



September 26, 2024

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Gabriela Silva  
Associate Planner  
Planning and Development Department  
Culver City Hall  
9770 Culver Boulevard  
Culver City, CA 90232

Re: Response to Appeal of Planning Commission's Adoption of Resolution No. 2024-P007  
Costco Gasoline – On-Site Relocation (P2021-0135-CUP/M)  
13431 and 13463 Washington Boulevard, Culver City, California 90292  
Costco Loc. No. 479 / Our Job No. 10857

Dear Gabriela:

As you know, we represent Costco Wholesale (Costco), the applicant for the Conditional Use Permit Modification (CUP/M), to allow for the relocation and expansion of the Costco fuel facility (Project) located at 13431-13463 Washington Boulevard (Project Site). The Project consists of the demolition of the existing eight-dispenser fueling station (including underground storage tanks) and two commercial structures at the west end of the commercial center, construction of a new 15-dispenser fueling station relocated in place of the two commercial structures, and new surface parking with electric vehicle (EV) charging infrastructure in place of the existing fueling station.

On July 24, 2024, the Planning Commission adopted Resolution No. 2024-P007 approving a CEQA Class 32 Categorical Exemption and a CUP/M for the Project. On August 8, 2024, Sol y Luna Montessori School (Appellant), represented by Angel Law, appealed the adoption of Resolution No. 2024-P007.

The following is a point-by-point response to the Appellant's Appeal letter dated August 8, 2024. As set forth below, none of the Appeal issues have merit or are supported by credible evidence of a potential significant impact; therefore, the Planning Commission did not make an error in approving the Project, and the Appeal should be denied.

**1. There will be no significant health risks or other air quality impacts to any sensitive receptors in the Project vicinity.**

The Appeal incorrectly claims that the Air Quality analysis and health risk assessment (HRA) for the Project did not assess potential impacts on sensitive receptors in the area, including the Sol y Luna preschool, Morning Glory preschool, and Venice High School. As set forth in Attachment A, the expert response memo from Ramboll US Consulting, Inc. dated September 2024 (Ramboll Memo), consistent with guidance from South Coast Air Quality Management District (SCAQMD) the Air Quality analysis identified sensitive receptors within one quarter mile of the Project Site. The Sol y Luna preschool (which is operated out of a single-family home without required zoning approvals), Morning Glory preschool, and Venice High School were more conservatively assessed as residential or worker receptors. The analysis shows that impacts would be less than significant even under the more conservative assumptions. Appellant provided no credible evidence of a significant impact.

**2. The Project meets all the criteria for a Class 32 Categorical Exemption.**

Appellant claims there is a “common sense conclusion” that the Project “will at least have a significant effect on air quality.” Yet, Appellant provides no credible evidence of such an impact. Appellant’s “common sense” is actually speculation, which is not substantial evidence under CEQA. (Pub. Resources Code § 21080(e)(2); Guidelines § 15384(a).) In contrast, the Class 32 Categorical Exemption justification and supporting expert technical studies provide substantial evidence that the Project meets all the exemption criteria.

**3. The traffic analysis correctly reduced trips based on the prior uses being removed.**

Appellant maintains that the traffic analysis improperly took trip credits for the retail uses on the Site that will be removed as part of the Project. As set forth in Attachment B, the expert response memo from Kittelson & Associates, Inc. dated September 2024 (Kittelson Memo), the Project Transportation Study was initiated in 2020 and a scoping agreement to establish the methodologies and assumptions was completed in May of 2021. Due to the stay-at-home order related to COVID-19, the City directed that the Project transportation analysis use historic traffic counts from prior to 2020 adjusted upward using a general growth rate to establish existing traffic conditions. The counts used for the traffic analysis were collected prior to the closures of the businesses in the retail buildings. Thus, it is reasonable and correct to account for a credit for the traffic from those uses.

Regarding North County Advocates v. City of Carlsbad, Appellant acknowledges that the City has discretion in determining the CEQA baseline and simply argues that the City should have exercised its discretion differently; yet, use of existing conditions (which included at the time the retail uses ) is the appropriate CEQA baseline. (Guidelines, § 15125, subd. (a).) Appellant offers no evidence of unanalyzed significant impacts due to the City’s use of an existing conditions baseline. North County Advocates is valid legal authority for the City’s use of an existing conditions baseline that included the retail uses being replaced by the Project. In any event, as stated in the Kittelson Memo, the Project’s CEQA impacts (i.e., vehicle miles traveled), would be less than significant even without the trip credit.

**4. Membership, as opposed to existing member visits to the relocated and expanded gas station, is not expected to increase with the Project.**

Appellant confuses Costco membership with patrons to the fuel facility in arguing that an expanded fuel facility will increase Costco membership. A Costco fuel facility is only open to Costco members, not the general public. Costco data shows that when a Costco fuel facility is expanded, there is an increase in patronage of the fuel facility from the existing membership. However, overall Costco membership does not increase – i.e., the expanded fuel facility does not result in new Costco members. And here, while it is expected that there will be more trips to the expanded fuel facility than the existing facility, those trips are offset with the trips from the removed retail facilities, as demonstrated above and in the traffic analysis.

Appellant speculates that annual gasoline throughput will increase with the Project because Costco previously applied for a new permit to operate from the SCAQMD to increase throughput to 2,220,000 gallons per month or 26.64 million gallon per year (mgpy). In order for SCQAMD to approve the new Permit to Operate (which it did), Costco had to demonstrate with air quality technical studies that emissions from the increased throughput operations would be less than significant under SCAQMD’s significance thresholds. Since obtaining the SCAQMD permit to increase throughput in 2019, Costco has not reached its monthly cap. Costco does

not anticipate reaching the cap with the expanded fuel facility, nor does Costo intend to seek a throughput increase beyond the currently permitted 26.64 mgpy. Such an increase would require a more intensive SCAQMD permitting process that would require, among other things, a new air quality study and Health Risk Assessment (HRA) that show impacts from the increased throughput would be less than significant.

**5. All contaminants in fuels dispensing operations and vehicle exhaust that have toxicity values were analyzed in the Project HRA.**

Appellant claims that seven volatile organic compounds (VOCs) present in vehicle exhaust and fueling operations vapor loss were not analyzed as part of the HRA. As set forth in the Ramboll Memo, the HRA addressed all VOCs that have meaningful toxicity/risk values. The seven VOCs Appellant claims were not included in the HRA analysis have no reported or very low toxicity/risk value, so they have a minimum risk. Appellant provides no credible evidence that had those seven VOCs been analyzed, a significant impact would have been shown. In fact, as set forth in the Ramboll Memo, including these seven VOCs in the HRA would not materially change the health risks to sensitive receptors, and impacts would remain less than significant.

**6. The criteria for unusual circumstances exception are not met; the Project qualifies for the Class 32 Exemption.**

Appellant claims that the unusual circumstances exception to the Class 32 exemption applies here because it is unusual for a fuel facility to be located near preschools and that there is "at least a reasonable probability of the Project's significant effect on this preschool population." Yet, Appellant ignores the fact that the fuel facility currently exists at the Project Site near the two preschools of concern. Thus, it cannot be unusual to have a fuel facility near a preschool when that is existing conditions. Moreover, in an urbanized area as the one surrounding the Project Site, gas stations are common rather than unusual. Indeed, a preschool is just another type of sensitive receptor, like a residence, and fuel facilities are commonly located near residences throughout the area, as is the situation here as the City stated in its findings. Specifically, there are several existing gas stations in the vicinity of the Project Site that are near sensitive receptors, including, but not limited to, 811 Washington (130 feet from Young Minds Learning Academy preschool), 300 Lincoln (110 feet from residential), 2400 Lincoln Boulevard (115 feet from residential), 4300 Lincoln Boulevard (200 feet from residential), and 4680 Lincoln Boulevard (245 feet from residential). As set forth in the Ramboll Memo, residential uses have greater exposure to TACs from gas stations than preschools and therefore, increased health risks. Moreover, as demonstrated above, and in the technical reports attached to the Class 32 Justification, the Project's air quality, noise, and traffic impacts would be less than significant. Appellant has submitted no credible evidence of a potential significant impact.

**7. The Planning Commissions findings in approving the CUP/M were supported by substantial evidence.**

As demonstrated above, none of Appellant's claims have merit or are supported by credible evidence. As such, Appellant's claim that the Planning Commission's findings are not supported due to flaws in the record evidence are without merit.

**8. All Project documents have been available in the City's project file and available to the public upon request.**

As noted on the Hearing Notice, all application documents are available in the City's Project application file, and the public only needs to make a request to the City to review such documents. The documents posted for the hearing are merely a subset of the application file. The Planning Commission also had full access to the application file, including the Class 32 Justification document and all of the attachments. Planning Staff determined that for posting purposes, only certain attachments needed to be directly provided given that all are available in the application file. In any event, Appellant clearly had access to the pertinent documents given the detailed comments in the Appeal letter; therefore, there has been no prejudice.

As demonstrated above, none of the Appeal issues have merit or are supported by credible evidence of a potential significant impact; therefore, the Planning Commission did not error in approving the Project, and the Appeal should be denied. Should you have any questions please contact me at (425) 251-6222 or at [janderson@barghausen.com](mailto:janderson@barghausen.com).

