

October 2024 | Final Environmental Impact Report
State Clearinghouse No. 2023020290

IRWINDALE GATEWAY SPECIFIC PLAN

FINAL EIR

for City of Irwindale

Prepared for:

City of Irwindale

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1. Introduction

1.1 INTRODUCTION

This Final Environmental Impact Report (Final EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (California Code of Regulations §§ 15000 et seq.).

According to the CEQA Guidelines, Section 15132, the Final EIR shall consist of:

- (a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft;
- (b) Comments and recommendations received on the DEIR either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies comments on the DEIR;
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Lead Agency.

This document contains responses to comments received on the DEIR for the Irwindale Gateway Specific Plan during the public review period, which began May 13, 2024, and closed June 27, 2024. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated DEIR comprise the Final EIR, in accordance with CEQA Guidelines, Section 15132.

1.2 FORMAT OF THE FINAL EIR

This document is organized as follows:

Section 1, Introduction. This section describes CEQA requirements and content of this Final EIR.

Section 2, Response to Comments. This section provides a list of agencies and interested persons commenting on the DEIR; copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number (A-1 through A-6 for letters received from agencies and organizations, and O-1 through O-2A for letters received from organizations). Individual comments have been numbered for each letter and the letter is followed by responses with references to the corresponding comment number.

1. Introduction

Section 3. Revisions to the Draft EIR. This section contains revisions to the DEIR text and figures as a result of the comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the DEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the Final EIR. City of Irwindale staff have reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments, and reminds persons and public agencies that the focus of review and comment of DEIRs should be “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. ...CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this Final EIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency (City of Irwindale) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses.

This section provides all written responses received on the DEIR and the City of Irwindale's responses to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the DEIR during the public review period.

Number Reference	Commenting Person/Agency	Date of Comment	Page No.
Agencies			
A1	Los Angeles County Sanitation District	6/12/24	2-3
A2	Los Angeles County – Office of the Sheriff	6/17/24	2-7
A3	Department of Transportation – State of California	6/20/24	2-15
A4	Cal Recycle	6/26/24	2-23
A5	City of Baldwin Park	6/27/24	2-29
A6	South Coast Air Quality Management District	6/27/24	2-33
A7	California Air Resources Board	7/2/24	2-47
Organizations			
O1	Advocates for the Environment	6/24/24	2-61
O2	Blum, Collins & Ho, LLP	6/24/24	2-77
O2A	SWAPE (attachment to letter O2)	6/20/24	2-107
O2B	Golden State Environmental Justice Alliance	8/7/24	2-143

2. Response to Comments

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2. Response to Comments

LETTER A1 – Los Angeles County Sanitation Districts (2 pages)



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

June 12, 2024

Ref. DOC 7224238

VIA EMAIL BJones@IrwindaleCA.gov

Ms. Brandi Jones, Senior Planner
City of Irwindale, Community Development Department
Planning Division
5050 North Irwindale Avenue
Irwindale, CA 91706

Dear Ms. Jones:

Second Response to Irwindale Gateway Specific Plan

The Los Angeles County Sanitation Districts (Districts) received a Notice of Availability of a Draft Environmental Impact Report (DEIR) for the subject project on May 13, 2024. The proposed project is located within the jurisdictional boundaries of District No. 22. Previous comments submitted by the Districts in correspondence dated March 6, 2023 (copy enclosed) to your agency still apply to the subject project with the following updated information:

1. **Section 5.15.1 Wastewater Treatment and Collection, Wastewater Conveyance and Wastewater Treatment subsections, page 5.15-3:** these sections mentioned that the LACSD's 18-inch trunk line located in Romana Parkway. Please replace Romana Parkway to Ramona Parkway, as indicated in the correspondence dated March 6, 2023. | A1-1
2. The wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plant (WRP) located adjacent to the City of Industry, which has a capacity of 100 million gallons per day (mgd) and currently processes an average recycled flow of 60.0 mgd. All biosolids and wastewater flows that exceed the capacity of the San Jose Creek WRP are diverted to and treated at the A.K. Warren Water Resource Facility (formerly known as the Joint Water Pollution Control Plant) in the City of Carson. | A1-2
3. The expected average wastewater flow from the project, described in the Draft EIR as 954,796 square feet of warehouse uses and 43,000 square feet of office uses, is 32,470 gallons per day. A copy of the District's average wastewater generation factors is available at [Table 1. Loadings for Each Class of Land Use](#). | A1-3
4. All other information concerning Districts' facilities and sewerage service contained in the document is current. | A1-4

DOC 7246402.D22

2. Response to Comments

Ms. Brandi Jones

2

June 12, 2024

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2742, or phorsley@lacsdsd.org.

Very truly yours,

Patricia Horsley

Patricia Horsley
Environmental Planner
Facilities Planning Department

PLH:plh

Enclosure

cc: A. Schmidt
A. Howard

DOC 7246402.D22

2. Response to Comments

A1. Response to Comments from Los Angeles County Sanitation Districts, dated June 12, 2024.

- A1-1 LACSD requests that the spelling of Romana Parkway be changed to Ramona Parkway. This change has been made as shown in Chapter 3.2 of this Final EIR.
- A1-2 LACSD notes that the San Jose Creek Water Reclamation Plant has an average recycled flow of 60 million gallons per day (mgd). LACSD's letter from March 6, 2023, noted that the flow was 62 mgd. Since baseline conditions for the Draft EIR need to reflect conditions at the time of the NOP was released, no changes have been made to the DEIR.
- A1-3 LACSD calculated a total sewer generation of 32,470 gallons per day (gpd) for Option 1 of the proposed project based on sewer generation factors adopted by the district. The total sewer generation for Option 1 in the DEIR was calculated using highly conservative sewer generation factors from the Los Angeles Public Works Department and amounted to 310,232 gpd. The analysis is based on the Sewer Area Study conducted for the proposed project which is primarily concerned with the capacity of the existing sewer pipelines in the project vicinity and the need for any offsite upgrades to the system. Sewer generation factors associated with pipeline capacities are typically much more conservative than sewer generation factors related to actual sewer generation since they relate to worse case scenarios. Since the value in the DEIR is more conservative, no changes have been made however text has been added (as shown in Chapter 3.2 of this Final EIR) to clarify this point.
- A1-4 LACSD states that all other information concerning the districts' facilities and sewerage service contained in the DEIR is current. No response is required.

2. Response to Comments

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2. Response to Comments

LETTER A2 – Robert Luna, Sheriff, Los Angeles County Office of the Sheriff (3 pages)



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HAL OF JUSTICE

ROBERT G. LUNA, SHERIFF



June 17, 2024

Mr. Brandi Jones, Senior Planner
City of Irwindale
5050 North Irwindale Avenue
Irwindale, California 91706

Dear Mr. Jones:

**IRWINDALE GATEWAY SPECIFIC PLAN
NOTICE OF AVAILABILITY DRAFT ENVIRONMENTAL IMPACT REPORT
REVIEW COMMENTS**

Thank you for inviting the Los Angeles County Sheriff's Department (Department) to review and comment on the May 2024, Notice of Availability of Draft Environmental Impact Report (NOA DEIR) for the Irwindale Gateway Specific Plan Project (Project). The approximate 67-acre Specific Plan site is located at 13620 Live Oak Lane in the central portion of the City of Irwindale in Los Angeles County. The Irwindale Gateway Specific Plan proposes two development options of mixed-use industrial, storage, and manufacturing and associated amenities.

Although the Project location is patrolled by the Irwindale Police, our Department provides patrol services to various parks in the area including the Santa Fe Dam Recreational Area adjacent to the Project.

We would recommend that the EIR identify and provide specific requirements to address the following:

- Implementation of CPTED, Crime Prevention through Environmental Design.
- Define hours of operations of the facility.
- Provide a responsible signage program.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012
A Tradition of Service
— Since 1850 —

A2-1

A2-2

2. Response to Comments

Mr. Jones

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June 17, 2024

- Provide lighting plans to consider security measures and access locations.
- Provide a traffic study for the widening of Live Oak Lane and the inclusion of the stated traffic signal at Live Oak Avenue, to evaluate access and circulation for vehicles/trucks, pedestrians and emergency vehicles to have clear and unobstructed access at all times. Evaluate the ability to provide continuous access while queuing of potential truck traffic on Live Oak Lane, if street parking is permitted.

A2-2
cont'd

The Department has no other comments at this time, but we reserve the right to do so should additional and/or new information become available for the proposed Project.

For future reference, the Department provides the following updated address and contact information for all requests for reviews comments, law documents, and other related correspondence:

A2-3

Tracey Jue, Director
Facilities Planning Bureau
Los Angeles County Sheriff's Department
211 West Temple Street
Los Angeles, California 90012

Attention: Planning Section

Should you have any questions regarding this matter, please contact me at (323) 526-5657, or your staff may contact Ms. Bee Bee Pee, of my staff, at (323) 526-5697.

Sincerely,

ROBERT G. LUNA, SHERIFF



Tracey Jue, Director
Facilities Planning Bureau

2. Response to Comments

Mr. Jones

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June 17, 2024

TJ:BB:ic/rtl

c: Jorge A. Meza, Captain, Temple Sheriff's Station (TEM)
Michael R. Moen, Lieutenant, TEM
Brian E. Anderson, Sergeant, TEM
Louis M. Vigil, Lieutenant, Park Bureau (PB)
Ambar Weber, Sergeant, PB
Jennifer Fang, Assistant Director, Facilities Planning Bureau (FPB)
Meghan Wang, Principal Facilities Project Manager, FPB
Bee Bee Pee, Departmental Facilities Planner I, FPB
Chrono
(EIR- Irwindale Gateway Specific Plan (NOA DEIR))

2. Response to Comments

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2. Response to Comments

A2. Response to Comments from Robert Luna, Sheriff, Los Angeles County Office of the Sheriff, dated June 17, 2024.

A2-1 The City acknowledges that the Los Angeles County Sheriff’s Department provides patrol services proximate to the project site, though as acknowledged by the commenter, the project site is within the jurisdiction of the Irwindale Police Department which would provide police protection services to the proposed project.

A2-2 Since the Irwindale Police Department (IPD) would provide police services to the proposed project, the impacts to police services identified in the Draft EIR are based on input received from the IPD. These impacts are further discussed within Section 5.12.2, *Police Protection*, of the Draft EIR. Prior to the release of the Draft EIR, IPD reviewed the NOP for the proposed project, provided comments on the project, and identified potential impacts to the Department’s performance standards in an email correspondence received on April 20, 2023. A copy of this correspondence can be found in Appendix K, *Service Provider Responses*, to the Draft EIR. IPD stated that the proposed project would have a negligible impact on the Department’s ability to provide services to the project area. IPD also identified several project design recommendations that are incorporated within the proposed Specific Plan. Many of these reflect the recommendations made by the Los Angeles County Sheriff’s Department in this Comment.

For example, the proposed Specific Plan implements several features that align with the principles of Crime Prevention through Environmental Design (CPTED). While CPTED concerns a broad range of design strategies, its core concepts, as defined in the Los Angeles CPTED Guidelines, can be reduced to natural surveillance, natural access control, and territorial reinforcement.¹ With respect to surveillance features, Section 7.7 of the Specific Plan provides comprehensive lighting standards, including the requirement for exterior lighting at parking lots, loading dock areas, pedestrian walkways, building entrances, and public sidewalks at a minimum of one foot-candle. Aisles and passageways within the building complex would also be lit to a maximum of one foot-candle. The proposed design of the buildings also provides ample natural surveillance through the use of large windows (see Section 7.4 of the Specific Plan). The proposed Specific Plan would also require the implementation of various forms of access control including fencing and walls, as discussed in Section 7.6. This includes tubular steel fencing within individual building sites around loading and dock areas, truck yards, and surface detention basins, and/or solid screening walls up to 14 feet in height. In addition, the development is anticipated to have security gates and guardhouses for trucks and service vehicles. Territorial reinforcement design strategies focus on the perception of ownership within a space. The proposed project includes several features that clearly distinguish private and public spaces including entry treatments at the entrances/exits of the project site (see

¹ Los Angeles, City of. 1997. City of Los Angeles Crime Prevention Through Environmental Design Guidelines. <https://fldoca.com/wp-content/uploads/2015/10/Los-Angeles-Design-Out-Crime-Guidelines.pdf>

2. Response to Comments

Figures 7-9 and 7-10 of the Specific Plan) in addition to comprehensive landscaping treatments throughout the site (see Figures 7-6 and 7-7 of the Specific Plan). The proposed gating and walls, as previously discussed, would also help to define boundaries of ownership within the site. The maintenance of spaces also assists in reinforcing CPTED principles within the long-term. The proposed Specific Plan includes a dedicated section discussing the maintenance plan and responsibilities for all facilities within the proposed development (see Section 9.10 of the Specific Plan).

The operating hours of individual businesses within the proposed development is anticipated to vary based on the needs of individual tenants. The BESS component proposed under Option 2 is expected to be operated remotely up to 24 hours per day and seven days per week. Section 7 of the Specific Plan details the proposed project's plans with respect to signage. Prior to issuance of building permits, a Comprehensive Sign Program shall be approved by the City as conditioned. , . Table 9-2, Maintenance Responsibilities, within Section 9 of the Specific Plan also references the maintenance plan for the onsite and off-site signage.

As discussed above, the proposed Specific Plan provides comprehensive lighting standards that focus on a nonintrusive lighting design that maximizes security needs within the site. Specific security measures would also be implemented for the BESS under Option 2, which may include additional signage, lighting, and cameras. Additionally, as noted on pages 5.12-7 and 5.12-8 of the Draft EIR, the proposed security measures and future lighting plan would be reviewed during the building permit plan check process, including by an IPD captain or lieutenant before the City issues a building permit. This process would determine the need for additional crime prevention measures.

The proposed site access is discussed in detail within Section 5, *Transportation and Circulation*, of the Specific Plan. Figures 5-1 and 5-2 display the roadways and access points to the site under Option 1 and Option 2, respectively. Cross sections are also provided to show the proposed alleys and driveways at the surrounding streets (see Figures 5-3 and 5-4 of the Specific Plan). As discussed in Section 5.13, *Transportation*, under Impact 5,13-4 of the Draft EIR, the proposed improvements that address emergency and fire access needs would be designed and constructed in accordance with all applicable City and Los Angeles County Fire Department (LACFD) design standards for emergency access (e.g., minimum street width and turning radius). For example, the proposed fire lanes would be designed to meet the minimum width requirements of LACFD to allow for the adequate circulation of emergency vehicles. Fire lanes would be 26 feet wide for buildings up to 35 feet tall, and 28 feet wide for buildings taller than 35 feet.

With respect to the proposed off-site circulation improvements, the project's Traffic Impact Analysis (TIA) (see Appendix L2 to the Draft EIR) analyzed the traffic impacts for the 2040 project horizon year with implementation of signalization at the intersection of Live Oak Lane and Live Oak Avenue. The project scenarios analyzed in the TIA take

2. Response to Comments

into account the proposed roadway improvements to Live Oak Lane which include improvement of the roadway to 60 feet in width with two vehicle travel lanes and two parking lanes on each side of the street.

- A2-3 This Comment provides the Los Angeles County Sheriff's Department Facilities Planning Bureau' contact information and concludes the comments provided by the Sheriff's Department. No further response is necessary.

2. Response to Comments

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2. Response to Comments

LETTER A3 – Anthony Higgins, Acting LDR Branch Chief, on behalf of the California Department of Transportation (4 pages)

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
June 20, 2024	
Bandi Jones, Senior Planner City of Irwindale 5050 Irwindale Avenue Irwindale, CA 91706	
RE: Irwindale Gateway Specific Plan SCH # 2023020290 Vic. LA-605, PM 23.57 to PM 23.97 GTS # LA-2023-04536-DEIR	
Dear Bandi Jones:	
Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced environmental document. The Irwindale Gateway Specific Plan proposes the development of an industrial logistics and distribution center and associated parking and loading docks. The proposed project would redevelop the project site with one of two options.	A3-1
Option 1 proposes a 52.6-acre general light industrial, manufacturing, warehouse/distribution, e-commerce fulfillment center encompassing 954,796 square feet of warehouse space and 43,000 square feet of office space.	A3-1
Option 2 proposes a 36.71-acre general light industrial/warehouse/distribution, e-commerce fulfillment center encompassing 668,070 square feet of warehouse space and 36,000 square feet office space, and 15.94 acres of battery energy storage system (BESS) (electric energy storage, transmission and AC/DC and voltage conversion). The preliminary design for the BESS has 353,000 square feet of battery arrays, within which battery enclosures, inverter enclosures, and medium voltage transformers would be arranged. The BESS would be served by an overhead electric tie-line consisting of three 220-kilovolt conductor cables below an optical ground wire that serves dual purposes of grounding and fiber optic communications.	A3-1
Existing Multimodal Infrastructure and Service Conditions	A3-2
The VMT (Vehicle Miles Traveled) assessment evaluates existing multimodal infrastructure and service conditions that support non-SOV (Single Occupancy Vehicle) trips, essential for reducing VMT in the project area. Projects exceeding the City's VMT	A3-2
Provide a safe and reliable transportation network that serves all people and respects the environment	

2. Response to Comments

Bandi Jones, Senior Planner
June 20, 2024
Page 2 of 4

significance threshold can mitigate impacts by investing in non-SOV trip infrastructure and services.

Bicycle and Pedestrian Conditions

- **San Gabriel River Trail:** This trail runs north/south to the east of the project site between Live Oak Lane and Rivergrade Road, passing under Live Oak Avenue and crossing at an at-grade signalized intersection at Arrow Highway.
- **Sidewalks:** Sidewalks are discontinuous along Arrow Highway and Live Oak Avenue. On Arrow Highway, the sidewalk on the south side ends approximately 170 feet east of Live Oak Lane. On Live Oak Avenue, sidewalks are on the north side from the San Gabriel River Trail to Live Oak Lane and on the south side from the Trail to Graham Road. There is a crosswalk at the Live Oak Avenue/Graham Road intersection. Live Oak Lane lacks sidewalks.
- **Active Transportation Plan:** The City of Irwindale's plan designates Live Oak Avenue and Arrow Highway as Major Roads, recommending a Class IV Bikeway along Live Oak Avenue connecting to the San Gabriel River Trail. The plan also includes actions such as:
 - Encouraging secure bicycle parking at employment centers, commercial areas, recreational, and civic amenities.
 - Promoting pedestrian-oriented improvements in new developments.
 - Requiring new developments to provide sidewalks in Pedestrian Priority Areas.

A3-2
cont'd

Transit Conditions

- **Foothill Transit Line 492:** This line (Montclair – Arcadia – El Monte via Arrow Hwy) stops at Live Oak Avenue and Stewart Avenue and runs along the southern border of the project site with service every half hour from 5:30 AM to 11:00 PM.
- **Foothill Transit Line 272:** This line (Duarte – Baldwin Park – West Covina) stops at Live Oak Avenue/Stewart Avenue and Rivergrade Road/Arrow Highway, running along the northern border of the project site with hourly service from 5:30 AM to 9:00 PM.

Project-Level VMT Analysis

The SGVCOG web-based VMT Evaluation Tool was used for the project-level analysis under CEQA. The Baseline (Year 2023) plus Project assessment suggests that the project's VMT impact will be modest, comparable to cumulative VMT levels. The following VMT reduction elements were included in the Project-level analysis:

1. Constructing 750 feet of a five-foot-wide meandering public sidewalk and a 20-foot-wide landscaped parkway on the north side of Live Oak Avenue adjacent to the project site.
2. Dedicating 1,900 feet of Live Oak Lane (300 feet and 1,600 feet along the northern and southern portions, respectively) to meet the City's 60-foot street standard.
3. Constructing five-foot-wide sidewalks on both sides of Live Oak Lane and ten-foot-wide landscaped setbacks along the portion abutting the project site.

A3-3

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

2. Response to Comments

Bandi Jones, Senior Planner
June 20, 2024
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4. Installing a new traffic signal at the Live Oak Lane and Live Oak Avenue intersection.
5. Installing five new public streetlights along the north side and eight along the east side of Live Oak Lane abutting the project site.
6. Constructing a meandering sidewalk and parkway on the south side of Arrow Highway.
7. Providing carpool/vanpool infrastructure.
8. Providing 23 bicycle parking spaces.

Despite these improvements, the project alone would not reduce the VMT impact to less-than-significant levels, necessitating further mitigation measures:

- **New Bus Stop:** Installing a bus stop for Foothill Transit Line 492 on Live Oak Avenue at Live Oak Lane, reducing the distance from the nearest transit stop from 2,750 feet to 150 feet. This would require coordination with Foothill Transit and the City of Irwindale.
- **Class IV Trail:** Modifying the sidewalk and landscaping along Live Oak Avenue to include a Class IV trail, in line with the City of Irwindale's Active Transportation Plan, connecting to the San Gabriel River Trail.

A3-3
cont'd

VMT Conclusion

Without VMT reduction measures, the project would result in 20.8 daily VMT per employee, exceeding the City's threshold of 18.5. However, with the proposed multimodal improvements and mitigation measures, the daily VMT per employee would be reduced to 18.4, meeting the City's threshold and resulting in a less-than-significant impact on the transportation system.

Others

We noted that the truck VMT is 40 VMT/Emp with or without mitigation measures, as disclosed on page 7-14 of the DEIR. Please provide a discussion or clarification on whether the City intends to mitigate this impact, given that the City's threshold is 18.5 VMT/Emp.

A3-4

We recommend the Lead Agency to consider the following measures for this project as an additional TDM:

1. 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 additional 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:

A3-5

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

2. Response to Comments

Bandi Jones, Senior Planner
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Page 4 of 4

<http://ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

2. For this development, a post-development VMT analysis to validate and justify Project VMT and future VMT threshold setting should be prepared. Additional mitigation measures should be implemented when the post-development VMT analysis discloses any traffic significant impact. This analysis, which may include interviews with and surveys of project occupants, will provide new traffic data to help validate the City's VMT traffic model results.

The collected data can include, among other things, where the trips are coming from, when the trips are taking place, what transportation mode is used, and why those transportation modes were selected. This survey data would be useful for:

- a) validating existing VMT thresholds,
- b) assisting in setting future VMT thresholds, and
- c) identifying suitable TDM to apply as minimization or mitigation measures for the future projects. These measures could be implemented in the event the post-development VMT analysis discloses any significant transportation impacts.

A3-5
cont'd

Please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. Any modifications to State facilities must meet all mandatory design standard and specifications.

As a reminder, the transportation of heavy construction equipment and materials requiring oversized transport vehicles on State highways will necessitate a Caltrans transportation permit. We recommend scheduling large truck trips during off-peak commute periods and utilizing alternative routes when possible. Additionally, truck drivers should cover construction loads with tarpaulins to prevent debris spillage onto the State Highway. If construction trips are anticipated to impact traffic flow near State facilities, a construction management plan may be required.

A3-6

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-2023-04536-DEIR.

Sincerely,

Anthony Higgins
Anthony Higgins
Acting LDR Branch Chief

email: State Clearinghouse

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

2. Response to Comments

A3. Response to Comments from the California Department of Transportation (Caltrans), dated June 20, 2024.

- A3-1 This Comment summarizes the specifications of the two options under the proposed project and serves as the introduction to Caltrans' letter. As this Comment does not address the adequacy of the Draft EIR, no further response is necessary.
- A3-2 As discussed in Section 5.13, Transportation, in Impact 5.13-2, the proposed project would exceed the City's VMT threshold of 18.5 daily VMT per employee and incorporated mitigation measures T-1 and T-2 that reduced VMT levels to below the City's threshold. These mitigation measures align with the list of non-SOV trip infrastructure and service improvements provided in this Comment. Mitigation Measure T-1 directs the applicant to coordinate with Foothill Transit and the City of Irwindale to install a bus stop at Live Oak Avenue and Live Oak Lane for the Foothill Transit Line 492, as provided in the Comment's list of transit conditions. Mitigation Measure T-2 directs the project to accommodate a Class IV trail that connects to the San Gabriel River Trail, consistent with the first and third bullets in the Comment's bicycle and pedestrian conditions list.
- A3-3 See response to Comment A3-2. This Comment summarizes the findings of the VMT analysis for the proposed project and the mitigation measures that were incorporated to reduce VMT impacts. As this Comment does not raise any issues with the content of the DEIR, no further response is necessary.
- A3-4 VMT is defined as the number of miles traveled by motor vehicles on roadways in a given area over a given time period. VMT may be subdivided for reporting and analysis purposes into single occupant passenger vehicles (SOVs), high occupancy vehicles (HOVs), buses, trains, light duty trucks, and heavy-duty trucks. For example, an air quality analysis may require daily VMT by vehicle class and average speed or vehicle operating mode (idle, acceleration, cruise, deceleration, etc.). For a CEQA compliant transportation impact analysis, automobile VMT (cars and light trucks) is evaluated. California Code of Regulations Title 14 § 15064.3 (a) Purpose. states "...For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project..." This explicitly does not include heavy vehicles in the CEQA transportation analysis, however CEQA analysis of air quality, GHG and noise includes VMT from heavy vehicles.
- A3-5 The commenter recommends that the City consider additional Transportation Demand Management (TDM) measures for the proposed project and provides a link to the following report: *Federal Highway Administration: Integrating Demand Management into the Transportation Project, A Desk Reference*. Specifically, the commenter references Chapter 8 of this report which provides TDM suggestions at the local planning level. In Table 8.1 *Local Planning*, for the site development process, this table includes the following recommendation: "Codify the role of TDM in the site plan review process via trip

2. Response to Comments

reduction ordinance or a more information negotiated process.” As detailed in the proposed project’s VMT Memorandum (see DEIR Appendix L1a) the City has adopted an ordinance to implement TDM measures: The City of Irwindale Municipal Code *17.66.030 – Transportation Demand and Trip Reduction Measures* delineates requirements for non-residential development related to non-automobile supportive programs and infrastructure.

Each of the following three ordinance sections related to non-residential development by progressive square footage would apply to the Irwindale Gateway project:

17.66.030 – Transportation demand and trip reduction measures

B. Development Standards

1. Nonresidential development of twenty-five thousand square feet or more shall provide the following to the satisfaction of the city:
 - a. A bulletin board, display case or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:
 - i. Current maps, routes and schedules for public transit routes serving the site;
 - ii. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;
 - iii. Ridesharing promotional material supplied by commuter-oriented organizations;
 - iv. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;
 - v. A listing of facilities available at the site for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians.
2. Nonresidential development of fifty thousand square feet or more shall comply with subsection (B)(1) of this section, and shall provide all of the following measures to the satisfaction of the city:
 - a. Not less than ten percent of employee parking area(s) shall be located as close as is practical to the employee entrance(s) and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for a building permit, to the satisfaction of the city. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining access to such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided that at all times at least one space for projects fifty thousand square feet to one hundred thousand square feet and

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- two spaces for projects over one hundred thousand square feet will be signed/stripped for carpool/vanpool vehicles.
- b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet two inches shall be provided for such spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.
 - c. Bicycle racks or other secure bicycle parking shall be provided to accommodate four bicycles per the first fifty thousand square feet of nonresidential development and one bicycle per each additional fifty thousand square feet of nonresidential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number.
3. Nonresidential development of one hundred thousand square feet or more shall comply with subsections (B)(1) and (2) of this section, and shall provide all of the following measures to the satisfaction of the city:
- a. A safe and convenient zone in which vanpool and carpool vehicles may delivery or board their passengers;
 - b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;
 - c. If determined necessary by the city to mitigate the project impact, bus stop improvements must be provided. The city will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops;
 - d. Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

The VMT analysis prepared by Iteris incorporates the VMT reduction measures listed above as required by the TDM ordinance. Moreover, the ordinance requires that the project applicant demonstrate compliance with each measure and requires the City to ensure that compliance.

Section 17.66.040 – *Monitoring* (Ord. 465 § 6(part), 1993) how the City will ensure the compliance with the required measures through a monitoring program:

The city shall ensure compliance with the measures required by this chapter during project implementation. The project applicant shall demonstrate compliance with each measure in a written report submitted to the city prior to the issuance of a building permit and show compliance prior to the issuance of certificate of occupancy. As applicable,

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applicants may be required to provide periodic reports regarding compliance with such measures.

- A3-6 This comment is a reminder that the project applicant will require a Caltrans transportation permit if the project requires transportation of heavy construction equipment and materials on State highways. It also notes that a construction management plan may be required if construction trips are anticipated to impact traffic flow near State facilities. The project applicant will comply with these requirements and contact the Caltrans project coordinator, Alan Lin, with any questions.

2. Response to Comments

LETTER A4 – CalRecycle, Nai Teurn, Environmental Scientist, (3 page[s])

California Environmental Protection Agency	Gavin Newsom <i>California Governor</i>
	Yana Garcia
Department of Resources Recycling and Recovery	<i>Secretary for Environmental Protection</i>
	Zoe Heller
	<i>CalRecycle Director</i>

June 26, 2024

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

Subject: SCH No. 2023020290 – Draft Environmental Impact Report for Irwindale Gateway Specific Plan – Los Angeles County

Dear Ms. Jones:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

Project Description

The City of Irwindale, acting as Lead Agency, has prepared and circulated a Draft Environmental Impact Report (EIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The Irwindale Gateway Specific Plan (proposed project) is located at 13620 Live Oak Lane, Irwindale, CA 91706 within the central portion of Irwindale. The site is in the City of Irwindale in eastern Los Angeles County, bounded by Interstate 605 (I-605) to the west, Live Oak Lane to the north and east, and Live Oak Avenue to the south. The project site is approximately 66.64 acres and consists of Assessor Parcel Numbers (APNs) 8532-002-046 and 8532-002-047.

The surrounding land uses directly adjacent to the project site include commercial and industrial businesses to the north and east along Live Oak Lane, a Southern California Edison Rio Hondo Substation and staging area to the south across Live Oak Avenue, the Industrial Speedway motorsports facility to the southwest across I-605, and an industrial business park (under construction) for the Park at Live Oak Specific Plan to the west across I-605.

The proposed project outlines two options for the development of the project site. Option 1 designates a 52.65-acre parcel on the project site as Industrial/Business Park. The conceptual plan under Option 1 includes an industrial logistics and distribution

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www.CalRecycle.ca.gov | (916) 322-4027

A4-1

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Draft EIR for Irwindale Gateway Specific Plan
June 26, 2024
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center with three buildings and associated parking and loading docks. The three buildings would allow a maximum of 997,796 square feet of building space - 954,796 square feet of warehouse space and 43,000 square feet of office space. Trailer, truck, and/or car parking would be included throughout the project site.

Option 2, the land use plan would include a 36.71-acre Industrial/Business Park parcel and a 15.94-acre parcel for the Battery Energy Storage System (BESS). Option 2 would consist of two industrial buildings and a 400-megawatt BESS. The two buildings would allow a maximum of 704,070 square feet – 668,070 square feet of warehouse space and 36,000 square feet of office space.

Comments

Currently, within the proposed project location, there is an existing active Inert Debris Engineered Fill Operation (IDEFO), named Nu-Way Live Oak Reclamation, Inc. (Solid Waste Information System (SWIS) Number: 19-AA-0849). Prior to any construction of the proposed project, closure of the IDEFO must be completed.

Per Title 14 of the California Code of Regulation (14 CCR), Section 17388.3(g), upon final placement of the waste at the site, the IDEFO must be covered with at least 3 feet of compacted soil above the fill area or as determined by the Los Angeles County Department of Public Health, acting as the local enforcement agency (LEA). Also, per 14 CCR 17388.3(f), all IDEFOs, upon completion or cessation of fill activities for more than one year and upon any transfer of any part of the land subject to the operation prior to completion of fill activities, shall comply with Title 27 CCR 21170. This section of 27 CCR states that the owner or operator, upon completion of the closure of the site, shall file a detailed description of the closed site, including a map, with the County Recorder and the LEA. Requirements for the detailed description can also be found in this section.

The Draft EIR, Section 3. Project Description, PDF page 66, third paragraph states that the Operations Plan will include excavation of existing fill in workable areas down to predetermined depths and inspection of noncompliant materials such as hazardous wastes, organics, and asbestos. Noncompliant materials will be segregated and removed. Concurrently, excavated material will be processed as necessary to create fill-specification-compliant material. Compaction monitoring and testing will be conducted with settlement monitors placed at selected locations; areas that do not pass the compactions standards will be excavated and replaced. All reclamation operations will be overseen by a California Professional Geotechnical Engineer or equivalent, as determined by the Director of Engineering. The LEA is responsible for regulatory requirements for excavation, processing of excavated material and closure of the IDEFO. Please work with the LEA regarding any requirements for the excavation, processing and removal of material.

For additional information and resources regarding closure of IDEFOs under 14 and 27 CCR, please visit CalRecycle's webpage at: <https://calrecycle.ca.gov/laws/>.

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A4-1
(cont.)

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2. Response to Comments

Draft EIR for Irwindale Gateway Specific Plan
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Solid Waste Regulatory Oversight

The Los Angeles County Department of Public Health is the LEA for Los Angeles County and responsible for providing regulatory oversight of solid waste handling activities, including inspections. Please contact Dorcas (Dee) Hanson-Lugo at 626.430.5540 or dlugo@ph.lacounty.gov to discuss the regulatory requirements for the excavation, processing of material, and closure of the IDEFO.

A4-3

Conclusion

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the Final EIR and in carrying out their responsibilities in the CEQA process.

CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

A4-4

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision-making body.

If you have any questions regarding these comments, please contact me at 916.323.1799 or by e-mail at nai.teurn@calrecycle.ca.gov.

Sincerely,

Nai Teurn

Nai Teurn, Environmental Scientist
Permitting & Assistance Branch – South Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Benjamin Escotto, CalRecycle
Dorcas Hanson-Lugo, LEA

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A4. **Response to Comments from CalRecycle, Department of resources Recycling and Recovery dated June 26, 2024.**

A4-1 This comment summarizes the project description as included in the Draft EIR for both Option 1 (without Battery Energy Storage System (BESS)) and Option 2 (with BESS). No response is necessary.

A4-2 This commenter correctly states that, as local enforcement agency (LEA), the Los Angeles County Department of Public Health has regulatory authority and oversight over the reclamation of the former Nu-Way Landfill. As noted in the comment, construction of the proposed Irwindale Gateway project cannot commence until the Inert Debris Engineered Fill Operation (IDEFO) is completed. The LEA's approval letter for the IDEFO is included as Appendix A to this Final EIR. The commenter references the specific California Code of Regulations (CCR) Title 14 and Title 27 with which the owner/operator must comply.

This information is consistent with the Draft EIR and the Chapter 3 Project Description which is referenced in this comment. As noted in the comment, the IDEFO is currently active. Closure of the landfill has not been completed and the remaining closure activities will be completed under the LEA's authority. As disclosed throughout the Draft EIR, the IDEFO, referred to as the Operations Plan, has been approved by the Regional Water Quality Control Board (see letter dated September 14, 2022 and the rough grading plan was approved by the County of Los Angeles Department of Public Works (9/16/22), These documents are included in DEIR Appendix C. As the Operations Plan has been approved, and is therefore, is no longer a discretionary project, is it not subject to CEQA review. As described in DEIR Chapter 3, Project Description, the rough graded site per the Operations Plan serve as baseline conditions for implementation of the Specific Plan. The previously-approved Operations Plan is therefore not a part of the proposed project and is therefore correctly not analyzed in the Draft EIR..

A4-3 The City appreciates the LEA contact information provided for the IDEFO. As noted in response A4-2, the IDEFO is not part of the Draft EIR proposed project.

A4-4 As requested, future public notices regarding the proposed Irwindale Gateway Specific Plan project will be forwarded to the CalRecycle contact provided in this comment. A copy of the Final EIR or response to this comment letter, will be provided at least 10 days prior to the decision-making body's consideration of this project.

