulatory agency must provide oversight of further investigation or remediation at the site and approve the completion of remedial actions. (*Id.* at 5.) Furthermore, the MND failed to require that a vapor barrier or vapor intrusion mitigation system ("VIMS") be installed as part of the Project to address concerns regarding potential vapor intrusion from VOCs, PCE, and trichloroethylene and evaluate the extent of vapor intrusion in groundwater. (*Id.* at 4.) Baseline held that a VIMS is likely needed for the Project based on the concentrations of PCE found in soil gas samples from

the site. (*Id*.)

II. There is substantial evidence of a fair argument that the Project may have significant adverse air quality and greenhouse gas impacts.

Baseline also reviewed the MND and other relevant documents regarding the Project's air quality and greenhouse gas ("GHG") impacts. Baseline concluded that the Project may have significant environmental impacts related to air quality and its GHG emissions for which further CEQA review through an EIR is necessary. (*Id*. at 1.)

First, the MND inadequately analyzed the Project's construction emissions of criteria air pollutants, GHGs, and carcinogenic diesel particulate matter ("DPM"). (*Id*. at 7.) The MND's air quality and GHG analyses failed to include construction off-road equipment to be used for remediation activities and associated haul-truck trips, despite their potential to contribute to regional air pollution. (*Id*.) As a result, the estimated construction emissions of criteria air pollutants, GHGs, and DPM, including the human health risks associated with these emissions, are underestimated in the MND. (*Id*.) An EIR is needed to implement these improvements to the MND's construction air quality and GHG assessments.

Second, the MND failed to sufficiently assess the Project's mobile operational emissions. (*Id*.) For example, the MND's CalEEMod calculations for operational air emissions assumed a one-way trip distance of approximately 9.8 miles for measuring operational heavy-duty truck emissions. (*Id*.) However, this assumption is not representative of typical warehouse operations, which generally involve longer truck trips associated with long-haul product delivery and distribution. (*Id*.) The Southern California Association of Government ("SCAG") estimated an average long-haul truck trip length of about 40 miles in its 2016 Regional Transportation Plan. (*Id*.) Thus, the MND underestimated the criteria air pollutant and GHG emissions from truck trips during Project operation. (*Id*.) An EIR is required to revise the MND's operational air quality and GHG analyses.

III. The MND relies on improperly deferred mitigation measures for the Project's potentially significant impacts related to geology and soils and hazardous materials.

CEQA disallows deferring the formulation of mitigation measures to post-approval studies. (CEQA Guidelines § 15126.4(a)(1)(B); *Sundstrom v. Cnty. of Mendocino* (1988) 202 Cal.App.3d 296, 308-309.) An agency may only defer the formulation of mitigation measures when it possesses "'meaningful information' reasonably justifying an expectation of compliance." (*Sundstrom*, 202 Cal.App.3d at 308; *see also Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-29 (mitigation measures may be deferred only "for kinds of impacts for which mitigation is known to be feasible").) A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility (*Kings Cnty. Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation because there was no evidence that replacement water was available).) This approach

helps "insure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.)

While specific details of mitigation measure may be deferred, an agency is required to (1) commit itself to mitigation, (2) adopt specific performance standards the mitigation will achieve, and (3) identify the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. (*See Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281; *San Joaquin Raptor Rescue Center v. Cnty. of Merced* (2007) 149 Cal.App.4th 645, 671.)

Moreover, "mitigation measure[s] [that do] no more than require a report be prepared and followed" do not provide adequate information for informed decisionmaking under CEQA. (*Endangered Habitats League, Inc. v. Cnty. of Orange* (2005) 131 Cal.App.4th 777, 794; CEQA Guidelines § 15126.4(a)(1)(B).) By deferring the development of specific mitigation measures, the City has effectively precluded public input into the development of those measures. CEQA prohibits this approach. As explained by the court in *Communities for a Better Env't v. Richmond* (2010) 184 Cal.App.4th 70, 92:

> [R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.

Here, the MND offers mitigation measures to reduce the Project's potentially significant adverse impacts related to (1) geology and soils and (2) hazardous materials. However, as explained below, these mitigation measures constitute improper deferred mitigation, prohibited by CEQA.

A. The MND relies on improperly deferred mitigation measures for the Project's potentially significant geology and soil impacts.

