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September 30, 2025

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Re: Comments on Agenda Item 6-Entrada South and Valencia Commerce Center Project Final Supplemental Environmental Impact Report (Project Nos. 00-210-(5), 87-150-(5); DA No. RPPL2025003357; VTTM No. 53295; Zone Change No. 00-210; CUP No. 00-210)

Dear Chair Louie, Vice Chair Moon, Commissioners Duarte-White, Hastings,
O'Connor, Ms. Lunam, Ms. Sackett, and Ms. Bodek:

We submit these comments on behalf of Coalition for Responsible Equitable
Economic Development Los Angeles ("CREED LA"), in response to the Staff Report¹
prepared for the October 1, 2025 Regional Planning Commission ("Commission")
hearing on Agenda Item 6, the Entrada South and Valencia Commerce Center
Project ("Project") proposed by Hunsaker Associates ("Applicant") and the Final

¹ Los Angeles County, Report to Regional Planning Commission, Entrada South VCC Project (VTPM
NO. 18108, PP NO. RPPL2022007239, OTP NO. 200700022) (Oct. 1, 2025), available at:
<https://lacrpl.legistar.com/View.ashx?M=F&ID=14791532&GUID=34D6A020-F7DA-45B1-8D77-B7528D0CA239>.

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Supplemental Environmental Impact Report (“FSEIR”)² prepared pursuant to the California Environmental Quality Act (“CEQA”).³

On February 18, 2025 CREED LA submitted written comments on the Draft Supplemental Environmental Impact Report (“DSEIR”) , including expert comments, which identified significant errors, omissions, and evidentiary defects in the County’s environmental analysis (“DSEIR Comments”). Responses to CREED LA’s DSEIR Comments were included in the FSEIR Section 2.0 Responses to Written Comments (“Responses to Comments”).⁴

The Project is located within the planning boundary of the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan approved by the California Department of Fish and Wildlife (“CDFW”) for which an EIR was certified in 2017 (SCH No. 2000011025) (“State-certified EIR”). As used herein, the “2017 Project” refers to resource management activities and development facilitated by the Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan. The Project proposes to develop 1,574 residential units and 730,000 square feet of commercial development. This represents a reduction of 151 units from the 2017 Project and an additional 280,000 square feet of commercial floor area as compared to the 2017 Project.⁵ The State-certified EIR concluded that impacts associated with the 2017 Project would result in significant and unavoidable project level impacts related to air quality and land use, and cumulative impacts to air quality, and noise.

CREED LA’s comments provide substantial evidence that the Project results in significant environmental impacts that were not analyzed in the FSEIR and are more severe than analyzed in the State-certified EIR. The record before the Commission does not resolve a number of issues raised in CREED LA’s Comments. The Commission cannot make the necessary findings to approve the Project’s entitlements as the Project results in significant air quality, health risk, noise and vibration impacts. The Commission does not have sufficient legal basis to certify the FSEIR and

² Los Angeles County, Entrada South and Valencia Commerce Center (VCC) Project Final Supplemental Environmental Impact Report SCH No 2000011025 (August 2025) (hereinafter “FSEIR”).

³ Pub. Res. Code (“PRC”) §§ 21000 et seq.; 14 Cal. Code Regs (“CCR”) §§ 15000 et seq.

⁴ FSEIR, Section 2.0, Response to Written Comments (August 2025), available at: <https://lacrdrp.legistar.com/View.ashx?M=F&ID=14732642&GUID=2EE4FED3-3988-4A1D-B5E5-8C371D152E7E>.

⁵ DSEIR, p. 3.0-2.

approve the Project. We urge the Commission to remand the Project to Staff to revise and recirculate a legally adequate EIR which adequately analyzes and mitigates Project impacts and appropriately responds to public comments.

Our review demonstrates that the FSEIR's air quality, public health, noise, and GHG analyses remain substantially inaccurate and incomplete. The FSEIR also failed to meaningfully respond to many of CREED LA's technical comments, and failed to resolve many of the legal and evidentiary deficiencies we identified in the DSEIR. As a result, the FSEIR still fails to adequately disclose the Project's potentially significant impacts related to air quality, public health, noise, and GHG emissions, as required by CEQA. The FSEIR lacks substantial evidence to support the Project's proposed approval findings and Statement of Overriding Considerations. The FSEIR relies on ineffective measures that fail to adequately reduce impacts. The Commission cannot approve the Project in reliance on a legally inadequate FSEIR.

CREED LA's comments on the FSEIR are supported by comments from our technical consultants, air quality and health risk expert James J. Clark, Ph.D., acoustics expert Jack Meighan, M.S.⁶ We reserve the right to supplement these comments at a later date, and at any later proceedings related to this Project.⁷

CREED LA urges the Commission to carefully consider these comments and to remand the Project to Staff 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

CREED LA is a non-profit organization formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable

⁶ Dr. Clark's and Mr. Meighan's technical comments and curricula vitae are attached hereto as **Exhibits A, and B** respectively.

⁷ 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.

construction and development opportunities. The organization's members include Santa Clarita residents Garret Lewis, Aimee Vazquez, and Andrew Berg, Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the Los Angeles region.

CREED LA's individual members live, work, recreate, and raise families in Santa Clarita and surrounding communities. Accordingly, they will be directly affected by the environmental and health and safety impacts of the Project. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards created by the Project. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial and residential projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

II. THE FSEIR MUST BE RECIRCULATED DUE TO THE PROJECT'S NEW SIGNIFICANT ENVIRONMENTAL IMPACTS

When a previously approved project for which an EIR has been prepared is modified, CEQA requires the lead agency to conduct subsequent or supplemental environmental review when one or more of the following events occur:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.⁸

In assessing the need for subsequent or supplemental environmental review, the lead agency must determine, on the basis of substantial evidence in light of the whole record, if one or more of the following events have occurred:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

⁸ Pub. Resources Code § 21166; CEQA Guidelines § 15162.

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.⁹

As detailed herein and in the expert consultant reports attached hereto, the Project's environmental impacts are more severe than analyzed in the 2017 State-certified EIR, and arise from new information not previously known and/or substantial changes in the circumstances under which the Project is being undertaken.

The Project results in significant air quality and health risk impacts from Valley Fever that were not analyzed in the FSEIR and were not analyzed in the State-certified EIR. In fact, the FSEIR and the State-certified EIR make no mention of Valley Fever, even though the Project site is located in the Service Planning Area with the highest rates of Valley Fever in the County.¹⁰ Substantial evidence in Dr. Clark's expert comments demonstrates that the impacts of Valley Fever are significant and unmitigated, and are new significant impacts not analyzed in the 2017 State-certified EIR.

The impacts of noise and vibration constitute new significant effects not discussed in the previous EIR, because the State-certified EIR did not analyze the significant noise and vibration impacts at the radio station within the Higher Vision Church. A revised and recirculated SEIR is required to analyze the new and more severe impacts of the Project.

⁹ CEQA Guidelines §§ 15162(a)(1)-(3).

¹⁰ Clark Comments, p. 4.

III. THE FSEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE POTENTIALLY SIGNIFICANT AIR QUALITY IMPACTS

A. The DSEIR and State-Certified EIR Fail to Analyze the Risk from Valley Fever (*Coccidioides immitis*)

Valley Fever is a fast-rising infectious disease caused by inhaling soil-dwelling fungus (*Coccidioides immitis* and *C. posadasii*).¹¹ The following are symptoms and signs of Primary Coccidioidomycosis: Fever, Fatigue, Night sweats, Cough, Chest pain, Dyspnea, Hemoptysis, Headache, Myalgia/arthralgia, Erythema nodosum, Erythema multiform. ¹² The most common presentation of primary pulmonary coccidioidomycosis is cough and persistent fatigue, with only about half of patients reporting fever. Symptoms can be indistinguishable from community-acquired pneumonia (CAP).¹³ Systemic complaints, which include fatigue, myalgia, arthralgia, and night sweats, may last for weeks to months.¹⁴ Infections of bone and the central nervous system are possible and can be life threatening. Approximately 5-10% of infections result in significant pulmonary disease (e.g., bronchiectasis, cavitary pneumonia, pulmonary fibrosis).¹⁵ About 1% of illnesses result in extra-pulmonary disseminated disease that can involve multiple organ systems, last life-long, and lead to outcomes such as meningitis and death.¹⁶

The County has never analyzed nor disclosed the risks of Valley Fever associated with Project construction. The State-certified EIR was certified in June 2017.¹⁷ The original air quality analysis for the State-certified EIR was prepared in April 2009.¹⁸ Neither analysis includes any reference to Valley Fever impacts or

¹¹ Tong, D. Q., J. X. L. Wang, T. E. Gill, H. Lei, and B. Wang (2017), Intensified dust storm activity and Valley fever infection in the southwestern United States, *Geophys. Res. Lett.*, 44, 4304–4312, available at: <https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1002/2017GL073524>.

¹² *Id.*

¹³ *Id.*

¹⁴ Tong, D. Q., J. X. L. Wang, T. E. Gill, H. Lei, and B. Wang (2017), Intensified dust storm activity and Valley fever infection in the southwestern United States, *Geophys. Res. Lett.*, 44, 4304–4312, available at: <https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1002/2017GL073524>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ See California Department of Fish and Wildlife, Newhall Ranch Resource Management and Development Plan and Spineflower Conservation Plan - Project Re-Approval and Certification of the Final Additional Environmental Analysis on Remand from the California Supreme Court (SCH No. 2000011025) <https://wildlife.ca.gov/Regions/5/Newhall>.

¹⁸ RMDP-SCP EIS/EIR Section 4.7 – Air Quality (April 2009), available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=11019>.

mitigation. As Dr. Clark points out, the Project site is located within the Service Planning Area of Los Angeles County with the highest rate of reported Valley Fever cases.¹⁹ Dr. Clark's comments on the FSEIR provide substantial evidence that Project construction may result in significant health risks for construction workers and nearby residents from Valley Fever; the nature and extent of these risks were unknown when the 2017 EIR was certified.