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LETTER A5 – City of Baldwin Park, Melissa Chipres, MPA, Associate Planner (1 page[s])

From: [Mel Chipres](#)
To: [Brandi Jones](#)
Subject: Notice of Availability: Draft EIR: Irwindale Gateway Specific Plan
Date: Thursday, June 27, 2024 2:56:37 PM
Attachments: [Outlook-ef3e3hb2.png](#)
[Irwindale Gateway NOA FINAL 05-2024.pdf](#)

Good afternoon Brandi,

I hope all is well. We are writing to provide comment on the attached Notice of Availability that was received. The City of Baldwin Park has two (2) requests regarding the document.

1. Please send planning staff public noticing information for the below possible uses as we would like to review staff report and associated materials and provide comment if possible.
2. Please send owners and occupants within a 1,000 foot distance public noticing information for the same possible uses. We would like to give Baldwin Park owners/occupants the opportunity to provide feedback on these uses coming into the area.

- wastewater treatment plants
- composting, green waste, or recycling facilities
- fiberglass manufacturing facilities
- painting/coating operations
- large-capacity coffee roasters
- food processing facilities

Please let me know if this is possible or if you have any questions.

Thank you,



Melissa Chipres, MPA | Associate Planner

City Hall is Closed every Friday

City of Baldwin Park | Community Development Department
14403 E. Pacific Avenue | Baldwin Park, California 91706
T 626.960.4011 X452
www.baldwinpark.com

The Planning Division is now accepting electronic application submittals. Please contact the planning division at (626)813-5261 for further details.

A5-1

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A5. Response to Comments from the City of Baldwin Park, email dated June 27, 2024.

A5-1 Per this comment, the City of Baldwin Park requests to be notified of specific land uses (listed in the correspondence) and is also requesting that Baldwin Parks owners/occupants within 1,000 feet of any of the specified uses be notified by the City of Irwindale. Pursuant to the City of Irwindale's procedures, the Notice of Preparation for the proposed project was forwarded to properties within 500 feet of the project boundary (February 10, 2023). The closest Baldwin Park boundary is approximately 500 feet from the proposed project site, however, the nearest industrial/commercial and residential properties in Baldwin Park are approximately 1,000 feet and 2,000 feet from the project site, respectively. Future noticing will adhere to the City's 500-foot radius noticing procedure. Individual noticing beyond the 500 feet is not required by CEQA and not consistent with the City's procedures. The City of Irwindale will provide notice to the City of Baldwin Park of upcoming public hearings for this project, and, as required by CEQA, will provide Baldwin Park a draft response to their DEIR comment letter (A5) at least 10-days prior a public hearing to consider approval of the proposed project.

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LETTER A6 – South Coast Air Quality Management District, Sam Wang, Program Supervisor (7 pages)



SENT VIA E-MAIL:

June 27, 2024

BJones@lrwindaleCA.gov

Brandi Jones, Senior Planner
City of Irwindale
5050 Irwindale Ave.,
Irwindale, CA 91706

**Notice of Availability of a Draft Environmental Impact Report (EIR) for the
Irwindale Gateway Specific Plan Project (Proposed Project)
[SCH #: 2023020290]**

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. The City of Irwindale is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments which are organized by topic of concern.

South Coast AQMD Staff's Summary of Project Information in the Draft EIR

Based on the Draft EIR, The project consists of construction of two development options: 1) building a 954,796 square foot warehouse on 52.6 acres with 918 vehicle parking spaces, 346 trailer parking spaces, and 5.8 acres of landscaping, or 2) building a 668,070 square foot warehouse on 36.71 acres and 15.94 acres of battery energy storage system (BESS).¹ Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., Single-family Residences) is approximately 2,100 feet southeast of the site.² Option 1 and Option 2 building construction were modeled over 37 months, starting in July 2024 and ending in August 2027.³ The project is located at 13620 Live Oak Lane, bounded by Live Oak Lane to the north and east, Live Oak Avenue to the south, and Interstate 605 to the west.⁴

A6-1

South Coast AQMD Staff's Comments

Cancer Risk Impact from Transport Refrigeration Units (TRUs) Truck Off-site Travel in the Health Risk Assessment (HRA) Analysis

Based on the Appendix D2-HRA document, the idling emissions from TRUs were combined with truck idling emissions to determine the total idling emissions at the loading docks, which were modeled as a point source. However, the cancer risk associated with TRUs traveling along roadways (off-site truck travel emissions) was not evaluated in the Appendix D2-HRA analysis. This omission leads to an underestimation of the off-site truck emissions. Therefore, South Coast

A6-2

¹ Draft EIR, Page 25.

² *Ibid.*, Page 159.

³ *Ibid.*, Page 166.

⁴ *Ibid.*, Page 2

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AQMD staff recommends that the Lead Agency rerun the model to account for the TRU emissions while traveling along roadways.

Assessment of TRU Idling Durations and Potential Health Impacts from the Proposed Project Site

Based on South Coast AQMD reviews of the AERMOD modeling files provided in Appendix D2-HRA analysis, the duration for on-site TRU truck idling in the Proposed Project site is 30 minutes. According to the California Air Resource Board (CARB)'s Proposed Amendments to the Airborne Toxic Control Measure (ATCM) for In-Use Diesel-Fueled TRUs, a TRU-equipped vehicle enters the facility fully loaded (inbound) and exits the facility fully loaded (outbound), with each loading and unloading process taking 2 hours—totaling 4 hours. Given this, the loading and unloading of goods during a single visit can result in up to 4 hours of idling on-site. By assuming a 30-minute TRU idling duration, the Lead Agency may have underestimated the potential exposure of nearby residents to diesel exhaust emissions, which could pose a significant cancer risk to the community. Therefore, South Coast AQMD staff recommends that the Lead Agency either include a project design feature in the DEIR to limit TRU idling within the Project site to less than 30 minutes or revise the Project's HRA to reflect a reasonable TRU idling duration supported by substantial evidence.

A6-2
cont'd

Cumulative Impacts during Operation

Based on the Draft EIR, the Proposed Project consists of construction of two development options: 1) building a 954,796-square-foot warehouse on 52.6 acres with 918 vehicle parking spaces, 346 trailer parking spaces, and 5.8 acres of landscaping, or 2) building a 668,070-square-foot warehouse on 36.71 acres and 15.94 acres of BESS.⁵ Additionally, the approved remediation plan proposes to excavate, process, and recompact all wastes at the landfill to facilitate future development, which will lead to an increase in truck trips in the surrounding community. Notably, based on a review of aerial photographs, South Coast AQMD staff found other existing warehouses approximately 1 mile from the Proposed Project site. South Coast AQMD staff is primarily concerned with the cumulative air quality impacts from increased concentrations of air toxics in the City of Irwindale region. Pursuant to CEQA, which requires an analysis of direct, indirect, and cumulative impacts, South Coast AQMD has initiated a public process to develop additional guidance for evaluating cumulative air quality impacts from increased concentrations of air toxics for projects. To date, there have been five working group meetings (WGMs) dedicated to proposed cumulative impact policy development. For more general information on the WGMs, please visit South Coast AQMD's webpage at [https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-\(new\)](https://www.aqmd.gov/home/rules-compliance/ceqa/ceqa-policy-development-(new)).

A6-3

Therefore, South Coast AQMD staff recommends that, at minimum, the Lead Agency perform a qualitative analysis to consider the potential cumulative impacts of air toxics by listing all surrounding past, present, and probable future projects. The Lead Agency may also perform a more detailed and robust quantitative analysis of cumulative air toxic and potential health risk implications to be included in the Final EIR.

⁵ *Ibid.*, Page 20.

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Additional Recommended Air Quality and Greenhouse Gases Mitigation Measures and Project Design Considerations

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. To further reduce the Proposed Project's air quality impacts, South Coast AQMD staff recommends incorporating the following mitigation measures and project design considerations into the Final EIR.

Mitigation Measures for Operational Air Quality Impacts from Mobile Sources

1. Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible.

Note: Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule and the Heavy-duty Low NOx Omnibus Regulation, ZE and NZE trucks will become increasingly more available to use.

2. Require a phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts.

Note: South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency.

3. At a minimum, require the use of a 2010 model year that meets CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. All heavy-duty haul trucks should meet CARB's lowest optional low-NOx standard starting in 2022. Where appropriate, include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document. Include the requirements in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards and make the records available for inspection. Regular inspections should be conducted by the Lead Agency to the maximum extent feasible to ensure compliance.
4. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
5. Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure, and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

A6-4

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Mitigation Measures for Operational Air Quality Impacts from Other Area Sources

1. Maximize the use of solar energy by installing solar energy arrays.
2. Use light-colored paving and roofing materials.
3. Utilize only Energy Star heating, cooling, and lighting devices and appliances.

Design Considerations for Reducing Air Quality and Health Risk Impacts

1. Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, etc.).
2. Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
3. Design the Proposed Project such that any truck check-in point is inside the Proposed Project site to ensure no trucks are queuing outside.
4. Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
5. Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

A6-5

Lastly, the South Coast AQMD also suggests that the Lead Agency conduct a review of the following references and incorporate additional mitigation measures as applicable to the Proposed Project in the Final EIR:

1. State of California – Department of Justice: Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act⁶
2. South Coast AQMD 2022 Air Quality Management Plan,⁷ specifically:
 - a) Appendix IV-A – South Coast AQMD’s Stationary and Mobile Source Control Measures
 - b) Appendix IV-B – CARB’s Strategy for South Coast
 - c) Appendix IV-C – SCAG’s Regional Transportation Strategy and Control Measure

A6-6

⁶ State of California Department of Justice. Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act. Available at: <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>

⁷ South Coast AQMD, 2022 Air Quality Management Plan. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-management-plans/air-quality-mgt-plan>

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3. United States Environmental Protection Agency (U.S. EPA): Mobile Source Pollution - Environmental Justice and Transportation⁸

A6-6
cont'd

South Coast AQMD Air Permits and Role as a Responsible Agency

If implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, etc., air permits from South Coast AQMD will be required. The final CEQA document, whether a MND or EIR, should include a discussion about the potentially applicable rules that the Proposed Project needs to comply with. Those rules may include, for example, Rule 201 – Permit to Construct,⁹ Rule 203 – Permit to Operate,¹⁰ Rule 401 – Visible Emissions,¹¹ Rule 402 – Nuisance,¹² Rule 403 – Fugitive Dust,¹³ Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,¹⁴ Rule 1113 – Architectural Coating,¹⁵ Rule 1166 – VOC Contaminated Soil Excavation,¹⁶ Rule 1179 – Publicly Owned Treatment Works Operation,¹⁷ Regulation XIII – New Source Review,¹⁸ Rule 1401 – Air Toxics,¹⁹ Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants,²⁰ Rule 1470 – Requirements for Stationary Diesel Fueled Internal Combustion and Other Compression Ignition Engines,²¹ etc. It is important to note that when air permits from South Coast AQMD are required, the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

A6-7

⁸ US EPA. Mobile Source Pollution - Environmental Justice and Transportation. Available at: <https://www.epa.gov/mobile-source-pollution/environmental-justice-and-transportation>

⁹ South Coast AQMD. Rule 201 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>

¹⁰ South Coast AQMD. Rule 203 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

¹¹ South Coast AQMD. Rule 401 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>

¹² South Coast AQMD. Rule 402 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>

¹³ South Coast AQMD. Rule 403 available at <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403>

¹⁴ South Coast AQMD. Rule 1110.2 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf

¹⁵ South Coast AQMD. Rule 1113 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>

¹⁶ South Coast AQMD. Rule 1166 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>

¹⁷ South Coast AQMD. Rule 1179 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1179.pdf>

¹⁸ South Coast AQMD. Regulation XIII available at <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>

¹⁹ South Coast AQMD. Rule 1401 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>

²⁰ South Coast AQMD. Rule 1466 available <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>

²¹ South Coast AQMD. Rule 1470 available at <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

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CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project description and analysis in its current form in the Draft EIR is inadequate to be relied upon for this purpose.

A6-8

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at <https://www.aqmd.gov/home/permits>.

Conclusion

As set forth in California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on the environmental issues and prepare a written response at least 10 days prior to certifying the Final EIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final EIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

A6-9

Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Sahar Ghadimi, Air Quality Specialist, at sghadimi@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA IGR

Planning, Rule Development & Implementation

SW:SG

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A6. Response to Comments from South Coast Air Quality Management District, Sam Wang, Program Supervisor, dated June 27, 2024.

A6-1 The South Coast Air Quality Management District's (South Coast AQMD) overview of project description is acknowledged. Responses to South Coast AQMD's comments are provided in responses A6-2 through A6-8 below.

A6-2 As stated on page D2-7 of the HRA (Appendix D2), the transport refrigeration units (TRUs) were assumed to cycle on two hours per day per truck. This additional two hours per day of TRU emissions was then added to the 30 minutes per day of truck engine idling assumed. Therefore, the higher amount of TRU idling (or cycling-on) suggested by the commenter was accounted for in the HRA prepared for the project. No changes to the modeling are warranted.

TRU idle durations are based on the California Air Resources Board's (CARB) *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*.² Therefore, while some TRUs may idle for longer to maintain temperatures while loading, the average TRU idle duration per truck is no more than two hours, which was what was modeled. Therefore, we disagree with South Coast AQMD's suggestion to increase the idle duration to four hours per truck. Furthermore, as provided on Table 5.2-18, Operational Health Risk Assessment Results, on page 5.2-42 of the Draft EIR, the carcinogenic risks are all well below the significance threshold value of 10 in a million for the maximum exposed individual resident (MEIR) and the maximum exposed sports park user for both Option 1 and Option 2. As stated on page 5.2-53 of the Draft EIR, Mitigation Measures GHG-1, GHG-3, GHG-4, and GHG-7 would further reduce health risks from TAC emissions below the results provided in Table 5.2-18. In particular, Mitigation Measures GHG-3 and GHG-4 would promote the use of electric plug-in TRUs by facilitating plug-in capabilities and support use of electric standby and/or hybrid electric TRUs, which would further reduce diesel particulate matter (DPM) emissions and health risks due to the project from the results provided in Table 5.2-18 of the Draft EIR. Therefore, a mitigation measure limiting idle duration of TRUs onsite to no more than 30 minutes is not warranted because with Mitigation Measure GHG-3 TRUs onsite would be electric or hybrid and not diesel-powered.

A6-3 A qualitative cumulative health risk analysis was conducted and is included on pages 5.2-46 to 5.2-49 of the Draft EIR and on pages D2-29 and D2-30 of the HRA (Appendix D2). The provided cumulative health risk analysis included a table of approved or pending projects within two miles of the proposed project that could impact the community. For instance, Table 5.2-20 on page 5.2-48 of the Draft EIR shows the results of the HRAs prepared for the listed approved and pending projects would not exceed South Coast

² California Air Resources Board. 2000, October. Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. Appendix VII. Page VII-6.
<https://ww2.arb.ca.gov/sites/default/files/classic/diesel/documents/rrpapp7.pdf>.

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AQMD's 10 in a million cancer risk threshold. Similarly, the proposed project's health risk would not exceed the South Coast AQMD threshold of significance. In addition, as stated on page 5.2-53 of the Draft EIR, with implementation of Mitigation Measure GHG-3 the project's cancer risk to maximum exposed individual resident would be reduced to 1.1 in a million by requiring all on-site outdoor cargo-handling equipment to be electric or non-diesel fueled.

However, the project's cumulative effect on health risk in the South Coast AQMD region is still considered to potentially cumulatively contribute to significant health impacts in the South Coast Air Basin. And the Draft EIR concluded the cumulative health risk impacts associated with the proposed project are significant and unavoidable.

A6-4 The commenter suggests mitigation to require the use of zero-emissions (ZE) or near-zero (NZE) emission heavy-duty trucks to reduce ongoing and long-term NO_x emissions.

Warehousing facilities may not own their own fleets, and the types of trucks that they would accommodate would then be dependent on third-party operators. Thus, the types of trucks entering into and accepted by warehousing facilities would not be in their control. For this type of scenario, emissions from trucks associated with a warehousing facility would be controlled through statewide regulatory efforts to transition to cleaner trucks and to near zero/zero-emission trucks such as the Truck and Bus Regulation, Heavy-Duty Low-NO_x Omnibus Rule, Advanced Clean Fleet, and Advanced Clean Truck regulations. For example, as of January 1, 2023, all trucks registered in California are required to be 2010 model year heavy duty trucks per State law (13 California Code of Regulations Section 2025; the CARB Truck and Bus Regulation). Furthermore, all warehousing facilities accommodated under the proposed project would be subject to South Coast AQMD Rule 2305, *Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions* (WAIRE) Program. Those warehousing facilities that trigger the Rule 2305 criteria would be mandated to comply with the WAIRE requirements, which would either be direct actions to reduce emissions, or pay a mitigation fee. Since the proposed project will not be operated by the current owner, it is not feasible to commit to specific provisions of Rule 2305; however, future tenants will be obligated to comply with its provisions.

Impacts of the proposed project are evaluated at a plan-level based on the level of information available. A mitigation measure restricting the number of truck trips to those identified in the Draft EIR is not practical or feasible nor is this required by CEQA. There are no mechanisms in place beyond that required for South Coast AQMD Rule 2305 for documenting, tracking and monitoring the number of truck trips. CEQA requires that an EIR evaluate the proposed project based on reasonable assumptions and foreseeable actions. The trip generation estimates for the proposed project were based on the Scoping Agreement reviewed by the City of Irwindale and Iteris and uses trip generation rates in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition,

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plus supplemental information from the Fontana Truck Trip Study. The comment does not present any evidence that truck trips associated with the proposed project would be greater than disclosed in the Draft EIR. There is no substantive information presented by this comment or by any of the information in the proposed project's administrative record that contradicts the reasonable assumptions made in the Draft EIR about the expected number of truck trips. Instituting a cap on the number of trucks that can access the proposed project's buildings is not required under CEQA, nor would it be reasonable or feasible for the City to monitor and enforce such a requirement. The Draft EIR has made reasonable assumptions based on substantial evidence by using ITE based on a reasonable type of building occupant that would be permitted by the Specific Plan. For these reasons, this requested mitigation has not been added as it has been determined to be unnecessary.

Mitigation Measure GHG-4 requires sufficiently sized electric rooms to accommodate future electric truck expansion.

A6-5 Review of the commenter's requested mitigation measures is addressed below:

- *Maximize the use of solar energy by installing solar energy arrays.* Mitigation Measure GHG-3 has been amended to clarify that the proposed project would be required to comply with the prescriptive PV system standards of the 2022 Building Energy Efficiency Standards see Chapter 3, *Revisions to the Draft EIR*, of this Final EIR).
- *Use light-colored paving and roofing materials.* Mitigation Measure AQ-4 requires installation of Energy Star labeled roof materials. In addition, roof materials/reflectivity would be required to adhere to the latest standards of CALGreen. No changes are warranted.
- *Utilize only Energy Star heating, cooling, and lighting devices and appliances.* At the request of the commenter, Mitigation Measure GHG-3 has been amended to include this measure (see Chapter 3, *Revisions to the Draft EIR*, of this Final EIR).
- *Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, etc.).* This mitigation has not been added to the proposed project. Live Oak Avenue, Arrow Highway, and Rivergrade Road have been designated as truck routes (for the movement of vehicles exceeding a maximum gross weight of three tons) in the City of Irwindale pursuant to the Irvine Municipal Code Chapter 10.40 *Restricted Use of Certain Streets*. The City Engineer is authorized to designate such street or portion by appropriate signs.
- *Design the proposed project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the proposed project site.* The access points to the planning area would not be directly across from residential uses and the sports park to the northeast. While the sports park and residential uses would be along

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the potential truck routes, as identified in Table 5.2-18 on page 5.2-42 of the Draft EIR, the carcinogenic and noncarcinogenic risks are all below the significance threshold value of 10 in a million and 1, respectively, for the maximum exposed individual resident (MEIR) and the maximum exposed sports park user for both Option 1 and Option 2. Additionally, as stated on page 5.2-53 of the Draft EIR, Mitigation Measures GHG-1, GHG-3, GHG-4, and GHG-7 would further reduce health risks from TAC emissions below the results provided in Table 5.2-18.

- *Design the proposed project such that any truck check-in point is inside the proposed project site to ensure no trucks are queuing outside.* This measure is not applicable to the proposed project as no gate or gatehouse check-in for vehicles is proposed beyond the loading dock areas.
- *Design the proposed project to ensure that truck traffic inside the proposed project site is as far away as feasible from sensitive receptors.* The access points to and the internal circulation in the planning area would not be directly across from residential uses and the sports park to the northeast. While the sports park and residential uses would be along the potential truck routes, as identified in Table 5.2-18 on page 5.2-42 of the Draft EIR, the carcinogenic and noncarcinogenic risks are all below the significance threshold value of 10 in a million and 1, respectively, for the maximum exposed individual resident (MEIR) and the maximum exposed sports park user for both Option 1 and Option 2. Therefore, health risk impacts would be less than significant under the unmitigated scenario. Additionally, as stated on page 5.2-53 of the Draft EIR, Mitigation Measures GHG-1, GHG-3, GHG-4, and GHG-7 would further reduce health risks from TAC emissions below the results provided in Table 5.2-18.
- *Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the proposed project site.* The City of Irwindale prohibits overnight parking of commercial vehicles on city streets (see Municipal Code Chapter 10.28.182, Overnight parking restricted on designated streets). Additionally, the proposed project would provide onsite parking for trucks and truck trailers onsite throughout the planning area. Therefore, no changes are warranted.

A6-6 The City considered the citations identified by the commenter when developing the Mitigation Measures for the proposed project. Further, the commenter does not specify which mitigation measures they are recommending in these documents.

Many of these mitigation measures are duplicative to those suggested in this comment letter. Additionally, many of these measures are regional in nature or directed to regional planning efforts or policy formation by government bodies, or the daily business operation practices of private enterprises that are outside the scope of the proposed project. CEQA does not require adoption of every imaginable mitigation measure. CEQA's requirement applies only to feasible mitigation that will "substantially lessen" a

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project's significant effects. (Public Resources Code, Section 21002.) As explained by one court: A lead agency's "duty to condition project approval on incorporation of feasible mitigation measures only exists when such measures would [avoid or] 'substantially lessen' a significant environmental effect." (*San Franciscans for Reasonable Growth v. City and County of San Francisco (1989) 209 Cal.App.3d 1502, 1519.*) "Thus, the agency need not, under CEQA, adopt every ... mitigation scheme brought to its attention or proposed in the project EIR." (Ibid.) Rather, an EIR should focus on mitigation measures that are feasible, practical, and effective. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 342, 365.*)

The proposed project's mitigation measures are consistent with and support overarching recommendations in the material cited. No changes are warranted.

A6-7 No specific stationary equipment is proposed at this time because the proposed project are speculative warehouses. Thus, proposed future users/operators of the proposed project's buildings are unknown and impacts are evaluated programmatically for the Specific Plan. As such, it cannot presently be determined whether future users/operators would require the use of stationary equipment. Stationary equipment, if installed, would require a permit to operate from South Coast AQMD and would be specific to tenant needs. The type and amount of stationary equipment needed by a particular tenant would then be determined at that time. However, this information is speculative at this programmatic stage of analysis.

Pages 5.3-12 and 5.3-13 in Chapter 5.3, Air Quality, of the Draft EIR includes a summary of some potentially applicable South Coast AQMD rules. This section has been updated to include additional rules as recommended by the commenter (see Chapter 3, *Revisions to the Draft EIR*, of this Final EIR.

A6-8 See response to Comment A6-7. As stated, the proposed project involves speculative warehouses and impacts for the Specific Plan are evaluated based on the programmatic level of detail available. Therefore, use of stationary equipment is speculative and stationary equipment and are not evaluated as part of the proposed project.

A6-9 Comment acknowledged.

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LETTER A7 – California Air Resources Board, Matthew O’Donnell, Chief, Risk Reduction Branch (9 pages)



CALIFORNIA
AIR RESOURCES BOARD

Gavin Newsom, Governor
Yana Garcia, CalEPA Secretary
Liane M. Randolph, Chair

July 2, 2024

Brandi Jones
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Sent via email

Brandi Jones:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Irwindale Gateway Specific Plan (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2023020290. The Project is proposed within the City of Irwindale (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

The Project proposes the development of up to three industrial buildings on approximately 53 acres of land under two options. Option 1 would allow for the construction of up to three buildings used for Industrial/Business Park uses totaling 1,000,000 square feet, and Option 2 would allow for the development of up to two buildings used for Industrial/Business Park uses totaling 705,000 square feet and a Battery Energy Storage System (BESS). Option 2 would also include the construction of an overhead electric tie-line for the BESS, including three 220 kilovolt conductor cables below an optical ground wire that serves dual purposes of grounding and fiber optic communications. In the DEIR, the City assumed Option 1 and Option 2 would include up to 387,500 square feet of cold storage uses. Once fully built, the Project would result in up to 2,058 daily vehicle trips (including 550 daily heavy-duty truck trips) under Option 1 and 1,511 daily vehicle trips (including 418 daily heavy-duty truck trips) under Option 2.¹

CARB staff are concerned that the Project will expose nearby residential communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site. Residences are located to the southeast and northwest of the Project site, with the closest residence located within 2,200 feet southeast of the Project site. These residences are located near existing toxic diesel particulate matter (diesel PM) emission sources, which

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¹ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Page 5.2-25. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/R8PSgfRrWe0tMdl_xlR934aNRo6a9ZV3A0aefnsSlycfhar3r0Y6N4RLx3IK3DmjoTyS8B27IEtW36t0

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A7-1

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include existing industrial facilities, rail traffic along existing rail lines, and vehicular traffic along Interstate 605.

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during the construction and operation of the Project would negatively impact neighboring communities.

Through its authority under Health and Safety Code section 39711, the California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)); In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25% of the census tracts as analyzed by the California Communities Environmental Health Screening Tool Version 4.0 (CalEnviroScreen). CalEnviroScreen uses a screening methodology to help identify California communities currently disproportionately burdened by multiple sources of pollution. The census tract containing the Project is within the top 17% for Pollution Burden and is considered a disadvantaged community. The City must ensure that the Project does not adversely impact neighboring disadvantaged communities.

A7-2
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Industrial facilities, like the facilities described in the Project, can result in high volumes of heavy-duty diesel truck traffic, and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.² To better address regional air pollution and global climate change, Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020. The Executive Order states: "It shall be a goal of the State that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100% of medium and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100% zero-emission off-road vehicles and equipment by 2035 where feasible." The Executive Order further directs the development of regulations to help meet these goals. To ensure that lead agencies, like the City, stay in step with evolving

² With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2022, explains that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance. CARB's 2022 Scoping Plan for Achieving Carbon Neutrality, published November 16, 2022, is available at https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp_1.pdf

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scientific knowledge to protect public health from adverse air quality and greenhouse gas impacts from the transportation sector, which serves as the basis of the Governor's Executive Order N-79-20, CARB staff urges the City to plan for the use of zero-emission technologies within the Project area as described in this letter.

A7-2
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The City Used Inappropriate Assumptions When Modeling the Project's Health Risk Impacts

The HRA prepared for the Project and presented in Section 5.2 (Air Quality) of the DEIR concluded that residences near the Project site would be exposed to diesel PM emissions that would result in cancer risks of 5.9 chances per million during Project operations under Option 1, and 4.4 chances per million during Project operations under Option 2. Since the Project's cancer risks were below the South Coast Air Quality Management District's (SCAQMD) significance threshold of 10 chances per million, the DEIR concluded that the Project would have a less than significant impact on public health. CARB has reviewed the Project's HRA and is concerned that the Project's cancer risk impacts may have been underestimated for the reasons detailed below.

A7-3

The City assumed an idling duration for onsite transportation refrigeration units (TRUs) that is not supported by substantial evidence. Based on CARB's review of the modeling methodology provided in Appendix D1 (Health Risk Assessment) of the DEIR, the City assumed trucks and trailers with TRUs would idle within the Project site for 30 minutes.³ CARB has obtained survey data indicating trucks with TRUs can operate for as long as two hours while unloading and two hours while loading frozen goods from trucks and trailers. Trucks that are unloading and loading on the same visit would be assumed to idle for four hours of onsite operation.⁴ TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project site. By assuming a 30-minute TRU idling duration, the City may have underestimated the Project's potential to expose nearby residents to diesel exhaust emissions that could result in a significant cancer risk impact to the nearby community. To fully evaluate the Project's potential health risk impacts, the City must either add a project design feature in the DEIR restricting TRU idling within the Project site to less than 30 minutes or revise the Project's HRA assuming a TRU idling duration supported by substantial evidence.

³ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Appendix D1. Page D2-14. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/R8PSgfRrWe0tMdL_xlR934aNRo6a9ZV3A0aef-nsSlycfhar3r0Y6N4RLx3IK3DmjoTyS8B27IEtW36t0

⁴ California Air Resource Board. Proposed Amendments to the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate. Appendix I. Page 39. Table II.G.1. Accessible <https://ww2.arb.ca.gov/sites/default/files/barcu/board/rulemaking/tru2021/appi.pdf>

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Although the City modeled the cancer risk impacts from TRUs on trucks and trailers idling within the Project site, the City did not account for health risk impacts resulting from trucks and trailers with TRUs traveling along truck routes. TRUs on trucks and trailers can expose nearby communities to large quantities of diesel PM exhaust while operating along local roadways, which could pose a severe health risk impact. To provide decision-makers with a better understanding of the extent of the Project's health risk impacts, CARB urges the City to model the potential health risk impacts associated with TRUs on trucks and trailers traveling local roadways and report the findings in the Final Environmental Impact Report (FEIR). Although the Emissions Estimator Model (EMFAC) does not provide mobile emission factors for TRUs, the City could estimate the mobile emission rate from TRUs traveling along local roadways by converting the tons per day emission rate obtained from the OFFROAD2021 model using the assumed speed of the trucks and their distance traveled.

A7-4

The City may have underestimated the Project's health risk impacts by assuming an idling duration for onsite heavy-duty trucks that is not supported by substantial evidence. The City assumed an idling duration of 30 minutes for onsite heavy-duty trucks when evaluating the Project's health risk impacts.⁵ Although CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (ATCM) restricts trucks from idling longer than five minutes. However, the ATCM has an exemption for trucks equipped with a diesel engine meeting the optional nitrogen oxides (NOx) idling emissions standard to operate outside of 100 feet of a restricted area (e.g., residences, schools).⁶ Because trucks starting with model year 2008+, are clean-idle certified, many of the trucks operating within the Project site could idle longer than five minutes. According to Table 4.4.2-5 of the EMFAC2021 Volume III Technical Document, heavy-duty trucks can idle for as long as approximately five hours in any one location.⁷ To fully evaluate the Project's potential health risk impacts, the City must either add a project design feature in the DEIR restricting heavy-duty truck idling within the Project site to less than 30 minutes or revise the Project's HRA to assume a heavy-duty truck idling duration supported by substantial evidence.

A7-5

The City Must Provide Substantial Evidence Supporting the Project's Baseline and Cumulative Analysis

CARB is concerned that the Project's project-level and cumulative air quality impact analysis did not include air pollutant emissions from onsite grading. As discussed in Section 3.3.1 (Description of Project), the Project site was previously used as a sand and gravel quarry and

A7-6

⁵ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Appendix D1. Attachment B. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/x-3m_0RpKfD18YAQzLt8TZvghljgMYTv2SyhwiOLH-b4u7XB_6DYmnmwM2ckx0ldGAPB73OvNu5Zp9yUY0

⁶ CARB. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Accessible at https://ww2.arb.ca.gov/sites/default/files/2022-06/13_CCR_2485_OAL_06222022-2_ADA_06272022_0.pdf

⁷ CARB. EMFAC2021 Volume III Technical Document. Page 161. Table 4.4.2-5. Accessible at https://ww2.arb.ca.gov/sites/default/files/2021-03/emfac2021_volume_3_technical_document.pdf

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later as an inert landfill, formally known as the Nu-Way Live Oak Inert Landfill.⁸ According to the DEIR, “the former quarry was backfilled with inert materials to its capacity at street level”.⁹ However, the DEIR states the fill was not properly compacted requiring the inert waste from the landfill to be excavated, processed, and recompacted, which is presently ongoing. The DEIR further states, “[t]he rough graded site per the [Nu-Way Live Oak Reclamation Operations Plan] serves as the baseline conditions for the implementation of the Specific Plan” and is not analyzed further in the DEIR.¹⁰

The Nu-Way Live Oak Reclamation Operations Plan would allow for the placement of 8.3 million cubic yards of fill material to complete the Project site. Assuming each heavy-duty truck can carry approximately 16 cubic yards of fill material, the ongoing reclamation activities within the Project site could result in up to a total of 518,750 heavy-duty truck trips (8.3 million cubic yards of fill divided by 16 cubic yards per truck). The residences near where these heavy-duty trucks would travel would be exposed to a substantial amount of diesel PM that was not evaluated in the DEIR. The Project’s cumulative air quality or health risk analysis did not address these potential air quality impacts. To fully understand the Project’s contribution to cumulative air quality impacts, the City should account for air pollutant and health risk impacts associated with the grading of the Project site.

The City does not provide substantial evidence supporting why onsite grading was not included in the Project’s air quality and health risk impact analysis. The DEIR states that a Supplemental Environmental Impact Report (SEIR) was prepared for the Nu-Way Live Oak Inert Land Fill was certified and approved in 1994, and a Mitigated Negative Declaration (MND) for early closure of the Nu-Way Live Oak Inert Landfill was approved in 2011. However, it is unclear if the SEIR or MND accounted for the potential air quality and health risk impacts associated with the remediation of the Project site. To make decision-makers and the general public fully aware of the Project’s potential environmental impacts, the City must provide substantial evidence supporting how the onsite rough grading and remediation activities are incorporated in the baseline condition in the FEIR.

A7-6
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⁸ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Page 3-2. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/R8PSgfRrWe0tMdL_xlR934aNRo6a9ZV3A0aef-nsSlycfhar3r0Y6N4RLx3IK3DmjoTyS8B27IEtW36t0

⁹ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Page 4-4. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/R8PSgfRrWe0tMdL_xlR934aNRo6a9ZV3A0aef-nsSlycfhar3r0Y6N4RLx3IK3DmjoTyS8B27IEtW36t0

¹⁰ City of Irwindale. Irwindale Gateway Specific Plan Draft Environmental Impact Report. Page 3-12. Accessible at https://files.ceqanet.opr.ca.gov/285285-2/attachment/R8PSgfRrWe0tMdL_xlR934aNRo6a9ZV3A0aef-nsSlycfhar3r0Y6N4RLx3IK3DmjoTyS8B27IEtW36t0

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The City Must Provide More Meaningful Mitigation Measures to Reduce the Project's Significant and Unavoidable Impact on Air Quality

The City concluded in Chapter 5.2 (Air Quality) of the DEIR that the operation of the Project would result in a significant impact on air quality. According to Table 5.2-11 (Maximum Daily Regional Operation Emissions (Option1)) and Table 5.2-12 (Maximum Daily Regional Operation Emissions (Option2)), the operation of the full buildout of the Project would emit as much as 64 pounds per day of organic compounds (VOC), and 150 pounds per day of NOx, which were all found to exceed the SCAQMD's significance threshold and would result in a significant impact on air quality. To mitigate the Project's operational air quality impacts, the DEIR included six mitigation measures (Mitigation Measures AQ-1, AQ-2, GHG-1, GHG-2, GHG-3, and GHG-7), which include:

- requiring construction contractors to use interior and exterior paints with a low VOC content,
- implementation of an odor management plan if it is determined that a project has the potential to emit nuisance odors beyond the property line, and
- all onsite cargo-handling equipment to be electric or non-diesel fueled, and all truck/dock bays that serve cold storage facilities be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric TRUs.

