

P: (626) 381-9248  
F: (626) 389-5414  
E: [info@mitschtsailaw.com](mailto:info@mitschtsailaw.com)



**Mitchell M. Tsai**  
Attorney at Law

139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101

---

**VIA E-MAIL**

October 26, 2021

Camarillo City Council  
City Hall Council Chambers  
601 Carmen Drive  
Camarillo, CA 93010  
Em: [cityclerk@cityofcamarillo.org](mailto:cityclerk@cityofcamarillo.org)

Attn: Jaclyn Lee, Principal Planner  
City of Camarillo Community Development  
601 Carmen Drive  
Camarillo, CA 93010  
Em: [jlee@cityofcamarillo.org](mailto:jlee@cityofcamarillo.org)

RE: MITIGATED NEGATIVE DECLARATION 2020-3 (SCH #2020080530), GENERAL PLAN AMENDMENT 2020-1, CHANGE OF ZONE 330, TENTATIVE TRACT MAP 6017, RESIDENTIAL PLANNED DEVELOPMENT PERMIT 205, AND CONDITIONAL USE PERMIT 405

Dear Honorable Mayor and Council Members,

On behalf of the **Southwest Regional Council of Carpenters** (“**Southwest Carpenters**” or “**SWRCC**”), my Office is submitting these supplemental comments on the City of Camarillo’s (“**City**” or “**Lead Agency**”) Final Initial Study/Mitigated Negative Declaration (“**IS/MND**”) (SCH No. 2020080530) for the 2800 Barry Street Affordable Housing Project in the City of Camarillo which proposes to construct a 68-unit multi-family residential development on vacant land at 2800 Barry Street. (“**Project**”).

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states, including California, and has a strong interest in well-ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

SWRCC expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

SWRCC expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

SWRCC incorporates by reference all comments raising issues regarding the IS/MND submitted prior to certification of the IS/MND for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, SWRCC requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq.*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training

program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.<sup>1</sup>

---

<sup>1</sup> California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, available at <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>

Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.<sup>2</sup>

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”<sup>3</sup>

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”<sup>4</sup> In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”<sup>5</sup>

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.<sup>6</sup>

---

<sup>2</sup> South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

<sup>3</sup> City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* [https://www.hayward-ca.gov/sites/default/files/documents/General\\_Plan\\_FINAL.pdf](https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf).

<sup>4</sup> City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

<sup>5</sup> City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

<sup>6</sup> California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.<sup>7</sup> Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

The City should also require the Project to be built to standards exceeding the current 2019 California Green Building Code to mitigate the Project’s environmental impacts and to advance progress towards the State of California’s environmental goals.

## I. **EXPERTS**

This comment letter includes comments from air quality and greenhouse gas experts Matt Hagemann, P.G., C.Hg. and Paul Rosenfeld, Ph.D. concerning the DEIR. Their comments, attachments, and Curriculum Vitae (“CV”) are attached hereto and are incorporated herein by reference.

Matt Hagemann, P.G., C.Hg. (“Mr. Hagemann”) has over 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater

---

<sup>7</sup> Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Mr. Hagemann also served as Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closer. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring.

For the past 15 years, Mr. Hagemann has worked as a founding partner with SWAPE (Soil/Water/Air Protection Enterprise). At SWAPE, Mr. Hagemann has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality, and greenhouse gas emissions.

Mr. Hagemann has a Bachelor of Arts degree in geology from Humboldt State University in California and a Masters in Science degree from California State University Los Angeles in California.

Paul Rosenfeld, Ph.D. ("Dr. Rosenfeld") is a principal environmental chemist at SWAPE. Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts on human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risks, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particular matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants, Dr. Rosenfeld

also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Dr. Rosenfeld has a Ph.D. in soil chemistry from the University of Washington, M.S. in environmental science from U.C. Berkeley, and B.A. in environmental studies from U.C. Santa Barbara.

## II. **THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

### A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“**CCR**” or “**CEQA Guidelines**”) § 15002(a)(1).<sup>8</sup> “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v.*

---

<sup>8</sup> The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 et seq, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

*Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131.) As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. The City Should Prepare an EIR for the Project



A strong presumption in favor of requiring preparation of an EIR is built into CEQA. This presumption is reflected in what is known as the "fair argument" standard, under which an agency must prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal. App. 4th 1597, 1602; *Friends of "B" St. v. City of Hayward* (1980) 106 Cal. App. 3d 988, 1002.

The fair argument test stems from the statutory mandate that an EIR be prepared for any project that "may have a significant effect on the environment." Pub. Res. Code § 21151; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 75; *Jensen v. City of Santa Rosa* (2018) 23 Cal. App. 5th 877, 884. Under this test, if a proposed project is not exempt and *may* cause a significant effect on the environment, the lead agency *must* prepare an EIR. Pub. Res. Code §§ 21100(a), 21151; CEQA Guidelines § 15064(a)(1), (f)(1). An EIR may be dispensed with only if the lead agency finds no substantial evidence in the initial study or elsewhere in the record that the project may have a significant effect on the environment. *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal. App. 4th 768, 785. In such a situation, the agency must adopt a negative declaration. Pub. Res. Code § 21080(c)(1); CEQA Guidelines §§ 15063(b)(2), 15064(f)(3).

"Significant effect upon the environment" is defined as "a substantial or potentially substantial adverse change in the environment." Pub. Res. Code § 21068; CEQA Guidelines § 15382. A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d at 83 fn. 16; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 309. If any aspect of the project may result in a significant impact on the environment, an EIR must be prepared even if the overall effect of the project is beneficial. CEQA Guidelines § 15063(b)(1). See *County Sanitation Dist. No. 2 v. County of Kern* (2005) 127 Cal. App. 4th 1544, 1580.