Dr. Clark's expert comments demonstrate that, when soil containing Valley Fever spores are disturbed during construction activities, the microscopic fungal spores become airborne, exposing construction workers and other nearby sensitive receptors.²⁰

Construction associated with the Entrada South portion of the Project includes approximately 6.5 million cubic yards of earthwork (cut/fill) to allow for the proper base and slope for the Project.²¹ "This earthwork will entail hauling dirt across public rights of ways in and immediately adjacent to the Entrada South site. There may be the need to move dirt across Magic Mountain Parkway between Planning Areas 1-3 and 4-13.²² Additionally, Planning Area 14 is physically separated from those Planning Areas by a spineflower preserve.²³ For this reason, hauling along Magic Mountain Parkway and The Old Road will be required to bring Planning Area 14 to proposed grades.²⁴ The yardage that may need to be moved between Planning 2 Areas 1-3 and 4-13 will depend on the shrinkage or bulking factors may only amount to moving trench dirt or other minimal quantities.²⁵ Earthwork to be hauled to Planning Area 14 is anticipated to total roughly 40,000 cubic yards."²⁶ As proposed grading for Entrada South exceeds 100,000 cubic yards, a Conditional Use Permit is required.²⁷ Project-related digging, excavation, trenching, grading, and hauling of dirt containing Valley Fever spores may result in significant health risk impacts to construction workers and nearby residents.²⁸

¹⁹ Clark Comments, p. 4 - 5.

²⁰ Clark Comments, p. 4.

²¹ Staff Report Exhibit C , CONDITIONAL USE PERMIT 00-210 BURDEN OF PROOF FOR ON-SITE GRADING FOR ENTRADA SOUTH, p. 1; pdf p. 35 of 535, available at:

<https://lacrpd.registar.com/View.aspx?M=F&ID=14815857&GUID=A498CC95-40A7-473B-8A9A-FB9021491341>.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Clark Comments, p. 7.

Following certification of the State-certified EIR, the Los Angeles County Department of Public Health published an article titled *Increased Coccidioidomycosis (“Valley Fever”) in Los Angeles County in July-August 2017*.²⁹ The article details that “Clinicians should consider coccidioidomycosis in any patient with a compatible clinical syndrome such as community acquired pneumonia who resides in, works in, or travels to an endemic area including parts of Los Angeles County (Antelope Valley and the west and north parts of the San Fernando Valley).”³⁰ The article provides that the number of reported coccidioidomycosis cases have increased in Los Angeles County and in California in the past several years.³¹ In fact, cases of Valley Fever in Los Angeles County have significantly increased since 2017.³² According to the California Department of Public Health, there were 932 reported cases of Valley Fever in 2017 and 1,447 by 2021.³³ The Project site is in the County Service Planning Area 2, which has the highest reported cases of Valley Fever in the County, at 483 cases reported in 2022.³⁴

This information was not disclosed in the 2017 State-certified EIR, as it was published after that EIR and its supporting analyses were prepared. Nor was this information discussed or analyzed in the FSEIR or Staff Report prepared for the Commission hearing. The County failed to analyze the Project’s significant Valley Fever impacts which are increasingly more severe due to climate change. Research from 2017 following certification of the State-certified EIR demonstrates that Valley Fever infections are increasing and linked to climate change and “it is expected that the projected global warming, rendering a drier subtropic, can trigger stronger dust activity in the coming decades... and infectious diseases, such as Valley fever and other dust related infectious diseases (e.g., meningitis [Martiny and Chiapello, 2013] and Kawasaki disease [Rodó et al., 2011]), may be another layer of response

²⁹ Benjamin Schwartz, MD, Dawn Terashita, MD, MPH, *Increased Coccidioidomycosis (“Valley Fever”) in Los Angeles County (July-August 2017)*, available at: <https://rx.ph.lacounty.gov/RxCocci0717>.

³⁰ *Id.*

³¹ *Id.*

³² County of Los Angeles Public Health, *Valley Fever (Coccidioidomycosis) “Current Situation in LA County,”* available at: <http://publichealth.lacounty.gov/acd/diseases/cocci.htm>.

³³ California Department of Public Health, *Epidemiologic Summary of Valley Fever (Coccidioidomycosis) in California, 2020 – 2021 (Dec. 2022)*, available at: <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/CocciEpiSummary2020-2021.pdf>.

³⁴ County of Los Angeles Public Health, *Valley Fever (Coccidioidomycosis) “Current Situation in LA County,”* available at: <http://publichealth.lacounty.gov/acd/diseases/cocci.htm>.

that can magnify the effect of climate change.”³⁵ More recent data from the County of Los Angeles Health Department demonstrates an increase in cases of Valley Fever in Los Angeles County.³⁶ The FSEIR lacks any analysis of the Project’s impacts from Valley Fever on construction workers and nearby residents. The increased incidence of Valley Fever in California generally, and in the Project area specifically, constitute a change in circumstances under which the Project is being undertaken and new information which could not have been known at the time the State-certified EIR was certified in 2017.

Dr. Clark’s comments on the FSEIR demonstrate that “the potentially exposed population in surrounding areas is much larger than construction workers because the nonselective raising of dust during Project construction will carry the very small spores, 0.002–0.005 millimeters (“mm”), into nonendemic areas, potentially exposing large non-Project-related populations.”³⁷ Dr. Clark cites numerous studies that have shown a clear link between soil disturbance and increased incidence of Valley Fever infections.³⁸

Dr. Clark confirmed that Valley Fever impacts from Project construction may be significant on construction workers and the neighboring community.³⁹ Many of the Project components, for example, are in the vicinity of sensitive receptors, including residential areas, and schools, resulting in significant public health impacts. Valley fever spores can be carried on the winds into surrounding areas, students at nearby schools, and residents adjacent to the construction site.⁴⁰ Valley Fever spores, for example, have been documented to travel as much as 500 miles and, thus, dust raised during construction could potentially expose a large number of people hundreds of miles away.⁴¹ Neither the State-certified EIR nor the FSEIR identify this significant risk to sensitive receptors.

Dr. Clark found that “Given the proximity of the Project Site to nearby residential receptors to the east and south of the Site, it is clear that sensitive

³⁵ Tong, D. Q., J. X. L. Wang, T. E. Gill, H. Lei, and B. Wang (2017), Intensified dust storm activity and Valley fever infection in the southwestern United States, *Geophys. Res. Lett.*, 44, 4304–4312, available at: <https://agupubs.onlinelibrary.wiley.com/doi/pdf/10.1002/2017GL073524>.

³⁶ Zachary Rubin, MD, Anticipating a Rise in Coccidioidomycosis (“Valley Fever”) Cases in Los Angeles County (September 8, 2023), available at: <https://rx.ph.lacounty.gov/RxCocci2023>.

³⁷ Clark Comments, p. 6.

³⁸ Clark Comments, p. 6.

³⁹ *Id.* at 7.

⁴⁰ *Id.* at 6.

⁴¹ David Filip and Sharon Filip, *Valley Fever Epidemic*, Golden Phoenix Books, 2008, p. 24.

receptors as well as workers at the project site could be exposed to Valley Fever (*Coccidioides immitis*) from fugitive dust generated during construction.”⁴² Based on Dr. Clark’s comments, the EIR must be revised to disclose the impacts of the Project’s ground disturbing construction activities on the closest receptors, and to incorporate effective Valley Fever mitigation for on- and off-site receptors to protect public health. Because the nature and extent of Valley Fever risks in the Project area represent new information and changed circumstances since the 2017 State-certified EIR, CEQA requires that the FSEIR be revised to analyze, disclose, and mitigate these impacts.

B. The Mitigation Measures Included in the FSEIR and State-Certified EIR are Inadequate to Mitigate Valley Fever Impacts

While the FSEIR and State-certified EIR include mitigation measures aimed at dust control, these measures will not adequately reduce impacts from Valley Fever.⁴³ Dr. Clark’s comments provide substantial evidence that the conventional dust control measures in the FSEIR fail to address the very fine particles that transport Valley Fever spores, which are approximately 5 times smaller than typical PM₁₀ particles and remain airborne much longer.⁴⁴ These fine particles, when disturbed by soil-disturbing activities, spread widely beyond site, posing a significant risk to both onsite workers and nearby communities.

Conventional dust control measures like those in South Coast Air Quality Management District Rule 403 would not adequately reduce Valley Fever impacts.⁴⁵ Conventional dust control measures are not sufficient to prevent the spread of *Coccidioides immitis*, (*cocci*) and are not effective at controlling Valley Fever because they largely focus on visible dust or larger dust particles—the PM₁₀ fraction—not the very fine particles where the Valley Fever spores are found.⁴⁶ Dr. Clark provides substantial evidence that standard fugitive dust mitigation such as watering of soils would not provide sufficient protection to on-site workers nor would they prevent the spread of *Coccidioides immitis* from the site to receptors farther away. Compliance with SCAQMD Rule 403 would still fail to prevent the exposure of workers on- and off-site to *Coccidioides immitis* impacted soils.⁴⁷

⁴² Clark Comments, p. 4.

⁴³ Clark Comments, p. 8.

⁴⁴ Clark Comments, p. 8.

⁴⁵ Clark Comments, p. 6.

⁴⁶ Clark Comments, p. 6.

⁴⁷ Clark Comments, p. 6.

Moreover, the FSEIR, Staff Report, and Conditions of Approval do not include measures sufficient to reduce significant Valley Fever impacts from Project construction.⁴⁸

Dr. Clark proposes several feasible dust control measures to protect workers from exposure to Valley Fever spores and to prevent transport of spores offsite.⁴⁹ He proposes additional measures for worker training and education on the risks of Valley Fever, and measures for medical surveillance of workers.⁵⁰ None of these measures are included in the FSEIR.