Here, the MND offers two mitigation measures to reduce the Project's significant adverse impacts related to geology and soils. These include MM GEO-1, which provides that, before the issuance of a grading permit, site preparation shall follow the recommendations in the Geotechnical Report prepared for the Project, dated August 16, 2023, as well as "additional ***future site-specific, design-level geotechnical investigations*** of the Project." (MND at 8-65 [emph. added].)

MM GEO-1 constitutes improper deferred mitigation, because the additional site-specific, design-level geotechnical investigations would not be completed until *after* Project approval, thereby depriving the public and the CEQA decision-making body of any opportunity to review the results of the investigations and review the mitigation recommendations stemming from the investigations, to ensure they are adequate. The MND does not explain why it is impossible to conduct these additional investigations now, during the CEQA process and before

Project approval. Such deferred mitigation is invalid under CEQA, and the Project's impacts on geology and soils thus remain significant. An EIR is required to develop clear, enforceable mitigation measures to address the Project's significant adverse impacts on geology and soils.

B. The MND relies on improperly deferred mitigation measures for the Project's potentially significant hazardous material impacts.

Here, the MND offers one mitigation measure, MM HAZ-1, to address the Project's adverse hazardous material impacts. MM HAZ-1 requires that, before the issuance of a grading permit, the Project Applicant will retain a qualified environmental remediation firm or environmental engineering consultant to remediate the subsurface impacts of the VOCs at the Project site to reduce the risk of vapor intrusion and groundwater impacts.

MM HAZ-1 constitutes insufficient, deferred mitigation because the plan for and definition of remediation of the subsurface VOCs at the Project site must be prepared and available for the public and decision makers to review *before* Project approval. The MND does not explain what "remediation" will look like or what standards will be met. The MND does also does not explain why it would be impossible to provide that information now, during the CEQA process and before Project approval. Such deferred mitigation is invalid under CEQA, and the Project's hazardous materials impacts will remain significant.

CONCLUSION

For the foregoing reasons, SAFER respectfully requests that the Zoning Administrator deny approval of the MND and instead require the City to prepare and circulate an EIR before Project approval to adequately address and mitigate the Project's potentially significant adverse impacts and ensure compliance with CEQA. Thank you for your consideration.

Sincerely,

Rebecca Davis
LOZEAU DRURY LLP

EXHIBIT A

December 15, 2025
25247-00

Hayley Uno
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

Subject: **Review of Hazardous Materials, Air Quality, and Greenhouse Gas Emissions Impacts Analyzed for the 7600 Redondo Circle Industrial Project, Huntington Beach, California**

Dear Ms. Uno:

Baseline Environmental Consulting (Baseline) has reviewed the Draft Initial Study/Mitigated Negative Declaration (IS/MND)[1] for the 7600 Redondo Circle Industrial Project (project) located at 7600 Redondo Circle in Huntington Beach, California (site). According to the IS/MND, the project site is currently developed with an operating lumber yard developed in 1975 and 1994 which continues to operate as a lumber yard in the present day. The project proposes the construction of an industrial warehouse complex consisting of two warehouse buildings totaling 185,912 square feet.

The primary purpose of our review was to determine whether the potential environmental impacts related to hazardous materials, air quality, and greenhouse gas (GHG) emissions from implementation of the project have been properly evaluated, mitigated, and disclosed to the public. Based on our review, there are potential impacts that have not been adequately evaluated and improvements that can be made to the existing mitigation measures identified in the IS/MND that would warrant additional review of the project under the California Environmental Quality Act (CEQA).

INADEQUATE ANALYSIS AND MITGATION OF SUBSURFACE CONTAMINATION

A Phase II Subsurface Investigation[2] prepared for the project site included a summary of historical land uses and recognized environmental conditions (RECs) identified at the project site by a previous Phase I Environmental Site Assessment (ESA). The project site was agricultural land (row

[1] Psomas, 2025. Initial Study/Mitigated Negative Declaration (IS/MND), 7600 Redondo Circle. November.
[2] Partner Engineering and Science Inc. (Partner), 2023. Phase II Subsurface Investigation Report, 7600 Redondo Circle, Huntington Beach, California 92648. July 18.

crops) from at least 1927 to 1960; vacant land from at least 1963 to 1972; and developed with the current lumber yard and associated structures in 1975 and 1994.[3] The RECs identified by the Phase I ESA, as presented in the Phase II Subsurface Investigation, are summarized below:

- A subsurface clarifier and associated drain system used to treat and convey wastewater from a pressure washing station was identified outside of a maintenance shop in the northern portion of the site. Stormwater flows topographically to the north and has the potential to drain into the clarifier. Staining of paved surfaces was observed throughout the project site. The potential for a release from the clarifier and associated drain system to impact to the subsurface was identified. The presence of these features in conjunction with the types of hazardous waste stored on the project site was considered a REC.