This standard sets a "low threshold" for preparation of an EIR. *Consolidated Irrig. Dist. v. City of Selma* (2012) 204 Cal. App. 4th 187, 207; *Nelson v. County of Kern* (2010) 190 Cal. App. 4th 252; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal. App. 4th 903, 928; *Bowman v. City of Berkeley* (2004) 122 Cal. App. 4th 572, 580; *Citizen Action to Serve All Students v. Thornley* (1990) 222 Cal. App. 3d 748, 754; *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 310. If substantial evidence in the record supports a fair argument that the project may have a significant environmental effect, the lead agency

must prepare an EIR even if other substantial evidence before it indicates the project will have no significant effect. See *Jensen v. City of Santa Rosa* (2018) 23 Cal. App. 5th 877, 886; *Clews Land & Livestock v City of San Diego* (2017) 19 Cal. App. 5th 161, 183; *Stanislaus Audubon Soc'y, Inc. v. County of Stanislaus* (1995) 33 Cal. App. 4th 144, 150; *Brentwood Ass'n for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal. App. 3d 491; *Friends of "B" St. v City of Hayward* (1980) 106 Cal. App. 3d 988; CEQA Guidelines § 15064(f)(1).

As explained in full below, there is a fair argument that the Project will have a significant effect on the environment. As a result, the “low threshold” for preparation of an EIR has been met and the City must prepare an EIR.

C. CEQA Requires Revision and Recirculation of an Initial Study whenever Substantial Revisions are Required

Section 15073.5 of the CEQA Guidelines provides that a negative declaration must be recirculated whenever the document must be substantially revised. A substantial revision includes the identification of new, avoidable significant effects requiring mitigation measures or project revisions to be added to reduce the effect to less than significant levels or upon the agency determining that a proposed mitigation measure or project change would not reduce a potential impact to insignificance. *Id.*

For all of the reasons discussed below, significant new information has been raised relating to the Project that requires revision and recirculation of the IS/MND or EIR.

D. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupations Safety and Health

Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.<sup>9</sup>

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

**Construction Site Design:**

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.

---

<sup>9</sup> Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

- Provide hand washing stations throughout the construction site.

### **Testing Procedures:**

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.
- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

## **Planning**

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.<sup>10</sup>

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

- The Final MND's Response is Inadequate and Fails to Address Commenters' Concerns*

While the Final MND's Responses to Comments<sup>11</sup> state that the CEQA Guidelines do not require any analysis of the potential impacts of COVID-19 and that any impacts would not result as a fact of the Project—this is incorrect. The CEQA Guidelines clearly state and require a mandatory finding of significance any time there is evidence for potential of a significant adverse impact on human beings. CEQA Guidelines § 15065 (a)(4). Commenters already iterated this point but the Final MND fails to address it entirely by stating COVID-19 effects are not included as a specific point on any CEQA checklists in Appendix G. This point is irrelevant and circumvents 15065's requirement.

---

<sup>10</sup> See also The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at [https://www.cpwr.com/wp-content/uploads/publications/NABTU\\_CPWR\\_Standards\\_COVID-19.pdf](https://www.cpwr.com/wp-content/uploads/publications/NABTU_CPWR_Standards_COVID-19.pdf); Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at [https://dpw.lacounty.gov/building-and-safety/docs/pw\\_guidelines-construction-sites.pdf](https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf).

<sup>11</sup> City of Camarillo 2800 Barry Street Affordable Housing Project, Responses to Comments on the IS-MND, available at <https://www.cityofcamarillo.org/15%20N%20-%20Response%20to%20Comments.pdf>.

Second, COVID-19 is not a baseline environmental project condition in any common sense interpretation of the rule relating to analysis of existing physical conditions at the project site. The provisions of the CEQA Guidelines on setting the environmental baseline are included in the guideline governing the environmental setting (CEQA Guidelines §15125(a)) and the guideline governing analysis of environmental impacts (14 Cal Code Regs §15126.2(a)). These guidelines specify that the baseline generally should be described as the physical conditions that exist in the area affected by the project at the time the EIR process begins. CEQA Guidelines §15125(a)(1). They also provide that an EIR's assessment of the project's impacts should normally be limited to changes in those existing physical conditions. CEQA Guidelines §15126.2(a).

Without detailing the manner in which COVID-19 is spread to and infects human beings causing physical harm or death, a virus affecting human health which is spread when human beings gather in close proximity, such as project construction activities, simply would not exist absent the Project's construction activities. The MND's response misses this point and needs to address it to protect the health and safety of the people who will be constructing the Project.

E. CEQA Bars the Deferred Development of Environmental Mitigation Measures

CEQA mitigation measures proposed and adopted into an environmental impact report are required to describe what actions that will be taken to reduce or avoid an environmental impact. CEQA Guidelines § 15126.4(a)(1)(B) (providing “[f]ormulation of mitigation measures should not be deferred until some future time.”). While the same Guidelines section 15126.5(a)(1)(B) acknowledges an exception to the rule against deferrals, but such exception is narrowly proscribed to situations where “measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.” *Id.* Courts have also recognized a similar exception to the general rule against deferral of mitigation measures where the performance criteria for each mitigation measure is identified and described in the EIR. *Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011.

Impermissible deferral can occur when an EIR calls for mitigation measures to be created based on future studies or describes mitigation measures in general terms but the agency fails to commit itself to specific performance standards. *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281 (city improperly deferred mitigation to

butterfly habitat by failing to provide standards or guidelines for its management); *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 671 (EIR failed to provide and commit to specific criteria or standard of performance for mitigating impacts to biological habitats); see also *Cleveland Nat'l Forest Found. v San Diego Ass'n of Gov'ts* (2017) 17 Cal.App.5th 413, 442 (generalized air quality measures in the EIR failed to set performance standards); *California Clean Energy Comm. v City of Woodland* (2014) 225 Cal.App.4th 173, 195 (agency could not rely on a future report on urban decay with no standards for determining whether mitigation required); *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 740 (agency could not rely on future rulemaking to establish specifications to ensure emissions of nitrogen oxide would not increase because it did not establish objective performance criteria for measuring whether that goal would be achieved); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1119 (rejecting mitigation measure requiring replacement water to be provided to neighboring landowners because it identified a general goal for mitigation rather than specific performance standard); *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794 (requiring report without established standards is impermissible delay).

Here, the IS/MND defers the development of mitigation measure BIO-1 to reduce potentially significant impacts to nesting birds on the Project site. BIO-1 calls for a qualified biologist to perform a nesting bird survey and institute buffer zones and monitoring should nesting birds be found—but no specific measures or performance standards are specified in the IS/MND. *See* IS/MND, 34. The development of a plan is deferred until such time as a biologist is retained to perform a survey, or design a buffer zone, without any performance standards by which the adequacy of the proposed mitigation could be evaluated should specific details require formulation at a later date.