In addition, the FSEIR does not demonstrate conformance with the County's *Coccidioidomycosis (Valley Fever) Management Plan: Guidelines for Employers*,⁵¹ which are consistent with the measures proposed by Dr. Clark. These Guidelines provide that "Valley Fever exposure is highest during ground disturbing activities such as grading, trenching, and landscaping."⁵² Therefore, the following preventative measures should be implemented during construction and operations of projects to prevent exposure of construction personnel, operations and maintenance staff, and surrounding communities to Valley Fever...:"

- 1) Provide construction and operations personnel training to understand and manage the risks associated with Valley Fever. Training includes information on how to recognize symptoms of Valley Fever and ways to minimize exposure; proper cleaning procedures to minimize accidental exposure; and demonstrations on how to use personal protective equipment, such respiratory protection, skin and eye protection.
- 2) The General Contractor distributes the Valley Fever educational materials to construction and operations personnel and are posted next to the Cal OSHA poster.

⁴⁸ Staff Report, Exhibit D, pdf p. 341 of 376, available at: <https://lacrpd.legistar.com/View.ashx?M=F&ID=14815854&GUID=346F5650-9C06-4771-9B86-8F5869415A65>.

⁴⁹ Clark Comments, pp. 9-11.

⁵⁰ Clark Comments, pp. 9-11.

⁵¹ Acute Communicable Disease Control LA County Department of Public Health, *Coccidioidomycosis (Valley Fever) Management Plan: Guidelines for Employers* (August 2019), available at: <http://publichealth.lacounty.gov/acd/docs/valleyfeverplan2019.pdf>.

⁵² Acute Communicable Disease Control LA County Department of Public Health, *Coccidioidomycosis (Valley Fever) Management Plan: Guidelines for Employers* (August 2019), available at: <http://publichealth.lacounty.gov/acd/docs/valleyfeverplan2019.pdf>.

- 3) The General Contractor provides respirators to construction and operations personnel upon request during ground disturbing activities.
 - a. National Institute for Occupational Safety and Health (NIOSH)-approved half-face respirators equipped with minimum N-95 protection factor shall be available upon request for use during worker collocation with surface disturbance activities. Upon request, a worker shall be provided with a higher level of respiratory protection.
 - b. For employees who request respirators, the General Contractor shall ensure they are medically evaluated, fit-tested, and properly trained on the use of the respirators, and implement a full respiratory protection program in accordance with the applicable Cal/OSHA Respiratory Standard (8 CCR 5144).
- 4) Heavy equipment with factory enclosed cabs should be provided with HEPA rated air filtration and positive pressure air. The General Contractor utilizing applicable heavy equipment provides proof of worker training on proper use of applicable heavy equipment cabs. Provide communication methods, such as two-way radios, for use in enclosed cabs.
- 5) Provide separate, clean eating areas with hand-washing facilities, and a changing of clothing area. Separate bins with proper labels be provided for on-site disposables.
- 6) Install equipment inspection stations at each construction equipment access/egress point. Examine construction vehicles and equipment for excess soil material and clean, as necessary, before equipment is moved off-site.
- 7) Any employee experiencing symptoms of Valley Fever shall promptly reports to their supervisor and consult a medical professional as necessary. Maintain an accessible log of all employees reporting symptoms and disease of Valley Fever.
- 8) When possible, position workers upwind or crosswind when performing ground disturbing activities.
- 9) Prohibit smoking at the project site in or outside of designated smoking areas. Designated smoking areas shall be equipped with handwashing facilities.
- 10) Maintain an Injury and Illness Prevention Program (IIPP) which should include a cold and heat illness prevention section. Make the IIPP available upon request.

These mitigation measures, and the measures proposed by Dr. Clark, are feasible and would reduce the Project's significant impacts from Valley Fever and have been shown to reduce Valley Fever during construction in endemic areas. The FSEIR should be revised and recirculated after a proper analysis of the Project's

Valley Fever risks and adoption of appropriate mitigation measures.

C. The FSEIR Fails to Analyze Impacts Associated with Non-Residential Generators

CREED LA's DSEIR comments pointed out that the County failed to analyze impacts from diesel emissions associated with emergency generators use during Project operations. The Responses to Comments state that the specific land uses planned at the Project site are not expected to install emergency generators, and that it is therefore "speculative to assume emergency generators would be installed at non-residential land uses."⁵³ This Response does not account for the emergency generators required by the commercial operations including the hotel planned on the Project site.

Emergency generators are required for the elevators and fire systems within the hotel proposed onsite. Pursuant to the 2022 California Building Code Section 403.4.8, standby power is required for the following: (1) Ventilation and automatic fire detection equipment for smokeproof enclosures; (2) Elevators; and (3) Where elevators are provided in a high-rise building for accessible means of egress, fire service access or occupant self-evacuation.⁵⁴

Moreover, emergency power loads are required for: (1) Exit signs and means of egress illumination required by Chapter 10; (2) Elevator car lighting; (3) Emergency voice/alarm communications systems; (4) Automatic fire detection systems; (5) Fire alarm systems; (6) Electrically powered fire pumps; and (7) Power and lighting for the fire command center.⁵⁵ Generators are therefore required for the hotel pursuant to the building code. Further, emergency power loads are required to support electrically powered fire pumps, fire alarm systems, exit signs, elevator car lighting, emergency communication systems, automatic fire detection systems, fire alarm systems, and fire and lighting for fire command centers pursuant to 2022 California Building Code Section 403.4.8.4, but the FSEIR fails to include analysis of the onsite emergency generators required to support these Project components.

The FSEIR and Responses to Comments makes no mention of generators required for the hotel and therefore fails to adequately respond to or resolve CREED

⁵³ FSEIR, p. 2.0-75.

⁵⁴ 2022 California Building Code §§ 403.4.8, 403.4.8.3.

⁵⁵ *Id.* at § 403.4.8.4; see also, 2022 California Building Code § 1013.6.3

LA's comment regarding the reasonable foreseeability of emergency backup generators used on the Project site.

The FSEIR does not demonstrate that there is an independent power source such that an emergency power system or on-site generator would not be required. It is reasonably foreseeable that emergency generators are required onsite, but were not accounted for in the County's air quality, health risk, and GHG modeling.

Dr. Clark's comments demonstrate that emergency back-up generators and diesel powered fire pumps onsite will emit criteria air pollutants, greenhouse gases, and toxic air contaminants.⁵⁶ Back-up generators and fire pumps rely on diesel as a fuel source and will therefore impact public health by releasing diesel particulate matter ("DPM") and other volatile organic compound (VOC) emissions.⁵⁷ This equipment can emit significant amounts of oxides of nitrogen (NOx), sulfur dioxides (SO₂), particulate matter less than 10 microns (PM₁₀), particulate matter less than 2.5 microns (PM_{2.5}), carbon dioxide (CO₂), carbon monoxide (CO), VOCs, and air toxins such as DPM.⁵⁸ The FSEIR's omission of an impact analysis for an onsite generator system results in a significant underestimation of the Project's air quality, greenhouse gas, and health risk impacts, according to Dr. Clark.⁵⁹

The measures in the Net-Zero GHG Plan do not provide for a reduction in emissions associated with diesel fueled backup generators or diesel fueled fire pumps, and would not adequately mitigate significant emissions associated with these reasonably foreseeable Project components.

The County must revise and recirculate the FSEIR to adequately analyze the reasonably foreseeable emergency generator and fire pump required onsite and analyze the resultant air quality, health risk, and greenhouse gas emissions impacts before the Project can proceed for recommendation for Board of Supervisors approval.

⁵⁶ Clark Comments, p. 4.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

IV. THE FSEIR FAILS TO ADEQUATELY DISCLOSE AND MITIGATE POTENTIALLY SIGNIFICANT NOISE AND VIBRATION IMPACTS

The FSEIR's Responses to Comments does not resolve CREED LA's comments on the DSEIR that the Project results in noise and vibration impacts which are more severe than analyzed in the 2017 State-certified EIR.

The 2017 State-certified EIR provided that cumulative noise impacts remain significant and "no feasible mitigation program exists to reduce cumulative noise impacts to a less-than-significant level."⁶⁰ Further, the State-certified EIR provides that "Urban development facilitated on the Entrada site... could be exposed to noise sources such as I-5, SR-126 and Six Flags Magic Mountain Amusement Park. Traffic generated by the Entrada project would contribute to regional traffic noise conditions. Construction noise could result in short-term impacts to on- and off-site receptors."⁶¹ The State-certified EIR also provides that "Los Angeles County can and should impose appropriate mitigation measures if subsequent environmental review of the Entrada project determines that the project would result in or contribute to a significant noise impact."⁶²

Substantial evidence in Mr. Meighan's comments demonstrates that the Project results in significant noise impacts more severe than analyzed in the 2017 EIR, which the FSEIR fails to adequately address. Mr. Meighan's comments demonstrate that vibratory rollers used during construction would still result in significant impacts to nearby receptors.⁶³ The FSEIR fails to analyze or mitigate the potentially significant noise and vibration impacts from the Project within the Grace to You Christian Ministry located in the building at 28001 Harrison Parkway.⁶⁴ Mr. Meighan's comments demonstrate that the Project's vibratory rollers would result in significant groundborne noise impacts.⁶⁵ Groundborne noise is the phenomenon of vibration being transmitted through the ground that then radiates into building structures.⁶⁶

⁶⁰ State-certified EIR, p. ES-40.

⁶¹ State-certified EIR, p. ES-357.

⁶² *Id.*

⁶³ Meighan Comments, p. 1.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

The FSEIR provides that the recommended groundborne noise threshold for recording/broadcast studios is 25 dBA.⁶⁷ Further, the FSEIR provides that the existing groundborne noise environment already exceeds this threshold by 25.6 dB.⁶⁸ The FSEIR specifically provides that a vibratory roller would generate noise of 37 dBA at the building occupied by Grace to You. This results in an exceedance of the FTA groundborne noise threshold for recording studios, and constitutes a significant unmitigated impact under CEQA.

