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Robert Smith, Senior Planner  
City of Madera  
205 West 4th Street  
Madera, CA 93637

*VIA EMAIL TO:*  
[rsmith@madera.gov](mailto:rsmith@madera.gov)

*Subject: Comments on Amond World Cold Storage Warehouse MND (SCH NO. 2022030604)*

Dear Mr. Smith,

Thank you for the opportunity to comment on the Mitigated Negative Declaration (MND) for the proposed Amond World Cold Storage Warehouse Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance (GSEJA). Also, GSEJA formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

### **1.0 Summary**

The project proposes the construction and operation of a two phase industrial warehouse project that will occupy two parcels totaling 30.16 acres. Phase I involves the construction of an approximately 254,016-sf. refrigerated warehouse and storage facility on the parcel identified as APN 013-200-005 and would include a 235,200-sf. warehouse with refrigerated storage area, in addition to an administrative office (4,000 sf.), shipping office (2,204 sf.), and flatbed annex building (12,544 sf.). Phase II would include a 250,000-sf. warehouse and storage facility on the adjoining parcel to the east identified as APN 013-200-004 and would include a ground mount solar PV array. An on-site stormwater retention basin is proposed to be constructed under Phase I and would be sized to accommodate total buildout of the Project.

## **2.0. Project Description**

It is notable that the MND does not include a detailed site plan, floor plan or elevations for Phase II. The basic components of a Planning Application include a site plan, floor plan, elevations, and a project narrative describing the proposed use in detail. The site plan provided in Figure 2-5 does not provide any detailed information such as the earthwork quantity notes, parking requirements, site coverage, floor area ratio, etc. The MND has excluded the proposed detailed site plan, floor plans and elevations from public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as these documents contribute directly to analysis of the problem at hand.

Providing this information is vital as the Air Quality Appendix states "Based on applicant-provided information, cut and fill and is expected to balance on-site." There is no method for public verification of this anecdotal statement in the MND. An EIR must be prepared and circulated for public review including a grading plan for public verification of earthwork quantities.

Additionally, the project site is described throughout the MND as vacant with no improvements or structures on the site. However, several aerial images of the project site throughout its Appendices, such as Figure 2: Project Vicinity within the Noise Appendix depict at least four residential structures on the north side of the project site with access from Boles Street. Demolition of the onsite residential structures is implementation of the proposed project prior to CEQA review and alters the environmental setting. Removing these structures required site preparation, demolition, and hauling trips that are not analyzed in the MND. An EIR must be prepared to accurately analyze the potentially significant impacts, including those related to project implementation prior to CEQA review.

Further, Figure 2-5 Site Plan depicts a building that is not included for analysis in the MND. On the east side of the Phase I building, a building called "ready roast" is identified as "NIC", assumed to stand for "not in contract/not included". Figure 2-6 Phase I Site Plan depicts the ready roast building as a landscape area. Additionally, Figure 2-5 states that the project will extend Condor Road for vehicle access to the project site from Aviation Drive. The MND does not include this road extension for analysis, which is vital in the Land Use and Planning analysis and any growth inducement analysis. Both these items are components of the proposed project that is not included for analysis. The MND does not accurately or adequately describe the project, meaning "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (CEQA § 15378).

CEQA § 15165 - Multiple and Phased Projects requires that “Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate project as described in Section 15168.” The MND misleads the public and decision makers by circumventing adequate and accurate environmental analysis for the whole of the action to include the ready roast facility and extension of Condor Road to Aviation Drive. A program EIR must be prepared which accurately represents the whole of the action without piecemealing the project into separate, smaller development projects or development areas to present unduly low environmental impacts.

### **4.3 Air Quality, 4.6 Energy, and 4.8 Greenhouse Gas Emissions**

The MND does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0<sup>1</sup>, CalEPA’s screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project’s census tract (6039000503) ranks worse than 78% of the rest of the state overall in pollution burden. The surrounding community, **including residences to the southeast**, bears the impact of multiple sources of pollution and is more polluted than other census tracts in many pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 75th percentile for ozone burden and 79th percentile for PM 2.5 burden, which are attributed to heavy truck activity in the area.

The census tract ranks in the 91st percentile for groundwater threats. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes<sup>2</sup>. The census tract ranks in the 83rd percentile for hazardous waste impacts. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people<sup>3</sup>. The census tract ranks in the 88th percentile for impacts from pesticides. Exposure to high levels of some pesticides can cause illness immediately or conditions such as birth defects or cancer later in life<sup>4</sup>. The census tract ranks in the 84th percentile for impacts from toxic releases. Chemicals given off by toxic facilities can be detected in the air of nearby communities and people living near facilities may breathe contaminated air regularly or if contaminants are released during an accident<sup>5</sup>.

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

<sup>2</sup> OEHHA Groundwater Threats <https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats>

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

<sup>4</sup> OEHHA Pesticides <https://oehha.ca.gov/calenviroscreen/indicator/pesticide-use>

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

Further, the census tract is a diverse community including 59% Hispanic, 8.9% Asian-American, and 2.5% African-American residents, which are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 82% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 100th percentile (highest percentile) for incidence of cardiovascular disease and 91st percentile for incidence of low birth weights. The community also has a high rate of linguistic isolation, meaning 63% of the census tract speaks little to no English.

