

**CEQA FINDINGS OF FACT
AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE
IRWINDALE HOUSING ELEMENT and GENERAL PLAN UPDATE
STATE CLEARINGHOUSE NO. 2023120387**

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (“EIR”) prior to approval of the project pursuant to CEQA Guidelines Sections 15091 and 15093 and Public Resources Code (PRC) Section 21081. State CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes that it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other materials that constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

PRC Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA Guidelines Section 15364 adds another factor: “legal” considerations (see *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*)).

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”]). An alternative may also be rejected because it “would not ‘entirely fulfill’ [a] project objective” *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314–315). “[F]easibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects” (CEQA Guidelines Sections 15093, 15043(b); see also PRC Section 21081(b)). The California Supreme Court has stated, “[t]he wisdom of approving ... any development project, a delicate task that requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Goleta II*, supra, 52 Cal.3d at p. 576).

When adopting a Statement of Overriding Considerations, State CEQA Guidelines Section 15093 further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

- (b) Where the lead agency approves a project that will result in the occurrence of significant effects that are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, independently reviewed, and considered the Draft Program Environmental Impact Report (Draft PEIR) and the Final Program Environmental Impact Report (Final PEIR) for the Irwindale Housing Element and General Plan Update, State Clearinghouse (SCH) No. 2023120387 (collectively, the PEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Facts (Findings) are hereby adopted by the City of Irwindale (City) in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the City for adoption and implementation of the programs in the Housing Element, Safety Element, and Environmental Justice Element (Project). This action includes the certification of the City of Irwindale Housing Element and General Plan Update Program Environmental Impact Report, SCH No. 2023120387.

A. FORMAT OF THE FINDINGS

These Findings have been organized into the following sections:

Section I provides an introduction.

Section II provides a summary of the project, overview of the discretionary actions required for approval of the project, and a statement of the project's objectives.

Section III provides a summary of the environmental review process.

Section IV provides the resource areas that were determined to have no impact or be less than significant and therefore, scoped out of the PEIR.

Section V sets forth findings regarding potentially significant environmental impacts identified in the Draft PEIR that the City has determined can feasibly be mitigated to a less than significant level through the imposition of mitigation measures. In order to ensure compliance and implementation, all of these measures are included in the Mitigation Monitoring and Reporting Program (MMRP) for the project. This subsection provides an analysis of the nature and extent of potential Project impacts. These analyses address direct (or primary) effects of the Project as well as the indirect (or secondary) impacts, as necessary. This subsection also provides applicable proposed General Plan Goals and Policies that may reduce or eliminate Project impacts. In addition, this section sets forth

findings regarding those potentially significant environmental impacts identified in the Draft PEIR that will or may result from the Project and which the City has determined cannot feasibly be mitigated to a less than significant level. This subsection provides feasible mitigation measures that will reduce or eliminate significant impacts identified in the analysis of Project impacts.

Section VI addresses the MMRP.

Section VII sets forth findings regarding alternatives to the Project.

Section VIII Sets forth the Statement of Overriding Considerations which discusses the economic, legal, social, technological, and other benefits of the Project and compares these to the Project's unavoidable environmental risks.

B. RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the Record of Proceedings for the Project consists of the following documents and other evidence, at a minimum:

The NOP, NOA for the Draft PEIR, and all other public notices issued by the City in conjunction with the Project;

The Draft PEIR for the Project;

The Final PEIR for the Project;

All written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;

All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft PEIR;

All documents, studies, EIRs, and other materials incorporated by reference in the Draft PEIR, and Final PEIR, including the MMRP;

All staff reports and related documents prepared by the City and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the City pursuant to CEQA;

Matters of common knowledge to the City of Irwindale, including but not limited to federal, state, and local laws and regulations;

Any documents expressly cited in these Findings; and

Any other relevant materials required to be in the record of proceedings by PRC Section 21167.6(e)

C. CUSTODIAN AND LOCATION OF RECORDS

The documents and other material that constitute the record of proceedings on which these findings are based are located at the City of Irwindale Community Development Department. The custodian for these documents is the City of Irwindale, Community Development Department – Planning Division. This information is provided in compliance with PRC Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

II. PROJECT DESCRIPTION

Chapter 2, Project Description, in the Draft PEIR provides a detailed description of the Project that is evaluated in the Draft PEIR. The following is a summary of the Project. The City encompasses approximately 9.5 square miles and is located roughly 20 miles east of downtown Los Angeles within the San Gabriel Valley area in the County of Los Angeles. State law requires every city and county in California to have an adopted comprehensive long-range general plan with specific contents in order to provide a vision for the jurisdiction's future and informs local decisions about land use and development. The City's current General Plan was adopted in June 2008 and consists of six elements: Community Development Element, Housing Element, Infrastructure Element, Resource Management Element, Public Safety Element (also known as Safety Element as part of the Project), and Implementation Element.

California Government Code Section 65302(c) mandates that each city within California includes a Housing Element in its General Plan. The timing for jurisdictions to update their Housing Elements is based on the update schedule established for regional transportation plans (RTPs) prepared by federally designated metropolitan planning organizations. The Southern California Association of Governments (SCAG) is the federally designated metropolitan planning organization representing all jurisdictions in Los Angeles County, including Irwindale. Every 4 years, SCAG must update its Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). As a result, all member jurisdictions need to update their Housing Elements every 8 years. The SCAG Regional Council adopted the Connect SoCal 2024 plan in April 2024. For SCAG member jurisdictions, the 6th Cycle Housing Element planning period extends from 2021 to 2029. As part of Connect SoCal, SCAG assigns a number of housing units that the County of Los Angeles (County) is required to plan for in the 8-year Housing Element cycle. That number of residential units is called the Regional Housing Needs Allocation (RHNA), and it is broken down by income category, ensuring that all economic groups are accommodated. The County then assigns residential unit amounts to its jurisdictions based on a regional housing production target set by the California Department of Housing and Community Development (HCD). This assignment of residential units is referred to as each jurisdiction's RHNA.

Housing Element: The overall purpose of the 2021–2029 Housing Element is to address the housing needs of all types of households and income levels for current and future Irwindale residents. State law requires that the City's 2021–2029 Housing Element contain specific contents, including an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels of affordability assigned to the City by the County and SCAG. The Housing Element is required to identify and analyze existing and projected housing needs within the City and include statements of the City's goals, policies, quantified objectives,

and scheduled programs to preserve, improve, and develop housing. In adopting its Housing Element, each city must consider economic, environmental, and fiscal factors, as well as community goals as set forth in the General Plan, in compliance with California Government Code Section 65580 et seq. In compliance with Government Code Section 65580 et seq., the City is updating its Housing Element for the planning period of 2021–2029 (hereafter referred to as the 2021–2029 Housing Element or the updated Housing Element). The Revised Draft 2021–2029 Housing Element was provided for public review in November 2022 and has been revised in response to HCD’s comments. The Revised Draft Housing Element (April 2025) is provided on the City’s website at <https://www.irwindaleca.gov/570/Housing-ElementGeneral-Plan-Update>.

Consistent with Government Code Section 65302(c) and California Government Code Section 65580 et seq., the Draft 2021–2029 Housing Element provides a plan to accommodate the City’s RHNA allocation. HCD consults with regional council of governments to allocate the RHNA across each region of the state. SCAG represents all jurisdictions in Los Angeles County, including Irwindale.

For the 2021–2029 housing cycle, Los Angeles County has been assigned a RHNA of 812,060 housing units, with Irwindale receiving an allocation of 119 units. Draft PEIR Table ES-1, *Adequate Sites Analysis Summary*, shows how the Irwindale 2021–2029 RHNA is allocated across four income levels (Very Low, Low, Moderate, and Above Moderate), the remaining unmet RHNA from the 5th planning cycle, the target capacity (6th Cycle RHNA plus a 25 percent buffer), and the capacity identified on candidate rezone sites.

The proposed housing sites inventory includes five sites within the City (Draft PEIR Figure 2-6, Proposed Housing Sites Inventory), which include Site 1 – Allen Drive; Site 2 – 12881 Ramona Boulevard; Site 3 – 13201 Ramona Boulevard; Site 4 – Gold Line Reliance II; and Site 5 – Irwindale/Padilla. The Draft PEIR evaluates the realistic buildout of the five sites identified for residential development in the Housing Element, which could result in the future development of up to 279 units. The PEIR evaluates the future development (construction) and operation of the housing units that could be developed as a result of the Project. There are no specific projects proposed at this time.

Safety Element: The Safety Element is a state-mandated component of a General Plan and state law requires that it be updated as needed to address fire risk and climate adaptation and resiliency strategies (Government Code Sections 65302(g) and 65302.15). The updated Safety Element (previously named the Public Safety Element) identifies the potential risks to life and property resulting from naturally occurring hazards, such as earthquakes and floods, and man-made hazards, such as air pollution and contamination of water quality. In addition, the updated Safety Element identifies the appropriate public safety providers, such as law enforcement, emergency preparedness, and response teams necessary to handle the different types of safety hazards and risks.

Specifically, the updated Safety Element identifies locations within the City that may be inappropriate for certain land uses due to potential risks and hazards as well as areas where hazards are present but can be mitigated through special design and site planning measures.

