September 2022 (Updated November 2022) | Response to Comments

4416 AZUSA CANYON ROAD

City of Irwindale

Prepared for:

City of Irwindale
Contact: Brandi Jones, Senior Planner
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Irwindale, California 91706
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PLACEWORKS

1. Introduction

The propose of this document is to address comments received on the Initial Study/Mitigated Negative Declaration (IS/MND) for the 4416 Azusa Canyon Road project (proposed project) during and after the public review period. Section 2 responds to comment letters received during the public review period, which extended from December 21, 2021, through January 19, 2022. Section 3 includes responses to letters that were received after the public review period ended. Both sections show changes made to the IS/MND in response to these comments.

The document also contains revisions that were made to the IS/MND based upon updated information that was not available at the time of the IS/MND publication. Updates to the site design and site access were made in response to comments received at the February 16, 2022, and September 21, 2022, Planning Commission public hearings (see Sections 4.1 and 4.3). Additionally, the concept design for the intersection at Azusa Canyon Road and Los Angeles Street has been updated since the publication of the IS/MND and changes made to the IS/MND in response to these changes are shown in Section 4.2.

None of the modifications represent significant project changes with respect to CEQA or alter the impact analysis. Therefore, the proposed revisions to the IS/MND as detailed in this document, would not meet the conditions pursuance to CEQA Guidelines 15073.5, *Recirculation of a Negative Declaration Prior to Adoption*, that would constitute a substantial revision requiring recirculation of the IS/MND.

2. Response to Comments Received During the Public Review Period

Following is a list of agencies and organizations that submitted comments on the IS/MND for proposed project during the public review period, which extended from December 21, 2021, through January 19, 2022. Comment letters and specific comments are given letters and numbers for reference purposes.

Number Reference	Commenting Agency/Person	Date of Comment	Page No.
Agencies			
A1	California Department of Transportation (Caltrans)	January 13, 2022	2-3
A2	Los Angeles County Sanitation Districts	January 18, 2022	2-9
Organizations			
O1	Lozeau Drury, LLP – Supporters Alliance for Environmental Responsibility (SAFER)	December 23, 2021	2-17
O2	Teamsters	January 19, 2021	2-21
O3	Lozeau Drury, LLP – Supporters Alliance for Environmental Responsibility (SAFER)	January 19, 2021	2-31

2. Response to Comments Received During the Public Review Period

LETTER A1 – California Department of Transportation (Caltrans) (3 pages)

A-1

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life

January 13, 2022

Brandi Jones, Senior Planner
City of Irwindale
5050 Irwindale Avenue
Irwindale, CA 91706

RE: 4416 Azusa Canyon Road Project
SCH # 2021120500
Vic. LA-605/PM 22.163, LA-210/PM R37.85, LA-10/PM LA-34.47
GTS # LA-2022-03809-MND

Dear Brandi Jones:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced environmental document. The project site is presently developed with one building, previously occupied by Pepsi Bottling Group. The proposed project includes development of a standalone concrete tilt-up warehouse, office, and manufacturing facility and would involve demolition of the existing building on-site. Prospective tenants would operate out of a proposed building with a footprint of 125,500 square feet. Other project components include vehicular and pedestrian access and circulation improvements; surface parking and utility improvements; and various hardscape and landscape improvements. A1-1

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information: A1-2

http://opr.ca.gov/ceqa/updates/guidelines/

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

2. Response to Comments Received During the Public Review Period

For this project, we encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements. For TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). This reference is available online at:

A1-2 cont'd

http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf

You can also refer to the 2010 *Quantifying Greenhouse Gas Mitigation Measures* report by the California Air Pollution Control Officers Association (CAPCOA), which is available online at:

http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf

On page I-63/51 of the Azusa Canyon Road Warehouse Transportation Analysis, "The County of Los Angeles Guidelines require VMT analysis for development projects that are estimated to generate a net increase of 110 or more daily vehicle trips. Daily vehicle trips are specifically related to on-road passenger vehicles (cars and light trucks). Heavy trucks are not included in a VMT traffic impact analysis. The passenger car trip generation for the proposed Project is 197 daily trips (see Table 4-1), but the existing baseline site land use passenger car estimated trip generation is 88 daily trips (see Table 4-3). The net proposed Project passenger car trip generation is therefore 109 vehicles per day, which is less than the 110 vehicles per day that would require further VMT analysis." Therefore, proposed project would not require further VMT analysis and would have a less than significant impact.

A1-3

Since the project passenger car trip is close to the threshold (109 vs. 110), for the City's consideration, Caltrans recommends that a post-development VMT analysis with mitigation measures should be prepared if the project daily net trips exceed 110. A mitigation measure should be implemented when the post-development VMT analysis discloses any traffic significant impact.

As a reminder for construction and operation phases, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

A1-4

2. Response to Comments Received During the Public Review Period

If you have any questions, please feel free to contact Mr. Alan Lin, the project coordinator, at (213) 269-1124 and refer to GTS # LA-2022-03809AL-MND.

Sincerely,

Miya Edmonson

MIYA EDMONSON
IGR/CEQA Branch Chief

email: State Clearinghouse

2. Response to Comments Received During the Public Review Period

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2. Response to Comments Received During the Public Review Period

A1. Response to Comments from Miya Edmonson, IGR/CEQA Branch Chief, Caltrans, dated January 13, 2022.

A1-1 The commenter provides a summary of the existing and proposed uses on the project site. This comment serves as an introduction to the commenter's letter. No further response is necessary.

A1-2 The commenter mentions SB 743 requirements and references the Governor's Office of Planning and Research guidelines as a source for further information. The commenter encourages the City to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network.

No specific CEQA issue is identified, and no further response is required. The comment is noted and will be forwarded to the decision makers.

A1-3 The commenter notes that the proposed project screened out of a VMT analysis because the net increase in passenger car trips would be 109 trips, which is below the 110-passenger trip threshold in the County of Los Angeles Guidelines. The commenter recommends that because the number of project passenger car trips is so close to the threshold, a post-development VMT analysis with mitigation measures should be prepared if the project daily net trips exceed 110.

Determining traffic generation for a specific project is based on forecasting the amount of traffic that is expected to be attracted to and produced by the specific land uses proposed. The ITE Trip Generation Manual (10th edition, 2017) is a nationally recognized source for estimating site-specific trip generation. To estimate the traffic characteristics of the proposed project, trip-generation statistics published in the ITE Trip Generation Manual for land use codes 150 (Warehousing) and 140 (Manufacturing) were used. These trip generation rates include automobile and truck trip generation. As shown in Table 4-1 of the IS/MND, truck trips were factored further using vehicle mix data from the City of Fontana Truck Trip Generation Study (August 2003). Therefore, the VMT screening analysis indicates that the proposed project, as described in the IS/MND, would screen out of a VMT analysis.

However, there is a Condition of Approval for the proposed project that requires the City of Irwindale to regularly and continually monitor the actual trips generated by the project and enforce the maximum limit of allowable trips according to the IS/MND.

If the project applicant/owner proposes to exceed any limits, additional traffic analyses and VMT analysis shall be reviewed and approved by the Director of Engineering. Prior to the issuance of any occupancy or tenant improvement permit, the proposed tenant(s) shall provide a site-specific trip generation technical memo demonstrating that the average daily vehicle trips do not exceed 362 daily PCE (passenger car equivalent) trips, 45 PCE

2. Response to Comments Received During the Public Review Period

AM trips, 46 PCE PM trips, and 197 daily passenger car trips. If the VMT exceeds the applicable threshold at the time of subsequent review, the issuance of the respective permit shall be subject to CEQA review. The City of Irwindale may also request information relating to truck timing, which can then be negotiated with the future occupant.

A1-4 The commenter states that the use of oversized transport vehicles on State highways will need a Caltrans transportation permit.

The commenter does not describe any inadequacies in the CEQA analysis or conclusion in the Initial Study/Mitigated Negative Declaration, and therefore no changes to the Initial Study/Mitigated Negative Declaration are necessary. The project applicant will coordinate with Caltrans to obtain a transportation permit, as needed.

2. Response to Comments Received During the Public Review Period

LETTER A2 – Los Angeles County Sanitation Districts (2 pages)

A2

LOS ANGELES COUNTY SANITATION DISTRICTS
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
(562) 699-7411 • www.lacsd.org

January 18, 2022

Ref. DOC 6412533

Ms. Brandi Jones and Ms. Lisa Chou
City of Irwindale
5050 Irwindale Ave
Irwindale, CA 91706

Dear Ms. Jones and Ms. Chou:

NOI Response to 4416 Azusa Canyon Road

The Los Angeles County Sanitation Districts (Districts) received a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the subject project on December 22, 2021. The proposed project is located within the jurisdictional boundaries of District No. 22. We offer the following comments regarding sewerage service: Intro

1. The proposed project may require a Districts' permit for Industrial Wastewater Discharge. Project developers should contact the Districts' Industrial Waste Section at (562) 908-4288, extension 2900, to reach a determination on this matter. If this permit is necessary, project developers will be required to forward copies of final plans and supporting information for the proposed project to the Districts for review and approval before beginning project construction. For additional Industrial Wastewater Discharge Permit information, go to https://www.lacsd.org/services/wastewater-programs-permits/industrial-waste-pretreatment-program/industrial-wastewater-discharge-permits. A2-1

2. The proposed project may impact existing and/or proposed Districts' facilities (e.g. trunk sewers, recycled waterlines, etc.) over which it will be constructed. Districts' facilities are located directly under and/or cross directly beneath the proposed project alignment. The Districts cannot issue a detailed response to or permit construction of the proposed project until project plans and specification that incorporate Districts' facilities are submitted for our review. To obtain copies of as-built drawings of the Districts' facilities within the project limits, please contact the Districts' Engineering Counter at engineeringcounter@lacsd.org or (562) 908-4288, extension 1205. When project plans that incorporate our facilities have been prepared, please submit copies to the Engineering Counter for our review and comment. A2-2

3. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Irwindale Section 1 Trunk Sewer, located in Azusa Canyon Road at Los Angeles Street. The Districts' 12-inch diameter trunk sewer has a capacity of 2.9 million gallons per day (mgd) and conveyed a peak flow of 1.3 mgd when last measured in 2015. A2-3

4. The expected increase in average wastewater flow from the project site, described in the MND as 17,000 square feet (sf) manufacturing; 103,670 sf warehouse; and 9,160 sf ancillary office space, is 6,256 gallons per day, after the structures on the project site are demolished. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, under Services, then Wastewater Program and Permits, select Will Serve Program, and scroll down to click on the Table 1, Loadings for Each Class of Land Use link. A2-4

DOC 6433396.D22

2. Response to Comments Received During the Public Review Period

5. The wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plant located adjacent to the City of Industry, which has a capacity of 100 mgd and currently processes an average flow of 61.2 mgd. A2-5

6. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727. If an Industrial Wastewater Discharge Permit is required, connection fee charges will be determined by the Industrial Waste Section. A2-6

7. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities. A2-7

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743 or mandyhuffman@lacsd.org.

Very truly yours,

Mandy Huffman

Mandy Huffman
Environmental Planner
Facilities Planning Department

MNH:mnh

cc: J. Chung
L. Smith
A. Howard
R. Paracuelles
Engineering Counter

DOC 6433396.D22

A2. Response to Comments from Mandy Huffman, Environmental Planner, Los Angeles County Sanitation Districts, dated January 18, 2022.

Intro The commenter indicates that the Los Angeles County Sanitation Districts (LACSD) have received the Notice of Intent to adopt the Mitigated Negative Declaration, and that the project site is within the Los Angeles County Sanitation Districts' jurisdictional boundaries of District No. 22.

This comment serves as an introduction to the commenter's letter and no further response is required.

A2-1 The commentor notes that the proposed project may require an LACSD permit for Industrial Wastewater Discharge. The City will impose a Condition of Approval requiring the applicant to submit plumbing plans to the Los Angeles County Sanitation Districts prior to issuance of a building permit. The Districts' Industrial Waste Section staff will review the plumbing plans when they become available.

To reflect this point, the following text in Section 3.19, *Utilities and Service Systems*, and Section 4, *References*, of the IS/MND (pages 143 and 155) has been added/revised. Changes to the Initial Study are identified here in ~~strikeout~~ text to indicate deletions and <u>underlined</u> text to signify additions. A change made in response to Comment A2-5 is also shown here.

Wastewater Treatment Facilities

Wastewater generated by the land uses in the City is treated by the Sanitation Districts of Los Angeles County (LACSD). Wastewater is collected in the City's local sewer collection system, which tie into one of LACSD's regional trunk sewers. Wastewater from the project site would be treated at the San Jose Creek Water Reclamation Plant (WRP). The San Jose Creek WRP currently provides primary, secondary, and tertiary treatment for a design capacity of 100 million gallons of wastewater per day (mgd). The San Jose WRP currently processes an average flow of ~~66.9~~ <u>61.2</u> mgd ~~(Irwindale 2020; Ng 2021)~~.

<u>Future uses/tenants of the proposed building are still speculative, and there is a possibility that future tenants may discharge industrial wastewater to the sewerage system. Such uses are governed by the Wastewater Ordinance for the LACSD. The applicant is required to submit plumbing plans to the Los Angeles County Sanitation Districts for revision and approval prior to issuance of a building permit.</u>

References (page 155)

Irwindale, City of. 2021, January. Active Transportation Plan. https://www.irwindaleca.gov/DocumentCenter/View/6532/IrwindaleActiveTransportationPlan-012021?bidId=.

2. Response to Comments Received During the Public Review Period

~~———. 2020, April. Draft Environmental Impact Report, 13131 Los Angeles Street Industrial Project. https://www.irwindaleca.gov/DocumentCenter/View/6076.~~

———. 2012, November 20. City of Irwindale 2012 Hazard Mitigation Plan. https://www.irwindaleca.gov/DocumentCenter/View/50/Irwindale-Hazmit-Plan-11-20-12---Website?bidId=.

———. 2008. City of Irwindale General Plan Update. https://www.irwindaleca.gov/DocumentCenter/View/38/General-Plan?bidId=.

A2-2 The commentor notes that the proposed project may impact existing and/or proposed LACSD facilities over which it will be constructed and that LACSD would require review of the proposed project prior to construction. To reflect this point, the following text in Section 3.19, *Utilities and Service Systems*, of the IS/MND (page 144) has been added/revised. Changes to the Initial Study are identified here in ~~strikeout~~ text to indicate deletions and <u>underlined</u> text to signify additions. A change made in response to Comment A2-6 is also shown here.

<u>As a part of the proposed project, a new on-site sewer lateral would connect to the existing private sewer main on Los Angeles Street. No off-site sewer line construction or upsizing would be required to accommodate the proposed project. However, some construction on Los Angeles Street would be required to make the necessary sewer lateral connections to the existing private sewer main. The private sewer main connects to the LACSD sewer trunk main in Azusa Canyon Road. The proposed project may impact existing and/or proposed LACSD facilities over which the proposed project would be constructed. The proposed wastewater system improvements would be designed and constructed in accordance with City and LACSD requirements and project plans and specifications incorporating LACSD facilities are required to be submitted to City and LACSD for approval. Additionally, LACSD charges a fee to connect (directly or indirectly) to its sewerage system or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by LACSD for its capital facilities. The applicant would pay all required connection fees before the proposed project is permitted to discharge to the LACSD sewerage system.</u>

Stormwater Drainage Facilities

See response to Section 3.10.c.iii. As discussed in that section, the proposed project would not require or result in the relocation or construction of new or expanded storm water drainage, and impacts are less than significant.

A2-3 The commenter notes that the wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by LACSD, for conveyance to the LACSD's Irwindale Section 1 Trunk Sewer, located in Azusa Canyon Road at Los Angeles

2. Response to Comments Received During the Public Review Period

Street. The IS/MND describes the proposed on-site sewer system as such, and no changes are required.

The commenter further notes that the 12-inch diameter trunk sewer has a capacity of 2.9 million gallons per day (mgd) and conveyed a peak flow of 1.3 mgd when last measured in 2015. This information is used in the response to Comment A2-4.

A2-4 The commenter is proposing the use of wastewater generation rates as shown in Table 1, "Loadings for Each Class of Land Use," posted on the LACSD's webpage (https://www.lacsd.org/home/showpublisheddocument/3644/637644575489800000). To reflect this point, the following text in Section 3.19, *Utilities and Service Systems*, and Section 4, *References*, of the IS/MND (pages 143, 144, and 155) has been added/revised. Changes to the Initial Study are identified here in ~~strikeout~~ text to indicate deletions and underlined text to signify additions.

Wastewater generation due to the existing project ~~development of the proposed project~~ is conservatively assumed to be 90 percent of the indoor water use. As shown in Table 26, the existing project is assumed to have generated 786 gpd of wastewater. Wastewater generation due to the development of the proposed project is conservatively calculated using LACSD average wastewater generation factors (LACSD 2022). ~~The proposed project would comply with the requirements of the 2019 CALGreen (Title 24, California Code of Regulations, Part 11), which establishes mandatory nonresidential measures for water efficiency and conservation under Sections 5.3. The provisions establish the means of conserving water used indoors and include standards for water-conserving plumbing fixtures and fittings. With the implementation of these requirements, as~~ As shown in Table 26, the proposed project would have ~~an indoor water demand that is less than the existing bottling plant and a subsequent net decrease of 17 gpd in~~ a net increase in wastewater generation totaling 7,038 gpd. It should be noted that wastewater generation rates used for sewer design are very conservative since they include safety factors for peak flows and ensure that sewer lines are sized so that they do not exceed 50 percent capacity.

The San Jose WRP currently has a residual capacity of 38.8 mgd. Additionally, the LACSD trunk sewer line in Azusa Canyon Road has a capacity of 2.9 mgd and conveyed a peak flow of 1.3 mgd when last measured in 2015. The sewer line has a residual capacity of 1.6 mgd. Therefore, project development would not require the construction of new or expanded wastewater treatment or conveyance facilities. Impacts would be less than significant.