Sincerely,



Julie Anderson  
Senior Planner

JA/jd  
10857c.133.docx  
enc: As Noted

# TECHNICAL MEMORANDUM

September 16, 2024

Project# 24944

To: Gabriela Silva, Associate Planner  
Planning and Development Department  
Culver City Hall  
9770 Culver Boulevard  
Culver City, CA 90232  
gabriela.silva@culvercity.org

From: Fernando Sotelo, TE  
CC

RE: Response to Appeal of Planning Commission's Adoption of  
Resolution No. 2024-P007



Dear Gabriela:

Kittelison & Associates is providing traffic-related technical support for Costco Wholesale (Costco), the applicant for the Conditional Use Permit Modification (CUP/M) to allow for the relocation and expansion of the Costco fuel facility (Project) located at 13431-13463 Washington Boulevard (Project Site). The Project consists of the demolition of the existing eight-dispenser fueling station (including underground storage tanks) and two commercial structures at the west end of the commercial center, construction of a new 15-dispenser fueling station relocated in place of the two commercial structures, and new surface parking with electric vehicle (EV) charging infrastructure in place of the existing fueling station.

On July 24, 2024, the Planning Commission adopted Resolution No. 2024-P007 approving a CEQA Class 32 Categorical Exemption and a CUP/M for the Project. On August 8, 2024, Sol y Luna Montessori School (Appellant), represented by Angel Law, appealed the adoption of Resolution No. 2024-P007. Kittleson reviewed the August 8, 2024 Appeal letter and provides the following responses to traffic related comments.

## **Trip Credit For Existing Uses**

Appellant claims that it was not appropriate to take a trip credit for the retail uses that the relocated/expanded fuel facility will replace, in part because those uses have been vacant since 2023. As explained below, it was entirely appropriate to take a trip reduction credit.

The Transportation Study was initiated in 2020 and a scoping agreement to establish the methodologies and assumptions was completed in May of 2021. (see Memorandum of Understanding for Transportation Study, attached to Transportation Study.) Due to the stay-at-home order related to COVID-19, realistic

traffic counts could not be obtained at the time. With City of Culver City direction and as done by the entirety of the transportation profession during that period of time, the transportation analysis prepared for this project used historic traffic counts from prior to 2020 with a general growth rate applied to them to establish existing traffic conditions. The counts used for the transportation analysis were collected prior to the closures of the business in the retail buildings. As such the data and analysis from the transportation study all reflect conditions when the retail stores were in operation. Thus, is it reasonable and correct to account for a credit for the traffic from those uses as part of the evaluation. In fact, not taking the credit would result in an overstatement of traffic conditions with the project.

Furthermore, as the retail buildings are an entitled use and have historically been used for retail stores, they can be re-occupied by a similar retail use without any discretionary approvals. Therefore, it is appropriate to take a trip credit for the building's demolition as they are part of the existing baseline as provided for in *North County Advocates v. City of Carlsbad* (2015) 241 Cal.App.4th 94.

The Appellant claims the Transportation Study shows that there will be increased trips based on expanded fuel facilities at other Costco locations and that it is not credible that the same won't occur here. Table 12 of the Transportation Study provides the Comparative Trip Generation Summary. When one compares the trips generated from the existing fuel facility to those projected for the expanded facility, there is an increase in trips in the Weekday PM Peak Hour, Saturday PM Peak Hour and Weekday Daily Trips. This is consistent with the data collected at other Costco expanded fuel facilities<sup>1</sup>. However, here, the relocation is replacing retail uses, and as set forth above, it is appropriate to reduce the expanded fuel facilities trip generation accordingly. Thus, the net trip generation is actually less than the existing fuel facility plus the to be replaced retail buildings.

In summary, the findings and conclusions of the Transportation Study are correct in applying a trip credit for the existing retail buildings that will be removed with project implementation.

Appellant's consultant (who is not a traffic expert) asserts that taking the trip credit disqualifies the project from using a Class 32 categorical exemption, implying (but providing no supporting evidence) that the project's traffic impacts would be significant without the credit. This is incorrect. Consistent with state law, the City assessed the project's traffic impacts based on vehicle miles travelled (VMT). As set forth in our traffic analysis, which was reviewed and approved by the City, VMT impacts would be less than significant as the project would result in a net trip reduction with the trip credit. However, VMT impacts would be less significant even without the credit.

The City's TIA Guidelines include the screening criteria for local serving retail in page 8 of their guidelines: "A development project that meets any of the below VMT screening thresholds would be cleared from having to conduct VMT impact analysis to comply with CEQA, as a less than significant impact would be presumed.

5. Local serving retail projects having less than 50,000 square feet in size at a single store"

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<sup>1</sup> The data regarding other expanded fuel station locations only addressed increased trips when compared to the existing fuel facility. It did not include any adjustments to trips from removal/replacement of uses etc.

As the project is local serving and less than 50,000 square feet in size, its VMT impacts are presumed to be less than significant under this criterion as well. Therefore, the claims of appellant's consultant are without merit.

## **Location of the Fuel Facility**

While not raised in the appeal, a late letter from a member of the public questioned why the fuel facility is proposed to be located on the west side of the shopping center. This location provides several advantages compared to expanding the fuel station in the current location. The proposed location provides separation of traffic and circulation from the existing In-N-Out and the Valvoline Oil retail uses, the first of which experiences drive through queues within the site. Compared to expanding in the current location, or existing conditions, the relocation of the fuel facility will reduce delays, queues and congestion to internal driveways, and limit potentially impacts to traffic on Washington Boulevard. Therefore, relocating the fuel facility to the west side of the shopping center reduces conflicts, separates Costco Gasoline traffic with traffic from In-N-Out and Valvoline, improves internal circulation and reduces the potential for traffic to affect traffic operations on Washington Boulevard.

Relocating the fuel facility to the northeast side of the shopping center near Glencoe Avenue and Zanja Avenue would result in fuel facility traffic to be shifted towards the northeast portion of the site. The intersection of Glencoe Avenue at Washington Avenue would be the primary access to the fuel facility (as opposed to West Access at Washington Avenue where the site is proposed as part of the project). Tables 1 and 2 of the Transportation Study show that this intersection currently operates at LOS D and E during the peak hours and is approaching its capacity. Additional traffic to this intersection would worsen traffic conditions at this intersection, potentially causing excessive queues and delays to the intersection and to Washington Avenue. On the other hand, the proposed site relieves traffic at this intersection, adding traffic to West Access at Washington, which currently operates at LOS A and B during the peak hours. Therefore, relocating the fuel facility to the northeast side of the shopping center would worsen traffic conditions.

# FERNANDO SOTELO, TE | PRINCIPAL ENGINEER



## EDUCATION

- MS, Civil Engineering (Transportation), University of Southern California
- BS, Naval Engineering, University of Sao Paulo, Brazil

## YEARS OF EXPERIENCE

24

## LICENSES/CERTIFICATIONS

- Professional Traffic Engineer: CA # TR 2770

## AFFILIATIONS

- Institute of Transportation Engineers
- Orange County Traffic Engineers Council
- Association of Commuter Transportation

Fernando Sotelo has extensive experience in CEQA and the technical aspects of transportation planning, including travel demand forecasting, traffic impact analyses, and parking demand studies. His professional experience with traffic and parking analyses includes several schools and a variety of land development uses, such as warehousing, mixed use, commercial, and recreation projects in southern and northern California. Fernando understands the complexities of transportation planning and has prepared transportation sections of Environmental Impact Reports for major projects such as general plan updates and specific plans. Fernando has also been involved with assisting cities in the implementation of VMT metrics for environmental review to comply with new requirements in California to use VMT as the metric to evaluate transportation impact. These efforts include reviewing strategies and programs to identify reductions to the use of single occupancy automobile use, promote the use of TDM measures to reduce VMT from land use projects, and identify potential VMT reduction programs. Fernando played a key role in implementing VMT metrics and identifying VMT reduction programs with TDM measures for several agencies across California. Fernando has experience with several Citywide and land development projects where he applied TDM measures to reduce VMT impacts. He is also a member of ITE's International SB743 Task Force and has been a contributor to recent ITE white papers on VMT and Sustainability such as ITE's Guide to SB 743 and ITE's VMT as a Metric of Sustainability.

## PROJECT EXPERIENCE

**Parking Traffic and Parking Operations for Costco Gas Stations, Several California Locations.** Kittelson assists Costco with planning, design and traffic and parking management plans for most gasoline locations throughout California. Fernando as project manager and technical lead for multiple Costco site modifications and traffic and parking management plans has extensive hand on experience in providing operational solutions in collaboration with on-site operators, designers, engineers and City staff to improve circulation and parking at Costco Warehouse sites with gasoline stations. Solutions include signage and wayfinding, eliminating bottlenecks, rerouting traffic, modifications to parking layouts and assignments, driveway modifications, closures, and improvements at intersections. Solutions normally consist of recommending modifications with tight site constraints while minimizing impacts at nearby uses.