Mr. Meighan explains why the County's Response to Comments is inadequate. The Response to Comments provides that the existing intervening roadway noise between Grace for You and the Project "would effectively mask any contributions from the Modified Project's vibratory roller, ensuring that the Modified Project would not result in an additive or cumulative increase in groundborne vibration at this receptor."⁶⁹ But, the FSEIR incorrectly provides that traffic vibration will mask construction vibration. Mr. Meighan's comments demonstrate that "traffic produces low source vibration levels, so groundborne noise is rarely a problem, unlike for high vibration sources such as construction equipment or trains."⁷⁰ Groundborne noise from vibratory rollers during Project construction at levels of 37 dBA at the Grace to You Ministry would therefore not be masked by existing traffic groundborne noise of 25.6 dB.

Further, the FSEIR fails to adequately analyze groundborne noise impacts to nearby receptors at the Grace to You Ministry recording studio, because the FSEIR improperly converts outdoor noise levels to indoor noise levels, using an outdoor vibration to indoor noise conversion factor.⁷¹ This results in a significant underestimation of indoor noise to nearby receptors from vibration from Project construction. CEQA explicitly establishes 'exposure of persons to or generation of excessive groundborne vibration' as a consideration. CEQA was enacted to ensure that people are not subjected to excessive or harmful vibrations that could impact their physical health or well-being.⁷² The FSEIR's Responses to Comments fail to adequately address or mitigate the potentially significant interior groundborne

⁶⁷ FSEIR, p. 2.0-100; Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual (Sept. 2018), Table 6-4, available at: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf.

⁶⁸ FSEIR, p. 2.0-100.

⁶⁹ FSEIR, p. 2.0-100.

⁷⁰ Meighan Comments, p. 1.

⁷¹ Meighan Comments, p. 1; FSEIR, p. 2.0-100.

⁷² *Id.*

noise from construction vibration impacts raised in Mr. Meighan's comments. The FSEIR should be revised and recirculated to adequately analyze these impacts for nearby receptors before the Project can proceed.

Mr. Meighan's comments also demonstrate that the mitigation measures proposed would not reduce construction noise as much as the FSEIR asserts. Specifically, Mr. Meighan identifies that mufflers proposed to reduce construction noise from Mitigation Measure ES/VCC-MM-NOI-1 would not reduce noise from construction equipment as much as the FSEIR claims.⁷³ Mr. Meighan's comments demonstrate that the FSEIR's claim that mufflers for construction equipment results in reductions of 10 dBA is unsupported. Mr. Meighan finds that these reductions may already be accounted for in the noise model because optimal mufflers may have already been included in the modeling, therefore the reductions could have been double counted. The Responses to Comments does not clarify if "optimal mufflers" were accounted for in the noise model, or whether these reductions are improperly multiplied. The Responses to Comments fails to adequately respond to or resolve Mr. Meighan's expert comments. Agencies' responses to comments must include "good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice."⁷⁴ Here, the County's failure to substantiate the optimal muffler reduction in noise modeling results in a conclusory, unsupported response to CREED LA's and Mr. Meighan's comments.

Moreover, Jack Meighan's comments demonstrate a potentially significant operational noise impact associated with the Project's HVAC systems, but the FSEIR fails to analyze whether the proposed mechanical equipment will comply with applicable noise regulations.⁷⁵ The FSEIR relies on improperly deferred analysis to conclude that operational noise impacts are less severe than analyzed in the 2017 State-certified EIR. The Responses to Comments provides that "[t]he County Building and Safety Department reviews building permit applications to ensure that all proposed mechanical equipment complies with applicable noise regulations."⁷⁶ Mr. Meighan's comments demonstrate that deferring analysis of cumulative noise impacts from operation, traffic, and loading dock noise to a later date may omit significant impacts resulting from the combination of multiple

⁷³ Meighan Comments, p. 2.

⁷⁴ 14 CCR § 15088(c).

⁷⁶ FSEIR, p. 2.0-154.

⁷⁶ FSEIR, p. 2.0-154.

sources.⁷⁷ The FSEIR’s operational noise analysis is therefore unsupported. Mr. Meighan’s comments demonstrate that the FSEIR artificially reduces potentially significant operational noise impacts by deferring analysis to a later date.⁷⁸

CEQA requires disclosure of the severity of a project’s impacts and the probability of their occurrence *before* a project can be approved.⁷⁹ In *Bozung v. Local Agency Formation Commission*, the Supreme Court upheld “the principle that the environmental impact should be assessed as early as possible in government planning.”⁸⁰ A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking.⁸¹ Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA.⁸² The FSEIR’s noise analysis is unsupported by substantial evidence for failing to account for all operational noise impacts on the Project site concurrently. The FSEIR must be revised and recirculated to adequately analyze and mitigate potentially significant noise impacts before the Project can proceed.

V. THE COMMISSION CANNOT MAKE THE NECESSARY FINDINGS TO RECOMMEND APPROVAL OF THE PROJECT’S ENTITLEMENTS

A. The Commission Cannot Recommend Approval of the Project’s Housing Permit Because the Freeway Results in Significant Health Impacts to Residents within the Project

Because the Modified Project will include affordable housing units consistent with the Development Agreement, a Housing Permit is required pursuant to Chapter 22.166 of the County Code. Pursuant to County Code Section 22.166.05, a

⁷⁷ Meighan Comments, p. 2.

⁷⁸ *Id.*

⁷⁹ 14 CCR §§ 15143, 15162.2(a); *Cal. Build. Indust. Ass’n v. BAAQMD* (2015) 62 Cal.4th 369, 388-90 (“*CBIA v. BAAQMD*”) (disturbance of toxic soil contamination at project site is potentially significant impact requiring CEQA review and mitigation); *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal. App. 4th 48, 82; *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (“*Berkeley Jets*”) (2001) 91 Cal.App.4th 1344, 1370-71; CEQA Guidelines, Appendix G.

⁸⁰ (1975) 13 Cal.3d 263, 282.

⁸¹ *Sundstrom v. County of Mendocino*, supra, 202 Cal.App.3d 296, 307.

⁸² *Id.*; *No Oil, Inc. v. City of Los Angeles*, supra, 13 Cal.3d 68, 81; *Environmental Defense Fund, Inc. v. Coastside County Water Dist.* (1972) 27 Cal.App.3d 695, 706.

Discretionary Housing Permit requires the following findings to be made:

- a. The project will be consistent with the General Plan.
- b. The project will not:
 - i. ***Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or within the project;***
 - ii. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and
 - iii. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- c. The project site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- d. The project site is adequately served:
 - i. By highways or streets of sufficient width, and improved, as necessary, to carry the kind and quantity of traffic such use would generate; and
 - ii. By other public or private service facilities, as are required.
- e. The project is complimentary to the surrounding area in terms of land use patterns and design.
- f. Any incentives, waivers, or reductions of development standards will contribute to the use and enjoyment of persons residing within the project. The project will contribute to satisfying the affordable housing needs of the unincorporated areas of Los Angeles County.⁸³

Substantial evidence in Dr. Clark's comments demonstrate that siting sensitive land uses like housing, schools and parks, within 1500 feet of freeways poses significant health risks due to exposure to traffic-related pollution.⁸⁴ The County's Public Health Department cites to numerous studies which "indicate that residing near sources of traffic pollution is associated with adverse health effects such as exacerbation of asthma, onset of childhood asthma, non-asthma respiratory symptoms, impaired lung function, reduced lung development during childhood, and

⁸³ Los Angeles County Code § 22.166.05 (emphasis added).

⁸⁴ Clark Comments, p. 3.

cardiovascular morbidity and mortality.”⁸⁵ As Dr. Clark details in his comments, County Public Health Department Guidance includes the following recommendations for siting projects near freeways:

1. Building orientation: Orient buildings to minimize exposure to freeway emissions. This includes placing apartment units and balconies away from the side facing the freeway.
2. Building materials: Use building materials with a high Sound Transmission Coefficient (STC) to reduce both noise and air pollution infiltration.
3. High-performance windows: Install double- or triple-glazed windows to reduce both noise and air pollution exposure inside the building.
4. HVAC systems: Design HVAC systems with high-quality filtration (e.g., HEPA filters) and locate outdoor air intakes as far as possible from the freeway.
5. Building shape: Design buildings with varying shapes and heights to help break up pollution plumes and improve air flow.

The Project will place housing and sensitive uses within 1500 feet of the Interstate 5 freeway, and result in potentially significant health risks due to exposure to traffic-related pollution. The County fails to analyze or mitigate this impact, and fails to incorporate any of the above recommendations from the Public Health Department. As a result, the County cannot make the necessary findings to approve the Housing Permit that the Project will not “[a]dversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area or *within the project*.”⁸⁶ Moreover, the County cannot make the necessary findings that the Project will not “[j]eopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.”⁸⁷ The County must correct the errors in its analysis of the Project’s impacts and implement feasible mitigation measures to reduce significant health risk impacts before it can make the findings required to approve the Project.

⁸⁵ County of Los Angeles Public Health, Air Quality Recommendations for Local Jurisdictions, Development of new schools, housing, and other sensitive land-uses in proximity to freeways, (Jan. 22, 2013), <http://publichealth.lacounty.gov/eh/docs/safety/air-quality-near-freeways.pdf>.

⁸⁶ Los Angeles County Code § 22.166.05(B)(2)(b)(i).

⁸⁷ *Id.* at § 22.166.05(B)(2)(b)(ii).

B. The Commission Cannot Recommend Approval of the Project Because the Project Does Not Conform to the General Plan

The Commission cannot make the necessary findings to recommend approval of the Project's entitlements because the Project is not consistent with the General Plan Economic Development Element. The Development Agreement proposed for the Project does not provide workforce benefits to support local employment or support local workforce training through apprenticeship programs to address the challenges of businesses finding a quality and skilled workforce. These are key elements of the City's General Plan Economic Development Element, which the Project fails to implement.