The updated Safety Element also considers the economic and social dislocation resulting from natural and human-made hazards, including long-term costs to the City, such as maintenance, liability exposure, and emergency services, where high hazards exist. To address these hazards and risks, the City has established goals, policies, and implementation actions to guide the City's planning and decision-making processes for future projects within the City to ensure that various health and safety hazards are considered in planning the location, design, intensity, density, and type of land uses in a given area.

Environmental Justice Element: California Government Code Section 65302(h) requires jurisdictions to adopt an Environmental Justice (EJ) Element if it contains a defined "disadvantaged community." The California Environmental Protection Agency (Cal EPA) defines a "disadvantaged community" as a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation (Health and Safety Code Section 39711). Adoption of an EJ Element can occur at any time but is required when the jurisdiction is adopting or revising two or more General Plan elements concurrently. Since the City is in the process of updating its General Plan Housing Element and Safety Element, the City is also required to adopt an EJ Element at this time.

Zone Ordinance Amendment: The proposed Zone Ordinance Amendment will amend Chapter 17.04 Residential Zoning Districts to add a section for Residential Overlay as a zone district. The base zoning district will remain, but the overlay will allow for residential development to meet the 6th Cycle RHNA requirements.

A. DISCRETIONARY ACTIONS AND APPROVALS

The Project requires the following discretionary actions and approvals from the City:

Certification of the City of Irwindale Housing Element and General Plan Update PEIR (SCH No. 2023120387)

Approval of General Plan Amendments for the Housing Element, Community Development Element, Safety Element, and Environmental Justice Element

Approval of Zone Ordinance Amendment to add Residential Overlay to the Zoning Code

Approval of Zone Changes to rezone the sites identified in the Housing Element

Adoption of Findings of Fact and Statement of Overriding Considerations

B. STATEMENT OF PROJECT OBJECTIVES

The purpose of the Project is to implement the policies and programs included in the 2021–2029 Housing Element (Housing Element), Safety Element, and EJ Element. The Project would replace the existing Housing and Safety Elements of the current General Plan and would add an EJ Element to the General Plan. The Zoning Code provides the mechanism to implement the City's

General Plan. The Project would also amend the zoning of the identified properties and the Municipal Code to allow the densities identified in the Housing Element Site Inventory.

The Project includes the following goals and objectives:

1. Facilitate new housing opportunities throughout the City in response to the state's need for more affordable and market rate housing as well as develop housing solutions to meet the City's 6th Cycle RHNA.
2. Meet the City's housing needs by encouraging a variety of housing development affordable at all income levels, especially for extremely low- and very-low income households, including construction of Accessory Dwelling Units (ADUs), subdivision/lot split opportunity sites, and other housing choices on identified opportunity sites.
3. Reduce, remove, and/or streamline potential governmental constraints and barriers to housing development and promote equal housing opportunities for all people; incorporate best practices related to land use, racial equity, mobility, housing affordability, safety, environmental justice, community services, and healthy neighborhoods.
4. Affirmatively further fair housing to address special housing needs, primarily for seniors and people living with disabilities, promote fair housing choice, eliminate disparities in housing opportunities, and foster inclusive communities free from discrimination.
5. Embrace technology and innovative practices to create sustainable, energy efficient, and healthy communities and adaptable infrastructure systems.
6. Develop a Safety Element that meets all the requirements under Government Code Section 65302(g)(1) through (g)(9), and that reflects state and local regulations for specific hazards, with the intent of protecting people and key infrastructure from damage resulting from an environmental hazard.
7. Develop an Environmental Justice Element that meets all requirements under Government Code Sections 65302(h)(1) through 65302(h)(2), and that reflects state and local regulations for evaluating environmental hazards, pollution, health risks and social challenges in disadvantaged communities.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION PROCESS

In conformance with CEQA and the State CEQA Guidelines, the City conducted an extensive environmental review of the Project.

The City determined that an EIR would be required for the Irwindale Housing Element and General Plan Update Project and issued a Notice of Preparation (NOP) on December 14, 2023. The NOP was sent to all responsible agencies, trustee agencies, and the Governor's Office of Land Use and Climate Innovation (LCI) and posted at the Los Angeles County

Clerk-Recorder's office and on the City's website on December 14, 2023. The thirty (30)-day public review period extended from December 14, 2023, to January 13, 2024.

The City posted the NOP on the City's Planning website along with information regarding the process for providing comments. During the public review period, four comment letters were received. Correspondence was received from the California Governor's Office of Emergency Services (Cal OES), Department of Toxic Substances Control (DTSC), Native American Heritage Commission (NAHC), and the South Coast Air Quality Management District (SCAQMD):

- The scope of the Draft PEIR was determined based on the City's comments received in response to the NOP. Chapter 4 of the Draft PEIR describes the issues identified for analysis in the Draft PEIR.

The City of Irwindale prepared a Draft PEIR, which was made available for a forty-five (45)-day public review period beginning April 4, 2025, and ending on May 19, 2025.

- The complete Draft PEIR consisted of the analysis of the City of Irwindale Housing Element and General Plan Update and all referenced appendices.
- The Notice of Availability (NOA) for the Draft PEIR was sent to the last known name and address of all organizations and individuals who previously requested such notice in writing.
- The NOA was also posted on the City's website at <https://www.irwindaleca.gov/570/Housing-Element-General-Plan-Update>, posted on the San Gabriel Tribune, and was made available for review at the City's Community Development Department Planning Division at 16102 Arrow Highway, Irwindale's City Hall at 5050 Irwindale Avenue, and at the Irwindale Public Library at 16053 Calle De Paseo.
- The Notice of Completion (NOC) was submitted to the State Clearinghouse for distribution to public agencies on April 4, 2025.

Section 15088(b) of Title 14 of the California Code of Regulations (State CEQA Guidelines requires lead agencies to provide written Responses to Comments to public agencies commenting on the Draft PEIR at least 10 days prior to certifying the Final PEIR).

- During the Draft PEIR public review period, the City received two (2) comment letters on the Draft PEIR. These comment letters are included in Appendix A, Comment Letters, of the Final PEIR. All written comments received during the public review period of the Draft PEIR are presented, and responses are provided in Final PEIR Chapter 2, *Response to Comments*.

On June 30, 2025, California Governor Newsom signed Senate Bill 131 (SB 131) and Assembly Bill 130 (AB 130, two budget trailer bills that significantly modify the California Environmental Quality Act (CEQA). These bills were effective immediately. SB 131 exempts local governments from CEQA review for rezoning actions that implement an adopted housing element, so long as

the rezoning complies with local planning and zoning laws. Under existing law, a decision to rezone certain land could trigger a CEQA review (or lawsuit). SB 131 eliminates CEQA review where the local government seeks to align a zoning designation with the locality's approved housing element.

Per SB 131 and PRC Section 21080.085, while the rezoning to align with the City's Housing Element is exempt from CEQA review and thus, the PEIR conclusions are not relevant for the rezoning. However, the PEIR evaluated the future development and operation of the housing units that could be developed as a result of the Project. The mitigation measures, which will reduce potentially significant impacts during the construction and operation of the future housing remain relevant and applicable to individual future housing development projects in the City

IV. ENVIRONMENTAL ANALYSIS

As determined in the Initial Study, the Safety Element and EJ Element were determined to have no impact on the environment due to these elements being policy documents that do not include any physical development. The PEIR focuses on the Housing Element and the amendments and rezoning necessary to implement the Housing Element. Although there are no specific plans for development of the five housing sites at this time, the PEIR evaluates at a program-level the future development and operation of the units that could occur as a result of the Project.

A. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT DURING THE SCOPING PROCESS

Based on the Initial Study prepared for the Project and the scoping process (including review of NOP responses), the City determined, based upon the threshold criteria for significance, that the following issues would result in no impact or less than significant impacts and will not require further analysis in the Draft PEIR:

Aesthetics: Substantial adverse effect on a scenic vista; substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings with a State Scenic Highway; and create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Agriculture and Forestry Resources: Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland) to a non-agriculture use or conflict with existing zoning for agricultural use; or a Williamson Act contract; conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production or result in the loss of forest land or conversion of forest land to non-forest use.

Geology/Soils: Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving (i) rupture of a known earthquake fault, (ii) strong seismic ground shaking, (iii) seismic-related ground failure, including liquefaction, and (iv) landslides; substantial soil erosion or the loss of topsoil; be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project; be located on expansive soils creating substantial direct or indirect risks to life or property; and soils incapable of supporting use of septic tanks or alternative wastewater disposal systems.

Hazards and Hazardous Materials: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; reasonably foreseeable upset and accident conditions involving the release of hazardous materials; emit hazardous emissions or handle hazardous or acutely hazardous materials within one-quarter mile of an existing or proposed school; be located on a site listed compiled pursuant to Government Code Section 65962.5; be located within an airport land use plan, or within two miles of a public airport or public use airport that would result in safety hazards or excessive noise for people residing or working in the area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structure, directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Hydrology and Water Quality: Violate any water quality standards of water discharge requirements or otherwise degrade surface or ground water quality; decrease groundwater supplies or interfere substantially with groundwater recharge that may impede sustainable groundwater management of the basin; alter the existing drainage pattern of the site or area, including through the alternation of the course of a stream or river, or through the addition of impervious services, in a manner that would: result in a substantial erosion or siltation on- or off-site; increase the rate or amount of surface runoff that would result in flooding on- or off-site; create or contribute to runoff water that would exceed the capacity of existing or planning stormwater drainage systems or provide additional sources of polluted runoff; or impede or reduced flood flows; in a flood hazard, tsunami, or seiche zones, release pollutants due to project inundation; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Mineral Resources: Result in the loss of availability of a known mineral resource that would be a value; or result in the loss of availability of a locally important mineral resource site delineated on a local general plan, specific plan or other land use plan.