2. Response to Comments Received During the Public Review Period

Table 26 Proposed and Former Wastewater Generation

~~Landscape Square Footage~~ Land Use Type (SF)	Outdoor Water Use (gpd)	Total Water Demand (gpd)	Wastewater Generation Rate (gpd per 1,000 SF)[3]	Indoor Water Demand (gpd)	Wastewater Generation (gpd)[3]
Former Land Use					
Landscaping: 1,000[1]	20[2]	893	-	873	786
Proposed Land Use					
Manufacturing: 17,000	-	-	200	-	3,400
Warehousing: 103,670	-	-	25	-	2,592
Office: 9,160	-	-	200	-	1,832
~~23,271[4]~~	~~565~~	~~1,419~~		~~854~~	~~769~~
Net Increase	**~~545~~**	**~~526~~**		**~~(19)~~**	**~~(17)~~ 7,038**

Source: DWR 2017, 2021; LACSD 2022 ~~Scott Peterson Landscape Architect 2021~~.
Notes: gpd = gallons per day
1 The existing site includes several mature ornamental trees at the entrance to the northern parking lot along with a few shrubs. The square footage of this area was estimated using Google maps.
2 Outdoor water use is based on the California Department of Water Resources' Water Budget Workbook for New and Rehabilitated Non-residential Landscapes. Precipitation for the City of Monrovia was used.
3 Calculated as 90 percent of indoor water demand.
4 ~~While the total landscaped area is 27,979 square feet, only 23,271 square feet is irrigated.~~

References (page 155)

Los Angeles Conservancy (LAC). 2020. Preservation by City: Irwindale. https://www.laconservancy.org/communities/irwindale.

Los Angeles County Department of Regional Planning (DRP). 2019. Significant Ecological Areas Program. http://planning.lacounty.gov/site/sea/maps/.

Los Angeles County Office of the Assessor (LACOA). 2021, May 29 (accessed). Property Assessment Information System. https://maps.assessor.lacounty.gov/m/.

Los Angeles County Sanitation Districts (LACSD). January 31, 2020 (accessed). Table 1, Loadings for Each Class of Land Use. https://www.lacsd.org/home/showpublisheddocument/3644/637644575489800000.

A2-5 The commenter notes that the San Jose Creek Reclamation Plant has a capacity of 100 mgd and currently processes an average flow of 61.2 mgd. The text in the IS/MND has been changed accordingly, as shown in the response to Comment A2-1.

A2-6 The commenter notes that LACSD charges a fee to connect to its facilities or to increase the strength or quantity of wastewater discharged from connected facilities and that payment of a connection fee may be required before this project is permitted to discharge to the LACSD's sewer system. The text in the IS/MND has been changed accordingly, as shown in the response to Comment A2-2.

2. Response to Comments Received During the Public Review Period

A2-7 The commenter notes that the capacities of the LACSD's wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG) and that all expansions of LACSD's facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast. That is, LACSD is informing the applicant that the available capacity of the LACSD's treatment facilities will be limited to levels associated with the approved growth identified by SCAG and that LACSD is not guaranteeing wastewater service but intends to provide service up to levels that are legally permitted. No specific CEQA issue is identified, and no further response is required. The comment is noted and will be forwarded to the decision makers.

2. Response to Comments Received During the Public Review Period

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2. Response to Comments Received During the Public Review Period

LETTER O1 – Lozeau Drury, LLP, Supporters Alliance for Environmental Responsibility (SAFER) (2 pages)

O-1

LOZEAU DRURY LLP
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1939 Harrison Street, Ste. 150
Oakland, CA 94612
www.lozeaudrury.com
richard@lozeaudrury.com

Via Email

December 23, 2021

Brandi Jones, Senior Planner
Community Development Department
City of Irwindale
16102 Arrow Highway, Second Floor
Irwindale, CA 91706
BJones@IrwindaleCA.gov

Marilyn Simpson, Director
Community Development Department
City of Irwindale
16102 Arrow Highway, Second Floor
Irwindale, CA 91706
msimpson@IrwindaleCA.gov

Laura Nieto, Chief Deputy City Clerk
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91706
lnieto@irwindaleca.gov

Re: CEQA and Land Use Notice Request for 4416 Azusa Canyon Road (SCH 2021120500)

Dear Ms. Jones, Ms. Simpson, and Ms. Nieto:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the project known as 4416 Azusa Canyon Road (SCH 2021120500), including all actions related or referring to the proposed construction of a concrete tilt-up warehouse, office, and manufacturing facility with a footprint of 125,500 square feet, located at the northeastern corner of the Azusa Canyon Road / Los Angeles Street intersection, on APN 8417-004-006, in the City of Irwindale ("Project").

We hereby request that the City of Irwindale ("City") send by electronic mail, if possible or U.S. mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

O1-1

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
  - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
  - Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.

2. Response to Comments Received During the Public Review Period

December 23, 2021
CEQA and Land Use Notice Request for 4416 Azusa Canyon Road (SCH 2021120500)
Page 2 of 2

- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

O1-1 cont'd

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail or U.S. Mail to:

Richard Drury
Stacey Oborne
Molly Greene
Lozeau Drury LLP
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molly@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,

Molly Greene

Molly Greene
Lozeau | Drury LLP

2. Response to Comments Received During the Public Review Period

O1. Response to Comments from Molly Greene, Lozeau Drury LLP, SAFER, dated December 23, 2021.

O1-1 The commenter is requesting that the City send by electronic mail if possible, or U.S. mail, notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City for the proposed project.

The City will notify the commenter, either via electronic mail or U.S. mail, on any and all actions and hearings related to the proposed project as requested.

2. Response to Comments Received During the Public Review Period

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2. Response to Comments Received During the Public Review Period

LETTER O2 – Teamsters (6 pages)

O-2

Teamsters Local Union No. 396
Package and General Utility Drivers
Affiliated with the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

CITY OF IRWINDALE
COMMUNITY DEVELOPMENT
JAN 19 2022
RECEIVED

Brandi Jones, Senior Planner
(626) 430-2260, bjones@irwindaleca.gov
City of Irwindale
5050 Irwindale Avenue
Irwindale, California 91706

Lisa Chou, Associate Planner
(626) 430-2246, lchou@irwindaleca.gov
City of Irwindale
5050 Irwindale Avenue
Irwindale, California 91706

Re: 4416 Azusa Canyon Road Project
Assessor's Parcel Number: 8417-004-006
Project Sponsor: Rexford Industrial Realty Consulting Firm
https://www.irwindaleca.gov/575/4416-Azusa-Canyon-Road

Dear Ms. Jones and Ms. Chou:

These comments are being submitted on behalf of Teamsters Local 396 regarding the above-captioned project, specifically in response to the project's Initial Study (IS) and the City of Irwindale's determination that a Mitigated Negative Declaration (MND) is necessary to provide CEQA (California Environmental Quality Act) clearance for the project. Please note that we reserve the right to clarify and supplement these comments as permitted by law and do not waive any issue or matter omitted herein as a result of error or omission by the City of Irwindale or the Project Sponsor, to the extent permitted by law.

Teamsters Local 396 represents delivery, sanitation, logistics, recycling and other workers in Los Angeles County. Our members live in Irwindale and other parts of Los Angeles County. As residents, they may be adversely affected by the potential traffic, air quality, noise, public health, and other impacts caused by the project. O2-1

The proposed Mitigated Negative Declaration (MND) is insufficient substantively and as a matter of law and is inappropriate given the likelihood of significant environmental impacts that are not adequately studied or mitigated by the proposed mitigation measures. The City of Irwindale should either reject the proposed IS/MND or send the proposal back to staff and the Project Sponsor to prepare a full Environmental Impact Report (EIR).

The Initial Study describes the project:

> The 4416 Azusa Canyon Road project (proposed project) involves the construction and operation of a new warehouse and manufacturing facility on a currently developed site. The warehouse and manufacturing businesses (prospective tenants are unknown at this time) would operate out of a proposed building that would encompass a total of 129,830 square feet, with 17,000 square feet of manufacturing space, 103,670 square feet of warehousing space, and 9,160 square feet of ancillary office space to support the industrial and warehousing tenant(s). The proposed project would also include 18 dock door positions within a secured truck court area on the southeastern side of the site. Other project components include vehicular

O2-2

2. Response to Comments Received During the Public Review Period

and pedestrian access and circulation improvements, asphalt parking areas, utility and infrastructure improvements, and various hardscape and landscape improvements.

The project would also involve the demolition of a Pepsi Bottling Group plant which closed in December 2020.

O2-2 cont'd

The Initial Study (Page 8) claims that the ultimate tenant or end user is currently unknown: "Future uses/tenants are described as speculative, and the specific warehousing types have not been defined. Similarly, other industrial or potential manufacturing uses have not been specified."[1]

Despite this, it seems likely that the project will be an Amazon "last mile" delivery station:

- An Amazon representative stated last year (during proceedings for a planned last mile delivery station in West Covina) that it was actively looking at 2 Southern California cities – Irwindale and El Monte – as locations for future last mile delivery stations.
    - Amazon is now the largest single developer of warehouses and logistics facilities in the United States. From 2014 to the first half of 2021, the number of last mile delivery stations grew from just 8 to almost 450. Amazon plans to open at least another 250 last mile delivery stations in the U.S. over the next 2 years. The company reportedly plans to open at least 1,500 last mile delivery stations.[2]
- The Project Sponsor – Rexford Industrial Realty – has a pre-existing relationship with Amazon, leasing multiple properties to it, including facilities in Glendale, CA and Thousand Oaks, CA.[3]
- The City of Irwindale actively encourages the development of e-commerce-related last mile delivery stations. The official webpage notes that "the City offers a rare abundance of land, especially when incorporating former mining sites and sites that will become available after their mines close, within the core of the Los Angeles Metropolitan Area market. *This presents an irresistible attraction for industrial and commercial uses, especially last-mile distribution, which is needed more than ever with the proliferation of e-commerce.*" https://www.irwindaleca.gov/35/Doing-Business
- The project description fits a last mile delivery station (approximately 100,000 sq. ft. warehouse, open 24 hours per day and 7 days per week[4], located within a densely populated urban area, etc.).

O2-3

The likelihood that this project is an Amazon last mile delivery station is significant: last mile facilities generate significantly more traffic than other warehouse types. The nature of last mile facilities – which are the starting point of hundreds of daily deliveries into surrounding communities – means that they generate traffic, noise, pollution, and other impacts far beyond the actual facility site.

Traffic Impacts:

Amazon facilities are known to generate traffic problems, leading to congestion and back-ups onto nearby streets, increasing the potential for accidents and contributing to road wear. This was illustrated in 2019-2020 at an Amazon last mile delivery station in Thousand Oaks leased from Rexford Industrial Realty, the sponsor of this project:

> In late March, officials in Thousand Oaks scrutinized Amazon's fleet of delivery vans on local roadways after local residents complained about traffic congestion. Acrimony revolved around a bottleneck of vehicles trying to enter Rexford Industrial-owned Conejo Spectrum Business Park in Newbury Park -- where Amazon established a presence in 2018 when it transformed a 55,000-square-foot warehouse at 2405 Conejo Spectrum St. into an Amazon Prime distribution center. According to Thousand Oaks Code Compliance Manager Geoff Ware, who led an investigation of Amazon's driving practices since the first complaint was filed in October, the backup has worsened in the past few months "with the numeric value

O2-4

[1] It is also possible that the Project Sponsor (Rexford Industrial Realty) and/or the City of Irwindale are aware of the specific end user, or at least the specific type of use anticipated. Page 123 of the Initial Study notes that a "similar warehouse project" was used to assess noise levels. What is the "similar warehouse project" Who decided that it was "similar"? The City? The Project Sponsor? If either entity has any more specific information about the ultimate end user, it must be disclosed and accounted for in order to accurately assess this project's impacts.

[2] https://www.freightwaves.com/news/amazon-to-blanket-the-burbs-with-lots-of-delivery-stations

[3] "Glendale: Amazon's mysterious ways," Indian Real Estate News, May 25, 2018, https://blog.naiop.org/2021/09/the-new-opportunities-in-urban-middle-last-mile/ https://www.reit.com/news/reit-magazine/january-february-2016/older-buildings-are-prime-sites-rexford-industrial

[4] Page 25 of the Initial Study.

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and types of traffic patterns involved with the Amazon location.... It was just an overload of vehicles trying to access the site."[5]

The Initial Study's assessment of traffic impacts contained in the Transportation Analysis (Appendix I) does not adequately address traffic issues. It is based on faulty methodology. Page I-75 of the Transportation Analysis states:

> *In order to estimate the traffic characteristics of the Project, trip-generation statistics published in the Institute of Transportation Engineers (ITE) Trip Generation (10th Edition, 2017) manual for ITE Land Use Code 150 (Warehousing) and 140 (Manufacturing) are utilized.* Trip generation rates and resulting calculations for the proposed Project are shown on Table 1. The Project is anticipated to generate 262 trip-ends per day with 29 AM peak hour trips and 35 PM peak hour trips, with the mixture of passenger car and truck trips as shown in Table 1.

The majority of the site is planned for a "stand-alone concrete tilt-up warehouse, office and manufacturing facility" but the particular nature of this use is not defined and the ultimate tenant or end user is unknown. Despite this uncertainty, the Transportation Analysis is based on an assumption that the Institute for Transportation Engineers (ITE) Trip Generation Manual Land Use Code 150 will be applicable. Land Use Code 150 is for a traditional warehouse use, i.e., a place where packages are stored for wholesale distribution or for distribution to producers or manufacturers. This is specifically a "long-term storage" facility, according to the ITE manual. O2-4 cont'd

The *zoning* designation, however, is far broader than the specific use associated with Land Use Code 150. Page 29 of the Initial Study states:

> The prevailing planning and regulatory plans that govern development and use of the project site are the Irwindale General Plan, Irwindale Zoning Code (Title 17 [Zoning]), and Irwindale Commercial and Industrial Design Guidelines. The general plan land use designation of the project site is Industrial/Business Park, and the site is zoned Light Manufacturing (M-1). Land devoted to Industrial/Business Parks may range in size from 10 acres up to 100 acres, subdivided into smaller lots and developed with industrial buildings of varying sizes.

This is a significant distinction, because of the vast disparity between warehouse/distribution uses in the ITE trip generation manual itself. *The trip-per-unit figure for Code 150 warehouses is 0.19; the trip-per-unit figures for distribution-focused warehouses (such as last mile delivery stations), i.e., codes 155 and 156 are 1.37 and 0.64 respectively, representing significantly higher trip generation characteristics respectively of 7+ times larger than Code 150 and 3+ times larger than Code 150.* Since these uses are clearly permitted by the zoning designation, the Transportation Analysis is inadequate both substantively and as a matter of law.

The Project Sponsor (and the City of Irwindale) have not further defined the precise end user, or even a range of possible end users, for the project site. At the same time, by adopting the MND, the City would be allowing an entire range of "distribution plants and warehouses," including those that fall under Land Use Codes 155 and 156 of the ITE manual. This includes e-commerce-type "last mile" delivery stations that generate far more traffic than traditional warehouses, and traffic of a particular type: vehicle trips into residential areas to make deliveries.

The range of uses that will be allowed by adopting this MND would include distribution centers and "last-mile"-type delivery stations, which are more often evaluated as "high-cube" warehouses with significantly higher trip generation characteristics. Importantly, even these ITE Land Use Code designations (155 & 156) are not typically treated as adequate, because of the unique nature of these e-commerce facilities. In other California localities, e-commerce applicants have conducted bespoke studies based on existing facilities in order to provide CEQA-compliant data for purposes of transportation analysis. O2-5

The IS/MND transportation analysis falls far short of this requirement. It uses the lowest-level of traffic generation to justify an approval that would allow a significantly more intense type of use. This is precisely what MNDs should *not* do,

[5] "SPACE FOR E-COMMERCE: With the coronavirus crisis encouraging online shopping, companies from Amazon.com to local businesses are in the market for warehouses (REAL ESTATE QUARTERLY: SPECIAL REPORT)," San Fernando Valley Business Journal, April 27, 2020.

2. Response to Comments Received During the Public Review Period

given CEQA's purpose of providing decision-makers and the public with adequate information to make an informed decision on potential environmental impacts. To be adequate, the City of Irwindale needs to study the full range of allowed uses, or, alternatively, condition the approvals to allow only those uses that were actually studied in the IS/MND. This issue alone is sufficient to require a rejection of the IS/MND, or imposition of conditions on the approval that would preclude development on the property of those uses which are more intense but were not studied. O2-5 cont'd

The faulty methodology of the Transportation Analysis also contributes to other problems in the Initial Study. For example:

1) The Initial Study's Transportation Analysis does not include a VMT (vehicle miles traveled) analysis, but it should have included one. The Initial Study states that:

> Under SB 743, a city can decide to screen out certain projects from needing a complete VMT analysis. OPR has advised that certain projects could be cleared from further analysis based on size, type, location, and/or proximity to a major transit stop or high-quality transit. The City of Irwindale adopted its VMT thresholds on November 11th, 2020. Since the City of Irwindale's VMT thresholds do not include screening criteria, the County of Los Angeles' Guidelines were used. The County requires VMT analysis for development projects that are estimated to generate a net increase of 110 or more daily vehicle trips... *The passenger car trip generation for the proposed project is 197 daily trips, but the estimated trip generation for the Pepsi bottling plant is 88 daily trips Therefore, the net increase in the proposed project's passenger car trip generation is 109 vehicles per day, just under the threshold of 110 vehicles per day* (see Table 25). Therefore, proposed project would not require further VMT analysis and would have a less than significant impact.

O2-6

If the Transportation Analysis calculated passenger car trip generation based on either Land Use Code 155 or 156 used for distribution-based warehouses, the net increase in the proposed project's passenger car trip generation would have far exceeded the threshold of 110 vehicles per day and would have necessitated a VMT analysis.

2) The Initial Study's discussion of toxic air contaminants notes that "land uses that generate more than 100 truck trips per day have the potential to substantially increase toxic air contaminants (TAC) concentrations and health risks at off-site sensitive land uses within 1,000 feet of the facility" but that "the proposed project would generate an average of only about 65 medium- and heavy-duty truck trips per day."[6] If this project becomes a last mile delivery station, it is likely to exceed the 100 truck trip threshold, given that Land Use Codes 155 and 156 that cover last mile facilities calculate vehicle trips that are 3+ or 7+ times higher than Land Use Code 150 that covers traditional warehouses. The MND should therefore include an air contaminants analysis that includes this possible scenario. O2-7

The IS/MND Does Not Account for Unique Impacts of Last Mile Delivery Stations:

In the possible and even likely event that this project will be a last mile delivery station, traffic, noise and pollution impacts will be particularly acute because they will be spread by delivery vehicles that will travel through residential neighborhoods, bringing congestion, noise and pollutants closer to children, seniors and other "sensitive receptors." Delivery to consumers in neighborhoods means that trucks will be driving slowly and idling near homes, making frequent stops and starts, and otherwise emitting greenhouse gases and other particulates not only at the warehouse, but consistently throughout the day in residential areas that are otherwise not zoned to account for such emissions.