While CARB commends the City for requiring the use of electric onsite cargo-handling equipment and infrastructure to support electric TRUs serving the Project, more could be done to reduce the Project's significant and unavoidable impact on air quality. To reduce the Project's operational air pollutant emissions, CARB urges the City to include a measure that requires all heavy-duty trucks to be zero-emission and to install on-site infrastructure to support those zero-emission trucks. As presented below, CARB has many regulations that promote and eventually require the use of zero-emission trucks at freight facilities, such as the proposed Project. Specifically, the Advanced Clean Fleet Regulation would require all drayage trucks in California to be zero-emission by 2035. To support trucks serving the Project that are already complying with the Advanced Clean Fleets regulation, CARB urges the City to require the infrastructure to support on-site zero-emission trucks at the start of Project operations. A list of commercially-available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).¹¹ The HVIP is a part of California Climate Investments to incentivize the purchase of zero-emission trucks. Based on CARB's review of the zero-emission trucks listed in the HVIP, there are commercially available electric trucks that can meet the cargo transportation needs of

A7-7

¹¹ Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: <https://californiahvip.org/>

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individual industrial uses proposed in the City today. CARB has implemented or is developing regulations that will require the use of zero-emission trucks.

The list below details the CARB regulations that will result in the reduction of diesel PM and NOx emissions from trucks within California:

- **Drayage Truck Regulation:** The existing Drayage Truck Regulation requires all drayage trucks to operate with an engine that is a 2007 model year or newer.
- **Truck and Bus Regulation:** The Truck and Bus Regulation requires all trucks, including drayage, to have 2010 or newer model year engines by January 1, 2023.
- **Heavy-Duty Low-NOx Omnibus Rule:** The Heavy-Duty Low-NOx Omnibus Rule requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- **Advanced Clean Trucks Regulation:** The Advanced Clean Trucks Regulation, approved by CARB on June 25, 2020, requires manufacturers to start the transition from diesel trucks and vans to zero-emission trucks beginning in 2024. The rule is expected to result in about 100,000 zero-emission trucks in California by the end of 2030 and about 300,000 by 2035. The Advanced Clean Trucks regulation is part of CARB's overall approach to accelerate a large-scale transition to zero-emission medium- and heavy-duty vehicles. CARB approved amendments to the Advanced Clean Trucks regulation in March 2021; the amendments help ensure that more zero-emission vehicles are brought to market. CARB directed staff to ensure that fleets, businesses, and public entities that own or direct the operation of medium- and heavy-duty vehicles in California purchase and operate ZEVs to achieve a smooth transition to ZEV fleets by 2045 everywhere feasible, and specifically to reach:
 - 100% zero-emission drayage trucks, last mile delivery, and government fleets by 2035
 - 100% zero-emission refuse trucks and local buses by 2040
 - 100% zero-emission capable utility fleets by 2040
- **Advanced Clean Fleets Regulation:** The Advanced Clean Fleets Regulation is part of CARB's overall strategy to accelerate a large-scale transition to zero-emission medium- and heavy-duty vehicles. This regulation works in conjunction with the Advanced Clean Trucks regulation. The regulation applies to trucks performing drayage operations at seaports and railyards, fleets owned by State, local, and federal government agencies, and high priority fleets. High priority fleets are those entities that own, operate, or direct at least one vehicle in California, and that have either \$50 million or more in gross annual revenue, or that own, operate, or have common ownership or control of a total of 50 or more vehicles. The regulation affects medium- and heavy-duty on-road vehicles with a gross vehicle weight rating greater than 8,500 pounds, off-road yard tractors, and light-duty mail and package delivery

A7-7
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vehicles. All drayage trucks entering seaports and intermodal railyards would be required to be zero-emission by 2035.

With the implementation of the regulations listed above, specifically the Advanced Clean Trucks Regulation, tenants at the proposed industrial/warehouse development must begin the transition from diesel trucks and vans to zero-emission trucks. To help mitigate the Project's impact on air quality and public health, CARB urges the City to include contractual language in tenant lease agreements requiring future tenants to use zero-emission trucks during their operation in the FEIR.

A7-7
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Conclusion

CARB is concerned about the Project's air quality and public health impacts. To fully assess the Project's impact on neighboring communities, the City must evaluate the Project's health risk impacts by using TRU and heavy-duty truck idling durations supported by substantial evidence and account for diesel PM emissions emitted by trucks and trailers with TRUs traveling along local roadways. To fully understand the Project's contribution to cumulative air quality impacts, the City should account for air pollutant and health risk impacts associated with the grading of the Project site, or provide substantial evidence supporting how the onsite rough grading and remediation activities serve as the baseline condition for the Project. Lastly, to mitigate the Project's significant and unavoidable impact on air quality, CARB urges the City to include a mitigation or design measure in the DEIR that requires trucks serving the Project to be zero-emission at the start of operations.

A7-8

CARB appreciates the opportunity to comment on the SEIR for the Project. Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

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CARB staff can provide assistance with zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the FEIR. If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at stanley.armstrong@arb.ca.gov.

A7-8
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Sincerely,



Matthew O'Donnell, Chief, Risk Reduction Branch

cc: State Clearinghouse
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Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch

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A7. **Response to Comments from California Air Resources Board, Matthew O'Donnell, Chief, Risk Reduction Branch, dated July 3, 2024.**

A7-1 Comment provides an overview of the project description and is acknowledged. Responses to the California Air Resources Board's (CARB) comments are provided in responses A7-2 through A7-8 below.

A7-2 The commenter's concerns regarding the cumulative air toxic exposure in an area that has a high pollution burden is noted. The Draft EIR considered health risk at sensitive receptors proximate to the project site. However, as noted by the commenter, sensitive receptors are over 2,200 feet away and are not close to the proposed project. As noted in Section 5.2.5, *Cumulative Impacts*, on pages 5.2-47 through 5.2-48, this EIR considers the project's incremental effect on health risk in light of the elevated background risk identified in the Multiple Air Toxics Exposure Study (MATES) V and cumulative approved and pending projects in the vicinity of the project site. When the proposed project's health risks are considered in combination with cumulative projects, the proposed project would cumulatively contribute to significant health impacts in the air basin, and the air pollutant emissions associated with the proposed project would be cumulatively considerable. Therefore, the EIR considered cumulative health risk impacts to be a significant impact of the proposed project.

CARB is requesting to reduce sensitive receptor's exposure to diesel particulate matter (DPM) that tenants within the project site transition to use of zero emissions (ZE) technologies. The proposed project includes Mitigation Measure GHG-3, which would require all landscaping equipment and cargo handling equipment (e.g., forklifts and yard trucks) to be electric powered. Additionally, this mitigation measure also requires all cold storage facility truck/dock bays be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric transportation refrigeration units. See response to Comment A7-7 regarding use of electric trucks.

A7-3 As stated on page D2-7 of the HRA (Appendix D2), the transport refrigeration units (TRUs) were assumed to cycle on 2 hours per day per truck. This additional 2 hours per day of TRU emissions was then added to the 30 minutes per day of truck engine idling assumed. Therefore, the higher amount of TRU idling (or cycling-on) suggested by the commenter was accounted for in the HRA prepared for the project. As provided on Table 5.2-18, *Operational Health Risk Assessment Results*, on page 5.2-42 of the Draft EIR, the carcinogenic risks are all below the significance threshold value of 10 in a million for the maximum exposed individual resident (MEIR) and the maximum exposed sports park user for both Option 1 and Option 2. And as stated on page 5.2-53 of the Draft EIR, Mitigation Measures GHG-1, GHG-3, GHG-4, and GHG-7 would further reduce health risks from TAC emissions below the results provided in Table 5.2-18. In particular,

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Mitigation Measures GHG-3 and GHG-4 would promote the use of electric plug-in TRUs by facilitating plug-in capabilities and support use of electric standby and/or hybrid electric TRUs, which would further reduce diesel particulate matter (DPM) emissions and health risks due to the project from the results provided in Table 5.2-18 of the Draft EIR.

A7-4 Refrigeration units on refrigerated trucks are typically powered through the main engine of a truck and not through its own auxiliary power during on-road travel. Therefore, the HRA methodology appropriately determined health risks to nearby sensitive receptors from the running exhaust emissions for all the truck engines on nearby truck routes.

See also response to Comment A7-3. As provided on Table 5.2-18, *Operational Health Risk Assessment Results*, on page 5.2-42 of the Draft EIR, the carcinogenic risks are all below the significance threshold value of 10 in a million for the MEIR and the maximum exposed sports park user for both Option 1 and Option 2. And potential electrification of the project TRUs resulting from implementation of Mitigation Measures GHG-3 and GHG-4 would contribute in further reducing on-site DPM emissions from diesel-powered TRUs and, likewise, the health risks shown Table 5.2-18 of the Draft EIR.

A7-5 Over the past 10 years, South Coast AQMD has regularly provided public comment letters to the lead agencies of warehousing projects that such projects are recommended to assume 15 minutes per day of idling per truck trip.^{3,4} Per South Coast AQMD, “the 15-minute idling is conservative because it includes the emissions generated when entering the Proposed Project site while heading towards the dock area; idling at the dock; and the emissions generated when leaving the docks while departing from the Proposed Project.”⁵ Additionally, because “...trucks may idle several times on-site, the SCAQMD staff recommends assuming 15-minutes idling per truck in the HRA analysis, e.g., five minutes entering, five minutes on-site and five minutes existing, etc.”⁶ As the HRA provided in Appendix D2 of the Draft EIR considers round trips (or 2-way trips), an assumed 30 minutes per day of idling was appropriately applied to the warehousing project evaluated. As provided on Table 5.2-18, *Operational Health Risk Assessment Results*, on page 5.2-42 of the Draft EIR, the carcinogenic risks are all below the significance threshold value of 10

³ South Coast Air Quality Management District, 2018. Comment Letter on Recirculated Mitigated Negative Declaration (MND) for the Proposed Pacoima Spreading Grounds Improvement Project, accessed July 10, 2024 at <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2018/LAC181113-04.pdf>.

⁴ South Coast Air Quality Management District, 2015. Comment Letter on Draft Environmental Impact Report (DEIR) for the Proposed Westgate Specific Plan (SCH No. 1995052002), accessed July 10, 2024 at <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/march/deirwestgate.pdf>.

⁵ South Coast Air Quality Management District, 2018. Comment Letter on Recirculated Mitigated Negative Declaration (MND) for the Proposed Pacoima Spreading Grounds Improvement Project, accessed July 10, 2024 at <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2018/LAC181113-04.pdf>.

⁶ South Coast Air Quality Management District, 2015. Comment Letter on Draft Environmental Impact Report (DEIR) for the Proposed Westgate Specific Plan (SCH No. 1995052002), accessed July 10, 2024 at <https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/march/deirwestgate.pdf>.

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in a million for the maximum exposed individual resident (MEIR) and the maximum exposed sports park user for both Option 1 and Option 2.

A7-6 As stated on page 3-12 of the Draft EIR, the remediation work under the Nu-Way Live Oak Reclamation Operations Plan is considered part of baseline conditions as it is a previously approved project. The Operations Plan includes onsite excavation, processing, and re-compaction of existing fill and is required to be completed prior to commencement of the project development. Since the implementation of the Operations Plan is already currently underway, it would show a higher level of existing truck traffic, noise, vibration, and dust on the project site that would be shown upon completion of the Operations Plan. This would potentially skew the impacts to be lower than if the baseline is set at the completion of the Operations Plan. Thus, due to these reasons, work performed under the Operations Plan is not considered part of the analysis of the proposed project. Also, because the remediation work is underway and is required to be completed prior to initiation of the proposed project, these activities are not included in the assessment of cumulative impacts. .

A7-7 Warehousing facilities may not own their own fleets, and the types of trucks that they would accommodate would be dependent on third-party operators. Thus, the types of trucks entering into and accepted by warehousing facilities would not be in their control. For this type of scenario, emissions from trucks associated with a warehousing facility would be controlled through statewide regulatory efforts to transition to near zero/zero-emission trucks such as those referenced by commenter such as the Advanced Clean Fleet and Advanced Clean Truck regulations. Furthermore, all warehousing facilities accommodated under the proposed project would be subject to South Coast AQMD Rule 2305, *Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program*, which focuses on reducing nitrogen oxides and diesel particulate matter associated with warehouses and goods movement. Those warehousing facilities that trigger the Rule 2305 criteria would be mandated to comply with the WAIRE requirements, which would either be direct actions to reduce emissions, or pay a mitigation fee. The WAIRE program is a menu-based points system and the WAIRE Menu lists the various direct actions a warehouse tenant could implement to achieve the necessary points needed annually to comply with the program points requirement. Acquisition of zero emissions/near zero emission trucks for warehouse tenants who are also fleet operators and installation of onsite electric vehicle charging infrastructure and/or stations are listed as potential direct actions in the WAIRE Menu. Overall, the point-based system provides flexibility for warehouse tenants to customize the types of direct actions to implement based on their individual circumstances. Future warehouse fleet operators could purchase ZE trucks as they become more widely available and viable to satisfy Rule 2305 requirements.

Additionally, the 2022 California Green Building Standards Code (CALGreen) includes mandatory electric medium-duty and heavy-duty truck charging readiness requirements

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for warehouses under Section 5.106.5.5.1. Pursuant to this section, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s), or subpanel(s) must be installed at the time of construction and must meet the minimum power requirements to accommodate the dedicated branch circuits for the future installation of electric vehicle charging equipment and to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty vehicles. The minimum power requirement is based on building type, building size, and number of off-street loading spaces.

- A7-8 See response to Comments A7-3 and A7-4. The City disagrees that health risk modeling was done incorrectly. The assumptions for truck and TRU idle durations based on CARB's Airborne Toxic Control Measure idling restrictions and modeling guidance provided by the local air district, South Coast AQMD. Therefore, the health risk modeling included in the EIR fully accounts for the air pollutant and health risk impacts of the proposed project. Remedial activities associated with the Nu-Way Live Oak Reclamation Operations Plan are not a part of the proposed project and would be completed prior to construction of the proposed project. Furthermore, cumulative health risk was identified as a significant unavoidable impact of the proposed project. Mitigation measures were incorporated in the EIR, including ZE control measures, to reduce air pollutant emissions and impacts of the proposed project.

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LETTER O1 – Advocates for the Environment (6 pages)

June 24, 2024

Advocates for the Environment
A non-profit public-interest law firm
and environmental advocacy organization



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

Via U.S. Mail and email to BJones@IrwindaleCA.gov

Re: Comments on Draft Environmental Impact Report for Irwindale Gateway Specific Plan
Project, SCH No. 2023020290

Dear Ms. Jones:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (DEIR) for the Irwindale Gateway Specific Plan Project (Project). The Project Site is near Live Oak Lane, Live Oak Avenue, and I-605 in the City of Irwindale (City). The Project proposes to develop the 68.1-acre Project Site by constructing either a 954,796 square-foot warehouse (Option 1) or a 668,070 square-foot warehouse (Option 2). We have reviewed the DEIR prepared in May 2024 and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (GHG) analysis under the California Environmental Quality Act (CEQA).

The City Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions. It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero.

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero

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Intro

O1-1

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communities after losing CEQA lawsuits to environmental groups. The ability for these large projects to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same.

We urge the City to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that “achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.” (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: “it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed ... in order to meet our GHG and air quality targets.” (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.)

Moving this Project forward as a net-zero project would not only be the right thing for the City to do, but also would also help protect the City and the Applicant from CEQA GHG litigation.

GHG Mitigation is Insufficient under CEQA

There DEIR examines two options: 1) A 52.65-acre parcel designated as industrial/Business Park, featuring an industrial logistics and distribution center with three buildings. The plan includes up to 997,796 square feet of building space: 954,796 square feet for warehouse space and 43,000 square feet for office space. The project site will also provide parking for trailers, trucks, and cars (**Option 1**); and 2) A 36.71-acre Industrial/Business Park parcel and a 15.94-acre parcel for a 400-megawatt Battery Energy Storage System (**BESS**). It includes two industrial buildings totaling 704,070 square feet, with 668,070 square feet for warehouse space and 36,000 square feet for office space. The BESS design includes 353,000 square feet encompassing battery arrays with battery enclosures, inverter enclosures, and medium voltage transformers (**Option 2**).

Despite mitigation efforts, the projected project-related emissions amount to 21,805 metric tons of carbon dioxide equivalent (**MTCO_{2e}**) per year under Option 1; and 16,932 MTCO_{2e} per year under Option 2 (DEIR, p. 5.6-27.) The City adopted a significance threshold based on Appendix G of the CEQA Guidelines. The City concluded the Project would have significant GHG emissions because it exceeded the City’s chosen 3,000 MTCO_{2e} threshold. To reduce this identified significant GHG impact, the GHG Analysis offered GHG Mitigation Measures (**MM**) 1-7. (DEIR, p. 5.6-25—5.6-27.) However, the DEIR indicates that these measures collectively

O1-1
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O1-2

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mitigate only between 7.28% and 6.47%¹ of the Project's GHG impact, depending on the chosen option. (DEIR, p. 5.6-27.)

In Option 2, the proposed mitigation measures are projected to reduce the Project's emissions by 1,156 MTCO_{2e}, yet this would only amount to around six percent of the project's emissions. Despite being the scenario with the lowest emissions, Option 2 still significantly exceeds the SCAQMD's threshold of 3,000 MTCO_{2e}/yr. The DEIR concluded there was no further feasible mitigation, so the Project would have "significant and unavoidable" GHG emissions. (DEIR, p. 5.6-27.)

Despite the availability of other GHG mitigation and Project alternatives, the DEIR declared that the Project's emissions were unavoidable, claiming that neither the Project Applicant nor the Lead Agency (City of Irwindale) can substantively or materially effect reductions in Project mobile-source emissions beyond the regulatory requirements. (DEIR, p. 5.6-27.)

Moreover, 54% of operational emissions for Option 1 and 53% for Option 2 stem from Project mobile sources, constituting the largest share of MTCO_{2e} for both Project options. Mobile-source emissions can be mitigated in numerous ways. Even if mobile-source emissions were completely infeasible to mitigate, CEQA does not require that mitigation targets the specific source of GHG emissions, only that the project's cumulative impact is fully mitigated. Because the mitigation measures addressed in the DEIR are insufficient to represent the project's fair share of emissions, this conclusion lacks substantial evidence. The DEIR should have incorporated additional mitigation measures to reduce the Project's GHG emissions to the extent required by CEQA.

The EIR Identifies Ineffective and Insufficient Mitigation Measures

The conclusion that the Project will not be able to achieve any mitigation beyond which was identified in the proposed mitigation measures is not supported with substantial evidence. CEQA requires that the lead agency identifies specific reasons for infeasibility of further mitigation when concluding significant and unavoidable impact. The City did not attempt to specify any infeasible mitigation measures when concluding that the Project's GHG impact would be unavoidable.

MM GHG-3 requires the implementation of a solar photovoltaic (PV) system associated with proposed project buildings but lacks details on the system's energy offset capacity and scale. This vagueness makes it impossible to assess the measure's effectiveness in reducing greenhouse gas emissions. To be a clear, effective, and enforceable measure, it should be modified to clearly define its performance standards, specifying how much of the project's energy demands it can offset, alongside detailed installation requirements regarding scale.

¹ Option 1: $\left(\frac{1,650 \text{ MTCO}_2\text{e}}{22,670 \text{ MTCO}_2\text{e}}\right) \times 100 = 7.28\%$; Option 2: $\left(\frac{1,156 \text{ MTCO}_2\text{e}}{17,874 \text{ MTCO}_2\text{e}}\right) \times 100 = 6.47\%$

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O1-2
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O1-3

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Additionally, some of the mitigation measures lack the enforceability required by CEQA. For example, MM GHG-4 proposes that the project applicant provide documentation ensuring that the building's electric room is sufficiently sized to hold additional panels for future installation of electric truck charging stations and power transport refrigeration units (TRUs), and that conduit is installed from the electric room to various places. (DEIR, p. 5.6-26.) While this measure prepares the infrastructure for future electrification, it is vague, with "sufficiently sized to hold additional panels" lacking clear criteria or standards. This vagueness could undermine the measure's efficiency if minimal space is allocated for additional panels. The measure should ensure a guaranteed amount of space for additional panels.

MM GHG-5 requires the tenant to submit a Transportation Demand Management (TDM) Program aimed at reducing single-occupant vehicle use by detailing strategies to increase carpooling, vanpooling, and transit use. The TDM program may also include alternative or compressed work schedules to reduce the number of commuting days. (DEIR, p. 5.6-26.) However, this measure lacks performance standards to ensure the TDM program is effective. The measure itself does not list any concrete strategies to bring about the reduction of single-occupant employee vehicles, rather it defers the creation of specific strategies to a future date. Moreover, the term "may also" introduces ambiguity and lacks enforceability as it does not guarantee the implementation of these additional measures. This non-committal language undermines the effectiveness of the TDM program. The absence of specific strategies and enforceable commitments is insufficient to achieve quantifiable reductions in GHG emissions as it provides no standards or mechanisms to encourage individuals to reduce taking single-passenger trips.

Ultimately, these mitigation measures should be revised to require the level of effectiveness required by CEQA, which is to the extent feasible to achieve fair share mitigation.

The Project's GHG Impacts Must be Fully Mitigated

CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. (*Napa Citizens for Honest Gov't v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, this means mitigation of the full extent of the Project's GHG impacts.

The amount of GHG emissions that comprise the Project's fair share is clear. The reasonable lifespan of this Project is approximately 30 years as indicated by the amortization of construction emissions. (DEIR, p. 5.6-21.) Therefore, the Project is projected to contribute between 507,960 MTCO_{2e} on the low end and 654,150 MTCO_{2e} on the high end over its entire

O1-3
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O1-4

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lifespan.² This would be a good starting point from which to subtract the effect of additional non-offset mitigation measures, before implementing offset purchases.

O1-4
cont

The conclusion that the Project will not be able to achieve mitigation beyond what is identified in the mitigation measures is not supported by substantial evidence. There are abundant options available to mitigate emissions to the full extent of the project's emissions. The DEIR notes that mobile emissions are not controllable, making them infeasible to mitigate because of the City of Irwindale and applicant's limited ability to address vehicle emissions. However, the City could require the Applicant to enter into an agreement for a zero-emission heavy-duty truck fleet to the extent feasible and as soon as practicable. While MM GHG-3 specifies the installation of the minimum number of charging stations required by Title 24, there is no evidence that it would be infeasible to install more charging stations beyond the minimum requirement.

O1-5

CEQA does not distinguish between mobile and non-mobile sources of GHG emissions; the lead agency can mitigate cumulative GHG impacts through any measure. Several on-site mitigation measures are feasible, including solar water heaters and automatic light switches, among many other mitigation strategies that can be incorporated into the project as design features or as mitigation measures. Such features could be adopted individually or as part of a comprehensive goal of sustainable building certification, such as Leadership and Energy and Environmental Design (LEED), that extends further beyond CALGreen requirements.

O1-6

Carbon Offsets are Feasible as Mitigation Measures

After requiring operational emissions reductions to the maximum-feasible extent, the City could also require the Applicant to purchase offsets for the Project's remaining GHG emissions. The City did not provide any evidence for why offsets would be infeasible. Overall, there are more options available to mitigate emissions to the full extent of project emissions, and the City failed to acknowledge or implement many mitigation measures that are feasible and could help reduce the Project's GHG impact to the fair share extent.

O1-7

Offsets are acceptable mitigation measures under CEQA (954,796 CEQA Guidelines § 15126.4 (c)(3).) There are also many offset projects that are currently operating in California, including projects that are relevant to the Project's operations such as the Truck Stop Electrification project in California (Project ID ACR133), and those that reduce industrial process emissions such as the reclaimed hydrofluorocarbon project by Anew Environmental, LLC (Project

² 16,932 MTCO₂e per year × 30 years = 507,960 MTCO₂e; 21,805 MTCO₂e per year × 30 years = 654,150 MTCO₂e

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ID ACR777), among others.³ Such offset programs are just examples of which the City could consider as feasible carbon offsets to reduce the Project's GHG impact.

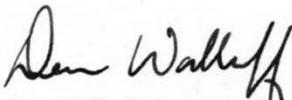
O1-7
cont

Conclusion

The DEIR fails to require all feasible mitigation, despite concluding that the significant GHG impact will be unavoidable. The lead agency has not met its burden of showing that such measures are infeasible, and therefore the DEIR should be amended to reflect all feasible mitigation to the fair-share extent. Please put me on the interest list to receive updates about the progress of this Project. We make this request under Public Resources Code, section 21092.2.

O1-8

Sincerely,



Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

³ American Carbon Registry (ACR), list of offset projects, available at <https://acr2.apx.com/myModule/rpr/myrpt.asp?r=111> (Accessed June 14, 2024).

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2. Response to Comments

O1 Response to Comments from Advocates for the Environment, Dean Wallraff, dated June 24, 2024.

O1-1 The California Air Resources Board (CARB) 2022 Scoping Plan is a statewide plan which sets a pathway forward for the state to achieve carbon neutrality and the target of reducing anthropogenic emissions to 85 percent below 1990 levels by year 2045 in accordance with Assembly Bill 1279. Appendix D of the 2022 Scoping Plan provides different potential recommended approaches for local jurisdictions in establishing their GHG significance threshold for purposes of CEQA. While one of the recommended approaches includes use of a net-zero threshold of significance, Appendix D also notes that "...lead agencies can also use other valid significance thresholds".⁷ Another recommended approach identified in Appendix D is for lead agencies to "...analyze the GHG impact of proposed projects by employing a threshold of significance recommended by the applicable air district or other lead agencies."⁸

It should also be noted that the recommended approaches in Appendix D, including the net-zero threshold approach is recommended for residential and mixed-use projects only. Per CEQA Guidelines Section 15064.7(c), a lead agency may consider threshold of significance previously adopted or recommended by other public agencies or recommended by experts provided the thresholds are provided by substantial evidence. Furthermore, a net zero threshold is not a CEQA threshold as it represents the point at which a project would not generate any impact. Therefore, a net zero threshold is a "No Impact" threshold. As stated in the Natural Resources *Final Statement of Reasons*⁹, CEQA does not require a so-called "one additional molecule" standard, and some projects' incremental contributions would be so minor that their impact does not have to be treated as significant even though the projects would add an additional amount to the significant cumulative impact (see also State CEQA Guidelines Section 15064[h][4].) The level at which the incremental addition becomes cumulatively considerable depends on the nature of the particular cumulative impact being evaluated. The ultimate test is whether any additional amount should be considered significant in the context of the existing cumulative effect (CEQA Section 21083[b][2].)

For purposes of assessing GHG emissions impacts for the proposed project, the City relies on the GHG emissions threshold developed by the South Coast Air Quality Management District (South Coast AQMD) Working Group. South Coast AQMD, is the public agency that is responsible for improving air quality in the South Coast Air Basin

⁷ California Air Resources Board. 2022, November. Appendix D: Local Actions, 2022 Scoping Plan for Achieving Carbon Neutrality

⁸ California Air Resources Board. 2022, November. Appendix D: Local Actions, 2022 Scoping Plan for Achieving Carbon Neutrality

⁹ California Natural Resources Agency. 2009. Initial Statement of Reasons for Regulatory Action, Proposed Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97. https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Initial_Statement_of_Reasons.pdf

2. Response to Comments

(SoCAB) in which the proposed project site is situated. To address potential GHG emissions impacts, the South Coast AQMD convened a working group of stakeholders, including GHG specialists, in April 2008, to determine GHG emissions thresholds applicable for development projects in the South Coast Air Basin. Through the two-year effort (2008 to 2010), South Coast AQMD developed size and emissions criteria to easily identify projects that generated a less-than-significant amount of GHG emissions and would not meet the “substantial” increase criteria outlined in the CEQA Checklist. The working group determined that this threshold should be set at 90 percent—that is, 90 percent of projects that undergo environmental analysis would generate more emissions than the threshold amount and require a more detailed evaluation, and 10 percent would generate less.¹⁰ This 10 percent could be considered to have less than significant emissions impacts without further review.

The 90 percent capture rate is cited as an appropriate GHG threshold in the California Air Pollution Control Officer’s Association’s (CAPCOA) white paper, “CEQA and Climate Change” (2008).¹¹ Pursuant to the white paper, “while this would exclude perhaps 10 percent of new residential development, the capture of 90 percent of new residential development would establish a strong basis for demonstrating that cumulative reductions are being achieved across the state.”

To determine where the bright-line screening criteria should be set so that it captures 90 percent of projects, South Coast AQMD reviewed the Governor’s Office of Planning and Research (OPR) database of CEQA projects submitted to the State Clearinghouse. South Coast AQMD calculated direct and indirect GHG emissions for over 700 projects on this database to determine the range of GHG emissions. The data compiled by South Coast AQMD is included as Appendix C to this Final EIR.

Based on initial review of the compiled data, it was easily recognized that different land use types generate unique, different ranges of GHG emissions. To address the fact that different project types generate different magnitudes of total GHG emissions, South Coast AQMD categorized the projects based on the following development project land use types:

- Residential
- Commercial
- Mixed Use

South Coast AQMD identified the amount of emissions generated by each type of project in order to set a bright-line threshold value for the purpose of evaluating GHG emissions

¹⁰ Not all projects over this “bright-line” threshold would have significant impact. Instead, if emissions exceed the bright-line threshold, project can be evaluated against an efficiency metric and/or incorporate mitigation measures to reduce impacts below the thresholds.

¹¹ Identified as “Approach 2.5, Unit-Based Threshold Based on Market Capture,” in the CAPCOA White Paper.

2. Response to Comments

impacts under CEQA. These bright-line thresholds identified by South Coast AQMD at Working Group 15 Meeting and based on substantial data compiled by OPR are shown in the table below. Overall, the South Coast AQMD Working Group recommends use of the 3,000 MTCO_{2e} interim bright-line screening-level criterion for all project types.¹²

South Coast AQMD Tier 3: Bright Line Thresholds

Project Type	GHG Threshold (MTCO _{2e} /Year)
Residential	3,500
Commercial	1,400
Mixed-Use or All Land Use Types	3,000

Sources: South Coast Air Quality Management District (South Coast AQMD). 2010, September 28. Greenhouse Gases (GHG) CEQA Significance Thresholds Working Group Meeting 15. [https://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](https://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)Note: MTCO_{2e} = metric tons of carbon dioxide equivalent

South Coast AQMD has never formally adopted these thresholds or officially released guidance on how to apply the thresholds to CEQA projects in the SoCAB. The working group was informally dissolved after a lawsuit was filed by the Building Industry Association against the Bay Area Air Quality Management District for adoption of CEQA thresholds, making it uncertain whether or not South Coast AQMD could proceed with adopting the thresholds without CEQA review.

As explained above, South Coast AQMD's GHG thresholds were developed using substantial evidence and clearly define the incremental amount that would be considered significant in the context of the existing cumulative effect, based on the 90 percentile emissions capture rate. South Coast AQMD's brightline thresholds have been used for projects in the South Coast AQMD region for the last 14 years by lead agencies throughout the region. Additionally, South Coast AQMD has not commented in the last 14 years that use of these thresholds is inappropriate, rather South Coast AQMD's recommendation is that the lead agency will need to decide which threshold is most appropriate. The City of Irwindale has determined that use of the South Coast AQMD's brightline threshold is applicable to the proposed project and is supported by substantial evidence.

- O1-2 An EIR must describe feasible measures that could minimize the project's significant adverse impacts. 14 Cal Code Regs Section 15126.4(a)(1). However, mitigation measures for an EIR are not required to reduce a significant impact to a less than significant level. 14 Cal Code Regs Section 15093(b) and Section 15126.2(c). Furthermore, see response to

¹² South Coast AQMD. 2010, September 28. Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group Meeting #15. [https://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](https://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)

2. Response to Comments

Comment O1-4 where commenter makes the same assertion that the project's GHG impacts must be fully mitigated, there are no feasible mitigation measures that would reduce GHG emissions below the GHG significance threshold. Overall, Chapter 5.6, *Greenhouse Gas Emissions*, of the Draft EIR identified Mitigation Measures GHG-1 through GHG-7. However, as discussed on page 5.6-27 of the Draft EIR, while identified mitigation would reduce or contribute to reducing project-related GHG emissions impacts, "Neither the project applicant nor the lead agency (City of Irwindale) can substantively or materially affect reductions in project mobile-source emissions beyond the regulatory requirements." See response to Comment O1-5 for a further discussion on the difficulty of mitigating mobile-source emissions.

- O1-3 An EIR must describe feasible measures that could minimize the project's significant adverse impacts. 14 Cal Code Regs Section 15126.4(a)(1). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact. An EIR also need not identify and discuss mitigation measures that are infeasible. Nor must an EIR analyze in detail mitigation measures it concludes are infeasible.

Regarding the solar photovoltaic system requirements of Mitigation Measure GHG-3, the 2022 Building Energy Efficiency Standards include prescriptive photovoltaic (PV) system design standards for non-residential buildings, which includes warehouses. Additionally, the 2022 Building Energy Efficiency Standards also includes performance-based standards to be used as an alternative compliance option to and/or in-lieu of the prescriptive PV system requirements. Mitigation Measure GHG-3 has been amended to specify that the proposed project would be required to comply with the prescriptive PV system standards of the 2022 Building Energy Efficiency Standards.

Mitigation Measure GHG-4 would be implemented in conjunction with and complement Mitigation Measure GHG-3. A requirement under Mitigation Measure GHG-3 requires all truck bays that serve cold storage facilities within the proposed buildings to be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric transport refrigeration units (TRUs). The requirement under Mitigation Measure GHG-4 that the electrical rooms be "sufficiently sized" would ensure that the electrified truck bays required under Mitigation Measure GHG-3 is fully supported. Sufficiently sized would be dictated on the number of electrified truck bays, which for the proposed project would be all truck bays that serve cold storage facilities.

Similarly, as it pertains to electric truck charging, the sizing of the electrical rooms would also be dependent on the number of electric trucks that the proposed project may accommodate. The number of electric trucks would be dependent on a number of factors, which could include the specific business operations of the tenant/business entity of a proposed building. There are currently no identified tenants for the proposed warehouses and thus, the number of electric trucks is currently unknown. Furthermore, warehousing facilities may not own their own fleets, and the types of trucks that they would

2. Response to Comments

accommodate would be dependent on third-party operators. Thus, the types of trucks entering into and accepted by warehousing facilities would not be in their control. However, the 2022 CALGreen standard includes mandatory electric medium-duty and heavy-duty truck charging readiness requirements for warehouses under Section 5.106.5.5.1. Pursuant to this section, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s), or subpanel(s) must be installed at the time of construction and must meet the minimum power requirements to accommodate the dedicated branch circuits for the future installation of electric vehicle charging equipment and to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty vehicles. At minimum, the electrical rooms would be built to meet this CALGreen standard.

Regarding Mitigation Measure GHG-5, at minimum, the transportation demand management (TDM) program would be developed to meet the development standards of Section 17.66.030(B) of the City of Irwindale Municipal Code (see Response A3-5) and implementation would comply with the provisions of Section 17.66.040 – *Monitoring* (Ord. 465 § 6(part), 1993) which ensures code compliance, applicant reporting, and City monitoring of the required measures:

The city shall ensure compliance with the measures required by this chapter during project implementation. The project applicant shall demonstrate compliance with each measure in a written report submitted to the city prior to the issuance of a building permit and show compliance prior to the issuance of certificate of occupancy. As applicable, applicants may be required to provide periodic reports regarding compliance with such measures.

Mitigation Measure GHG-5 has been updated in Chapter 3, Revisions to the Draft EIR, to accurately reflect the specific requirements of the City’s Municipal Code.

O1-4 Commenter’s statement that “CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts”, which is cited to a court ruling appears to be in reference to CEQA Guidelines Section 15130(a)(3), which states as follows:

An EIR may determine that a project’s contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project’s contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

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As provided above, Section 15130(a)(3) applies only to the scenario in which a cumulative impact is determined to be less than cumulatively considerable. As discussed on page 5.6-27 of Section 5.6, *Greenhouse Gas Emissions*, of the Draft EIR, the proposed project was determined to result in significant and unavoidable GHG emissions impacts. In addition, per CEQA Guidelines Section 15093(b) and Section 15126.2(b), mitigation measures for an EIR are not required to reduce a significant impact to a less than significant level. Thus, the commenter's assertion that the proposed project must fully mitigate its GHG impacts is incorrect.