- A railroad spur is located in the western portion of the project site. Potential contaminants associated with railroad tracks were identified including polychlorinated biphenyls (PCBs) and herbicides (typically associated with weed-control activities), arsenic (to prevent pest infestation), creosote (treating of railroad ties), and coal cinders (historically used as fill material between tracks). The historical presence of railroad tracks on the project site was considered a REC.

- A 10,000-gallon diesel underground storage tank (UST) was installed at the project site in 1991. The associated fuel pump is suspected to be older and installed in 1975. Based on the age of the UST, and the possibility that releases may occur from tanks or tank systems that are otherwise testing as tight, the potential that a release from the UST has affected the subsurface of the subject property was identified. The storage and use of a petroleum UST system at the project site was considered a REC.

- Treatment of lumber with flame retardants and paint is conducted on the northwest portion of the project site. Cracks within the asphalt paved surfaces were identified which can act as a conduit to the subsurface for lumber treatment chemicals. Based on the length of time lumber treatment occurred on the project site (approximately 48 years) and deficiencies in the asphalt paved surfaces, this on-site operation was considered a REC.

- No oil or gas wells are located on the project site; however, the project site is located within the Huntington Beach Oil Field. Due to the site history and the proximity of oil wells (less than 500 feet), the project will need to show compliance with City Specification #429, and soil gas testing for methane gas is required.

Although past agricultural use of the project site was identified by the Phase I ESA, the Phase II Subsurface Investigation did not evaluate the potential for agricultural soil contamination. Arsenic based pesticides were commonly used in agriculture prior to the use of organochlorine pesticides

[3] Ibid.

(OCPs) which were first introduced into California agriculture in 1944 and reached peak usage in the 1960s.[4] Arsenic and OCPs are persistent in the environment;[5] therefore, residual contamination from arsenic and OCPs could be present in shallow soil at the project site. The Phase II Subsurface Investigation did not include analysis of OCPs in soil samples. Some soil samples collected during the Phase II Subsurface Investigation were analyzed for arsenic; however, these samples were collected from depths of 2 and 5 feet below ground surface (bgs), and concentrations of agricultural contaminants in soil are typically highest near the soil surface and attenuate with depth. Therefore, unidentified shallow soil contamination from arsenic and OCPs may be present at the project site.

Although the Phase I ESA indicated that railroad tracks can be sources of contamination due to historical use of PCBs, herbicides, arsenic, creosote, and coal cinders along railroad tracks, the Phase II Subsurface Investigation did not include the collection of any soil samples from directly beneath or adjacent to the railroad spur in the western portion of the Site. Two soil samples collected in the general vicinity of the railroad spur were analyzed for heavy metals, PCBs, herbicides, and polycyclic aromatic hydrocarbons (PAHs, a class of contaminants associated with creosote and coal cinders); however, one of these samples was collected from a depth of 2 feet bgs approximately 25 feet away from the railroad spur, and the other sample was collected closer to the railroad spur (approximately 10 feet away) but from a depth of 5 feet bgs. Soil contamination is typically present in surficial soil beneath/adjacent to the railroad tracks; therefore, unidentified soil contamination may be present along the railroad spur on the project site.

The Phase II Subsurface Investigation identified elevated soil gas concentrations (exceeding soil gas screening levels for commercial/industrial properties [SGSLs]) of benzene and perchloroethylene (PCE) at the project site. Elevated soil gas concentrations of benzene were detected throughout much of the project site, with the highest concentrations detected in the lumber yard (central and southern portions of the Site). The elevated soil gas concentrations of PCE were detected in the northwest portion of the project site.