The IS/MND needs to be amended to include mitigation measures that are not deferred until after certification of the IS/MND or EIR or until the commencement of construction activities.

*i. The Final MND's Response to Comments is Inadequate and Fails to Address Commenters' Concerns*

The Final MND has not made any changes to the BIO-1 mitigation measure, thus the document still fails to avoid including deferred mitigation of significant impacts to biological resources. The Final MND's response also seems to misunderstand

Commenters' concern that BIO-1 fails to include any performance standard or specific measures for developing a nesting survey, instituting buffer zones, and monitoring should that be required. The Final MND states that preparation of a nesting bird survey now would be premature—but that is not the subject of concern. (Final MND, Response 6.7.) The comment that was not addressed is that the mitigation measure as proposed is vague and fails to include any specific detail on *how* mitigation would be achieved should it be needed and by what performance standard any survey, protection, and monitoring would comply. Simply stating that nesting bird surveys would be performed by a qualified biologist if needed constitutes impermissible deferral of mitigation.

F. The IS/MND Fails to Adequately Disclose, Analyze and Mitigate the Project's Significant Noise Impacts

CEQA Guidelines, Appendix G, Sec. XII. (a) specifies that a potentially significant impact for noise should be found where there is “[e]xposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.” Here, the Project has the potential to generate excessive noise levels during the construction phase which could affect nearby sensitive receptors at single-family residences located adjacent to the western boundary and residences to the north, approximately 50 feet away from the Project site.

The IS/MND concludes that construction-related noise levels would not have the potential to cause a significant impact because at 150 feet, the distance to the sensitive receptors from the center of the Project site, the noise levels of common diesel-powered construction-equipment are all estimated to be approximately a maximum of 75 dBA. (IS/MND, 71.) Not only does this noise estimate stand completely unsubstantiated in the noise analysis while giving itself the maximum possible distance from the sensitive receptors (not counting activities closer to the edge of the Project site), it simply misrepresents the requirements of the Camarillo Municipal Code (CMC) and the Camarillo General Plan – Noise Element. The CMC, Section 10.34.120, merely states that construction shall not occur between the hours of 7:00 PM and 7:00 AM, it says nothing about CEQA requirements or whether the City should require noise impact mitigation measures when noise will clearly exceed acceptable standards of significance. The Camarillo General Plan sets a noise



threshold of 70 dBA for exterior noise at residential sites.<sup>12</sup> The FTA’s guidance on this issue, with average construction noise levels, are contained within the Transit Noise and Vibration Impact Assessment Manual on page 176 wherein numerous pieces of construction equipment are estimated to have noise levels up to *over 100 dBA* at 50 feet.<sup>13</sup> The Project site is located only 50 feet away from other residences across Barry Street. (IS/MND, 28.)

The IS/MND fails to substantiate using a distance of 150 feet from the sensitive receptors without clarifying whether construction equipment will be used closer than that. There is no evidence that all construction activities will occur directly in the middle of the Project site, or at least 150 feet from sensitive receptors at all times.

In any event, the Project’s estimated noise levels *will exceed* the standards set forth in the City’s General Plan – Noise Element.<sup>14</sup> Exterior noise levels should not exceed 70 dBA for a residential setting such as the housing 50 feet away from the site. While the CMC may not bar construction during daytime hours, the code is silent on CEQA requirements and because noise clearly exceeds any acceptable threshold—a finding of significance and all appropriate mitigation is required. As such, the IS/MND needs to be revised and recirculated to include a finding of significance and all feasible mitigation measures to reduce the noise impacts that will be generated from Project construction equipment.

*i. The Final MND Response to Comments Fails to Adequately Address Commenters’ Concerns*

In the Final MND, the City admits that noise levels would exceed any threshold or level of significance provided in FTA or the City’s Noise Element standards and that construction activities would occur as close as 15 feet to nearby sensitive receptors—yet still fails to include *any* mitigation measures to address this significant impact. Curiously, the City again points to CMC 10.34.120, specifying construction noise exemptions, but as Commenters already pointed out, this provision of the CMC

---

<sup>12</sup> City of Camarillo General Plan – Noise Element, 12-12, available at <https://www.cityofcamarillo.org/Comm%20Dev/General%20Plan/Noise.pdf>.

<sup>13</sup> Federal Transit Administration (2018) Transit Noise and Vibration Impact Assessment Manual, p. 176, available at [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123\\_0.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf).

<sup>14</sup> City of Camarillo General Plan – Noise Element, 12-12, available at <https://www.cityofcamarillo.org/Comm%20Dev/General%20Plan/Noise.pdf>.

merely permits construction exceeding noise standards during daytime hours—it does not exempt the City from complying with CEQA requirements, and it could not.

CEQA Guidelines, Appendix G, Sec. XII. (a) specifies that a potentially significant impact for noise should be found where there is “[e]xposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.” The Project’s construction activities clearly will cause a significant impact under Appendix G, Sec. XII. (a) because noise levels will exceed standards set forth in the City’s General Plan and other applicable standards such as the FTA, thus the City needs to indicate a significant impact finding and provide adequate mitigation measures.

G. The IS/MND Fails to Support Its Findings with Substantial Evidence

When new information is brought to light showing that an impact previously discussed in the EIR or IS/MND but found to be insignificant with or without mitigation in the EIR or IS/MND’s analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR or IS/MND must consider and resolve the conflict in the evidence. (See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109.) While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be “based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. (CEQA Guidelines § 15064(b); *Cleveland Nat’l Forest Found. v. San Diego Ass’n of Gov’ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206.) And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. (*East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.)

In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but

simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. *See also Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (fact that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

1. *The IS/MND Fails to Support its Air Quality Analysis with Substantial Evidence.*

Diesel particulate matter health risk emissions were inadequately evaluated. There are nearby sensitive receptors at residential sites a mere 50 feet from the Project site where are single-family residences. (IS/MND, 28.) The conclusion that operational and construction health risk impacts would be less than significant without conducting a quantified construction or operational health risk assessment (HRA) is not based upon substantial evidence. More specifically, the IS/MND attempts to justify this by stating that health impacts to nearby sensitive receptors associated with DPM exposure from construction activities would be less than significant without conducting an HRA because “[c]urrent models and methodologies for conducting health-risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years...” (IS/MND, 30.) However, this analysis is unsubstantiated for two reasons.