Urban planner Daniel Flaming, president of the Economic Roundtable, a Los Angeles-based research non-profit that provides transparent, data-driven policy analysis, notes that last-mile facilities have several negative impacts when situated near residential areas: "It would be horrific if you owned a home next to one of these distribution centers. All those loaded trucks have significant road wear issues as well as congestion issues, noise issues and pollution issues."[7] O2-8

The project is located within 1 mile of the following:

- Schools: Merwin Elementary School, Manzanita Elementary School, Grovecenter Elementary School, Monte Vista Elementary School, Geddes Elementary School, Margaret Heath Elementary School, Central Elementary

[6] Page 61 of the Initial Study.
[7] Southland logistics; Amazon shifting to the fast lane. Redlands 6 U.S. Census Bureau. Time Series of California Intercensal Population Estimates by County: April 1, 1990 to April 1, 2000.

2. Response to Comments Received During the Public Review Period

School, Pleasant View Elementary School, Alice M. Ellington K-8 School, Jerry D. Holland Junior High School, Las Palmas Middle School, Olive Middle School, Baldwin Park High School, North Park High School, Gladstone High School, Covina High School, Jubilee Christian School.

- Residential Buildings: Serrano Apartment, Vincent Village Apartments, Sunset Square Apartments, Heritage Park Villas. The Initial Study (Page 7) also notes that "residential areas are within a 1,000-foot radius to the northeast, southeast, south, and southwest of the project site. The closest sensitive receptors are a single-family residence approximately 550 feet northeast on East Cypress Street and a mobile home park approximately 700 feet to the southwest."
- Churches: Our Lady of Guadalupe Church, Christ Community Church, Bethany Church, Faith Church, Church Baldwin Park, Family Christian Church, Pilipino Community Church, Indonesian Good News Church.
- Recreational Areas: Irwindale Park, Jardin de Roca Park, Hilda L. Solis Park, Del Norte Park, Santa Fe Dam Recreation Area.
- Hospitals: Kindred Hospital San Gabriel Valley.

O2-8 cont'd

The Initial Study does not account for the wider impacts inherent in last mile facilities. For example, the Initial Study's analysis of toxic air contaminants and their health risks addresses only the increased health risk caused by stationary sources on the site itself, ignoring the potential for emissions caused from vehicles that will traverse regularly through residential areas, should the site be developed into a last mile facility. The Initial Study needs to include an analysis of the full scope of impacts generated by last mile facilities.

Parking Impacts:

The project's allotted parking may be inadequate, if it turns out to be an Amazon facility. This is especially true for facilities that are open 24 hours a day and 7 days a week like this one is expected to be. Parking problems at Amazon facilities have been well documented:

- Insufficient parking spaces and the high volume of last mile delivery vans force workers servicing them to look for parking offsite, taking parking spaces that would otherwise be used by local residents.[8] Teamsters Union members and staff have observed these problems at numerous Amazon facilities.
- The need to park offsite has led to conflicts with workers servicing Amazon warehouses:
    - Several lawsuits filed against Amazon's subcontracted van companies that list Amazon as a joint employer have previously alleged violations of wage & hour laws because they were required to park and pick up their delivery vehicles offsite but Amazon did not compensate them for the time spent traveling from their offsite parking locations to their workplaces.
    - The issue was a central grievance that led to a 2019 walkout of workers in an Amazon warehouse in Minnesota.[9]

O2-9

Despite these problems, the proposed project will only include 123 parking spaces.[10] This stands in contrast to other Amazon last mile projects currently under development:

- Smithtown, NY: 309 parking spaces, 64,000 sq. ft.
- Westbury, NY: 237 parking spaces, 40,113 sq. ft.
- Garden City, NY: 175 parking spaces, 100,000 sq. ft.
- Peabody, MA: 1,181 parking spaces (313 regular spaces, 868 fleet storage spaces), 183,000 sq. ft.

Community Development & Jobs:

The Initial Study (on Page 109) discusses the project's "Community Development Element," stating that it aligns with the City of Irwindale's goal to "promote development that will benefit the community as a whole in terms of both jobs and revenue generation." The Initial Study notes that the project "is anticipated to add approximately 72 new jobs."[11] City officials may be disappointed in the jobs created, if this is a facility run by Amazon, which has become known for poor quality, dangerous jobs:

O2-10

[8] "Online Spending to Hit a New Record," CBS News Transcript, December 2, 2019.
[9] "News Watch," Labor Notes, September 1, 2019.
[10] Page 25 of the Initial Study.
[11] Page 55 of the Initial Study.

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Negative Impact on Wages:

- According to Bureau of Labor Statistics data for 68 counties where a large Amazon facility was opened, the average compensation for the industry declined more than 6% in the two years after opening.[12]
- A U.S. Government Accountability Office report from October 2020[13] cited in several articles found that in the nine states covered, more than 4,000 Amazon employees receive SNAP food assistance.
- Pre-pandemic research found that warehouse workers in areas with an Amazon facility earned about 10% less than similar workers elsewhere.[14]

Injury Rates Associated with Amazon Facilities:

- OSHA data for 2020 shows that the serious injury rate at Amazon warehouses – meaning workers were hurt badly enough to miss work or be placed on light duty – was almost 80% higher than the entire warehousing industry at 5.9 serious injuries for every 100 Amazon workers.[15] [16]
- Despite touting millions spent on safety, internal data show that Amazon leaders went to great lengths to hide an ongoing, and worsening, safety crisis at company warehouses across the U.S.[17]

Amazon Employment Churn: Data shows that when Amazon moves into a county, turnover rates for the entire county skyrocket – in just 2 years, a new Amazon facility increases the turnover rate for warehousing and storage employees an average of 30%.[18] In California, researchers found that the average turnover rate in "Amazon" counties for warehouse workers more than doubled in the years between 2011 (a year before Amazon's first fulfillment center opening) and 2017, from 38.1% to 100.9%.[19]

O2-10 cont'd

Conclusion:
For the foregoing reasons, we respectfully request that the City of Irwindale reject the proposed IS/MND, or impose conditions on the ultimate use of the property that would justify the assumptions in the IS/MND.

O2-11

Sincerely,

Ron Herrera

Ron Herrera,
Secretary Treasurer
Teamsters Local 396

[12] Bloomberg. Amazon Has Turned a Middle-Class Warehouse Job into a McCareer. December 2020.
[13] U.S. Government Accountability Office Report to the Ranking Member, Committee on the Budget, U.S. Senate. FEDERAL SOCIAL SAFETY NET PROGRAMS: Millions of Full-Time Workers Rely on Federal Health Care and Food Assistance Program. https://www.gao.gov/assets/gao-21-45.pdf. October 2020.
[14] The Economist. What Amazon does to wages. January 2018.
[15] The Washington Post. Amazon warehouse workers suffer serious injuries at higher rates than other firms. June 2021.
[16] Strategic Organizing Center. Primed for Pain: Amazon's Epidemic of Workplace Injuries. May 2021.
[17] Reveal. How Amazon Hid its Safety Crisis. September 2020.
[18] The New York Times. Inside Amazon's Employment Machine. June 2021.
[19] National Employment Law Project. Amazon's Disposable Workers: High Injury and Turnover Rates at Fulfillment Centers in California. March 2020.

O2. Response to Comments from Ron Herrera, Secretary Treasurer, Teamsters, dated January 19, 2022.

O2-1 The commenter asserts that the Mitigated Negative Declaration (MND) is substantively insufficient given the likelihood of significant environmental impacts that are not adequately studied or mitigated by the proposed mitigation measures. The commenter states that the City should either reject the proposed Initial Study/Mitigated Negative Declaration (IS/MND) or prepare a full Environmental Impact Report (EIR).

The IS/MND fully discloses potential environmental impacts and mitigation, as appropriate, and reduces impacts to below significance with the imposition of mitigation measures. See response to comments O2-3 through O2-10, which provide detailed responses to the commenter's specific assertions.

O2-2 The commenter provides a summary of the proposed project. No further response required.

O2-3 The commenter states that despite the Initial Study's description that the future tenant is unknown and speculative, it seems likely that the project will be an Amazon "last mile" delivery station. This assertion is followed by a bullet list of speculative data regarding Amazon delivery stations, Rexford Industrial Realty's operations, and Irwindale's policy regarding e-commerce.

The commenter's suggestion that the proposed project is intended as an Amazon last mile delivery facility is pure speculation and incorrect. As described in the Initial Study, the future tenants and users for the proposed warehouse and manufacturing facility have not been determined. The warehouse has been designed to specifications that fit the project description in the IS/MND. Moreover, the analysis, including the technical analysis for transportation, air quality, greenhouse gas emissions, and noise, have all been prepared consistent with requirements for a "spec" warehouse (see also the responses to comments A1-3 and O2-4).

Last-mile, e-commerce warehouses require certain structural specifications that are either incorporated in the design of a building prior to construction or require retrofitting to an existing structure. The City also mandates specific parking requirements based on the intended uses of a building. The proposed building is not designed to accommodate an Amazon last-mile facility, and the proposed parking would not comply with the City's requirements for such a facility. The proposed project has been designed and will be constructed to accommodate a warehouse/manufacturing facility, as described in the project description. Future tenants/uses at this point remain speculative.

Furthermore, future occupancy by Amazon or similar e-commerce tenant would require additional permitting by the City. Approval of the IS/MND for the proposed project would not accommodate this kind of use without further review and approval. To address

2. Response to Comments Received During the Public Review Period

the concerns of this commenter as well as the recommendation from Caltrans (see Response A1-3) regarding the potential for VMT to exceed the screening level used in the Initial Study, the City will require the following Condition of Approval[1]:

> Prior to the issuance of any occupancy or tenant improvement permit, the proposed tenant(s) shall provide a site-specific trip generation technical memo demonstrating that the average daily vehicle trips do not exceed 362 daily PCE (passenger car equivalent) trips, 45 PCE AM trips, 46 PCE PM trips, and 197 daily passenger car trips. The City will regularly and continually monitor the actual trips generated by the project and enforce the maximum limit of allowable trips. If the project applicant/owner proposes to exceed any limits, additional traffic analyses and VMT (vehicle miles traveled) analysis shall be reviewed and approved by Director of Engineering. If the VMT exceeds the applicable threshold at the time of subsequent review, the issuance of the respective permit shall be subject to CEQA review. The owner/applicant shall be solely responsible for all costs related to analyses, peer review, monitoring, and enforcement.

This Condition of Approval would ensure that any environmental impacts that arise from Amazon or similar tenant occupying the proposed project would be evaluated prior to the issuance of any occupancy permits.

O2-4 Specific information relating to the future occupant / tenant is currently unknown, and the land use data provided by the project team and agreed upon by the City of Irwindale was used in the traffic analysis. See new Condition of Approval in response to Comment O2-3.

O2-5 Please refer to Responses O2-3 and O2-4.

O2-6 Specific information relating to the future occupant / tenant is currently unknown, and the land use data provided by the project team and agreed upon by the City of Irwindale was used in the traffic analysis. See the Condition of Approval in response to Comment O2-3.

O2-7 The commenter notes that the Health Risk Assessment incorporated as Appendix B of the IS/MND does not reflect toxic air contaminants (TAC) that would arise from the higher truck trips generated from an Amazon last-mile delivery station. The commenter requests that this scenario be analyzed in the IS/MND.

Amazon last-mile facilities generally generate fewer heavy- and medium-duty truck trips than manufacturing and warehousing uses as analyzed in the IS/MND. Heavy- and

[1] Condition of Approval (COA) No. D-20 of the Planning Commission Resolution NO. 814(22).

medium-duty trucks typically use diesel, which generates TACs associated with health impacts to sensitive receptors. An Amazon last-mile delivery station would result in an increase in passenger and light-duty trucks that typical use gasoline or are electric vehicles. Therefore, the Health Risk Assessment in the IS/MND is a more conservative analysis when it comes to health risk.

Nevertheless, and in reference to the response to Comment O2-3, the City will impose a Condition of Approval that would ensure that any environmental impacts that arise from Amazon occupying the proposed project would be evaluated prior to the issuance of any occupancy permit.

The commenter also reiterates the point that ITE codes 155 and 156 should have been used for this project. Please refer to the response to Comment O2-4 regarding the traffic analysis methodology.

O2-8 Please refer to the response to comments O2-3 and O2-7. Additionally, the commenter notes that the analysis of TACs and their health risks in the IS/MND only addresses the increased health risk caused by stationary sources on the site itself, ignoring the potential for emissions caused from vehicles. The Health Risk Assessment considers the health impact to sensitive receptors (including residential uses and schools) from diesel trucks and diesel-fueled off-road equipment (i.e., forklifts and yard trucks) operating on the site. Operational emissions from trucks were evaluated for diesel trucks traveling on-site over the ingress and egress driveways and idling at truck loading areas as well as the emissions from diesel trucks traveling to and from the site along surface streets (Azusa Canyon Road and Los Angeles Street).

O2-9 The commenter indicates that the proposed project's parking is insufficient. Please see Response O2-3. The commenter is correct in noting that the project would not comply with requirements for an Amazon last-mile facility. The project has not been designed for such use. Nevertheless, CEQA does not require an evaluation of parking impacts and the proposed parking on the site meets the City's parking requirements.

O2-10 The commenter states that the proposed project would create poor-quality, dangerous, and lower-paying jobs that may result in work-related injuries and high turnover rates. These are not CEQA-related issues; however, the comment is noted and will be forwarded to decision makers.

O2-11 Please refer to Responses O2-3 through O2-10.

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2. Response to Comments Received During the Public Review Period

LETTER O3 – Lozeau Drury, LLP, Supporters Alliance for Environmental Responsibility (SAFER) (1 page)

O3

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Via Email

January 19, 2022

Brandi Jones, Senior Planner
Community Development Department
City of Irwindale
16102 Arrow Highway, Second Floor
Irwindale, CA 91706
BJones@IrwindaleCA.gov

Re: Comment on Mitigated Negative Declaration, 4416 Azusa Canyon Road (SCH 2021120500)

Dear Ms. Jones:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the 4416 Azusa Canyon Road Project (SCH 2021120500), including all actions related or referring to the proposed construction of a concrete tilt-up warehouse, office, and manufacturing facility with a footprint of 125,500 square feet, located at the northeastern corner of the Azusa Canyon Road / Los Angeles Street intersection, on APN 8417-004-006, in the City of Irwindale ("Project").

After reviewing the IS/MND, we conclude the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of Irwindale ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq. O3-1

We reserve the right to supplement these comments, including but not limited to at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Richard Drury

2. Response to Comments Received During the Public Review Period

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2. Response to Comments Received During the Public Review Period

O3. Response to Comments from Richard Drury, Lozeau Drury LLP, SAFER, dated January 19, 2022.

O3-1 The commenter states that the Initial Study/Mitigated Negative Declaration (IS/MND) fails as an informational document and there is a fair argument that the proposed project may have adverse environmental impacts, and therefore, an Environmental Impact Report should be prepared.

The commenter's statement is unsubstantiated. Since the commenter does not describe specific areas of inadequacies in the CEQA analysis or conclusions, it is not possible to address this allegation. Therefore, no changes to the Initial Study/Mitigated Negative Declaration are necessary.

2. Response to Comments Received During the Public Review Period

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3. Response to Comments Received After the Public Review Period

Following are letters from Lozeau Drury, on behalf of SAFER, commenting on the IS/MND for the proposed project. These letters were submitted after the public review period, which extended from December 21, 2021, through January 19, 2022, ended. Comment letters and specific comments are given letters and numbers for reference purposes.

Note: Subsequent to preparation of Response to Comments, Planning Commissioners and Community Development Department staff received a letter from Lozeau Drury, LLP dated October 7, 2022, stating that "SAFER believes that its concerns raised in the comment letters have been adequately addressed and accordingly withdraws the comment letters. SAFER has no further objection to the Project." The letter references SAFER comment letters dated February 16, 2022, March 16, 2022 and September 21, 2022.

Number Reference	Commenting Agency/Person	Date of Comment	Page No.
Organizations			
O4	Lozeau Drury, LLP – Supporters Alliance for Environmental Responsibility (SAFER)	February 16, 2022	3-3
O5	Lozeau Drury, LLP – Supporters Alliance for Environmental Responsibility (SAFER)	March 16, 2022	3-23

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LETTER O4 – Lozeau Drury, LLP, Supporters Alliance for Environmental Responsibility (SAFER) (14 pages)

O4

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SENT VIA EMAIL

February 16, 2022

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Lisa Chou, Associate Planner
City of Irwindale
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Re: Comment on Mitigated Negative Declaration, 4416 Azusa Canyon Road (SCH 2021120500), Site Plan & Design Review DA No. 04-2020, and Resolution No. 813(22) and Resolution No. 814(22).

Dear Ms. Jones, Ms. Chou, and Honorable Planning Commissioners:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the 4416 Azusa Canyon Road Project (SCH 2021120500), including all actions related or referring to the proposed construction of a 129,830 square-foot speculative concrete tilt-up warehouse, office, and manufacturing facility with associated passenger vehicle parking, located at the northeastern corner of the Azusa Canyon Road/Los Angeles Street intersection, on APN 8417-004-006, in the City of Irwindale ("Project").

O4-1

After reviewing the IS/MND, we conclude the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of Irwindale ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq.

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I. PROJECT BACKGROUND AND DESCRIPTION

The proposed Azusa Canyon Road Project is for the construction of a 129,830 square-foot speculative concrete tilt-up building and associated passenger vehicle parking. The building consists of 9,160 square feet of office space, 17,000 square feet of manufacturing space, and 103,670 square feet of warehousing space. The property has a gross square footage of 256,664 square feet (5.89 acres) and a net square footage of 251,096 square feet (5.76 acres). There is a required street dedication along Azusa Canyon Road of 5,568 square feet (.13 acres). According to the City of Irwindale Planning Commission Staff Report for the Project ("Staff Report"), there is no prospective user at this time. (Staff Report, p. 4.) The Project is located at 4416 Azusa Canyon Road (APN: 8417-004-006) in Irwindale, California.

The Project Applicant is requesting a Site Plan and Design Review (DA) for the construction of the building and associated parking. The Project site is designated in the General Plan as Industrial/Business Park and Residential. The property is currently zoned M-1 (Light Manufacturing). The site is surrounded by Industrial Businesses (M-2, Heavy Manufacturing) to the north, south, and east, and the Public Works Yard & Olive Pit (M-1, Light Manufacturing & Q, Quarry) to the west. (Staff Report, p. 2.)