- O1-5 For the operation phase, warehousing facilities may not own their own fleets, and the types of trucks that they would accommodate would then be dependent on third-party operators. Thus, the types of trucks entering into and accepted by warehousing facilities would not be in their control. Furthermore, at present, requiring zero-emission vehicles is technologically infeasible and such vehicles are not available on a large enough scale to be relied upon. For example, the International Council on Clean Transportation (ICCT) provides an overview of advancing zero-emission technologies in a report titled, "*Transitioning to Zero-Emission Heavy-Duty Freight Vehicles*," (see Appendix B of this Final EIR).¹³ The ICCT reports that although the technology is advancing and although at some point in the distant future non-diesel technology will likely be used in mass to power freight movement, "zero-emission vehicle technologies do present considerable challenges. They have a combination of near- and long-term barriers, issues, and questions that will have to be addressed before they can become widespread replacements for conventional trucks and tractor-trailers that are typically diesel fueled" (ICCT pg. 31). Barriers include limited range and charging time. Level 2 charging can take up to 80 to 100 hours to fully charge a 600-kWh heavy duty battery, while a 100-kW direct current (DC) fast charger could take 6 hours.¹⁴ Another barrier could be the current number of chargers available for electric-powered trucks. As of January 2024, it is estimated that only 5,000 chargers capable of serving heavy-duty vehicles are available in the United States and only 9 are public fast charging stations capable of serving heavy trucks. While an additional 15 240-kW DC fast chargers and 3 1,200-kW megawatt chargers came online in the City of Bakersfield in May 2024, the number of chargers would still be low. The California Energy Commission estimated that California will need 114,500 chargers with 5,500 being en-route chargers by 2030 and 264,500 chargers with 8,500 being en-route chargers by 2035.¹⁵

¹³ International Council on Clean Transportation. 2017. *Transitioning to Zero-Emission Heavy-Duty Freight Vehicles*. https://theicct.org/wp-content/uploads/2021/06/Zero-emission-freight-trucks_ICCT-white-paper_26092017_vF.pdf

¹⁴ UC Berkeley School of Law, Energy & the Environment and UCLA School of Law's Emmett Institute on Climate Change and the Environment. 2024. August. *Fueling & Financing: Addressing the Urgent Challenge Facing Electric Heavy-Duty Vehicle Deployment*. <https://www.law.berkeley.edu/wp-content/uploads/2024/08/Fueling-Financing.pdf>

¹⁵ UC Berkeley School of Law, Energy & the Environment and UCLA School of Law's Emmett Institute on Climate Change and the Environment. 2024. August. *Fueling & Financing: Addressing the Urgent Challenge Facing Electric Heavy-Duty Vehicle Deployment*. <https://www.law.berkeley.edu/wp-content/uploads/2024/08/Fueling-Financing.pdf>

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Furthermore, South Coast Air Quality Management District (South Coast AQMD) noted that “some trucks will have longer wait times for zero emission technology to be commercialized (e.g., Class 8 trucks) (South Coast AQMD pg. 211).¹⁶ South Coast AQMD also notes that the “technical feasibility of some WAIRE Menu actions are not considered technically feasible today (e.g., ZE Class 8 trucks)...” (South Coast AQMD pgs. 75-76). While it is also noted “...they are expected to become commercialized in the next two years...”, this timeframe illustrates the potential limited availability of ZE Class 8 trucks. Additionally, the California Air Resources Board (CARB) also acknowledges this in response to a comment regarding generally increasing the sales requirements for Class 2b, 3, 7, and 8 categories required under CARB’s Advanced Clean Trucks Regulation. CARB noted that, “The approved regulation does not achieve the same total vehicle sales goal some commenters suggest due to concerns about the feasibility of manufacturers to comply with even higher sales requirements especially for Class 2b-3 vehicles and tractors. At this time, both Class 2b-3 and Class 7-8 tractors have more focused concerns about payload, range, towing, charging/refueling infrastructure, and model availability than other vehicles. These issues will present more challenges in identifying suitable applications for their deployment in the early market. Increasing the number of ZEV sales further also increases the likelihood that manufacturers would need to produce more costly long-range vehicles, and that vehicles may need to be placed in applications where they may not be fully suitable. Therefore, the Board determined that the approved regulation is the most feasible path to meet ZEV deployment goals at this time.” (CARB pg. 99)¹⁷ Requiring the proposed project to utilize emerging technology as mandatory mitigation when the various types of technological advancements and their timeframes for common availability are not known with any certainty, is not a feasible mitigation measure. An EIR must describe feasible measures that could minimize the project's significant adverse impacts. 14 Cal Code Regs Section 15126.4(a)(1). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact. An EIR also need not identify and discuss mitigation measures that are infeasible. Nor must an EIR analyze in detail mitigation measures it concludes are infeasible.

For this type of scenario, emissions from trucks associated with a warehousing facility would be controlled through statewide regulatory efforts to transition to cleaner trucks and to near zero/zero-emission trucks such as the Truck and Bus Regulation, Heavy-Duty Low-NO_x Omnibus Rule, Advanced Clean Fleet, and Advanced Clean Truck regulations. Furthermore, all warehousing facilities accommodated under the proposed project would be subject to South Coast AQMD Rule 2305, *Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program*, which focuses on reducing

¹⁶ South Coast Air Quality Management District. 2021, April. Second Draft Staff Report Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305. https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/pr-2305_sr_2nd-draft_4-7-21_clean.pdf?sfvrsn=8

¹⁷ California Air Resources Board. 2021, March. Advanced Clean Trucks Regulation: Final Statement of Reasons. <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/act2019/fsor.pdf>.

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nitrogen oxides and diesel particulate matter associated with warehouses and goods movement. Those warehousing facilities that trigger the Rule 2305 criteria would be mandated to comply with the WAIRE requirements, which would either be direct actions to reduce emissions, or pay a mitigation fee. Since the proposed project would not be operated by the current owner, it is not feasible to commit to specific provisions of Rule 2305. However, future tenants will be obligated to comply with its provisions. The WAIRE program is a menu-based points system and the WAIRE Menu lists the various direct actions a warehouse tenant could implement to achieve the necessary points needed annually to comply with the program points requirement. Acquisition of zero emissions/near zero emission trucks for warehouse tenants who are also fleet operators and installation of onsite electric vehicle charging infrastructure and/or stations are listed as potential direct actions in the WAIRE Menu. Overall, the point-based system provides flexibility for warehouse tenants to customize the types of direct actions to implement based on their individual circumstances. Future warehouse fleet operators could purchase ZE trucks as they become more widely available as a means to satisfy Rule 2305 requirements. Compliance with Rule 2305 would reduce air quality effects associated with the warehouse industry, including the proposed project in the region.

- O1-6 Mitigation Measure GHG-6 would require the proposed project to comply with CALGreen's Tier 2 Nonresidential Voluntary Measures electric vehicle (EV) parking standards. The EV parking requirement in Mitigation Measure GHG-3 has been updated to reflect and be consistent with the EV parking requirement prescribed in Mitigation Measure GHG-6 (see Chapter 3, *Revisions to the Draft EIR*, of this Final EIR).

In general, the proposed project would be designed and built to meet CALGreen standards. As stated above, Mitigation Measure GHG-6 would require the proposed project to meet CALGreen's Tier 2 nonresidential voluntary standards for EV parking. It would also require the proposed project to meet CALGreen's Tier 2 nonresidential voluntary standards for providing preferential parking spaces for low-emitting, fuel efficient, and carpool/vanpool vehicles. Additionally, Mitigation Measure GHG-1 establishes minimum requirements for window and duct insulation, HVAC systems, and irrigation control systems. It also requires all-electric energy systems, which would be complemented by Mitigation Measure GHG-2, which would require use of 100 percent carbon-free electricity when feasible, and also by the solar photovoltaic system requirements under Mitigation Measure GHG-3. These measures would contribute to reducing energy sector GHG emissions by eliminating use of natural gas while also having the electricity demands of the proposed buildings be supplied by renewable and carbon-free sources.

- O1-7 A carbon offset program for purposes of CEQA mitigation consists of several components. Voluntary carbon offsets must be purchased through a registry approved by the California Air Resources Board (CARB) and the voluntary carbon offset credits made available by a registry must use CARB-approved protocols or equivalent protocols if not

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CARB-approved. The voluntary carbon offset credits must also demonstrate that the GHG reductions they achieve are real, permanent, quantifiable, verifiable, additional, and enforceable as set forth in California Health and Safety Code Section 38562(d)(1) and (d)(2) and 17 California Code of Regulations Section 95802(a). Furthermore, there should be a local geographical hierarchy preference (i.e., city, county, state, and country) in where a carbon offset originates.

Despite this stringent criteria, recent caselaw invalidated the use of voluntary carbon offsets for CEQA (*Golden Door Properties v. County of San Diego* [2020] 50 Cal.App.5th 467) (Golden Door II). Pursuant to this decision use of voluntary carbon offsets created an unenforceable performance standard and improperly deferred and delegates mitigation. The “Compliance” market (i.e., CARB’s Carbon Offset Program) accounts for most of the carbon offset available in California.¹⁸ Thus, voluntary carbon offsets are likely to come from out-of-state or even out of the country. As a result, use of voluntary carbon offsets may not be considered to mitigate for GHG emissions in California and foreign markets may not have the same rigorous accounting protocols to ensure long-term enforceability of the voluntary carbon credits. For example, the Bay Area Air Quality Management District (BAAQMD), which is the only air district to provide guidance on use of offsets, in their 2022 *CEQA Air Quality Guidelines* specifically states that that GHG reductions be achieved by direct-GHG reductions and that reductions taking place outside of the community should be minimized. BAAQMD cited the findings of Golden Door II, flagged concerns regarding offsets arising outside California; such offsets, if permitted, should be subject to enforcement mechanisms at least as strict and enforceable as under California law. For these reasons, the City of Irwindale has determined that voluntary carbon offsets would not be an effective mitigation strategy for the proposed project.

O1-8 Commenter provides a general summary of Comments O1-1 through O1-7. Please see responses to these comments above.

¹⁸ Offsets reserved for the “Compliance” market are tradable credits issued under the CARB’s Compliance Offset Program that represent verified GHG emissions reductions from sources not subject to a compliance obligation in the Cap-and-Trade Program. These offsets may be used by regulated entities under the Cap-and-Trade Program to satisfy a small portion of their compliance obligation each year.

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2. Response to Comments

LETTER O2 – Blum, Collins, & Ho, LLP, Gary Ho, on behalf of Golden State Environmental Justice Alliance (16 pages)

[Note: This commenter sent a letter dated August 7, 2024 withdrawing this comment letter and opposition to the proposed Irwindale Gateway Project (see Letter O2b of this Final EIR). In the subsequent letter, the commenter states that the project's developer has addressed Golden State Environmental Justice Alliance's (GSEJA) concerns about environmental mitigation. The responses to the original letter are included below as the original letter is part of the project's administrative record.

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June 24, 2024

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VIA EMAIL TO:
B.Jones@IrwindaleCA.gov

Subject: Comments on Irwindale Gateway Specific Plan EIR (SCH NO. 2023020290)

Dear Ms. Jones

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Irwindale Gateway Specific Plan. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

Intro

1.0 Summary

The Irwindale Gateway Specific Plan proposes the development of an industrial logistics and distribution center and associated parking and loading docks. The project site encompasses a former sand and gravel quarry, the NuWay Live Oak Inert Landfill (NuWay Landfill), and a former street-cleaning business. The proposed project would redevelop the project site with one of two options. Option 1 proposes a 52.6-acre general light industrial, manufacturing, warehouse/distribution, e-commerce fulfillment center encompassing 954,796 square feet of warehouse space and 43,000 square feet of office space for a total of 997,796 square feet of building area. Option 2 proposes a 36.71-acre general light industrial/warehouse/distribution, e-commerce fulfillment center encompassing 668,070 square feet of warehouse space and 36,000 square feet office space for a total of 704,070 square feet of building area, and 15.94 acres of battery energy storage system (BESS) (electric energy storage, transmission and AC/DC and voltage conversion). The preliminary design for the BESS has 353,000 square feet of battery arrays, within which battery enclosures, inverter enclosures, and medium voltage transformers would be arranged. The BESS would be served by an overhead electric tie-line consisting of three 220-kilovolt conductor cables below an optical ground wire that serves dual purposes of grounding and fiber optic communications.

O2-1
cont.

1.1 Project Piecemealing

2. Response to Comments

Brandi Jones
June 24, 2024
Page 2

The EIR does not accurately or adequately describe the project, meaning “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (CEQA § 15378). The whole of the action proposed by the Irwindale Gateway Specific Plan (IGSP) is a piecemealed portion of a larger overall project that includes the active reclamation and mass grading of the project site. Appendix C: Operations Plan and Grading Permit Approvals indicates that both the Los Angeles Regional Water Quality Control Board approval of Operations Plan and the Los Angeles County Public Works Department/City of Irwindale Grading Permit (GR 0506 2206150001) were issued to the Project Applicant for the proposed project (Irwindale Gateway Specific Plan). The Project Description explicitly states that, “This phase is not a part of the proposed project and is not analyzed in this Draft EIR,” without providing a reason for this or referencing if any CEQA analysis was conducted for the reclamation/mass grading. It is clear that the whole of the action for the proposed project was established and split into two separate and distinct phases, a reclamation/mass grading phase and a development phase, in order to artificially reduce environmental impacts.

A project EIR must be prepared that accurately represents the whole of the action without piecemealing the project into separate phases to present unduly low environmental impacts. CEQA Section 15161 describes project EIRs as examining “the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.” The specific development project is the reclamation/mass grading of the project site and construction and operation of all buildings pursuant to the IGSP.

O2-2

Additionally, CEQA Section 15146 requires that the degree of specificity in an EIR “will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.” The project EIR must be more detailed in the specific effects of the whole of the action, which is the entirety of the construction project, including the reclamation/mass grading of the project site. A project EIR must be prepared which accurately represents the whole of the action without piecemealing the project into separate phases to present unduly low environmental impacts.

3.0 Project Description

It must be noted that the project requires approval of a General Plan Amendment to change the land use designation from Regional Commercial to Specific Plan and a Zone Change from M-2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan in order to proceed. However, the General Plan does not have “Specific Plan” as an existing Land Use designation. “Specific Plan” is not listed in Table 2-7: Land Use Designations and Development Standards or seen on Exhibit 2-3: City of Irwindale Land Use Plan – Base Land Use Designations within the City’s General Plan. The “Specific Plan” land use designation does not exist in the General Plan and therefore cannot be applied to the proposed project. The EIR must be revised to include the creation of a new land use designation titled “Specific Plan” within the General Plan as part of the Project Description and revise all environmental analysis to include this request.

O2-3

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5.2 Air Quality, 5.4 Energy, and 5.6 Greenhouse Gas Emissions

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0¹, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6037404600) ranks worse than 83 percent of the rest of the state overall. The project's census tract is in the 100th percentile for pollution burden, meaning it is among the most highly polluted ranks of all census tracts in the state of California. The surrounding community bears the impact of multiple sources of pollution and is more polluted than average on every pollution indicator measured by CalEnviroScreen. For example, the project census tract ranks in the 83rd percentile for ozone burden, the 66th percentile for particulate matter (PM) 2.5 burden, the 68th percentile for diesel PM, and 88th percentile for traffic burden. These environmental factors are attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure². Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births³.

O2-4

The census tract ranks in the 85th percentile for contaminated drinking water and 93rd percentile for groundwater threats. Poor communities and people in rural areas are exposed to contaminants in their drinking water more often than people in other parts of the state⁴. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes⁵.

The census tract also ranks in the 99th percentile for solid waste facility impacts and 92nd percentile for hazardous waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilities are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations⁶. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people⁷.

Further, the census tract is a diverse community including 90% Hispanic residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 70% of the census tract residents over age 25 has not attained a high school diploma. The community also has a high rate of poverty, meaning 49% of the households in the census tract have a total

¹ https://experience.arcgis.com/experience/11d2f52282a54cee9cac7428e6184203/page/CalEnviroScreen-4_0/

² OEHHA Ozone <https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone>

³ OEHHA Traffic <https://oehha.ca.gov/calenviroscreen/indicator/traffic-density>

⁴ OEHHA Contaminated Drinking Water <https://oehha.ca.gov/calenviroscreen/drinking-water>

⁵ OEHHA Groundwater Threats <https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats>

⁶ OEHHA Solid Waste Facilities <https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities>

⁷ OEHHA Hazardous Waste Generators and Facilities <https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities>

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income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care⁸. Poor communities are often located in areas with high levels of pollution⁹. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution¹⁰. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 37th percentile for incidence of cardiovascular disease and 54th percentile for incidence of asthma.

Additionally, the project site's census tract (6037404600) and the census tracts adjacent to the project site (6037404501 (east), 6037404402 (east), 6037405002 (south) and 6037405001 (south)) are identified as SB 535 Disadvantaged Communities¹¹. This indicates that cumulative impacts of development and environmental impacts in the immediate vicinity are disproportionately impacting this community. The negative environmental, health, and quality of life impacts resulting from a saturation of the warehousing and logistics industry in the community have become distinctly inequitable. A revised EIR must be prepared to include the specific analysis of each environmental impact (including the significant and unavoidable cumulatively considerable Air Quality and GHG impacts) on the Disadvantaged Communities, including cumulative analysis and irreversible environmental effects.

O2-4
cont.

The State of California lists three approved compliance modeling softwares for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

5.9 Land Use and Planning

It must be noted that the horizon year of the City's General Plan is 2020¹². Any development beyond year 2020 is not accounted for or analyzed by the City's current General Plan and its EIR. The project is proposed four years after the horizon year of the General Plan and therefore is not accounted for in its growth projections or environmental analysis. The EIR is inadequate as an informational document since the horizon year of the General Plan has passed and it has not provided a cumulative analysis of all development projects approved since the date of General Plan adoption in 2008. A revised EIR must be prepared to include this information for analysis to adequately and accurately analyze all potentially significant environmental impacts. A finding of significance must be included because the project tiers from

O2-5

⁸ OEHHHA Poverty <https://oehha.ca.gov/calenviroscreen/indicator/poverty>

⁹ Ibid.

¹⁰ Ibid.

¹¹ OEHHHA SB 535 Census Tracts <https://oehha.ca.gov/calenviroscreen/sb535>

¹² <https://www.irwindaleca.gov/DocumentCenter/View/38/General-Plan?bidId=>

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the City’s General Plan in its analysis, is not accounted for in the General Plan growth projections, and is beyond the 2020 horizon year analyzed in the General Plan EIR.

O2-5
cont.

Table 6-1: Allowable Uses within Appendix B: Irwindale Gateway Specific Plan lists several use classifications that are not accounted for within the other areas of the EIR’s analysis. For example, the IGSP permits the development of “Self-storage/public” personal storage facilities and “Shipping/parcel delivery hub or sorting center” warehouse facilities. These use classifications generate vehicle trips that are much greater than the ITE Land Use Code 150: Warehousing classification utilized for analysis in areas including Air Quality, Greenhouse Gas Emissions, and Energy. For example, ITE Land Use Code 150: Warehousing generates 0.18 vehicle trips per peak hour while ITE Land Use Code 151: Mini-Warehouse generates 1.68 vehicle trips per peak hour per 100 storage units and ITE Land Use Code 156: High-Cube Parcel Hub Warehouse generates 0.64 vehicle trips per peak hour¹³. The EIR must be revised to account for and model all land uses permitted by the IGSP in order to provide an adequate and accurate environmental analysis.

O2-6

Further, it must be noted that the project requires approval of a General Plan Amendment to change the land use designation from Regional Commercial to Specific Plan and a Zone Change from M-2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan in order to proceed. However, the General Plan does not have “Specific Plan” as an existing Land Use designation. “Specific Plan” is not listed in Table 2-7: Land Use Designations and Development Standards or seen on Exhibit 2-3: City of Irwindale Land Use Plan – Base Land Use Designations within the City’s General Plan. The “Specific Plan” land use designation does not exist in the General Plan and therefore cannot be applied to the proposed project. The EIR must be revised to include the creation of a new land use designation titled “Specific Plan” within the General Plan as part of the Project Description and revise all environmental analysis to include this request. Table 5.9-1 SCAG 2020-2045 RTP/SCS Goals Consistency Analysis concludes that the project is consistent with the goals of Connect SoCal, resulting in less than significant impacts. In finding consistency with SCAG’s goals, the EIR does not provide any meaningful evidence to support this conclusion, in violation of CEQA’s requirements for meaningful disclosure. For example, the EIR concludes the project is consistent with Goal 5 to reduce greenhouse gas emissions because, “the proposed project would be consistent with regulatory schemes and policies adopted to reduce GHG emissions and includes project features that would encourage alternative transportation (such as walking) that would reduce GHG emissions,” which is directly in contrast with the EIR’s determination that the project will result in significant and unavoidable GHG emissions impacts. There is no meaningful evidence to support the efficacy of the project’s improvements (sidewalks) on increased walking instead of driving associated with the project. Due to errors in modeling and modeling without supporting evidence, as noted throughout this comment letter and attachments, and the EIR’s determination that the project will have significant and unavoidable impacts to Air Quality and Greenhouse Gas Emissions, the proposed project is directly inconsistent with Goal 5 to reduce greenhouse gas emissions and improve air quality, Goal 6 to support healthy and equitable communities, and Goal 7 to adapt to a changing climate. The EIR must be revised to remove misleading and erroneous analysis and include a finding of significance due to inconsistency with the RTP/SCS. Additionally, since the project requires a GPA/Zone Change to proceed, it was clearly not included in SCAG’s projections and modeling for the RTP/SCS and is inconsistent with the document for this reason as well.

O2-7

The Project requires a General Plan Land Use amendment and Zoning designation change to change the Project site’s land use designations from Regional Commercial to Specific Plan. The EIR concludes that the project will not result in any significant impacts and is consistent with the General Plan because, “Development pursuant to the Specific Plan would be consistent with the

O2-8

¹³ https://www.phoenixoregon.gov/wp-content/uploads/2023/08/ITE-SDC-Table_SOTE.pdf

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applicable plans, goals, policies, and regulations of the General Plan and zoning code, *as amended*.” The EIR relies upon approval of the GPA/Zone Change itself to ensure consistency with these documents. Relying upon approval of the requested GPA/Zone Change to determine there will be no environmental impacts circumvents the required process of CEQA analysis. Significant and unavoidable cumulatively considerable impacts to Air Quality and Greenhouse Gas Emissions will occur as a result of the GPA/Zone Change, and this is not presented for discussion or analysis in this section. The EIR is inadequate as an informational document and must be revised. This is vital as Table 5.9-2 General Plan Consistency Analysis and includes misleading consistency analysis with General Plan goals, policies and objectives adopted with the purpose of avoiding or mitigating an environmental effect. For example, the EIR states the project complies with Resource Management Element Policy 11:

O2-8
cont.

“The City of Irwindale supports the ethic of conservation of non-renewable resources. This includes efforts to reduce the use of energy (in any form), greenhouse gas (GHG) emissions (consistent with AB 32) and efforts to find new and more energy efficient methods for delivering services.”

The EIR finds the project is consistent with this policy even though the project will have a Significant and Unavoidable Cumulatively Considerable Impact with regards to GHG emissions because, “Development within the Specific Plan would be required to comply with the California Green Building Standards Code (CALGreen) and incorporate additional sustainable design features that minimize water use and maximize energy efficiency. Refer to the mitigation measures recommended in Section 5.2, Air Quality, and Section 5.6, Greenhouse Gas Emissions.” Notably, the mitigation measures for Air Quality and GHG are not able to mitigate impacts to less than significant levels, and compliance with CALGreen does not address these issues either. The EIR continues by stating that, “Further, through redevelopment of a former quarry/inert landfill site that has been depleted of recoverable mineral resources to a productive employment-generating end use.” This is not a complete sentence and does not provide any meaningful evidence to support consistency with the above policy. The EIR also states that, “Development of Option 2, including the BESS, would be expected to further help facilitate renewable energy within the region. The proposed project would be consistent with this policy.” The EIR does not provide any quantified meaningful evidence to support the uncertain claim that the potential BESS facility “would be expected” to facilitate renewable energy. The EIR must be revised to remove this misleading consistency analysis and include a finding of significance due to inconsistency with this policy.

O2-9

Further, the Resource Management Element of the General Plan provides the following guidance for the reuse of quarry lands:

“Many of the pits are located in close proximity to freeways. These areas are subject to intense development pressure because such land is scarce. As a result, the General Plan has designated a number of these pits as Regional Commercial to capitalize on these factors as a means to generate revenue for the City and serve the regional population.”

O2-10

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The project requires a General Plan Amendment to change the land use designation from Regional Commercial to Specific Plan and the EIR has not addressed this portion of the RME. The EIR has also not provided any analysis of the proposed project's General Plan Amendment and Zoning Change. The EIR must be revised to include this analysis, including analysis with the above guidance for the reuse of quarry lands.

O2-10
cont.

The EIR provides several other instances of erroneous and misleading consistency analysis. For example, in determining consistency with "CDE Policy 3: The City of Irwindale will continue to ensure that the type, location, and intensity of all new development and intensified developments adhere to the requirements that are specified for their particular land use category in the General Plan," the EIR reasons that, "The General Plan states that the Regional Commercial designation "... encourages a balanced mix of commercial, office professional, and *light manufacturing* uses along a number of high visibility traffic corridors ..." (Irwindale 2020). Implementation of the proposed Irwindale Gateway Specific Plan would provide for *Industrial/Business Park* land uses consistent with the General Plan's vision for the subject property as an employment-generating and economic investment generating use." However, the proposed project is not consistent with the General Plan vision specific to quarry sites for redevelopment as a Regional Commercial designation. The EIR continues by stating that, "The proposed project requires a General Plan Amendment to change the site's existing General Plan land use designations from "Regional Commercial" to "Specific Plan" to reflect the land uses, development standards, design guidelines and implementation procedures proposed in the Irwindale Gateway Specific Plan. As such, the proposed project would be consistent with this policy." Again, the EIR relies upon approval of the GPA/Zone Change itself to conclude the project is consistent with the policy. Relying upon approval of the requested GPA/Zone Change to determine there will be no environmental impacts circumvents the required process of CEQA analysis. Significant and unavoidable cumulatively considerable impacts to Air Quality and Greenhouse Gas Emissions will occur as a result of the GPA/Zone Change, and this is not presented for discussion or analysis in this section.

O2-11

The EIR concludes the project is consistent with "IE Policy 1: The City will continue to support the efforts of the City of Irwindale Public Works Department in maintaining the highest service standards feasible," because "The proposed project would improve roadways and public utilities/infrastructure in a logical sequence in conjunction with future development of the Irwindale Gateway Specific Plan and as required by the City of Irwindale and applicable public service providers." However, the EIR has not provided any information or analysis here regarding the City's LOS standards and requirements of the General Plan. The General Plan states the following on this topic:

"The City of Irwindale has established LOS "D" as a target LOS standard and LOS "E" as a threshold standard. The City recognizes that not all intersections within the City can meet the target LOS D. In these instances, the City Council must find that the improvements necessary to meet the target LOS D are not feasible because of one or more of the following reasons: 1) the cost of the necessary improvements exceeds available funding sources; 2) the design of the necessary improvements is not compatible with the surrounding land uses; or, 3) the design of the necessary improvements is contrary to other established City policies. For individual roadway segments, a LOS C standard is used to monitor capacity needs." Appendix L2: Traffic Impact Analysis concludes that the following intersections will operate at LOS E in the Horizon Year (2040) With Project conditions for Project Option 1 and 2:

O2-12

1. Intersection #2. Live Oak Avenue and Speedway Drive – PM Peak Hour (LOS E)
2. Intersection #12. Arrow Highway and Rivergrade Road – AM Peak Hour (LOS E)
3. Intersection #13. Arrow Highway and San Gabriel Trail – AM Peak Hour (LOS E)
4. Intersection #18. Arrow Highway and Avenida Barbosa/Spanish Oak Drive – AM Peak Hour (LOS E)

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The EIR has not provided any information or analysis related to the required findings that the improvements necessary to meet the target LOS D are not feasible. Additionally, Appendix L2 identifies the following study roadway segments in Table 4-3: Baseline Roadway Segment Level of Service:

1. Arrow Highway east of Live Oak Ave
2. Live Oak Ave between Arrow Highway and I-605 (east side)
3. Arrow Highway between Arrow Highway and I-605 (east side)
4. Live Oak Ave between Arrow Highway and I-605 (west side)
5. Arrow Highway between Arrow Highway and I-605 (west side)
6. Arrow Highway west of Live Oak Ave

However, the EIR nor Appendix L2 provide any quantified analysis of the proposed project's impacts on the study roadway segments or how the project will or will not meet the City's LOS C standard for roadway segments. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold T-1 and Land Use and Planning Impact Threshold 5.9-2 because it is not consistent with the following General Plan requirement:

1. The City of Irwindale has established LOS "D" as a target LOS standard and LOS "E" as a threshold standard. The City recognizes that not all intersections within the City can meet the target LOS D. In these instances, the City Council must find that the improvements necessary to meet the target LOS D are not feasible because of one or more of the following reasons: 1) the cost of the necessary improvements exceeds available funding sources; 2) the design of the necessary improvements is not compatible with the surrounding land uses; or, 3) the design of the necessary improvements is contrary to other established City policies. For individual roadway segments, a LOS C standard is used to monitor capacity needs

O2-12
cont.

The EIR concludes that the project is consistent with the Policy, "The City of Irwindale will consider environmental justice issues as they are related to potential health impact associated with air pollution and ensure that all land use decisions, including enforcement actions, are made in an equitable fashion to protect residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status, or geographic location from the health effects of air pollution," because, "The proposed project would complement existing and planned surrounding land uses in Irwindale and adjacent cities. The Irwindale Gateway Specific Plan is in an area of Irwindale that is already developed as an industrial/ commercial area, containing landfills, distribution warehousing, e-commerce, and light industrial land uses. The City of Irwindale has applied all feasible mitigation to the proposed Irwindale Gateway Specific Plan project to minimize air quality and related health effects. These requirements are similarly and uniformly applied to other projects in the city which could cumulatively combine to result in significant, adverse impacts." This conclusion does not address environmental justice issues within the project's census tract and adjacent census tracts. The project requires a GPA/Zone Change to be implemented, and implementation of the project will result in significant and unavoidable cumulatively considerable Air Quality and Greenhouse Gas Emissions impacts within an SB 535 Disadvantaged Community. The project site's census tract (6037404600) and the census tracts adjacent to the project site (6037404501 (east), 6037404402 (east), 6037405002 (south) and 6037405001 (south)) are identified as SB 535 Disadvantaged Communities¹⁴. This indicates that cumulative impacts of development and environmental impacts in the immediate vicinity are disproportionately impacting this community. The negative environmental, health, and quality of life impacts resulting from a saturation of the warehousing and logistics industry in the community have become distinctly inequitable. The negative environmental impacts associated with project implementation will continue to degrade the already poor

O2-13

¹⁴ OEHA SB 535 Census Tracts <https://oehha.ca.gov/calenviroscreen/sb535>

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environmental quality of the project census tract. The EIR must be revised to include a finding of significance due to inconsistency with this policy.

The EIR has not provided an analysis of the proposed project in accordance with all applicable General Plan policies. The EIR is inadequate as an informational document and a revised EIR must be prepared with an accurate consistency analysis with all General Plan goals/policies, including the following:

1. Community Development Element Policy 8. The City of Irwindale will promote and support the development of a regional commercial center.
2. Community Development Element Policy 9 The City of Irwindale will strive to ensure that future development, supported in whole or part through redevelopment, is fiscally sound.
3. Community Development Element Policy 17. The City of Irwindale will continue to encourage a balance of commercial uses to avoid an overconcentration of uses to best serve the residents, employee population, and business community.

O2-13
cont

5.13 Transportation

Table 6-1: Allowable Uses within Appendix B: Irwindale Gateway Specific Plan lists several use classifications that are not accounted for within the other areas of the EIR's analysis. For example, the IGSP permits the development of "Self-storage/public" personal storage facilities and "Shipping/parcel delivery hub or sorting center" warehouse facilities. These use classifications generate vehicle trips that are much greater than the ITE Land Use Code 150: Warehousing classification utilized for analysis in areas including Air Quality, Greenhouse Gas Emissions, and Energy. For example, ITE Land Use Code 150: Warehousing generates 0.18 vehicle trips per peak hour while ITE Land Use Code 151: Mini-Warehouse generates 1.68 vehicle trips per peak hour per 100 storage units and ITE Land Use Code 156: High-Cube Parcel Hub Warehouse generates 0.64 vehicle trips per peak hour¹⁵. The EIR must be revised to account for and model all land uses permitted by the IGSP to provide an adequate and accurate environmental analysis.

O2-14

The EIR has not provided adequate information or analysis here regarding the City's LOS standards and requirements of the General Plan. The General Plan states the following on this topic:

"The City of Irwindale has established LOS "D" as a target LOS standard and LOS "E" as a threshold standard. The City recognizes that not all intersections within the City can meet the target LOS D. In these instances, the City Council must find that the improvements necessary to meet the target LOS D are not feasible because of one or more of the following reasons: 1) the cost of the necessary improvements exceeds available funding sources; 2) the design of the necessary improvements is not compatible with the surrounding land uses; or, 3) the design of the necessary improvements is contrary to other established City policies. For individual roadway segments, a LOS C standard is used to monitor capacity needs." Appendix L2: Traffic Impact Analysis concludes that the following intersections will operate at LOS E in the Horizon Year (2040) With Project conditions for Project Option 1 and 2:

O2-15

1. Intersection #2. Live Oak Avenue and Speedway Drive – PM Peak Hour (LOS E)
2. Intersection #12. Arrow Highway and Rivergrade Road – AM Peak Hour (LOS E)
3. Intersection #13. Arrow Highway and San Gabriel Trail – AM Peak Hour (LOS E)
4. Intersection #18. Arrow Highway and Avenida Barbosa/Spanish Oak Drive – AM Peak Hour (LOS E)

The EIR has not provided any information or analysis related to the required findings that the improvements necessary to meet the target LOS D are not feasible. Additionally, Appendix L2 identifies the following study roadway segments in Table 4-3: Baseline Roadway Segment Level of Service:

¹⁵ https://www.phoenixoregon.gov/wp-content/uploads/2023/08/ITE-SDC-Table_SOTE.pdf

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1. Arrow Highway east of Live Oak Ave
2. Live Oak Ave between Arrow Highway and I-605 (east side)
3. Arrow Highway between Arrow Highway and I-605 (east side)
4. Live Oak Ave between Arrow Highway and I-605 (west side)
5. Arrow Highway between Arrow Highway and I-605 (west side)
6. Arrow Highway west of Live Oak Ave

However, the EIR nor Appendix L2 provide any quantified analysis of the proposed project's impacts on the study roadway segments or how the project will or will not meet the City's LOS C standard for roadway segments. A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold T-1 and Land Use and Planning Impact Threshold 5.9-2 because it is not consistent with the following General Plan requirement:

1. The City of Irwindale has established LOS "D" as a target LOS standard and LOS "E" as a threshold standard. The City recognizes that not all intersections within the City can meet the target LOS D. In these instances, the City Council must find that the improvements necessary to meet the target LOS D are not feasible because of one or more of the following reasons: 1) the cost of the necessary improvements exceeds available funding sources; 2) the design of the necessary improvements is not compatible with the surrounding land uses; or, 3) the design of the necessary improvements is contrary to other established City policies. For individual roadway segments, a LOS C standard is used to monitor capacity needs

O2-15
cont.