First, by claiming a less than significant impact without conducting a quantified HRA to nearby, existing sensitive receptors as a result of Project construction and operation, the IS/MND fails to compare the excess health risk to the SCAQMD’s specific numeric threshold of 10 in one million.<sup>15</sup> Thus, the IS/MND cannot conclude less than significant health risk impacts resulting from Project construction and operation without quantifying emissions to compare to the proper threshold. Second, the omission of a quantified HRA is inconsistent with the most recent guidance published by the Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing guidance on conducting HRAs in California. In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*.<sup>16</sup> This guidance

---

<sup>15</sup> “South Coast AQMD Air Quality Significance Thresholds.” SCAQMD, April 2019, available at <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>.

<sup>16</sup> “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: [http://oehha.ca.gov/air/hot\\_spots/hotspots2015.html](http://oehha.ca.gov/air/hot_spots/hotspots2015.html)

document describes the types of projects that warrant the preparation of an HRA. Construction of the Project will produce emissions of DPM, a human carcinogen, through the exhaust stacks of construction equipment over a construction period of many months. The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.<sup>17</sup> Therefore, per OEHHA guidelines, the health risk impacts from Project construction should be evaluated by the IS/MND and the IS/MND conclusion that shorter term exposure periods do not require any evaluation of risk is incorrect—especially when sensitive receptors are a mere 50 feet away from the construction site.

Furthermore, once construction of the Project is complete, the Project will operate for a long period of time. Project operation will generate thousands of daily vehicle trips, not including pass-by trips or internal capture, which will generate additional exhaust emissions and continue to expose nearby sensitive receptors to DPM emissions. (*See* IS/MND, Appendices B, J.) The OEHHA document recommends that exposure from projects lasting more than 6 months be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (MEIR).<sup>18</sup> Even though the IS/MND does not provide for the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, health risks from Project operation should also be evaluated, as a 30-year exposure duration vastly exceeds the 2-month and 6-month requirements set forth by OEHHA. This guidance reflects the most recent health risk policy, and as such, an updated assessment of health risks to nearby sensitive receptors from Project construction and operation should be included in a revised CEQA evaluation for the Project.

There is also no evidence in Appendix B or the IS/MND that any cumulative impacts air quality analysis was conducted that included other projects. Thus, there is no substantial evidence upon which to base the IS/MND's conclusion of no significant cumulative impacts that require additional mitigation measures. The IS/MND needs to conduct a cumulative air quality impacts analysis, and if there is a potentially significant impact, impose adequate and all feasible measures.

---

<sup>17</sup> “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: [http://oehha.ca.gov/air/hot\\_spots/2015/2015GuidanceManual.pdf](http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf), p. 8-18.

<sup>18</sup> “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: [http://oehha.ca.gov/air/hot\\_spots/2015/2015GuidanceManual.pdf](http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf), p. 8-6, 8-15.

2. *The IS/MND Fails to Support its Findings on Greenhouse Gas Impacts with Substantial Evidence.*

Since the IS/MND has not shown that it complies with a valid or enforced Climate Action Plan (CAP), it can only show that GHG impacts are mitigated to levels that are less than significant, or are less than significant without mitigation, if some other acceptable metric is used and analyzed to evaluate project emissions. The IS/MND then must rely on its quantitative analysis. However, as discussed below, the IS/MND's quantitative analysis of GHG impacts is incorrect because it drastically underestimates annual Project GHG emissions, which the IS/MND estimates at 468 MT CO<sub>2</sub>e/year (IS/MND, 50-1.)

Generally, if a project includes some direct or indirect GHG emissions, the agency should make a good faith effort to "describe, calculate, or estimate" the amount of emissions that will result and to determine their significance. CEQA Guidelines §15064.4(a).

The total estimated Project GHG emissions is 468 MT CO<sub>2</sub>e/year (IS/MND, 50-1.) This is simply not a good faith estimate of the Project's potential GHG emissions. Since passenger car and light/medium truck trips are the most significant source of annual operational emissions, we looked at the estimated vehicle miles traveled for the Project, which is 469,332 miles traveled. (IS/MND, 41.) The IS/MND estimates a service population of 183 residents, presumably many of which may not even be driving a vehicle. However, for demonstrative purposes, we will assume that every resident has a truck or passenger car. The IS/MND annual miles traveled translates to approximately 7 miles traveled per resident per day. The City of Camarillo, however, is located 17 miles from the City of Ventura, 44 miles from the City of Santa Barbara, 10 miles from the City of Oxnard, and 50 miles from the City of Santa Monica. The IS/MND seems to conclude that its service population will mostly make short trips within the local area. This claim cannot be substantiated by any real-world analysis of vehicle miles traveled for a far-flung suburban community in Southern California where most residents will be driving much longer distances to commute to and from school or work in major urban centers.

Furthermore, the Project site is currently vacant and unimproved so there is no evidence that there would be a reduction in VMT. (IS/MND, 93.)

The IS/MND's needs to include an amended GHG analysis in a recirculated EIR that accurately accounts for the Project's annual GHG emissions.

*i. The Final MND Fails to Adequately Address Commenters' Concerns Relating to Air Quality and GHG Emissions Impacts*

First, the Final MND does not adequately address Commenters' concerns relating to air quality impacts. While the MND may have conducted an operational HRA to estimate air quality risk to the service population, it still failed to do so for construction activities as required under the current OEHHA guidelines. As iterated above, in February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*.<sup>19</sup> This guidance document describes the types of projects that warrant the preparation of an HRA. Construction of the Project will produce emissions of DPM, a human carcinogen, through the exhaust stacks of construction equipment over a construction period of many months. The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.<sup>20</sup> Therefore, per OEHHA guidelines, the health risk impacts from Project construction should have been evaluated by the IS/MND. The Final MND erroneously concludes that short-term should be interpreted as 9 years or more and does not apply to construction activities, but fails to substantiate this argument and does not address the requirements clearly spelled out in the document.<sup>21</sup>

Second, there is still no evidence that the MND considered the cumulative air quality impacts taken together with nearby projects.

