

APAC ENVIRONMENT STANDING COMMITTEE REPORT

GATEWAY EL DORADO/CARSON CREEK R&D PROJECT ENVIRONMENTAL REVIEW

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PROJECT APPLICATION INCONSISTENCY WITH BASE-LEVEL CEQA REQUIREMENTS

The Gateway El Dorado/Carson Creek R&D project in El Dorado Hills proposes to build at least 1.25 million square feet of Industrial Wholesale Distribution buildings in a new logistics facility located along the west side of Latrobe Road and the north side of Golden Foothills Parkway. This e-commerce center includes six other parcels, one with two warehouse/distribution buildings totaling just under 150,000 square feet at Golden Foothill Pkwy and Carson Crossing Dr under construction now. Four other parcels include a completed large retail hardware supply store, a second retail building and two drive-through restaurant buildings, all sharing a single access driveway just 200 feet from the congested Robert J Mathews Pkwy/Latrobe Rd intersections.

Trip generation estimates provided by the developer identify 3,700 daily vehicle trips to and from the warehouse and, therefore, a large quantity of emissions. Among other pollutants, diesel trucks and other motor vehicles emit nitrogen oxides (which are primary precursors to smog and a significant factor in developing respiratory problems like asthma, bronchitis, and lung irritation) and toxic diesel particulate matter (which contributes to cancer, heart disease, respiratory illnesses, and premature deaths).

These warehouses are located within one mile of seventeen parks/recreation/exercise facilities, twelve schools, three churches, two senior care facilities, and two senior communities totaling over 2,000 residents, all of which the State of California identifies as “sensitive receptors”. Within a wider two-mile radius is a population of over 6,000 residents, and current development proposals identify over 6,000 new homes with over 13,000 residents.

CEQA BASELINE: Environmental Impact Review (EIR) is not being pursued for approval. As stated in the El Dorado County Planning Permit Procedures Code Title 130 Article 5 Section 130.52.021 B 1: "The approval of a Conditional Use Permit is a discretionary project and is subject to the requirements and procedures of CEQA." EDH APAC examined the consistency of the applicant's assertion with the requirements of CEQA Guidelines Section 15162. "The County must determine whether the proposed changes to the proposed project trigger the need for a subsequent EIR." Specifically, "a new CEQA EIR is required when 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." Additionally, the California Department of Justice states in the September 2022 *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* that “new warehouse developments are not ministerial under CEQA [Guidelines § 15369] because they involve public officials’ personal judgment as to the wisdom or manner of carrying out the project, even when warehouses are permitted by a site’s applicable zoning and/or general plan land use designation.”

As a discretionary project, the Gateway El Dorado/Carson Creek R&D project applicant must conduct studies to inform decision-makers and the public whether the project results in significant environmental impacts. With the heavy-duty truck trips and their associated diesel exhausts, a

project of this scale is known to have significant environmental impacts that cannot be mitigated (<https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>).

Based on the review and additional information sources identified herein, these findings are new and significant and require a New, Subsequent or Supplemental Impact Report under CEQA Sections § 15162, 15163, and 21166. The GATEWAY EL DORADO project, a new warehouse project as defined by the State of California, Department of Justice, is not ministerial under CEQA Guidelines § 15369.

BIOLOGICAL FINDINGS REVIEW

BACKGROUND: EDH Business Park development relies on 25+ year-old negative environmental impact findings. Carson Creek flows through the Gateway El Dorado project and into the Carson Creek Preserve created on May 16, 2016, by the US Army Corps of Engineers and California State Department of Fish and Wildlife Permits and Agreements. To date, EDC has not reviewed the environmental impact of any El Dorado Hills Business Park project on this Federal and State protected wetlands Preserve.

This review uses the draft Carson Creek Preserve Long-term Management Plan written by HELIX Environmental (June 15, 2021). The US Army Corps of Engineers and the California Department of Fish and Wildlife required long-term monitoring and management of the wetlands in response to unauthorized streambed alteration and later mitigation by the project developer, Lennar. This Plan identifies Significant Species, Rare Species, and Species of Special Concern that inhabit the Preserve and within the surrounding five-mile radius. The Heritage El Dorado Hills Master Association has succeeded Lennar as owner of the designation Preserve and surrounding Open Space Parcels, and Golden State Land Conservancy will assume Management of the Preserve under the terms of the Conservation Easement. HELIX is a respected and credible expert that EDC has historically used. None of the parties responsible for authorizing or executing the Plan (including the California Department of Fish and Wildlife) the Preserve Biological Resources identified by Helix, and those findings are the primary basis of this APAC review and conclusions.