**Transportation Analysis for the Moreno Valley Mall Redevelopment, Moreno Valley, CA.** Fernando prepared the transportation analysis for the development of 1,800 residential units, two hotels, office and retail buildings. Fernando served as the project manager to prepare a comprehensive analysis of potential impacts to transit, bicycle, pedestrian circulation, and an analysis of potential VMT impacts from a variety of land uses with the project. A complex trip generation and VMT assessment was prepared for the unique type of entertainment/lifestyle proposed uses and to account for trip reductions due to internal capture and walking/bicycle travel anticipated to occur given the mix of uses. The study also assessed traffic operations to several intersections and roadway segments in the area and recommended modifications to signal timing, intersection lane geometries and turn lanes to address increases in delays and queues related to project traffic increases in the area.

**Center Street Elementary School Drop-off Reconfiguration; El Segundo, CA.** Fernando served as the project manager for the preparation of a technical study to assess operations in the drop-off area at the Center Street Elementary School and provide recommendations to improve safety and pedestrian and traffic flow. Fernando led a team to gather data, conduct a field survey and engaged stakeholders and interest parties to identify issues and discuss concerns, and to develop recommendations to improve the student drop-off and pick-up activities. The recommendations included reallocating parking spaces, adding restrictions, installing a speed table, pavement marking, signage, improvements to the sidewalks, crosswalks, management of the drop-off and pick-up area, and education and enforcement measures.



To: Julie Anderson  
Barghausen Consulting Engineers, Inc.

**RESPONSE TO APPEAL OF PLANNING COMMISSION'S ADOPTION  
OF RESOLUTION NO. 2024-P007**

Dear Julie:

Date: September 18, 2024

Ramboll prepared the Air Quality Emissions Impact Assessment and the Health Risk Assessment for the Costco Relocated Fuel Facility Project located at 13431-13463 Washington Boulevard (Project). Ramboll reviewed two Appeal letters submitted by (1) Angel Law on behalf of Sol y Luna Montessori School and the attached memo from Clark and Associates, and the (2) the surrounding neighbors (collectively, the appeal). Ramboll provides the following point-by-point responses to each appeal letter. As demonstrated below, the appeal does not contain any credible evidence that would change the conclusions that the Relocated Fuel Facility would create potential significant air quality impacts or health risk impacts on sensitive receptors.

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Appeal Responses – Angel Law on Behalf of Sol y Luna Montessori School  
& Clark and Associates

**Angel Comment # 1:**

*The new Costco gas station, along with its accompanying toxic emissions (from gasoline and idling cars) would sit a mere 213 feet from Sol y Luna and 186 feet from Morning Glory Preschool. (See Google Maps screenshots below.)*



*As Commissioner Jones pointed out during the Planning Commission hearing, the California Air Resources Board (CARB) recommends that local agencies "[a]void siting new sensitive land uses within 300 feet of a large gas station (defined as a facility with a throughput of 3.6 million gallons per year or greater)." Relocating and expanding a gas station so that it is less than 215 feet away from two sensitive preschools flies in the face of this recommendation and unnecessarily puts the health of growing children at risk. It is well understood that close proximity to gas stations is detrimental to human health, especially the health of children.*

#### **Response to Angel Comment #1:**

Although CARB provides recommended siting distances, that is only a recommendation. Gas stations can be sited closer to sensitive uses when it is demonstrated that there will be less than significant impacts. Here, Ramboll prepared an Air Quality emissions impact assessment as well as a Health Risk Assessment, both of which demonstrated that there would be less than significant impacts on all sensitive receptors, including those within 300 feet of the relocated fuel facility. As such, there is no detrimental risk to human health with siting the relocated fuel facility close to sensitive receptors.

#### **Angel Comment #2**

*At the Planning Commission hearing, Costco representatives and consultants repeatedly told the Commissioners that gas sales are not expected to increase with the expanded number of fueling positions because Costco functions as a member-based business model. Against common sense, Costco expected the public and the Commissioners to believe that its membership at this store will be stagnant and for that reason, gas sales would not increase.*

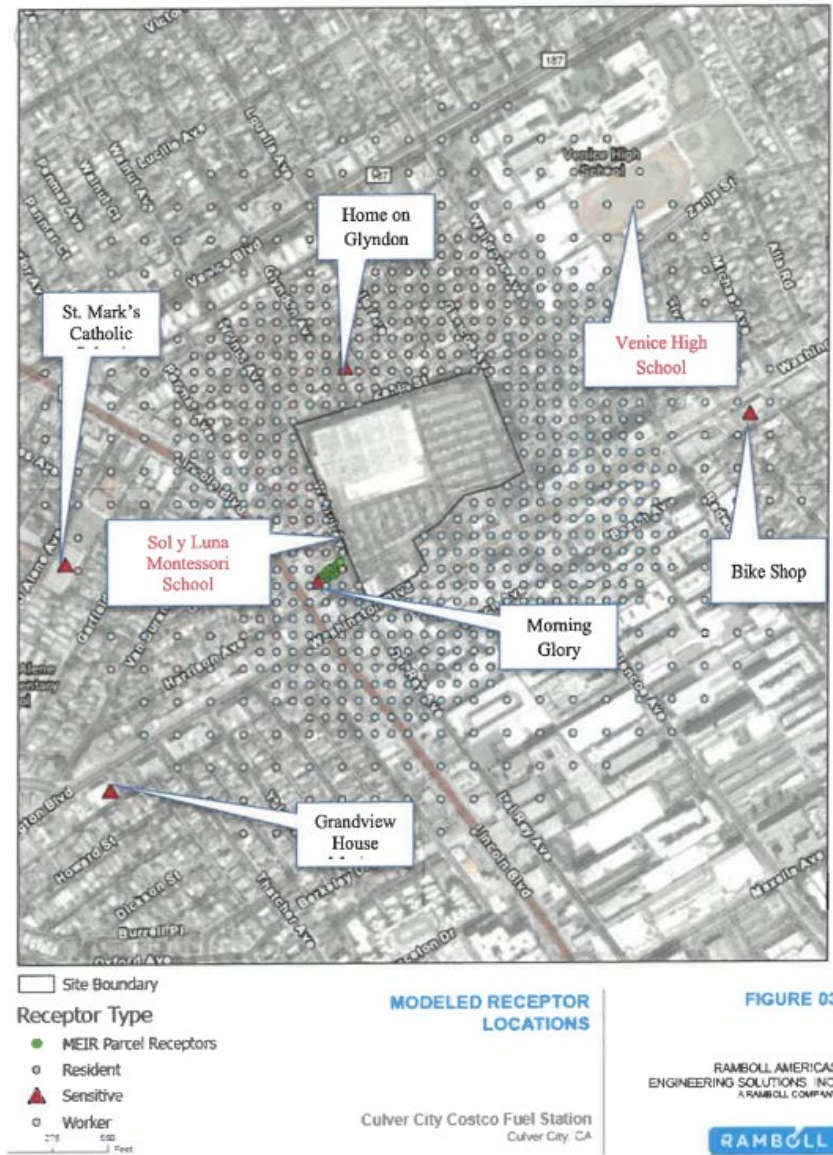
#### **Response to Angel Comment #2:**

The commenter speculates that gas sales will increase under the Project and appears to imply that the Air Quality analysis is inaccurate. This is incorrect. The Air Quality analysis and the Health Risk Assessment were based on the maximum throughput of 26.64 million gallons per year permitted under the South Coast Air Quality Management District (SCAQMD)-issued Permit to Operate. Therefore, even if gas sales increase beyond current levels following project development but are within the maximum approved throughput, such an increase has been assessed in the Air Quality analysis, and the conclusion that impacts would be less than significant would remain unchanged.

**Clark Comment #1:**

*"1. The Air Quality And Health Risk Analysis Used In The CE Fails To Identify All Relevant Sensitive Receptors Near The Project Site.*

*According to the CE Report, the combined health risk from the construction and operational phases of the Project are less than the SCAQMD's risk significance threshold of 10 in 1,000,000 increased cancer risk for the maximally exposed individual resident (MEIR). Ramboll noted that it evaluated excess lifetime cancer risk and chronic hazard index (HIC) for off-site receptors from the construction phase and off-site sensitive receptors from the Project operational emissions. The report defines sensitive receptors as long-term health care facilities, rehabilitation centers, convalescent centers, retirement homes, residences, schools, playgrounds, daycare centers, and athletic facilities. The locations of all the receptors modeled in the analysis are provided in the figure below. The red triangles indicate the location of the 5 sensitive receptors identified by Ramboll. They include the Morning Glory Preschool located at 2552 Lincoln Boulevard (Venice, CA), St. Mark's Catholic School located at 912 Coeur D'Alene Avenue (Venice, CA), Grandview House Marina Preschool located at 2929 Washington Blvd (Marina Del Rey, CA), an unidentified home on Glyndon Avenue, and a business on Washington Boulevard (potentially the West Los Angeles Bicycle Assembly and EBike Assembly Services - Bicycle repair shop located at 13106 Washington Blvd #E Los Angeles, CA based on the approximate location in the attached figure).*