Table 5.13-1 Project VMT Characteristics concludes that Development Options 1 and 2 will generate 20.8 VMT per employee, which exceeds the threshold average of 18.5 VMT per employee. The proposed project's Employment-Based VMT exceeds the applicable threshold and as a result are determined to have significant transportation impacts. The EIR provides MM T-1 and T-2 to allegedly mitigate impacts to less than significant levels (18.4 VMT per employee):

"T-1 The applicant shall coordinate with Foothill Transit and the City of Irwindale to install a bus stop at Live Oak Avenue and Live Oak Lane for the Foothill Transit Line 492. The design and installation of the bus stop shall be coordinated with Foothill Transit and shall be paid for by the project applicant. The bus stop shall be constructed prior to the issuance of a Certificate of Occupancy for the first development project on the project site.

O2-16

T-2 The applicant shall modify the public sidewalk and landscaping along the north side of the portion of Live Oak Avenue that abuts the project site to include accommodation of a Class IV trail consistent with the City of Irwindale Active Transportation Plan to create a portion of the connection to the San Gabriel River Trail. Prior to the issuance of grading plans, the applicant shall submit the required improvement plans for the Class IV trail to the City of Irwindale's Public Works Department for review and approval."

Notably, the EIR has not provided meaningful evidence to support the conclusion that MM T-1 and T-2 will reduce VMT to 18.4 VMT per employee. MM T-1 and T-2 are unenforceable mitigation in violation of CEQA § 21081.6 (b). It is not possible for the City to ensure that MM T-1 and T-2 will result in reduced

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VMT by project employees and be implemented continuously, at all times, throughout the life of the project and maintain a VMT reduction to less than significant levels at all times. This is especially notable as MM T-1 relies upon bus service for a bus stop that does not yet exist and is not planned to have any bus service from the service provider. The efficacy of the proposed mitigation measures and reduction of VMT impacts below the applicable thresholds cannot be assured, and the project's VMT impact is therefore considered significant and unavoidable. A revised EIR must be prepared to include a finding of significance because there is no possible assurance of the percentage of project employees that would utilize non-automobile or non-single occupant vehicle travel associated with the mitigation measures and mitigation of the project's VMT impact to less than significant is not feasible.

O2-16
cont.

Further, the EIR has underreported the quantity of VMT generated by the proposed project operations. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a warehouse, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity are unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's total operational VMT generated is further inconsistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

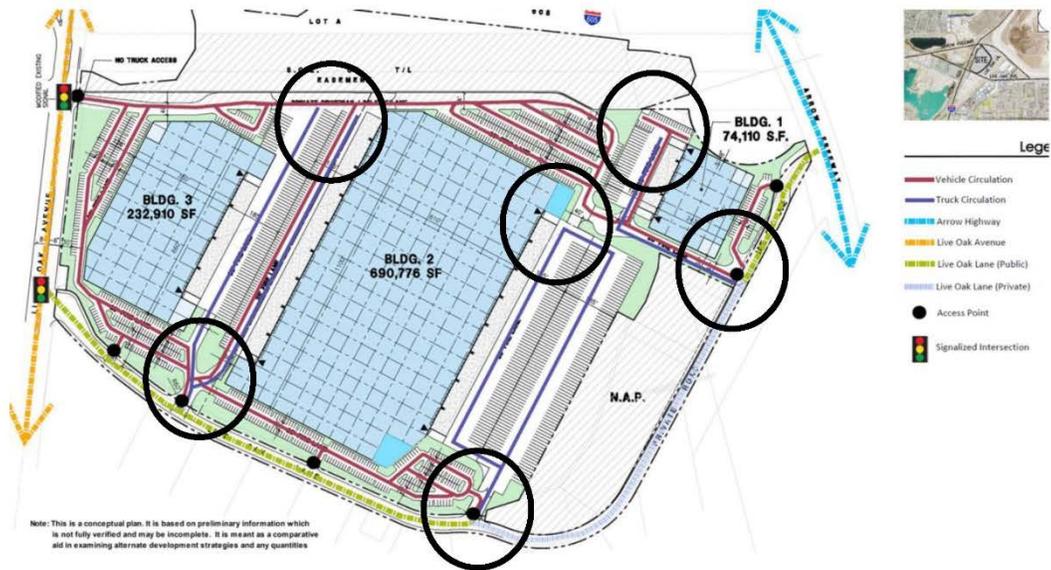
O2-17

The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits adequately depicting the available maneuvering and queuing space for trucks/trailers at the intersection of the project driveways and the adjacent streets. For example, Figure 3-10a - Conceptual Circulation Plan Option 1 depicts three access points for trucks/trailers on Live Oak Lane, and there is no modeling to demonstrate whether the streets and driveway widths provide adequate maneuvering space for trucks/trailers entering and exiting the site. The EIR also excludes any exhibits adequately depicting the available maneuvering and queuing space for trucks/trailers throughout the project site. There are several areas that demonstrate potential conflicts between passenger vehicles and trucks/trailers. For example, the driveway between Buildings 2 and 3 provides access to both passenger vehicles and trucks/trailers, with circulation occurring from multiple turning points for both types of vehicles; the same is true for the truck/trailer driveway for Building 1. Additionally, the truck/trailer loading dock courts for all three buildings include truck/trailer parking stalls within the court. These parking stalls may be in use at any time and conflict with truck/trailer maneuvering, increase the necessary queuing area, and increase idling times, which contribute to increased mobile source emissions. The truck/trailer loading dock courts for all three buildings are designed as "dead end" courts that require dedicated turnaround area for truck/trailers to maneuver, and this has not been presented for analysis. There also appears to be a 40' driveway/gate between Building 2 and 1, but it is not depicted to be utilized for any circulation. The EIR must be revised to depict the type of vehicular access utilized at this driveway.

O2-18

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The EIR states here that, "Design and construction of the proposed access and circulation improvements would be required to adhere to the City's engineering standards and LACFD's design standards, which are imposed on development projects during the City's development review and building plan check process. Consistent with the Specific Plan, prior to the issuance of building permits for development projects in the project site that involve a driveway connection point on Live Oak Avenue, the project applicant shall submit a driveway access study to the Irwindale Public Works Department for City review and approval. The study shall be prepared by a licensed traffic engineer, identify the proposed access driveway(s) connecting to a public street, and include a detailed evaluation of the proposed driveway for intersection lane geometries, turn lane storage capacity, and sight distance. The City shall require that the driveway intersection be constructed in accordance with the City-approved access study prior to the issuance of a Certificate of Occupancy for any building that would use the driveway for ingress/egress." Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. Excluding the driveway study from public review does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15150 (f)). The EIR must be revised to include a complete driveway analysis and address all issues listed above in order to provide an adequate and accurate environmental analysis.

There are also no exhibits depicting emergency vehicle access. The EIR states that, "During the development review and building plan check process, the City would coordinate with LACFD to ensure

O2-18
cont

O2-19

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that the necessary fire prevention and emergency response features are incorporated into development accommodated by the Specific Plan and that adequate circulation and access (e.g., adequate turning radii for fire trucks, road surfacing requirements, minimum road widths, vertical clearance, gate access etc.) are provided in the traffic and circulation components. All site and building improvements would be subject to review and approval by the City and LACFD.¹⁶ Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents (CEQA § 15150 (f)). A revised EIR must be prepared for the proposed project with truck turning exhibits and emergency access exhibits and associated analysis in order to provide an adequate and accurate environmental analysis. Additionally, the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersection of the project driveways and adjacent streets. Sight distance is the continuous length of street ahead visible to the driver. At unsignalized intersections, corner sight distance must provide a substantially clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. A revised EIR must be prepared with a sight distance analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements.

O2-19
cont.

8.3 Impacts Found Not to be Significant: Population and Housing

The EIR sources the U.S. Green Building Council for employment generation rates, but this is not appropriate as it is a nationwide data source. SCAG provides local data that accurately represents employment generation for the project site. SCAG's Employment Density Study¹⁶ provides the following applicable employment generation rates for Los Angeles County:

Warehouse: 1 employee per 1,518 square feet

Office: 1 employee per 319 square feet

Applying this ratio results in the following calculation:

Option 1

Warehouse: $954,796 \text{ sf} / 1,518 = 629$ employees

Office: $43,000 \text{ sf} / 319 = 135$ employees

Total: 764 employees

Option 2

Warehouse: $668,070 \text{ sf} / 1,518 = 441$ employees

Office: $36,000 \text{ sf} / 319 = 113$ employees

Total: 554 employees

Utilizing SCAG's Employment Density Study ratios, the proposed project will generate 764 employees for Option 1 (worst-case scenario). The EIR utilizes uncertain language and does not provide any meaningful analysis or supporting evidence to substantiate the conclusion that there will be no significant impact to population and housing. The EIR states that "The new jobs generated by the Specific Plan would provide

O2-20

¹⁶ <https://www.mwco.org/file.aspx?A=QTITTR24POOOUIw5mPNzK8F4d8dJdJe4LF9Exj6IXOU%3D>

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additional employment opportunities for residents in the *area*,” and the geographic boundaries of the “area” are undefined, and relying on the entire labor force within all of Los Angeles County to fill the project’s construction and operational jobs will increase VMT and emissions during all phases of construction and operations and a revised EIR must be prepared to account for longer worker trip distances. In order to comply with CEQA’s requirements for meaningful disclosure and adequate informational documents, a revised EIR must be prepared to provide demographic and geographic information on the location of qualified workers to fill the project’s operational and construction positions.

SCAG’s Connect SoCal Demographics and Growth Forecast¹⁷ notes that the City will add 1,400 jobs between 2016 - 2045. Utilizing SCAG’s Employment Density Study calculation of 764 employees, the project represents 54.5% of the City’s employment growth from 2016 - 2045. A single project accounting for more than half of the projected employment growth over 29 years represents a significant amount of growth. Additionally, since the project requires a GPA/Zone Change to proceed, it was clearly not included in SCAG’s projections and modeling for the RTP/SCS and therefore represents a 54.5% increase in growth beyond SCAG’s projections.

A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2016 (SCAG), 2008 (General Plan adoption), and projects “in the pipeline” to fully disclose the project’s significant and unavoidable impacts to Population and Housing. For example, other recent industrial projects such as 5175 Vincent Avenue (360 employees), The Park @ Live Oak (919 employees), and 5010 Azusa Canyon/Irwindale Industrial Center (192 employees) combined with the proposed project will cumulatively generate 2,235 employees, which is 159% of the City’s employment growth forecast over 29 years accounted for by only four industrial projects submitted since 2019. This exceeds the projected growth forecast for the City. This number increases exponentially when the City’s commercial development activity and other projects since 2016 are added to the calculation. A revised EIR must be prepared to include a cumulative analysis on this topic to provide an adequate and accurate environmental analysis.

The EIR also states that, “population growth typically occurs when there is an expansion of residential development, and therefore an increase of new residents. As the Regional Housing Needs Assessment (RHNA) calculated for 2021-2029 has accounted for the housing need in Irwindale and the surrounding cities based on the forecast of 20,300 jobs by 2020, any new growth in population associated with the proposed project would not exceed housing assumptions from the RHNA.” This statement does not provide any meaningful information or analysis, such as the RHNA for the City or surrounding cities, the wages provided by the operational and construction jobs, and available housing supply that is affordable to the project’s operational and construction employees. Notably, the City’s Housing Element has not been certified by HCD and therefore the City has not accounted for its RHNA¹⁸ and the EIR must be revised to include a finding of significance as the proposed project will exceed growth forecasts of the City’s General Plan and SCAG.

¹⁷ https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579

¹⁸ <https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-review-and-compliance-report>

O2-20
cont.

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9.0 Significant Irreversible Changes due to the Proposed Project and 10.0 Growth-Inducing Impacts of the Proposed Project

The EIR states that, “The Specific Plan would require the approval of discretionary actions; however, the proposed project would not set a precedent for future projects with similar characteristics.” This is misleading to the public and decision makers. The EIR must be revised to include a finding of significance as the required GPA/Zone Change to implement the project will result in significant and unavoidable cumulatively considerable impacts to Air Quality and GHG emissions within an SB 535 Disadvantaged Community, and approval of the proposed project will set precedent for approval of other projects with SU impacts within Disadvantaged Communities. Additionally, the General Plan does not have “Specific Plan” as an existing Land Use designation. “Specific Plan” is not listed in Table 2-7: Land Use Designations and Development Standards or seen on Exhibit 2-3: City of Irwindale Land Use Plan – Base Land Use Designations within the City’s General Plan. The “Specific Plan” land use designation does not exist in the General Plan and therefore cannot be applied to the proposed project. The EIR must be revised to include the creation of a new land use designation titled “Specific Plan” within the General Plan as part of the Project Description and revise all environmental analysis to include this request. Creation of a new land use designation is precedent-setting action that will encourage and facilitate other activities that could significantly affect the environment.

Further, since the project requires a GPA/Zone Change to proceed, the project will contribute to growth that was not included as part of growth forecasts in Connect SoCal and/or the General Plan. It must be noted that the horizon year of the City’s General Plan is 2020¹⁹. Any development beyond year 2020 is not accounted for or analyzed by the City’s current General Plan and its EIR. The project is proposed four years after the horizon year of the General Plan and therefore is not accounted for in its growth projections or environmental analysis. The EIR is inadequate as an informational document since the horizon year of the General Plan has passed and it has not provided a cumulative analysis of all development projects approved since the date of General Plan adoption in 2008. A revised EIR must be prepared to include this information for analysis to adequately and accurately analyze all potentially significant environmental impacts. A finding of significance must be included because the project tiers from the City’s General Plan in its analysis, is not accounted for in the General Plan growth projections and is beyond the 2020 horizon year analyzed in the General Plan EIR.

The EIR must also include a cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. For example, other recent industrial projects such as 5175 Vincent Avenue (360 employees), The Park @ Live Oak (919 employees), and 5010 Azusa Canyon/Irwindale Industrial Center (192 employees) combined with the proposed project will cumulatively generate 2,235 employees, which is 159% of the City’s employment growth forecast over 29 years accounted for by only four industrial projects submitted since 2019. This exceeds the projected growth forecast for the City. This number increases exponentially when the City’s commercial development activity and other projects since 2016 are added to the calculation. A revised EIR must be prepared to include a cumulative analysis on this topic to provide an adequate and accurate environmental analysis.

Further, the EIR must be revised to discuss and analyze that implementation of the project will result in significant and unavoidable cumulatively considerable environmental impacts to Air Quality and Greenhouse Gas Emissions with the project census tract and adjacent census tracts (all of which are designated as SB 535 Disadvantaged Communities) receiving the most significant

O2-21

¹⁹ <https://www.irwindaleca.gov/DocumentCenter/View/38/General-Plan?bidId=>

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impacts. Project implementation will result in growth that does not comply with the AQMP and will have additional environmental impacts that cannot be mitigated. These significant and irreversible environmental changes and growth inducement caused by the project necessitate a finding of significance in this section.

O2-21
cont.

Conclusion

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

O2-22

Sincerely,



Gary Ho
Blum, Collins & Ho LLP

Attachments:

1. SWAPE Technical Analysis

2. Response to Comments

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2. Response to Comments

O2 Response to Comments from Blum, Collins, & Ho, LLP, Gary Ho, on behalf of Golden State Environmental Justice Alliance, dated June 24, 2024

O2-1 This Comment summarizes the features of the proposed project. Responses to specific issues raised in this comment letter are provided in the responses to Comments O2-2 through O2-22 below.

O2-2 The commenter asserts that the DEIR does not adequately describe or analyze the “whole of the action” of the proposed project as required by CEQA. The commenter contends that the DEIR “piecemeals” a portion of the overall project that it inappropriately excludes analysis of the active reclamation and mass grading of the project site.

As noted in the comment, “The Project Description explicitly states that, “This phase is not a part of the proposed project and is not analyzed in this Draft EIR.” As referenced in this comment and in DEIR Section 3.3.1.1, *Project Background*, the Operations Plan for site reclamation has been approved by the Regional Water Quality Control Board, the rough grading plan was approved by the County of Los Angeles Department of Public Works and a grading permit was issued by the City of Irwindale. As substantiated with the documents in DEIR Appendix C, the reclamation of the project site has already been approved. This activity is already entitled and underway. It no longer requires discretionary approval, and therefore, is not a “project” as defined by CEQA. The DEIR appropriately defines the baseline conditions for analysis of the proposed development as the rough graded site per the Operations Plan.

O2-3 Specific Plans are not in and of themselves a type of land use, and the General Plan need not be amended to identify a specific plan that has not been adopted. Adoption of the Irwindale Gateway Specific Plan is a legislative act similar to adoption of a General Plan or Zoning Ordinance. (Gov. Code §65450 et seq.) Specific plans function as the regulatory tool through which the City may systematically implement its General Plan for all or part of the area covered by the General Plan. (Gov. Code § 65450.) Specific Plans regulate land use by designating the distribution, location, and extent of the uses of land within the area covered by the plan. (Gov. Code § 65451.) The Irwindale Gateway Specific Plan sets forth the distribution, location and land uses for the area designated (see Draft EIR, Appendix B, *Irwindale Gateway Specific Plan*, Chapter 4, *Land Use*, and Chapter 6, *Development Standards*).. The General Plan Amendment will reflect the change in land use designation from Regional Commercial to Irwindale Gateway Specific Plan, and the Zone Change will reflect the change in land use designation from M-2 (Heavy Manufacturing) to Irwindale Gateway Specific Plan. No additional analysis is needed.

O2-4 This comment details CalEPA’s CalEnviroScreen findings for surrounding census tracts related to pollution and socioeconomic vulnerability. The comment concludes that “a revised EIR must be prepared to include the specific analysis of each environmental impact (including the significant and unavoidable cumulatively considerable. Air quality

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and GHG impacts on Disadvantaged Communities, including cumulative analysis and irreversible environmental effects”.

The California State Legislature passed Senate Bill (SB) 1000 into law in 2016, requiring local governments to identify environmental justice communities (called “disadvantaged communities”) in their jurisdictions and address EJ in their general plans. The law requires the inclusion of an EJ element when a lead agency is updating two or more General Plan elements. CEQA is generally concerned with physical environmental impacts of a particular project and does not focus on the social impacts. The Draft EIR does provide the context for physical impacts on surrounding communities. It provides an overview of the CalEnviroScreen (CES) information in the Environmental Setting in Section 4.4.5.2 *Air Quality and Climate*. This section also includes Figure 4.2, *Pollution Burden Score Map*, which depicts the surrounding census tracts. The map shows that the surrounding areas exceed the 75 percent threshold used to define disadvantaged communities (Environmental Justice communities).

The DEIR includes a detailed, quantified analysis of project- and cumulative-level AQ and GHG impacts in Sections 5.2 and 5.6, respectively. As noted above, however, Environmental Justice, and the specific impact on disadvantaged impacts, however, is not a CEQA requirement. Additionally, South Coast Air Quality Management District (South Coast AQMD) has not defined significance thresholds directly pertaining to environmental justice impacts. However, the air quality issues evaluated in Chapter 5.2, *Air Quality*, of the Draft EIR are relevant to the discussion regarding environmental justice issues. For example, Impact 5.2-3 evaluate potential project-related construction phase and operation phase localized impacts, respectively, that are associated with criteria air pollutants and toxic air contaminants to offsite sensitive receptors. Furthermore, as noted in Section 5.2.5, *Cumulative Impacts*, on pages 5.2-47 through 5.2-48, the EIR considered the project’s incremental effect on health risk in light of the elevated background risk identified in the Multiple Air Toxics Exposure Study (MATES) V and cumulative approved and pending projects in the vicinity of the project site. When the proposed project’s health risks are considered in combination with cumulative projects, the proposed project would cumulatively contribute to significant health impacts in the air basin, and the air pollutant emissions associated with the proposed project would be cumulatively considerable. Therefore, the EIR considered cumulative health risk impacts in light of the pollution burden of the surrounding community and considered mitigation measures to reduce the proposed project’s cumulative impact.

The commenter incorrectly assumes the purpose of Title 24 and California Energy Commission approved software programs. The approved programs serve the purpose of being used under the performance approach (energy budget) method of compliance for the 2022 Energy Standards. The programs mentioned are not utilized for CEQA analysis. CalEEMod, the California Emissions Estimator Model, is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land

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use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. The model was developed for the California Air Pollution Officers Association (CAPCOA) in collaboration with the California Air Districts. Energy calculations provided by CalEEMod are prepared for purposes of a CEQA-level analysis and are not to be relied on or used to show compliance with the 2022 Building Energy Efficiency Standards. Additionally, per CalEEMod methodology, default CalEEMod energy rates are not based on current Building Energy Efficiency Standards, but are based on year 2019 consumption estimates generally compiled from a survey of existing buildings that may range from complying with older Building Energy Efficiency Standards to buildings that predate adoption of the Building Energy Efficiency Standards (e.g., prior to 1978).¹⁹ Thus, default CalEEMod energy rates are generally considered to be more conservative than any energy rates that may be derived from more recent and the latest Building Energy Efficiency Standards.

O2-5 The commenter incorrectly claims that this Draft EIR tiers from the City of Irwindale 2020 General Plan EIR. This EIR does not tier from the analysis of the 2020 General Plan EIR and analyzes the impacts of the proposed project when compared to the baseline conditions of the project site after implementation of the Nu-Way Live Oak Reclamation Operations Plan (see Section 3.3.1.1, *Project Background*, Chapter 3, *Project Description*, of the Draft EIR). As discussed in Section 4.5, *Assumptions Regarding Cumulative Impacts*, in Chapter 4, *Environmental Setting*, of the Draft EIR, the approach to the cumulative analysis throughout the Draft EIR varies within each topical section, but no sections rely on the projections within 2020 General Plan to assess cumulative impacts.

For instance, in compliance with CEQA Guidelines Section 15130(b)(1)(A), some topical sections utilize a list of past, present and probable future projects that have the potential to produce impacts that could compound with those of the proposed project to evaluate cumulative impacts. As described in Section 4.5 of Chapter 4 in the Draft EIR, the City has determined that other projects within a two-mile radius of the project site are within a reasonable distance to consider in conjunction with the proposed project for the evaluation of cumulative impacts. These projects are shown in Tables 4-1, *City of Irwindale Approved and Pending Projects Within Two Miles of the Proposed Project*, and Table 4-2, *Cumulative Projects Within Two Miles of the Proposed Project in Surrounding Jurisdictions*, in the Draft EIR. The projects listed in these tables represent the known pending or approved projects within a two-mile of the project site; however, each topical section defines a different geographic scope of analysis that is applicable and appropriate for the specific resource. Some of these geographic scopes are larger or smaller than the two-mile radius defined in Chapter 4, and therefore the cumulative analyses of these sections may include projects

¹⁹ California Air Pollution Control Officer's Association (CAPCOA). 2022, April. CalEEMod, Appendix D, California Emissions Estimator Model User Guide, Version 2022.1.1.13. Prepared by: ICF in collaboration with Sacramento Metropolitan Air Quality Management District. <https://www.caleemod.com/user-guide>.

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that are not listed in Tables 4-1 and 4-2. Topical sections that utilized the list of projects in Tables 4-1 and 4-2 within their evaluation of cumulative impacts include aesthetics, air quality, cultural resources, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, public services, transportation and traffic, tribal cultural resources, and utilities and service systems.

Other impact areas within these same topical sections of the Draft EIR, in addition to the other sections not mentioned above, utilize projections contained adopted local, regional or statewide plan, or related planning document, in compliance with CEQA Guidelines Section 15130(b)(1)(B). For example, while the approach to analyzing cumulative health risk impacts utilizes the list of pending or approved projects in Tables 4-1 and 4-2, the approach to analyzing cumulative impacts from criteria air pollutants utilizes South Coast AQMD's significance thresholds for construction and operational criteria air pollutants. Projects that exceed these thresholds are considered to cumulatively contribute to the nonattainment status of the air basin and therefore obstruct implementation of the South Coast AQMD Air Quality Management Plan (AQMP). In addition to measuring the emission of the proposed project to the South Coast AQMD thresholds, a project would also be considered to obstruct the AQMP if it would exceed the demographic projections of the Southern California Association of Government's (SCAG's) Regional Transportation/Sustainable Communities Strategy (RTP/SCS), since the AQMP emissions inventory is based on these projections. Section 5.15.2, *Water Supply and Distribution Systems*, in Section 5.15, *Utilities and Service Systems*, of the Draft EIR, evaluates the cumulative impacts of the proposed project on water supply based on the projections for demand and supply published within the Valley County Water District's Urban Water Management Plan.

Additionally, while the cumulative analysis for land use and planning impacts evaluates the project's consistency with the 2020 General Plan and other relevant planning documents, this analysis focuses on the project's consistency with applicable General Plan policies and not the projections within the General Plan. As described in Section 8.3, *Population and Housing*, in Chapter 8, *Impacts Found Not to Be Significant*, the impacts to population growth resulting from the proposed project were determined by comparing the number of jobs created by the proposed project to the number of jobs forecasted in the SCAG RTP/SCS for the City. It is assumed that all jobs under the proposed projects would be new jobs in the City that were not previously accounted for within the City's General Plan or the SCAG RTP/SCS. However, under existing conditions (using 2020 data), the jobs from the proposed project when added to the number of existing jobs in the City, would not exceed the SCAG projections for the City's jobs in 2020 or 2035.

- O2-6 The analysis did not model all land uses permitted, it utilized an appropriate and conservative analysis of the expected project conditions based on the information at the time of preparation. As part of the development of assumptions used to estimate future trip generation from the project site the ITE land use code of 150 was determined to be

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the most appropriate estimate of future potential land uses. It has a higher rate of generation as compared to ITE code 155 for Fulfillment Centers which was indicated as a potential use on the project site. High-Cube Parcel Hub Warehouse (ITE code 156) has fewer samples and a higher standard deviation (variation) in trip generation values as compared to ITE code 150.

O2-7 Please see Response O2-3 regarding the acceptable designation of Specific Plan for the project site under the proposed project.

The commenter asserts that the DEIR's consistency finding with SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is not substantiated. The City disagrees. As noted by the commenter, the consistency discussion in Table 5.9-1 clearly discloses that the project would result in significant and unavoidable impacts to Air Quality and Greenhouse Gas emissions. The proposed project is not required to result in less than significant impacts to be consistent with the RTP/SCS goals. The DEIR analysis employs the appropriate modeling tools and inputs (see Responses O2-4 through O2-6). Note also that the VMT analysis assumes more reduction measures than specified in MM T-1 and T-2. The modeling incorporates the reduction measures required by the City's TDM ordinance (see Response O1-3). Please see Response O2-5 relative to the comment regarding consistency with the RTP/SCS population projections.

O2-8 Consistency with Resource Management Element Policy 11 is addressed within Table 5.9-2, General Plan Consistency Analysis as follows:

Consistent. Development within the Specific Plan would be required to comply with the California Green Building Standards Code (CALGreen) and incorporate additional sustainable design features that minimize water use and maximize energy efficiency. Refer to the mitigation measures recommended in Section 5.2, Air Quality, and Section 5.6, Greenhouse Gas Emissions. Further, through redevelopment of a former quarry/inert landfill site that has been depleted of recoverable mineral resources to a productive employment-generating end use. Development of Option 2, including the BESS, would be expected to further help facilitate renewable energy within the region. The proposed project would be consistent with this policy.

The commenter does not explain why they believe this substantiation to be inadequate. Option 2, in particular, would facilitate renewable energy in the region. The project applicant ran the annual production of the proposed BESS facility through the EPA's Greenhouse Gas Equivalencies Calculator²⁰ and the result is that the BESS would off-set 407,997 metric tons of carbon dioxide equivalent on an annual basis. The logic here is

²⁰ Greenhouse Gas Equivalencies Calculator | US EPA

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that the BESS would replace a fossil fuel plant, which would emit the 407,997 tons of carbon dioxide equivalent on an annual basis.

O2-9 When an individual battery energy storage system (BESS) facility or generation infrastructure (i.e., solar panels) comes online in California, it is typically included in the Integrated resource Plan (IRP)²¹ through a process known as the Interconnection Queue. The Interconnection Queue is an application process that functions as a waiting list of proposed electricity generation and storage projects that are seeking to connect to the grid and is managed by the California Independent System Operation (CAISO), which oversees the operation of the State's electricity grid. Once a BESS facility or generation infrastructure is approved by CAISO, it is assigned a point of interconnection on the grid, and its output is added to the IRP as a resource that can provide electricity and other grid services, such as frequency regulation or ramping support. The facility is then dispatched by CAISO based on its bids into the day-ahead and real-time electricity markets, and its output is used to help balance supply and demand on the grid in real-time. As stated on pages 5.4-9, an interconnection facility would be developed at the SCE Rio Hondo substation across Live Oak Avenue to connect the proposed battery storage system to the electric grid. Once a BESS facility or generation infrastructure is approved by CAISO, it is assigned a point of interconnection on the grid, and its output is added to the IRP as a resource that can provide electricity and other grid services, such as frequency regulation or ramping support. The facility is then dispatched by CAISO based on its bids into the day-ahead and real-time electricity markets, and its output is used to help balance supply and demand on the grid in real-time. Overall, as stated on pages 5.4-13 and 5.4-14 of the Draft EIR, the proposed battery energy storage system (BESS) facility would provide storage capacity for excess electricity generated for use at a later time. Thus, the proposed BESS facility would allow for more use of intermittent renewable energy sources and would generally support further increasing renewable energy usage.

In general, commenter is correct in that the proposed project would result in significant and unavoidable GHG emissions impacts. However, the primary focus of Resource Management Element Policy 11 is regarding conservation of non-renewable resources.

RME Policy 11. The City of Irwindale supports the ethic of conservation of non-renewable resources. This includes efforts to reduce the use of energy (in any form), greenhouse gas (GHG) emissions (consistent with AB 32) and efforts to find new and more energy efficient methods for delivering services. The City supports the development of building standards that enable the community to design energy saving features such as solar energy systems, water efficient landscaping, and sustainable, green, and energy efficient building standards.

²¹ The IRP is developed by CAISO and is a coordinated grid management plan to integrate the generation and storage capacities of load serving entities.

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While compliance with CALGreen and implementation of mitigation (e.g., Mitigation Measures GHG-1, GHG-2, and GHG-3) would not mitigate project GHG emissions impacts to a less than significant level, they would generally help contribute towards energy conservation achieved through energy efficiency and renewable energy usage over energy from non-renewable sources.

Regarding the statement, ‘Further, through redevelopment of a former quarry/inert landfill site that has been depleted of recoverable mineral resources to a productive employment-generating end use’, in Table 5.9-2 of the Draft EIR, this sentence was included in error has been removed (see Chapter 3, *Revisions to the Draft EIR*, of this Final EIR).

O2-10 This comment asserts that the DEIR analysis should further analyze the proposed General Plan Amendment and Zoning Change, particularly with the respect to the General Plan’s objective to capitalize on the project site’s proximity to freeways and revenue producing potential of a regional commercial development. DEIR Chapter 7, Project Alternatives, reviews project alternatives considered and rejected from further analysis. Section 7.2.2, Alternative Land Use, reviews the potential for this project site to be developed in accordance with the site’s Regional Commercial designation. It cites a market analysis conducted by The Concord Group in 2022 (included as DEIR Appendix N) that concludes that a large-scale, anchored format, retail use is neither market nor financially feasible. Similarly, this DEIR section summarizes the reasons that The Concord Group analysis and CBRE Group, Inc. report, support the infeasibility of a hotel or office use at this site, respectively.

O2-11 The commenter asserts that DEIR incorrectly finds the proposed project consistent with General Plan CDE Policy 3 because it does not carry out the General Plan’s vision for quarry site re-use and because the project would require a General Plan Amendment (GPA). Please refer to response O2-10 regarding the feasibility of developing the project site with a commercial use.

The commenter correctly notes that the project relies on a GPA and zone change to find consistency with this policy. General Plans are not static. Lead agencies rely on GPAs to update project site land use designations and have specific processes to accomplish the changes to the General Plan. The applicant for this project has complied with this process for the City of Irwindale, and the DEIR accordingly evaluates the potential land uses associated with the new land use designation and proposed project.

Further, this commenter is incorrect in stating that the significant and unavoidable air quality and GHG impacts “will occur as a result of the GPA/Zone change”. The potential, relative environmental impacts of development consistent with existing Regional Commercial (RC) designation are evaluated in Chapter 7, Project Alternatives. The analysis concludes that air quality and GHG impacts would be greater under the RC

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land uses (which would likely entail greater building square footages) than the proposed project.

Please see Response 02-12 regarding consistency with the City's LOS standards.

- O2-12 This comment describes the City of Irwindale General Plan's LOS standards and contends that "A revised EIR must be prepared to include the LOS analysis as a cumulatively considerable significant impact ...". In Section 5.13.1.1, *Transportation, Regulatory Background*, the Draft EIR clearly explains that pursuant to SB 743 (2013) and the subsequent CEQA Guidelines update certified by the Secretary of the Natural Resources Agency in December 2018, that *automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestions, is no longer considered a significant impact on the environment* [emphasis added]. LOS is no longer a CEQA issue. Since July 1, 2020, lead agencies are required to consider VMT as the metric for determining transportation impacts under CEQA. The relationship of the City's General Plan Infrastructure Element and LOS requirements is further described under the Impact to Roadway Facilities subheading under DEIR Impact 5.13-1. As explained, the City of Irwindale still implements LOS standards under its local regulatory land use and public works authority. The full Traffic Impact Assessment in Appendix L2 provides this analysis.

The OPR site further clarifies the relationship to GP LOS standards and CEQA under its FAQ section²²:

Does SB 743 impact general plans that contain LOS standards?

SB 743 "does not preclude the application of local general plan policies, zoning codes, conditions of approval, thresholds, or any other planning requirements pursuant to the police power or any other authority." (See Pub. Resources Code, § 21099(b) (4).) However, OPR has previously provided guidance on why LOS standards should not be included within general plans. (See OPR's [General Plan Guidelines, Appendix B](#) (a).)

Even if a general plan contains an LOS standard and a project is found to exceed that standard, that conflict should not be analyzed under CEQA. CEQA is focused on planning conflicts that lead to environmental impacts. (*The Highway 68 Coalition v. County of Monterey* (2017) 14 Cal.App.5th 883; see, e.g., Appendix G, IX(b) [asking whether the project will "Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?"].) Auto delay, on its own, is no longer an environmental impact under CEQA. (See Pub. Resources Code, § 21099(b)(2).)

- O2-13 The commenter suggests the proposed project is inconsistent with the General Plan Policy requiring the City to consider environmental justice issues as they relate to potential health impacts associated with air pollution (Resource Management Element (RME) Policy 19). As explained in Response O2-4, CEQA does not require Environmental Justice analyses. Contrary to this commenter's opinion, an evaluation specifically for the project's census tract and adjacent census tracts is not the purview of CEQA. Also as described in

²² <https://opr.ca.gov/ceqa/sb-743/faq.html>

2. Response to Comments

Response O2-4, the DEIR does analyze the potential air quality impacts and related health impacts. The DEIR also documents all feasible mitigation to minimize air quality and related health effects.

This comment also requests that a revised EIR be prepared that includes the analysis of three specific Community Development Element (CDE) policies (CDE 8, 9 and 17). Each of these policies relate to the economic objectives for development. As included in DEIR section 5.9.2 *Thresholds of Significance*, the CEQA significance threshold for evaluation of General Plan policy consistency identifies a significant effect on the environment if the project would:

LU-2 Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation **adopted for the purpose of avoiding or mitigating an environmental effect.** [emphasis added]

The GP policies as listed in this comment have not been adopted to avoid or mitigate and environmental effect, and as such, they do not need to be evaluated in the EIR.

- O2-14 See response to Comment O2-6. The ITE land use code of 150 was determined to be the most appropriate estimate of future potential land uses and has a higher rate of generation as compared to ITE code 155 for Fulfillment Centers which was indicated as a potential use on the project site.
- O2-15 As noted in **Section 15064.3** of the **CEQA** Guidelines - Determining the Significance of Transportation Impacts (a) explicitly states “a project's effect on automobile delay shall not constitute a significant environmental impact.” Therefore, consistency with the City’s level of service standards is not a part of the proposed project’s CEQA transportation assessment.
- O2-16 The mitigation calculation was conducted using the San Gabriel Valley Council of Governments Vehicle Miles Traveled Evaluation Tool, as shown in Appendix L1a to the Draft EIR.
- O2-17 The significance determination was based on the auto and light duty truck VMT as directed by Title 14 Section 15064(a) and therefore appropriate mitigation measures were developed based on the vehicle classes included in the significance determination analysis. Heavy Duty truck VMT is analyzed as part of the air quality, greenhouse gas, and noise analysis sections.
- O2-18 The analysis is adequate to the level of assessment required for the environmental document. Final site development plans are reviewed as part of the lead agency’s development review process. This review was not conducted since the relevant plans are not final as part of the environmental review process and therefore has no reporting to incorporate into the EIR per Title 14 § 15150 (f).