The Staff Report provided the following background information and history about the site:

> Based on a review of historical information, the project site appears to have been used as an orchard from at least 1928 until around 1952, when the site became vacant. The current main building was constructed in 1956 and was used by PepsiCo as a bottling plant. The site is presently developed with one building of approximately 62,713 square feet in the western half of the site, a large metal shed north of the building, and a loading dock and large truck yard on the eastern portion of the site (LACOA 2021). The building is a single-story structure of concrete tilt-up construction on a concrete slab floor. The bottling plant ceased operation in December 2020 and the site has remained vacant. (Staff Report, p. 2.)

O4-2

The construction of the new industrial building will require the demolition of the existing building located on the site.

The City's Community Development Department Planning Division is recommending that the Planning Commission:

1) Adopt Resolution No. 813(22) entitled " A Resolution of the Planning Commission of the City of Irwindale Recommending that the City Council adopt the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for the Construction of one (1) Speculative Industrial Tilt-Up Building Totaling ±129,830 Square Feet For Property Located at 4416 Azusa Canyon Road, Irwindale, CA 91706 (APN: 8417-004-006) in the M-1 (Light Manufacturing) Zone and Making Certain Findings of Fact, Pursuant to the California Environmental Quality Act[; and]

2) Adopt Resolution No. 814(22) entitled, "A Resolution of the Planning Commission of the City of Irwindale Recommending that the City Council approve Site Plan and Design Review (DA) No. 04-2020) for the Construction of one (1) Speculative Industrial Tilt-Up Building Totaling ±129,830 Square Feet For Property Located at 4416 Azusa Canyon Road, Irwindale, CA 91706 (APN: 8417-004-006) in the M-1 (Light Manufacturing) Zone and Making Certain Findings of Fact; subject to the City Council adoption of the MND and MMRP and subject to the attached Conditions of Approval.

Pursuant to CEQA's environmental review requirements, the City prepared an IS to determine whether the Project may have a significant adverse effect on the environment, and based on its findings, prepared an MND to mitigate thoe significant adverse effects on the environment from the Project. (Staff Report, pp. 2-3.) According to the Staff Report, the impacts of the proposed Project would be mitigated to less-than-significant levels with the implementation of mitigation measures for the following areas: O4-2 cont'd

- Air Quality
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Transportation
- Tribal Cultural Resources
- Mandatory Findings of Significance

Based on the information provided in the IS/MND and associated appendices, however, we recommend that the Planning Commission not adopt Resolution Nos. 813(22) and 814(22) until the City prepares an EIR to adequately analyze and mitigate the air quality, greenhouse gas, hazards and hazardous materials, and transportation impacts related to the proposed Project.

II. LEGAL STANDARD

As the California Supreme Court has held, "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320 ("*CBE v. SCAQMD*") (citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505).) "Significant environmental effect" is defined very broadly as "a substantial or potentially substantial adverse change in the environment." (Pub. Res. Code ("PRC") § 21068; *see also* 14 CCR § 15382.) An effect on the environment need not be "momentous" to meet the CEQA test for significance; it is enough that the impacts are "not trivial." (*No Oil, Inc.*, 13 Cal.3d at 83.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Env't v. Cal. Res. Agency* O4-3

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(2002) 103 Cal.App.4th 98, 109 ("*CBE v. CRA*").)

The EIR is the very heart of CEQA. (*Bakersfield Citizens for Local Control v. City of Bakersfield (*2004) 124 Cal.App.4th 1184, 1214 ("*Bakersfield Citizens*"); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.) The EIR is an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." (*Bakersfield Citizens*, 124 Cal.App.4th at 1220.) The EIR also functions as a "document of accountability," intended to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (*Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The EIR process "protects not only the environment but also informed self-government." (*Pocket Protectors*, 124 Cal.App.4th at 927.)

An EIR is required if "there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment." (PRC § 21080(d); *see also Pocket Protectors*, 124 Cal.App.4th at 927.) In very limited circumstances, an agency may avoid preparing an EIR by issuing a negative declaration, a written statement briefly indicating that a project will have no significant impact thus requiring no EIR (14 CCR § 15371), only if there is not even a "fair argument" that the project will have a significant environmental effect. (PRC §§ 21100, 21064.) Since "[t]he adoption of a negative declaration . . . has a terminal effect on the environmental review process," by allowing the agency "to dispense with the duty [to prepare an EIR]," negative declarations are allowed only in cases where "the proposed project will not affect the environment at all." (*Citizens of Lake Murray v. San Diego* (1989) 129 Cal.App.3d 436, 440.)

O4-3 cont'd

Mitigation measures may not be construed as project design elements or features in an environmental document under CEQA. The MND must "separately identify and analyze the significance of the impacts … before proposing mitigation measures …." (*Lotus vs. Department of Transportation* (2014) 223 Cal.App.4th 645, 658.) A "mitigation measure" is a measure designed to minimize a project's significant environmental impacts, (PRC § 21002.1(a)), while a "project" is defined as including "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (CEQA Guidelines § 15378(a).) Unlike mitigation measures, project elements are considered prior to making a significance determination. Measures are not technically "mitigation" under CEQA unless they are incorporated to avoid or minimize "significant" impacts. (PRC § 21100(b)(3).)

To ensure that the project's potential environmental impacts are fully analyzed and disclosed, and that the adequacy of proposed mitigation measures is considered in depth, mitigation measures that are not included in the project's design should not be treated as part of the project description. (*Lotus*, 223 Cal.App.4th at 654-55, 656 fn.8.) Mischaracterization of a mitigation measure as a project design element or feature is "significant," and therefore amounts to a material error, "when it precludes or obfuscates required disclosure of the project's environmental impacts and analysis of potential mitigation measures." (*Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 185.)

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Where an initial study shows that the project may have a significant effect on the environment, a mitigated negative declaration may be appropriate. However, a mitigated negative declaration is proper *only* if the project revisions would avoid or mitigate the potentially significant effects identified in the initial study "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." (PRC §§ 21064.5, 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331.) In that context, "may" means a reasonable possibility of a significant effect on the environment. (PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors*, 124 Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–05.)

Under the "fair argument" standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency's decision. (14 CCR § 15064(f)(1); *Pocket Protectors,* 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602.) The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. (*Pocket Protectors*, 124 Cal.App.4th at 928.)

O4-3 cont'd

The "fair argument" standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

> This 'fair argument' standard is very different from the standard normally followed by public agencies in their decision making. Ordinarily, public agencies weigh the evidence in the record and reach a decision based on a preponderance of the evidence. [Citation]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact.

(Kostka & Zischke, *Practice Under the California Environmental Quality Act*, §6.37 (2d ed. Cal. CEB 2021).) The Courts have explained that "it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is de novo, with *a preference for resolving doubts in favor of environmental review*." (*Pocket Protectors*, 124 Cal.App.4th at 928 (emphasis in original).)

CEQA requires that an environmental document include a description of the project's environmental setting or "baseline." (CEQA Guidelines § 15063(d)(2).) The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. (*CBE v. SCAQMD*, 48 Cal.4th at 321.) CEQA Guidelines section 15125(a) states, in pertinent part, that a lead agency's environmental review under CEQA:

> …must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is

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> commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.

O4-3 cont'd

(*See Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-25 ("*Save Our Peninsula*").) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Id.* at 121-23.)

III. DISCUSSION

O4-4

There is a fair argument that the project may have unmitigated adverse environmental impacts. An EIR is therefore required to adequately analyze and mitigate the impacts from the proposed Project.

A. There is Substantial Evidence of a Fair Argument that the Project Will Have Significant Soil Contamination Impacts.

The IS/MND contains substantial evidence of a fair argument that the Project may have significant health and environmental impacts due to contaminated soil, and the evidence in the record does not support that the potential impacts will be mitigated to a level of significance.

Specifically, the IS/MND provides evidence that there may be significant impacts from soil contamination on the Project site, but fails to adequately analyze or mitigate those impacts. For example, the IS/MND states:

O4-5

> The project site had three 10,000-gallon underground storage tanks (UST) that were installed in 1975 and removed in 1995, and one 12,000-gallon diesel UST that was installed in 1990 and removed in 2013. The three 10,000-gallon USTs were removed under the oversight of the Los Angeles County Underground Storage Tank Program and the RWQCB. The 12,000-gallon UST was removed under the oversight of the LACFD. The former USTs are considered historical RECs.
>
> ***Based on the lack of closure documentation from the regulatory agencies for the 12,000-gallon UST, there is a small chance for the potential release of petroleum products, and a vapor risk may be present at the site. Therefore, potential impacts could occur as a result of excavation and handling of on-site soils***. However, with the implementation of Mitigation Measure HAZ-1, impacts would be reduced to a less than significant level. (IS/MND, pp. 89-90 (emphasis added.)

Moreover, the IS/MND states:

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> The site was identified on the State Water Resources Control Board's Leaking Underground Storage Tank Information System as a leaking UST (or LUST) site. The project site is listed due to a leak of gasoline reported on July 22, 1991. Currently, the case is listed as completed. The RWQCB indicates case closure for the three former 10,000-gallon USTs, ***but documentation of agency closure was not found on the RWQCB or Los Angeles County websites for the 12,000-gallon diesel UST that was installed in 1990***.
>
> ***Based on the lack of closure documentation from the regulatory agencies for the 12,000-gallon UST, there is a small chance for the potential release of petroleum products, and a vapor risk may be present at the site***. However, compliance with applicable laws and regulations and implementation of mitigation measure HAZ-1 would reduce impacts to a less than significant level. (IS/MND, p. 92 (emphasis added).)

As such, this identification of potentially significant soil contamination impacts as result of the Project is substantial evidence of a fair argument that the Project involves significant risks to public health and the environment from soil contamination. (See, e.g., 89-90, 92.) Additionally, the IS/MND's mitigation measure HAZ-1 addressing the potential significant impacts from the contaminated soil at the Project site, although inadequate, also provides substantial evidence that the Project could cause significant health and environmental impacts. (*Id.*, p. 91.) Thus, the Project requires an EIR that includes adequate analysis and mitigation measures of soil contamination impacts.

O4-5 cont'd

CEQA requires that an environmental document include a description of the project's environmental setting or "baseline" at the time environmental review commences. (CEQA Guidelines § 15063(d)(2).) Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. (*Communities for a Better Environment v. S. Coast Air Qual. Mgmnt. Dist.* (2010) 48 Cal. 4th 310, 321.) Section 15125(a) of the CEQA Guidelines (14 CCR, § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

> …must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant."

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124–25 ("*Save Our Peninsula*").) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula*, 87 Cal.App.4th 99, 121–23.) As the court has explained, using such a skewed baseline "mislead(s) the public" and "draws a red herring across the path of public input." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708–11.)

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However, the IS/MND fails to consider baseline conditions for soil vapor. (See, IS/MND, p. 90 ("Based on the lack of closure documentation from the regulatory agencies for the 12,000-gallon UST, there is a small chance for the potential release of petroleum products, and a vapor risk may be present at the site."); 92 (same).) Thus, the IS/MND relies on a baseline for soil contamination that will exist in the future, rather than the current baseline of potentially heavily contaminated conditions. Therefore, the IS/MND for the Project is in violation of CEQA.

In addition, the IS/MND relies on deferred mitigation of soil contamination impacts. (See, IS/MND, p. 91; see also, MMRP, pp. 5-6 ("Any subsurface materials exposed during construction activities that appear suspect for contamination, either from visual staining or odors, shall require immediate cessation of excavation activities."); see, *Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 331-332 ("*CREED*") (holding that an agency may not rely on a corrective action plan to mitigate potential impacts of site contamination when the plan's mitigation measures for contaminated soil are not disclosed in the record).) Therefore, the Project relies for mitigation on measures that are not set forth in the IS/MND and not required as mitigation measures. CEQA prohibits this type of "deferred mitigation," O4-5 cont'd

> A study conducted after approval of a project will inevitably have a diminished influence on decisionmaking. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307.)
>
> [R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.)

The IS/MND relies on such "tentative plans for future mitigation" that were rejected in the cases of *CREED*, *Sundstrom*, and *CBE v. Richmond*. As such, the IS/MND fails to comply with CEQA. Thus, a new document, such as an EIR, must be prepared setting forth base conditions and specific mitigation measures that will be implemented.

B. The IS/MND Fails to Adequately Analyze and Mitigate the Project's Transportation Impacts.

The IS/MND and its associated Transportation Analysis, included as Appendix I to the IS/MND, fail to adequately address transportation impacts for two reasons. First, the IS/MND's Transportation Analysis does not include a vehicle miles traveled ("VMT") analysis, even though it was required to under CEQA. Second, the IS/MND's Transportation Analysis improperly relies on the City of Fontana Truck Trip Generation Study (August 2003) to determine the Project's operational emissions. O4-6

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1. The IS/MND's Transportation Analysis Fails to Adequately Evaluate and Mitigate the Project's VMT Impacts.

The IS/MND and its Transportation Analysis fail to properly evaluate VMT impacts related to the Project. According to the Project's Transportation Analysis:

> The County of Los Angeles Guidelines require VMT analysis for development projects that are estimated to generate a net increase of 110 or more daily vehicle trips. Daily vehicle trips are specifically related to on-road passenger vehicles (cars and light trucks). Heavy trucks are not included in a VMT traffic impact analysis. (IS/MND, Appx. I, p. I-63).

Based on the County of Los Angeles Guidelines and the IS/MND Transportation Analysis's evaluation of VMT impacts, the IS/MND determined the following:

> Under SB 743, a city can decide to screen out certain projects from needing a complete VMT analysis. OPR has advised that certain projects could be cleared from further analysis based on size, type, location, and/or proximity to a major transit stop or high-quality transit. The City of Irwindale adopted its VMT thresholds on November 11th, 2020. Since the City of Irwindale's VMT thresholds do not include screening criteria, the County of Los Angeles' Guidelines were used. The County requires VMT analysis for development projects that are estimated to generate a net increase of 110 or more daily vehicle trips.…***The passenger car trip generation for the proposed project is 197 daily trips, but the estimated trip generation for the Pepsi bottling plant is 88 daily trips Therefore, the net increase in the proposed project's passenger car trip generation is 109 vehicles per day, just under the threshold of 110 vehicles per day*** (see Table 25). Therefore, proposed project would not require further VMT analysis and would have a less than significant impact. (IS/MND, p. 134 (emphasis added).)

O4-7

However, the Transportation Analysis relies on a faulty methodology to determine that the City is not required to analyze VMT impacts for the proposed Project. To determine trip generation, the Transportation Analysis for the Project relies on the following flawed methodology:

> ***In order to estimate the traffic characteristics of the Project, trip-generation statistics published in the Institute of Transportation Engineers (ITE) Trip Generation (10th Edition, 2017) manual for ITE Land Use Code 150 (Warehousing) and 140 (Manufacturing) are utilized***…. The Project is anticipated to generate 262 trip-ends per day with 29 AM peak hour trips and 35 PM peak hour trips, with the mixture of passenger car and truck trips as shown in Table 1. (IS/MND, Appx. I, p. I-75 (emphasis added).)

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Even though the majority of the Project site is planned for a "stand-alone concrete tilt-up warehouse, office, and manufacturing facility," the use of the Institute of Transportation Engineers (ITE) Trip Generation Land Use Code 150 (Warehousing) is improper because the particular nature of the Project's use is not defined and the tenant or end user is ultimately unknown. (IS/MND, pp. 8, 25 ("The specific business(es) and/or tenant(s) that would ultimately occupy the proposed building are unknown at this time.").) Regardless of this uncertainty, the Transportation Analysis continues to base its evaluation of VMT impacts for the Project on the assumption that the ITE Trip Generation Manual Land Use Code 150 will be applicable. "Warehousing" is defined by the ITE generically as: "A warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas." According to the ITE manual, this is specifically considered a "long-term storage facility." However, the zoning designation for the Project is considerably broader than the specific land use associated with Land Use Code 150. According to the IS/MND:

> The prevailing planning and regulatory plans that govern development and use of the project site are the Irwindale General Plan, Irwindale Zoning Code (Title 17 [Zoning]), and Irwindale Commercial and Industrial Design Guidelines. The general plan land use designation of the project site is Industrial/Business Park, and the site is zoned Light Manufacturing (M-1). Land devoted to Industrial/Business Parks may range in size from 10 acres up to 100 acres, subdivided into smaller lots and developed with industrial buildings of varying sizes. (IS/MND, p. 29.)

O4-7 cont'd

Based on the zoning designation for the Project site, the future tenant is permitted to implement land uses other than those described as "warehousing" in the ITE trip generation manual (Land use Code 150). For example, the zoning designation for the Project site could also include ITE Land Use Code 155 (High-Cube Fulfillment Center Warehouse) and 156 (High-Cube Parcel Hub Warehouse), which are considered distribution-focused centers/warehouses. However, there is a major distinction between warehousing and distribution land uses in the ITE trip generation manual. The "trips per unit" rate for Land Use Code 150 (Warehousing) is 0.19, while the "trips per unit" rate for Land Use Code 155 (High-Cube Fulfillment Center Warehouse) and 156 (High-Cube Parcel Hub Warehouse) are 1.37 and 0.64, respectively.[1] Hence, the trip generation rates of Land Use Code 155 and 156 would be significantly higher than that of Land Use Code 150. Because the zoning designation permits such distribution centers/warehouses, the IS/MND's Transportation Analysis should have considered the VMT impacts of the full range of allowed uses for the Project site in case the future tenant or user decides to operate the facility pursuant to Land Use Codes 155 and 156, rather than Land Use Code 150. By using the lowest-level of trip generation to justify not including a VMT analysis of the proposed Project, the IS/MND fails to adequately evaluate transportation impacts of the

[1] For the ITE Trip Generation Manual (10th Edition) "Trips Per Unit" rates for Industrial Land Use Codes, see: https://www.troutdaleoregon.gov/sites/default/files/fileattachments/public_works/page/966/ite_land_use_list_10th_edition.pdf.

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Project. Thus, an EIR should be prepared to adequately analyze and mitigate VMT impacts of the Project. O4-7 cont'd

2. The IS/MND Incorrectly Relies on the Fontana Truck Trip Study to Estimate the Project's Operational Emissions.

The IS/MND and Transportation Analysis rely on the City of Fontana's August 2003 Truck Trip Generation Study ("Fontana Study") to determine the operational passenger car and truck trip generation rates for the Project. (See, IS/MND, Appx. I, pp. 1-40–1-43, Tables 4-1–4-4; see also, Response to Comments, p. 1-7 ("As shown in Table 4-1 of the IS/MND, truck trips were factored further using vehicle mix data from the City of Fontana Truck Trip Generation Study (August 2003).").) However, the South Coast Air Quality Management District ("SCAQMD") has determined that the Fontana Study has limited applicability to warehouse projects, and therefore the Fontana Study should not be relied on to determine the Project's operational mobile-source emissions.