**Figure 2: Sensitive Receptor Locations**

*The analysis fails to include two significant sensitive receptors in the figure above. Sol y Luna Montessori School, located at 2551 Walnut Avenue (less than 60 feet to the west edge of the regional shopping center and 160 feet from the emergency generator located on the Project Site) and Venice High School, located at 13000 Venice Boulevard (located less than 1,500 feet to the east of the Project Site). Sol y Luna Montessori School has been at 2551 Walnut Avenue since 2016. Venice High School has been operational since 1911. Failing to include these significant receptors presents a challenge to the CE Report's conclusion that no significant impacts will occur to sensitive receptors in the area. The City's failure to include all sensitive receptors in the air quality analysis is clearly a flaw which must be resolved in an environmental impact report (EIR) for the Project."*

### **Response to Clark Comment #1:**

The Air Quality analysis includes all of the necessary information to represent the potential air quality impacts consistent with what is required to support the Class 32 Categorical Exemption and also would meet the standards of an air quality analysis completed for an EIR. Consistent with the SCAQMD California Environmental Quality Act (CEQA) Handbook, the Air Quality analysis assessed potential impacts on all sensitive receptors within a quarter mile radius of the project boundary based on a search of comprehensive databases, including the California Department of Education's California School Directory, California Community Care Licensing Division, California Office of Statewide Health Planning and Development's Automated Licensing Information and Report Tracking System, and Davis Demographics' School Site Locator. The distance of the search is based on the SCAQMD CEQA Handbook. The Sol y Luna home school was not identified as it is not permitted by the City of Los Angeles<sup>1</sup> and is therefore not listed in these databases. However, as can be seen in Figure 3 of the Air Quality analysis, there is a receptor located on the location of the Sol y Luna home school. Thus, the Air Quality analysis has assessed the health risk at this location and accounted for it in the reporting of the potential air quality impacts using the more conservative assumption that it is a residential receptor (which assumes an exposure period of 30 years, well beyond what an attending student may be present for). The analysis shows that impacts would be less than significant even under this more conservative assumption.

Venice High School was not identified on Figure 3 as it is outside the quarter mile search radius specified in the SCAQMD CEQA Handbook. Nonetheless, the Health Risk Assessment conservatively included receptors at this school location as worker receptor (which assumes an exposure period of 25 years, well beyond what an attending student may be present for). While some factors, such as age sensitivity factor and daily breathing rate, would be less conservative for a worker receptor versus a high school receptor, the assumed longer exposure duration outweighs these factors. The analysis shows the impacts would be less than significant even under this more conservative exposure assumption. The attached updated Figure 3 shows the Sol y Luna home school and Venice High School as sensitive receptors. The updated figure also clearly identified other sensitive receptors.

SCAQMD's methodology assesses air quality impacts under the localized significance thresholds (LSTs) at the closest sensitive receptor, as concentrations of localized pollutant emissions decrease with distance from the source.<sup>2</sup> As set forth in Table 7-1, the Air Quality analyzed assessed potential LST

<sup>1</sup> This school is run out of a single family home on a site zoned R1V2, which does not permit private preschools without a conditional use permit (CUP). According to the City of Los Angeles online zoning data base (see <https://zimas.lacity.org/>), no CUP has been issued to permit the school to operate legally.

<sup>2</sup> SCAQMD. 2008. Final Localized Significance Threshold Methodology. July. Available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2>. Accessed: September 2024.



impacts based on the distance to the nearest sensitive receptor, 34 meters. As LST impacts would be less than significant at this receptor, they would also be less than significant at receptors located farther from the project site, including the Sol y Luna home school and Venice High School.

The SCAQMD's regional criteria air pollutant (CAP) methodology is based on whether a project exceeds regional emissions thresholds.<sup>3</sup> Therefore, the identification of sensitive to receptors is not required or relevant to the CAP analysis. Therefore, the comment does not provide evidence of a significant impact on sensitive receptors.

### Clark Comment #2:

"2. The Air Quality/Health Risk Analysis Calculates Exposures To Only A Fraction Of The VOCs Present In Exhaust From Vehicles And Vapor Loss From Fueling Operations.

Table D-8 of the Ramboll report identifies a series of volatile organic compounds (VOCs) and polyaromatic hydrocarbons (POMs) in mobile source air toxic (MSAT) emissions. This list includes 7 VOCs (benzene (human carcinogen), 1,3-butadiene (human carcinogen), ethylbenzene (human carcinogen), acrolein (respiratory irritant), acetaldehyde (respiratory irritant), formaldehyde (human carcinogen), naphthalene (carcinogen)) and 15 POMs (Acenaphthene, Acenaphthylene, Anthracene, Benz[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Chrysene, Dibenzo[a,h]anthracene, Fluoranthene, Fluorene, Indeno[1, 2, 3cd]pyrene, Phenanthrene, and Pyrene). The list of chemicals in Table D-8 includes carcinogens and non-carcinogenic compounds.

The California Air Resources Board's (CARB's) analysis of tailpipe emissions shows that in addition to simple alkane hydrocarbons, tailpipe emissions also contain the 7 VOCs listed above plus 7 additional air contaminants. The additional air contaminants include respiratory, neurotoxin, ocular, and gastrointestinal irritants. See CARB Table below:

CARB TOG Speciation Profile Run Exhaust <sup>4</sup>		
CAS#	Chemical Name	Fraction
75070	Acetaldehyde	0.0028
107028	Acrolein	0.0013

<sup>3</sup> SCAQMD Air Quality Significance Thresholds. Available at <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf?sfvrsn=25>. Accessed: September 2024.

CARB TOG Speciation Profile Run Exhaust <sup>4</sup>		
CAS#	Chemical Name	Fraction
71432	Benzene	0.0247
106990	1,3-Butadiene	0.0055
100414	Ethylbenzene	0.0105
50000	Formaldehyde	0.0158
110543	Hexane	0.0160
67561	Methanol	0.0012
78933	Methyl Ethyl Ketone	0.0002
91203	Naphthalene	0.0005
115071	Propylene	0.0306
100425	Styrene	0.0012
108883	Toluene	0.0576
1330207	Xylenes	0.0480

*The analysis present in the Ramboll report captures only a small fraction of the air contaminants identified in vehicle exhaust, leaving out the majority of compounds identified by CARB. The City therefore lacks supporting evidence for its conclusion that the emissions from the Project would not result in significant health effects to the receptors. The City's failure to perform such an analysis is clearly a major flaw in the Project Air Quality Analysis which must be resolved in an EIR."*

## Response to Clark Comment #2:

The Air Quality analysis relies upon more current data for the identification of toxic air contaminants (TACs) than that suggested by the comment, and the Air Quality analysis has substantiated the basis for the TACs included in the analysis. The comment inappropriately uses outdated sources of information that are not credible. The Health Risk Assessment that was included in the Air Quality analyses meets the standards for an analysis that would be included in an EIR; the comment's purported analysis does not as it is merely negative comments, not an actual air quality or health risk analysis.

The comment has not properly cited the source of the data provided in the comment, and without the proper citation, the data are not credible. The weight fractions shown in the table provided in the comment cannot be found in the link provided by the commenter (Footnote #4 from Attachment 3: <https://ww2.arb.ca.gov/speciation-profiles-used-carb-modeling>). Through a search, it appears that the comment has referenced data from the 2012 Bay Area Air Quality Management District (BAAQMD)'s Recommended Methods for Screening and Modeling Local risks and Hazards, Table 14 – Toxic Speciation of Total Organic Gases (TOG) due to Tailpipe Emissions,<sup>4</sup> which has since been updated in 2022 and no

<sup>4</sup> Bay Area Air Quality Management District, 2012, Recommended Methods for Screening and Modeling Local Risks and Hazards. Available at: <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/risk-modeling-approach-may-2012.pdf>. Accessed: September 2024.

longer includes Table 14.<sup>5</sup> This is also guidance from a different air district than the governing body in this jurisdiction (i.e., the SCAQMD) and would therefore be inapplicable even if it was not outdated.

In contrast, the Ramboll Air Quality analysis uses the most current mass fractions from CARB's speciation profiles, which is consistent with SCAQMD's guidance on identifying TACs. The TACs selected from the CARB speciation profiles are based on 2023 MSAT. MSAT identified compounds with "significant contributions from mobile sources that are among the national and regional scale cancer risk drivers or contributors and non-cancer hazard contributors from the 2011 National Air Toxics Assessment (NATA)".<sup>6</sup> As such, the Air Quality analysis uses the best available data and is representative of health impacts from the Project's exhaust emissions.

While the Air Quality analysis is accurate and consistent with CEQA requirements, we performed further analysis to demonstrate that incorporating the comment's outdated and inappropriate data would not make any material difference to the impact conclusions. In addition to the species identified in the comment, the following chemicals were included in this evaluation: methyl tert-butyl ether, 1,3,5-trimethylbenzene, 1,2,4-trimethylbenzene, and 1,2,3-trimethylbenzene. See below for the full TAC speciation. Table 1 and Table 2 summarize the TACs from CARB speciation profile OG 2303 & 2304 included in the evaluation.