With regard to GHG emissions, the response to comments indicates that the MND makes an unfounded assumption that since the Project is for affordable housing units, most trips will be local in nature. There is no evidence to support this claim or a subsequent reduction in VMT to support a less than significant impact. Furthermore, The MND does not address cumulative GHG emissions impacts because it failed to analyze the Project's emissions together with other nearby projects currently in development.

---

<sup>19</sup> "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: [http://oehha.ca.gov/air/hot\\_spots/hotspots2015.html](http://oehha.ca.gov/air/hot_spots/hotspots2015.html)

<sup>20</sup> "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: [http://oehha.ca.gov/air/hot\\_spots/2015/2015GuidanceManual.pdf](http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf), p. 8-18.

<sup>21</sup> *Id.*

### 3. *SWAPE Comments*

Air Quality and GHG experts, SWAPE, also prepared comments on the Project which are attached hereto as Exhibit F. The SWAPE comments indicate that the IS/MND's GHG and Air Quality analyses are deficient for the following reasons:

- Use of unsubstantiated input parameters to estimate project emissions;
- Diesel particulate matter health risk emissions were inadequately evaluated and potentially significant impacts were identified; and
- Failure to adequately evaluate GHG emissions impacts.

Furthermore, the IS/MND failed to consider feasible mitigation measures to reduce potentially impacts relating air quality and GHG emissions.

None of the items raised in the SWAPE letter have been adequately addressed by the City.

## II. **THE PROJECT VIOLATES THE STATE PLANNING AND ZONING LAW AS WELL AS THE CITY'S GENERAL PLAN**

### A. Background Regarding the State Planning and Zoning Law

An EIR must identify, fully analyze and mitigate any inconsistencies between a proposed project and the general, specific, regional, and other plans that apply to the project. CEQA Guidelines § 15125(d); *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1566; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 881. There does not need to be a direct conflict to trigger this requirement; even if a project is “incompatible” with the “goals and policies” of a land use plan, the EIR must assess the divergence between the project and the plan, and mitigate any adverse effects of the inconsistencies. *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378-79; *see also Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903 (holding under CEQA that a significant impact exists where project conflicts with local land use policies); *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 998 (held county development and infrastructure improvements must be consistent with adopted general plans) (citing Gov. Code 65302).



B. The IS/MND is Inconsistent with the City’s General Plan Noise Element

The Project has the potential to generate excessive noise levels during the construction phase which could affect nearby sensitive receptors at residential sites as described above in detail. The City of Camarillo General Plan – Noise Element establishes noise standards for acceptable conditions for nearby sensitive receptors at 70 dBA exterior.<sup>22</sup>

The IS/MND admits that noise levels from heavy constructions vehicles will reach 75 dBA at 150 feet from the described construction equipment. This noise level clearly exceeds the General Plan’s threshold, and is likely underestimated as described above.

The IS/MND should be amended to include compliance measures with the City’s noise standards and/or Project mitigation measures under CEQA.

C. The IS/MND Fails to Demonstrate Consistency with SCAG’s RTP/SCS Plan

Senate Bill No. 375 requires regional planning agencies to include a sustainable communities strategy in their regional transportation plans. Gov. Code § 65080, sub.(b)(2)(B).) CEQA Guidelines § 15125(d) provides that an EIR “shall discuss any inconsistencies between the proposed project and...regional plans. Such regional plans include...regional transportation plans.” Thus, CEQA requires analysis of any inconsistencies between the Project and the relevant RTP/SCS plan.

In April 2012, SCAG adopted its 2012-2035 RTP/ SCS (“2012 RTP/SCS”), which proposed specific land use policies and transportation strategies for local governments to implement that will help the region achieve GHG emission reductions of 9 percent per capita in 2020 and 16 percent per capita in 2035. In April 2016, SCAG adopted the 2016-2040 RTP/SCS (“2016 RTP/SCS”)<sup>23</sup>, which incorporates and builds upon the policies and strategies in the 2012 RTP/SCS<sup>24</sup>,that will help the region achieve GHG emission reductions that would reduce the region’s per capita transportation emissions by eight percent by 2020 and 18 percent by 2035.<sup>25</sup> SCAG’s RTP/SCS plan ais based upon the same requirements outlined in CARB’s 2017 Scoping Plan and SB

---

<sup>22</sup> See *supra*.

<sup>24</sup> SCAG (Apr. 2016) 2016 RTP/SCS, p. 69, 75-115, <http://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf>.

<sup>25</sup> *Id.*, p. 8, 15, 153, 166.



375.

For both the 2012 and 2016 RTP/SCS, SCAG prepared Program Environmental Impact Reports (“PEIR”) that include Mitigation Monitoring and Reporting Programs (“MMRP”) that list project-level environmental mitigation measures that directly and/or indirectly relate to a project’s GHG impacts and contribution to the region’s GHG emissions.<sup>26</sup>

Here, the IS/MND claims the Project is consistent with SCAG’s 2016-2040 RTP/SCS Plan<sup>27</sup> (“RTP/SCS Plan”) through the analysis of seven general goals or policies of that plan. However, the goals that the IS/MND analyzes for Project consistency are not applicable at the project level, only at a plan level to inform implementation of the RTP/SCS Plan. Thus, the IS/MND incorrectly relies upon plan level goals outlined in the RTP/SCS. In the 2016 RTP/SCS Plan, SCAG states that:

The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. Ultimately, the Plan is intended to help guide transportation and land use decisions and public investments... This Plan’s goals are intended to help carry out our vision for improved mobility, a strong economy and sustainability.<sup>28</sup>

The IS/MND simply does not demonstrate that it is consistent with many of the RTP/SCS Plan’s *project-level* goals, including:

Land Use and Transportation

- Providing transit fare discounts<sup>29</sup>;
- Implementing transit integration strategies<sup>30</sup>; and
- Anticipating shared mobility platforms, car-to-car communications, and automated vehicle technologies.<sup>31</sup>

---

<sup>26</sup> *Id.*, p. 116-124; see also SCAG 2012 RTP/SCS, *supra* fn. 38, p. 77-86.