Recreation: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Wildfire: Substantially impact an adopted emergency response plan or emergency evacuation plan; due to slope, prevailing winds, and other actors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require the installation or maintenance of associated infrastructure (roads, fuel breaks, emergency water sources, power lines or other utilities), that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to a significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire instability, or drainage changes.

B. IMPACTS DETERMINED AS LESS THAN SIGNIFICANT IN THE EIR

This section identifies resource areas evaluated in the Draft PEIR in which the analysis concludes that impacts of the Project would be less than significant without implementation of project-specific mitigation measures.

Aesthetics - Impact AES-1 and Impact AES-2: In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings, or in urban areas, conflict with applicable zoning and other regulations governing scenic quality (refer to Draft PEIR Section 4.1, *Aesthetics*, for a detailed discussion).

Air Quality - Impact AQ-4: Result in other emissions (such as odors) adversely affecting a substantial number of people (refer to Draft PEIR Section 4.2, *Air Quality*, for a detailed discussion).

Biological Resources - Impact BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS) (refer to Draft PEIR Section 4.3, *Biological Resources*, for a detailed discussion).

Cultural Resources - Impact CUL-3: Disturb any human remains, including those interred outside of dedicated cemeteries (refer to Draft PEIR Section 4.4, *Cultural Resources*, for a detailed discussion).

Energy - Impact ENG-1 and Impact ENG-2: Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or conflict with or obstruction a state or local plan for renewable energy or energy efficiency (refer to Draft PEIR Section 4.5, *Energy*, for a detailed discussion).

Greenhouse Gas Emissions - Impact GHG-1 and Impact GHG-2: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases (refer to Draft PEIR Section 4.7, *Greenhouse Gas Emissions*, for a detailed discussion).

Land Use and Planning - Impact LU-2: Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environment effect (refer to Draft PEIR Section 4.8, *Land Use and Planning*, for a detailed discussion).

Noise - Impact NOI-1 (operation), Impact NOI-2 (operation), and Impact NOI-3: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in exceed of standards established in the local general plan or noise ordinance,

or applicable standards of other agencies (operation only); generate excessive groundborne vibration or groundborne noise levels (operation only); or expose people residing or working in the project area to excessive noise levels generated by aircraft (refer to Draft PEIR Section 4.9, *Noise*, for a detailed discussion).

Population and Housing - Impact POP-1 and Impact POP-2: Induce substantial unplanned population growth in an area, either directly or indirectly; or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (refer to Draft PEIR Section 4.10, *Population and Housing*, for a detailed discussion).

Public Services - Impact PS-1, Impact PS-2, Impact PS-3, Impact PS-4, and Impact PS-5: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times, or other performance objectives for fire protection, police protection, schools, parks, or other public facilities (refer to Draft PEIR Section 4.11, *Public Services*, for a detailed discussion).

Transportation - Impact TRA-1, Impact TRA-3, and Impact TRA-4: Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; increase hazards due to a geometric design feature or incompatible uses; or result in inadequate emergency access (refer to Draft PEIR Section 4.12, *Transportation*, for a detailed discussion).

Utilities and Service Systems - Impact UTL-1, Impact UTL-2, Impact UTL-3, Impact UTL-4, and Impact UTL-5: Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects; have sufficient water supplies available to serve the project and reasonably foreseeable future development during the normal, dry, and multiple dry years, result in adequate waste water treatment capacity to serve the project's projected demand in addition to the providers existing commitments; generate solid waste in exceed for state or local standards, or in exceed of the capacity of local infrastructures, or other impact the attainment of solid waste reduction goals; or comply with federal, state, and local management and reduction statutes and regulations related to solid waste (refer to Draft PEIR Section 4.14, *Utilities and Service Systems*, for a detailed discussion).

V. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The following potentially significant environmental impacts were analyzed in the Draft PEIR, and the effects of the project were considered. Because of environmental analysis of the project and the identification of relevant General Plan policies; compliance with existing laws, codes, and statutes; and the identification of feasible mitigation measures, some potentially significant impacts have been determined by the City to be reduced to a level of less than significant, and the City has found—in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines

Section 15091(a) (1)—that “Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.” This is referred to herein as “Finding 1.”

Where the City has determined—pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2)—that “Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,” the City’s finding is referred to herein as “Finding 2.”

Where, as a result of the environmental analysis of the project, the City has determined that either (1) even with the identification of project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance with CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3) that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.” This is referred to herein as “Finding 3.”

A. IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The following summary describes impacts of the Project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the PEIR, these impacts would be reduced to less than significant.

1. Biological Resources

Impact BIO-1: The Project could have a substantial adverse effect, either directly, indirectly, or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

While the five identified Housing Sites lack suitable habitat for special-status plant species, three special-status wildlife species—Crotch’s bumble bee, American bumble bee, and burrowing owl—have a moderate potential to occur at these locations. Housing Sites 2, 3, and 5 are currently developed and do not provide habitat for these species. However, the vacant and disturbed conditions of Housing Sites 1 and 4 suggest they could support American bumble bee and burrowing owl, with Housing Site 4 potentially accommodating Crotch’s bumble bee. Future development may lead to impacts on wildlife through direct mortality and habitat removal, alongside indirect consequences stemming from increased traffic, noise, human presence, and pollution. Additionally, Housing Site 4 is adjacent to designated critical habitat for the southwestern willow flycatcher. The suitable riparian vegetation, which contains the primary constituent elements (PCEs) for the southwestern willow flycatcher, lies approximately 1,200 to 1,400 feet from Housing Site 4. Hence, the proposed residential development would not affect

critical habitat containing PCEs. Any future discretionary projects resulting from the Project will undergo comprehensive site-specific reviews and CEQA analyses to identify and mitigate potential significant impacts on special-status species and their habitats. With implementation of the following mitigation measures, impacts will be less than significant.

Mitigation Measures

MM BIO-1: Special-Status Bees. Prior to approval of individual projects on Housing Site 1 or 4 that are subject to CEQA review (i.e., non-exempt projects) and may impact potentially suitable habitat for Crotch's bumble bee and/or American bumble bee, the City shall require a habitat assessment to be completed by a qualified biologist(s) with demonstrated knowledge of the requirements of Crotch's bumble bee. If no suitable habitat for these species is identified within 300 feet of construction and/or maintenance activities, no further measures shall be required in association with the project.

For individual projects on identified Housing Site 1 or 4 where a qualified biologist has evaluated the property and found suitable foraging or nesting habitat for Crotch's bumble bee or American bumble bee within 300 feet of construction and/or maintenance activities, the project applicant shall retain a qualified entomologist with the appropriate take authorization to conduct surveys to determine presence/absence in accordance with the applicable protocols established by the USFWS and/or CDFW at the time of site development.

Per the current CDFW requirements, set forth in the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species, surveys should be conducted within one year prior to vegetation removal and/or grading throughout the entire project site by a qualified entomologist familiar with the species' behavior and life history. A minimum of three surveys should be conducted during peak flying season when the species is most likely to be detected above ground, between April 1 to August 31 for Crotch's bumble bee and between June 1 to October 31 for American bumble bee. The qualified entomologist should utilize a non-lethal survey methodology and obtain appropriate photo vouchers for species confirmation. During the surveys, the entomologist should flag inactive small mammal burrows and other potential nest sites to reduce the risk of take. Survey results, including negative findings, should be submitted to CDFW prior to obtaining appropriate permits. At minimum, a survey report should provide the following:

Qualifications/resumes of surveyor(s) for qualified entomologist(s) and, if applicable, approved biologists for identification of photo vouchers.

A description of location and map of the survey area, focusing on areas that could provide suitable habitat for bee species.

Field survey conditions that should include name(s) of qualified entomologist(s); date and time of survey; temperature, wind speed.

Detailed habitat assessment including percent cover of floral resources and potential nesting and overwintering habitat.

Number of surveyors per acre, number of acres surveyed, amount of time of focused surveys.

List of bee species observed.

Foraging habitat surveys: host plant inventory list.

Nesting habitat surveys: type of nest/structure surveyed and if bees were found in them, number of nests found in project site, photo log of suitable habitat and plants.

Photo vouchers of bumble bees for identification and confirmation that photo vouchers were submitted and identified, if applicable.

If Crotch's bumble bee or American bumble bee is detected, the qualified entomologist should identify the location of all nests within and adjacent to the project site. A 15-meter no-disturbance buffer zone should be established around any identified nest(s) to reduce the risk of disturbance or accidental take. A qualified entomologist should expand the buffer zone as necessary to prevent disturbance or take.

If Crotch's bumble bee is detected and impacts to this species cannot be feasibly avoided, project applicants shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish and Game Code Section 2080 et seq). Appropriate authorization from CDFW under the California Endangered Species Act (CESA) may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish and Game Code Sections 2080.1, 2081(b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP.