2. Response to Comments

O2-19 Detailed sight design is not included in the EIR, however the City's process to determine site access through the development review process is cited as the action to address emergency vehicle access. Similarly, site distance on public roadways is a component of development review. This review was not conducted since the relevant plans are not final as part of the environmental review process and therefore has no reporting to incorporate into the EIR per Title 14 Section 15150 (f).

O2-20 The City disagrees with the commenter's assertion that the Draft EIR's source for deriving employee generation rates is inappropriate and what the commenter defines as "not a nationwide data source". This source utilizes methodology and data developed by widely recognized sources including the Institute of Transportation Engineers, U.S. Department of Energy, and the San Diego Association of Governments. Furthermore, this source has been utilized in numerous other environmental documents to estimate the employee generation including within the City of Irwindale, City of Los Angeles, and City/County of San Francisco.²³

Employees for the construction and operation of the proposed project are assumed to be residents of the City, as is implied by the discussion of impacts to the *City's* population in Impact POP-1 on page 8-7 of the Draft EIR. While not all employees of the proposed project may be residents of the City of Irwindale, this assumption is supported by the current unemployment rate in the City which is estimated by the California Employment Development Department to be 4.6 percent in May of 2024.²⁴ As such, it can be assumed that there are potential employees within the City that would fill these positions. Furthermore, the residences of future employees cannot be determined at this time; the proposed project includes adoption of a Specific Plan and associated land use changes and is not expected to be operational until late 2027. There is also no requirement under CEQA to geographically locate potential future employees or residents for any proposed development projects.

While the proposed project would generate a substantial number jobs, the analysis in the Draft EIR substantiates that when added to the number of existing jobs in the City, the jobs from the proposed project do not exceed SCAG's projections for the City in 2035

²³ See the following documents:

Los Angeles, City of. 2017. Sapphire Project Draft Environmental Impact Report (State Clearinghouse # 2016031029).

<https://planning.lacity.gov/eir/Sapphire/deir/Sapphire%20Project%20Draft%20EIR.html>

San Francisco Planning Department. 2017, October. Notice of Preparation of a Draft EIR, 500 Turk Street Project.

https://sfplanning.s3.amazonaws.com/sfmea/2016-010340ENV_NOP-IS.pdf

Irwindale, City of. 2019, August. 13131 Los Angeles Street Industrial Project (State Clearinghouse # 2019080276).

https://files.ceqanet.opr.ca.gov/254608-3/attachment/ZsCl_lTrL2HJcv6CiT1FvEKpneH872XCWuokerCIWQpQW3XGMMz-H3bX_czPGhtksCBuE2cTZXXZa46Np0

²⁴ California Employment Development Department. 2024, May. Unemployment Rate and Labor Force Data for Cities and Sub-County Places. <https://labormarketinfo.edd.ca.gov/data/unemployment-and-labor-force.html>

2. Response to Comments

and 2050²⁵, as seen in the discussion of Impact POP-1 in Chapter 8 of the Draft EIR. The impacts associated with the proposed project, including cumulatively-considerable impacts, were fully evaluated and disclosed by the Draft EIR, and where necessary mitigation measures were identified to reduce the proposed project's impacts to the maximum feasible extent. Furthermore, this Comment does not otherwise claim that the employment growth contributed by the proposed project would result in a significant environmental effect.

O2-21 The majority of the individual comments made in this comment regarding Significant Irreversible Changes due to the Proposed Project and Growth Inducing Impacts of the Proposed Project have been stated in previous comments. Following is a reference to the responses to those comments:

- Air Quality and GHG impacts to disadvantaged communities. Please refer to Response O2-4.
- Requirement for General Plan land use designation of Specific Plan. Please refer to Response O2-3.
- Use of City's General Plan with 2020 Horizon Year for cumulative analyses. Please refer to Response O2-5.

This comment also asserts that a revised EIR is required to demonstrate the impact of the proposed project in a cumulative setting. Specifically, the commenter states that the proposed project combined with other recently approved industrial projects would cumulatively generate 2,235 employees which is 159% of the City's employment growth forecast over 29 years for only four projects. The commenter does not state the source of the City's forecast which would be 1,405 employees (based on the 159%). The DEIR addresses population, housing and employment projections in Chapter 8, *Impacts Found Not to be Significant*. As noted in that chapter, SCAG forecasts the City of Irwindale would have 20,300 jobs by 2020 and 21,000 jobs by 2035²⁶. However, as of 2020, the City has only 15,229 jobs.²⁷ The 2,235 total employment noted by the commenter for the industrial projects since 2019 would be accommodated within that growth (21,000-15,229=5,771).

DEIR Chapter 10, *Growth Inducing Impacts of the Proposed Project*, responds to the criteria outlined by CEQA to examine way in which a proposed project could foster economic

²⁵ SCAG projects that the City will have 21,000 jobs in 2035 and 21,500 jobs in 2050. Southern California Association of Governments (SCAG). 2020. 2016-2040 RTP/SCS Final Growth Forecast by Jurisdiction. https://scag.ca.gov/sites/main/files/file-attachments/2016_2040rtpscs_finalgrowthforecastbyjurisdiction.pdf?1605576071

²⁶ SCAG projects that the City will have 21,000 jobs in 2035 and 21,500 jobs in 2050. Southern California Association of Governments (SCAG). 2020. 2016-2040 RTP/SCS Final Growth Forecast by Jurisdiction. https://scag.ca.gov/sites/main/files/file-attachments/2016_2040rtpscs_finalgrowthforecastbyjurisdiction.pdf?1605576071

²⁷ US Census Bureau. 2023, August 1 (accessed). Origin-Destination Employment Statistics, Work Area Profile Analysis, Irwindale, CA, 2020. <https://onthemap.ces.census.gov/>

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population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. These questions facilitated consideration of the overall cumulative setting and related potential impacts. The review substantiates the reasons why the project would not result in significant, growth-inducing impacts.

- O2-22 The responses above address this commenter's concerns regarding the adequacy of the DEIR. None of the clarification in the responses or revisions to the DEIR as included in Chapter 3 of this Final EIR trigger the requirements for recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

As requested, the City will add Golden State environmental Justice Alliance to the public interest list to receive future notices regarding the proposed Irwindale Gateway Specific Plan project.

2. Response to Comments

LETTER O2A – SWAPE, Matt Hagemann, P.G., C.Hg. and Paul Rosenfeld, PhD (20 pages)



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June 20, 2024

Gary Ho
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**Subject: Comments on the Irwindale Gateway Specific Plan Draft EIR Project (SCH
 No. 2023020290)**

Dear Mr. Ho,

We have reviewed the May 2024 Draft Environmental Impact Report (“DEIR”) for the Irwindale Gateway Specific Plan (“Project”) located in the City of Irwindale (“City”). The Project proposes to construct either of two options: Option 1 proposes to construct 954,796-square-feet (“SF”) of warehouse space, 43,000-SF of office space, and 1,264 parking spaces; Option 2 proposes to construct 668,070-SF of warehouse space, 36,000-SF of office space, 874 parking spaces, and a 15.94 acre-Battery Energy Storage System (“BESS”) on the 52.65-acre site.

O2A-1

Our review concludes that the DEIR fails to adequately evaluate the Project’s air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report (“EIR”) should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas (“GHG”) impacts that the project may have on the environment.

Air Quality

Failure to Provide Complete CalEEMod Output Files

Land use development projects under the California Environmental Quality Act (“CEQA”) typically evaluate air quality impacts and calculate potential criteria air pollutant emissions using the California

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Emissions Estimator Model (“CalEEMod”).¹ CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence. Once all of the values are inputted into the model, the Project’s construction and operational emissions are calculated, and “output files” are generated. These output files disclose to the reader what parameters are used in calculating the Project’s air pollutant emissions and demonstrate which default values are changed. Justifications are provided for the selected values.

According to the Air Quality and Greenhouse Gas Analysis (“AQ & GHG Analysis”), provided as Appendix D1 to the DEIR, CalEEMod Version 2022.1 is relied upon to estimate Project emissions (DEIR, 5.2-23). However, this poses a problem, as the currently available version of CalEEMod 2022.1 is described as a “soft release” which fails to provide complete output files.² Specifically, the “User Changes to Default Data” table no longer provides the quantitative counterparts to the changes to the default values (see excerpt below) (Appendix D1, pp. 143, 148, 154, 158, 162, 165, 168, 172, 175):

8. User Changes to Default Data Screen	Justification
Characteristics: Project Details	2021 SCE Sustainability Report based on the construction schedule provided by the applicant Building 1 Trenching, Buildings 2 and 3 Trenching, and Finishing/Landscaping equipment based on equipment mix approved by Applicant see assumptions file for water truck trips calculations modified lot acreage adjusted to account for multiple stories SCAQMD Rule 1113. Parking area only accounts for parking lots to be striped 2021 SCE Sustainability Report
Characteristics: Utility Information	
Construction: Construction Phases	
Construction: Off-Road Equipment	
Construction: Trips and VMT	
Land Use	
Construction: Architectural Coatings	
Construction: Electricity	

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cont'd

However, previous CalEEMod Versions, such as 2020.4.0, include the specific numeric changes to the model’s default values (see example excerpt below):

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	230.00	167.00
tblConstructionPhase	PhaseEndDate	11/22/2023	8/25/2023
tblConstructionPhase	PhaseEndDate	9/27/2023	6/30/2023
tblConstructionPhase	PhaseEndDate	10/25/2023	7/28/2023
tblConstructionPhase	PhaseStartDate	10/26/2023	7/29/2023
tblConstructionPhase	PhaseStartDate	9/28/2023	7/1/2023
tblLandUse	LandUseSquareFeet	160,000.00	160,371.00
tblLandUse	LandUseSquareFeet	119,000.00	41,155.00
tblLandUse	LotAcreage	3.67	3.68
tblLandUse	LotAcreage	2.73	2.74

¹ “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.agmd.gov/caleemod/user-s-guide>.

² “CalEEMod California Emissions Estimator Model Soft Release.” California Air Pollution Control Officers Association (CAPCOA), 2022, available at: <https://caleemod.com/>.

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The output files associated with CalEEMod Version 2022.1 fail to present the exact parameters used to calculate Project emissions. To remedy this issue, the DEIR should have provided access to the model’s “.JSON” output files, which allow third parties to review the model’s revised input parameters.³ Without access to the complete output files, including the specific numeric changes to the default values, we cannot verify that the DEIR’s air modeling and subsequent analysis is an accurate reflection of the proposed Project. As a result, a revised EIR should be prepared to include an updated air quality analysis that correctly provides the complete output files for CalEEMod Version 2022.1, or includes an updated air model using an older release of CalEEMod.⁴

O2A-2
cont'd

Unsubstantiated Input Parameters Used to Estimate Project Emissions

As previously discussed, the DEIR relies on CalEEMod Version 2022.1 to estimate the Project’s air quality emissions and fails to provide the complete output files required to adequately evaluate model’s analysis (p. 5.2-24). Regardless, when reviewing the Project’s CalEEMod output files, provided in the AQ & GHG Analysis, we were able to identify several model inputs that are inconsistent with information disclosed in the DEIR. As such, the Project’s construction and operational emissions may be underestimated. A revised 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.

O2A-3

Incorrect Application of Tier 4 Final Mitigation

Review of the CalEEMod output files demonstrates that the “Irwindale Gateway Project Construction (Option 1)” and “Irwindale Gateway Project Construction (Option 2)” models include several changes to the default individual construction phase lengths (see excerpt below) (Appendix D1, pp. 134, 143).

8. User Changes to Default Data	Justification
Screen	
Characteristics: Project Details	
Characteristics: Utility Information	2021 SCE Sustainability Report
Construction: Construction Phases	based on the construction schedule provided by the applicant
Construction: Off-Road Equipment	Building 1 Trenching, Buildings 2 and 3 Trenching, and Finishing/Landscaping equipment based on equipment mix approved by Applicant
Construction: Trips and VMT	see assumptions file for water truck trips calculations
Land Use	modified lot acreage adjusted to account for multiple stories
Construction: Architectural Coatings	SCAQMD Rule 1113. Parking area only accounts for parking lots to be striped
Construction: Electricity	2021 SCE Sustainability Report

O2A-4

As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.⁵ According to the “User Entered Comments & Non-Default Data” table, the justification provided for the changes included in the changes is:

³ “Video Tutorials for CalEEMod Version 2022.1.” California Air Pollution Control Officers Association (CAPCOA), May 2022, available at: <https://www.caleemod.com/tutorials>.

⁴ “CalEEMod Version 2020.4.0.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <http://www.aqmd.gov/caleemod/download-model>.

⁵ “CalEEMod User’s Guide Version 2020.4.0.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 1, 14.

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“Building 1 Trenching, Buildings 2 and 3 Trenching, and Finishing/Landscaping equipment based on equipment mix approved by Applicant” (Appendix D1, pp. 134, 143).

As a result, the “Irwindale Gateway Project Construction (Option 1)” model assumes that some of the Project’s off-road construction equipment fleet would meet Tier 4 Final emissions standards (see excerpt below) (Appendix D1, pp. 132, 148, 153, 157).

5.2.2. Mitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Option 1 Rough Grading	Excavators	Diesel	Tier 4 Final	2	8	36	0.38
Option 1 Rough Grading	Graders	Diesel	Tier 4 Final	1	8	148	0.41
Option 1 Rough Grading	Rubber Tired Dozers	Diesel	Tier 4 Final	1	8	367	0.4
Option 1 Rough Grading	Scrapers	Diesel	Tier 4 Final	2	8	423	0.48
Option 1 Rough Grading	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	2	8	84	0.37
Option 1 Fine Grading	Excavators	Diesel	Tier 4 Final	2	8	36	0.38
Option 1 Fine Grading	Graders	Diesel	Tier 4 Final	1	8	148	0.41
Option 1 Fine Grading	Rubber Tired Dozers	Diesel	Tier 4 Final	1	8	367	0.4
Option 1 Fine Grading	Scrapers	Diesel	Tier 4 Final	2	8	423	0.48
Option 1 Fine Grading	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	2	8	84	0.37
Option 1 Building 1 Construction	Cranes	Diesel	Tier 4 Final	1	7	367	0.29
Option 1 Building 1 Construction	Forklifts	Diesel	Tier 4 Final	3	8	82	0.2
Option 1 Building 1 Construction	Generator Sets	Diesel	Average	1	8	14	0.74
Option 1 Building 1 Construction	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	3	7	84	0.37
Option 1 Building 1 Construction	Welders	Diesel	Tier 4 Final	1	8	46	0.45
Option 1 Buildings 2 and 3 Construction	Cranes	Diesel	Tier 4 Final	1	7	367	0.29
Option 1 Buildings 2 and 3 Construction	Forklifts	Diesel	Tier 4 Final	3	8	82	0.2
Option 1 Buildings 2 and 3 Construction	Generator Sets	Diesel	Average	1	8	14	0.74
Option 1 Buildings 2 and 3 Construction	Tractors/Loaders/Backhoes	Diesel	Tier 4 Final	3	7	84	0.37
Option 1 Buildings 2 and 3 Construction	Welders	Diesel	Tier 4 Final	1	8	46	0.45
Option 1 Building 1 Paving	Pavers	Diesel	Tier 4 Final	2	8	81	0.42
Option 1 Building 1 Paving	Paving Equipment	Diesel	Tier 4 Final	2	8	89	0.36
Option 1 Building 1 Paving	Rollers	Diesel	Tier 4 Final	2	8	36	0.38
Option 1 Building 1 Architectural Coating	Air Compressors	Diesel	Tier 4 Final	1	6	37	0.48
Option 1 Buildings 2 and 3 Architectural Coating	Air Compressors	Diesel	Tier 4 Final	1	6	37	0.48
Option 1 Building 1 Utility Trenching	Cranes	Diesel	Tier 4 Final	1	8	367	0.29
Option 1 Building 1 Utility Trenching	Crawler Tractors	Diesel	Tier 4 Final	1	8	87	0.43
Option 1 Building 1 Utility Trenching	Excavators	Diesel	Tier 4 Final	2	8	36	0.38
Option 1 Building 1 Utility Trenching	Off-Highway Trucks	Diesel	Tier 4 Final	1	8	376	0.38
Option 1 Building 1 Utility Trenching	Rubber Tired Loaders	Diesel	Tier 4 Final	1	8	150	0.36
Option 1 Buildings 2 and 3 Utility Trenching	Cranes	Diesel	Tier 4 Final	1	8	367	0.29
Option 1 Buildings 2 and 3 Utility Trenching	Crawler Tractors	Diesel	Tier 4 Final	1	8	87	0.43
Option 1 Buildings 2 and 3 Utility Trenching	Excavators	Diesel	Tier 4 Final	2	8	36	0.38
Option 1 Buildings 2 and 3 Utility Trenching	Off-Highway Trucks	Diesel	Tier 4 Final	1	8	376	0.38

O2A-4
cont'd

Additionally, the “Irwindale Gateway Project Construction (Option 2)” model assumes that some of the Project’s off-road construction equipment fleet would meet Tier 4 Interim emissions standards (see excerpt below) (Appendix D1, pp. 142).

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5.2.2. Mitigated							
Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Option 2 Rough Grading	Excavators	Diesel	Tier 4 Interim	2	8	36	0.38
Option 2 Rough Grading	Graders	Diesel	Tier 4 Interim	1	8	148	0.41
Option 2 Rough Grading	Rubber Tired Dozers	Diesel	Tier 4 Interim	1	8	367	0.4
Option 2 Rough Grading	Scrapers	Diesel	Tier 4 Interim	2	8	423	0.48
Option 2 Rough Grading	Tractors/Loaders/Backhoes	Diesel	Tier 4 Interim	2	8	84	0.37
Option 2 Fine Grading	Excavators	Diesel	Tier 4 Interim	2	8	36	0.38
Option 2 Fine Grading	Graders	Diesel	Tier 4 Interim	1	8	148	0.41
Option 2 Fine Grading	Rubber Tired Dozers	Diesel	Tier 4 Interim	1	8	367	0.4
Option 2 Fine Grading	Scrapers	Diesel	Tier 4 Interim	2	8	423	0.48
Option 2 Fine Grading	Tractors/Loaders/Backhoes	Diesel	Tier 4 Interim	2	8	84	0.37
Option 2 BESS Construction	Cranes	Diesel	Tier 4 Interim	1	7	367	0.29
Option 2 BESS Construction	Forklifts	Diesel	Tier 4 Interim	3	8	82	0.2
Option 2 BESS Construction	Generator Sets	Diesel	Average	1	8	14	0.74
Option 2 BESS Construction	Tractors/Loaders/Backhoes	Diesel	Tier 4 Interim	3	7	84	0.37
Option 2 BESS Construction	Welders	Diesel	Tier 4 Interim	1	8	46	0.45
Option 2 Buildings 1 and 2 Construction	Cranes	Diesel	Tier 4 Interim	1	7	367	0.29
Option 2 Buildings 1 and 2 Construction	Forklifts	Diesel	Tier 4 Interim	3	8	82	0.2
Option 2 Buildings 1 and 2 Construction	Generator Sets	Diesel	Average	1	8	14	0.74
Option 2 Buildings 1 and 2 Construction	Tractors/Loaders/Backhoes	Diesel	Tier 4 Interim	3	7	84	0.37
Option 2 Buildings 1 and 2 Construction	Welders	Diesel	Tier 4 Interim	1	8	46	0.45
Option 2 BESS Site Paving	Pavers	Diesel	Tier 4 Interim	2	8	81	0.42
Option 2 BESS Site Paving	Paving Equipment	Diesel	Tier 4 Interim	2	8	89	0.36
Option 2 BESS Site Paving	Rollers	Diesel	Tier 4 Interim	2	8	36	0.38
Option 2 Buildings 1 and 2 Architectural Coating	Air Compressors	Diesel	Tier 4 Interim	1	6	37	0.48
Option 2 BESS Site Utility Trenching	Cranes	Diesel	Tier 4 Interim	1	8	367	0.29
Option 2 BESS Site Utility Trenching	Crawler Tractors	Diesel	Tier 4 Interim	1	8	87	0.43
Option 2 BESS Site Utility Trenching	Excavators	Diesel	Tier 4 Interim	2	8	36	0.38
Option 2 BESS Site Utility Trenching	Off-Highway Trucks	Diesel	Tier 4 Interim	1	8	376	0.38
Option 2 BESS Site Utility Trenching	Rubber Tired Loaders	Diesel	Tier 4 Interim	1	8	150	0.36
Option 2 Buildings 1 and 2 Utility Trenching	Cranes	Diesel	Tier 4 Interim	1	8	367	0.29
Option 2 Buildings 1 and 2 Utility Trenching	Crawler Tractors	Diesel	Tier 4 Interim	1	8	87	0.43
Option 2 Buildings 1 and 2 Utility Trenching	Excavators	Diesel	Tier 4 Interim	2	8	36	0.38
Option 2 Buildings 1 and 2 Utility Trenching	Off-Highway Trucks	Diesel	Tier 4 Interim	1	8	376	0.38
Option 2 Buildings 1 and 2 Utility Trenching	Rubber Tired Loaders	Diesel	Tier 4 Interim	1	8	150	0.36
Option 2 Finishing/Landscaping	Cranes	Diesel	Tier 4 Interim	1	8	367	0.29
Option 2 Finishing/Landscaping	Crawler Tractors	Diesel	Tier 4 Interim	1	8	87	0.43
Option 2 Finishing/Landscaping	Excavators	Diesel	Tier 4 Interim	2	8	36	0.38
Option 2 Finishing/Landscaping	Off-Highway Trucks	Diesel	Tier 4 Interim	1	8	376	0.38
Option 2 Finishing/Landscaping	Rubber Tired Loaders	Diesel	Tier 4 Interim	1	8	150	0.36

O2A-4
cont'd

Note: Screenshot does not include all the applicable changes.

Furthermore, the DEIR provides additional information regarding Tier 4 requirements, stating:

“Tier 4. If emissions exceed the screening threshold, a more detailed review of the project’s GHG emissions is warranted” (p. 5.6-16).

However, the assumption that the Project’s off-road construction equipment fleet would meet Tier 4 final and Tier 4 interim emissions standards remains unsupported as the DEIR fails to explicitly require these standards through a formal mitigation measure. This is incorrect, as according to the Association of Environmental Professionals (“AEP”) *CEQA Portal Topic Paper* on mitigation measures:

“While not ‘mitigation’, a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the

2. Response to Comments

design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact” (emphasis added).⁶

As demonstrated in the excerpt above, measures that are not formally included in the mitigation monitoring and reporting program may be eliminated from the Project’s design altogether. As the use of construction equipment with Tier 4 Final and Tier 4 Interim emissions standards are not formally included as mitigation measures, we cannot guarantee that these standards would be implemented, monitored, and enforced on the Project site. Consequently, the models’ assumption that the off-road construction equipment fleet would adhere to Tier 4 Final and Tier 4 Interim emissions standards is incorrect.

O2A-4
cont'd

Unsubstantiated Changes to Fleet Mix Values

Review of the CalEEMod output files demonstrates that the “Irwindale Gateway Project (Option 1) Operations” and “Irwindale Gateway Project (Option 2) Operations” models include changes to the default operational vehicle fleet mix percentages (see excerpt below) (Appendix D1, pp. 162, 168, 172).

A. User Changes to Default Data	Justification
Screen	
Characteristics: Project Details	2021 SCE Sustainability Report
Characteristics: Utility Information	Based on land use area provided by applicant
Land Use	
Operations: Vehicle Data	represents passenger trips only, assumes operations on weekdays and weekends, assumes 100% non-toxic HW trips
Operations: Fleet Mix	fleet mix for this project is modified to reflect a higher proportion of passenger vehicles than the regional VMT. Assumes a mix of approximately 97% passenger vehicles, 2% medium duty trucks, and 1% heavy duty trucks and buses.
Operations: Water and Wastewater	based on water and wastewater numbers from the Utilities and Service Systems section. Assumes 100% aerobic treatment.
Operations: Solid Waste	based on the CalRecycle Solid Waste Generation Rate of 1.42 lb/KSF/day. See Section 5.17, Utilities and Service Systems for calculations.
Operations: Architectural Coatings	see assumptions file for stripping calls.

As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.⁷ According to the “User Entered Comments & Non-Default Data” table, the justification provided for the changes included in the changes is:

O2A-5

“Fleet mix for the project is modified to reflect a higher proportion of passenger vehicles than the regional VMT. Assumes a mix of approximately 97% passenger vehicles, 2% medium duty trucks, and 1% heavy duty trucks and buses.” (Appendix D1, pp. 162, 168, 172).

However, these changes remain unsubstantiated. As previously discussed, the output files for CalEEMod 2022.1 do not present the numeric changes to any model defaults. Upon further review of the output files, changes to fleet mix percentages are not mentioned outside of the “User Changes to Default Data” table. Until the DEIR verifies the breakdown of heavy-heavy duty (“HHD”), medium-heavy duty (“MHD”), and light-heavy duty (“LHD1, LDH2”) trucks used in the model, we cannot verify that these values are accurate and consistent with the information provided by the DEIR.⁸

⁶ “CEQA Portal Topic Paper Mitigation Measures.” AEP, February 2020, available at: <https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf>, p. 6.

⁷ “CalEEMod User’s Guide Version 2020.4.0.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 1, 14.

⁸ “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 38.

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These unsubstantiated changes present an issue, as CalEEMod uses operational vehicle fleet mix percentages to calculate the Project’s operational emissions associated with on-road vehicles.⁹ By including several unsubstantiated changes to the default operational vehicle fleet mix percentages, the models may underestimate the Project’s mobile-source operational emissions and should not be relied upon to determine Project significance.

O2A-5
cont'd

Unsubstantiated Changes to Operational Wastewater Values

Review of the CalEEMod output files demonstrates that “Irwindale Gateway Project (Option 1) Operations” and “Irwindale Gateway Project (Option 2) Operations” models include changes to the default operational water and wastewater values (see excerpt below) (Appendix D1, pp. 165, 168, 172, 175).

A. User Changes to Default Data	Justification
Screens	
Characteristics: Project Details	2022 SCC Sustainability Report
Characteristics: Utility Information	based on land use area provided by applicant
Land Use	
Operations: Vehicle Data	represents passenger trips only, assumes operations on weekdays and weekends, assumes 100% nonres HW trips
Operations: Fleet Mix	Fleet mix for the project is modified to reflect a higher proportion of passenger vehicles than the regional VMT. Assumes a mix of approximately 97% passenger vehicles, 2% medium duty trucks, and 1% heavy duty trucks and buses.
Operations: Water and Wastewater	based on water and wastewater numbers from the Utilities and Service Systems section. Assumes 100% aerobic treatment.
Operations: Solid Waste	based on the California Solid Waste Generation Rate of 5.02 lb/KSF/day. See Section 5.17, Utilities and Service Systems for calculations.
Operations: Architectural Coatings	see assumptions file for stripping calls.

As previously mentioned, the CalEEMod User’s Guide requires any changes to model defaults be justified.¹⁰ As demonstrated above in the “User Changes to Default Data” table, the justification provided for these changes is:

“Based on water and wastewater numbers from the Utilities and Service Systems section. Assumes 100% aerobic treatment” (Appendix D1, pp. 165, 168, 172, 175).

O2A-6

However, this justification is insufficient, as the DEIR fails to mention or substantiate this claim whatsoever. As previously discussed, the CalEEMod User’s Guide requires changes to be supported by substantial evidence.¹¹ As the DEIR fails to provide substantial evidence to support the changes to the operational water and wastewater values, we cannot verify the changes.

Furthermore, additional review demonstrates that CalEEMod version 2022.1 fails to display the wastewater treatment values and percentages. As such, we cannot verify these changes.

These unsubstantiated changes present an issue, as each type of wastewater treatment system is associated with different GHG emission factors, which are used by CalEEMod to calculate the Project’s total GHG emissions.¹² By including unsubstantiated changes to the default wastewater treatment

⁹ “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 36.

¹⁰ “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 1, 14.

¹¹ “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 13, 14.

¹² “CalEEMod User’s Guide.” California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: <https://www.aqmd.gov/caleemod/user-s-guide>, p. 45.

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system percentages, the model may underestimate the Project’s GHG emissions and should not be relied upon to determine Project significance.

O2A-6
cont'd

Updated Analysis Indicates a Potentially Significant Air Quality Impact

In an effort to more accurately estimate the Project’s construction-related emissions we prepared an updated CalEEMod model of Project Option 1, using the Project-specific information provided by the DEIR. In our updated model, we proportionately changed the default construction phase lengths to match the proposed construction duration of 37 months.¹³

Our updated analysis estimates that the volatile organic compound (“VOC”) emissions associated with Project construction exceed the applicable South Coast Air Quality Management District (“SCAQMD”) threshold of 75 pounds per day (“lbs/day”) (see table below).¹⁴

SWAPE Criteria Air Pollutant Emissions	
Construction	VOC (lbs/day)
DEIR	75
SWAPE	167.5
% Increase	123.3%
SCAQMD Threshold	75
Exceeds?	Yes

O2A-7

As demonstrated above, construction-related VOC emissions, as estimated by SWAPE, increase by approximately 123.3% and exceed the applicable SCAQMD significance threshold. Our updated modeling demonstrates that the Project would result in a potentially significant air quality impact that was not previously identified or addressed by the DEIR. A revised EIR should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the environment.

Furthermore, after review of the DEIR and associated documents, it is strongly recommended that of the two separate proposed land use options for Project development, the lead agency adopts Option 2, which as previously discussed, includes 15.94-acres of a BESS. As discussed by the SCAQMD, “CEQA requires the use of ‘conservative analyses to afford ‘fullest possible protection of the environment.’”¹⁵ To be consistent with CEQA guidelines requiring the most conservative approach, we recommend the lead agency adopts the proposed land uses associated with Option 2 in order to mitigate potential air quality, health risk, and GHG impacts to the maximum extent feasible.

O2A-8

¹³ See Attachment A for updated CalEEMod model.

¹⁴ “South Coast AQMD Air Quality Significance Thresholds.” SCAQMD, March 2023, available at: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf?sfvrsn=25>.

¹⁵ “Warehouse Truck Trip Study Data Results and Usage” Presentation. SCAQMD Inland Empire Logistics Council, June 2014, available at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/high-cube-warehouse-trip-rate-study-for-air-quality-analysis/final-ielc_6-19-2014.pdf?sfvrsn=2.

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Disproportionate Health Risk Impacts of Warehouses on Surrounding Communities

Upon review of the DEIR and associated documents, we have determined that the development of the proposed Project may contribute to the disproportionate health risk impacts that warehouses pose to community members living, working, and going to school within the immediate area of the Project site. According to SCAQMD:

“Those living within a half mile of warehouses are more likely to include communities of color, have health impacts such as higher rates of asthma and heart attacks, and a greater environmental burden.”¹⁶

In particular, the SCAQMD found that more than 2.4 million people live within a half mile radius of at least one warehouse, and that those areas not only experience increased rates of asthma and heart attacks, but are also disproportionately Black and Latino communities below the poverty line.¹⁷ Another study similarly indicates that “neighborhoods with lower household income levels and higher percentages of minorities are expected to have higher probabilities of containing warehousing facilities.”¹⁸ Additionally, a report authored by the Inland Empire-based People’s Collective for Environmental Justice and University of Redlands states:

“As the warehouse and logistics industry continues to grow and net exponential profits at record rates, more warehouse projects are being approved and constructed in low-income communities of color and serving as a massive source of pollution by attracting thousands of polluting truck trips daily. Diesel trucks emit dangerous levels of nitrogen oxide and particulate matter that cause devastating health impacts including asthma, chronic obstructive pulmonary disease (COPD), cancer, and premature death. As a result, physicians consider these pollution-burdened areas ‘diesel death zones.’”¹⁹

It is evident that the continued development of industrial warehouses within these communities poses a significant environmental justice challenge. However, the acceleration of warehouse development is only increasing despite the consequences on public health.

Irwindale, the setting of the proposed Project, has long borne a disproportionately high pollution burden compared to the rest of California. When using CalEnviroScreen 4.0, CalEPA’s screening tool that ranks

¹⁶ “South Coast AQMD Governing Board Adopts Warehouse Indirect Source Rule.” SCAQMD, May 2021, available at: <http://www.aqmd.gov/docs/default-source/news-archive/2021/board-adopts-waisr-may7-2021.pdf?sfvrsn=9>.

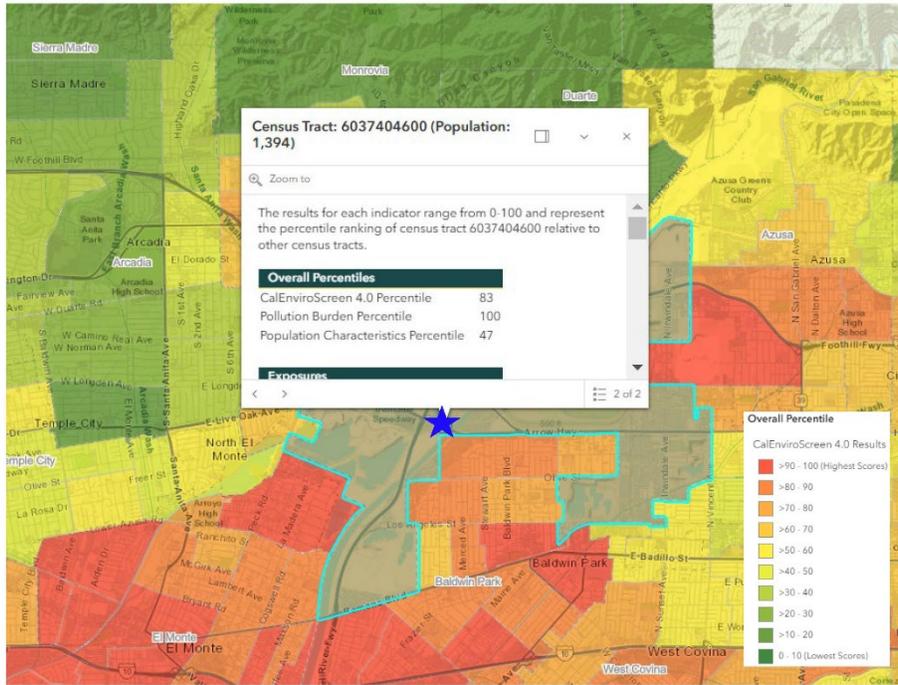
¹⁷ “Southern California warehouse boom a huge source of pollution. Regulators are fighting back.” Los Angeles Times, May 2021, available at: <https://www.latimes.com/california/story/2021-05-05/air-quality-officials-target-warehouses-bid-to-curb-health-damaging-truck-pollution>.

¹⁸ “Location of warehouses and environmental justice: Evidence from four metros in California.” Metro Freight Center of Excellence, January 2018, available at: https://www.metrotrans.org/assets/research/MF%201.1g_Location%20of%20warehouses%20and%20environmental%20justice_Final%20Report_021618.pdf, p. 21.

¹⁹ “Warehouses, Pollution, and Social Disparities: An analytical view of the logistics industry’s impacts on environmental justice communities across Southern California.” People’s Collective for Environmental Justice, April 2021, available at: https://earthjustice.org/sites/default/files/files/warehouse_research_report_4.15.2021.pdf, p. 4.