<sup>28</sup> SCAG 2016-2040 RTP/SCS Plan, pp. 63, 65 (emphasis added).

<sup>29</sup> SCAG 2016 RTP/SCS, pp. 75-114.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

### GHG Emissions Goals<sup>32</sup>

- Reduction in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines,<sup>33</sup> such as:
  - o Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
  - o The potential siting, orientation, and design to minimize energy consumption, including transportation energy.
  - o The potential for reducing peak energy demand.
  - o Alternate fuels (particularly renewable ones) or energy systems.
  - o Energy conservation which could result from recycling efforts.
- Off-site measures to mitigate a project's emissions.
- Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:
  - o Use energy and fuel-efficient vehicles and equipment;
  - o Deployment of zero- and/or near zero emission

---

<sup>32</sup> SCAG 2012 RTP/SCS (Mar. 2012) Final PEIR MMRP, p. 6-2—6-14 (including mitigation measures (“MM”) AQ3, BIO/OS3, CUL2, GEO3, GHG15, HM3, LU14, NO1, POP4, PS12, TR23, W9 [stating “[l]ocal agencies can and should comply with the requirements of CEQA to mitigate impacts to [the environmental] as applicable and feasible ...[and] may refer to Appendix G of this PEIR for examples of potential mitigation to consider when appropriate in reducing environmental impacts of future projects.” (Emphasis added)]),

<http://rtpscs.scag.ca.gov/Documents/peir/2012/final/Final2012PEIR.pdf>; see also id., Final PEIR Appendix G (including MMs AQ1-23, GHG1-8, PS1-104, TR1-83, W1-62), [http://rtpscs.scag.ca.gov/Documents/peir/2012/final/2012fPEIR\\_AppendixG\\_ExampleMeasures.pdf](http://rtpscs.scag.ca.gov/Documents/peir/2012/final/2012fPEIR_AppendixG_ExampleMeasures.pdf); SCAG 2016 RTP/SCS (Mar. 2016) Final PEIR MMRP, p. 11–63 (including MMs AIR-2(b), AIR-4(b), EN- 2(b), GHG-3(b), HYD-1(b), HYD-2(b), HYD-8(b), TRA-1(b), TRA-2(b), USS-4(b), USS-6(b)), [http://scagrtpscs.net/Documents/2016/peir/final/2016fPEIR\\_ExhibitB\\_MMRP.pdf](http://scagrtpscs.net/Documents/2016/peir/final/2016fPEIR_ExhibitB_MMRP.pdf).

<sup>33</sup> CEQA Guidelines, Appendix F-Energy Conservation, [http://resources.ca.gov/ceqa/guidelines/Appendix\\_F.html](http://resources.ca.gov/ceqa/guidelines/Appendix_F.html).

- technologies;
- o Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;
- o Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse;
- o Incorporate design measures to reduce energy consumption and increase use of renewable energy;
- o Incorporate design measures to reduce water consumption;
- o Use lighter-colored pavement where feasible;
- o Recycle construction debris to maximum extent feasible;
- Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs.
- Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;
- Land use siting and design measures that reduce GHG emissions, including:
  - o Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and
  - o Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.

#### Hydrology & Water Quality Goals

- Incorporate measures consistent in a manner that conforms to the

standards set by regulatory agencies responsible for regulating water quality/supply requirements, such as:

- o Reduce exterior consumptive uses of water in public areas, and should promote reductions in private homes and businesses, by shifting to drought-tolerant native landscape plantings(xeriscaping), using weather-based irrigation systems, educating other public agencies about water use, and installing related water pricing incentives.
- o Promote the availability of drought-resistant landscaping options and provide information on where these can be purchased. Use of reclaimed water especially in median landscaping and hillside landscaping can and should be implemented where feasible.
- o Implement water conservation best practices such as low-flow toilets, water-efficient clothes washers, water system audits, and leak detection and repair.
- o Ensure that projects requiring continual dewatering facilities implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the project. Comply with appropriate building codes and standard practices including the Uniform Building Code.
- o Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimized new impervious surfaces to the greatest extent possible, including the use of in-lieu fees and off-site mitigation.
- O Avoid designs that require continual dewatering where feasible.
- o Where feasible, do not site transportation facilities in

groundwater recharge areas, to prevent conversion of those areas to impervious surface.

- Incorporate measures consistent in a manner that conforms to the standards set by regulatory agencies responsible for regulating and enforcing water quality and waste discharge requirements, such as:
  - o Complete, and have approved, a Stormwater Pollution Prevention Plan (“SWPPP”) before initiation of construction.
  - o Implement Best Management Practices to reduce the peak stormwater runoff from the project site to the maximum extent practicable.
  - o Comply with the Caltrans stormwater discharge permit as applicable; and identify and implement Best Management Practices to manage site erosion, wash water runoff, and spill control.
  - o Complete, and have approved, a Standard Urban Stormwater Management Plan, prior to occupancy of residential or commercial structures.
  - o Ensure adequate capacity of the surrounding stormwater system to support stormwater runoff from new or rehabilitated structures or buildings.
  - o Prior to construction within an area subject to Section 404 of the Clean Water Act, obtain all required permit approvals and certifications for construction within the vicinity of a watercourse (e.g., Army Corps § 404 permit, Regional Waterboard § 401 permit, Fish & Wildlife § 401 permit).
  - o Where feasible, restore or expand riparian areas such that there is no net loss of impervious surface as a result of the project.
  - o Install structural water quality control features, such as drainage channels, detention basins, oil and grease traps, filter systems, and vegetated buffers to prevent pollution of

adjacent water resources by polluted runoff where required by applicable urban stormwater runoff discharge permits, on new facilities.