American bumble bee has declined by as much as 89 percent in terms of this species' relative abundance in the United States. Therefore, the Center for Biological Diversity and Bombus Pollinators Association of Law Students have submitted a Petition to List the American Bumble Bee *Bombus pensylvanicus* as an Endangered Species Under the U.S. Endangered Species Act. If this petition is accepted, American bumble bee may become a Candidate for listing under the Federal Endangered Species Act (FESA). If American bumble bee is detected and the species is listed or identified as a candidate for listing under FESA, then project applicants would be required to consult with USFWS to obtain appropriate take authorization.

Any floral resource associated with Crotch's bumble bee or American bumble bee that will be removed or damaged by individual projects should be replaced at no less than 1:1. Floral resources should be replaced as close to their original location as is feasible. If active bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved.

MM BIO-2: Burrowing Owl. Prior to approval of individual projects on Housing Site 1 or 4 that are subject to CEQA review (i.e., non-exempt projects) and may impact potentially suitable habitat for burrowing owl, the City shall require a habitat assessment to be completed by a qualified biologist(s) with demonstrated knowledge of the requirements of burrowing owl. If no suitable habitat for these species is identified within 500 meters of construction and/or maintenance activities, no further measures shall be required in association with the project.

For individual projects on identified Housing Sites 1 and 4 where a qualified biologist has evaluated the property and found suitable nesting habitat for burrowing owl within 500 meters of construction and/or maintenance activities, the project applicant shall retain a qualified biologist to conduct surveys to determine presence/absence. Surveys should be conducted within one year prior to commencement of construction activities, in accordance with the applicable protocols established by the USFWS and/or CDFW at the time of site development.

Per the current CDFW requirements set forth in the Staff Report on Burrowing Owl Mitigation, a minimum of four focused surveys for burrowing owl in accordance with the Staff Report protocol shall be conducted in areas that contain suitable habitat for the species that would be directly impacted by construction of the Proposed Project.

If burrowing owl is detected, the qualified biologist shall establish avoidance and minimization measures that shall be approved by CDFW prior to commencement of construction activities. Avoidance and minimization measures may include:

Avoiding construction during the nesting period (February 1–August 31).

Establishing buffers around nesting sites in accordance with the recommended buffer distances included in the Staff Report on Burrowing Owl Mitigation, as shown below:

**Table 4.3-3
Burrowing Owl Nesting Sites Recommended Buffers**

Time of Year	Level of Disturbance		
	Low	Medium	High
April 1–August 15	200 meter	500 meters	500 meters
August 16–October 15	200 meters	200 meters	500 meters
October 16–March 31	50 meters	100 meters	500 meters

Ongoing monitoring to ensure that burrowing owls have not colonized/recolonized the site during construction.

If burrowing owls are detected during protocol surveys, preparation of a Burrow Exclusion Plan by a qualified biologist. The Burrow Exclusion Plan shall meet the requirements specified in Appendix E of the Staff Report on Burrowing Owl Mitigation and shall be approved by CDFW.

Conservation of mitigation lands to offset the impact to burrowing owl and its habitat. The conservation of mitigation lands shall be determined through consultation with CDFW depending on the ownership of the occupied land, which shall be established and approved prior to commencement of construction activities.

If burrowing owl is detected onsite and impacts to this species from future projects on Housing Site 1 and/or Housing Site 4 cannot be feasibly avoided, project applicants shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish and Game Code Section 2080 et seq). Appropriate authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options (Fish and Game Code Sections 2080.1, 2081(b) and (c)). Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP.

MM BIO-3: Nesting Bird Surveys. Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act (MBTA) when in active use. This shall be accomplished by taking the following steps prior to demolition, site preparation (including clearing of vegetation), and construction work associated with future residential projects that occur as a result of the proposed Project.

All vegetation clearing for construction and fuel modification for future projects on the five identified Housing Sites shall occur outside of the breeding season (February 1 through August 31), if feasible, to ensure that no active nests would

be disturbed unless clearing and/or grading activities cannot be avoided during that time period.

If construction is proposed during the nesting season (February 1 to August 31), a pre-construction survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of vegetation removal or construction to identify any active nests on the Project site and in the vicinity of proposed construction. Surveys shall be performed for the project area and vehicle and equipment staging areas, and suitable habitat within 150 feet of these areas, to locate any active passerine (e.g., songbird) nests and within 250 feet to locate any active raptor (e.g., bird of prey) nests.

If no active nests are identified during the survey period, or if construction activities are initiated during the non-breeding season (September 1 to January 31), construction may proceed with no restrictions.

If active nests are detected, the area shall be flagged along with a 300-foot buffer for song birds and a 500-foot buffer for raptors (or otherwise appropriate buffer as determined by the surveying biologist) and shall be avoided until the nesting cycle is complete or it is determined by the surveying biologist that the nest is no longer active. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.

Any birds that begin nesting within the project area and survey buffers amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no-disturbance zones shall not be established around active nests in these cases; however, should birds nesting within the project area and survey buffers amid construction activities begin to show disturbance associated with construction activities, no-disturbance buffers shall be established as determined by the qualified wildlife biologist.

Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged.

A pre-construction survey report of findings shall be prepared by the qualified biologist and submitted to the Director of Planning, Building and Code Enforcement, or the Director's designee for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season. The report shall either confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone and construction can proceed.

Finding: The City hereby makes Finding 1. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

Impact BIO-3: Implementation of the Project could have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Housing Sites 1, 2, 3, and 5 have been evaluated and found to lack natural or man-made surface drainage features as well as riparian or wetland habitats as identified by the National Wetlands Inventory.

However, aerial imagery analysis of Housing Site 4 reveals that, despite its relatively level terrain, 16.4 acres have been classified as freshwater pond habitat by the National Wetlands Inventory. Consequently, future development activities on Housing Site 4 pose a potential risk to federally protected wetlands. With implementation of Mitigation Measure MM BIO-4 impacts will be reduced to less than significant.

Mitigation Measure

MM BIO-4: Aquatic Resources. Prior to approval of individual projects on Housing Site 4), the City shall require a site assessment to be performed by a qualified biologist to determine whether potentially jurisdictional aquatic resources may be present onsite. The aquatic resources site assessment may be completed concurrently with habitat assessments for special-status bees and/or burrowing owl as required by MM BIO-1 and MM BIO-2.

If potentially jurisdictional aquatic resources are identified onsite, an aquatic resource delineation shall be conducted by a qualified biologist or regulatory specialist to identify and map the extent of state and federally protected aquatic resources in project design, consistent with the provisions of CWA Sections 404 and 401 and Fish and Game Code Section 1600, wherever practicable and feasible. Aquatic resources for avoidance shall be demarcated (e.g., using brightly colored flagging) and avoided during construction of future projects. The marked boundaries shall be maintained for the duration of the construction period and shall be clearly visible to personnel on foot as well as heavy equipment operators. If aquatic resources can be avoided, then no further mitigation shall be necessary.

If aquatic resources cannot be avoided by construction on Site 4, then the appropriate regulatory permits shall be obtained (e.g., CWA Section 404 Nationwide Permit from the USACE, CWA Section 401 Water Quality Certification or Porter-Cologne Act Waste Discharge Requirement permit from the RWQCB,

and Streambed Alteration Agreement permit under California Fish and Game Code Section 1602 from the CDFW). The following measures shall be incorporated, at a minimum, into the permit, subject to approval by the regulatory agencies:

On- and/or off-site creation, restoration, and/or enhancement of USACE/RWQCB jurisdictional wetlands, waters of the U.S., and/or waters of the state at a ratio no less than 2:1 for permanent impacts. Off-site creation, restoration, and/or enhancement at a ratio no less than 2:1 may include the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program. For temporary impacts, restore impact area to pre-Project conditions (i.e., pre-Project contours and revegetate with native species, where appropriate).

On- and/or off-site creation, restoration, and/or enhancement of CDFW jurisdictional streambed and associated riparian habitat at a ratio no less than 2:1 for permanent impacts. Off-site creation, restoration, and/or enhancement at a ratio no less than 2:1 may include the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program. For temporary impacts, restore impact area to pre-project conditions (i.e., pre-Project contours and revegetate with native species, where appropriate).

Finding: The City hereby makes Finding 1. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

2. Cultural Resources

Impact CUL-2: The Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. Impacts would be less than significant.

The cultural resources records search identified a total of 91 cultural resource studies conducted within a one-half mile radius of the Housing Sites, with 42 studies occurring within the Project Area. Additionally, 27 cultural resources have been recorded in that vicinity, of which 15 are located within city limits, encompassing 4 historic archaeological sites and 11 historic architectural resources. The proposed future developments, particularly those involving construction-related ground disturbance activities such as grubbing, grading, and excavation, could significantly impact archaeological resources. Conversely, developments that do not involve ground disturbance are not expected to have any impact on these resources.

Given the positive findings from the NAHC Sacred Lands File search, which recommends consultation with the Gabrieleño Band of Mission Indians – Kizh Nation, the potential for encountering significant archaeological resources in the City is considered significant. Projects

that identify such resources pursuant to CEQA Guidelines and the PRC should aim for preservation through avoidance or data recovery strategies. The City's General Plan incorporates policies to protect archaeological and paleontological resources, requiring that all activities cease if significant finds are encountered during ground disturbance. With implementation of the following mitigation measures impacts will be reduced to less than significant.