Additional soil, groundwater, and soil gas sampling was performed at the project site as documented in an Additional Subsurface Investigation Report[6] and High Resolution Site Characterization Report.[7] Elevated concentrations of PCE (exceeding regulatory guidelines) were detected in four groundwater samples collected from the northwest portion of the project site from a depth of approximately 53 feet bgs.[8] Elevated concentrations of PCE were detected in most of the soil gas samples collected at the project site, including a sample collected from the southwest

[4] Department of Toxic Substances Control (DTSC), 2008. Interim Guidance for Sampling Agricultural Properties (Third Revision), August 7.
[5] Ibid.
[6] Partner, 2023. Additional Subsurface Investigation Report, 7600 Redondo Circle, Huntington Beach, California 92648. December 5.
[7] Partner, 2024. High Resolution Site Characterization Report, 7600 Redondo Circle, Huntington Beach, California 92648. February 22.
[8] Ibid.

portion of the project site. Very high concentrations of PCE (exceeding the SGSL by 3 to 4 orders of magnitude) were detected in many of the soil gas samples, including samples collected from 5, 10, 20, 25, 35, and 45 feet bgs. Elevated concentrations of trichloroethylene (TCE, a breakdown product of PCE) and other volatile organic compounds (VOCs) were also detected in various soil gas samples.[9]

The extent of groundwater and soil gas contamination from PCE has not been defined, and the groundwater flow direction at the Site has not been determined. The groundwater contamination and most significant soil gas contamination at the project site are located near the western and northern boundaries of the project site and could be migrating off-site and affecting groundwater and soil gas quality at surrounding properties.

The Additional Subsurface Investigation Report indicates that there appears to have been a release of PCE in the northwest portion of the project site (however the location of the release source is unclear) and the concentrations on the project site represent a concern to human health and to groundwater in the northwest portion of the project site. The Additional Subsurface Investigation Report indicated that while there is a potential vapor intrusion concern for the proposed project, the proposed project includes plans for a vapor barrier specifically designed for VOC vapor intrusion mitigation which would mitigate PCE and TCE vapor intrusion. The Additional Subsurface Investigation Report recommended additional investigation to evaluate the extent of groundwater impacts and to confirm the source of the impacts. [10] The IS/MND **did not indicate** that a vapor barrier or vapor intrusion mitigation systems (VIMS) would be installed as part of the project. Based on the concentrations of PCE in soil gas, VIMS at the project site (or at least in the northwest portion of the project site) would most likely be required to be an active system with sub-slab venting and blowers to exhaust hazardous vapors into the air, which could impact air quality if not treated properly.

The sources and extent of much of the contamination at the project site has not been defined. As discussed on page 8-82 of the IS/MND, there is likely a separate contaminant plume of benzene, toluene, ethylbenzene, and xylenes (BTEX) that may be associated with the former USTs which were located east of the sawmill on the project site. Baseline notes that the Phase II Subsurface Investigation and subsequent investigation activities performed at the project site did not include sampling in the area of the former USTs that were located east of the sawmill, therefore unidentified soil and groundwater contamination may be present in the area of these former USTs.

The IS/MND should have discussed the potential for unidentified contamination to be present at the project site based on historical agricultural use, inadequate soil sampling along the railroad spur, the

[9] Partner, 2024. High Resolution Site Characterization Report, 7600 Redondo Circle, Huntington Beach, California 92648. February 22.
[10] Partner, 2023. Additional Subsurface Investigation Report, 7600 Redondo Circle, Huntington Beach, California 92648. December 5.

lack of sampling in the area of the former USTs, and because the PCE contamination source has not yet been identified. If unidentified soil contamination is present at the site, the disturbance and movement of contaminated soil during project construction activities could result in the release of hazardous materials into the environment which can cause health risks for the public and environment through various exposure routes, including direct contact and inhalation risks for construction workers, public exposure to fugitive dust and vapors, and contamination of stormwater runoff. Placement of contaminated soil in areas of landscaping could expose future occupants or maintenance workers at the project site to contaminated soil. Contaminated soil could also be removed from the site and re-used as fill material on other properties or improperly disposed of at the wrong type of landfill (e.g., Class III landfill versus Class II or Class I landfills). Construction of landscaping over areas of contaminated soil or groundwater that are currently beneath impervious surfaces could increase the leaching of contaminants from soil into groundwater and exacerbate the migration of contaminated groundwater. These potentially significant impacts were not identified or mitigated by the IS/MND. Additional sampling and additional CEQA review would be required to evaluate and mitigate the potential for unidentified soil and groundwater contamination to be present at the site.