The Los Angeles County General Plan Economic Development Policy ED 5.7 provides that it is the Policy of the County to ensure that businesses have enough skilled workers to meet their workforce needs.⁸⁸ The General Plan Economic Development Element Policy ED 5.10 provides that it is the policy of the County to initiate vocational training programs that provide the skills necessary for participation in the labor force.⁸⁹ The Los Angeles County General Plan Economic Development Policy ED 5.8 provides that it is the policy of the County to "Prepare, train, and educate job seekers and incumbent workers to find and advance in high-value, high-wage jobs with built-in career ladders."⁹⁰ Further, Policy ED 5.12 provides that it is the policy of the County to establish employer assistance initiatives to expand skilled trades training and vocational education for high demand occupations."⁹¹

The Project's failure to include provisions for a local skilled and trained workforce results in the Project's nonconformance with the General Plan Economic Development Policies. The Commission therefore cannot make the necessary findings to recommend approval of the Project's Housing Permit Pursuant to County Code Section 22.166.05(B)(2)(a).

Further, the Commission cannot make the necessary findings to recommend approval of the Project's Conditional Use Permit ("CUP") No. 00-210. Pursuant to Los Angeles County Code Section 22.158.050, in order to approve a CUP, the Commission must find that the proposed use will be consistent with the adopted

⁸⁸ Los Angeles County General Plan, Chapter 14: Economic Development Element, p. 241.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

General Plan for the area.⁹² The CUP is required for the Entrada South Planning Area portion of the Project to authorize: 1) grading within the Entrada South Planning Area in excess of 100,000 cubic yards, hauling dirt across public rights of way immediately adjacent to the Entrada South site, and retaining walls in excess of 10 feet; 2) development in a hillside management area; and 3) a hotel use of approximately 165,000 square feet and 75 feet in height, a conditionally permitted use within the C-3 zoning designation north of Magic Mountain Parkway.⁹³

In order to approve the Zone Change No. 00-210 for the Project, the Commission can only recommend approval of the Zone Change application if it finds that the Zone Change is consistent with the General Plan.⁹⁴ As detailed herein, the Project results in a nonconformance with the General Plan Economic Development Element, such that the Commission cannot make the necessary findings to approve the Project's Zone Change.

Moreover, the Commission cannot make the necessary findings to support approval of the Vesting Tentative Tract Map ("VTTM") No. 53295 because, pursuant to the Subdivision Map Act Section 66474, a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.⁹⁵ Given the Project's inconsistency with the General Plan Economic Development Element, the Commission cannot make the necessary findings to approve the Project's VTTM.

The Commission should remand the Project to Staff to resolve the deficiencies of the Project's Development Agreement and FSEIR to ensure that the Project's environmental impacts are sufficiently offset by robust community benefits including local skilled and trained workforce standards.

VI. THE COMMISSION CANNOT MAKE THE NECESSARY FINDINGS TO SUPPORT A STATEMENT OF OVERRIDING CONSIDERATIONS

The FSEIR concludes that the Project will result in significant and unavoidable impacts to air quality and land use, and cumulative impacts to air

⁹² Los Angeles County Code § 22.158.050.

⁹³ DSEIR, p. 2.0-19.

⁹⁴ Los Angeles County Code § 22.198.050(B)(5).

⁹⁵ Gov. Code § 66474.

quality, and noise.⁹⁶ Therefore, in order to approve the Project, CEQA requires the County to adopt a statement of overriding considerations, providing that the Project's overriding benefits outweigh its environmental harm.⁹⁷ An agency's determination that a project's benefits outweigh its significant, unavoidable impacts "lies at the core of the lead agency's discretionary responsibility under CEQA."⁹⁸

The County must set forth the reasons for its action, pointing to supporting substantial evidence in the administrative record.⁹⁹ This requirement reflects the policy that public agencies must weigh a project's benefits against its unavoidable environmental impacts, and may find the adverse impacts acceptable only if the benefits outweigh the impacts.¹⁰⁰ Importantly, a statement of overriding considerations is legally inadequate if it fails to accurately characterize the relative harms and benefits of a project.¹⁰¹ In this case, the County must find that the Project's significant, unavoidable impacts are outweighed by the Project's benefits to the community. Currently, there is not substantial evidence in the record showing that the Project's significant, unavoidable impacts are outweighed by benefits to the community.

CEQA specifically identifies "the provision of employment opportunities for highly trained workers" as a basis to support a statement of overriding considerations.¹⁰² But, the Applicant has not made any commitments to employ graduates of state approved apprenticeship programs or other steps to ensure employment of highly trained and skilled craft workers on Project construction. The proposed Statement of Overriding Considerations makes no mention of employment opportunities for highly trained workers, and simply asserts that existing Project features provide substantial benefits which override the Project's significant impacts. This approach is circular because the Project is the source of the unmitigated impacts which require overriding considerations in the first place. Since the Project's impacts exceed significance thresholds, and would remain unmitigated, the benefits conferred to the public to support a finding of overriding considerations to allow the Project to proceed under those circumstances must be above and beyond the Project itself.

⁹⁶ DSEIR, p. 2.0-27; -28; -170

⁹⁷ CEQA Guidelines, § 15043.

⁹⁸ *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.

⁹⁹ Pub. Resources Code, § 21081, subd. (b); CEQA Guidelines, § 15093, subds. (a) and (b); *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 357.

¹⁰⁰ Pub. Resources Code, § 21081(b); CEQA Guidelines, § 15093, subds. (a) and (b)

¹⁰¹ *Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.

¹⁰² Pub. Resources Code, § 21081(a)(3); (b).

The Development Agreement does not include workforce measures to offset the Project's significant unavoidable impacts to support a Statement of Overriding considerations. The proposed Statement of Overriding Considerations provides that "The Modified Project would result in a mixed-use community that provides housing, commercial and industrial/business park uses, recreational areas, public facilities, and economic opportunities, consistent with the State-certified EIR, the Santa Clarita Valley Area Plan: One Valley One Vision, the County Housing Element and the County's General Plan Update."¹⁰³ The proposed Statement of Overriding Considerations generally provides that the Project provides economic opportunities¹⁰⁴, but does not specify whether these economic opportunities benefit local workers, or support employment opportunities for highly trained workers.

In approving the Development Agreement, the County has a duty to ensure that the benefits conferred to the Applicant and subsequent development of the Project will support the General Plan policies and maximize community benefits. As detailed herein, the Development Agreement does not provide workforce benefits to support local employment or support local workforce training through apprenticeship programs to address the challenges of businesses finding a quality and skilled workforce. The County should recommend the Applicant provide meaningful community benefits as part of the Development Agreement and to support a CEQA Statement of Overriding Considerations.

The County would not fulfill its obligations under CEQA if it adopted a statement of overriding considerations and approved the Project. The County should ask the Applicant to consider the provision of employment opportunities for highly trained workers during the Project's construction process to provide additional support a statement of overriding considerations.¹⁰⁵

CEQA requires a balancing of a "variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a satisfying living environment for every Californian."¹⁰⁶ Here, the County has not weighed the economic and social factors associated with local hire, and skilled and

¹⁰³ CEQA Findings of Fact and Statement of Overriding Considerations Regarding the Final Supplemental Environmental Impact Report for the Entrada South and Valencia Commerce Center Project, State Clearinghouse No. 2000011025 Exhibit A, p. 74-75, available at: <https://lacr.p.lgistar.com/View.ashx?M=F&ID=14744386&GUID=758715A4-DABC-4A39-AD47-1E5D01244027>.

¹⁰⁴ *Id.* at p. 13.

¹⁰⁵ Pub. Resources Code, § 21081(a)(3).

¹⁰⁶ 14 CCR § 15021(d).

trained workforce in determining whether to approve the Project with significant unmitigated environmental impacts. The Commission should remand the Project to Staff to revise the FSEIR to analyze the impacts and mitigation detailed herein and revise the Development Agreement to include workforce standards to support a local skilled and trained workforce.

VII. THE COMMISSION SHOULD REMAND THE PROJECT TO STAFF TO COMPLY WITH CEQA

The Staff Report states, “The HAA limits a local government’s ability to deny, downsize, or render infeasible housing development projects containing either affordable or market-rate units... The Entrada South Project qualifies as a “housing development project” under the HAA because it is a mixed-use development that consists of residential and non-residential units, with at least two-thirds of the new square footage designated for residential use... The HAA limits a local government’s ability to deny, down-size, or render infeasible housing development Projects, both affordable and market-rate units.”¹⁰⁷

Additional CEQA review in a revised and recirculated FSEIR would not violate the Housing Accountability Act (“HAA”) because the County cannot approve the Project without first complying with CEQA. The HAA expressly requires lead agencies to comply with CEQA and complete environmental review of a development project before any HAA claims can be made. The HAA states that **nothing “in this section be construed to relieve the local agency from making one or more of the findings required pursuant to [CEQA].”**¹⁰⁸ The Project cannot be approved until the County fully complies with CEQA, and revises and recirculates the FSEIR for public review and comment.

¹⁰⁷ Staff Report, p. 16.

¹⁰⁸ Gov. Code, § 65589.5, subd. (e) (emphasis added).

VIII. CONCLUSION

For the foregoing reasons, CREED LA respectfully requests the Commission remand the Project to Staff to remedy the errors and omissions in the FSEIR before the Project can be approved. Please include these comments in the record of proceedings for the Project.

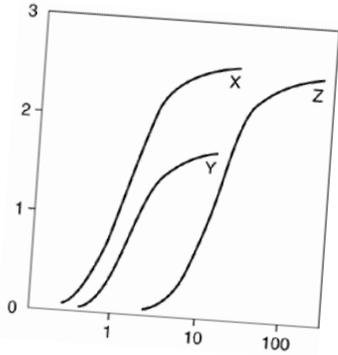
Sincerely,



Kelilah D. Federman

Attachments
KDF:acp

EXHIBIT A



September 24, 2025

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

Attn: Ms. Kelilah Federmann

Subject: Comments On Final Supplemental Environmental Impact Report For Entrada South and Valencia Commerce Center (VCC). SCH No. 2000011025.

Clark & Associates
Environmental Consulting, Inc.

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At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed the materials related to the County of Los Angeles (the County) Final SEIR for the above referenced project.