**Table 1. TAC list from CARB speciation profiles (TOG weight fraction)**

Chemical Name	CAS	OG 2303	OG 2304
		TOG wt%	TOG wt%
1,3-butadiene	106990	2.43E-03	1.99E-03
acetaldehyde	75070	9.00E-03	1.64E-02
acrolein	107028	1.42E-05	5.56E-05
benzene	71432	3.89E-02	3.61E-02
ethylbenzene	100414	1.12E-02	8.03E-03
formaldehyde	50000	2.15E-02	2.16E-02
naphthalene	91203	3.69E-03	1.36E-03
hexane	110543	7.78E-03	7.60E-03
methanol	67561	2.05E-04	6.33E-04
methyl ethyl ketone	78933	1.51E-03	1.07E-03

<sup>5</sup> Bay Area Air Quality Management District, 2022, Air Quality Guidelines Appendix E: Recommended Methods for Screening and Modeling Local Risks and Hazards. Available at: [https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/appendix-e-recommended-methods-for-screening-and-modeling-local-risks-and-hazards\\_final-pdf.pdf?rev=b8917a27345a4a629fc18fc8650951e4&sc\\_lang=en](https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/appendix-e-recommended-methods-for-screening-and-modeling-local-risks-and-hazards_final-pdf.pdf?rev=b8917a27345a4a629fc18fc8650951e4&sc_lang=en). Accessed: September 2024.

<sup>6</sup> U.S Department of Transportation, 2023, Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents. Available at: [https://www.fhwa.dot.gov/environment/air\\_quality/air\\_toxics/policy\\_and\\_guidance/msat/fhwa\\_nepa\\_msat\\_memo\\_random\\_2023.pdf](https://www.fhwa.dot.gov/environment/air_quality/air_toxics/policy_and_guidance/msat/fhwa_nepa_msat_memo_random_2023.pdf). Accessed: September 2024.



**Table 1. TAC list from CARB speciation profiles (TOG weight fraction)**

Chemical Name	CAS	OG 2303	OG 2304
		TOG wt%	TOG wt%
propylene	115071	2.20E-02	2.10E-02
styrene	100425	2.19E-03	9.43E-04
toluene	108883	4.75E-02	3.92E-02
xylene	1330207	5.07E-02	4.29E-02
methyl tert-butyl ether	1634044	4.68E-03	4.08E-05
1,3,5-trimethylbenzene	108678	6.74E-03	4.57E-03
1,2,4-trimethylbenzene	95636	3.16E-02	2.01E-02
1,2,3-trimethylbenzene	526738	7.29E-03	5.43E-03

Source: California Air Resources Board, Speciation Profiles Used in CARB Modeling.  
Available at: <https://ww2.arb.ca.gov/speciation-profiles-used-carb-modeling>. Accessed: September 2024.

Abbreviations: # – Number, CAS – Chemical Abstracts Service, OG – Organic gases, TOG – total organic gases

**Table 2. TAC list from CARB speciation profiles (ROG weight fraction)**

Chemical Name	CAS #	OG 2303	OG 2304
		ROG wt% <sup>1,2,3</sup>	ROG wt% <sup>1,2,3</sup>
1,3-butadiene	106990	1.66E-03	1.19E-03
acetaldehyde	75070	6.17E-03	9.82E-03
acrolein	107028	9.72E-06	3.33E-05
benzene	71432	2.67E-02	2.16E-02
ethylbenzene	100414	7.67E-03	4.81E-03
formaldehyde	50000	1.47E-02	1.30E-02
naphthalene	91203	2.53E-03	8.17E-04
hexane	110543	5.33E-03	4.55E-03
methanol	67561	1.40E-04	3.79E-04
methyl ethyl ketone	78933	1.03E-03	6.39E-04

**Table 2. TAC list from CARB speciation profiles (ROG weight fraction)**

Chemical Name	CAS #	OG 2303	OG 2304
		ROG wt% <sup>1,2,3</sup>	ROG wt% <sup>1,2,3</sup>
propylene	115071	1.51E-02	1.26E-02
styrene	100425	1.50E-03	5.65E-04
toluene	108883	3.26E-02	2.35E-02
xylene	1330207	3.48E-02	2.57E-02
methyl tert-butyl ether	1634044	3.21E-03	2.44E-05
1,3,5-trimethylbenzene	108678	4.62E-03	2.74E-03
1,2,4-trimethylbenzene	95636	2.17E-02	1.20E-02
1,2,3-trimethylbenzene	526738	4.99E-03	3.25E-03
<p><b>Notes:</b></p> <p><sup>1</sup> ROG is calculated by applying ROG/TOG ratio to TOG weight fraction.</p> <p><sup>2</sup> ROG/TOG fraction are acquired from: Organic Gas Speciation profiles for Catalyzed Gasoline-Power Vehicle Stabilized Running Exhaust – E6 Fuel (OG2303 &amp; OG2304). Available at: <a href="https://ww2.arb.ca.gov/sites/default/files/2024-01/cate6running_og2303%2604.pdf">https://ww2.arb.ca.gov/sites/default/files/2024-01/cate6running_og2303%2604.pdf</a>. Accessed: September 2024.</p> <p><sup>3</sup> In the absence of POMs from CARB speciation profile OG2303 and OG2304, the USEPA MOVES Gasoline VOC profile was used to obtain POM weight fractions. Please refer to Table D-8 of Air Quality/Health Risk Technical Report for POM weight fractions used in the analysis.</p> <p><b>Abbreviations:</b> # – Number, CAS – Chemical Abstracts Service, POM – polycyclic organic matter, OG – Organic gases, ROG – reactive organic gases</p>			

The results from the health risk analysis with these additional compounds show that the change in health risks is less than 0.007%. This is because these compounds have low toxicity factors, thus including them resulted in a near identical risk as demonstrated in the prior analysis. As the results of the Health Risk Assessment would remain unchanged even if it was modified as set forth in the comment, the comment does not provide credible evidence of a significant project impact.

### Clark Comment #3:

*"3. The Health Risk Analysis Conclusion That Risks From The Combined Construction And Operational Emissions Are Below The SCAQMD's Risk Significance Threshold Is Not Supported By The Underlying Data From The Analysis*

*In Table 5-5 of the Ramboll report, the increased cancer risk to the maximally exposed individual resident (MEIR) is calculated to be 8.7 in 1,000,000. This risk is based on the assumed emissions from the construction phase (primarily from diesel particulate matter (DPM) emissions) and operational phase (primarily from volatile organic compounds released by fueling operations). Note 2 in Tables 5-3, 5-4, and 5-5 state that the MEIR risk was calculated using the spatial averaging of 5-meter spaced receptors*

within the MEIR property boundary. The same method is not identified as being performed for any other receptor in the analysis. A review of Appendix F to the report shows the calculated risk for each of the 869 receptors modeled by Ramboll.

In Table F-3 each of the receptors is identified by the x-coordinate and y-coordinate (using universal transverse mercator (UTM) system). For receptor 243, the MEIR, the risk is calculated to be 11.72 in 1,000,000. Note I to the table states that receptors 2, 8-11, 16-19, 24-28, 33, 34, and 41 were used for the spatial averaging of receptor 243.

Receptor	x-coordinate (m)	y-coordinate (m)	Receptor type	Max Cancer Risk (in a million)
2	366275	3762132	Resident	6.79
8	366270	3762137	Resident	6.14
9	366275	3762137	Resident	6.77
10	366280	3762137	Resident	7.52
11	366285	3762137	Resident	8.42
16	366275	3762142	Resident	6.72
17	366280	3762142	Resident	7.46
18	366285	3762142	Resident	8.34
19	366290	3762142	Resident	9.41
24	366280	3762147	Resident	7.35
25	366285	3762147	Resident	8.21
26	366290	3762147	Resident	9.23
27	366295	3762147	Resident	10.49
28	366300	3762147	Resident	12.07
33	366290	3762152	Resident	9.00
34	366295	3762152	Resident	10.18
41	366295	3762157	Resident	9.82
243	366298.73	3762145.77	Resident	11.72
Averaged				8.7

The method chosen intentionally downplays the risk calculated for the MEIR. It is clear that the risk associated with exposure to the emissions from the Project range from 6.14 to 12.07 depending on the location of the receptor. Using a reasonable maximum exposure (RME) or maximum exposure approach as outlined in guidance from U.S. EPA <sup>7,8</sup>, ATSDR<sup>9</sup>, OEHHA <sup>10</sup>, and DTSC <sup>11</sup> would be a more appropriate approach to protect public health. This approach utilizes an exposure range based on the 90<sup>th</sup> and 99.9<sup>th</sup> percentiles of exposures. Given the ample evidence from the Ramboll report that emissions from the Project will expose sensitive receptors to substantial pollutant concentrations (Threshold 3 of the CEQA guidelines) it is clear that an EIR must be prepared for the Project in lieu of the CE.”

<sup>7</sup> U.S. EPA. 2001. RAGS Volume I: Human Health Evaluation Manual (Part D, Standardized Planning, Reporting, and Review of Superfund Risk Assessments) (U.S. EPA 2001).

<sup>8</sup> U.S. EPA. 2011. Exposure Factors Handbook. EPA/600/R-090/052F, National Center for Environmental Assessment, Washington, D.C.

<sup>9</sup> ATSDR. 2021. Guidance for Inhalation Exposure, V5 — Sept 8, 2021.