On page 8-82, the IS/MND indicates that remediating the subsurface VOC impacts at the site to mitigate the risk of vapor intrusion in the future and reduce groundwater impacts was recommended (MM HAZ-1), and because the VOCs are not within the scope of City Specification 431-92, appropriate regulatory oversight by Orange County Health Agency, Regional Water Quality Control Board, and Department of Toxic Substances Control is required. Although the IS/MND indicates that regulatory oversight would be required, the IS/MND does not identify any existing regulations or requirements that would require the Applicant to engage with a regulatory agency to oversee further investigation or remediation at the project site. A regulatory agency must provide oversight of further investigation or remediation at the project site and approve the completion of remedial actions to ensure the protection of human health and the environment during construction and operation of the project.

The IS/MND indicates that potential impacts related to the release of hazardous materials into the environment would be less than significant with implementation of mitigation. Mitigation Measure MM HAZ-1, as presented on page 8-84 of the IS/MND, indicates “Prior to the issuance of a grading permit, the Applicant shall retain a qualified environmental remediation firm or environmental engineering consultant to remediate the subsurface VOC impacts at the site to mitigate the risk of vapor intrusion and reduce groundwater impacts.” Mitigation Measure MM HAZ-1 does not require a regulatory agency to oversee further investigation or remediation at the project site, therefore MM HAZ-1 would not adequately mitigate potentially significant impacts related to the release of hazardous materials into the environment due to subsurface contamination at the project site. Furthermore, the Applicant should be required to engage with a regulatory agency to provide oversight of further investigation and remediation of the project site prior to the City granting demolition permits for the project, as demolition activities could expose soil and therefore could release dust/vapors and spread or mask areas of contamination due to soil disturbance. Removing

features on the project site can also make it much more difficult to perform further investigation as the precise locations of previous borings and features of environmental concern can easily be lost.

The extent and magnitude of PCE contamination at the project site suggests that a significant release of PCE has occurred at the project site which could affect groundwater and soil gas quality at the project site and surrounding properties for a long period of time, even if the source area of PCE contamination is identified (which has not yet occurred) and remediated through excavation and off-site disposal. Remedial excavation activities could release significant amounts of vapors that can be difficult to control and would require protective measures such as the use of vapor suppressants, tenting of excavation activities, air monitoring, and special worker safety and soil management protocols in order to mitigate the release of hazardous materials into the environment and potentially significant impacts to human health and the environment. Remediation activities may also be required to address migration of groundwater and soil gas contamination off-site. Mitigation Measure MM HAZ-1 indicates that the project site must be remediated, however the IS/MND included no discussion regarding what the remediation activities may entail, potential impacts related to remediation activities, or protective measures that should be implemented during remediation activities. Mitigation Measure MM HAZ-1 also did not include any performance measures to ensure that the project site is adequately remediated to protect human health and the environment.

Any remediation plans for the project must be reviewed under CEQA as part of the project to ensure that the remediation activities would not result in significant impacts to the environment. Remediation activities can require extensive soil excavation, soil disposal trucking, and trucking of imported fill material which must be evaluated under CEQA for potential impacts related to transportation, air quality, and noise. Remedial actions at the project site could also include installation of treatment systems that would extract and treat groundwater and/or soil gas and discharge treated groundwater into the sanitary sewer or storm drain systems (potentially affecting water quality and drainage system capacity) and/or emit hazardous air emissions. Some of the contaminants that are present at the project site include benzene, PCE, and TCE, which are highly toxic air contaminants (TACs). Such impacts from remedial actions have not been evaluated by the IS/MND.