O4-8

Specifically, the SCAQMD staff found the following issues with the Fontana Study[2]:

- The overall trip rate is based on only four warehouses total, which includes two warehouses with zeros. In other words, the results of the Fontana Study were based on only two data points. As is disclosed in the Fontana Study, the daily trip rate was only based on data from a Target warehouse and a TAB warehouse.[3]

- The Fontana Study does not report any 24-hour daily truck trip rates. According to the Fontana Study, "[t]rip generation statistics for daily truck trips were not calculated because vehicle classifications counts could not be obtained from the driveway 24-hour counts."[4]

As such, the IS/MND's Transportation Analysis should not rely on the Fontana Study to estimate the Project's operational truck trip generation, and a revised Transportation Analysis

[2] "Warehouse Truck Trip Study Data Results and Usage" Presentation. SCAQMD Mobile Source Committee, July 2014, *available at*: http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/finaltrucktripstudymsc072514.pdf, p. 10.
[3] "Truck Trip Generation Study," City of Fontana, County of San Bernardino, State of California, August 2003, *available at*: https://tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf.; p. 35.
[4] "Truck Trip Generation Study," City of Fontana, County of San Bernardino, State of California, August 2003, *available at*: https://tampabayfreight.com/pdfs/Freight%20Library/Fontana%20Truck%20Generation%20Study.pdf, p. 6.

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should be prepared and included in an EIR to adequately assess the Project's air quality and greenhouse gas impacts from transportation

O4-8 cont'd

C. The IS/MND Failed to Adequately Analyze and Mitigate the Project's Air Quality and Greenhouse Gas Impacts.

1. The IS/MND Relied on Unsubstantiated Input Parameters to Estimate Project Emissions and Thus the Project May Result in Significant Air Quality Impacts.

After reviewing the IS/MND and Air Quality and GHG Background and Modeling's CalEEMod output files, included as Appendix A to the IS/MND, several model inputs used to generate a project's construction and operation emissions were found to not be consistent with information disclosed in the IS/MND. As a result, the Project's construction and operational emissions are underestimated. An EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

O4-9

Specifically, several values used in the IS/MND and the Air Quality and GHG Background and Modeling's air quality analysis were found to be either inconsistent with information provided in the IS/MND or otherwise unjustified, including:

1. Failure to Model All Proposed Land Use Types;
2. Incorrect Land Use Type;
3. Unsubstantiated Reduction to Parking Land use Size; and
4. Incorrect Application of Construction-Related Mitigation Measures.

As a result of these errors in the IS/MND, the Project's construction and operational emissions were underestimated and cannot be relied upon to determine the significance of the Project's air quality impacts. Thus, an EIR is needed to adequately address the air quality impacts of the proposed Project, and to mitigate those impacts accordingly.

2. The IS/MND Failed to Adequately Evaluate Health Risks from Diesel Particulate Matter Emissions and Thus the Project May Result in Significant Health Impacts as a Result of Diesel Particulate Matter Emissions.

An EIR should be prepared to evaluate the significant health impacts to individuals and workers from the Project's construction-related diesel particulate matter (DPM) emissions as a result of the proposed Project. The IS/MND's evaluation of the proposed Project's potential health risk impacts, as well as its subsequent conclusion that the Project would have a less-than-significant health risk impact is incorrect for two reasons. (See, IS/MND, pp. 58-62).

O4-10

First, by failing to prepare a quantified construction health risk assessment ("HRA"), the Project is inconsistent with CEQA's requirement to correlate the increase in emissions that the Project would generate to the adverse impacts on human health caused by those emissions. The

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IS/MND's conclusion is also inconsistent with the most recent guidance published by the Office of Health Hazard Assessment ("OEHHA"). (See, "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.)

Second, while the IS/MND includes an operational HRA, the HRA fails to evaluate the cumulative lifetime cancer risk to nearby, existing receptors as a result of Project construction and operation together. This is incorrect and, as a result, the IS/MND's evaluation cannot be relied upon to determine Project significance. OEHHA guidance requires that the excess cancer risk be calculated separately for all sensitive receptor age bins, then summed to evaluate the total cancer risk posed by all Project activities. Therefore, the IS/MND should have quantified the Project's construction and operational health risks, as well as compared the combined construction and operational health risks to the SCAQMD threshold of 10 in one million. O4-10 cont'd

Thus, to more accurately determine the health risks associated with construction-related DPM emissions from the Project, an EIR should be prepared that includes updated health risk calculations using correct guidance.

3. <u>The IS/MND Failed to Adequately Analyze Greenhouse Gas Impacts and Thus the Project May Result in Significant Greenhouse Gas Emissions.</u>

Review of the IS/MND and Air Quality and GHG Background and Modeling, included as Appendix A to the IS/MND, found that the IS/MND fails to adequately evaluate the GHG impacts of the proposed Project. The IS/MND estimates that the Project would generate net annual GHG emissions of 2,223 metric tons of carbon dioxide equivalents per year ("MT CO2e/year"), which would not exceed the SCAQMD threshold of 3,000 MT CO2e/year. (IS/MND, pp. 84-85, Table 13). Furthermore, the IS/MND's analysis relies upon the Project's consistency with the CARB Scoping Plan and SCAG 2020-2045 RTP/SCS to conclude that the Project would result in a less-than-significant GHG impact (*Id.*, pp. 85-87). However, the IS/MND's analysis, as well as the subsequent less-than-significant impact conclusion, is incorrect for three reasons. O4-11

First, the IS/MND's analysis relies upon a flawed air model, as discussed above. As a result, GHG emissions are underestimated and the IS/MND's quantitative GHG analysis should not be relied upon to determine Project significance. We will remodel emissions and compare emissions to the applicable thresholds.

Second, the IS/MND utilizes an outdated GHG threshold. When compared to the correct quantitative threshold, the Project's GHG emissions are demonstrably significant.

Third, the IS/MND fails to consider the performance-based standards underlying SCAG's RTP/SCS and CARB's Scoping Plan. As a result, the IS/MND's GHG significance determination regarding the Project's consistency with applicable plans and policies should not be relied upon. Instead, an EIR should be prepared that includes a quantitative consistency evaluation utilizing the appropriate standards as well as mitigation measures intended to reduce GHG emissions to less-than-significant levels.

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IV. CONCLUSION

For the foregoing reasons, the IS/MND is inadequate and an EIR is required to analyze and mitigate the Project's potentially significant environmental impacts. SAFER reserves the light to supplement these comments in advance of and during public hearings concerning the Project. (*Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).) Thank you for your attention to these comments. O4-12

Sincerely,

Victoria Ann Yundt
LOZEAU | DRURY LLP

O4. Response to Comments from Victoria Ann Yundt, Lozeau Drury LLP, SAFER, dated February 16, 2022.

O4-1 The commenter states that the Initial Study/Mitigated Negative Declaration (IS/MND) fails as an informational document and there is a fair argument that the proposed project may have adverse environmental impacts, and therefore, an Environmental Impact Report (EIR) should be prepared.

The IS/MND fully discloses potential environmental impacts and mitigation, as appropriate, and reduces impacts to below significance with the imposition of mitigation measures. See responses to comments O4-5 through O4-11, which provide detailed responses to the commenter's specific assertions.

O4-2 The commenter provides a summary of the existing and proposed uses on the project site and the CEQA process and findings as outlined in the IS/MND, and the Staff Report dated February 16, 2022. The commenter asserts that the IS/MND does not adequately analyze and mitigate air quality, greenhouse gas, hazards and hazardous materials, and transportation impacts and requests the preparation of an EIR.

The IS/MND fully discloses potential environmental impacts and mitigation, as appropriate, and reduces impacts to below significance with the imposition of mitigation measures. See responses to comments O4-5 through O4-11, which provide detailed responses to the commenter's specific assertions. An EIR is not required for this project.

O4-3 The commenter summarizes the findings of numerous court cases but does not directly relate these cases to alleged inadequacies of the proposed project's IS/MND. The discussion notes that preparation of an EIR is required when substantial evidence supports a fair argument that a project may result in significant adverse impacts. The cases listed also relate to the inappropriate definition of mitigation measures as project design features and the use of existing physical conditions as baseline to determine a project's environmental impacts. None of these assertions are substantiated with specific information or inadequacies in the proposed project's IS/MND, and therefore, no further response is required.

Please refer to responses to comments O4-5 through O4-11, which provide detailed responses to the commenter's specific assertions.

O4-4 The commenter states that there is a fair argument that the project may have unmitigated adverse environmental impacts and requests the preparation of an EIR. The IS/MND fully discloses potential environmental impacts and mitigation, as appropriate, and reduces impacts to below significance. See responses to comments O4-5 through O4-11, which provide detailed responses to the commenter's specific assertions.

3. Response to Comments Received After the Public Review Period

O4-5 The commenter states that the project will have significant soil contamination impacts because of the lack of closure documentation for one of the former USTs at the site.

Historically, the site had four USTs—three of the USTs were installed in 1975 and removed in 1995 following a reported leak, which received regulatory agency closure. The fourth UST was a 12,000-gallon fiberglass tank installed in 1990 that was removed under the oversight of the Los Angeles County Department of Public Works (LACDPW) Certified Unified Program Agency (CUPA) in 2013. The tank-closure report documents that during tank removal they did not find soil contamination above screening levels and that the 12,000-gallon UST was in good condition with no holes or damage. LACDPW referred the closure to the Los Angeles Regional Water Quality Control Board (LARWQCB) in 2015.

After the completion of the IS/MND, the GeoTracker website was updated to reflect closure of the case related to the 12,000-gallon UST. The No Further Action letter issued by LARWQCB is included as Appendix 1 of this document and can be accessed at https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000006507. As noted in the No Further Action letter, LARWQCB determined that residual concentrations of fuel constituents found in samples collected at the former 12,000-gallon UST location, pose a low threat to human health, and soil and groundwater quality beneath the site and no further action is required to pursue any further soil and/or groundwater investigation at the site.

Furthermore, the likelihood that a potential source of vapor migration currently exists beneath the site from off-site is low; that the former UST does not appear to pose a significant vapor intrusion risk; and additionally, the proposed structure does not overlie the former UST area.

Therefore, the IS/MND adequately evaluated health risks from the former UST associated with the project, and no changes to the Initial Study/Mitigated Negative Declaration are necessary.

O4-6 The commenter notes that the transportation analysis fails to adequately address transportation impacts since it does not include a VMT analysis and because it relies on the City of Fontana Trip Generation Study to determine the project's operational emissions. See responses to comments O4-7 and O4-8, which provide detailed responses.

O4-7 The commenter asserts that the transportation analysis fails to adequately evaluate and mitigate the project's VMT impacts.

The review for the proposed project appropriately screened out a VMT analysis because the net increase in passenger car trips would be 109 trips, which is below the 110-passenger trip threshold in the County of Los Angeles Guidelines.

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Project-related traffic generation is based on an estimate of vehicle trips expected to be attracted to and produced by the specific land uses proposed. The ITE Trip Generation Manual (10th edition, 2017) is a nationally recognized source for estimating site-specific trip generation. To estimate the traffic characteristics of the proposed project, automobile and truck trip-generation rates published in the ITE Trip Generation Manual for land use codes 150 (Warehousing) and 140 (Manufacturing) were used. As shown in IS/MND Table 4-1, truck trips were factored further using vehicle mix data from the City of Fontana Truck Trip Generation Study (August 2003). The resultant trip generation resulted in a projected project-related VMT below the trip threshold for further VMT analysis.

As described in the Initial Study, the future tenants and users of the proposed warehouse and manufacturing facility have not been determined. The warehouse design specifications are consistent with the IS/MND project description. Moreover, the analysis, including the technical transportation analysis, has been prepared consistent with requirements for a "spec" warehouse.

In response to Caltrans's request, however, a Condition of Approval has been added that requires the City of Irwindale to monitor the actual trips generated by the project and enforce the maximum limit of allowable trips according to the IS/MND.

The following Condition of Approval[2] is also imposed on the project:

Prior to the issuance of any occupancy or tenant improvement permit, the proposed tenant(s) shall provide a site-specific trip generation technical memo demonstrating that the average daily vehicle trips do not exceed 362 daily PCE (passenger car equivalent) trips, 45 PCE AM trips, 46 PCE PM trips, and 197 daily passenger car trips. The City will regularly and continually monitor the actual trips generated by the project and enforce the maximum limit of allowable trips. If the project applicant/owner proposes to exceed any limits, additional traffic analyses and VMT (vehicle miles traveled) analysis shall be reviewed and approved by Director of Engineering. If the VMT exceeds the applicable threshold at the time of subsequent review, the issuance of the respective permit shall be subject to CEQA review. The owner/applicant shall be solely responsible for all costs related to analyses, peer review, monitoring, and enforcement.

O4-8 The commenter states that the project incorrectly relies on the Fontana Truck Trip study to estimate the project's operational emissions.

Specific information relating to the future occupant/tenant is currently unknown, and the land use data provided by the project team and agreed upon by the City's Public Works' Engineering staff was used in the traffic analysis. The traffic study was prepared under the City's traffic study guidelines (2014 Policy Guidelines for Traffic Impact Reports), and

[2] Condition of Approval (COA) No. D-20 of the Planning Commission Resolution NO. 814(22).

3. Response to Comments Received After the Public Review Period

the Fontana truck factors were agreed upon during the scoping process. The truck factors from the Fontana Truck Study are consistent with industry practice for determining vehicle mix for industrial uses and consistent with traffic analyses for other projects in the City. The City also determined the scope, parameters, and data utilized for the traffic impact analyses.

As shown in Table 4-1, the Transportation Analysis estimates that the project would generate a total of 65 truck trips per day (40 truck trips for warehousing use and 25 truck trips for manufacturing use). In comparison, the South Coast Air Quality Management District (AQMD) truck rate for noncold storage is 0.53 daily truck trips. By multiplying 0.53 by 129.83 thousand square feet (tsf), approximately 69 daily truck trips would be generated. This is an increase of approximately 4 daily truck trips (6.2 percent of the trucks evaluated). Trucks are not included in the VMT analysis (VMT for nonresidential uses is based on employment), so a slight increase in truck traffic is irrelevant to the CEQA VMT traffic analysis. Regarding air quality and greenhouse gas, operational health risks and criteria air pollutant emissions in addition to overall project GHG emissions are sufficiently below the South Coast AQMD's thresholds that an increase of 4 trucks per day would not cause an exceedance of the significance thresholds and would not affect the disclosed significance determinations.

As detailed in Response No. 7, a Condition of Approval on the proposed project requires the City of Irwindale to regularly and continually monitor (at the owner/applicant's expense) the actual trips generated by the project and enforce the maximum limit of allowable trips.

O4-9 The commenter states the IS/MND fails to adequately analyze and mitigate the air quality and greenhouse gas (GHG) emissions impact of the proposed project. Specifically, the commenter generally states that the inputs for the emissions modeling were inconsistent with information disclosed in the IS/MND. Additionally, the commenter states the modeling 1) failed to model all proposed land use types; 2) used an incorrect land use type; 3) included an unsubstantiated reduction in parking land use size; and 4) incorrectly applied construction-related mitigation measures. While the commenter makes these general claims, the commenter does not provide any substantive content or basis to support them. For example, the commenter fails to provide details on what land use types may be missing, why the land use type modeled is incorrect, what is meant by an unsubstantiated reduction in parking land use size, and exactly what construction-related mitigation measure might have been incorrectly applied.

O4-10 The commenter states that the Initial Study/Mitigated Negative Declaration (IS/MND) failed to adequately evaluate construction-related health risks from diesel particulate matter (DPM) emissions, and thus the project may result in significant health impacts as a result.

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The commenter's assertion that a quantified construction health risk assessment is required is not correct. The South Coast AQMD does not currently require health risk assessments to be conducted for short-term emissions from construction equipment. Instead, South Coast AQMD has promulgated a specific methodology to address localized impacts from construction to nearby sensitive receptors analysis as an indicator of potential health risk. The screening-level localized significance thresholds (LST) methodology and results are presented on pages 58 and 59 of the IS/MND. As described on page 58 of the IS/MND, the LSTs are the amount of project-related construction emissions at which localized pollutant concentrations would exceed State air quality standards, based on project site and distance to nearest receptor. Additionally, as described on page 59 of the IS/MND, the LSTs are designed to protect sensitive receptors most susceptible to respiratory diseases. As shown in Table 6 of the IS/MND, maximum daily construction emissions would not exceed the screening-level LSTs, and impacts would be less than significant.

As described in the air quality section (page 7 of the IS/MND) and the Health Risk Assessment (HRA) prepared for the project, the nearest sensitive receptor to the project site is a single residence 550 feet north of the project site along Cypress Street. Typically, emissions from long-term construction projects can significantly impact sensitive receptors if the receptor is adjacent to or within 200 to 300 feet of the project site. At a distance of 550 feet, emissions from an eight-month construction project would not result in significant health risk impacts. For instance, the residential health risk results of the operational HRA at the resident 550 feet to the north, which are calculated over a period of 30 years, were determined to be well below South Coast AQMD's significance thresholds (i.e., residential cancer risk 1.4 per million, which is below threshold of 10 in a million; noncancer risk < 0.001 hazard index, which is below threshold of 1.0). The operational HRA prepared for the project was conducted with the most recent guidance from the Office of Health Hazard Assessment (OEHHA). Because project emissions over 30 years would not result in significant health risks to nearby residents, the likelihood is very low that construction emissions over an eight-month period would result in significant risks to the same residents more than 500 feet from the site. Similarly, because operational health risks are well below the South Coast AQMD thresholds, it is unlikely the cumulative risks from construction and operation together would exceed significance thresholds.

Therefore, the IS/MND adequately evaluated health risks from DPM associated with the project, and no changes to the Initial Study/Mitigated Negative Declaration are necessary.

O4-11 The commenter states that the proposed project may result in significant greenhouse gas (GHG) emissions impacts because the IS/MND failed to adequately analyze GHG emissions impact. Three reasons are given by the commenter for the inadequacy of the GHG emissions analysis.

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First, the commenter states that the emissions modeling is flawed due to the reasons in Comment O4-9, and therefore the GHG emissions are underestimated and should not be used to determine the project significance. See the response to Comment O4-9—i.e., the commenter provides no basis or substantive content for the claim that the modeling is flawed.

Second, the commenter states that the IS/MND uses an outdated GHG threshold, and that if project GHG emissions were compared to the correct threshold, project GHG emissions impacts would be significant. However, the commenter does not provide any basis for the claim that the GHG threshold in the IS/MND is outdated and does not identify a "correct" threshold that should be used.