<sup>10</sup> OEHHA. 2015. Toxics Hot Spots Program Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments

<sup>11</sup> DTSC. 2019. Human Health Risk Assessment Note Number 1: Recommended DTSC Default Exposure Factors for Use in Risk Assessment at California Hazardous Waste Sites and Permitted Facilities. (DTSC/HERO, April, 2019).

### Response to Clark Comment #3:

The comment misrepresents the California Office of Environmental Health Hazard Assessment (OEHHA) guidance on spatial averaging. The Air Quality analysis of the potential health risk at the MEIR follows OEHHA Toxics Hot Spots Program Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments (OEHHA Guidance Manual), as noted on page 26 of the Air Quality analysis. Page 4-23 of the OEHHA Guidance Manual describes the methodology for spatial averaging, stating that: "Averaging results over a small domain will give a more representative picture of individual exposure and risk than an estimate based on one single location within their property."<sup>12</sup> The approach used in the Air Quality analysis follows the OEHHA Guidance Manual to represent the potential health risk at the MEIR. A similar approach at each location would be more accurate. However, as the potential health risks at all other receptors were below SCAQMD thresholds (i.e., less than significant) using a more conservative approach, no further analysis is necessary. The Health Risk Analysis, including the spatial averaging approach, is the same type of Health Risk Assessment that would be prepared if an EIR was prepared. The comment provides no credible evidence of a significant project impact.

### Clark Comment #4:

*"4. The Traffic Analysis Incorrectly States That The Project Would Remove/Replace Four Existing Retail/Commercial Sites.*

*The VMT Analysis presented on page 9 of the CE Report states that the proposed Project relocates the existing fuel station on site and removes four existing retail/commercial uses on the site (Verizon store, Subway, GNC, and Starbucks). Each of those businesses have been closed/nonoperational since at least the beginning of 2023. The CE report cannot claim that there is a reduction in the number of daily trips (331 daily trips) for Project given the long-term closure of those business.*

*This inconsistency must be corrected in an EIR of the Project."*

### Response to Clark Comment #4:

The Health Risk Assessment is focused on the health risk impact from project construction and operation. The assessment does not consider existing conditions.

While the CAP emissions inventory did account for the existing baseline mobile emissions as is the accepted approach to properly account for baseline conditions, the CAP emissions would still be less than significant even if the existing baseline mobile emissions were assumed to be zero. This is supported by **Table 3** below, which illustrates what happens if the existing mobile emissions excluded (assumed as zero, highlighted yellow in the table below). As shown in this table, the emissions are still below the SCAQMD mass daily significance thresholds.

Therefore, the air quality impact findings would not change if the existing baseline mobile emissions were excluded.

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<sup>12</sup> California Environmental Protection Agency (Cal/EPA), Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Risk Assessment Guidelines. February. Available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>. Accessed: September 2024.

**Table 3. Maximum Daily Criteria Air Pollutant Emission Estimates For Project Operation – Existing Mobile Excluded**

Emission Category	Maximum Daily Criteria Air Pollutant Emission Estimates <sup>1</sup>					
	VOC <sup>2</sup>	NO <sub>x</sub>	CO	SO <sub>x</sub> <sup>3</sup>	PM <sub>10</sub>	PM <sub>2.5</sub>
	(lb/day)					
Existing						
Area <sup>4</sup>	0.25	0.00	0.00	0.00	0.00	0.00
Energy <sup>4</sup>	0.02	0.16	0.14	0.00	0.01	0.01
Mobile <sup>5</sup>	0.00	0.00	0.00	0.00	0.00	0.00
Gasoline Dispensing Facility	26.82	--	--	--	--	--
Total Daily Emissions (lbs/day)	27.1	0.2	0.1	0.00	0.0	0.0
Project						
Area <sup>4</sup>	0.11	0.00	0.00	0.00	0.00	0.00
Energy <sup>4</sup>	0.00	0.02	0.02	0.00	0.00	0.00
Mobile <sup>5</sup>	8.09	8.18	84.32	0.17	11.93	3.07
Gasoline Dispensing Facility	54.23	--	--	--	--	--
Back-up Generator	0.29	1.50	21.34	0.04	0.06	0.06
Total Daily Emissions (lbs/day)	62.7	9.7	105.7	0.2	12.0	3.1
Incremental						
Project minus Existing	35.6	9.5	105.5	0.21	12.0	3.1
SCAQMD Mass Daily Significance Thresholds <sup>6</sup>	55	55	550	150	150	55
Exceeds Threshold?	NO	NO	NO	NO	NO	NO

Notes:

- <sup>1</sup> Emissions totals may not add up due to rounding. Emissions shown as zero may be non-zero values; however, they are below a meaningful reporting level for this analysis.
- <sup>2</sup> For purposes of this analysis VOC emissions are assumed to be equal to ROG.
- <sup>3</sup> For purposes of this analysis SO<sub>x</sub> emissions are assumed to be equal to SO<sub>2</sub>.
- <sup>4</sup> Total area and energy emissions were estimated using CalEEMod<sup>®</sup> (see Appendix A).
- <sup>5</sup> Total mobile emissions were estimated using CalEEMod<sup>®</sup> default trip lengths, EMFAC2021 emission factors, and Project-specific vehicle trip rates provided by Kittelson & Associates. Existing mobile emissions were zeroed out.
- <sup>6</sup> SCAQMD Air Quality Significance Thresholds. Available at <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf?sfvrsn=25>. Accessed: September 2024.

## Appeal Responses – Letter from Neighbors

### **Neighbors' Comment #1:**

"Negative impact to neighborhood, including increased traffic, noise, toxic fumes, car accident risk and light pollution not adequately considered by consultants...."

"As neighbors, we are concerned about toxic fumes, noise from cars waiting in lines (even if their wait times are shorter, there are now twice as many cars), increased traffic cutting through Walnut, more congestion at the intersection with In n Out and risk for traffic accidents, opening hours for the gas station are very long, and light pollution from the gas station lights being on all night."

### **Response to Neighbors' Comment #1:**

The Air Quality analysis includes a health risk evaluation that includes emissions associated with construction and operation of the Project. This includes the Project sources mentioned by the comment, notably off-road diesel construction equipment, hauling trucks, vendor trucks, and backup generator operation during construction of the Project; Costco members' passenger cars; fuel delivery trucks; gasoline transfer and dispensing; and backup generator operation. The results are presented in Table 5-3 through Table 5-5 and show that the potential health risk impacts are all less than the SCAQMD CEQA significance thresholds.

### **Neighbors' Comment #2:**

"There are two pre-schools within 500 feet of the proposed site."

### **Response to Neighbors' Comment #2:**

See responses to the Sol y Luna comment letter, above.

### **Neighbors' Comment #3:**

"The EIR for this site was done prior to it being built, making it at least 26 years old. As you know, neighborhoods and thresholds change. We don't think it is right to relocate and expand a gas station closer to residences without, at least, doing a new EIR."

### **Response to Neighbors' Comment #3:**

The Air Quality analysis prepared for the Categorical 32 exemption assesses all of the issues as would be assessed in an air quality analysis for an EIR.

Please feel free to call Eric Lu at (949) 798-3650, with questions or concerns regarding this letter.

Yours sincerely,



**Eric C. Lu**  
Regional Director, Southwest

949.798.3650  
[elu@ramboll.com](mailto:elu@ramboll.com)

**ERIC C. LU'S CURRICULUM VITAE (CV)**

# ERIC CHEN LU

## Regional Director, Southwest

Eric Lu has more than 20 years of experience in air quality management and climate change issues. He has expertise with air quality and GHG emissions inventory and reporting, permitting, health risk assessment, climate action plan development, CEQA, and agency/public stakeholder outreach and communication. He has assisted a variety of clients and entities on complex air quality, GHG, and energy issues including, municipal entities, utilities, and regulatory agencies (e.g., SCAQMD, SJVAPCD, BAAQMD, SMAQMD, CARB). He has worked with many private sector clients including oil and gas, manufacturing, landfills, commercial and residential land use development, and renewable energy facilities. Mr. Lu's experience highlights include numerous projects to perform health risk assessments to assess mobile and stationary sources. Mr. Lu is a Registered Professional Engineer (PE), a Certified Permitting Professional (CPP), and an Accredited Greenhouse Gas Lead Verifier in California. He has a Bachelor's degree in Chemical Engineering from Brown University and a Master's degree in Chemical Engineering from the University of California, Berkeley.



### CONTACT INFORMATION

**Eric Chen Lu**

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5 Park Plaza  
Suite 500  
Irvine, 92614  
United States of America

### COURSES/CERTIFICATIONS

Professional Engineer (Chemical) - California (CH6248), 2006  
Certified Permitting Professional - South Coast Air Quality Management District (M6053)  
Accredited Greenhouse Gas Lead Verifier with sector specialty in Oil and Gas and Process (ARB Executive Order H-24-059)

### MEMBERSHIPS

Air and Waste Management Association (AWMA)

### PROJECTS

- Evaluated air quality and climate change impacts including the preparation of complex air emissions inventories (criteria pollutant, toxics, GHGs), air dispersion models and health risk assessments in support of California Environmental Quality Act (CEQA) requirements. Projects have included mixed-use developments, warehouses, oil and gas production facilities, commercial developments, and airports. This has included evaluation of construction and operational conditions.
- Evaluated the air quality and GHG emissions from a landfill in support of technical studies for CEQA. This included the development of emissions inventories for all sources at the landfill and related operations, air dispersion modelling to evaluate near site impacts, and health risk assessment from facility operations.