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each census tract in the State for pollution and socioeconomic vulnerability, we found that the Project's census tract is in the 100th percentile of most polluted census tracts in the state (see excerpt below).²⁰



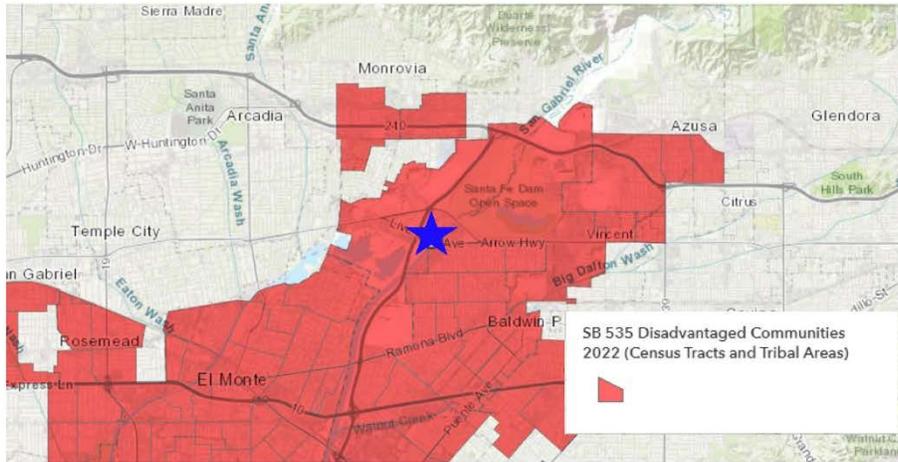
O2A-9
cont'd

According to CalEnviroScreen's SB 535 Disadvantaged Communities Map, the Project site is located in a designated disadvantaged community (see excerpt below).²¹

²⁰ "CalEnviroScreen 4.0." California Office of Environmental Health Hazard Assessment (OEHHA), October 2021, available at: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>.

²¹ "SB 535 Disadvantaged Communities (2022 Update)." California Environmental Protection Agency, available at: <https://experience.arcgis.com/experience/1c21c53da8de48f1b946f3402fbae55c/page/SB-535-Disadvantaged-Communities/>

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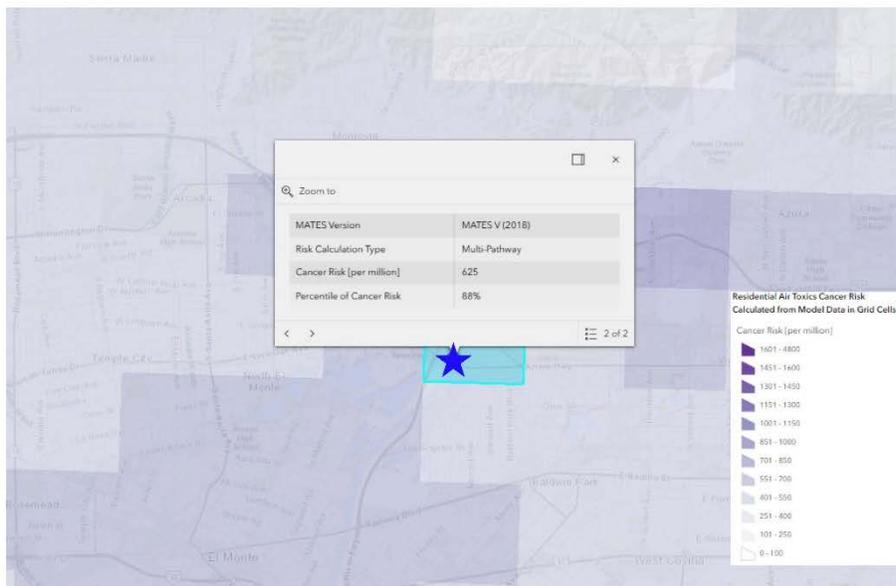
SB 535 provides funding for development projects that provide a benefit to disadvantaged communities. CalEPA has been given the responsibility for identifying those communities based on "geographic, socioeconomic, public health, and environmental hazard criteria."²² As the Project site is located in a designated disadvantaged community, and Project's census tract already exhibits a high cancer risk, development of the proposed Project would contribute to the disproportionate impact warehouses are posing to the health conditions of nearby residents.

The Data Visualization Tool for Mates V, a monitoring and evaluation study conducted by SCAQMD, demonstrates that the City already exhibits a heightened residential carcinogenic risk from exposure to air toxins. Specifically, the location of the Project site is in the 88th percentile of highest cancer risks in the South Coast Air Basin, with a cancer risk of 625 in one million (see excerpt below).²³

²² "Final Designation of Disadvantaged Communities." California Environmental Protection Agency, available at: https://calepa.ca.gov/wp-content/uploads/sites/6/2022/05/Updated-Disadvantaged-Communities-Designation-DAC-May-2022-Eng.a.hp_-1.pdf?emrc=e05e10.

²³ "Residential Air Toxics Cancer Risk Calculated from Model Data in Grid Cells." MATES V, 2018, available at: <https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/Main-Page/?views=Click-tabs-for-other-data%2CGridded-Cancer-Risk>; see also: "MATES V Multiple Air Toxics Exposure Study." SCAQMD, available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

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O2A-9
cont'd

Therefore, development of the proposed warehouse would contribute to the disproportionate impact warehouses are posing to the health conditions of the residents in Irwindale.

In April 2022, the American Lung Association ranked Los Angeles County as the third worst for ozone pollution in the nation.²⁴ This year, the County continues to face the worst ozone pollution, as it has seen the highest recorded Air Quality Index (“AQI”) values for ground-level ozone in California.²⁵ The U.S. Environmental Protection Agency (“EPA”) indicates that ozone, the main ingredient in “smog,” can cause several health problems, which includes aggravating lung diseases and increasing the frequency of asthma attacks. The U.S. EPA states:

“Children are at greatest risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, which increases their exposure. Children are also more likely than adults to have asthma.”²⁶

Furthermore, regarding the increased sensitivity of early-life exposures to inhaled pollutants, the California Air Resources Board states:

²⁴ “State of the Air 2022.” American Lung Association, April 2022, available at: <https://www.lung.org/research/sota/key-findings/most-polluted-places>.

²⁵ “High Ozone Days.” American Lung Association, 2022, available at: <https://www.lung.org/research/sota/city-rankings/states/california>.

²⁶ “Health Effects of Ozone Pollution.” U.S. EPA, May 2021, available at: <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution>.

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"Children are often at greater risk from inhaled pollutants, due to the following reasons:

- Children have unique activity patterns and behavior. For example, they crawl and play on the ground, amidst dirt and dust that may carry a wide variety of toxicants. They often put their hands, toys, and other items into their mouths, ingesting harmful substances. Compared to adults, children typically spend more time outdoors and are more physically active. Time outdoors coupled with faster breathing during exercise increases children's relative exposure to air pollution.
- Children are physiologically unique. Relative to body size, children eat, breathe, and drink more than adults, and their natural biological defenses are less developed. The protective barrier surrounding the brain is not fully developed, and children's nasal passages aren't as effective at filtering out pollutants. Developing lungs, immune, and metabolic systems are also at risk.
- Children are particularly susceptible during development. Environmental exposures during fetal development, the first few years of life, and puberty have the greatest potential to influence later growth and development."²⁷

O2A-9
cont'd

A Stanford-led study also reveals that children exposed to high levels of air pollution are more susceptible to respiratory and cardiovascular diseases in adulthood.²⁸ Given children's higher propensity to succumb to the negative health impacts of air pollutants, and as warehouses release more smog-forming pollution than any other sector, it is necessary to evaluate the specific health risk that warehouses pose to children in the nearby community.

A revised EIR should be prepared to evaluate the proposed Project's contribution to the disproportionate impacts that warehouses are posing on the community adjacent to the Project site. The EIR should include an analysis of the impact on children and people of color who live and attend school in the surrounding area. Finally, to evaluate the cumulative air quality impact from the several warehouse projects proposed or built in a one-mile radius of the Project site, the EIR should also prepare a cumulative health risk assessment ("HRA") to quantify the adverse health outcome from the effects of exposure to multiple warehouses in the immediate area in conjunction with the poor ambient air quality in the Project's census tract.

O2A-10

Diesel Particulate Matter Emissions Inadequately Evaluated

The DEIR concludes that the proposed Project would result in a less-than-significant health risk impact based on a quantified construction and operational HRA, as detailed in the Mobile Health Risk Assessment ("HRA Report"), provided as Appendix D2 to the DEIR. Specifically, the HRA Report estimates that the cumulative maximum cancer risk posed to nearby, existing residential sensitive

O2A-11

²⁷ "Children and Air Pollution." California Air Resources Board (CARB), available at:

<https://ww2.arb.ca.gov/resources/documents/children-and-air-pollution>.

²⁸ "Air pollution puts children at higher risk of disease in adulthood, according to Stanford researchers and others." Stanford, February 2021, available at: <https://news.stanford.edu/2021/02/22/air-pollution-impacts-childrens-health/>.

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receptors associated with construction and operation for Option 1 would be 6.2-in one million, as well as Option 2, which is estimated to be 4.7-in one million, which would both not exceed the SCAQMD significance threshold of 10 in one million (see excerpt below) (p. D2-26, Table 4).

Table 4 Cumulative Analysis Results for Maximum Exposed Individual Resident

Site Option	Maximum Exposed Individual Resident (MEIR)	Cancer Risk (per million)	Chronic Hazards
Option 1	Project Construction	0.3	0.001
	Project Operation	5.9	0.002
	Combined Total	6.2	0.003
Option 2	Project Construction	0.3	0.001
	Project Operation	4.4	0.001
	Combined Total	4.7	0.002
South Coast AQMD Threshold		10	1.0
Exceeds Threshold?		No	No

O2A-11
cont'd

However, the DEIR's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for two reasons.

First, the DEIR's HRA is unreliable, as it relies upon emissions estimates from a flawed air model, as discussed above in the section titled "Unsubstantiated Input Parameters Used to Estimate Project Emissions." As such, the HRA is based on potentially underestimated DPM concentrations to calculate the health risk associated with Project construction. As a result, the DEIR's HRA and resulting cancer risk should not be relied upon to determine Project significance.

O2A-12

Second, the DEIR's operational HRA underestimates the Fraction of Time At Home ("FAH") values for the third trimester, infant, and child receptors. Specifically, the HRA Report utilizes an FAH value of 0.85 for the third trimester (age -0.25 to 0) and infant (age 0 to 2) receptors, an FAH value of 0.72 for the child receptors (age 2 to 16), and an FAH value of 0.73 for the adult receptors (age 16 to 30) (see excerpt below) (Appendix D2, p. D2-20).

Age Groups	BR/BW (L/kg-day)	ED	ASF	FAH
Third trimester	361	0.25	10	0.85
0-2 age group	1,090	2	10	0.85
2-9 age group	861	7	3	0.72
2-16 age group	745	14	3	0.72
16-30 age group	335	14	1	0.73

O2A-13

However, the FAH values used for the third trimester, infant, and childhood receptors are incorrect, as SCAQMD guidance clearly states:

"For Tiers 1, 2, and 3 screening purposes, the FAH is assumed to be 1 for ages third trimester to 16. As a default, children are assumed to attend a daycare or school in close proximity to their home and no discount should be taken for time spent outside of the area affected by the

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facility's emissions. People older than age 16 are assumed to spend only 73 percent of their time at home."²⁹

Per SCAQMD guidance, the HRA Report should have used an FAH of 1 for the third trimester, infant, child, and adult receptors. By relying on incorrect FAH values, the DEIR may underestimate the cancer risk posed to nearby, existing sensitive receptors as a result of Project construction and operation.

O2A-13
cont'd

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that Option 1 and Option 2 for the Project would generate net annual GHG emissions of 22,670 metric tons of carbon dioxide equivalents per year ("MT CO₂e/year") and 17,874 MT CO₂e/year, respectively (see excerpt below) (p. 5.6-21, Table 5.6-5; p. 5.6-22, Table 5.6-6).

Table 5.6-5 Project-Related GHG Emissions (Option 1)

Source	GHG Emissions	
	MTCO ₂ e per Year	Percentage
Mobile (Truck)	12,649	54%
Mobile (Passenger)	3,080	13%
Area	20	<1%
Energy	3,410	15%
Water	105	<1%
Solid Waste	81	<1%
Refrigerants	1,710	7%
TRUs	597	3%
Off-Road Equipment	1,650	7%
Amortized Construction Emissions ¹	153	1%
Total	22,670	100%
South Coast AQMD Bright-Line Threshold	3,000 MTCO ₂ e/Yr	NA
Exceeds Bright-Line Threshold?	Yes	NA

Source: CalEEMod, Version 2022.1.
Notes: MTCO₂e = metric ton of carbon dioxide equivalent.
¹ Total construction emissions are amortized over 30 years per South Coast AQMD methodology (South Coast AQMD 2009).

O2A-14

²⁹ "Risk Assessment Procedures." SCAQMD, August 2017, available at: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7.

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Table 5.6-6 Project-Related GHG Emissions (Option 2)

Source	GHG Emissions	
	MTCO ₂ e per Year	Percentage
Mobile (Truck)	9,544	53%
Mobile (Passenger)	1,949	11%
Area	14	<1%
Energy	2,786	15%
Water	105	1%
Solid Waste	57	<1%
Refrigerants	1,710	9%
TRUs	638	4%
Off-Road Equipment	1,156	6%
Amortized Construction Emissions ^{1,2}	128	1%
Total	17,874	100%
South Coast AQMD Bright-Line Threshold	3,000 MTCO ₂ e/yr	NA
Exceeds Bright-Line Threshold?	Yes	NA

Source: CalEEMod, Version 2022.1.
Notes: MTCO₂e = metric ton of carbon dioxide equivalent.
¹ Total construction emissions are amortized over 30 years per South Coast AQMD methodology (South Coast AQMD 2009).
² The connection of the BESS use to the off-site interconnection facilities is assumed to utilize the same equipment as the off-site roadway improvements. Therefore, construction of these transmission lines would not result in emissions higher than already modeled under the linear construction phases.

The DEIR concludes that the Project would result in a significant-and-unavoidable GHG impact, stating:

“Mitigation Measure GHG-3 would reduce emissions by 1,650 MTCO₂e/yr for Option 1 and 1,156 MTCO₂e/yr for Option 2 from utilization of all-electric off-road equipment. However, because the number of people who may utilize alternative modes of transportation is not known, the total reductions that the services provided through Mitigation Measures GHG-1, GHG-2, GHG-4, GHG-5, GHG-6, GHG-7, and other components of GHG-3 cannot be quantified. Neither the project applicant nor the lead agency (City of Irwindale) can substantively or materially affect reductions in project mobile-source emissions beyond the regulatory requirements. Because emissions would total 21,80515 MTCO₂e/yr under Option 1 and 16,93216 MTCO₂e/yr under Option 2, both options for the proposed project would still exceed 3,000 MTCO₂e/yr, and Impact 5.7-1 would remain significant and unavoidable” (p. 5.6-27).

As discussed, the DEIR concludes that the Project exceeds SCAQMD’s GHG threshold of 3,000 MT CO₂e for non-industrial projects, and claims there are no further available, implementable mitigation measures beyond MM AQ-1 through MM AQ-4 and MM GHG-1 through MM GHG-7. However, while we agree that the Project would result in a significant GHG impact, the DEIR’s assertion that this impact is *significant-and-unavoidable* is incorrect. According to the CEQA guidelines, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. Here, while the DEIR identifies mitigation measures MM AQ-1 through AQ-4 and MM GHG-1 through MM GHG-7, it fails to implement *all* feasible and available mitigation measures. We propose additional, feasible mitigation measures below that the Project can identify and incorporate into a revised EIR.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

According to CEQA Guidelines § 15096(g)(2):

O2A-14
cont'd

O2A-15

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“When an updated EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.”

O2A-15
cont'd

The DEIR is consequently required under CEQA to implement all feasible mitigation to reduce the Project’s potential impacts. As demonstrated in the sections above, the Project may result in potentially significant air quality, health risk, and GHG impacts that should be mitigated further.

First, in order to reduce the DPM emissions associated with Project construction and operation, we recommend the DEIR consider several mitigation measures (see list below).

Southern California Association of Governments (“SCAG”)’s 2020 RTP/SCS PEIR’s Air Quality Project Level Mitigation Measures (“PMM-AQ-1”) recommends:³⁰

- Minimize unnecessary vehicular and machinery activities;
- Require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project. Prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for a CARB-approved fleet. Daily logging of the operating hours of the equipment should also be required;
- Ensure that all construction equipment is properly tuned and maintained; and
- Minimize idling time to 5 minutes or beyond regulatory requirements —saves fuel and reduces emissions.

O2A-16

The Department of Justice (“DOJ”) recommends:³¹

- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations;
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off engines when not in use; and
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, the local air district, and the building manager.

Second, in order to reduce the GHG emissions associated with the Project, we recommend several mitigation measures (see list below).

O2A-17

SCAG’s 2020 RTP/SCS PEIR’s Greenhouse Gas Project Level Mitigation Measures (“PMM-GHG-1”) recommends:

³⁰ *Ibid.* p. 8 – 9.

³¹ *Ibid.* p. 8 – 9.

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- Incorporate bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network;
- Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations; and
- Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;
- Implement preferential parking permit program;
- Encourage telecommuting and alternative work schedules, such as:
 - Staggered starting times
 - Flexible schedules
 - Compressed work weeks
 - Implement commute trip reduction marketing, such as:
 - New employee orientation of trip reduction and alternative mode options
 - Event promotions
 - Publications;
- Price workplace parking, such as:
 - Explicitly charging for parking for its employees;
 - Implementing above market rate pricing;
 - Validating parking only for invited guests; TIAL
 - Not providing employee parking and transportation allowances; and
 - Educating employees about available alternatives; and
- Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that:
 - Provide transit passes;
 - Provide incentives or subsidies that increase that use of modes other than single-occupancy vehicle;
 - Provide on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms;
 - Provide employee transportation coordinators at employment sites; and
 - Provide a guaranteed ride home service to users of non-auto modes.

The Department of Justice (“DOJ”) recommends:³²

- Requiring all stand-by emergency generators to be powered by a non-diesel fuel;
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking;
- Designing to LEED green building certification standards;

³² *Ibid.* p. 9 – 10.

O2A-17
cont'd

2. Response to Comments

- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project;
- Running conduit to designated locations for future electric truck charging stations;
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance);
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations;
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route;
- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers; and
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

O2A-17
cont'd

CEQA Guidelines 15126.4 (c)(3) includes "offsite measures, including offsets that are not otherwise required, to mitigate a project's emissions" as an option for GHG mitigation.³³ We therefore recommend consideration of off-site reduction measures in the neighboring communities, as suggested to the Oakland Sports and Mixed-Use Project.³⁴

O2A-18

As demonstrated above, we have provided several mitigation measures that would reduce Project-related GHG emissions developed from sources including SCAG, the DOJ and others. These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently reduce emissions released during Project construction and operation.

O2A-19

A revised EIR should be prepared that includes *all* feasible mitigation measures, as well as updated air quality, health risk and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to the maximum extent feasible. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's potentially significant emissions are reduced to the maximum extent possible.

³³ "Cal. Code Regs. tit. 14 § 15126.4." CEQA Guidelines, May 2024, *available at*: <https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-9-contents-of-environmental-impact-reports/section-151264-consideration-and-discussion-of-mitigation-measures-proposed-to-minimize-significant-effects>.

³⁴ "Cal. Pub. Resources Code § 21168.6.7." 2023, *available at*: <https://casetext.com/statute/california-codes/california-public-resources-code/division-13-environmental-quality/chapter-6-limitations/section-2116867-oakland-sports-and-mixed-use-project-conditions-for-approval-certification-of-project-for-streamlining>.

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Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

Attachment A: SWAPE's CalEEMod Output Files

Attachment B: Matt Hagemann CV

Attachment C: Paul Rosenfeld CV

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Due to the large number of pages (150) and no comments, the balance of Letter O2A is provided as Appendix D of this Final Environmental Impact Report.

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2. Response to Comments

O2A Response to Comments from SWAPE, dated June 20, 2024

O2A-1 See responses for Comments O2A-2 through O2A-19.

O2A-2 Commenter indicates CalEEMod Version 2022.1 is described as a “soft release” and cites to the phrase, “CalEEMod California Emissions Estimator Model Soft Release”, and the web address of <https://caleemod.com> as support for this statement. However, the webpage of the web address provided includes no such phrase indicating the model as a soft release (see image below). Furthermore, per the CalEEMod Release Notes (<https://www.caleemod.com/release-notes>), the full version of CalEEMod was released on December 21, 2022. The layout and content of the CalEEMod output files as found in the output files provided in Appendix D1 of the Draft EIR have not changed from what was provided by the initial full release version of CalEEMod. Thus, the output files can be considered the full and complete versions. The version of CalEEMod used for the project was released after December 21, 2022, and is a full release version.



The commenter is incorrect in stating that the CalEEMod Version 2022.1 output file does not include the quantitative counterparts to the default values. Commenter references to “User Changes to Default Data”, which is Section 8 of a CalEEMod Version 2022.1 output file to support their assertion. In general, model inputs can be found under Section 5, Activity Data, of a CalEEMod Version 2022.1 output file. The activity data under

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Section 5 are included in the output files for each of the model runs included in Appendix D1 of the Draft EIR (e.g., see pages D1-130, 139, 145, 151, and 155 of Appendix D1). Furthermore, operation and construction-related modeling inputs for CalEEMod were also provided under the Assumptions Worksheet section of Appendix D1 on pages D1-78 through D1-106. These sources can be referred to for modeling data inputs.

O2A-3 See response to Comment O2A-2.

O2A-4 Tier 4 construction equipment as mitigation under CalEEMod mitigation module was not utilized in the EIR and only included with the model run in the event Tier 4 equipment was needed to reduce emissions below the South Coast AQMD regional construction emissions thresholds, it was not. The CalEEMod outputs include both “mitigated” and “unmitigated” model run scenarios. While the CalEEMod construction emissions modeling prepared did apply Tier 4 equipment as a mitigation under CalEEMod’s mitigation module, the emissions data used to determine potential project-related air quality impacts before mitigation (see Tables 5.2-9, 5.2-10, 5.2-13, 5.2-14, and 5.2-15) were based on the “unmitigated” emissions data provided in the CalEEMod output file. The “unmitigated” emissions data does not account for any Tier 4 emissions reductions.

Overall, the analysis provided in Chapter 5.2, *Air Quality*, of the Draft EIR does not rely on any emissions data that account for reductions from Tier 4 construction equipment. To avoid any confusion, all of the CalEEMod construction model runs have been updated to remove the reference to Tier 4 equipment and the updated CalEEMod output files are included in Appendix E of this Final EIR. As stated above, because the analysis in the Draft EIR did not use the emissions data that accounted for the Tier 4 emissions reductions, this update to the modeling does not affect any of the analysis and determinations in the Draft EIR.

O2A-5 The fleet mix used in the CalEEMod operations model runs in addition to the fleet mix details are included in Appendix D1 (see pages D1-103 through D1-106) of the Draft EIR.

O2A-6 Project-generated wastewater would be conveyed to the San Jose Creek Water Reclamation Plant (WRP) for treatment and would not involve the use of septic tanks. Furthermore, the San Jose Creek WRP does not employ the use of facultative lagoons.²⁸ Therefore, assumption that wastewater treatment would be 100 percent aerobic is supported.

In general, CalEEMod requires a user to enter a comment in the “Justification for changes” box within the model in order to change a model default value. Any changes to CalEEMod default values in the modeling are noted either in the “Justification for

²⁸ Los Angeles County Sanitation Districts (LACSD). 2024, July 11 (accessed). San Jose Creek Water Reclamation Plan. <https://www.lacsd.org/services/wastewater-sewage/facilities/san-jose-creek-water-reclamation-plant>.

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changes” comment box in the model which appear in Section 8: User Changes to Default Data in the CalEEMod output file. For water, comments note changes to water inputs for only water demand and wastewater treatment percentages. Additionally, changes to CalEEMod default values and details for modeling inputs used in place of CalEEMod default values are included under the Assumptions Worksheet section of Appendix D1 (pages D1-78 through D1-121) of the Draft EIR. The CalEEMod default wastewater treatment values could be verified by entering the water demand numbers found in Section 5: Activity Data of the CalEEMod output files and the wastewater treatment percentage(s) stated in Section 8: User Changes to Default Data of the CalEEMod output files. The water sector emissions as modeled by a user can be compared to the water sector emissions found in the Draft EIR. If the resulting water sector emissions are the same, then it would verify no changes were made to the wastewater treatment values.

O2A-7 Commenter prepared a separate construction model run for the proposed Option 1 and results of this modeling yielded maximum daily construction-related VOC emissions of 167.5 pounds per day (lbs/day). While commenter prepared modeling for the proposed Option 1, commenter erroneously compares the 167.5 lbs/day to the “DEIR” result of 75 lbs/day, which is the maximum daily result for the proposed Option 2 as found in Table 5.2-10 of the Draft EIR. The maximum daily construction-related VOC emissions for the proposed Option 1 as presented in Table 5.2-9 of the Draft EIR is 93 lbs/day and is the value that should have been presented in commenter’s table. By comparing the 167.5 lbs/day to the smaller 75 lbs/day value, the commenter shows a larger increase than what the increase really would be if commenter had correctly used the 93 lbs/day, which would be a smaller 79.9 percent increase.

Regardless of the commenter’s error above, in review of the commenter’s modeling output files, commenter incorrectly used a higher VOC content paint for nonresidential exterior and interior paints that is double the VOC content paint utilized in the Option 1 CalEEMod construction modeling prepared for the Draft EIR. As defined in State CEQA Guidelines Section 15384(a), argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, and evidence of social or economic impacts which does not contribute to or are not caused by physical impacts on the environment do not constitute substantial evidence.

O2A-8 Comment is acknowledged and will be forwarded to the City of Irwindale decision makers.

O2A-9 The commenter is concerned about potential health impacts of siting warehousing projects near residential areas and disadvantaged communities and cites several studies to support the concern. To address these issues, the proposed project conducted a project specific health risk assess (HRA) that evaluated both the project’s impact to existing off-site residents in addition to users of sports park north of the planning area (Appendix D2 of the Draft EIR). As provided in Section 5.2, *Air Quality*, Table 5.2-18, *Operational Health*

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Risk Assessment Results on page 5.2-42, health risks at the maximum exposed individual resident (MEIR) and the maximum exposed receptor at the sports park would be below South Coast AQMD's significance thresholds.

O2A-10 As stated in response to Comment O2A-9, an operational HRA was prepared to assess potential project-related offsite health risk impacts to nearby surrounding sensitive receptors. In addition, Chapter 5.2, *Air Quality*, of the Draft EIR also discussed potential cumulative health risk impacts from toxic air contaminants associated with other approved industrial or large-scale projects within two miles of the proposed planning area. As discussed on page 5.2-53 of the Draft EIR, the identified Mitigation Measures AQ-1, AQ-2, GHG-1, GHG-3, GHG-4, and GHG-7 would contribute to reducing TAC emissions and health risk levels. However, even with implementation of the aforementioned mitigation measures, cumulative health risk impacts were determined to be significant and unavoidable.

O2A-11 As discussed in the response to Comment O2A-4, the emissions for the unmitigated scenario (i.e., project emissions before mitigation scenario) represent the unmitigated emissions data from the CalEEMod output file, which do not account any reductions from Tier 4 construction equipment. The health risks calculated from project construction were determined for the unmitigated construction scenario. As provided on page 5.2-39 of the Draft EIR, Table 5.2-15, the construction cancer risks for the maximum exposed individual resident (MEIR) and maximum exposed sports park user are below 1 in a million for both Option 1 and Option 2 and are well below the significance value of 10 in a million.

As provided on page 5.2-45 of the Draft EIR, and page D2-26 of the HRA (Appendix D2 of the Draft EIR), the combined health risks for the construction plus operational phases of the project would be less than the significance threshold values for both Option 1 and Option 2. Furthermore, with implementation of Mitigation Measure GHG-3 for electric/non-diesel fueled forklifts and yard trucks, the combined cancer risks for both Option 1 and Option 2 would be further reduced below the significance threshold of 10 in a million for cancer risk.

O2A-12 See response to Comment O2A-11.

O2A-13 The HRA prepared for the project is not a Tier 1, 2 or 3 screening level health risk analysis, but rather a detailed site-specific risk assessment. This is more closely related to what is described as a Tier 4: Detailed Risk Assessment in the South Coast AQMD Risk Assessment Projects for Rules 1401, 1401.1 and 212.²⁹ Additionally, Rules 1401, 1401.1 and 212 do not apply to mobile source emissions, such as truck emissions and yard

²⁹ South Coast Air Quality Management District, 2017. Risk Assessment Procedures for Rules 1401, 1401.1 and 212, Draft Version 8.1, dated August 8, 2017, accessed July 10, 2024 at http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf.

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equipment emissions from warehouses, such as the evaluated project. Therefore, the use of fraction of time at home adjustment factors in determining the health risks to residential receptors for the site-specific risk assessment was an appropriate methodology.

See response to Comment O2A-11. As provided on page 5.2-45 of the Draft EIR, and page D2-26 of the HRA (Appendix D2 of the Draft EIR), the combined health risks for the construction plus operational phases of the project would be less than the significance threshold values for both Option 1 and Option 2. Furthermore, with implementation of Mitigation Measure GHG-3 for electric/non-diesel fueled forklifts and yard trucks, the combined cancer risks for both Option 1 and Option 2 would be further reduced below the significance threshold of 10 in a million for cancer risk.

- O2A-14 CEQA does not require adoption of every imaginable mitigation measure. CEQA's requirement applies only to feasible mitigation that will "substantially lessen" a project's significant effects. (Public Resources Code, Section 21002.) As explained by one court: A lead agency's "duty to condition project approval on incorporation of feasible mitigation measures only exists when such measures would [avoid or] 'substantially lessen' a significant environmental effect." (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1519.) "Thus, the agency need not, under CEQA, adopt every ... mitigation scheme brought to its attention or proposed in the project EIR." (Ibid.) Rather, an EIR should focus on mitigation measures that are feasible, practical, and effective. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 365.). Each of the measures presented by the commenter are reviewed and addressed in response to Comment O2A-16.
- O2A-15 CEQA Guidelines Section 15096(g)(2) referred to by commenter describes a responsibility placed on to a Responsible Agency and is not applicable to a Lead Agency. Therefore, the comment has misapplied this referenced section. commenter does not provide other reasons to support their position that the Draft EIR fails to implement all feasible mitigation.
- O2A-16 Review of the commenter's requested mitigation measures is addressed below:
- *Minimize unnecessary vehicular and machinery activities.* Commenter does not provide details on what "minimizing unnecessary" activities entail. The proposed project includes Mitigation Measure GHG-7, which would require placement of signage at various points and areas of the proposed project site to inform truck drivers to shut off engines when not in use and instruct truck drivers of diesel trucks to restrict idling to no more than five minutes once the vehicle is stopped. Furthermore, Mitigation Measure GHG-6 would require the proposed project to be designed to comply with CALGreen's Tier 2 nonresidential voluntary standards for the provision of parking spaces for low-emitting, fuel-efficient, and carpool/vanpool vehicles.

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- *Require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project.* Prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for a CARB-approved fleet. Daily logging of the operating hours of the equipment should also be required. As discussed in Chapter 5.2, *Air Quality*, of the Draft EIR, the proposed project would not result in significant and unavoidable construction-related impacts. Although Impact 5.2-2 identified that project-related construction activities for Option 1 would generate emissions that exceed the South Coast AQMD regional significance threshold for VOC from the application of architectural paints, as discussed under Section 5.2.8, *Level of Significance After Mitigation*, on page 5.2.51 of the Draft EIR, implementation of Mitigation Measure AQ-1, which would require use of paints with low VOC content, would suffice in reducing VOC emissions from project-related construction activities to below the significance threshold. Thus, regional impacts to air quality from project-related construction activities would be sufficiently reduced to a less than significant level with Mitigation Measure AQ-1.
- *Ensure that all construction equipment is properly tuned and maintained.* As discussed in Chapter 5.2, *Air Quality*, of the Draft EIR, the proposed project would not result in significant and unavoidable construction-related impacts. Although Impact 5.2-2 identified that project-related construction activities for Option 1 would generate emissions that exceed the South Coast AQMD regional significance threshold for VOC from the application of architectural paints, as discussed under Section 5.2.8, *Level of Significance After Mitigation*, on page 5.2.51 of the Draft EIR, implementation of Mitigation Measure AQ-1, which would require use of paints with low VOC content, would suffice in reducing VOC emissions from project-related construction activities to below the significance threshold. Thus, regional impacts to air quality from project-related construction activities would be sufficiently reduced to a less than significant level with Mitigation Measure AQ-1.
- *Minimize idling time to 5 minutes or beyond regulatory requirements – saves fuel and reduces emissions.* Mitigation Measure GHG-7 requires placement of signage of truck access gates, loading docks, and truck parking areas that identifies instructions for drivers of diesel trucks to restrict idling to no more than five minutes once the vehicle is stopped.
- *Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.* At present, requiring zero-emission vehicles is technologically infeasible. Also, such vehicles are not available on a large enough scale to be relied upon.

For example, the International Council on Clean Transportation (ICCT) provides an overview of advancing zero-emission technologies in a report titled, “*Transitioning to*

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Zero-Emission Heavy-Duty Freight Vehicles,” (see Appendix B of this Final EIR).³⁰ The ICCT reports that although the technology is advancing and although at some point in the distant future non-diesel technology will likely be used in mass to power freight movement, “zero-emission vehicle technologies do present considerable challenges. They have a combination of near- and long-term barriers, issues, and questions that will have to be addressed before they can become widespread replacements for conventional trucks and tractor-trailers that are typically diesel fueled” (ICCT pg. 31). Barriers include limited range and charging time. Level 2 charging can take up to 80 to 100 hours to fully charge a 600-kWh heavy duty battery, while a 100-kW direct current (DC) fast charger could take 6 hours.³¹ Another barrier could be the current number of chargers available for electric-powered trucks. As of January 2024, it is estimated that only 5,000 chargers capable of serving heavy-duty vehicles are available in the United States and only 9 are public fast charging stations capable of serving heavy trucks. While an additional 15 240-kW DC fast chargers and 3 1,200-kW megawatt chargers came online in the City of Bakersfield in May 2024, the number of chargers would still be low. The California Energy Commission estimated that California will need 114,500 chargers with 5,500 being en-route chargers by 2030 and 264,500 chargers with 8,500 being en-route chargers by 2035.³²

Furthermore, South Coast Air Quality Management District (South Coast AQMD) noted that “some trucks will have longer wait times for zero emission technology to be commercialized (e.g., Class 8 trucks) (South Coast AQMD pg. 211).³³ South Coast AQMD also notes that the “technical feasibility of some WAIRE Menu actions are not considered technically feasible today (e.g., ZE Class 8 trucks)...” (South Coast AQMD pgs. 75-76). While it is also noted “...they are expected to become commercialized in the next two years...”, this timeframe illustrates the potential limited availability of ZE Class 8 trucks. Additionally, the California Air Resources Board (CARB) also acknowledges this in response to a comment regarding generally increasing the sales requirements for Class 2b, 3, 7, and 8 categories required under CARB’s Advanced Clean Trucks Regulation. CARB noted that, “The approved regulation does not achieve the same total vehicle sales goal some commenters suggest due to concerns about the feasibility of manufacturers to comply with even

³⁰ International Council on Clean Transportation. 2017. Transitioning to Zero-Emission Heavy-Duty Freight Vehicles. https://theicct.org/wp-content/uploads/2021/06/Zero-emission-freight-trucks_ICCT-white-paper_26092017_vF.pdf

³¹ UC Berkeley School of Law, Energy & the Environment and UCLA School of Law’s Emmett Institute on Climate Change and the Environment. 2024. August. Fueling & Financing: Addressing the Urgent Challenge Facing Electric Heavy-Duty Vehicle Deployment. <https://www.law.berkeley.edu/wp-content/uploads/2024/08/Fueling-Financing.pdf>

³² UC Berkeley School of Law, Energy & the Environment and UCLA School of Law’s Emmett Institute on Climate Change and the Environment. 2024. August. Fueling & Financing: Addressing the Urgent Challenge Facing Electric Heavy-Duty Vehicle Deployment. <https://www.law.berkeley.edu/wp-content/uploads/2024/08/Fueling-Financing.pdf>

³³ South Coast Air Quality Management District. 2021, April. Second Draft Staff Report Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and Proposed Rule 316 – Fees for Rule 2305. https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/pr-2305_sr_2nd-draft_4-7-21_clean.pdf?sfvrsn=8

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higher sales requirements especially for Class 2b-3 vehicles and tractors. At this time, both Class 2b-3 and Class 7-8 tractors have more focused concerns about payload, range, towing, charging/refueling infrastructure, and model availability than other vehicles. These issues will present more challenges in identifying suitable applications for their deployment in the early market. Increasing the number of ZEV sales further also increases the likelihood that manufacturers would need to produce more costly long-range vehicles, and that vehicles may need to be placed in applications where they may not be fully suitable. Therefore, the Board determined that the approved regulation is the most feasible path to meet ZEV deployment goals at this time.” (CARB pg. 99)³⁴ Requiring the proposed project to utilize emerging technology as mandatory mitigation when the various types of technological advancements and their timeframes for common availability are not known with any certainty, is not a feasible mitigation measure.