- o Provide structural stormwater runoff treatment consistent with the applicable urban stormwater runoff permit where Caltrans is the operator, the statewide permit applies.
- o Provide operational best management practices for street cleaning, litter control, and catch basin cleaning are implemented to prevent water quality degradation in compliance with applicable stormwater runoff discharge permits; and ensure treatment controls are in place as early as possible, such as during the acquisition process for rights-of-way, not just later during the facilities design and construction phase.
- o Comply with applicable municipal separate storm sewer system discharge permits as well as Caltrans' stormwater discharge permit including long-term sediment control and drainage of roadway runoff.
- o Incorporate as appropriate treatment and control features such as detention basins, infiltration strips, and porous paving, other features to control surface runoff and facilitate groundwater recharge into the design of new transportation projects early on in the process to ensure that adequate acreage and elevation contours are provided during the right-of-way acquisition process.
- o Design projects to maintain volume of runoff, where any downstream receiving water body has not been designed and maintained to accommodate the increase in flow velocity, rate, and volume without impacting the water's beneficial uses. Pre-project flow velocities, rates, volumes must not be exceeded. This applies not only to increases in stormwater runoff from the project site, but also to hydrologic changes induced by flood plain encroachment. Projects should not

cause or contribute to conditions that degrade the physical integrity or ecological function of any downstream receiving waters.

- o Provide culverts and facilities that do not increase the flow velocity, rate, or volume and/or acquiring sufficient storm drain easements that accommodate an appropriately vegetated earthen drainage channel.
- o Upgrade stormwater drainage facilities to accommodate any increased runoff volumes. These upgrades may include the construction of detention basins or structures that will delay peak flows and reduce flow velocities, including expansion and restoration of wetlands and riparian buffer areas. System designs shall be completed to eliminate increases in peak flow rates from current levels.
- o Encourage Low Impact Development (“LID”) and incorporation of natural spaces that reduce, treat, infiltrate and manage stormwater runoff flows in all new developments, where practical and feasible.
- Incorporate measures consistent with the provisions of the Groundwater Management Act and implementing regulations, such as:
  - o For projects requiring continual dewatering facilities, implement monitoring systems and long-term administrative procedures to ensure proper water management that prevents degrading of surface water and minimizes, to the greatest extent possible, adverse impacts on groundwater for the life of the project, Construction designs shall comply with appropriate building codes and standard practices including the Uniform Building Code.
  - o Maximize, where practical and feasible, permeable surface area in existing urbanized areas to protect water quality, reduce flooding, allow for groundwater recharge, and preserve wildlife habitat. Minimize to the greatest extent

- possible, new impervious surfaces, including the use of in-lieu fees and off-site mitigation.
- o Avoid designs that require continual dewatering where feasible.
  - o Avoid construction and siting on groundwater recharge areas, to prevent conversion of those areas to impervious surface.
  - o Reduce hardscape to the extent feasible to facilitate groundwater recharge as appropriate.
- Incorporate mitigation measures to ensure compliance with all federal, state, and local floodplain regulations, consistent with the provisions of the National Flood Insurance Program, such as:
    - o Comply with Executive Order 11988 on Floodplain Management, which requires avoidance of incompatible floodplain development, restoration and preservation of the natural and beneficial floodplain values, and maintenance of consistency with the standards and criteria of the National Flood Insurance Program.
    - o Ensure that all roadbeds for new highway and rail facilities be elevated at least one foot above the 100-year base flood elevation. Since alluvial fan flooding is not often identified on FEMA flood maps, the risk of alluvial fan flooding should be evaluated and projects should be sited to avoid alluvial fan flooding. Delineation of floodplains and alluvial fan boundaries should attempt to account for future hydrologic changes caused by global climate change.

#### Transportation, Traffic, and Safety

- Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.
- Create a ride-sharing program by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and



providing a web site or message board for coordinating rides.

- Provide a vanpool for employees.
- Provide a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The TDM shall include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use, including:
  - Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement.
  - Direct transit sales or subsidized transit passes.
  - Guaranteed ride home program.
  - Pre-tax commuter benefits (checks).
  - On-site car-sharing program (such as City Car Share, Zip Car, etc.).
  - On-site carpooling program.
  - Distribution of information concerning alternative transportation options.
  - Parking spaces sold/leased separately.
  - Parking management strategies; including attendant/valet parking and shared parking spaces.
- Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading and waiting areas.
- Encourage the use of public transit systems by enhancing safety and cleanliness on vehicles and in and around stations, providing shuttle service to public transit, offering public transit incentives and providing public education and publicity about public transportation services.

- Build or fund a major transit stop within or near transit development upon consultation with applicable CTCs.
- Work with the school districts to improve pedestrian and bike access to schools and to restore or expand school bus service using lower-emitting vehicles.
- Purchase, or create incentives for purchasing, low or zero-emission vehicles.
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.
- Promote ride sharing programs, if determined feasible and applicable by the Lead Agency, including:
  - Designate a certain percentage of parking spaces for ride-sharing vehicles.
  - Designate adequate passenger loading, unloading, and waiting areas for ride-sharing vehicles.
  - Provide a web site or message board for coordinating shared rides.
  - Encourage private, for-profit community car-sharing, including parking spaces for car share vehicles at convenient locations accessible by public transit.
  - Hire or designate a rideshare coordinator to develop and implement ridesharing programs.
- Support voluntary, employer-based trip reduction programs, if determined feasible and applicable by the Lead Agency, including:
  - Provide assistance to regional and local ridesharing organizations.
  - Advocate for legislation to maintain and expand incentives for employer ridesharing programs.
  - Require the development of Transportation Management Associations for large employers and commercial/ industrial

complexes.

- o Provide public recognition of effective programs through awards, top ten lists, and other mechanisms.
- Implement a “guaranteed ride home” program for those who commute by public transit, ridesharing, or other modes of transportation, and encourage employers to subscribe to or support the program.
- Encourage and utilize shuttles to serve neighborhoods, employment centers and major destinations.
- Create a free or low-cost local area shuttle system that includes a fixed route to popular tourist destinations or shopping and business centers.
- Work with existing shuttle service providers to coordinate their services.
- Facilitate employment opportunities that minimize the need for private vehicle trips, such as encourage telecommuting options with new and existing employers, through project review and incentives, as appropriate.
- Organize events and workshops to promote GHG-reducing activities.
- Implement a Parking Management Program to discourage private vehicle use, including:
  - o Encouraging carpools and vanpools with preferential parking and a reduced parking fee.
  - o Institute a parking cash-out program or establish a parking fee for all single-occupant vehicles.