### EDUCATION

1996-1999  
**MS, Chemical Engineering**  
University of California  
Berkeley, Berkeley

1992-1996  
**BS, Chemical Engineering (Honors)**  
Brown University, Providence

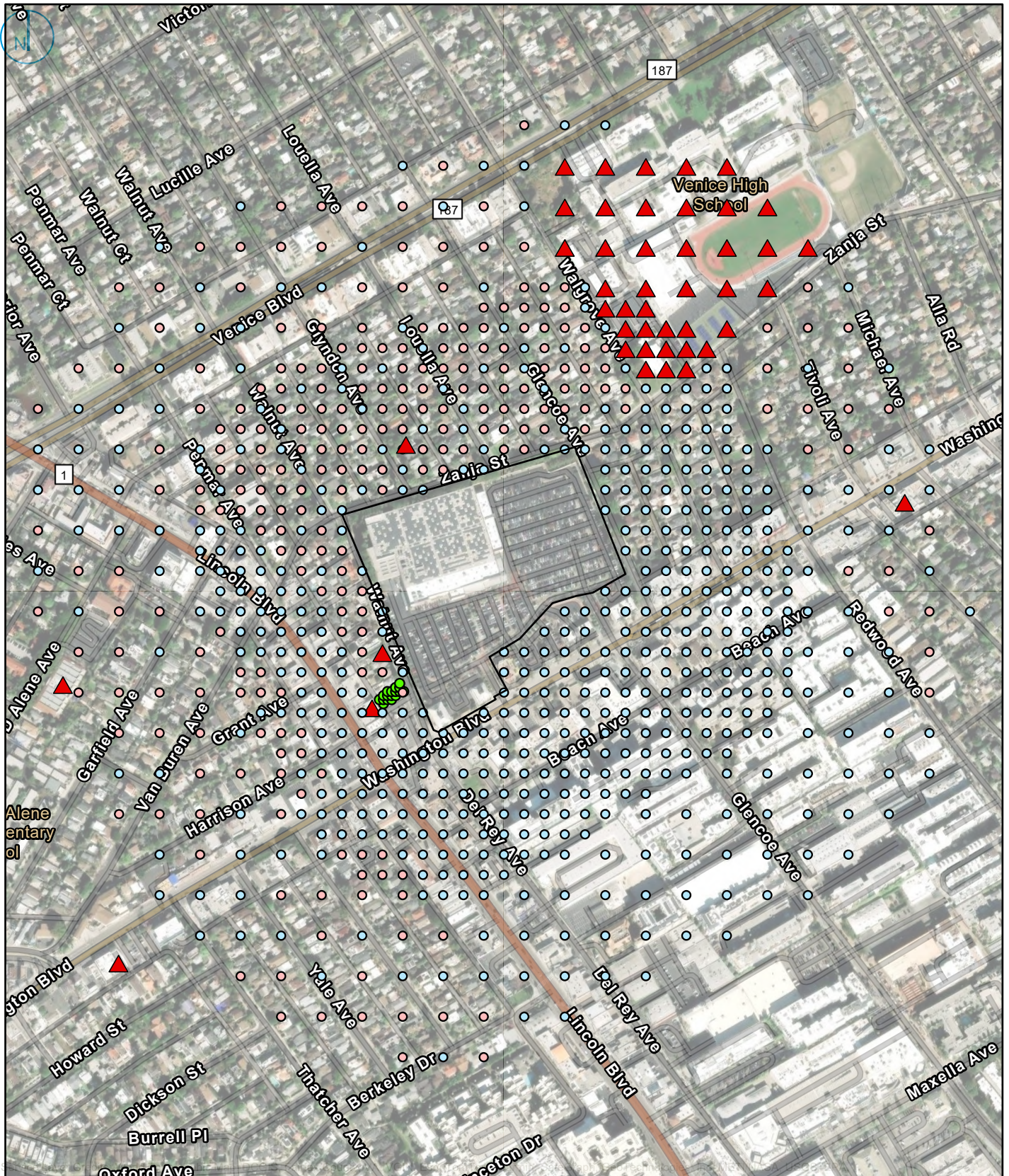


Supported the project in the development of the EIR from the technical reports, assisted with responses to public comments on the EIR.

- Prepared and reviewed air quality and greenhouse gas CEQA evaluations as required by various air districts, including, but not limited to, the San Joaquin Valley Air Pollution Control District (SJVACPD), Bay Area Air Quality Management District (BAAQMD), South Coast Air Quality Management District (SCAQMD), and Sacramento Metropolitan Air Quality Management District (SMAQMD).
- Directed the efforts to prepare technical reports as required by CEQA for an oil and gas production facility and a renewable energy facility. This included the preparation of geology/soils, biological resources, cultural resources, air quality, greenhouse gas, noise, hazards, hydrology and water quality, and traffic analyses. Provided strategic assistance and coordinated with lead agency and lead agency consultants in the preparation of the EIRs based on our technical reports.
- Prepared health risk assessments to evaluate the cancer and noncancer impacts from construction, operational, and freeway emission sources in support of CEQA requirements.
- Studied California's Scoping Plan and research evaluating how California can achieve the GHG reduction goals to evaluate and develop significance thresholds for GHG evaluations as required for CEQA. Incorporated evaluation of the Newhall Ranch Supreme Court Decision to inform the pros and cons of potential significance thresholds.
- Assisted various manufacturing and industrial facilities to assess potential air quality emissions including criteria pollutants and toxic air emissions. Assisted various facilities in maintaining compliance with South Coast Air Quality Management District (SCAQMD) and San Diego Air Pollution Control District (SDAPCD) Rule and Regulations. These facilities have included pet food manufacturers, airport/airline facilities, gas production facilities, universities, coatings manufacturers, compost and waste transfer facilities, and pharmaceutical companies. These facilities have encountered issues related to the Regional Clean Air Incentives Market rules (RECLAIM) and Title V. Assisted with annual emissions reporting and permitting.
- Evaluated the odor impacts and SCAQMD air permitting requirements for a plastics recovery and recycling process and an organic waste recycling process. The scope of work included evaluating the process for rule applicability and emission evaluation, emissions evaluation, health risk assessment. Worked with the project engineers to evaluate process design changes to identify emission reduction approaches. Performed odor sampling to assess odor impacts based on a test facility.
- Designed and implemented ambient air monitors for inorganics and organic compounds. The monitoring was in support of various applications including perimeter monitoring during remediation, operational impact evaluation, air permit compliance requirements, as well as for litigation support.
- Directed the ongoing compliance work at a hazardous waste management facility. This includes the maintain of an ambient air monitoring program, health risk assessment preparation, and other compliance evaluations. Assisting with responses to DTSC comments regarding an ambient air monitoring plan and human health risk assessment workplan.
- Managed and participated in large litigation support teams to complete complex technical analysis including source testing, emissions estimation, health risk assessment, meteorological data evaluation and air dispersion modeling. Provided litigation support in regards to toxic court cases involving oil and gas production facilities, hydrogen sulfide emissions in a city-wide area, mining facilities, paint burn-off ovens, RECLAIM requirements, indoor air quality and cooling tower emissions.

**FIGURE**





— Site Boundary

## Receptor Type

- MEIR Parcel Receptors
- Resident
- ▲ Sensitive
- Worker

## MODELED RECEPTOR LOCATIONS

FIGURE 03

RAMBOLL AMERICAS  
ENGINEERING SOLUTIONS, INC.  
A RAMBOLL COMPANY

Culver City Costco Fuel Station  
Culver City, CA

RAMBOLL





September 5, 2025  
Email: gabriela.silva@culvercity.org

Gabriela Silva  
Current Planning Division  
City Of Culver City  
9770 Culver Boulevard  
Culver City, CA 90232

RE: Costco Gasoline – On-Site Relocation (P2021-0135-CUP/M)  
13431 and 13463 Washington Boulevard, Culver City, California 90292  
Our Job No. 10857

Dear Gabriela:

As you know, we represent Costco Wholesale (Costco) regarding the above-referenced project (Project). On July 24, 2024, the Planning Commission adopted Resolution No. 2024-P007 approving a Class 32 Categorical Exemption (Class 32 Exemption) and a CUP/M for the Project. On August 8, 2024, Sol y Luna Montessori School (Appellant), represented by Angel Law, filed an appeal (Appeal) of the Planning Commission's actions.

The Appellant and certain members of the public have submitted correspondence in support of the Appeal. The following is a response to this correspondence. As set forth below, none of the correspondence contains credible evidence that the Planning Commission erred or abused its discretion in approving the Project. Therefore, the Appeal should be denied.

**A. August 8, 2024 Email from Frank Angel**

The email asserts that the City violated Culver City Municipal Code (CCMC) Section 17.500.030 by determining that the Project qualified for the Class 32 exemption as part of the Project Review Committee Comments dated May 20, 2024.