On page 8-83, the IS/MND indicates that the project site is not included on a list of hazardous material sites compiled pursuant to California Government Code Section 65962.5, and therefore no impact would occur related to creating a significant hazard to the public or the environment as a result of being included on a list of hazardous material sites compiled pursuant to California Government Code Section 65962.5. Baseline notes that the project site is identified as a Leaking Underground Storage Tank (LUST) site on the State Water Resources Control Board's (State Water

Board's) GeoTracker database,[11] therefore the project site is included on a list of hazardous materials release sites compiled pursuant to Government Code Section 65962.5, as indicated by the California Environmental Protection Agency's (CalEPA).[12] It should be noted that the LUST site on the project site has a closed case status; however, closed LUST sites remain on the Cortese List as indicated by CalEPA.[13] As discussed above, the IS/MND indicated that the BTEX contamination on the project site may be associated with the former USTs that were located east of the sawmill. These former USTs are the subject of the LUST case at the project site, and the BTEX contamination on the project site could pose a significant hazard to the public, environment, and future site occupants if mitigation measures are not implemented during construction and operation of the project to prevent exposure to BTEX and the release of BTEX into the environment. This is a potentially significant impact that was not identified by the IS/MND and would require mitigation.

INADEQUATE ANALYSIS OF CONSTRUCTION EMISSIONS

As discussed above, the IS/MND did not account for the potential remediation activities during construction. As a result, the IS/MND failed to include the construction off-road equipment that would be used for remediation activities and the associated haul-truck trips in the air quality and GHG analyses, despite their potential to contribute to regional air pollution. As a result, the estimated emissions of criteria air pollutants, GHGs, and diesel particulate matter during project construction, including the related health risks, are underestimated in the IS/MND and need to be revised.

INADEQUATE ANALYSIS OF MOBILE EMISSIONS DURING OPERATION

The project involves the demolition of the existing lumber yard and the construction of an industrial warehouse complex. As indicated in the CalEEMod output provided in IS/MND Appendix A (Air Quality and Greenhouse Gas Emissions Modeling Data, and Energy) Appendix 2.1 (Emissions Calculations), the analysis assumed a one-way trip distance of approximately 9.8 miles for estimating operational heavy-duty truck emissions. This assumption is not representative of typical warehouse operations, which generally involve longer truck trips associated with long-haul product delivery and distribution. The Southern California Association of Government (SCAG) estimated an average long-haul truck trip length of about 40 miles in its 2016 Regional Transportation Plan.[14] Therefore, the estimated criteria air pollutant and GHG emissions from truck trips during project operation are underestimated in the IS/MND and need to be revised.

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[11] State Water Board, 2025. GeoTracker web page for Reliable Wholesale Lumber, 7600 Redondo Circle, Huntington Beach, CA. Available at: https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0605901446. Accessed December 12, 2025.

[12] CalEPA, 2025. Cortese List Data Resources Web Page. Available at: https://calepa.ca.gov/sitecleanup/corteselist/. Accessed December 12, 2025.

[13] Ibid.

[14] South Coast Air Quality Management District, Preliminary Draft Staff Report: Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce.

Conclusions

Based on our review of the IS/MND, there is substantial evidence to support that the project may have significant impacts on the environment related to hazardous materials, air quality, and GHG emissions. Therefore, Baseline recommends that the City prepare an Environmental Impact Report to evaluate and mitigate the environmental concerns described above.

Sincerely,

Patrick Sutton
Principal Environmental Engineer

Cem Atabek
Senior Environmental Engineer

Yilin Tian
Project Environmental Engineer

ATTACHMENT A

Staff Resumes

Patrick Sutton, P.E.

Principal Environmental Engineer

Areas of Expertise

Hazardous Materials, Air Quality, GHGs, Noise, Geology, and Hydrology

Education

M.S., Civil and Environmental Engineering, University of California – Davis

B.S., Environmental Science, Dickinson College

Registration

Professional Engineer No. 13609 (RI)

Years of Experience

20 Years

Patrick Sutton is an environmental engineer who specializes in the assessment of hazardous materials released into the environment. Mr. Sutton prepares technical reports in support of environmental review, such as Phase I/II Environmental Site Assessments, Air Quality Reports, and Health Risk Assessments. His proficiency in a wide range of modeling software (AERMOD, CalEEMod, CT-EMFAC) as well as relational databases, GIS, and graphics design allows him to thoroughly and efficiently assess and mitigate environmental concerns.

Mr. Sutton has prepared numerous Phase II Environmental Investigation reports for large infrastructure improvement projects, such as the Freight Intelligent Transportation System (FITS) Project at the Port of Oakland. Hazardous materials investigations include sampling and statistically analysis (as applicable) of contaminants of concern in soil, soil gas, and groundwater.