Mitigation Measure

MM CUL-2: Prior to development of individual projects that are subject to CEQA (California Environmental Quality Act) review (i.e., non-exempt projects) and involve ground disturbance, the project proponent shall retain a qualified archaeologist, defined as meeting the Secretary of the Interior's Professional Qualification Standards for archaeology, to conduct an archaeological resources assessment including: a records search at the South Central Coastal Information Center; a Sacred Lands File search at the Native American Heritage Commission; a pedestrian field survey; recordation of all identified archaeological resources on California Department of Parks and Recreation 523 forms; an assessment of the project area's archaeological sensitivity and the potential to encounter subsurface archaeological resources and human remains; subsurface investigation to define the horizontal and vertical extents of any identified archaeological resources; and preparation of a technical report documenting the methods and results of the study. All identified archaeological resources shall be assessed for the project's potential to result in direct and/or indirect effects on those resources and any archaeological resource that cannot be avoided shall be evaluated for its potential significance prior to the City's approval of project plans. The qualified archaeologist shall provide recommendations regarding protection of avoided resources and/or recommendations for additional work, treatment, or mitigation of significant resources that will be affected by the project.

Finding: The City hereby makes Finding 1. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

3. Geology and Soils

Impact GEO-6: The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature and impacts would be significant.

The Project poses a risk of significant impacts to unique paleontological resources or geologic features, particularly during construction activities that involve ground disturbance. The LACM has identified several vertebrate fossil localities nearby, yielding specimens from diverse taxa such as marine mammals, fish, and invertebrates, primarily from the Pleistocene Epoch and

various geological formations. However, geological assessments suggest that shallow excavations (less than 20 feet below ground surface) within the Project boundary are unlikely to disturb fossiliferous bedrock. However, deep excavations may intersect older strata, which could harbor significant paleontological resources.

Future development that could occur as a result of the Project, particularly those involving infill or redevelopment, could unintentionally damage these paleontological resources if not adequately managed. Activities that do not disturb the ground or involve previously disturbed soils are less likely to impact significant resources. Nonetheless, projects requiring deep ground disturbance must adhere to state and local regulations under CEQA, which mandate environmental review to mitigate impacts. Implementing Mitigation Measures MM GEO-1 through MM GEO-3 will reduce impacts to less than significant.

Mitigation Measures

MM GEO-1: Paleontological Resources Assessment and Monitoring. For projects that involve ground disturbance, the project proponent shall retain a paleontologist who meets the Society of Vertebrate Paleontology's definition for qualified professional paleontologist (Qualified Paleontologist) to prepare a paleontological resources assessment report prior to the start of construction activities. The report shall include methods and results of the paleontological resources assessment, monitoring requirements (including depths, frequency, and reporting), and maps that outline where monitoring is required. Monitoring shall follow SVP Guidelines: no monitoring of ground-disturbing activities within units of Low Sensitivity or No Potential; monitoring of all ground-disturbing activities (with depths specified) in units of Low to High Significance; and at all depths within units of High Significance unless the Qualified Paleontologist's report identifies previous disturbances or the use of construction methods that do not warrant monitoring; and monitoring at the initiation of excavation in units of Undetermined Significance. The report also shall stipulate whether screen washing is necessary to recover small specimens following SVP Guidelines and determine whether unique geologic features are present onsite. If monitoring is conducted, then the Qualified Paleontologist shall prepare a final report summarizing monitoring results and submit it to the project proponent and the City.

MM GEO-2: Paleontological Resources Sensitivity Training. Prior to the start of ground-disturbing activities for projects facilitated by the City with potentially significant impacts on paleontological resources, the Qualified Paleontologist or its designee shall conduct construction worker paleontological resources sensitivity training (or may be provided via digital recording) for all construction workers. Construction workers shall be informed on how to identify the types of paleontological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of paleontological resources, and safety precautions to be taken when working with paleontological monitors. The project proponent shall ensure that construction workers are made available for and attend the training.

The project proponent shall retain documentation demonstrating attendance and provide it to the City.

MM GEO-3: Paleontological Discoveries. If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation of the discovery. An appropriate buffer area determined by the paleontological monitor shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the monitor's discretion, and to reduce any construction delay, the grading/excavation contractor shall assist, where feasible, in removing rock/sediment samples for initial processing and evaluation. If a fossil is determined to be significant, the Qualified Paleontologist shall implement a paleontological salvage program to remove the resources from their location, following the guidelines of the SVP. Any fossils encountered and recovered shall be prepared to the point of identification, catalogued, and curated at a public, nonprofit institution with a research interest in the material and with retrievable storage, such as the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. Accompanying notes, maps, and photographs shall also be filed at the repository. If no institution accepts the fossil collection, it may be donated to a local school or other interested organization in the area for educational purposes.

If construction workers discover any potential fossils during construction while the paleontological monitor is not present, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the Qualified Paleontologist has assessed the discovery and recommended and implemented appropriate treatment as described earlier in this measure.

Any salvage reports resulting from implementation of this measure shall be filed with the Natural History Museum of Los Angeles County.

Finding: The City hereby makes Finding 1. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

4. Transportation

Impact TRA-2: The Project could have a significant vehicles miles traveled (VMT) impact and could be in conflict or inconsistent with CEQA Guidelines Section 15064.3(b).

The Transportation Assessment Report indicates a significant VMT impact occurs if the project-generated VMT per service population is 15% below the established baseline of 25.82 VMT per

capita, resulting in a threshold of 21.95 VMT per capita. While some housing sites may exceed this threshold, they can still be deemed less than significant if they meet specific screening criteria. The assessment concludes that Sites 2 and 4 meeting the Project Type screening criterion, resulting in less than significant VMT impacts for these sites. In contrast, Sites 1, 3, and 5 satisfy the Transit Priority Area criterion but do not meet additional requirements due to the absence of concrete development proposals at this time, leading to potential significant VMT impacts. Implementation of Mitigation Measure MM TRA-1 will reduce impacts to less than significant.

Mitigation Measure

MM TRA-1: Prior to approval of individual projects on Housing Sites 1, 3, and 5 that are located within Transit Priority Areas, the Project Applicant shall demonstrate compliance with additional screening criteria identified within the City's Guidelines. Each Project Applicant for projects within Housing Sites 1, 3, and 5 shall provide written evidence to the City of Irwindale Planning Division that none of the following criteria would be met:

Has a floor area ratio of less than 0.75

Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction

Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the Lead Agency with input from the Metropolitan Planning Organization)

Replaces affordable residential units with a smaller number of moderate- or high-income residential units

Finding: The City hereby makes Finding 1. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

5. Tribal Cultural Resources

Impact TCR-1: The Project could cause a substantial adverse change in the significance of a tribal cultural resource.

Development activities at the five housing sites could potentially damage or destroy cultural resources as defined by PRC Section 21074. In contrast, development that does not involve ground disturbances would not impact these resources.

The NAHC Sacred Lands File search indicated positive results, prompting the City to consult with nine Native American organizations as required by AB 52 and SB 18. The Gabrieleño Band of

Mission Indians expressed support for the General Plan Amendment but later canceled a scheduled consultation call, stating further consultation was unnecessary since no ground disturbance would occur. Although no tribal cultural resources have been identified, future developments may uncover previously unknown resources, requiring compliance with the consultation provisions of SB 18 and AB 52. The implementation of Mitigation Measure MM CUL-2 will reduce potentially significant impacts on tribal cultural resources to less than significant.

Mitigation Measure

Refer to MM CUL-2 above.

Finding: The City hereby makes Finding 1. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted.

B. SIGNIFICANT AND UNAVOIDABLE SIGNIFICANT IMPACTS THAT CANNOT BE MITIGATED TO BELOW THE LEVEL OF SIGNIFICANCE

The following summary describes the significant and unavoidable impacts of the Project where either mitigation measures were found to be infeasible, or the mitigation measures are under the control of another lead agency. The following impacts would remain significant and unavoidable:

1. Air Quality

Impact AQ-1: The Project would result in a potentially significant impact related to a conflict with or obstructing implementation of the applicable air quality plan due to growth that could exceed demographic assumptions for the City of Irwindale.

The Project presents a potentially significant impact on air quality due to potential growth exceeding the demographic assumptions for the City of Irwindale, despite mitigation measures being in place. The SCAQMD recommends assessing whether the Project obstructs the Air Quality Management Plan (AQMP) and whether it aligns with the demographic and economic projections of the plan. The 2022 AQMP incorporates growth projections from the SCAG, establishing that only new or amended plans or projects require a consistency review. Key indicators for consistency include control strategies and growth projections.

The Air Basin is nonattainment for ozone (O₃), particulate matter (PM₁₀, PM_{2.5}), and lead within Los Angeles County. The Project's long-term growth could lead to emissions exceeding SCAQMD thresholds, necessitating compliance with California Air Resources Board (CARB) regulations, SCAQMD Rules 403 and 1113 for emissions control, and applicable fleet rules to minimize on-road emissions.