#### Utilities & Service Systems

- Integrate green building measures consistent with CALGreen (Title 24, part 11), U.S. Green Building Council’s Leadership in Energy and Environmental Design, energy Star Homes, Green Point Rated

Homes, and the California Green Builder Program into project design including, but not limited to the following:

- o Reuse and minimization of construction and demolition (C&D) debris and diversion of C&D waste from landfills to recycling facilities.
- o Inclusion of a waste management plan that promotes maximum C&D diversion.
- o Development of indoor recycling program and space.
- o Discourage exporting of locally generated waste outside of the SCAG region during the construction and implementation of a project. Encourage disposal within the county where the waste originates as much as possible. Promote green technologies for long-distance transport of waste (e.g., clean engines and clean locomotives or electric rail for waste-by-rail disposal systems) and consistency with SCAQMD and 2016 RTP/SCS policies can and should be required.
- o Develop ordinances that promote waste prevention and recycling activities such as: requiring waste prevention and recycling efforts at all large events and venues; implementing recycled content procurement programs; and developing opportunities to divert food waste away from landfills and toward food banks and composting facilities.
- o Develop alternative waste management strategies such as composting, recycling, and conversion technologies.
- o Develop and site composting, recycling, and conversion technology facilities that have minimum environmental and health impacts.
- o Require the reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- o Integrate reuse and recycling into residential industrial,

institutional and commercial projects.

- o Provide recycling opportunities for residents, the public, and tenant businesses.
- o Provide education and publicity about reducing waste and available recycling services.
- o Implement or expand city or county-wide recycling and composting programs for residents and businesses. This could include extending the types of recycling services offered (e.g., to include food and green waste recycling) and providing public education and publicity about recycling services.

The IS/MND fails to mention or demonstrate consistency with the above listed measures and strategies of the SCAG RTP/SCS Plan. The IS/MND should be revised to indicate what *specific project-level* policies and goals will be followed that demonstrate consistency with the RTP/SCS Plan.

D. The Project is Inconsistent with the City of Camarillo’s General Plan – Community Design Element

The General Plan’s Community Design Element was established for the purpose of “preservation and enhancement of [the City’s] unique physical and visual character.”<sup>34</sup> While the IS/MND’s land use analysis includes some compliance measures to satisfy the Heritage Zone requirements, it fails to address and ensure compliance with other elements of the Community Design Element, including:

- 10.2.4, Citywide Character Design Guidelines: Providing connectivity and linkages for pedestrians, bicycles and vehicles to nearby land uses and amenities;
  - o There is no evidence in the IS/MND that Project sidewalks and surroundings will provide necessary linkages for surrounding buildings and streets.
- Objective RA-1.2: Respect surrounding context and scale of

---

<sup>34</sup> City of Camarillo General Plan – Community Design Element, 1, available at <https://www.cityofcamarillo.org/Comm%20Dev/General%20Plan/10%20Community%20Design%20Element%2006-2012.pdf>.

adjacent buildings;

- The Project site is surrounded by industrial land uses and small single-family homes. The scale of the Project is not compatible with the surrounding environment.
- Objective RA-1.3: Multi-family residential developments should be integrated with surrounding land uses and neighborhoods;
  - There is no evidence in the IS/MND that the Project will be integrated with the surrounding neighborhood.
- Objective RA-1.8: Provide bicycle facilities with residential neighborhoods;
  - The IS/MND does not provide or support bicycle facilities on site or in the surrounding area.
- Objective RA-2.1, Policy RA-2.1.2: Affordable housing should be compatible with existing land uses surrounding the property;
  - The Project site is surrounded by industrial land uses and small single-family homes. The proposed project, given its scale, is thus not compatible with surrounding land uses.
- Policy RA-3.1.1, Policy RA-3.1.3: Create pedestrian and bicycle-oriented design;
  - The design does appear to support bicycle use.
- 10.3.4: Residential Design Guidelines, Building Form: Multi-family units shall be compatible in scale and design with neighboring single-family homes;
  - The Project site is surrounded by industrial land uses and small single-family homes. The proposed project, given its scale, is thus not compatible with surrounding land uses.
- 10.3.4: Residential Design Guidelines, Building Form: A combination of exterior building materials such as stone, stucco, and wood should be used;
  - The Project design appears to include only stucco exterior

surfaces. The Design should be amended to include varying surfaces.

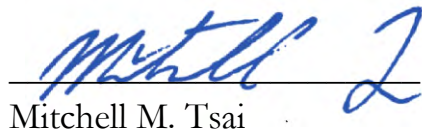
- 10.3.4: Residential Design Guidelines, Massing: Upper stories of new multi-family buildings should be stepped back to reduce the scale of facades that face the street, courtyards, or open space areas;
  - Upper stories of the residential building are not stepped back to reduce scale facing the street, courtyard, or open space areas.
- 10.3.4: Residential Design Guidelines, Massing: Multi-family units shall be designed and detailed to complement the neighboring single-family detached homes and incorporate features of the neighboring units;
  - The Project site is surrounded by industrial land uses and small single-family homes. The single-family homes are not in the Mediterranean design mode. The Project design should be altered to be compatible with the existing neighborhood design character.

The IS/MND should be amended to analyze consistency with these goals, policies, and objectives and amend the Project design where appropriate to ensure compliance with the City's Community Design Element.

### III. CONCLUSION

Commenters request that the City revise and recirculate the Project's IS/MND and/or prepare an environmental impact report which addresses the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office.

Sincerely,



Mitchell M. Tsai

Attorneys for Southwest Regional Council of Carpenters

**ATTACHMENTS:**

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B);

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C);

SWRCC November 13, 2020 Letter to City of Camarillo re MND for the 2800 Barry Street Affordable Housing Project (Exhibit D);

SWRCC November 30, 2020 Letter to City of Camarillo Planning Commission re 2800 Barry Street Affordable Housing Project (Exhibit E);

SWAPE December 17, 2020 Letter to Greg Sonstein re Comments on 2800 Barry Street Affordable Housing Project (Exhibit F); and

SWRCC April 5, 2021 Letter to City of Camarillo re Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain for the 2800 Barry Street Affordable Housing Project (Exhibit G).