Last, the commenter states that the IS/MND fails to consider the performance-based standards under SCAG's RTP/SCS and CARB's Scoping Plan and that an environmental impact report should be prepared that includes a quantitative consistency evaluation. As stated on page 85 of the IS/MND, the Scoping Plan is applicable to state agencies but is not directly applicable to cities and/or individual development projects. Regulatory actions taken at the state, regional, or local levels would result in direct and/or indirect compliance by the project where applicable. For example, as stated on page 86 of the IS/MND, new buildings are required to comply with the Building Energy Efficiency Standards and the California Green Building Standards Code adopted and approved by the California Energy Commission and California Building Standards Commission, respectively.

Regarding SCAG's RTP/SCS, as stated on page 86 of the IS/MND, the RTP/SCS does not require that local general plans, specific plans, or zoning be consistent with it. Instead, the RTP/SCS provides incentives to governments and developers to be consistent with it. Also, in general, the RTP/SCS incorporates local land use projections from city and county general plans as part of its development. The proposed project would result in a use that is consistent with the industrial zoning and General Plan land use designations for the project site. Thus, the proposed project would not change the underlying land use assumption for the project site.

O4-12 Please refer to responses to comments O4-5 through O4-11.

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LETTER O5 – Lozeau Drury, LLP, Supporters Alliance for Environmental Responsibility (SAFER) (7 pages)

O5

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March 16, 2022

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Re: Supplemental Comment on Mitigated Negative Declaration, 4416 Azusa Canyon Road (SCH 2021120500), Site Plan & Design Review DA No. 04-2020, and Resolution No. 813(22) and Resolution No. 814(22).

Dear Ms. Jones, Ms. Chou, and Honorable Planning Commissioners:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the 4416 Azusa Canyon Road Project (SCH 2021120500), including all actions related or referring to the proposed construction of a 129,830 square-foot speculative concrete tilt-up warehouse, office, and manufacturing facility with associated passenger vehicle parking, located at the northeastern corner of the Azusa Canyon Road/Los Angeles Street intersection, on APN 8417-004-006, in the City of Irwindale ("Project").

After reviewing the IS/MND, we submitted comments on February 16, 2022, which concluded that the IS/MND fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we requested that the City of Irwindale ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq. O5-1

SAFER submits the following supplemental comment and related exhibit to inform the Commission of the new, significant impacts that the proposed Project will have on individuals

3. Response to Comments Received After the Public Review Period

living and working in the City of Irwindale that were neither addressed in the IS/MND, nor adequately mitigated. Specifically, the comment and related exhibit address the Project's potentially significant air quality and greenhouse gas impacts. As evidenced by the expert comments submitted by environmental consulting firm Soil/Water/Air Protection Enterprise ("SWAPE"), CEQA requires that an EIR, rather than an MND, be prepared for the Project. SWAPE's comment and curriculum vitae are attached as Exhibit A hereto and is incorporated herein by reference in its entirety. O5-1 cont'd

As discussed below, SWAPE reported several issues related to the IS/MND requiring that the City prepare an EIR for the proposed Project.

I. The IS/MND Relied on Unsubstantiated Input Parameters to Estimate Project Emissions and Thus the Project May Result in Significant Air Quality Impacts Requiring an EIR.

SWAPE reviewed the Project's CalEEMod output files, provided in the Air Quality and GHG Background and Modeling ("AQ & GHG Report") as Appendix A to the IS/MND, and found that several model inputs used to generate a project's construction and operation emissions were not consistent with information disclosed in the IS/MND. *See* Ex. A. pp. 1-7. As a result, SWAPE concludes that the Project's construction and operational emissions are underestimated. An EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality. O5-2

Specifically, SWAPE found that several values used in the IS/MND and AQ & GHG Report's air quality analysis were either inconsistent with information provided in the IS/MND or otherwise unjustified (Ex. A, pp. 2-7), including:

1. Failure to Model All Proposed Land Uses. Ex. A, pp. 2-3. O5-3
2. Incorrect Land Use Type. Ex. A, p. 3. O5-4
3. Unsubstantiated Reduction to Parking Land Use Size. Ex. A, pp. 3-4. O5-5
4. Incorrect Application of Construction-Related Mitigation. Ex. A, pp. 4-7. O5-6

Significantly, SWAPE points out that because the IS/MND includes project design features intended to mitigate construction-related emissions that are not formally included as mitigation measures, they may be eliminated from the Project's design altogether. Ex. A, pp. 5-7. As a result, there is no guarantee that any of the IS/MND's construction-related measures will be implemented, monitored, and enforced on the Project site. *Id.*, p. 6. Therefore, in incorrectly including several construction-related mitigation measures without properly committing to their implementation, the Project's construction emissions were underestimated and should not be relied upon to determine Project significance. O5-7

As a result of these errors in the IS/MND, the Project's construction and operational emissions were underestimated and cannot be relied upon to determine the significance of the

Project's air quality impacts. Thus, an EIR is needed to adequately address the air quality impacts of the proposed Project, and to mitigate those impacts accordingly. O5-7 cont'd

II. There is Substantial Evidence of a Fair Argument that the Project May Have Significant Health Impacts as a Result of Diesel Particulate Emissions.

A subsequent EIR is required to evaluate the significant health impacts to individuals and workers from the Project's operational and construction-related diesel particulate matter ("DPM") emissions as a result of the proposed Project. SWAPE's analysis of health risks related to the Project concludes that the IS/MND failed to adequately analyze the health impacts related to the Project's operational and construction DPM emissions, and provides substantial evidence of a fair argument that the Project will have significant health impacts as a result of such emissions. *See* Ex. A, pp. 9-12. O5-8

A. The IS/MND fails to adequately evaluate health risks from DPM emissions.

According to SWAPE, the IS/MND incorrectly concludes that the proposed Project would have a less-than-significant health risk impact, without conducting an adequate quantified construction-related health risk analysis ("HRA"). Ex. A, pp. 7-9. Specifically, the IS/MND concludes that the Project would result in a less-than-significant construction-related health risk impact because "the Project's short term construction duration would limit exposure to [DPM], and exhaust emissions from off-road construction vehicles would not exceed the screening-level localized significance thresholds ("LSTs")." Ex. A, p. 8 (citing IS/MND, p. 60). However, as SWAPE points out, the IS/MND's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for several reasons. Ex. A, pp. 8-9. O5-9

First, the IS/MND's use of an LST analysis to determine the health risk impacts posed to nearby, existing sensitive receptors as a result of the Project's construction-related toxic air contaminant ("TAC") emissions is incorrect. Ex. A, p. 8. SWAPE points out that the IS/MND's LST analysis only evaluates impacts from criteria pollutants. *Id.* Because the LST method cannot be used to determine whether emissions from TACs, specifically DPM, a known human carcinogen, would result in a significant health risk impact to nearby sensitive receptors, the IS/MND fails to analyze the health impacts from exposure to TACs, such as DPM, from the Project. *Id.*

Second, by failing to prepare a quantified construction HRA, the IS/MND fails to quantitatively evaluate construction-related TACs, or make a reasonable effort to connect emissions to health impacts posed to nearby existing sensitive receptors from the Project. Ex. B, pp. 8-9. SWAPE identifies potential emissions from the exhaust stacks of construction equipment. *Id.*, p. 8 (citing IS/MND, p. 29). As such, the IS/MND fails to meet the CEQA requirement that projects correlate increases in project-generated emissions to adverse impacts on human health caused by those emissions.

3. Response to Comments Received After the Public Review Period

Third, the IS/MND's conclusion is also inconsistent with the most recent guidance published by the Office of Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines. Ex. A, p. 9.[1] OEHHA recommends that projects lasting at least 2 months be evaluated for cancer risks to nearby sensitive receptors, which SWAPE points out is a time period which this Project easily exceeds. *Id.* Since the proposed Project will vastly exceed the 2-month requirement set forth by OEHHA, a quantified construction-related HRA should be prepared for the Project. Because these recommendations reflect the most recent state health risk policies, SWAPE further recommends that an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated construction DPM emissions be included in an EIR that is required for this Project. *Id.*

O5-9 cont'd

Fourth, review of the IS/MND demonstrates that, while the Project did conduct an operational HRA, the HRA fails to evaluate the cumulative lifetime cancer risk to nearby, existing receptors as a result of Project construction and operation together. Ex. A, p. 9. As stated in the OEHHA guidance, and further referenced by the IS/MND, "the excess cancer risk is calculated separately for each age grouping and then summed to yield cancer risk at the receptor location." Ex. A, p. 9 (citing IS/MND, p. 60).[2] However, as SWAPE points out, "the Project's HRA fails to sum each age bin to evaluate the total cancer risk over the course of the Project's total construction and operation." Ex. A, p. 9. According to SWAPE, "this is incorrect." *Id.* Thus, "an updated analysis should quantify the entirety of the Project's construction and operational health risks together and sum them to compare to the SCAQMD threshold of 10 in one million, as referenced by the IS/MND." *Id.* (citing IS/MND, p. 62).

B. There is substantial evidence that the Project may have a significant health risk impact.

Correcting the above errors, SWAPE prepared a screening-level HRA to evaluate potential impacts from the construction of the Project. Ex. A, pp. 9-12. SWAPE prepared a screening-level HRA to evaluate potential health risk impacts posed to residential sensitive receptors as a result of the Project's construction-related TAC emissions. SWAPE used AERSCREEN, the leading screening-level air quality dispersion model. SWAPE applied a sensitive receptor distance of 175 meters and analyzed impacts to individuals at different stages of life based on OEHHA and SCAQMD guidance utilizing age sensitivity factors.

O5-10

SWAPE found that the excess cancer risks at a sensitive receptor located approximately 175 meters away over the course of Project construction, ***with*** utilizing the recommended age

[1] "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.
[2] Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at*: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-4.

sensitivity factors, are approximately 1.98 in one million for 3rd trimester of pregnancy and 10.1 in one million for infants. Ex. A, p. 12. Based on these estimates SWAPE concluded that the excess lifetime cancer risk over the course of the 245-day construction period, utilizing ASFs, is approximately 12.1 in one million. *Id.* Moreover, when summing the Project's construction-related cancer risk, as estimated by SWAPE, with the IS/MND's operational cancer risk of 1.4 in one million, SWAPE further estimates an excess cancer risk of approximately 13.5 in one million over the course of a residential lifetime. *Id.* (citing IS/MND, p. 62, Table 8). The cancer risk for infants and lifetime residents exceeds the SCAQMD's threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the IS/MND. Hence, an EIR is required for the Project. O5-10 cont'd

CEQA requires an agency to include an analysis of health risks that connects the Project's air emissions with the health risk posed by those emissions. SWAPE's screening-level HRA demonstrates that the Project's construction and operation may have a significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. Because SWAPE's screening-level HRA indicates a potentially significant impact, the City must prepare an EIR. This EIR should also include an HRA which makes a reasonable effort to connect the Project's air quality emissions and the potential health risks posed to nearby receptors. Thus, as SWAPE recommends, "an EIR should be prepared, including a quantified air pollution model as well as an updated, quantified refined health risk assessment which adequately and accurately evaluates health risk impacts associated with both Project construction and operation" Ex. A, p. 12. O5-11

III. The IS/MND Failed to Adequately Analyze Greenhouse Gas Impacts and Thus the Project May Result in Significant Greenhouse Gas Emissions Requiring an EIR.

SWAPE's review of the IS/MND, AQ & GHG Report, and related appendices found that the IS/MND fails to adequately evaluate the GHG impacts of the proposed Project. Ex. A, pp. 13-20 (citing IS/MND, pp. 84-85, Table 13). However, SWAPE concludes that the IS/MND's GHG analysis and subsequent less-than-significant impact conclusion, is incorrect for several reasons. *See* Ex. A, pp. 14-20. O5-12

First, the IS/MND's quantitative analysis relies upon an incorrect and unsubstantiated air model. Ex. A, p. 14. As a result, GHG emissions are underestimated and the IS/MND's quantitative GHG analysis should not be relied upon to determine Project significance. *Id.* Thus, an EIR should be prepared to adequately assess the Project's potential GHG impacts on the surrounding environment from construction and operation. O5-13

Second, the IS/MND analysis of GHG emissions is flawed. Ex. A, pp. 14-15. According to SWAPE, "[t]he IS/MND estimates that the Project would generate net annual GHG emissions of 2,223 MT CO_2e/year by subtracting the emissions associated with the existing bottling plant from the emissions associated with the proposed land uses." *Id.*, p. 14 (citing IS/MND, pp. 84-85, Table 13). However, SWAPE explains that the Project's GHG analysis is incorrect. *Id.*, p. 14-15. Section 15125 of the CEQA Guidelines states that the existing environmental conditions at the time of the Notice of Preparation ("NOP") will constitute the baseline physical conditions O5-14

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used to determine the significance of the Project's impacts. Ex. A, pp. 14-15 (citing CEQA Guidelines § 15125). SWAPE notes that since the Project has not yet prepared a NOP, the Project should rely on the time that the environmental analysis was commenced, which was December 2021 when the IS/MND and Notice of Intent ("NOI") were issued. *Id.*, p. 15. Because the IS/MND states that the Project site was vacant as of December 2020 (IS/MND, p. 7), the IS/MND should have used a vacant environmental setting as the baseline physical condition. Ex. A, p. 15. Therefore, SWAPE concludes that "the IS/MND incorrectly subtracts the existing emissions from the emissions associated with the proposed land uses, and the GHG emissions purported by the IS/MND are underestimated," and "[a]s a result, the IS/MND fails to identify a potentially significant GHG impact and the Project's GHG analysis should not be relied upon." *Id.*

O5-14 cont'd

Third, the IS/MND utilizes an outdated GHG threshold, and as a result, the IS/MND fails to identify a potentially significant GHG impact. Ex. A, pp. 15-16. SWAPE notes that when compared to the correct quantitative threshold, the Project's GHG impacts are demonstrably significant. *Id.*, p. 16. Accordingly, the IS/MND's conclusion of a less-than-significant GHG impact should not be relied upon, and instead, an EIR should be prepared that includes an updated GHG analysis. *Id.*, pp. 16-17. SWAPE recommends that "the Project apply the SCAQMD 2035 efficiency target of 3.0 MT CO_2e/SP/year, which was calculated by applying a 40% reduction to the 2020 targets." *Id.*, p. 16 (citing "Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #15." SCAQMD, September 2010, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf, p. 2).

O5-15

Fourth, the IS/MND unsubstantiated air model indicates a potentially significant impact. Ex. A, pp. 16-17. Specifically, SWAPE found that the Project's service population efficiency value, as estimated by the IS/MND's asserted net annual GHG emissions (IS/MND, pp. 84-85, Table 13), and service population (i.e. the number of jobs supported by the Project, which is 72 people) (IS/MND, p. 25), exceed the SCAQMD 2035 efficiency target of 3.0 MT CO_2e/SP/year, indicating a potentially significant impact not previously addressed by the IS/MND. Ex. A, pp. 16-17. Consequently, the IS/MND's less-than-significant GHG impact conclusion is incorrect and should not be relied upon. Thus, an EIR must be prepared and should include an updated GHG analysis and incorporate mitigation measures intended to reduce GHG emissions to less-than-significant levels.

O5-16

Fifth, SWAPE's updated analysis, which "included the correct land use types and sizes as well as excluded the incorrect construction-related mitigation measures," indicates a potential significant impact in GHG emissions. Ex. A, pp. 17-18. According to SWAPE:

> SWAPE's updated air model indicates a potentially significant GHG impact, when applying the outdated SCAQMD bright-line threshold of 3,000 MT CO_2e/year. The updated CalEEMod output files disclose the Project's mitigated emissions, which include approximately 598 MT CO_2e of total construction emissions and approximately 1,988 MT CO_2e/year of annual operational emissions (sum of area-, energy-, mobile-, waste-, and water-related emissions).

O5-17

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> When amortizing the Project's construction-related GHG emissions over a period of 30 years and summing them with the Project's operational GHG emissions, we estimate net annual GHG emissions of approximately 3,030 MT CO_2e/year.

Ex. A, pp. 17-18. As such, the IS/MND's less-than-significant GHG impact conclusion is incorrect and should not be relied upon. Thus, an EIR must be prepared and should include an updated GHG analysis and incorporate mitigation measures intended to reduce GHG emissions to less-than-significant levels O5-17 cont'd

Sixth and Seventh, the IS/MND fails to consider the performance-based standards underlying CARB's Scoping Plan and SCAG's RTP/SCS. Ex. A, pp. 18-20. Based on SWAPE's quantitative consistency evaluation utilizing these standards, SWAPE concluded that the IS/MND's GHG significance determination regarding the Project's consistency with applicable plans and policies should not be relied upon. *Id.*, p. 19-20. O5-18

SWAPE's analysis demonstrated a potentially significant health risk impact from the project that necessitates mitigation, and it proposes that the project design features that are incorrectly applied as mitigation measures by the model be implemented formally as mitigation measures in order to adequately reduce construction and operational emissions. SWAPE also provides a number of cost-effective, feasible mitigation measures that the City should consider implementing prior to approving the Project. *See* Ex. A, pp. 20-22. In addition to implementing these measures, an EIR should be included with updated air quality, health risk, and GHG analysis. O5-19

IV. CONCLUSION

For the foregoing reasons, the IS/MND for the Project is in violation of CEQA. Thus, an EIR must be prepared for the proposed Project and should be circulated for public review and comment in accordance with CEQA. SAFER reserves the right to supplement these comments in advance of and during public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997). Thank you for considering these comments. O5-20

Sincerely,

Victoria Ann Yundt
LOZEAU | DRURY LLP

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Due to its size, Attachment A of Comment Letter O5 is provided as Appendix 2 of this Document.

O5. Response to Comments from Victoria Ann Yundt, Lozeau Drury LLP, SAFER, dated March 16, 2022.

O5-1 Comment is acknowledged.

O5-2 Refer to the responses to comments O5-3 through O5-6, which provide details for why project-related construction and operation emissions in Section 3.3, *Air Quality*, of the IS/MND were properly modeled and calculated.

O5-3 Project-related construction and operation emissions were quantified using the CalEEMOD air emissions program. As stated on page 1 of the IS/MND, the office component of the proposed building is ancillary office space, and its primary purpose is to support the industrial and warehousing tenants. Furthermore, consistent with its ancillary nature, the office space is not a separate building but wholly situated within the proposed industrial building. CalEEMod includes the "General Office Building" land use type. However, in general, the default values in the model for this land use type are based on individual office buildings where the primary purpose of the building is for office use. The primary purpose of the proposed building is for industrial use and as stated, the office component would be an ancillary use meant to serve the primary industrial use.