The Project aims to accommodate the City's RHNA but is projected to generate 279 new housing units, exceeding SCAG's 2045 forecast by 193 households, thereby potentially conflicting with air quality plans and increasing emissions of ozone precursors and particulate matter. Although existing and proposed General Plan policies may mitigate some emissions, significant impacts are expected due to growth projections surpassing SCAG forecasts. However, while implementation of the following mitigation measures will reduce the severity of the effects, impacts will remain significant and unavoidable.

Mitigation Measures

Construction

MM AQ-1: Applicants for new development projects within the proposed housing sites that are subject to the CEQA review (i.e., non-exempt projects) and that exceed the SCAQMD significance thresholds during construction for emissions of NOX, CO, PM10 and/or PM2.5 shall require the construction contractor to use equipment that meets the US Environmental Protection Agency (USEPA) Tier 4 final emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to the City of Irwindale Department of Building and Safety that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine, as defined by the CARB regulations.

Prior to construction, the Project engineer shall ensure that all plans for construction phases (e.g., demolition, grading) that would exceed the SCAQMD significance thresholds clearly show the requirement for EPA Tier 4 final or higher emissions standards for construction equipment over 50 horsepower. During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the Department of Building and Safety. The construction equipment list shall state the makes, models, and numbers of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449.

MM AQ-2: Applicants for new development projects within the proposed housing sites that are subject to the CEQA review (i.e., non-exempt projects) and that exceed the SCAQMD significance thresholds during construction for emissions of volatile organic compounds (VOCs) as a result of VOC off-gassing emissions from architectural coatings and industrial maintenance coatings shall require the construction contractor to use SCAQMD Low-VOC and/or Super-Compliant VOC architectural coatings and industrial maintenance coatings such that daily volume of coatings applied would not result in emissions that exceed the SCAQMD

significance threshold for VOC, unless it can be demonstrated to the Department of Building and Safety that such coatings for a required application are not available. During construction, the construction contractor shall maintain a list of all architectural coatings and industrial maintenance coatings in use on the construction site and the daily volumes of coatings applied for verification by the Department of Building and Safety.

Operations

MM AQ-3: Applicants for new development projects on the proposed housing sites that are subject to the CEQA review (i.e., discretionary projects) and that exceed the SCAQMD significance thresholds during operations shall, prior to issuance of a building permit for the new development, show on the building plans that all major appliances (dishwashers, refrigerators, clothes washers, and dryers) to be provided/installed are Energy Star–certified appliances or appliances of equivalent energy efficiency. Installation of Energy Star or equivalent appliances shall be verified by the Department of Building and Safety prior to issuance of a certificate of occupancy.

MM AQ-4: Applicants for new residential development projects within the Planning Area that are subject to the CEQA review (i.e., discretionary projects) and that exceed the SCAQMD significance thresholds during operations shall, prior to issuance of a building permit for new development projects within the proposed housing sites, indicate on the building plans that the feature below has been incorporated into the design of the building(s). Proper installation of this feature shall be verified by the City Department of Building and Safety prior to issuance of a certificate of occupancy:

For multifamily dwellings, electric vehicle charging shall be provided as specified in Section A4.106.8.2 (Residential Voluntary Measures) of the CALGreen Code (or its successor code).

MM AQ-5: Applicants for new non-residential development projects within the proposed housing sites that are subject to the CEQA review (i.e., discretionary projects) and that exceed the SCAQMD significance thresholds during operations shall, prior to issuance of a building permit for new development projects on the proposed housing sites, indicate on the building plans that the features below have been incorporated into the design of the building(s). Proper installation of these features shall be verified by the City Department of Building and Safety prior to issuance of a certificate of occupancy:

Preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles shall be provided as specified in Section A5.106.5.1 (Nonresidential Voluntary Measures) of the CALGreen Code (or its successor code).

Facilities shall be installed to support future electric vehicle charging at each nonresidential building with 30 or more parking spaces. Installation shall be consistent with Section A5.106.5.3 (Nonresidential Voluntary Measures) of the CALGreen Code (or its successor code).

Finding: The City hereby makes Finding 3. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted. The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the PEIR (PRC Section 21081(a)(1), (3); CEQA Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Project outweigh its significant effects on the environment.

Impact AQ-2: The Project would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards.

The Project area is designated as a non-attainment region for criteria pollutants including O₃, nitrogen dioxide (NO₂), VOCs, PM₁₀, and PM_{2.5}, leading to significant air quality impacts. Construction activities could degrade air quality due to emissions from heavy-duty equipment, worker vehicles, and fugitive dust, along with VOCs from architectural coatings. Future developments must comply with SCAQMD regulations and undergo CEQA reviews. Mandatory adherence to CARB regulations will limit diesel equipment emissions and incorporate measures for dust and VOC control. However, large projects could still exceed SCAQMD significance thresholds, resulting in significant air quality impacts.

Operational emissions will arise from vehicle trips, energy use, and landscaping activities. On-road mobile sources, including passenger vehicles and delivery trucks, will contribute to total emissions, resulting in significant air quality impacts. While implementation of the following mitigation measures will reduce the severity of the effects, impacts will remain significant and unavoidable.

Mitigation Measures

Refer to MM AQ-1 through MM AQ-5 above.

Finding: The City hereby makes Finding 3. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect

as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted. The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the PEIR (PRC Section 21081(a)(1), (3); CEQA Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Project outweigh its significant effects on the environment.

Impact AQ-3: The Project would result in a potentially significant impact related to exposing sensitive receptors to substantial pollutant concentrations during construction. The Project would result in a less than significant impact with respect to the exposure of sensitive receptors to substantial pollutant concentrations during operation.

Criteria air pollutant emissions associated with new development within the Planning Area pose potential health impacts, particularly for sensitive receptors in proximity to construction activities. Localized air quality deterioration can occur due to heavy-duty construction equipment and vehicle trips related to construction workers and material transport. Additionally, fugitive dust emissions generated by these activities and VOCs released during the application of architectural coatings may contribute to air quality concerns. The extent of emissions fluctuates based on daily operational activities and weather conditions. The SCAQMD has established Localized Significance Thresholds to evaluate emissions based on project specifics, including area, project size, and proximity to sensitive receptors, necessitating project-specific dispersion modeling when screening thresholds are exceeded.

The proximity of sensitive receptors to substantial construction activities necessitates health risk assessments for diesel particulate matter (DPM) emissions. The SCAQMD recommends such analysis to evaluate the localized impacts of mobile source emissions, as localized DPM emissions correlate strongly with PM_{2.5} levels. However, details regarding specific projects under the Project remain undefined, making precise emissions modeling infeasible at this stage. Each future development project will need to conduct applicable technical analyses to assess significance and comply with individual environmental review processes. Any project exceeding established threshold levels would be considered significant, prompting necessary mitigation measures to address the potential exposure of sensitive receptors to high pollutant concentrations, despite adherence to SCAQMD regulations and proposed mitigation measures.

Mitigation Measures

MM AQ-6: Applicants for new development projects on the proposed housing sites that are subject to the CEQA review (i.e., discretionary projects) and are within one-quarter mile (1,320 feet) of a sensitive land use shall, prior to issuance of a building permit, submit a construction-related air quality study that evaluates potential localized project construction-related air quality impacts to the City Planning Division for review and approval. The evaluation shall be prepared in conformance with SCAQMD methodology for assessing localized significance thresholds (LST) air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the SCAQMD-adopted thresholds of significance, the City shall require that applicants for new development projects incorporate MM AQ-1 through MM AQ-5 to reduce air pollutant emissions during construction activities. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Planning Division.

MM AQ-7: Applicants for new development projects on the proposed housing sites that are subject to the CEQA review (i.e., discretionary projects) and are within one-quarter mile (1,320 feet) of a sensitive land use shall, prior to issuance of a building permit, submit a construction-related air quality study that evaluates potential health risk impacts to the City Planning Division for review and approval. The evaluation shall be prepared in conformance with SCAQMD methodology for assessing health risk impacts. If health risk impacts are determined to have the potential to exceed the SCAQMD-adopted thresholds of significance, the City shall require that applicants for new development projects incorporate MM AQ-1 through MM AQ-5 to reduce air pollutant emissions during construction activities. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Planning Division.

Finding: The City hereby makes Finding 3. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted. The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the PEIR (PRC Section 21081(a)(1), (3); CEQA Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Project outweigh its significant effects on the environment.

2. Cultural Resources

Impact CUL-1: The Project would cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

Development activities, including construction, demolition, or alteration of structures and landscapes deemed historic, may result in the destruction or modification of resources over 45 years old. This includes infill development that alters the integrity of a historical resource's surroundings. Projects that do not adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties could exacerbate these adverse impacts. Additionally, alterations that affect the setting of historic properties can diminish their historical integrity, especially if new structures or visible features are introduced.

The South Central Coastal Information Center (SCCIC) cultural resources records search identified 91 studies completed within a one-half mile radius of the Housing Sites, revealing 27 recorded cultural resources, 15 of which are situated within the Project Area and include both historic archaeological sites and architectural resources.

The potential future developments may cause a substantial adverse change in the significance of a historical resource. Although implementation of Mitigation Measure MM CUL-1 will reduce impacts, the impact remains significant and unavoidable.