Clark's review does not constitute validation or endorsement of the conclusions or content presented in the Final SEIR. Any lack of comment on specific items should not be interpreted as acceptance or approval of those items.

The project is located in the Northwestern portion of Los Angeles County, west of Interstate 5 (I-5) and the City of Santa Clarita. The modified project site is located within the boundary of the State-approved Newhall Ranch RMDP/SCP.

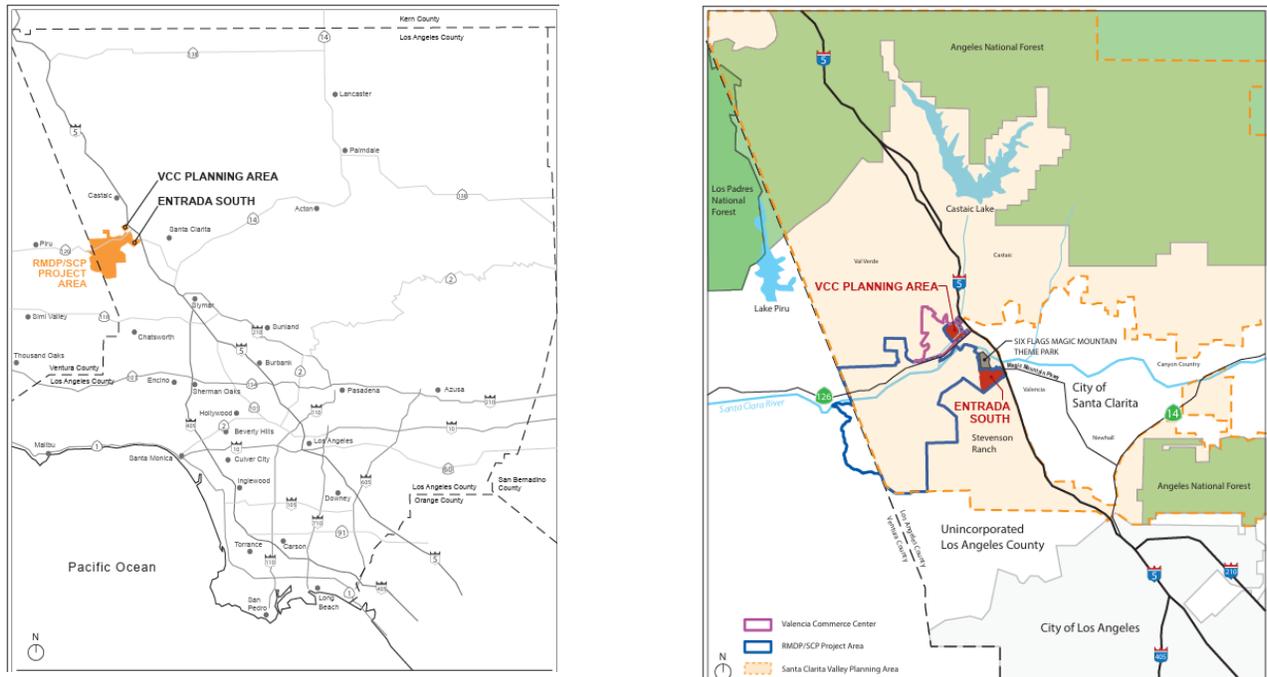


Figure 1: Regional and Local Site Map

The conclusions in the F-SEIR that there are no significant air quality issues are not supported by the information in the F-SEIR and we have demonstrated previously that there are significant unmitigated impacts that will occur if the Project is allowed to proceed without additional mitigation. The F-SEIR also fails to consider the impacts of I-5 Freeway in the design of heating, ventilation, and air conditioning (HVAC) systems for the Project. The lack of information on the increase in Valley Fever cases in the area following the rise in construction activities, and the failure to require additional mitigation measures for residences that will be impacted by construction emissions are clearly flaws in their analyses of the Project. A revised F-SEIR is clearly warranted for this Project to ensure the safety of the workers and residents near the Project.

Specific Comments

1. The FSEIR Fails To Address The Need For A Health Risk Analysis Of Operational Emissions By Assuming The Project Site Is More Than 500 Feet Away From Interstate 5

The Responses to Comments provided by the County states that there is no need to prepare a health risk assessment (HRA), even though the South Coast Air Quality Management District

(SCAQMD) recommended that an HRA be prepared for the Project. The determination by the County was that since there will be no sensitive receptors within 500 feet of Interstate 5 (I-5), the Project would not need an HRA for the operational phase.

As is pointed out in the Los Angeles County Public Health Department's¹ guidance on minimizing the health effects of air pollution associated with developments near freeways and high-volume roads, the best practice mitigation measures for development, particularly sensitive land uses like housing, schools, and parks, within 1500 feet of freeways poses significant health risks due to exposure to traffic-related air pollution (TRAP) and noise require a multi-faceted approach involving urban planning, building design, and landscaping.

For the building design, the County recommends that:

1. Building orientation: Orient buildings to minimize exposure to freeway emissions. This includes placing apartment units and balconies away from the side facing the freeway.
2. Building materials: Use building materials with a high Sound Transmission Coefficient (STC) to reduce both noise and air pollution infiltration.
3. High-performance windows: Install double- or triple-glazed windows to reduce both noise and air pollution exposure inside the building.
4. HVAC systems: Design HVAC systems with high-quality filtration (e.g., HEPA filters) and locate outdoor air intakes as far as possible from the freeway.
5. Building shape: Design buildings with varying shapes and heights to help break up pollution plumes and improve air flow.²

A review of the conceptual design fails to show how these elements were included in the F-SEIR. The County should include a thorough review of the elements to ensure that the designs address these concerns and present them in a revised F-SEIR.

¹ County of Los Angeles Public Health, AIR QUALITY RECOMMENDATIONS FOR LOCAL JURISDICTIONS Development of new schools, housing, and other sensitive land-uses in proximity to freeways (January 22, 2013), available at: <http://publichealth.lacounty.gov/eh/docs/safety/air-quality-near-freeways.pdf>.

² *Ibid.*

2. The FSEIR’s Response Regarding The Potential Impacts From Back Up Generators That Would Be Installed Is Inadequate.

The County’s failure to address the concern that the emissions from the fire pumps and back-up generators (BUGS) still represents a significant unaddressed emission source for the Project. The qualitative analysis provided by the County fails to meet the requirements for an accurate description of the Project as required under CEQA. Back-up generators and diesel powered fire pumps will emit criteria air pollutants, greenhouse gases, and toxic air contaminants. This equipment commonly relies on diesel as a fuel source and will therefore impact public health by releasing diesel particulate matter (“DPM”) and other volatile organic compound (VOC) emissions. This equipment can emit significant amounts of oxides of nitrogen (NO_x), sulfur dioxides (SO₂), particulate matter less than 10 microns (PM₁₀), particulate matter less than 2.5 microns (PM_{2.5}), carbon dioxide (CO₂), carbon monoxide (CO), VOCs, and air toxins such as DPM. The FEIR’s omission of an impact analysis for an onsite generator system thus results in an underestimation of the Project’s air quality, greenhouse gas, and health risk impacts. The County’s analysis is therefore incomplete and must be corrected in a revised F-SEIR for the Project.

3. The FSEIR Fails To Address Concerns Over Exposure To Valley Fever Spores In Soils Present In The Region.

Given the proximity of the Project Site to nearby residential receptors to the east and south of the Site, it is clear that sensitive receptors as well as workers at the project site could be exposed to Valley Fever (*Coccidioides immitis*) from fugitive dust generated during construction.

According to the County of Los Angeles’ Department of Public Health, the Project Site is located in Service Planning Area 2 of the County. In 2022, the County reported 483 cases of Valley Fever in SPA 2.³ This rate is the highest of all the 8 SPAs.⁴

³ County of Los Angeles Public Health, Valley Fever (Coccidioidomycosis) “Current Situation in LA County,” available at: <http://publichealth.lacounty.gov/acd/diseases/cocci.htm>.

⁴ *Ibid.*

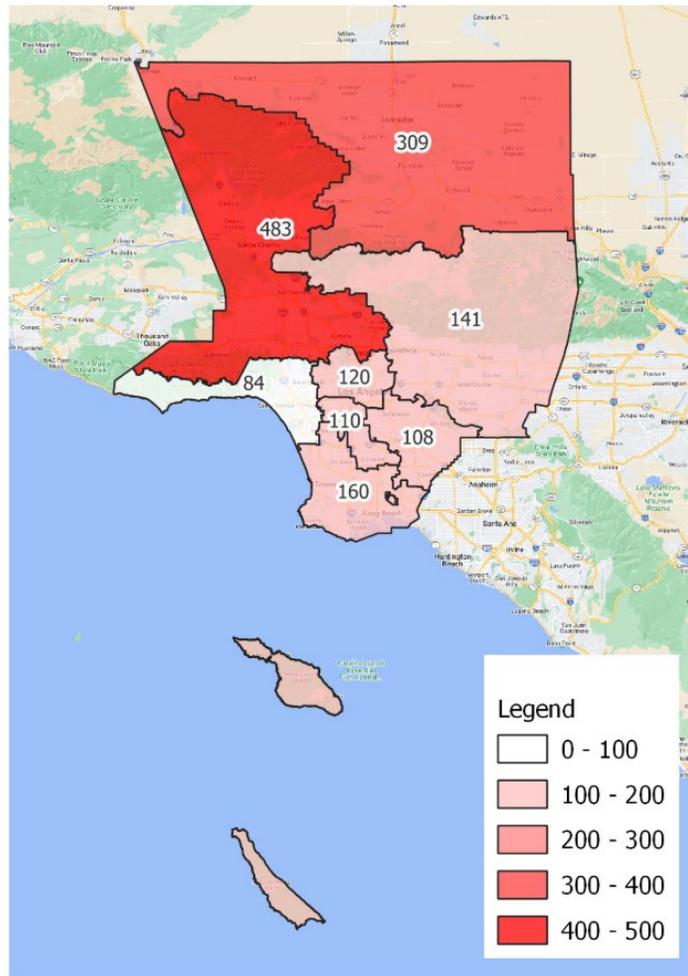


Figure 2: Valley Fever Cases Reported By County For SPAs⁵

Dust exposure is a primary risk factor for contracting Valley Fever (via *Coccidioides immitis* (*cocci*) exposure). When soil containing the *cocci* spores are disturbed by construction activities, the fungal spores become airborne, exposing construction workers and other nearby sensitive receptors.