The modeling included the ancillary office space of 9,160 square feet as part of the 112,830 square feet modeled for the proposed warehouse land use. Additionally, the traffic study prepared for the proposed project also assumed the same. Thus, operation-related building emissions and mobile source emissions quantified for the proposed warehouse encompass the building square footage designated for ancillary office use.

Regarding project-related construction emissions, the response above also applies. Furthermore, except for determining the paintable surface area, according to CalEEMod methodology, calculated construction emissions are generally not based on or dependent on land use type. In instances where a user elects to use CalEEMod default values, the model can use total lot acreage of a project and the specified land use quantities to generate model default values such as a construction schedule and equipment mix. The generated model default values are then used to assess paintable surface area. CalEEMod uses different assumptions for assessing the paintable surface area based only on whether a land use is residential, nonresidential, or parking. It does not make a distinction between the specific land use types within these three broad land use categories. Thus, it applies the same paintable surface methodology for all the specific land use types under the nonresidential land use category.

O5-4 Except for determining the paintable surface area, per CalEEMod methodology, calculated construction emissions are generally not based on and are not dependent on land use type. For determining the paintable surface area, CalEEMod uses different assumptions based only on whether a land use is residential, nonresidential, parking in nature. It does not make a distinction between the specific land use types within these

three broad land use categories. Thus, it applies the same paintable surface methodology for all land use types under the nonresidential land use category, and the specific nonresidential land use type used is irrelevant. Furthermore, per CalEEMod methodology, energy usage factors and vehicle trip generation, which are based on land use type, are only used for operation-related emissions and not construction emissions. Moreover, the operations modeling prepared for the IS/MND used the Manufacturing land use type for the proposed manufacturing use.

O5-5 The 20,193 square feet assumed for the proposed parking lot square footage is based on the dimensions of the proposed parking stalls shown on Figure 5, *Conceptual Site Plan*, of the IS/MND. The calculations are found in Appendix A of the IS/MND under the worksheet labeled "CalEEMod Inputs – Construction." Because the dimensions of the proposed parking stalls were available, they were used instead of the CalEEMod default value of 49,200 square feet.

O5-6 According to South Coast AQMD Rule 403, Section (d)(2), the best available control measures in Table 1 of the rule are applicable to all projects.[3] These control measures are regulations with which the project would need to comply. Table 1 of Rule 403 includes various standard control measures and guidance in implementation of each to control fugitive dust emissions. The construction reduction measures applied in the air emissions modeling are generally based on the control measures and guidance found in Table 1, which include limiting vehicle speeds to 15 miles per hour, applying water to soils, and applying chemical stabilizers/dust suppressants. Although these reduction measures are included in CalEEMod as "Mitigation Measures" they are regulatory and mandatory and differ from the definition of mitigation measures per CEQA and the AEP's CEQA Portal Topic Paper.

Additionally, some of the mandatory measures in Table 1 of South Coast AQMD Rule 403, Section (d)(2) were not included in the air emission modeling, which makes the modelling conservative. And though Table 1 does not explicitly require replacing ground cover on areas with exposed soils, this measure was used in the air emissions modeling instead of applying chemical stabilizers or dust suppressants. The ground-cover replacement measure provides a fugitive dust control efficiency of only 5 percent compared to the 84 percent control efficiency for the chemical stabilizers/dust suppressant measure.[4] Therefore, it provides a more conservative result (i.e., less reduction) than the chemical stabilizers/dust suppressants reduction measure.

The example table provided by the commenter on page 6 of the SWAPE Letter (see Appendix 2 of this document) is from a table related to control actions that are required

[3] South Coast Air Quality Management District, Rule 403: Fugitive Dust, June 3, 2005, https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf?sfvrsn=4.

[4] South Coast Air Quality Management District, Table XI-A, Mitigation Measure Examples: Fugitive Dust from Construction & Demolition, revised April 2007, http://www.aqmd.gov/docs/default-source/ceqa/handbook/mitigation-measures-and-control-efficiencies/fugitive-dust/fugitive-dust-table-xi-a.doc?sfvrsn=2.

for projects defined as large operations under Rule 403(c)(21).[5] The control actions for large operations are additional requirements beyond the standard best available control measures in Table 1 of Rule 403. The proposed project would not be a large operation under Rule 403 because the project site is less than 50 acres (6 acres), and the project is not anticipated to move more than 5,000 cubic yards of soil per day more than three times per year. Therefore, the example table provided by the commenter is not applicable to the proposed project.

O5-7 Refer to the responses to comments O5-3 through O5-6, which provide details for why project-related construction and operation emissions in Section 3.3, *Air Quality*, of the IS/MND were properly modeled and calculated. In reference to the control measures for fugitive dust control per Rule 403, the commenter notes that the IS/MND includes this measure as project design features as opposed to mitigation measures. These control measures are regulatory and are mandated and regulated by the South Coast AQMD and therefore are not project design features but rather regulatory requirements (as stated in the IS/MND). CalEEMod inputs for construction emission controls, although labeled as construction mitigation measures, are different than CEQA mitigation measures and can include regulatory requirements.

O5-8 Please refer to the individual responses to comments O5-9 and O5-10.

O5-9 The commenter states that the IS/MND failed to adequately evaluate construction-related health risks from diesel particulate matter (DPM) emissions and that the localized significance thresholds (LST) analysis used is incorrect for construction-related air toxics, and thus the project may result in significant health impacts.

The commenter's assertion that a quantified construction health risk assessment is required is not correct. The South Coast AQMD does not currently require health risk assessments for short-term emissions from construction equipment. Instead, South Coast AQMD has promulgated a specific methodology for analysis of localized impacts from construction to nearby sensitive receptors as an indicator of potential health risk. The screening-level LST methodology and results are on pages 58 and 59 of the IS/MND. As described on page 58 of the IS/MND, the LSTs are the amount of project-related construction emissions at which localized pollutant concentrations would exceed State air quality standards, based on project site and distance to the nearest receptor. Additionally, as described on page 59 of the IS/MND, the LSTs are designed to protect sensitive receptors most susceptible to respiratory diseases. As shown in Table 6 of the IS/MND, maximum daily construction emissions would not exceed the screening-level LSTs, and impacts would be less than significant.

As described in the air quality section (page 7 of the IS/MND) and the health risk assessment (HRA) prepared for the project, the nearest sensitive receptor to the project

[5] Appendix 2, Table 2 page 6 of this document.

site is a single residence 550 feet north of the project site along Cypress Street. Typically, emissions from long-term construction projects can significantly impact sensitive receptors if the receptor is adjacent to or within 200 to 300 feet of the project site. At 550 feet, emissions from an eight-month construction project would not result in significant health risk impacts. For instance, the residential health risk results of the operational HRA at the resident 550 feet to the north, which are calculated over a period of 30 years, were determined to be well below South Coast AQMD's significance thresholds (i.e., residential cancer risk 1.4 per million, which is below threshold of 10 in a million; noncancer risk <0.001 hazard index, which is below threshold of 1.0). The operational HRA prepared for the project was conducted with the most recent guidance from the Office of Health Hazard Assessment (OEHHA). Because project emissions over 30 years would not result in significant health risks to nearby residents, the likelihood is very low that construction emissions over an eight-month period would result in significant risks to the same residents more than 500 feet from the site. Also, because operational health risks are well below the South Coast AQMD thresholds, it is unlikely the cumulative risks from construction and operation together would exceed significance thresholds.

The commenter provided a screening-level construction HRA for the project by SWAPE (see Appendix 2 pages 9–12 of this document). The SWAPE HRA used a screening model (AERSCREEN) to estimate DPM concentrations at a set distance corresponding to the maximum exposed residential receptor. The results of SWAPE's screening level HRA were that the cancer risk at the maximum exposed residential receptor would be 12.1 in a million.

Typically, a screening model such as AERSCREEN predicts higher pollutant concentrations than refined air dispersion modeling using AERMOD, which can input emission source data, meteorological data, and terrain data that better represent the project and surrounding area. Although not required by South Coast AQMD, a health risk analysis was prepared for project construction to address received comments. The health risk modeling and risk calculations are attached as Appendix 3 of this document. The construction HRA included refined air dispersion modeling using AERMOD and risk calculations at the maximum exposed residential receptor using the 2015 OEHHA guidance. It determined the excess cancer risk to be 0.5 in a million at the maximum exposed residential receptor (single residence 550 feet north of the project site along Cypress Street), which is well below South Coast AQMD's significance threshold of 10 in a million. The noncancer chronic hazard index was determined to be approximately 0.001, which is below South Coast AQMD's threshold of 1.0. Therefore, health risks from project construction would be less than significant.

The use of refined air dispersion modeling showed more than a 10-fold reduction in predicted cancer risk (0.5 in a million) compared to using a screening model (12.1 in a million by SWAPE). This is expected because of the refined accuracy and project-specific model inputs using AERMOD. The calculated less-than-significant health risk values for

project construction further substantiate the discussion in the IS/MND that the construction LST analysis is designed to protect sensitive receptors most susceptible to respiratory diseases.

Last, the commenter provided a cumulative lifetime cancer risk calculation for both construction and operation. The cumulative lifetime risk to the maximum exposed residential receptor would be 1.9 in a million when combining the calculated cancer risk from the project operation of 1.4 in a million (Operational HRA in Appendix B of the IS/MND) with the above cancer risk determined from the construction health risk analysis (0.5 in a million). The combined cancer risk from project construction plus operation would be less than South Coast AQMD's significance threshold of 10 in a million.

Therefore, the IS/MND adequately evaluated health risks from DPM associated with the project, and no changes to the Initial Study/Mitigated Negative Declaration are necessary.

O5-10 Please refer to the response to Comment O5-9. A construction health risk analysis, although not required by South Coast AQMD, was prepared to address received comments. The health risk analysis includes the recommended age sensitivity factors for infants and third trimester of pregnancy. Health risks were shown to be less than significant for project construction. Additionally, the closest sensitive receptor is at 550 feet. There are no land use designations that would support residential or institutional uses at 175 feet from the project site. Therefore, the proposed project would not expose sensitive receptors to substantial DPM concentrations from construction, and as stated in the IS/MND, impacts would be less than significant.

O5-11 Please refer to the individual responses to comments O5-9 and O5-10. A construction health risk analysis, although not required by South Coast AQMD, was prepared to address received comments and health risks were shown to be less than significant for project construction. As described in Section 3.3, *Air Quality*, of the IS/MND, the residential health risk results of the operational HRA were determined to be well below South Coast AQMD's significance thresholds (i.e., residential cancer risk 1.4 per million, which is below threshold of 10 in a million; noncancer risk <0.001 hazard index, which is below threshold of 1.0). Lastly, health risks were shown to be less than significant for the combined lifetime risks of project construction plus project operation. Additionally, the closest sensitive receptor is at 550 feet. There are no land use designations that would support residential or institutional uses at 175 feet from the project site. Therefore, the proposed project would not expose sensitive receptors to substantial DPM concentrations from combined construction and operation, and as stated in the IS/MND, impacts would be less than significant.

O5-12 Please refer to the individual responses to comments O5-13 through O5-18.

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O5-13 Please refer to responses to comments O5-3 through O5-6. As discussed in the responses to these comments, the inputs are consistent with the information disclosed in the IS/MND, and emissions are not underestimated.

O5-14 The commenter notes that the IS/MND should have used a nonoperational Pepsi bottling facility as the baseline condition for the environmental analysis. The bottling facility started operations in 1956 and ceased operations in December 2020. Therefore, the plant was operational at the project site for more the 60 years.

As described on page 32 of the IS/MND, CEQA requires that when evaluating the potential impacts of a project, the analysis must examine impacts against the physical environmental conditions existing at the time the environmental analysis commences, or what is referred to as the environmental baseline. "This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant" (CEQA Guidelines Section 15125(a)). However, in *North County Advocates v. City of Carlsbad*, 241 Cal.App.4th 94, the court found that lead agencies are not compelled to select a frozen-in-time "snapshot" of the most recent conditions when substantial evidence of factors such as long-standing historical use, legal entitlement, and reasonable projections make another baseline a reasonably accurate representation of real conditions at the project site. The alternate baseline cannot be based on merely hypothetical conditions. The court decision held that the EIR prepared for the Carlsbad Shopping Mall Renovation in 2012, which involved the renovation of a vacant department store, could include the store's historical operational information in establishing the environmental baseline for the project's traffic impact analysis under CEQA. In preparing the EIR's traffic analysis for the project, the city applied an existing conditions environmental baseline that was premised on a fully occupied Robinsons-May building, even though the space had been vacant since 2006. The court of appeal affirmed the trial court's ruling, finding that substantial evidence supported the city's existing environmental conditions baseline because it was based on recent historical use and was consistent. Therefore, historical operational levels can be used to establish the existing environmental conditions baseline when they are supported with substantial evidence, such as actual entitlements for those historical levels and demonstration that the use at those levels had previously occurred.[6]

As described with legal precedent, the long-term operations of the Pepsi Bottling plant were determined to be most representative for baseline conditions for the environmental review in the IS/MND.

O5-15 The commenter is incorrect in the implied assertion that the 3,000 $MTCO_2e$ per year threshold is based on the year 2020 statewide GHG reduction target under Assembly Bill

[6] David McGrath, "CEQA Baseline Can Consider Historic Levels of Use: *North County Advocates v. City of Carlsbad* (2015)—Cal.App.4th—Case No. D066488." Manatt.com, November 5, 2015, https://www.manatt.com/insights/newsletters/real-estate-and-land-use/ceqa-baseline-can-consider-historic-levels-of-use.

32 (AB 32) and that it is an outdated threshold. The 3,000 $MTCO_2e$/yr threshold for development projects is based on a market capture approach and is not directly tied to a GHG reduction plan, such as CARB's Scoping Plan. In general, the threshold was developed based on a review of 711 projects in the Governor's Office of Planning and Research database of CEQA projects in the South Coast AQMD's jurisdiction. The threshold was set based on a 90 percent capture rate, which came from the California Air Pollution Control Officers Association's 2008 white paper, "CEQA and Climate Change."[7] Based on the review of 711 CEQA projects, 90 percent of CEQA projects would not exceed 3,000 $MTCO_2e$/yr.[8,9,10] This threshold is used by many lead agencies in the South Coast AQMD region to identify GHG emissions impacts.

O5-16 Refer to the response to comment O5-14 above. As discussed, the 3,000 $MTCO_2e$/yr threshold remains a valid significance threshold to evaluate potential GHG emissions impacts. In addition, the commenter suggests the use of a modified 2035 threshold of 3.0 $MTCO_2e$ per service population per year ($MTCO_2e$/SP/yr) based on the efficiency-based 2020 threshold developed by South Coast AQMD of 4.8 $MTCO_2e$/SP/yr. Unlike the 3,000 $MTCO_2e$/yr bright-line threshold, the 4.8 $MTCO_2e$/SP/yr, is generally based on the statewide GHG reduction target established for year 2020 under AB 32. It is derived from the 2020 statewide GHG reduction target for "land use only" GHG emissions sectors divided by the 2020 statewide employment for the land use sectors to derive a per capita GHG efficiency metric.[11] In general, according to the court ruling under *Golden Door Properties, LLC v. County of San Diego / Sierra Club, LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, the California Fourth District Court of Appeal generally ruled against use of efficiency-based thresholds that are based on a statewide inventory because they do not have enough of a nexus or connection to new development projects.

O5-17 The commenter prepared construction and operation emissions modeling and provided the CalEEMod output files with their comment letter. The commenter incorrectly states the total construction GHG emissions as 598 $MTCO_2e$, which is inconsistent with the

7 California Air Pollution Control Officer's Association, "CEQA and Climate Change," white paper, January 2008, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf.

8 South Coast Air Quality Management District, "GHG Meeting 14 Main Presentation," Greenhouse Gases (GHG) CEQA Significance Threshold Working Group, November 19, 2009, http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-14/ghg-meeting-14-main-presentation.pdf?sfvrsn=2.

9 South Coast Air Quality Management District, "Agenda for Meeting 15," Greenhouse Gases (GHG) CEQA Significance Threshold Working Group, September 28, 2010, http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-main-presentation.pdf?sfvrsn=2.

10 South Coast Air Quality Management District, "Minutes for Meeting 15," GHG CEQA Significance Threshold Stakeholder Working Group, September 28, 2010, http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2.

11 South Coast Air Quality Management District, "Minutes for Meeting 15," GHG CEQA Significance Threshold Stakeholder Working Group, September 28, 2010, http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2.

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461 $MTCO_2$/yr shown in SWAPE's construction CalEEMod run output file, included with the comment letter (Appendix 2, Attachment C, page 5, of this document). The amortized construction GHG emissions amount of 19.90 $MTCO_2e$/yr shown by the commenter is based on the incorrect 598 $MTCO_2e$ and is therefore also incorrect. In addition, modeling provided by the commenter includes the default value of 49,200 square feet for the proposed surface parking. Using the larger, default surface area instead of the surface area derived from the project's site plan results in slightly higher assumed construction worker and vendor trips based on CalEEMod methodology and is the primary factor for the difference in calculated construction emissions provided by the commenter and the emissions provided in the IS/MND. However, as discussed in the response to Comment O5-5, use of the 20,193 square feet for the proposed surface parking is appropriate because it is based on the dimensions of the proposed parking spaces shown on Figure 5, *Conceptual Site Plan*, of the IS/MND. Additionally, as discussed in Comment O5-6, CalEEMod inputs for construction emission controls, although labeled as construction mitigation measures, are different than CEQA mitigation measures and can include regulatory requirements. Therefore, inclusion of the conservative fugitive dust control measures per Rule 403 in the construction model run is appropriate.

In addition, the commenter's prepared operational CalEEMod output files used an incorrect CO_2 intensity factor of 590.98 pounds per megawatt hour (lbs/MWh) instead of 509.98 lbs/MWh, resulting in higher energy-sector GHG emissions. The CO_2 intensity factor of 509.98 lbs/MWh is used in the emissions modeling prepared for the IS/MND and is based on the CO_2e intensity factor of 512 lbs/MWh reported in the Southern California Edison 2020 Sustainability Report.[12] The use of 49,200 square feet for the proposed parking lot also incorrectly results in higher GHG emissions associated with electricity for lighting the proposed surface parking. The commenter's prepared operational CalEEMod modeling includes the ancillary office space as a separate land use under the General Office Building land use type. However, as discussed in the response to Comment O5-3, the proposed ancillary office space would not be housed in a separate office building but would only be a designated area within the proposed industrial building.