Mitigation Measure

MM CUL-1: Prior to development of individual projects that are subject to the CEQA review (i.e., non-exempt projects) and within areas that contain properties more than 45 years old, the project proponent shall retain a qualified architectural historian and, defined as meeting the Secretary of the Interior's Professional Qualification Standards for architectural history, to conduct a historic resources assessment including: a records search at the SCCIC; a review of pertinent archives, databases, and sources; a pedestrian field survey; recordation of all identified historic resources on California Department of Parks and Recreation 523 forms; and preparation of a technical report documenting the methods and results of the assessment. All identified historic resources will be assessed for the project's potential to result in direct and/or indirect effects on those resources and any historic resource that may be affected shall be evaluated for its potential significance under national and state criteria prior to the City's approval of project plans and publication of subsequent CEQA documents. The qualified architectural historian shall provide recommendations regarding additional work, treatment, or mitigation for affected historical resources to be implemented prior to their demolition or alteration. Impacts on historical resources shall be analyzed using CEQA thresholds to determine if a project would result in a substantial adverse change in the significance of a historical resource. If a potentially significant impact would occur, the City shall require appropriate mitigation to lessen the impact to the degree feasible.

Finding: The City hereby makes Finding 3. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted. The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the PEIR (PRC Section 21081(a)(1), (3); CEQA Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Project outweigh its significant effects on the environment.

3. Noise

Impact NOI-1: The Project would result in the generation of a substantial temporary noise increase above ambient in excess of standards established in the local general plan or noise ordinance while construction would occur and impacts would be significant and unavoidable.

The Project involves construction activities that will generate fluctuating noise levels due to the operation of heavy equipment in various phases, including demolition and grading. Noise levels from equipment can peak between 75 A-Weighted decibels (dBA) and 101 dBA maximum level (Lmax) at a distance of 50 feet. While single-event noise from traffic and equipment transport may cause temporary disturbances, these short-term impacts are expected to be less than significant over longer timeframes. Compliance with the City Noise Ordinance, which limits construction hours and sets ambient noise thresholds, is anticipated to help mitigate these impacts.

Despite this, uncertainties about the specific layouts and timing of future projects may result in significant noise impacts, particularly near sensitive receptors. Implementation of Mitigation Measure MM NOI-1 will reduce impacts, but potential impacts remain significant and unavoidable.

Mitigation Measures

Construction

MM NOI-1: Construction Noise. Applicants for new development projects facilitated by the Project that are subject to the CEQA review (i.e., non-exempt projects) and that are located within 500 feet of noise-sensitive receptors (e.g., residences, hospitals, schools) shall submit a noise study to the City Planning Division for review and approval prior to issuance of a grading or building permit. The study shall include noise-reduction measures, if necessary, to ensure project construction noise will

be in compliance with the City's Noise Ordinance standards as applicable to construction (i.e., Irwindale Municipal Code Chapter 9.28). All noise-reduction measures approved by City Planning Department shall be incorporated into appropriate construction-related plans (e.g., demolition plans, grading plans and building plans) and implemented during construction activities. Potential noise-reduction measures may include but are not limited to one or more of the following, as applicable to the project:

Install temporary sound barriers for construction activities that occur adjacent to occupied noise-sensitive receptors.

Equip construction equipment with effective mufflers, sound-insulating hoods or enclosures, vibration dampers, and other Best Available Control Technology (BACT).

Limit non-essential idling of construction equipment to no more than five minutes per hour.

Finding: The City hereby makes Finding 3. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted. The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the PEIR (PRC Section 21081(a)(1), (3); CEQA Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Project outweigh its significant effects on the environment.

Impact NOI-2: The Project would generate excessive groundborne vibration or groundborne noise during construction and would be significant and unavoidable. The Project would not result in permanent excessive groundborne vibration or noise during operation and impacts would be less than significant without mitigation.

The Project's construction phase is anticipated to generate substantial groundborne noise and vibration, particularly in proximity to sensitive receptors and land uses. High-impact equipment, such as pile drivers, presents the potential for significant vibration impacts depending on their distance from adjacent structures. While most construction activities typically involve lower-impact machinery, such as bulldozers and loaded trucks, which produce vibration levels of 0.089 in/sec peak particle velocity (PPV) and 0.076 in/sec PPV at a reference distance of 25 feet, there

remains a risk that these operations could exceed damage thresholds outlined for various structural classes. Consequently, construction activities must adhere to specified operational distances from sensitive structures to mitigate the risk of structural damage.

Furthermore, construction activities involving large machinery may also lead to human annoyance due to elevated noise levels. At a distance of 25 feet, the expected vibration levels for bulldozers and loaded trucks are projected at 87 vibration decibels (VdB) and 86 VdB, respectively, surpassing the Federal Transportation Administration (FTA) thresholds for both daytime noise-sensitive receivers and residential occupancies. Should the future developments be located near vibration-sensitive receptors, the intensity of construction may exceed established significance thresholds, necessitating project-specific groundborne vibration and noise analyses in compliance with CEQA. Despite implementing Mitigation Measure MM NOI-2, the potential for significant and unavoidable impacts remains.

Mitigation Measure

Construction

MM NOI-2: Construction Vibration. Applicants for new development projects facilitated by the Project that are subject to the CEQA review (i.e., non-exempt projects) and that are located within 300 feet of groundborne vibration receptors and that utilize vibration-intensive construction equipment (e.g., pile drivers, jack hammers, large dozer, or vibratory rollers) shall submit a vibration impact evaluation to the City Planning Division for review and approval prior to issuance of a grading or building permit. The evaluation shall include a list of project construction equipment and the associated vibration levels and a predictive analysis of potential project vibration impacts. If construction-related vibration is determined to exceed applicable standards, project-specific measures shall be required to ensure project compliance with vibration standards. All project-specific measures approved by the City Planning Division shall be incorporated into appropriate construction-related plans (e.g., demolition plans, grading plans and building plans) and implemented during project construction.

Examples of equipment vibration source-to-receptor distances at which impact evaluation should occur vary with equipment type (based on FTA reference vibration information) and are as follows:

Jackhammer: 23 feet.

Dozer, hoe-ram, drill rig, front-end loader, tractor, or backhoe: 43 feet.

Roller (for site ground compaction or paving): 75 feet.

Impact pile-driving: 280 feet.

Finding: The City hereby makes Finding 3. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect

as identified in the PEIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted. The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the PEIR (PRC Section 21081(a)(1), (3); CEQA Guidelines Section 15091(a)(1), (3)). As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Project outweigh its significant effects on the environment.

VI. MITIGATION MONITORING AND REPORTING PROGRAM

A Lead Agency is required to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (PRC Section 21081.6). In addition, CEQA Guidelines Section 15097(a) requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it requires to mitigate or avoid significant environmental effects.

The mitigation measures included in the PEIR as certified by the City serve that function. The Mitigation Monitoring and Reporting Program (MMRP), which is provided with Exhibit A, includes all the mitigation measures adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. The mitigation measures will be implemented, as applicable, during the future development and operation of the housing that will result from the Project. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts the MMRP.

VII. FINDINGS REGARDING ALTERNATIVES

CEQA requires that an EIR include a discussion of reasonable project alternatives that would “feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any significant effects of the project and evaluate the comparative merits of the alternatives” (CEQA Guidelines Section 15126.6(a)).

A. ALTERNATIVES CONSIDERED AND REJECTED DURING THE SCOPING/PROJECT PLANNING PROCESS

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the Draft PEIR.

1. Reduced Development Alternative

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project.

The City considered an alternative that would reduce or eliminate the number of candidate parcels proposed as Housing Sites, which would include zoning and land use overlays, as a way to reduce environmental impacts compared to the Project. However, the Reduced Development Alternative was rejected as it would not allow for the increase in designated residential uses throughout the City that is necessary to accommodate the City's share of the RHNA established by the SCAG for the 6th Cycle RHNA. For this reason, the Reduced Development Alternative was considered but rejected from further evaluation within the Draft PEIR.

2. Increased Accessory Dwelling Units Alternative

The City considered an alternative that would rely on an increased amount of ADU to assist in meeting the City's 6th Cycle RHNA. However, this Alternative was rejected because the City has not had sufficient ADU developments in the past to rely on an increased amount of ADUs to reach the City's RHNA goal. Therefore, the Increased Accessory Dwelling Units Alternative was considered but rejected from further evaluation within the Draft PEIR.

B. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS

The following alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the Project but avoid or substantially lessen any of the significant effects of the project. Table 5-1, *Summary of Alternative Impacts Compared to the Proposed Project*, of the Draft PEIR, identifies how each of the alternatives selected for further analysis compares to the Project. Table 5-2, *Ability of Alternatives to Meet the Project Objectives*, of the Draft PEIR, provides a summary of the ability of the alternatives to achieve the project objectives.

1. No Project Alternative

The No Project Alternative, as required by the State CEQA Guidelines, analyzes the effects of not adopting and implementing the Housing Element Update as well as the adoption of the Safety and EJ Elements. Future development under the No Project Alternative would continue to be guided by the existing General Plan, current land use and zoning designations as well as existing policies. The No Project Alternative would result in the continuation of existing conditions and planned development within the City as no land use or zoning overlays would be processed under this alternative. No amendments to the General Plan, including the updated Housing and Safety Element and the creation of the EJ Element, would occur under this alternative.