Additionally, the project's census tract (6039000503) and the adjacent census tracts (6039000506, 6039000202, 6039000201, 6039000400, 6039001000, 6039000502, 6039000800, and 6039000602) are identified as SB 535 Disadvantaged Communities<sup>6</sup>, which is not discussed or presented for analysis in the MND.

The State of California lists three approved energy compliance modeling softwares<sup>7</sup> for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod energy calculations in the MND do not comply with the 2019 Building Energy Efficiency Standards and under reports the project's potentially significant GHG and Energy impacts to the public and decision makers. Since the MND did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. An EIR with modeling in one of the approved software types must be circulated for public review in order to adequately analyze the project's potentially significant environmental impacts. This is vital as the MND utilizes CalEEMod as a source in its methodology and analysis, which is clearly not one of the approved softwares.

It must also be noted that Madera is not listed as a jurisdiction with local energy standards approved by the CA Energy Commission<sup>8</sup>. According to the CA Energy Commission, "Local jurisdictions are required to apply to the Energy Commission for approval, documenting the supporting analysis for how the local government has determined that their proposed Standards will save more energy than the current statewide Standards and the basis of the local government's determination that the local standards are cost-effective." Therefore, compliance with the City's General Plan does not comply with CA Energy Commission standards or AB 32/SB 32. The MND is misleading to the

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<sup>6</sup> OEHHA SB 535 Census Tracts <https://oehha.ca.gov/calenviroscreen/sb535>

<sup>7</sup> 2019 Building Energy Efficiency Standards Approved Computer Compliance Programs, California Energy Commission. <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency-2>

<sup>8</sup> Local Ordinances Exceeding the 2019 Energy Code, California Energy Commission <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency-3>

public and decision makers by stating compliance with these standards when the local jurisdiction standards have not been approved by the CA Energy Commission. An EIR must be prepared with adequate analysis of project impacts utilizing an approved modeling software in order to be a reliable informational document in compliance with CEQA.

Additionally, the MND utilizes uncertain language in discussing energy impacts. The MND concludes that “the results of the analyses do not *rise to a level of significance* given the nature of the Project (i.e., non-residential) and the Project’s required compliance with various energy efficiency regulations and policies including CALGreen, Title 24 (e.g., Lighting Power Density requirements), the General Plan, California Code of Regulations (e.g., Title 13, Motor Vehicles), and CARB (e.g., Airborne Toxic Control Measure). Thus, through compliance, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources and a less than significant impact would occur.” As noted above, the project has not demonstrated compliance with Title 24 and compliance with General Plan measures is not an approved standard by the CA Energy Commission. The MND does not specify a level of significance threshold that would quantify a significant impact. An EIR must be prepared to provide an adequate analysis of the project’s GHG and Energy impacts in compliance with CEQA.

#### **4.11 Land Use and Planning**

The MND does not provide a consistency analysis with all General Plan goals and policies. An EIR must be prepared that includes a consistency analysis with all General Plan goals and policies, including but not limited to the following:

Policy CI-22: The City shall seek to maintain Level of Service (LOS) C at all times on all roadways and intersections in Madera.

Goal CON-11 Air quality that meets or exceeds all state and federal standards.

Goal CON-12 Meet or exceed all current and future state-mandated targets for reducing emissions of greenhouse gases.

Policy CON-29 The City shall require new air pollution point sources (such as, but not limited to, industrial, manufacturing, and processing facilities) to be located an adequate distance from residential areas and other sensitive receptors. “Adequate distance” will be based on site-specific conditions, the type and location of sensitive receptors, on the types and amounts of potential toxic emissions, and other factors.

The MND does not provide any consistency analysis with the Madera County Transportation Commission (MCTC) adopted 2018 RTP/SCS<sup>9</sup>. Due to errors in modeling and modeling without supporting evidence, as noted throughout this comment letter and attachments, the proposed project has significant potential for inconsistency with Goal 5 to maintain the efficiency, safety, and security of the region's transportation system, Goal 9 to protect the environment and health of our residents by improving air quality and encouraging active transportation, Strategy 5 to Enhance the Environment: the transportation system improves the environment through energy conservation, improving the quality of life, and promoting consistency between transportation improvements, planned growth, economic development, and environmental justice issues, Objective 14 to improve and maintain an integrated transportation network that reduces congestion and minimizes safety issues, and Objective 41 to avoid disproportionately high adverse environmental impacts upon low-income individuals, the elderly, persons with disabilities or minority populations consistent with Title VI regulations. An EIR must be prepared to include accurate Air Quality/HRA, Energy, and GHG modeling and provide an analysis of potential inconsistency with the 2018 RTP/SCS document.