Overall, based on the responses to comments O5-3 through O5-6 and O5-13 through O5-16 and the reasons given for this comment, above, the results presented in the IS/MND are valid.

O5-18 The commenter states that the IS/MND fails to consider the performance-based standards under CARB's Scoping Plan. As discussed on page 85 of the IS/MND, the Scoping Plan is applicable to state agencies but is not directly applicable to cities and/or individual development projects. Regulatory actions taken at the state level would result in

[12] Southern California Edison, 2020 Sustainability Report, 2020, https://www.edison.com/content/dam/eix/documents/sustainability/eix-2020-sustainability-report.pdf.

direct and/or indirect compliance by the project where applicable. For example, as stated on page 86 of the IS/MND, new buildings are required to comply with the Building Energy Efficiency Standards and the California Green Building Standards Code adopted and approved by the California Energy Commission and California Building Standards Commission, respectively.

Regarding SCAG's RTP/SCS, as discussed on page 86 of the IS/MND, the RTP/SCS does not require that local general plans, specific plans, or zoning be consistent with it. Instead, the RTP/SCS provides incentives to governments and developers to be consistent with it. Also, in general, the RTP/SCS incorporates local land use projections from city and county general plans as part of its development. The proposed project would result in a use that is consistent with the industrial zoning and General Plan land use designations for the project site. Thus, the proposed project would not change the underlying land use assumption for the project site under the RTP/SCS.

As stated on page 86 of the IS/MND and discussed in more detail on pages 133 and 134 in Section 3.17(b) of the IS/MND, because the proposed project would not generate the threshold number of daily passenger vehicle trips, project-related VMT would have a less than significant impact.

O5-19 Refer to responses for comments O5-3 through O5-18. As discussed, the analyses of air quality, GHG emissions, and health risk impacts in the IS/MND were properly prepared, and the results are valid. Overall, with the exception of odors impacts, which would be reduced to a less than significance impact with incorporation of Mitigation AQ-1, all air quality, GHG emissions, and health risk impacts were determined to be less than significant, and no mitigation is needed.

Furthermore, SWAPE states that the fugitive dust control measures, per Rule 403, that were incorrectly applied as mitigation measures by the model need to be implemented formally as mitigation measures. As describe in the responses to comments O5-6 and O5-7, these control measures are regulatory and are mandated and regulated by the South Coast AQMD and therefore are not project design features but rather regulatory requirements (as stated in the IS/MND). CalEEMod inputs for construction emission controls, although labeled as construction mitigation measures, are different than CEQA mitigation measures and can include regulatory requirements.

O5-20 Refer to response to comments O5-3 through O5-19.

3. Response to Comments Received After the Public Review Period

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4. Revisions to the IS/MND

This section contains additional revisions to the IS/MND based upon updated information that was not available at the time of the IS/MND publication. Site design changes were made in response to comments received from Planning Commissioners at their February 16, 2022, public hearing. Additionally, circulation and access modifications have been made in response to concerns expressed by the commissioners and representatives for the adjacent property (Decore-ative Specialties, 4414 Azusa Canyon Road) at the September 21, 2022, Planning Commission public hearing. These modifications have been recommended subsequent to City staff and the PlaceWorks' team coordination with the applicant, and Decore-ative Specialties and their legal and technical representatives. The recommended site access refinements and permitted vehicle movements are detailed in a supplemental analysis prepared by Urban Crossroads: *Azusa Canyon Road Warehouse Access Sensitivity Evaluation,* November 8, 2022. This technical evaluation is included as Appendix 6 to this Response to Comments.

This section also modifies Mitigation Measure T-1 to include updated concept designs for the proposed improvements at the intersection of Azusa Canyon Road and Los Angeles Street.

The proposed revisions do not represent substantive project changes with respect to CEQA. These changes would not result in any physical change to the environment and would not alter the impact analysis or findings included in the Initial Study for the proposed project. Additionally, Mitigation Measure T-1, as modified here, is as effective as the mitigation measure included in the December 2021 IS/MND. Therefore, the proposed revisions to the IS/MND as detailed below, would not meet the conditions pursuance to CEQA Guidelines 15073.5, *Recirculation of a Negative Declaration Prior to Adoption*, that would constitute a substantial revision requiring recirculation of the IS/MND.

4.1 UPDATES TO THE PROJECT DESCRIPTION

The following project description and conceptual site plan updates to the December 2021 IS/MND reflect the changes requested at the February 16, 2022, Planning Commission public hearing. Changes made to the IS/MND are identified in ~~strikeout text~~ to indicate deletions and in <u>underlined text</u> to signify additions.

<u>Page 13, Section 1.6.2, Architectural Design and Character.</u> The following changes have been made to the text of the IS/MND.

The building would be designed as a single-story, tilt-up industrial building (up to 37 feet in height) with a mezzanine and ample interior open-storage space and high ceilings. Figure 6, *Conceptual Building Elevations*, and Figures 7a and 7b, *Conceptual Building Renderings*, illustrate the conceptual elevations and architectural design and features of the proposed building. As shown in these figures, the proposed building would incorporate a modern architectural style and aesthetic. Building elements and materials include smooth and light-colored

4. Revisions to the IS/MND

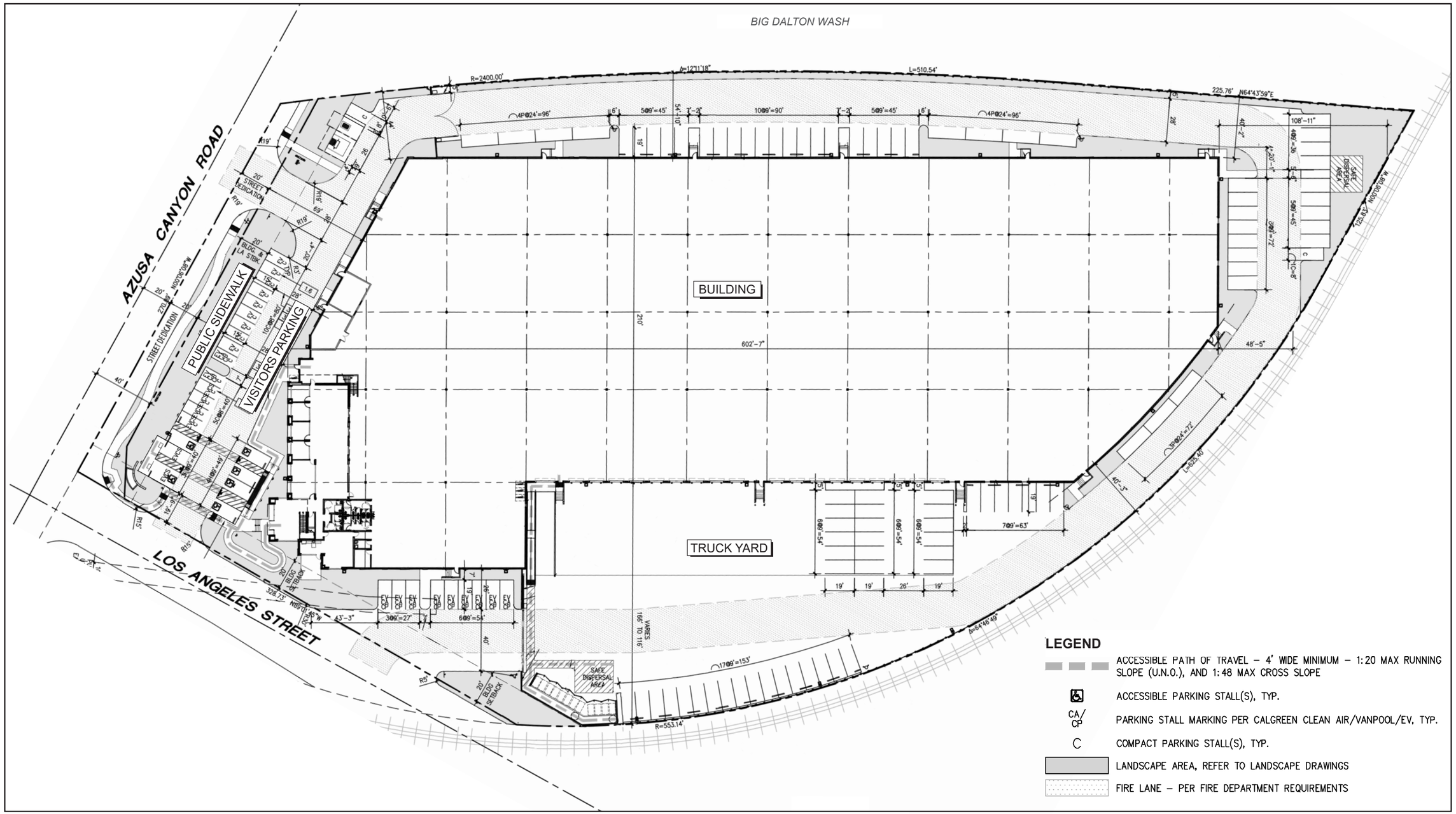
troweled stucco; metal, glass, brick, and stone; light, harmonious colors with accent color for trim; facades with depth of plane; recessed heavy doors; deeply recessed windows with planter boxes; custom ornamentation; arcades and columns for scale balance and rhythm; varied roof lines; and flat roofs behind detailed parapets. Furthermore, the proposed design aims to enhance the street corner at Azusa Canyon Road and Los Angeles Street, develop contemporary interpretation of a traditional concept, and encompass an authentic period style compatible with the city context. A sign reading "Welcome to Irwindale" would also be installed at the southwest corner of the site. Final architectural design of the building is subject to review and approval by the City.

Page 25, Section 1.6.4, Access Circulation, and Parking. The following changes have been made to the text of the IS/MND.

As shown in Figure 5, *Conceptual Site Plan*, pedestrian access to the project site would be provided via a new concrete public sidewalk running ~~parallel to~~ abutting Azusa Canyon Road along the western boundary of the site. The southern portion of the sidewalk would be meandering, while the northern portion would run parallel to Azusa Canyon Road. The existing public sidewalk abutting the project site along this road would be demolished and replaced with a new sidewalk including curbs, gutters, and landscaping improvements as needed to facilitate site access along the proposed project's frontage, consistent with the City's standards. Since the property currently extends into Azusa Canyon Road, the proposed project would also include a 20-foot-wide street easement dedication along the western boundary of the site. The street easement dedication would be included as a Condition of Approval under the City's Department of Public Works Engineering Division. Additionally, internal walkways leading to the building's main entrance would be provided on-site and would connect to the new public sidewalk. Curb, gutter, sidewalk, and landscaping improvements along Los Angeles Street would also be constructed as needed to facilitate site access.

Page 15, Figure 5, Conceptual Site Plan. Figure 5 of the IS/MND has been replaced with the figure on the following page. Note also that the project's Access Driveway refinement for the Azusa Canyon Road driveway is depicted in Exhibit 5, Appendix 6.

Figure 5 - Conceptual Site Plan



Source: GAA Architects, 2022

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4.2 UPDATES TO INTERSECTION CONCEPT DESIGNS

The Transportation Analysis for the proposed project (Appendix I of the IS/MND) included recommended improvements at the intersection of Azusa Canyon Road and Los Angeles Street. The improvements address potential safety concerns in conjunction with the proposed off-site traffic signal at this intersection. These recommendations were included as Mitigation Measure T-1 in the December 2021 IS/MND.

The concept design for the intersection at Azusa Canyon Road and Los Angeles Street has been updated since the publication of the IS/MND. The updated concept plans are shown in Appendix 4 of this document and include two alternative designs. A decision on the final design has not been made. The design will be finalized prior to the issuance of occupancy permits.

In comparison to the original design, neither of the design alternatives would restrict on-street parking on the south side of Los Angeles Street, east of Azusa Canyon Road. However, restriction of on-street parking on the east side of Azusa Canyon Road, north of Los Angeles Street, would still be required. Under the original design, new crosswalks on the east and west leg of the intersection were proposed. For the two alternatives shown in Appendix 4:

- Alternative 1 would require a crosswalk on the east and west leg of the intersection, similar to the original design. This alternative also includes a curb "bulb-out" at the southeast corner of the intersection. This improvement allows the parking along the south side of Los Angeles Street to be preserved.

- Alternative 2 would require a crosswalk on the east, west, and south leg of the intersection.

Under existing conditions, there is only one crosswalk on the north leg of the intersection.

Mitigation Measure T-1 has been updated in accordance with the updated concept plans as shown below and an updated Mitigation Monitoring and Reporting Program reflecting the updated mitigation measures is provided as Appendix 5. The bulb-out proposed for Alternative 1 and the altered pedestrian circulation associated with Alternative 2 would not disturb any additional land compared to the original improvements and all improvements would be within existing right-of-ways. As with the original mitigation measure, the updated mitigation measure would require the off-site traffic signal and would substantially improve pedestrian safety at the intersection. The alternative designs have been prepared by Urban Crossroads and adhere to applicable design standards, including required sight distances. The updated mitigation measure, therefore, would not result in a significant environmental effect and would be as effective as the original mitigation measure.

Page 133, Section 3.17, TRANSPORTATION. The following changes have been made to the text of the IS/MND.

Mitigation Measures

T-1 Prior to the issuance of occupancy permits, the project applicant shall submit final improvement plans for the Azusa Canyon Road/Los Angeles Street intersection, including the new traffic signal and

crosswalk striping. The plans shall be submitted to and approved by the City's Public Works Department. The plans shall: ~~provide the following improvements at the intersection of Azusa Canyon Road and Los Angeles Street~~:

- ~~A new crosswalk on the east leg of the intersection.~~
- Include new crosswalks (as shown in the two alternatives in Appendix 4 [final alternative pending selection]) as follows:
    - Alternative 1 – north, west and east legs of the intersection
    - Alternative 2 – north, west, and south legs of the intersection
- ~~Restrict on-street parking on the south side of Los Angeles Street, east of Azusa Canyon Road, within 150 feet of the intersection.~~
- ~~Restrict~~ Include on-street parking restriction on the east side of Azusa Canyon Road, north of Los Angeles Street, within 150 feet of the intersection.
- Demonstrated compliance with required ~~Review~~ sight distance and other safety considerations.

4.3 UPDATES TO SITE ACCESS

Since the issuance of the December 2021 IS/MND, the recommended vehicular access to the project site has been modified. Initially, site access was proposed via two full access driveways at Los Angeles Street and one right-out/left-in only driveway at Azusa Canyon Road. The proposed site access has been modified to restrict movements at the Azusa Canon Road driveway to right-in/right-out movements. No left turn in or out movements will be permitted at this driveway. The updated traffic analysis and project conditions also reflect that truck ingress and egress movements from Los Angeles Street (private road) will be limited to Driveway No. 3 (easternmost driveway). Driveway No. 3 will be limited to passenger car use.

The *Azusa Canyon Road Warehouse Access Sensitivity Evaluation*, included as Appendix 6, documents the modified circulation assumptions, driveway improvements required, and includes an updated level of service analysis to reflect these changes. Appendix 6 Exhibits 1 and 2 show the revised passenger car and large truck trip distribution and Exhibit 5 presents a recommended widening and relocation of the Azusa Canyon Road driveway to facilitate trucks turning right into the site from Azusa Canyon Road. The technical report summarizes that these changes would not affect any conclusions in the Transportation Impact Analysis (Appendix I of the IS/MND). Moreover, the recommended modifications do not alter the proposed land use or projected trip generation, and would not affect other environmental impact conclusions as included in the IS/MND (including air quality, greenhouse gases, health risk and noise). The project description in the December 2021 IS/MND is updated below to ensure IS/MND consistency with the project details as currently

proposed. Changes made to the IS/MND are identified in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

Page 13, Section 1.6.1, Site Plan and Character. The following changes have been made to the text of the IS/MND.

Figure 5, *Conceptual Site Plan*, illustrates the proposed project's overall site design. The building would occupy the majority of the site, with the truck court area in the southeast portion of the site. Vehicle access to the site would be via a driveway off Azusa Canyon Road, a western driveway off Los Angeles Street, and a gated eastern driveway off Los Angeles Street. Truck access would ~~only~~ be from the eastern gated driveway off Los Angeles Street and the driveway off Azusa Canyon Road. Architecturally and functionally, the building would be designed and constructed as a single-story, painted concrete tilt-up industrial building (up to 37 feet in height) with a mezzanine and ample interior open-storage space and high ceilings, which is typical for warehouse and distribution facilities. Primary entrance to the building would be from the western end. Designated employee and visitor parking areas would be placed on all sides of the building. The northeast corner of the site would also include parking stalls. Refer to Section 1.6.4, *Access, Circulation, and Parking*, for further details regarding the proposed parking areas.

Page 14, Section 1.6.4, Access, Circulation, and Parking. The following changes have been made to the text of the IS/MND.

As shown in Figure 5, *Conceptual Site Plan*, vehicular access for the project site would be provided via three driveways: one off Azusa Canyon Road and two off Los Angeles Street. The driveway off Azusa Canyon Road and the western driveway off Los Angeles Street would provide access for employee/visitor vehicles and lead directly into the on-site parking areas for these users. Both driveways would connect to an internal drive aisle, which would lead to a rolling security gate—the gate would restrict access into the parking areas along the northeast and southeast sides of the building and in the truck court area to employees only. The internal drive aisles would also function as fire access lanes and provide a minimum unobstructed width of 28 feet. Trailer trucks would be ~~prohibited from using these driveways to access the truck yard; however, trailer trucks would~~ allowed to use the eastern Los Angeles Street driveway and the Azusa Canyon Road driveway to access the project site. The Los Angeles Street driveway would lead directly into the open yard via a rolling security gate. The driveway off Azusa Canyon Road would be restricted to ~~right-out/left-in~~ right-in/right-out only access,

Page 135, Section 3.17, Transportation. The following changes have been made to the text of the IS/MND.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than Significant Impact. The proposed project would introduce several new on-site vehicular access and circulation improvements. As shown in Figure 5, *Conceptual Site Plan*, vehicular access for the project site would be provided via three entryways: one off Azusa Canyon Road and two off Los Angeles Street. The Azusa Canyon Road and western Los Angeles Street entryways would provide access for employee/visitor vehicles and lead directly into the on-site parking areas for these users. Both entryways would connect to an

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internal drive aisle, which would lead to an automated rolling security gate in the northern portion of the site—the gate would restrict access into the truck yard to employees only. Trailer trucks would only be allowed to use the eastern driveway off Los Angeles Street and the Azusa Canyon Road driveway to access the project site. The driveway off Azusa Canyon Road would be restricted to ~~right-out/left-in~~ right-in/right-out only access, and the driveways on Los Angeles Street would be constructed with full access.

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