Mr. Sutton has managed state-funded and privately-financed soil and groundwater remediation projects related to gas stations, landfills, drycleaners, railroads, and other industrial properties impacted by hazardous materials releases. As a current member of ASTM, he is the author and technical advisor for the low-flow purging and sampling standard commonly applied during environmental investigations. Through his work associated with assessing, investigating, and remediating hazardous materials in the environment, he has developed an excellent perspective on how to satisfy both regulatory and technical requirements to properly manage hazardous materials and air quality concerns.

Project Experience

Port of Oakland and Alameda CTC, Freight Intelligent Transportation System (FITS) Project, 2018-2020. Project manager for preparation of an Initial Site Assessment (ISA), Preliminary Site Investigation (PSI), and Construction Risk Management Plan (CRMP) to pre-characterize soils and groundwater for disposal and/or reuse, and to inform prospective contractors of soil management requirements and health and safety protocols. The ISA, PSI, and CRMP were reviewed and approved by DTSC, Port of Oakland, and Alameda CTC.

Port of Oakland and Alameda CTC, 7th Street Grade Separation West Project, 2017-2018. Project manager for preparation of an Initial Site Assessment (ISA) to identify contaminants of potential concern in soil and groundwater. The ISA was reviewed and approved by Port of Oakland and Alameda CTC.

Alameda CTC, I-680 Highway Improvement Projects, 2013-2020. Project manager for multiple Phase I Initial Site Assessments (ISAs) and Phase II Preliminary Site Investigations (PSIs) for over 24 miles of proposed highway improvement projects along the I-680 corridor from Milpitas to Dublin. Oversaw the collection and analysis of soil and groundwater samples from over 600 borings to characterize wastes for off-site disposal and determine how to maximize on-site soils reuse while minimizing soil handling for each of the proposed highway improvement projects.

San Francisco Public Works, Muni Metro East Maintenance Project, 2021-2022. Project manager for preparation of a Phase II Environmental Site Investigation to evaluate potential soil vapor intrusion concerns and characterize the chemical quality of soil and groundwater that would be disturbed during construction.

Cem Atabek

Senior Environmental Engineer

Areas of Expertise

Hazardous Materials, Geology, and Hydrology and Water Quality

Education

B.S., Environmental Engineering, University of California, Berkeley

Registrations/Certifications

-40-hour HAZWOPER
- Hazardous Materials First Responder Operational Level

Years of Experience

18 Years

Cem Atabek is an environmental engineer who specializes in hazardous materials management, site characterization, development and implementation of remedial actions, and soil vapor intrusion mitigation for city, county, port, commercial/industrial, and school district clients. His work has included: Phase I and II Environmental Site Assessments (ESAs) in accordance with the ASTM and Caltrans guidelines; soil and sediment characterization in support of wetlands restoration and dredging projects; Preliminary Environmental Assessments (PEAs) and Removal Actions Workplans (RAWs) in accordance with Department of Toxic Substances Control (DTSC) guidelines; coordinating and performing public notification and participation activities during the site investigation and remediation process; and preparation of completion reports to document the implementation of remedial actions.

He has conducted investigations and remediation activities on contaminated properties and leaking underground storage tank (UST) sites, including media contaminated with petroleum hydrocarbons, solvents, metals, polychlorinated biphenyls, and manufactured gas plant wastes. He has designed and provided oversight for the installation of remedial surface caps to prevent exposure to impacted soils, and vapor intrusion mitigation systems (VIMS) to address soil gas contamination. He routinely works with the Regional Water Quality Control Board, DTSC, and local agency staff to develop and implement plans for site investigation and remediation.

Project Experience

Port of Oakland Soil and Groundwater Investigations, Remediation, and Groundwater Monitoring, 2007-2025. Performed demolition oversight, investigations, and remediation activities at the Former Oakland Army Base, including removal of USTs, soil excavation, chemical oxidation treatment, and monitoring well installation, sampling, and destruction. Performed groundwater monitoring, cap inspections, and annual reporting for the Howard Terminal, Former McGuire Chemical Company, and Former Gas Load Center sites. All activities were performed under DTSC oversight.

Alameda CTC, 7th Street Grade Separation East Project, 2018-2025. Prepared Phase I/II ESAs and a Construction Risk Management Plan (CRMP) to pre-characterize soils, groundwater, and building materials for disposal and/or reuse, and to inform prospective contractors of soil management requirements and health and safety protocols. The Phase II ESA and CRMP were reviewed and approved by DTSC.