Among the methods used were field survey observations, a review of data from the California Natural Diversity Database (CNDDDB), a review of endangered and threatened plant species provided by the California Native Plant Society (CNPS), and a review of endangered and threatened species information maintained by the USFWS.

The HELIX Environmental report was provided to an EDC senior planner on January 6, 2022, with a confirmed receipt that the study was under review on January 22, 2022. Earlier studies conducted by HELIX (under its previous name Foothills Associates) were reviewed by APAC to determine consistency. The El Dorado County Planning Department has possession of these same documents. EDC Planning has not taken any action beyond acknowledging receipt of this information. A secondary source of information is the findings authored by ESA for the withdrawn Project Frontier proposal (CUP22-0016). The biological study also verifies the presence of special status species within a radius that includes the EDH Business Park.

BIOLOGICAL FINDINGS:

HELIX substantiated the field observation of special species within the Carson Creek Preserve and nearby locations within a five-mile radius, including the GATEWAY EL DORADO site. HELIX confirmed the presence of targeted species, including the burrowing owl, white-tailed kite, tricolored blackbird, and western pond turtle; observed migratory birds, including the northern mockingbird, mourning dove, turkey vulture, cliff swallow, morning harrier, red-winged blackbird, and western scrub-jay as well as various plant species and dozens more within five miles. In short, the Carson Creek Preserve is a rich environment that deserves all protection measures. The study concluded that there is a significant impact and strict mitigation measures need to be followed. THE CONFIRMED PRESENCE OF ANY OF THESE SPECIES REQUIRE A SUBSEQUENT OR SUPPLEMENTAL IMPACT REPORT IN ACCORDANCE WITH CEQA GUIDELINES.

The ESA study concludes that thirteen special status species had a high to medium potential to occur in the project site. Specific mitigation actions were suggested to limit impacts on migrating birds and other species.

OTHER BIOLOGICAL ENVIRONMENTAL ISSUES

In addition to the biological findings, the following summarizes other issues that should be considered in denial of the GATEWAY EL DORADO project until a new, subsequent, or supplemental CEQA EIR is concluded:

ISSUE 1: ADJACENT BIOLOGICAL SYSTEMS:

EDH Business Park GATEWAY EL DORADO project is immediately upstream from the federal and state-protected Carson Creek Preserve.

ISSUE 2: GENRAL WILDLIFE IMPACT

In addition to special status species, the GATEWAY EL DORADO project is the home for other wildlife such as beavers, coyotes, foxes, mice, squirrels, bobcats, and skunks are present and many non-manual species. Grasslands, wetlands, and trees like protected Oak Trees are present on the site. No assessment of impact nor provisions for mitigation have been identified or published.

ISSUE 3: WATER RUNOFF, SPILLS and PHYSICAL POLLUTION

In addition to these biological findings, the scale of GATEWAY EL DORADO project and impervious parking and roadway surfaces, will increase the water runoff affecting the downstream watershed of Carson Creek Preserve. This runoff presents a significant risk of erosion and sedimentation, identified explicitly as concerns requiring ongoing monitoring and maintenance by the Carson Creek Preserve Owner (the Heritage El Dorado Hills Master Association) and Manager.

The high volume of truck trips will significantly increase the potential for water runoff from the site to carry diesel fuel, motor oil, hydraulic fluid residue, and particulate matter from vehicle exhaust and tires beyond that foreseen for other allowed uses of the site. Paper and plastic trash remnants, including bags, wrapping, and packing materials resulting from the unloading, unpacking, repacking, and loading of goods, have the potential to be carried by wind and water into the Preserve. These short- and long-term environmental impacts must

be assessed, and measures identified to mitigate the effects on the ecologically sensitive Carson Creek Preserve.

ISSUE 4: FAILURE TO ENGAGE CARSON CREEK PRESERVE PARTIES OF INTEREST

The applicant has not consulted any of the stakeholders responsible for preserving regional biological integrity. GATEWAY EL DORADO parcels lie just across Golden Foothill Pkwy from the designated Carson Creek Preserve and Carson Creek flows through the GATEWAY EL DORADO project. Those are also protected wetlands of Carson Creek. The landowner of the Preserve is the Heritage El Dorado Hills Master Association. This senior community association is bound to take the measures necessary to protect the integrity of these wetlands. The Golden State Land Conservancy is designated as the Carson Creek Preserve manager. The U.S. Army Corp of Engineers has jurisdictional oversight as a designated federal government waterway. The California Department of Fish and Wildlife protects these wetlands and species of special interest,

AIR QUALITY ANALYSIS DEFICIENCIES AND REQUIRED STEPS

When analyzing cumulative impacts, the Gateway El Dorado project should thoroughly consider its incremental impact in combination with the past and current conditions (a US Clean Air Act requirement) and reasonably foreseeable future projects in the areas other than its own warehouses, even if the project's individual impacts alone do not exceed the applicable significance thresholds.