#### **4.14 Population and Housing**

The MND concludes that “while the Project would generate employment (i.e., nine (9) employees), it is not at a level that could induce population growth,” resulting in a less than significant impact. The MND does not provide a source methodology for its determination that the project will generate 9 employees. There is also no calculation of the employees generated by the construction of the project. The U.S. Energy Information Administration<sup>10</sup> provides the following applicable employment generation rate for refrigerated warehouses:

Any Refrigeration: 1 employee per 1,049 square feet

Applying this ratio results in the following calculation:

Phase 1: 254,016 sf / 1,049 = 243

Phase 2: 250,000 sf / 1,049 = 239

Total: 482 employees

Table 1-2: Madera County Development Projections-2010, 2020, 2035, and 2042 within MCTC's RTP/SCS notes that the City will add 6,746 jobs and 22,992 residents between 2020 - 2042.

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<sup>9</sup> MCTC 2018 RTP/SCS

[https://www.maderactc.org/sites/default/files/fileattachments/transportation/page/5651/mctc\\_2018\\_rtp\\_am\\_1\\_technical\\_revision.pdf](https://www.maderactc.org/sites/default/files/fileattachments/transportation/page/5651/mctc_2018_rtp_am_1_technical_revision.pdf)

<sup>10</sup> US EIA Commercial Buildings Energy Consumption Survey, Table B1: Summary table: total and means of floorspace, number of workers, and hours of operation, 2018

<https://www.eia.gov/consumption/commercial/data/2018/bc/html/b1.php>

Utilizing the U.S. EIA calculation of 482 employees, the project represents 7.14% of the City's job growth 2.09% of the population growth from 2020 - 2042. A single project accounting for this amount of the projected employment and/or population over 22 years represents a significant amount of growth. An EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2020 and projects "in the pipeline" to determine if the project will exceed MCTC's employment growth forecast for the City. This is vital as the proposed ground mounted solar PV array (solar farm) in phase two of the project will also generate employees that have not been quantified. Additionally, an EIR must also provide demographic and geographic information on the location of qualified workers to fill these positions in order to provide an accurate environmental analysis.

As noted above, at least four residential structures on the north side of the project site with access from Boles Street were demolished prior to CEQA review. An EIR must be prepared that analyzes the need for replacement housing and compliance with SB 330: Housing Crisis Act of 2019.

#### **4.17 Transportation**

The MND excludes medium and heavy truck trips from the VMT analysis. The MND states that, "Pursuant to CEQA Guidelines Section 15064.3, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project. The term 'automobile' refers to on-road passenger vehicles, specifically cars and light trucks. Thus, trips associated with large trucks are excluded from the VMT analysis and only employee and customer trips must be considered for VMT analysis without providing a statutory source." CEQA Guidelines do not provide a definition of the term "automobile." The MND sources the OPR's 2018 Technical Advisory<sup>11</sup> which provides a definition of "automobile" stating that "here, the term 'automobile' refers to on-road passenger vehicles, specifically cars and light trucks." However, the purpose of the OPR Technical Advisory document is purely advisory, stating in its introduction:

"The purpose of this document is to provide advice and recommendations, which agencies and other entities may use at their discretion. This document does not alter lead agency discretion in preparing environmental documents subject to CEQA. This document should not be construed as legal advice."

The OPR document is not a legal interpretation, court decision, or amendment to the CEQA statute that clarifies the definition of automobile. The term "automobile" is not defined in the CEQA statute and application of the OPR interpretation is speculative and does not provide an analysis

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<sup>11</sup> Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA [https://opr.ca.gov/ceqa/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/ceqa/docs/20190122-743_Technical_Advisory.pdf)

of the “worst-case scenario” for environmental impacts. Widespread public understanding and perception indicates that trucks, including medium and heavy-duty trucks associated with the industrial nature of warehouse operations, are automobiles. An EIR must be prepared to remove this misleading information (including the erroneous statement that CEQA Guidelines define the term “automobile”) and include all truck activity, including medium and heavy trucks, for quantified VMT analysis. The operational nature of industrial/warehouse uses involves high rates of medium/heavy truck/trailer VMT due to traveling from large regional distribution centers to smaller industrial parks and then to their final delivery destinations. Table 4.2 Trip Summary of the Air Quality Appendix CalEEMod output sheets indicates that the project will generate approximately 998 average daily trips for passenger cars, resulting 2,915,196 annual VMT ( $2,915,196 / 365 \text{ days} = 7,986 \text{ daily total VMT}$ ). The project will generate approximately 70 average daily trips for trucks, resulting 1,123,297 annual VMT ( $1,123,297 / 365 \text{ days} = 3,077 \text{ daily total VMT}$ ). This is exponentially higher than the TAZ VMTs reported in the MND. The project’s truck/trailer activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude the truck/trailer activity from VMT analysis. An EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer activity to adequately and accurately analyze the potentially significant project transportation impacts.

Additionally, the MND has not provided a level of service (LOS) analysis for the proposed project which is required by the City’s General Plan Policy CI-22. An EIR must be prepared with a Traffic Impact Analysis that analyzes LOS impacts in order to comply with the General Plan.

### **Conclusion**

For the foregoing reasons, GSEJA believes the MND is flawed and an EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Ho', with a stylized flourish at the end.

Gary Ho  
Blum Collins and Ho, LLP