This argument is without merit. As Mr. Angel admits, the Project Review Committee did not make any such determination but merely noted that "the project *may* qualify for a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) guidelines." (Emphasis added.) In fact, ***it was the Planning Commission that determined that the Project qualifies for the Class 32 Exemption.*** Consistent with CEQA and CCMC Section 17.500.030, the Commission based its determination on substantial evidence in the record, including the Staff Report and our Class 32 Exemption analysis dated June 28, 2024 (Exemption Analysis) and its supporting expert technical reports. While the Staff thoroughly reviewed all relevant information and made a non-binding ***recommendation*** to the Commission, this is their responsibility. CCMC Section 17.500.030 in no way prohibits this.

**B. August 7, 2024 Letter from Eve Rappaport et al.**

This letter makes several arguments, none of which have merit.

1. Traffic, Noise, Toxic Fumes, Car Accident Risk, and Light Pollution. The letter asserts that the analysis did not consider several Project impacts. In fact, the Class 32 Exemption Analysis and supporting expert reports expressly considered traffic (Culver City Costco Fuel Station On-Site Relocation Transportation Study prepared by Kittelson & Associates

- dated May 29, 2024 [Traffic Analysis]), noise (Costco Fuel Station Relocation Project prepared by Acoustical Engineering Services, Inc. dated May 2024 [Noise Report]), toxic air contaminants (Costco Culver City Project Air Quality/Health Risk Technical Report prepared by Ramboll Americas Engineering Solutions, Inc. [Ramboll], dated May 2024 [AQ Analysis]), car accident risk (i.e., geometric design hazards in the Traffic Study), and light pollution (Exemption Analysis, page 7). These analyses demonstrate that the Project will not result in any significant impacts with respect to these topics. The letter provides no credible evidence to the contrary.
2. Pre-schools in the Project Vicinity. The letter states that there are two preschools within 500 feet of the Project site. As set forth in the AQ Analysis (see Figure 3, Modeled Receptor Locations) and our appeal response dated September 26, 2024 (Appeal Response), potential health risks at the Sol y Luna preschool (which is operated out of a single-family home without required zoning approvals), Morning Glory preschool, and Venice High School were more conservatively assessed as residential or worker receptors. The analysis nonetheless determined that such risks would be less than significant. The letter provides no credible evidence to the contrary.
  3. 26-year-old EIR. The letter claims that the CUP was based on an EIR that was completed 26 years ago. This is incorrect. The Planning Commission determined, based on substantial evidence in the record, that the Project qualifies for the Class 32 Exemption. This determination was supported by expert technical reports based on current conditions, methodologies, and significance thresholds, and not on a prior EIR.
  4. Existing Loading Dock Operations. The letter alleges that there is noise and vibration from the existing loading dock operations at all hours of the day and night, including when deliveries are prohibited. The loading dock is part of the existing warehouse and will not be used in connection with the Project. Moreover, Costco complies with all applicable City regulations and conditions of approval for the warehouse.
  5. Reasons for Expansion. The letter questions the reasons why Costco is pursuing the Project. As set forth in the Exemption Analysis, Costco is seeking to develop a new state-of-the-art facility to provide a more efficient fuel purchasing experience for Costco members. The letter fails to explain how this is inaccurate.
  6. Original Concept Plan. The letter asserts that the new gasoline station relocation violates the original concept and plan for the site, citing a plan for the site from 1998. However, the letter fails to explain how a nearly three-decade-old plan remains relevant today, especially in light of the substantial changes to the site over time, including the demolition of the prior Albertsons and expansion of the warehouse building.
  7. Landscaping. The letter states the author's opinion that using landscape as a buffer is inadequate. However, the Exemption Analysis, including the expert Noise Report and AQ Analysis, did not rely on a landscape buffer to support its conclusion that impacts would be less than significant. The letter does not provide credible evidence of a significant impact or that the Project does not qualify for the Class 32 Exemption.

8. City's Washington Boulevard Stormwater and Urban Runoff Diversion Project. The letter maintains that this City project was a requirement that allowed Costco to tear down Albertsons and increase parking. In fact, the City's Stormwater and Urban Runoff Project is unrelated to and independent of both the Project and the prior warehouse expansion. Rather, the City is undertaking this project:

"In order to comply with the Los Angeles Regional Water Quality Control Board's Municipal Separate Storm Sewer System Permit (Order No R4-2012-0175) ...The goal of the Project is to reduce the pollutants from reaching the Marina del Rey Harbor and our beaches through the discharge of stormwater and dry-weather runoff."<sup>1</sup>

9. Location of Project. The letter requests that the City mandate that Costco select a more suitable site to expand their gas station, which avoids impacts to residences on the east, west, and north sides of the property, and keep the station solely on Washington Boulevard. As set forth in Kittelson's Technical Memorandum dated September 16, 2024 (Technical Memo):

While not raised in the appeal, a late letter from a member of the public questioned why the fuel facility is proposed to be located on the west side of the shopping center. This location provides several advantages compared to expanding the fuel station in the current location. The proposed location provides separation of traffic and circulation from the existing In-N-Out and the Valvoline Oil retail uses, the first of which experiences drive-through queues within the site. Compared to expanding in the current location, or existing conditions, the relocation of the fuel facility will reduce delays, queues, and congestion to internal driveways, and limit potential impacts to traffic on Washington Boulevard. Therefore, relocating the fuel facility to the west side of the shopping center reduces conflicts, separates Costco Gasoline traffic with traffic from In-N-Out and Valvoline Oil, improves internal circulation, and reduces the potential for traffic to affect traffic operations on Washington Boulevard.

10. Number of Trips. The letter confuses the number of gross trips from the new facility with the number of net trips. As set forth in the Traffic Analysis, the trips to and from the expanded fuel facility would increase. However:

In developing a trip generation estimate for the Project, it is important to recognize that the fuel station exists on site today and that the Project is an on-site relocation and expansion of that station. The membership of Costco does not change with the expansion or on-site relocation of a fuel facility, and the general demand for fuel at the Culver City Costco will not change. Therefore, it is unlikely that the trip generation of the fuel station will increase directly in proportion to the increased number of fueling positions. Instead, the additional fueling positions will serve to more efficiently and effectively process the current peak demand at the fuel station, thus reducing wait times, vehicles queuing, and vehicle idling. This has been confirmed through before and after data collection at other Costco Gasoline expansion locations. (Emphasis added.)

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<sup>1</sup> <https://www.culvercity.gov/City-Projects/PW-Project-Washington-Blvd-Stormwater-and-Urban-Runoff-Project>, accessed August 25, 2025

As shown on Table 12 of the Traffic Study, the Project would generate 122 gross weekday pm peak and 150 gross Saturday peak trips. However, with a trip credit for the currently approved retail uses that the Project will displace, the Project would result in a reduction of 13 net weekday pm peak and 14 net Saturday peak trips. As set forth in the Technical Memo:

The Transportation Study was initiated in 2020 and a scoping agreement to establish the methodologies and assumptions was completed in May of 2021. (see Memorandum of Understanding for Transportation Study, attached to Transportation Study.) Due to the stay-at-home order related to COVID-19, realistic traffic counts could not be obtained at the time. With City of Culver City direction and as done by the entirety of the transportation profession during that period of time, the transportation analysis prepared for this project used historic traffic counts from prior to 2020 with a general growth rate applied to them to establish existing traffic conditions. The counts used for the transportation analysis were collected prior to the closures of the business in the retail buildings. As such, the data and analysis from the transportation study all reflect conditions when the retail stores were in operation. ***Thus, it is reasonable and correct to account for a credit for the traffic from those uses as part of the evaluation. In fact, not taking the credit would result in an overstatement of traffic conditions with the project.*** (Emphasis added.)

This approach is consistent with applicable CEQA case law.<sup>2</sup> Moreover, the Technical Memo states:

Consistent with state law, the City assessed the project's traffic impacts based on vehicle miles travelled (VMT). As set forth in our traffic analysis, which was reviewed and approved by the City, VMT impacts would be less than significant as the project would result in a net trip reduction with the trip credit. However, VMT impacts would be less than significant even without ***the credit***. (Emphasis added.)

**C. August 28, 2024 email from Jocelyn Finger**

This email maintains that the Project will significantly add to air, noise, soil, and water pollution. As set forth in the Exemption Analysis and its supporting expert technical reports, the Project would not result in significant impacts with respect to air quality, noise, hazardous materials, or water quality. The email provides no credible evidence to the contrary.

This email also expresses concern about the Sol y Luna preschool. Please refer to Section 2 above.

**D. September 3, 2024 email from Alyson Wilson**

This email expresses concern about the Sol y Luna preschool. Please refer to Section 2 above.

**E. September 6, 2024 email from Carly Kenny**

This email expresses concern about the Sol y Luna and Morning Glory preschools. Please refer to Section 2 above.

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<sup>2</sup> *North County Advocates v. City of Carlsbad* (2015) 241 Cal.App.4th 94

Gabriela Silva  
Current Planning Division  
City Of Culver City

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September 5, 2025

Please feel free to contact me with any questions regarding the above. Thank you.

Respectfully,



Julie Anderson  
Senior Planner

JA/ps  
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