San Francisco Public Works On-Call Services, 2016-2025. Prepared Phase I/II ESAs and soil and groundwater management recommendations for various projects including roadway and utility improvements, redevelopment of commercial properties into public parks, and expansion of the Muni Metro East Maintenance Facility.

Fox-Collins Property, Alameda, Removal Action Workplan Addendum, 2014-2025. Performed post remediation groundwater and soil gas monitoring and developed a RAW Addendum under DTSC oversight to address residual contamination from a former wood treatment facility. The RAW Addendum proposes installation of a surface cap to address residual soil contamination, VIMS to address soil gas contamination, and a permeable reactive barrier to treat the deeper groundwater bearing zone and reduce the migration of contamination into the adjacent Tidal Canal.

Oakland Unified School District, La Escuelita Education Center, 2008-2014. Prepared workplans and performed field work for the investigation and remediation of a large multiphase school redevelopment project under the oversight of DTSC. Indoor air sampling was required due to soil gas contamination discovered beneath an active child development center. Two RAWs were developed and implemented which involved the removal of USTs, an oil/water separator, and contaminated soils, and installation of VIMS.

Yilin Tian, Ph.D.

Project Environmental Engineer

Areas of Expertise

Air Quality, GHG, Noise, Energy, and Environmental Compliance

Education

Ph.D./M.S., Environmental Science and Engineering, Clarkson University

B.S., Environmental Science, Beijing University of Technology

Registrations/Certifications

40-hour HAZWOPER training

Engineer-In-Training, No. 167986

Years of Experience

13 Years

Yilin Tian is an environmental engineer who specializes in the analysis of air quality and human exposure to toxic air contaminants. She has extensive experience conducting environmental reviews under NEPA and CEQA, focusing on air quality, greenhouse gas (GHG) emissions, noise and vibration, and energy impacts. Yilin is familiar with federal, state, and local environmental regulations and guidelines related to NEPA/CEQA review. She has worked on variety of land uses development projects, including large mixed-use infill, wetland restoration, quarry use modification, levee improvement, and highway expansion projects. In addition, she has collaborated with agencies such as SFPUC, CPUC, and EBMUD. Yilin is experienced with preparing health risk assessments for sensitive receptors exposed to toxic air contaminants during construction and operation. Yilin is proficient with air pollution models (e.g., CalEEMod , AERMOD, and CT-EMFAC), noise models (e.g., FHWA TNM, FHWA RCNM, and SoundPLAN), geospatial data analysis, and database management.

Besides NEPA/CEQA studies, Yilin has worked with the Bay Area Air Management District (BAAQMD) to improve existing emissions estimation techniques and update emission inventories related to wood-burning devises and ammonia emissions in the Bay Area. Her strong background in statistics and air pollutants emissions allows her to process and analyze data properly and efficiently.

Yilin has assisted the City of Berkeley and the San Francisco Public Utilities Commission (SFPUC) with environmental compliance and mitigation monitoring, including reviewing submittals and performing environmental field inspections. Beyond that, Yilin has experience with Phase I Environmental Site Assessments, air monitoring, and noise monitoring.

Project Experience

Potrero Yard Modernization Project EIR. Prepared Supplemental Air Quality, HRA, and Noise and Vibration analysis for the refined project design of the Potrero Yard Modernization Project.

Belvedere Seismic Upgrade Project EIR. Prepared Air Quality, GHG Emissions, and Noise and Vibration analysis for the installation of sheet piling along specific roadway segments in an area of existing levees in Belvedere.

Saratoga Housing Element Update EIR. Prepared noise and vibration analysis for the Saratoga General Plan Housing Element Update.

I-80/Ashby Avenue Interchange Improvement Project. Prepared Air Quality Report to determine the project's conformity to federal air quality regulations and to support environmental review of the project under CEQA and NEPA.

Residential Wood Combustion for San Francisco Bay Area. Updated the methodology and datasets used by the BAAQMD to quantify residential wood combustion emissions within the San Francisco Bay Area Air Basin.

Environmental Compliance Monitoring for the City of Berkeley. Reviewed noise reduction plans submitted by the developers against the requirements of the MMRP and standard conditions of approval.