The fungus lives in the top 2 to 12 inches of soil. When soil containing this fungus is disturbed by activities such as digging, vehicles, construction activities, dust storms, or during earthquakes, the fungal spores become airborne. The most at-risk populations are construction and agricultural workers.⁶ Here, construction workers are the population that would be most directly

⁵ *Ibid.*

⁶ Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation's Health*, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1>.

exposed by the Project. A refereed journal article on occupational exposures notes that “[l]abor groups where occupation involves close contact with the soil are at greater risk, especially if the work involves dusty digging operations.”⁷

The potentially exposed population in surrounding areas is much larger than construction workers because the nonselective raising of dust during Project construction will carry the very small spores, 0.002–0.005 millimeters (“mm”), into nonendemic areas, potentially exposing large non-Project-related populations.^{8,9} These very small particles are not controlled by conventional construction dust control mitigation measures.

A study in Antelope Valley identified a clear link between soil disturbance - due to large-scale renewable energy construction projects, agricultural management practices and PM₁₀ fugitive dust emissions - and increased incidence of coccidioidomycosis.¹⁰

⁷ *Ibid.*, p. 110.

⁸ Schmelzer and Tabershaw, 1968, p. 110; Pappagianis and Einstein, 1978

⁹ Pappagianis and Einstein, 1978, p. 527 (“The northern areas were not directly affected by the ground level windstorm that had struck Kern County but the dust was lifted to several thousand feet elevation and, borne on high currents, the soil and arthrospores along with some moisture were gently deposited on sidewalks and automobiles as ‘a mud storm’ that vexed the residents of much of California.” The storm originating in Kern County, for example, had major impacts in the San Francisco Bay Area and Sacramento).

¹⁰ Colson. 2017. Large-Scale Land Development, Fugitive Dust, and Increased Coccidioidomycosis Incidence in the Antelope Valley of California, 1999-2014. <https://knowthecause.com/wp-content/uploads/2017/03/Colson2017FugitiveDustCoccidiodes.pdf>

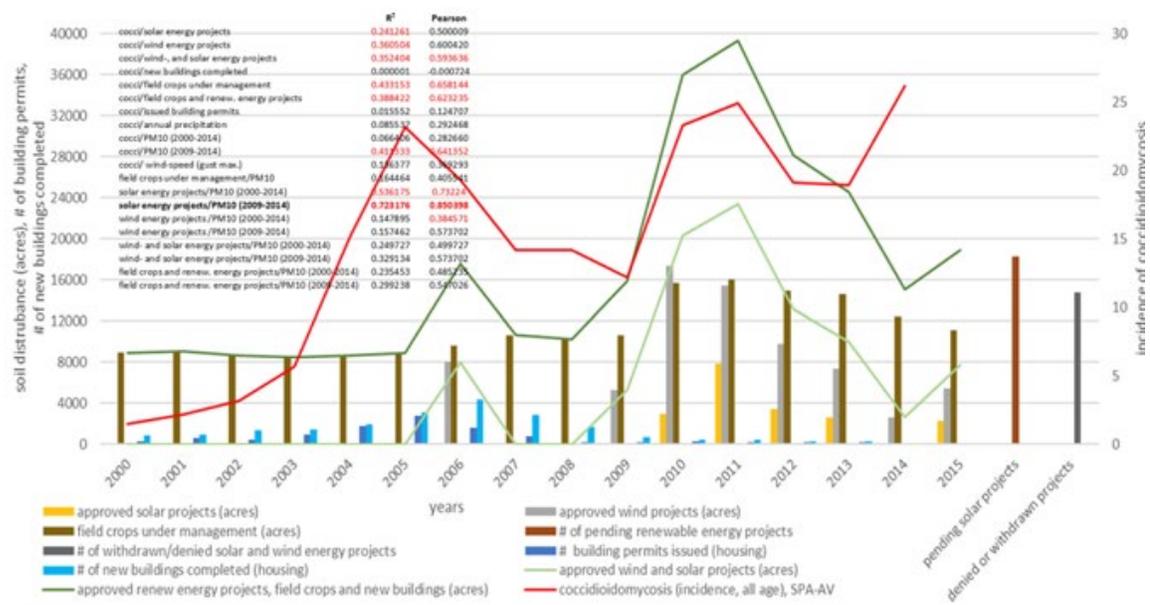


Figure 3: Valley Fever Incidence And Soil Disturbance

It is evident from the figure above that, as the number of acres of soil in the Antelope Valley were disturbed, the incidence rate of Valley Fever also increased. The mass disturbance of soils anticipated by the proposed Project will create the same conditions that were detailed in the study by Colson.¹¹

According to research on Valley Fever, outbreaks in populations with intense exposure to aerosolized arthroconidia are at greater risk for infection. These groups include agricultural or construction workers, or persons who participate in outdoor activities such as hunting or digging in the soil. Outbreaks of coccidioidomycosis have been linked to a variety of activities involving disturbance of impacted soils.^{12,13,14} Since Valley Fever cases are directly related to the disturbance

¹¹ *ibid*

¹² Brown. Et al. 2013. Coccidioidomycosis: epidemiology. *Clinical Epidemiology*. 5:185-197.

¹³ Rafael Laniado-Laborin, Expanding Understanding of Epidemiology of Coccidioidomycosis in the Western Hemisphere, *Annals of the New York Academy of Sciences*, v. 111, 2007, pp. 20–22, available at <https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.004>; Frederick S. Fisher, Mark

W. Bultman, Suzanne M. Johnson, Demosthenes Pappagianis, and Erik Zaborsky, Coccidioides Niches and Habitat Parameters in the Southwestern United States, a Matter of Scale, *Annals of the New York Academy of Sciences*, v. 111, 2007, pp. 47–72 (“All of the examined soil locations are noteworthy as generally 50% of the individuals who were exposed to the dust or were excavating dirt at the sites were infected.”), available at <https://nyaspubs.onlinelibrary.wiley.com/doi/abs/10.1196/annals.1406.031>.

¹⁴ Lawrence L. Schmelzer and R. Tabershaw, Exposure Factors in Occupational Coccidioidomycosis, *American Journal of Public Health and the Nation’s Health*, v. 58, no. 1, 1968, pp. 107–113, Table 3; available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1228046/?page=1>.

of soils in the area, the County must directly address the impacts that the project's construction phase will have on the community.

Valley Fever often manifests as a mild respiratory illness, but it can progress to serious chronic forms, especially in immunocompromised individuals, and may even become disseminated, impacting organs including the skin, bones, brain, and spinal cord. Disseminated Valley Fever is associated with severe symptoms like meningitis, painful lesions, and swollen joints.

4. The County of Los Angeles' Department Of Public Health's Valley Fever Mitigation Plans Fails To Prevent The Exposure Of Sensitive Receptors In The Area.

All of the mitigation measures outlined in the Los Angeles County Department of Public Health's Valley Fever plan (which are absent from the EIR and State-certified EIR) allow for a percentage of the dust that could be generated to be migrate offsite. Based on the Mitigation Measures outlined in the CalEEMOD model (typically utilized in the assessment of construction projects under the California Environmental Quality Act) watering exposed areas twice a day would reduce PM₁₀ and PM_{2.5} emissions by 61 percent (61%). Increasing the watering frequency to 3 times per day would reduce PM₁₀ and PM_{2.5} emissions by 74%. Conventional dust control measures, primarily focus on visible dust or larger dust particles—the PM₁₀ fraction—and fail to address the very fine particles that transport Valley Fever spores, which are approximately 5 times smaller than typical PM₁₀ particles and remain airborne much longer.¹⁵ These fine particles, when disturbed by soil-disturbing activities, spread widely beyond site, posing a significant risk to both onsite workers and nearby communities.

The proposed compliance with Rule 403d, which relies on a visual opacity reading for dust control, is insufficient to prevent exposure to Valley Fever spores. These rules are based on smoke-monitoring methods (U.S. EPA Methods 9 and 22) that require active monitoring by certified observers, rely on subjective observation, and are affected by variable such as lighting, distance, and weather conditions. Due to these limitations, opacity readings do not provide accurate, continuous data on fine airborne particles.

¹⁵ See, e.g., Cummings and others, 2010, p. 509; Schneider et al., 1997, p. 908 (“Primary prevention strategies (e.g., dust-control measures) for coccidioidomycosis in endemic areas have limited effectiveness.”).

The County should revise the F-SEIR to require that the Applicant implement mitigation measures to actively suppress the spread of Valley Fever, including:

1. Include specific requirements in the County's Coccidioidomycosis (Valley Fever) Management Plan: Guidelines for Employers regarding safeguards to prevent Valley Fever. Including, but not limited to, the following:
 - A. Provide construction and operations personnel training to understand and manage the risks associated with Valley Fever. Training includes information on how to recognize symptoms of Valley Fever and ways to minimize exposure; proper cleaning procedures to minimize accidental exposure; and demonstrations on how to use personal protective equipment, such respiratory protection, skin and eye protection.
 - B. The General Contractor distributes the Valley Fever educational materials provided to construction and operations personnel and are posted next to the Cal OSHA poster.
 - C. Heavy equipment with factory enclosed cabs should be provided with HEPA rated air filtration and positive pressure air. The General Contractor utilizing applicable heavy equipment provides proof of worker training on proper use of applicable heavy equipment cabs. Provide communication methods, such as two-way radios, for use in enclosed cabs.
 - D. Provide separate, clean eating areas with hand-washing facilities, and a changing of clothing area. Separate bins with proper labels be provided for on-site disposables.
 - E. Any employee experiencing symptoms of Valley Fever shall promptly reports to their supervisor and consult a medical professional as necessary. Maintain an accessible log of all employees reporting symptoms and disease of Valley Fever.
 - F. When possible, position workers upwind or crosswind when performing ground disturbing activities.
 - G. Prohibit smoking at the project site in or outside of designated smoking areas. Designated smoking areas shall be equipped with handwashing facilities.
-

H. Maintain an Injury and Illness Prevention Program (IIPP) which should include a cold and heat illness prevention section. Make the IIPP available upon request.