This alternative would result in similar impacts to 10 impact categories, reduce or eliminate impacts to 2 environmental impacts, and increase impacts to 2 categories. Impacts would be similar for aesthetics, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, noise, public services, tribal cultural resources, and utilities and service systems. This alternative would reduce air quality and population and housing impacts. However, Alternative 1 would have a greater land use and planning impact because Alternative 1 would not be able to meet the City's RHNA goal and would not implement the necessary Safety and EJ Elements. In addition, transportation impacts would also be increased since higher residential densities would not occur under Alternative 1 and all residential development would

continue to occur as currently planned. It is speculative to assume that all future projects would be able to reduce their impacts to transportation to a less than significant level under Alternative 1 even with incorporation of all applicable mitigation measures and compliance with state and local requirements. Therefore, impacts to transportation under Alternative 1, specifically VMT impacts, would remain significant and unavoidable.

The No Project Alternative would reduce the Project's significant and unavoidable air quality impact but would not meet any of the Project's Objectives. Similar to the Project, impacts to cultural resources (historic) and noise would remain significant and unavoidable.

Finding: This alternative was rejected because it would not meet any of the objectives of the Project and would therefore result in it not being able to meet the City's RHNA allocation. In addition, the No Project Alternative would not implement the necessary Safety and EJ Elements. This alternative would also increase impacts to land use and planning and transportation, due to conflicts with regional plans and a lack of higher density development thereby increasing vehicle miles traveled in the area. As a result, specific economic, legal, social, technological, or other considerations, including provision of residential opportunities, make infeasible this project alternative for the reasons identified in the Draft PEIR. Since the identified sites would not be rezoned, the areas would not provide the same amount of residential opportunities and the City would not provide for the 6th cycle RHNA allocation.

2. Las Casitas Site Alternative

Under the Las Casitas Site Alternative, an approximately 22,860 square-foot site would be included as an additional Housing Site. The Las Casitas site is located on the southern side of Arrow Highway between Ayon Avenue and Allen Drive. The Las Casitas site was formerly operated by Dominguez Construction Inc as contractor storage and has been vacant since 2021. The site is located just east of the Las Casitas Senior Housing complex and could accommodate 12 units. With 12 units being relocated to the Las Casitas Site, Alternative 2 would reduce the amount of future development planned for Housing Sites 1 and 3 by 12 units.

Similar to the Project, Alternative 2 would include amendments to the City's General Plan and Zoning Code to implement the 2021–2029 Housing Element, would include updates to the Safety Element, and would include the creation of a new EJ Element.

This alternative would only reduce impacts to one category in comparison to the Project, transportation. Under this alternative 12 units would be diverted to the Las Casitas Site, the amount of potential units at Sites 1 and 3 would be reduced under Alternative 2, which in turn would lower VMT at the sites that are currently above the threshold without mitigation. Impacts would be similar for aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, land use and planning, population and housing, public services, tribal cultural resources, and utilities and services systems. This alternative would increase impacts to noise. As with the Project, impacts to air quality, historic resources, and noise would remain significant and unavoidable. Noise and vibration impacts under Alternative 2 would

be similar to the Project but would be slightly increased due to the addition of the sensitive receptor of the Las Casitas Senior Complex.

Finding: This alternative is rejected because it would not reduce impacts when compared to the Project except for reducing VMT impacts at Housing Sites 1 and 3. This alternative would meet all of the project objectives. However, this alternative would result in increased noise impacts to due to proximity to the Las Casitas Senior Complex.

3. Increased Area at Reliance II Site

Under Alternative 3, Housing Site 4 (also called Gold Line Reliance II) would be expanded from one acre to a two-acre site that would be able to accommodate an additional 20 housing units. The increase in units at Housing Site 4 will shift 20 units from Housing Sites 1 and 3, while maintaining an estimated total capacity of 279 housing units. The geographical shift in units would provide an increased number of units in closer to public transit.

Similar to the Project, Alternative 3 would include amendments to the City's General Plan and Zoning Code to implement the City's 6th Cycle Housing Element, would include updates to the Safety Element, and would include the creation of a new EJ Element.

This alternative would reduce impacts to one environmental impact, result in similar impacts to 12 categories, and increase one environmental impact. It would reduce impacts to transportation but would result in increased impacts to cultural resources. Impacts would be similar for aesthetics, air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, land use and planning; noise; population and housing; public services; tribal cultural resources; and utilities and services systems. As with the Project, impacts to air quality, historic resources, and noise would remain significant and unavoidable. Impacts to biological resources will be increased since the larger area at Housing Site 4 could result in potentially more severe impacts, even with implementation of Mitigation Measures MM BIO-1 through MM BIO-4. Therefore, biological impacts would be less than significant under Alternative 3, but greater than the Project.

Finding: Alternative 3 would meet all of the Project Objectives. Implementation of Alternative 3 would result in similar impacts for the majority of issue areas as identified for the Project, with the exception of biological resources and transportation. Alternative 3 would lessen the impacts to transportation because it would reduce the planned density at Housing Sites 1 and 3. Alternative 3 would result in a less than significant impact to biological resources but would be slightly greater than the Project because Site 4 was identified as being potentially significant to biological resources.

C. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires a lead agency to identify the "environmentally superior alternative," and in cases where the "No Project" Alternative is environmentally superior to the Project, the environmentally superior development alternative must be identified. In this case, the Las Casitas Site would be considered the environmentally superior alternative. As summarized in Draft PEIR Table 5-1,

Summary of Alternative Impacts Compared to the Proposed Project, the Las Casitas Site alternative would reduce one impact area, reducing VMT impacts at Sites 1 and 3.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

The City of Irwindale is the Lead Agency under CEQA for preparation, review and certification of the Draft PEIR for the Project. As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed project. In making this determination the City is guided by CEQA Guidelines Section 15093, Statement of Overriding Considerations, which states:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- b) When the lead agency approves a project that will result in the occurrence of significant effects that are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, PRC Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to PRC Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the Project against the significant and unavoidable impacts associated with the project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the Project.

The City of Irwindale, as the Lead Agency for this project, and having reviewed the PEIR for the Project, and reviewed all written materials within the City's public record and heard all oral testimony presented at public hearings, adopts this Statement of Overriding Considerations, which has balanced the benefits of the project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the Project.

B. PROJECT BENEFITS IN SUPPORT OF THE STATEMENT OF OVERRIDING CONSIDERATIONS

The Project will result in significant and unavoidable impacts to:

Air quality: conflict with or obstruct implementation of the applicable air quality plan due to growth that could exceed demographic assumptions for the City of Irwindale; a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards; and expose sensitive receptors to substantial pollutant concentrations during construction

Cultural Resources: substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5; contribute to a cumulative impact; and

Noise: generation of a substantial temporary noise increase above ambient in excess of standards established in the local general plan or noise ordinance during construction; generate excessive groundborne vibration or groundborne noise during construction; cumulative noise and vibration during construction.

The City, after balancing the specific economic, legal, social, technological, and other benefits of the project, has determined that the significant and unavoidable environmental impacts identified above may be considered acceptable due to the following specific considerations, which outweigh the unavoidable, adverse environmental impacts of the Project, and each of which, standing alone, is sufficient to support approval of the Project, in accordance with CEQA Section 21081(b) and CEQA Guidelines Section 15093. The specific economic, legal, social, technological, or other benefits of the project are as follows:

1. Facilitate new housing opportunities throughout the City in response to the state's need for more affordable and market rate housing as well as develop housing solutions to meet the City's 6th Cycle RHNA.
2. Meet the City's housing needs by encouraging a variety of housing development affordable at all income levels, especially for extremely low- and very-low-income households, including construction of Accessory Dwelling Units (ADUs), subdivision/lot split opportunity sites, and other housing choices on identified opportunity sites.
3. Reduce, remove, and/or streamline potential governmental constraints and barriers to housing development and promote equal housing opportunities for all people; incorporate best practices related to land use, racial equity, mobility, housing affordability, safety, environmental justice, community services, and healthy neighborhoods.

4. Affirmatively further fair housing to address special housing needs, primarily for seniors and people living with disabilities, promote fair housing choice, eliminate disparities in housing opportunities, and foster inclusive communities free from discrimination.
5. Embrace technology and innovative practices to create sustainable, energy efficient, and healthy communities and adaptable infrastructure systems.
6. Develop a Safety Element that meets all the requirements under Government Code Section 65302(g)(1) through (g)(9) and that reflects state and local regulations for specific hazards, with the intent of protecting people and key infrastructure from damage resulting from an environmental hazard.
7. Develop an Environmental Justice Element that meets all requirements under Government Code Sections 65302(h)(1) through 65302(h)(2) and that reflects state and local regulations for evaluating environmental hazards, pollution, health risks, and social challenges in disadvantaged communities.

C. CONCLUSION

The City Council of Irwindale has balanced the Project's benefits against the significant unavoidable impacts. The City Council finds that the Project's benefits, outweigh the Project's significant unavoidable impacts, and these impacts, therefore, are considered acceptable in the light of the Project's benefits. The City Council finds that each of the benefits described above is an overriding consideration, independent of the other benefits, which warrants approval of the Project notwithstanding the Project's significant unavoidable impacts.