The steps to establish the past and current conditions include:

1. The past and current air quality measurement data for gaseous and particle pollutants, such as nitrogen oxides, ozone, and speciated particulate matter (to show past and present pollution levels) for at least five consecutive years. Ideally, these measurements should be done in the adjacent communities with the US Environmental Protection Agency-certified instrumentation and meet the measurement site requirements.
2. A survey of current and future air pollutants and their precursors' emissions in the areas including the vehicle miles traveled from motor vehicles/trucks to the warehouses operations by calculating trip length based on likely destinations.
3. Multiple-year local meteorological data, observational and model generated, site-specific for the project area.

The project needs to prepare quantitative air quality studies to demonstrate the pollution levels once warehouses are built and fully operational. These studies should include, but not be limited to:

1. State-of-the-art dispersion modeling of diesel particulate matter and other pollutant hotspots due to the project.
2. State-of-the-art chemical transport modeling to demonstrate National Ambient Air Quality Standards for criteria pollutants will not be violated due to this project.

NOISE IMPACTS ANALYSIS AND MITIGATION

Noise associated with logistics facilities (diesel truck movement, rooftop air conditioning units), exacerbated by 24/7 operations, can be most intrusive to nearby sensitive receptors. A noise impact analysis considering all reasonably foreseeable noise including short-term noise and off-site truck generation is needed as well as assessment of the cumulative impact above ambient noise levels. Considering only average noise levels may mask the true impact of short-term noise on nearby receptors, particularly that occurring at night.

HEALTH RISK ANALYSIS BASELINE AND DIESEL DEATH ZONES

The Gateway El Dorado/Carson Creek R&D project needs to prepare a quantitative health risk assessment in accordance with the California Office of Environmental Health Hazard Assessment. It should include, but not limited to:

1. Cancer risk due to the project in El Dorado Hills and nearby communities and schools.
2. Cardiopulmonary disease risk attributed to the project.
3. Asthma attacks and other hospitalizations are attributed to the project.

The project needs to incorporate the public health costs based on the quantitative health risk assessment into its economics analysis to give a full picture of the project's economic impacts.

CULTURAL RESOURCES REVIEW

CEQA requires assessment for archeological and historical sites. Places along Carson Creek have previously been identified as culturally significant locations. Previous assessments or surveys should have been included as public records of previous actions to create the El Dorado Hills Business Park and for subsequent actions to establish General Plans, and establish zoning of those sites, including the parcels identified in the Carson Crossing R&D proposal, and the parcel for the two warehouses currently under construction.

The Environmental Questionnaire submitted by the applicant identified no knowledge of such artifacts. What research has been done or is planned to be done to confirm that assessment? In particular, the applicant notes the site was previously graded. Permits for that grading should have included CEQA required assessment and documentation. Was that assessment conducted, recorded, and kept as a public record?

Correspondence with the North Central Information Center of the California Historical Resources Information System in 1982 identified the area included in the then proposed Business Park to range in sensitivity from moderate to high in sensitivity for both prehistoric and historic resources, and drainage areas adjacent to White Rock and Latrobe roads (Carson Creek) highest in such sensitivity.

A site survey conducted in 1983 for the proposed EDH Business Park found evidence of Native American habitation in an area described as proposed for a golf course. Exhibit B of the recorded CCRs for the EDH Business Park (the Design Guidelines) shows a golf course on the parcels identified for the PacTrust Gateway El Dorado Project.

A CEQA Impact Review must, at a minimum, include assessment of ALL previous investigations and surveys and should evidence of artifacts be found, a full survey of the property must be conducted with consultation with Native American representatives, as required by law.

CITIZEN AND AGENCY ENGAGEMENT

The project should actively engage the community via meetings, posts, etc., and allow ample opportunities for residents to provide suggestions and address concerns. Reliance on public access to the County's eTRAKiT system is not adequate to engage and inform community residents. The Gateway El Dorado Industrial Wholesale Distribution warehouse project has such scale and broad impact to El Dorado County that only an open and transparent approval process affording citizens the ability to review, and comment is acceptable.

The Planning Director's June 12, 2023, Determination – Fulfillment Center/Heavy Distribution/Parcel Hub Uses must be revisited to incorporate the CA DOJ September 2022 *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act*. As noted in this document, e-commerce/logistics warehousing facilities cannot be approved ministerially, but require CEQA assessment of impacts that includes an approval process that provides a FULL, OPEN PROCESS FOR PUBLIC REVIEW AND COMMENT. An INTERPRETATION of the El Dorado County Zoning Ordinance is not adequate to correct the gaps in zoning and uses for these facilities..