2. Control dust exposure:

- Apply chemical stabilizers at least 24-hours prior to high wind event;
- Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.
- Half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities. Half-face respirators equipped with N-100 or P-100 filters should be used during digging activities. Employees should wear respirators when working near earth-moving machinery.
- Avoid outdoor construction operations during unusually windy conditions or in dust storms.
- Consider limiting outdoor construction during the fall to essential jobs only, as the risk of cocci infection is higher during this season.

3. Prevent transport of cocci outside endemic areas:

- Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations.
 - Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate;
 - Load all haul trucks such that the freeboard is not less than six inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable cover.
 - Provide workers with coveralls daily, lockers (or other systems for keeping work and street clothing and shoes separate), daily changing and showering facilities.
 - Clothing should be changed after work every day, preferably at the work site.
 - Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing.
 - Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.
-

4. Improve medical surveillance for employees:

- Employees should have prompt access to medical care, including suspected work-related illnesses and injuries.
- Work with a medical professional to develop a protocol to medically evaluate employees who have symptoms of Valley Fever.
- Consider preferentially contracting with 1-2 clinics in the area and communicate with the health care providers in those clinics to ensure that providers are aware that Valley Fever has been reported in the area. This will increase the likelihood that ill workers will receive prompt, proper and consistent medical care.
- Respirator clearance should include medical evaluation for all new employees, annual re-evaluation for changes in medical status, and annual training, and fit-testing.
- Skin testing is not recommended for evaluation of Valley Fever.
- If an employee is diagnosed with Valley Fever, a physician must determine if the employee should be taken off work, when they may return to work, and what type of work activities they may perform.

The mitigation measures identified in this comment, based on actual experience during construction of solar and wind projects in endemic areas, should be required for the Project. The County must include concrete measures like the ones listed above in a revised F-SEIR of the Project.

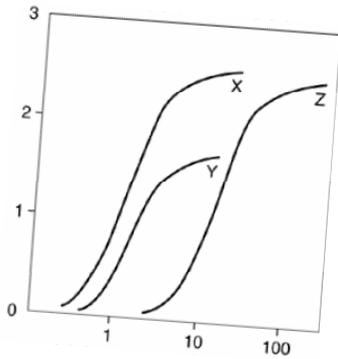
Additional measures that would reduce the exposure of nearby residents to the spores includes the use of minimum efficiency reporting value (MERV) 16 filters on the homes nearby would reduce exposure to the spores by as much as 95 percent (95%). Given that the Project will be directly responsible for the generation of the spores into the local environment it is reasonable that they provide the necessary mitigation measures for the surrounding community. This measure should be included in a revised F-SEIR for the Project.

Conclusion

The facts presented in this comment letter lead me to reasonably conclude that the Project could result in significant impacts. A revised F-SEIR is necessary to address these substantial concerns fully and transparently.

Sincerely,

F. J. Con



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: James Harold Caygle, et al, v. Drummond Company, Inc. Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama. Civil Action. CV-2009

Client: Environmental Litigation Group, Birmingham, Alabama

Dr. Clark performed an air quality assessment of emissions from a coke factory located in Tarrant, Alabama. The assessment reviewed include a comprehensive review of air quality standards, measured concentrations of pollutants from factory, an inspection of the facility and detailed assessment of the impacts on the community. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247

Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the

known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Imminent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research

were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment*.

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (MtBE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MtBE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of MtBE, and is suspected to be the primary cause of MtBE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane

rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia. The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner

that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)

Association for Environmental Health and Sciences (AEHS)

American Chemical Society (ACS)

California Redevelopment Association (CRA)

International Society of Environmental Forensics (ISEF)

Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark**, F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.

Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.

Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.

Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions*. Trafford Publishing, Victoria B.C.

Clark, J.J.J. 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment*. Art Diaz, Ed.. Oxford University Press: New York.

Clark, J.J.J. 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment*. Edward Urbansky, Ed. Kluwer/Plenum: New York.

Clark, J.J.J. 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.

Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

- 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*, Volume 70 (2008) page 002254.
- 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*, Volume 70 (2008) page 000527
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research*. 105:194-199.
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- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 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, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.
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EXHIBIT B



September 24th, 2025

Ms. Kelilah D. Federman
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, California 94080

**SUBJECT: Entrada South and VCC Project FSEIR
Valencia, California
Response to Comments on Noise Analysis**

Dear Ms. Federman,

As requested, we have reviewed the information and noise impact analysis for the Final Supplemental Environmental Impact Report (FSEIR) for the Entrada South and VCC Project in Valencia, California, State Clearinghouse Number 2000011025. This letter is based on the responses to our letter dated February 12th 2025, based on comments 7-22 through 7-25, as well as 7-55 through 7-65.

Response to Comment 7-22, Comment 7-56 & Comment 7-57

These comments summarize our concerns regarding the potential for groundborne noise impacts at the Grace to You Christian Ministry located in the building at 28001 Harrison Parkway. The comment details how construction vibration was analyzed at the site, showing no potential for damage to structures. The comment then includes an analysis of groundborne noise for potential impacts to radio operations based on traffic noise. The FSEIR concludes that the potential noise level of 37 dBA is 13.6 dBA lower than existing groundborne roadway levels.

The response does not accurately categorize groundborne noise. The 'FTA conversion factor' referenced in the FSEIR is intended to convert from "ground-borne vibration levels to ground-borne noise levels" (FTA¹, page 145) not from an outdoor noise level to an indoor noise level, as the FEIR erroneously applies. Groundborne noise is the phenomenon of vibration being transmitted through the ground that then radiates into building structures. This is usually heard as a low rumble, as opposed to the whoosh of traffic. The CNEL is already a noise level; there is no conversion from the exterior noise to the noise caused by vibrations, as the CNEL does not categorize vibration levels. Additionally, traffic produces low source vibration levels, so groundborne noise is rarely a problem, unlike for high vibration sources such as construction equipment or trains. This is for two reasons: vehicle suspensions and tires act as dampers, isolating most vibration before it reaches the ground, and the frequency content is typically higher, which is not transmitted as efficiently through soil. As it stands, the FSEIR's analysis does not accurately categorize current noise levels heard within the Grace to You recording studios. We reiterate our comment that vibration from vibratory rollers

¹ https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf

propagating as noise into the nearby recording studio has the potential to result in a significant impact, and recommend including mitigation measures such as coordination between Grace to You recording schedules and high-vibration construction activities within a certain buffer zone.

Response to Comment 7-23, Comment 7-59

These comments detail how the use of mufflers is an effective noise control measure for noise reduction. We agree that mufflers are a best practice noise control measure. However, there is no proof in either the DSEIR or the FSEIR that the use of mufflers would reliably reduce noise levels. The FHWA Construction Noise Handbook states that optimal mufflers can provide an additional 10 dBA of attenuation; yet there is no evidence that the modeled equipment does not already have optimal mufflers in the noise model. The RCNM model uses noise source data that is 25 years old; the FSEIR provides no proof other than idle speculation that advancements in construction equipment technology have led to quieter machinery.

We agree that requiring mufflers is a best practice measure for construction noise control. However, with respect to demonstrating that noise levels remain below significance thresholds, the FSEIR provides no proof that the source levels used in the analysis can actually be reduced through the use of mufflers.

Response to Comment 7-24, Comment 7-60 & Comment 7-61

This comment describes our concerns that Mitigation Measures NOI-2, the use of strategic idling locations, and NOI-4, proactive community engagement, would not guarantee the reduction of noise levels. The FSEIR states that no numerical reductions are assumed from these measures, and their inclusion is consistent with best practices in construction noise management. We maintain our original comment that these are not true mitigation measures and would fail to reduce worst case construction noise levels, leaving significant impacts unmitigated. If these measures cannot reduce noise below appropriate thresholds, then the construction noise remains significant and unmitigated.

Response to Comment 7-63

This comment details our concerns that how operational noise levels from mechanical HVAC units were not analyzed, as the DSEIR only cites county code requirements that must be met in the future. The response states that the County Building and Safety Department must review all permit applications to ensure that all proposed mechanical equipment complies with applicable noise regulations, and that noise attenuation measures may be required as part of that future submittal.

However, the analysis includes no discussion of how realistic noise attenuation could be. Typical noise levels associated with mechanical equipment can be placed in a noise model with distance attenuation and project geometry to determine if there is an impact that would require mitigation. Mechanical noise may also combine with other operational noise levels, such as parking lot noise or loading dock noise, and only analyzing noise at a later date may omit significant impacts resulting from the combination of multiple sources. To confirm a less than significant impact, the Project Applicant should demonstrate that the combined noise levels generated by these sources remain below appropriate significance thresholds.

Response to Comment 7-64

This comment details our concerns regarding a circular reference in Appendix 5.8 of the DSEIR and explains how Table 12 shows the traffic levels for the project and indicates whether a more thorough noise analysis is required. We maintain that stating 'See Table 12' within Table 12 is confusing and constitutes a circular reference. The analysis should simply state whether there is a traffic increase within the column to the right of the 'further analysis required' column for clarity.

Conclusion

We believe that several of our comments are not addressed in the FEIR. As such, we believe this report both underestimates significant impacts from the project and does not study all potential ways to mitigate identified impacts. Feel free to contact us with any questions.

Very truly yours,
WILSON IHRIG

A handwritten signature in blue ink, appearing to read 'Jack Meighan', is written over a horizontal line.

Jack Meighan
Associate