An EIR must describe feasible measures that could minimize the project’s significant adverse impacts. 14 Cal Code Regs Section 15126.4(a)(1). An EIR may decline to propose a mitigation measure that would not effectively address a significant impact. An EIR also need not identify and discuss mitigation measures that are infeasible. Nor must an EIR analyze in detail mitigation measures it concludes are infeasible. Further, South Coast AQMD adopted a Warehouse Indirect Source Rule, Rule 2305, in May 2021. Rule 2305 applies to warehouse operators and owners of warehouses greater than or equal to 100,000 square feet of indoor floor space within a single building that may be used for warehousing activities.

The proposed project would be subject to compliance with Rule 2305. See response to Comment O1-5 for details regarding this rule. Since the proposed project would not be operated by the current owner, it is not feasible to commit to specific provisions of Rule 2305; however, future tenants will be obligated to comply with its provisions. Compliance with Rule 2305 would reduce air quality effects associated with the warehouse industry, including the proposed project in the region. However, requiring zero-emission vehicles is currently economically and technologically infeasible; also, such vehicles are not available on a large enough scale to be relied upon. Therefore, the current technology required for electric truck charging stations is unknown until such time tenants have electric trucks domiciled onsite.

Additionally, the 2022 California Green Building Standards Code (CALGreen) includes mandatory electric medium-duty and heavy-duty truck charging readiness requirements for warehouses under Section 5.106.5.5.1. Pursuant to this section, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s), or subpanel(s) must be installed at the time of construction and must meet the minimum

³⁴ California Air Resources Board. 2021, March. Advanced Clean Trucks Regulation: Final Statement of Reasons. <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/act2019/fsor.pdf>.

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power requirements to accommodate the dedicated branch circuits for the future installation of electric vehicle charging equipment and to carry the minimum additional system load to the future location of the charging for medium- and heavy-duty vehicles. The minimum power requirement is based on building type, building size, and number of off-street loading spaces.

- *Forbidding trucks from idling more than three minutes and requiring operators to turn off engines when not in use.* At the request of the commenter, this measure has been added to Mitigation Measure GHG-7 (see Chapter 3, *Revisions to the Draft EIR*, of this Final EIR).
- *Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contract information to report violations to CARB, the local air district, and the building manager.* Mitigation Measure GHG-7 requires placement of signage of truck access gates, loading docks, and truck parking areas that identifies telephone numbers of the building facilities manager and CARB to report violations.

O2A-17 Review of the commenter's requested mitigation measures is addressed below:

- *Incorporate bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network.* As discussed in Impact 5.13-1 on pages 5.13-23 and 5.13-24 of the Draft EIR, the proposed project would include a 750-foot-long, 5-foot-wide meandering public sidewalk and minimum 20-foot-wide landscaped parkway on the north side of the portion of Live Oak Avenue that abuts the project site. The proposed project also includes a proposed minimum 5-foot-wide sidewalk along both sides of Live Oak Lane and 10-foot-wide landscaped setbacks along the section of Live Oak Lane that abuts the project site. The existing sidewalk along the south side of Arrow Highway would be repaired as required by the City. The proposed project would also provide 23 bicycle parking spaces. Additionally, per Mitigation Measure T-2, the project applicant would be required to modify the public sidewalk and landscaping along the north side of the portion of Live Oak Avenue that abuts the project site to include accommodation of a Class IV trail consistent with the City of Irwindale Active Transportation Plan to create a portion of the connection to the San Gabriel River Trail.
- *Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations.* As discussed under Impact 5.13-1 on page 5.13-22 of the Draft EIR, pursuant to Chapter 17.66.030 of the municipal code, the proposed project would also include a bulletin board, display case, or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information would include current maps,

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routes, and schedules for public transit routes serving the site, and numbers for local transit operators. Additionally, the proposed project includes Mitigation Measure T-1, which requires the project applicant to coordinate with Foothill Transit and the City of Irwindale to install a bus stop at Live Oak Avenue and Live Oak Lane for the Foothill Transit Line 492. The design and installation of the bus stop would be coordinated with Foothill Transit and shall be paid for by the project applicant.

- *Designate a percentage of parking spaces for ride-sharing vehicle or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles.* The proposed project includes Mitigation Measure GHG-6, which requires surface parking lots to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles associated with trips to the proposed project's buildings. At minimum, the number of preferential parking spaces needs to meet the standards under Section A5.106.5.1.2 of the Tier 2 Nonresidential Voluntary Measures of CALGreen.
- *Implement preferential parking permit program.* The proposed project includes Mitigation Measure GHG-6, which requires surface parking lots to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles associated with trips to the proposed project's buildings. At minimum, the number of preferential parking spaces needs to meet the standards under Section A5.106.5.1.2 of the Tier 2 Nonresidential Voluntary Measures of CALGreen.
- *Encourage telecommuting and alternative work schedules, such as: staggered starting times; flexible schedules; compressed work weeks; and implement commute trip reduction marketing such as 1) new employee orientation of trip reduction and alternative mode options, 2) event promotions, and 3) publications.* The proposed project includes Mitigation Measure GHG-5, which in accordance with the City of Irwindale's Municipal Code Section 17.66, *Trip Reduction and Travel Demand Measures* requires a business to prepare, implement and demonstrate compliance with a transportation demand management (TDM) program. The TDM program may provide for alternative work or compressed work schedules.
- *Price workplace parking such as: explicitly charging for parking for its employees; implementing above market rate pricing; validating parking only for invited guests; not providing employee parking and transportation allowances; and educating employees about available alternatives.* The proposed project includes Mitigation Measure GHG-5, which requires a business to submit and implement a transportation demand management (TDM) program for reducing the use of single occupant vehicles by employees by increasing carpool/vanpool participation and transit use.
- *Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that: Provide transit passes; Provide incentives or subsidies that increase that use of modes*

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other than single-occupancy vehicle; Provide on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms; Provide employee transportation coordinators at employment sites; and Provide a guaranteed ride home service to users of non-auto modes. The proposed project includes Mitigation Measure GHG-5, which requires a business to submit and implement a transportation demand management (TDM) program for reducing the use of single occupant vehicles by employees by increasing carpool/vanpool participation and transit use.

- *Requiring all stand-by generators to be powered by a non-diesel fuel.* The proposed project includes Mitigation Measure GHG-3, which requires generators to be non-diesel fueled.
- *Meeting CALGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.* The proposed project includes Mitigation Measure GHG-6, which requires surface parking lots to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles associated with trips to the proposed project's buildings. At minimum, the number of preferential parking spaces needs to meet the standards under Section A5.106.5.1.2 of the Tier 2 Nonresidential Voluntary Measures of CALGreen. Additionally, Mitigation Measure GHG-6 also requires the proposed project to install electricity vehicle charging spaces that complies with the CALGreen Tier 2 Nonresidential Voluntary standards. Furthermore, as stated on page 5.13-22 in Chapter 5.13, Transportation, of the Draft EIR, the proposed project would also provide 23 bicycle parking spaces.
- *Designing to LEED green building certification standards.* Buildings onsite would be required to adhere to the latest CALGreen mandatory requirements as well as additional voluntary standards of CALGreen as identified in Mitigation Measures GHG-6 for electric vehicle charging. Furthermore requirements under Mitigation Measures GHG-1 through GHG-3 would contribute towards higher energy efficiency and use of renewable and carbon-free electricity.
- *Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.* Mitigation Measure GHG-3 requires electrification of docking bay for cold storage facilities for trucks with TRUs. Heavy duty electric trucks do not charge at docking bays, as they serve to facilitate the loading and unloading of goods. However, the 2022 CALGreen standards include mandatory electric medium-duty and heavy-duty truck charging readiness requirements for warehouses under Section 5.106.5.5.1. Pursuant to this section, spare raceway(s) or busway(s) and adequate capacity for transformer(s), service panel(s), or subpanel(s) must be installed at the time of construction and must meet the minimum power requirements to accommodate the dedicated branch circuits for the future installation of electric vehicle charging equipment and to carry the minimum additional system load to the

2. Response to Comments

future location of the charging for medium- and heavy-duty vehicles. The minimum power requirement is based on building type, building size, and number of off-street loading spaces. However, requiring zero-emission vehicles is currently economically and technologically infeasible; also, such vehicles are not available on a large enough scale to be relied upon. Therefore, the current technology required for electric truck charging stations is unknown until such time tenants have electric trucks domiciled onsite.

- *Running conduit to designated locations for future electric truck charging stations.* The proposed project includes Mitigation Measure GHG-4, which requires conduit to be installed from the electrical room to tractor-trailer parking spaces in logical locations on-site to facilitate future electric truck charging.
- *Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10 percent of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance).* The proposed project would include Mitigation Measures GHG-6, which would require the project to comply with the CALGreen Tier 2 Nonresidential Voluntary standards for electric vehicle parking. No changes are warranted.
- *Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.* The proposed project would include Mitigation Measures GHG-6, which would require the project to comply with the CALGreen Tier 2 Nonresidential Voluntary standards for electric vehicle parking. No changes are warranted.
- *Providing meal options onsite or shuttles between the facility and nearby meal destinations.* CEQA does not require adoption of every imaginable mitigation measure. CEQA's requirement applies only to feasible mitigation that will "substantially lessen" a project's significant effects. (Public Resources Code, Section 21002.) As explained by one court: A lead agency's "duty to condition project approval on incorporation of feasible mitigation measures only exists when such measures would [avoid or] 'substantially lessen' a significant environmental effect." (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1519.) "Thus, the agency need not, under CEQA, adopt every ... mitigation scheme brought to its attention or proposed in the project EIR." (*Ibid.*). This measure identified by commenter could potentially help reduce passenger vehicle trips and emissions from passenger vehicle trips. However, as shown in Table 5.6-5 and Table 5.6-6 on pages 5.6-21 and 5.6-22, respectively, of the Draft EIR, mobile emissions from heavy duty trucks would be the primary source of project GHG emissions and would, in and of itself, substantially exceed the South Coast Air Quality Management GHG emissions significance threshold. The next highest source of GHG emissions would be from

2. Response to Comments

the energy sector followed by mobile emissions from passenger vehicles. Thus, this type of measure would not substantially lessen the project's significant effects as it pertains to GHG emissions impacts. No changes are warranted.

- *Posting signs at every truck exit driveway providing directional information to the truck route.* At the request of the commenter, this measure has been added to Mitigation Measure GHG-7 (see Chapter 3, *Revisions to the Draft EIR*, of this Final EIR).
- *Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers; and The US EPA SmartWay Program is a voluntary public-private program.* The proposed project cannot control the types of trucks accessing planning areas within the Specific Plan. Because the building occupants/tenants are not yet known, it is highly speculative to assume that the building occupants/tenants will own or control a fleet of trucks. The large majority of warehouses are served by contracted trucking companies and independent drivers, and the building occupant/tenant may have no control over the truck engine type, in which case the building occupant/tenant would need to comply with Rule 2305's requirements through a suite of equivalent measures or payment of the required fee to reduce air quality impacts as required by the Rule. See response to Comment O1-5 for details regarding this rule. However, at the request of the commenter, information on the SmartWay program has been added to Mitigation Measure GHG-3 (see Chapter 3, *Revisions to the Draft EIR*, of this Final EIR).
- *Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.* At the request of the commenter, this measure has been added to Mitigation Measure GHG-3 (see Chapter 3, *Revisions to the Draft EIR*, of this Final EIR).

O2A-18 See response to Comment O1-7.

O2A-19 See responses to Comments O2A-1 through O2A-18.

2. Response to Comments

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2. Response to Comments

LETTER O2b – Golden State Environmental Justice Alliance, Joe Bourgeois, Executive Director (1 page)



August 7, 2024

Brandi Jones
Senior Planner
City of Irwindale

Re: Irwindale Gateway Specific Plan, SCH Number 2023020290

Dear Ms. Jones:

On behalf of the Golden State Environmental Justice Alliance (“GSEJA”), I am writing to you regarding the Irwindale Gateway Specific Plan, SCH Number 2023020290 (“Project”).

GSEJA is withdrawing its comment letter and opposition to the Project. The Project’s developer has addressed GSEJA’s concerns about environmental mitigation.

O2B-1

Sincerely,

Joe Bourgeois
Executive Director

2. Response to Comments

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2. Response to Comments

O2B Response to Comments from Golden State Environmental Justice Alliance, dated August 7, 2024

O2B-1 Comment acknowledged.

2. Response to Comments

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3. Revisions to the Draft EIR

3.1 INTRODUCTION

This section contains revisions to the DEIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of DEIR publication; and/or (3) typographical errors. This section also includes additional mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the DEIR. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the DEIR. Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the DEIR.

Pages 5.6-26, Section_5.6.7, Mitigation Measures. The following changes are made in response to Comment O1-3 from Advocates for the Environment.

GHG-5 In accordance with the City of Irwindale’s Municipal Code Section 17.66, *Trip Reduction and Travel Demand Measures*, shall make provision for each of the TDM measures outlined in Section 17.66.030 B, *Development Standards* and shall comply with the *Monitoring* requirements in Section 17.66040. The project applicant shall demonstrate compliance with each measure in a written report submitted to the city prior to the issuance of a building permit and show compliance prior to the issuance of certificate of occupancy. The Transportation Demand Management (TDM) Program shall include detailed strategies for reducing the use of single occupant vehicles by employees by increasing carpool/vanpool participation and transit use. Additionally, the TDM program may provide for alternative work or compressed work schedules to reduce the number of days an employee commutes to work.

Pages 5.6-25 and 5.6-26, Section_5.6.7, Mitigation Measures. The following changes are made in response to Comment O1-6, from Advocates for the Environment.

GHG-3 Prior to issuance of an occupancy permit for a new tenant/business entity, the project developer/facility owner and tenant/business entity shall provide to the City of Irwindale Community Development Department a signed document (verification document) noting that the project development/facility owner has disclosed to the tenant/business entity the requirement to implement the following measures:

3. Revisions to the Draft EIR

- A solar photovoltaic (PV) system associated with proposed project buildings. The PV system shall be designed to comply with Section 140.10, *Prescriptive Requirements for Photovoltaic and Battery Storage Systems*, of the 2022 Building Energy Efficiency Standards. For purposes of this mitigation measure, battery storage modules are not considered buildings.
- High-efficiency lights (>50 percent of fixtures) to reduce energy usage.
- All major end-user appliances (e.g., dishwashers and refrigerators) installed are Energy Star certified or of equivalent energy efficiency where applicable.
- All landscape equipment (e.g., leaf blower) used for property management shall be electric powered only. The property manager/facility owner shall provide documentation (e.g., purchase, rental, and/or services agreement) to the Planning Department to verify, to the City's satisfaction, that all landscaping equipment utilized will be electric powered, as allowed.
- All on-site outdoor cargo-handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, generators, pumps, and other on-site equipment) shall be electric or non-diesel fueled. All on-site indoor forklifts shall be powered by electricity.
- All truck/dock bays that serve cold storage facilities within the proposed buildings shall be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric transport refrigeration units.
- Prior to the issuance of a building permit, the site plan shall include the minimum number of automobile electric vehicle charging stations in accordance with the requirements of the Tier 2 Nonresidential Voluntary Measures of CALGreen Section A5.106.5.3, Electric vehicle (EV) charging, required by the California Code of Regulations Title 24.

In addition, the project developer/facility owner has provided the following:

- Occupants/tenants shall be provided documentation on the United States Environmental Protection Agency's SmartWay program.
- Occupants/tenants shall be provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than—required engines and equipment.

This verification document shall be signed by authorized agents for the project developer/facility owner and tenant/business entities. In addition, if applicable, the tenant/business entity shall provide documentation (e.g., purchase or rental agreement) to the City of Irwindale Community Development Department to verify, to the City's satisfaction, compliance with these measures.

3. Revisions to the Draft EIR

Page 5.6-26, Section 5.6.7, Mitigation Measures. The following changes are made in response to Comment O2A-16 and Comment O2A-17 from SWAPE.

GHG-7 Prior to issuance of an occupancy permit, a new tenant/business entity shall place legible, durable, weather-proof signs at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than three ~~five~~ minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; 3) directional text on the sign shall read "To Truck Route" with a directional arrow. and ~~3) 4)~~ 4) telephone numbers of the building facilities manager and CARB to report violations. The City shall conduct a site inspection to ensure that the signs are in place.

Page 5.9-11, Table 5.2-9, Section 5.15.1.4, Environmental Impacts, Impact 5.9-2. The following changes are made in response to Comment O2-1, from Blum, Collins, & Ho LLP.

Issue Area: Resource Preservation. The City of Irwindale will maintain and preserve those natural and man-made amenities that contribute to the City's livability.

RME Policy 11. The City of Irwindale supports the ethic of conservation of non-renewable resources. This includes efforts to reduce the use of energy (in any form), greenhouse gas (GHG) emissions (consistent with AB 32) and efforts to find new and more energy efficient methods for delivering services. The City supports the development of building standards that enable the community to design energy saving features such as solar energy systems, water efficient landscaping, and sustainable, green, and energy efficient building standards.

Consistent. Development within the Specific Plan would be required to comply with the California Green Building Standards Code (CALGreen) and incorporate additional sustainable design features that minimize water use and maximize energy efficiency. Refer to the mitigation measures recommended in Section 5.2, *Air Quality*, and Section 5.6, *Greenhouse Gas Emissions*. ~~Further, through redevelopment of a former quarry/inert landfill site that has been depleted of recoverable mineral resources to a productive employment-generating end use.~~ Development of Option 2, including the BESS, would be expected to further help facilitate renewable energy within the region. The proposed project would be consistent with this policy.

Page 5.15-3, Section 5.15.1.1, Environmental Setting, Existing Conditions. The following changes are made in response to Comment A1-1, from the Los Angeles County Sanitation Districts.

Wastewater Conveyance

An existing 10-inch sewer line and 15-inch sewer line run along Live Oak Avenue and Commerce Drive/Center Street, respectively, both to the east side of the project. These sewer lines are designed to drain south to the main 18-inch trunk line on Ramona Parkway, conveying the sewer load from the existing commercial/industrial developments on the northeast corner of Live Oak Avenue and Rivergrade Road and from the commercial/industrial development on the north side of Rivergrade Road.

3. Revisions to the Draft EIR

The 10-inch sewer line on Live Oak Avenue is under the jurisdiction of the City of Irwindale, and the 15-inch sewer line on Commerce Drive and Center Street is under the jurisdiction of the City of Baldwin Park. The 18-inch trunk line in ~~Romana~~ Ramona Parkway is under the jurisdiction of LACSD. The LACSD trunk sewer has a capacity of 4.8 million gallons per day (mgd) and conveyed a peak flow of 2.1 mgd when last measured in 2013.

Wastewater Treatment

The LACSD's 18-inch trunk main in ~~Romana~~ Ramona Parkway conveys wastewater to be treated at the San Jose Creek WRP, adjacent to the City of Industry. The San Jose Creek WRP has a capacity of 100 mgd and currently processes an average flow of 61.2 mgd (see Appendix M2).

Page 5.15-13, Section 5.15.1.4, Environmental Impacts, Impact 5.15-1. The following changes are made in response to Comment A1-3, from the Los Angeles County Sanitation Districts.

Wastewater Treatment

Buildout of the Specific Plan would generate 310,232 gpd (or 0.031 mgd) of wastewater that would need to be treated at the San Jose Creek WRP, which has a residual capacity of 38.8 mgd. Therefore, implementation of the Specific Plan would contribute to an increased sewage flow equivalent to less than 1 percent of the WRP's residual capacity, and thus no new or expanded water reclamation plant facilities would be needed. It should be noted that the sewer generation calculated for Option 1 is based on highly conservative factors from the Los Angeles Public Works Department. The analysis is based on the Sewer Area Study (see Appendix M2) conducted for the proposed project which is primarily concerned with the capacity of the existing sewer pipelines in the project vicinity and the need for any offsite upgrades to the system. Sewer generation factors associated with pipeline capacities are typically much more conservative than sewer generation factors related to actual sewer generation since they relate to worse case scenarios. LACSD provides a sewer factor of 0.025 gpd/sf for warehousing and 0.2 gpd/sf for office buildings (LACSD 2024). Using these factors Option 1 would produce 32,470 gpd.

Additionally, the San Jose Creek WRP is required by federal and state law to meet applicable standards of treatment plant discharge requirements subject to NPDES No. CA0053911. The permit includes the conditions needed to meet minimum applicable technology-based requirements. The NPDES permit regulates the amount and type of pollutants that the system can discharge into receiving waters. The San Jose Creek WRP is operating in compliance with and would continue to operate subject to state waste discharge requirements and federal NPDES permit requirements, as set forth in the NPDES permit and order.

Page 5.15-50, Section 5.15.9, References. The following changes are made in response to Comment A1-3, from the Los Angeles County Sanitation Districts.

Lockhart, Linda (environmental protection specialist II). 2023, May 10. Email Response. Waste Management Inc., El Sobrante Landfill.

3. Revisions to the Draft EIR

Los Angeles County. 2005, October 12. Policies for Managing Available Sewer Capacity and Sewage Discharge in Excess of Design Capacity. <https://pw.lacounty.gov/ldd/lddservices/sewerAreaStudy/docs/Sewer%20Capacity%20Policy%20Memo%2010-12-05.pdf>.

Los Angeles County Sanitary Districts (LACSD). 2024, June 30 (accessed). Loadings for Each Class of Land Use. <https://www.lacsd.org/home/showpublisheddocument/3644/637644575489800000>.

Los Angeles County Public Works (LACPW). 2023. Estimated Average Daily Sewage Flow for Various Occupancies. <https://pw.lacounty.gov/ldd/lddservices/sewerAreaStudy/docs/Estimated%20Average%20Daily%20Sewage%20Flow%20for%20Various%20Occupancies.pdf>.

Meeka, Darenn (deputy director). 2021, June 8. Telephone Conversation. County of San Bernardino Solid Waste Management Division.

Southern California Edison (SCE). 2021. Power Content Label: 2021. <https://www.sce.com/sites/default/files/custom-files/Web%20files/2021%20Power%20Content%20Label.pdf>.

Valley County Water District. 2021, June. 2020 Urban Water Management Plan. <https://www.vcw.d.org/DocumentCenter/View/505/2020-Urban-Water-Management-Plan-PDF>.

3.3 DEIR REVISIONS DUE TO UPDATED INFORMATION

The following text has been revised in line with applicable updated information that was not available at the time of DEIR publication.

Page 3-7, Section 3.3.1.2, Development Plan, Infrastructure, Stormwater. The following changes are made due to a proposed second alternative for the storm drain that connects the onsite detention basin to the final storm water disposal point. This alternative was not known when the DEIR was released for public review.

Stormwater

The project site drains to off-site conveyances maintained by the Los Angeles County Flood Control District (LACFCD). The proposed project would construct a new ~~24-inch gravity~~ storm drain that connects the proposed detention basin on site to the LACFCD conveyance system with two alternatives proposed (see Figure 3-14). ~~that connects to the existing storm drain on Live Oak Avenue~~ Alternative 1 includes a storm drain from the proposed detention basin to Live Oak Avenue which outfalls to the San Gabriel River, located to the southeast of the project site. Alternative 2 includes a storm drain that crosses beneath Live Oak Lane and outfalls into the Santa Fe Headworks/Diversion Channel northeast of the site. Development projects would connect to these facilities and would be required to comply with stormwater permitting regulations of County Flood Control. Stormwater would be collected through a network of basins and bioswales throughout the Specific Plan area. Development projects would connect to these facilities and would be required to comply with stormwater permitting regulations of County Flood Control. Individual development projects would use a variety of low-impact development (LID) measures and best management practices (BMP) to manage stormwater. The primary LID measure for the proposed project is detention basins, capable of retaining the required water volumes, designed with either soft bottoms and/or dry wells for infiltration purposes as water

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quality measures. Where feasible, subsurface storage chambers, capture and reuse, biofiltration, and/or inlet fillers could also be implemented. The type and extent of the water quality infiltration measures would ultimately be determined based on the proposed project's geotechnical report findings and recommendations. All LID measures and BMPs would comply with the County of Los Angeles Building Code as adopted by the City and require grading and drainage permits from the Building and Safety Division.

Page 5.8-1, Section 5.8, Hydrology and Water Quality. The following changes are made due to an update made to the Preliminary Hydrology Report (Appendix I1) after the DEIR was released for public review. The updated appendix is included in this FEIR.

5.8 HYDROLOGY AND WATER QUALITY

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential impacts of the proposed Irwindale Gateway Specific Plan to hydrology and water quality conditions in the City of Irwindale. Hydrology deals with the distribution and circulation of water, both on land and underground. Water quality deals with the quality of surface- and groundwater. Surface water includes lakes, rivers, streams, and creeks; groundwater is under the earth's surface. The analysis in this section is based in part on the following technical reports:

- *Preliminary Hydrology Report*, David Evans and Associates, ~~March 20, 2023~~ June 19, 2024
- *Preliminary LID Report*, David Evans and Associates, *March 20, 2023*
- *Water Supply Assessment*, Stetson Engineers, *March 2023*
- *Geotechnical Engineering Exploration Update and Remedial Grading Recommendations Proposed Commercial/Retail Development Nu-Way Live Oak Landfill*, Irvine Geotechnical Inc., *November 23, 2010*

Complete copies of these studies are included in the Technical Appendices to this Draft EIR as Appendices I1, I2, M3, and G1, respectively.

Pages 5.8-16 and 5.8-17, Section 5.8.4, Environmental Impacts, Impact 5.8.1, Construction. The following changes are made due to a proposed second alternative for the storm drain that connects the onsite detention basin to the final storm water disposal point. This alternative was not known when the DEIR was released for public review. Changes are also made in line with the updated Hydrology Report.

Implementation of the Specific Plan would also require consultation with the USACE and RWQCB for the construction of ~~a the proposed storm drain (Line E) that would outfall to the San Gabriel River. The proposed project would construct a new storm drain that connects the proposed detention basin on site to the Los Angeles County Flood Control District (LACFCD) conveyance system with two alternatives proposed (see Figure 3-14). Alternative 1 includes a storm-drain from the proposed detention basin to Live Oak Avenue which~~

3. Revisions to the Draft EIR

outfalls to the San Gabriel River, located to the southeast of the project site. Alternative 2 includes a storm drain that crosses beneath Live Oak Lane and outfalls into the Santa Fe Headworks/Diversion Channel northeast of the site. These activities could require authorization under Sections 404 and 401 of the CWA. If required, permits and certifications would be obtained prior to construction to ensure that the proposed development minimizes the potential for erosion and sediment discharge into the San Gabriel River and complies with water quality standards.

Pages 5.8-17, 5.8-18, 5.8-19, and 5.8-20, Section 5.8.4, Environmental Impacts, Impact 5.8.1, Operations. The following changes are made due to a proposed second alternative for the storm drain that connects the onsite detention basin to the final storm water disposal point. This alternative was not known when the DEIR was released for public review. Changes are also made in line with the updated Hydrology Report.

Operations

Once the project area has been developed pursuant to the Specific Plan, urban runoff could include a variety of contaminants that could impact water quality. Runoff from buildings, streets, driveways, and parking lots typically contain oils, grease, fuel, antifreeze, and byproducts of combustion (such as lead, cadmium, nickel, and other metals) as well as fertilizers, herbicides, pesticides, and other pollutants. Precipitation at the beginning of the rainy season may result in an initial stormwater runoff (first flush) with high pollutant concentrations.

The Specific Plan is considered a “Designated Project” per the MS4 Permit since it disturbs more than one acre and adds more than 10,000 square feet of impervious surface area. As such, an LID Report is required for the proposed development to demonstrate that the Stormwater Quality Design volume (SWQDV) is treated on-site.³⁵

The analysis in the Preliminary LID Report (see Appendix I2) represents the analysis for Option 1. Option 2 with the Battery Energy Storage System (BESS) is anticipated to have a similar drainage pattern and would not have any more area of impervious surface compared to Option 1. Therefore, the analysis in the Preliminary LID Report is conservative. Additionally, the proposed project would construct a new storm drain that connects the proposed detention basin on site to the LACFCD conveyance system with two alternatives proposed (see Figure 3-14). Alternative 1 includes a storm-drain from the proposed detention basin to Live Oak Avenue which outfalls to the San Gabriel River, located to the southeast of the project site. Alternative 2 includes a storm drain that crosses beneath Live Oak Lane and outfalls into the Santa Fe Headworks/Diversion Channel northeast of the site. The LID Report analyzes Alternative 1. If Alternative 2 is chosen, the final LID Report would reflect this change. The final LID Report would be submitted to the City for review and approval prior to commencing any ground disturbing activities.

Overall, the developed condition hydrology would follow the existing condition surface flow pattern, where drainage continues to flow south to the proposed detention basin. The existing pits would be hydraulically

³⁵ The MS4 Permit requires designated projects to treat, on-site, the Stormwater Quality Design Volume from a design storm event. The design storm event is determined using the 0.75-inch 24-hour rain event or the 85th percentile 24-hour rain event, whichever is greater.

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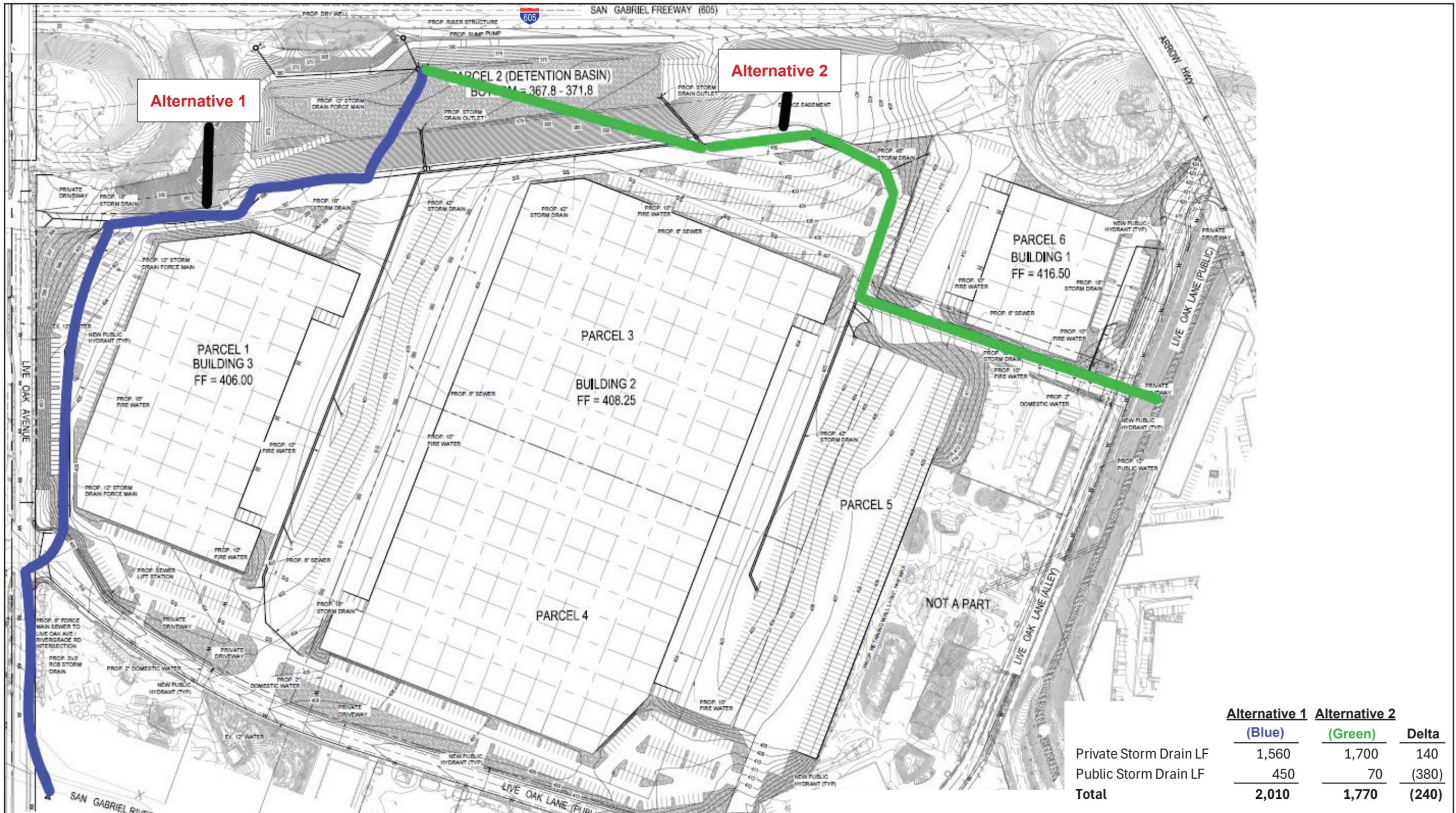
connected through proposed storm drainpipes. The proposed drainage areas are shown on Figure 5.8-3, *Proposed Conditions Hydrology Map – Alternative 1*. The proposed on-site and off-site drainage can be described in five subdrainage areas:

- **Area A1** refers to the northerly drainage area that includes off-site drainage from the existing commercial site, proposed buildings 3 and 2, and pavement from parking stalls and drive aisles. The runoff would sheet flow to nearby catch basins, into the underground storm drain system, and into the proposed detention basin.
- **Area A2.1** refers to the on-site drainage in the middle of the site. This drainage area would include drainage from building 2, building 1, and pavement from the parking aisles and stalls. Stormwater will first drain to nearby catch basins, into the underground storm drain, and then into proposed detention basin.
- **Area A2.2** refers to the on-site drainage on the westerly side of the site. The drainage area includes drainage from building 1 and pavement from the parking aisles and stalls. Stormwater enters the underground storm drain system through catch basins and then drains to the proposed detention basin.
- **Area A3** refers to the on-site drainage area that makes up the proposed detention basin. The basin is considered self-retaining and does not affect the on-site storm drain system. Runoff from the 85th percentile storm event would drain from the detention basins for on-site retention into two drywells³⁶ on the northwest boundary, adjacent to the basin and I-605. Any excess runoff associated with the 50-year storm event would be directed to a new proposed storm drain with two alternatives proposed (see Figure 3-14). Line E on Live Oak Avenue, which outfalls to the San Gabriel River to the east of the project.

³⁶ A drywell is an underground cylindrical shaped container with holes in it. It is buried underground and surrounded by drain rock..

3. Project Description

Figure 3-14 - Storm Drain Alternatives



	Alternative 1 (Blue)	Alternative 2 (Green)	Delta
Private Storm Drain LF	1,560	1,700	140
Public Storm Drain LF	450	70	(380)
Total	2,010	1,770	(240)

Source: Keamy, 2024.

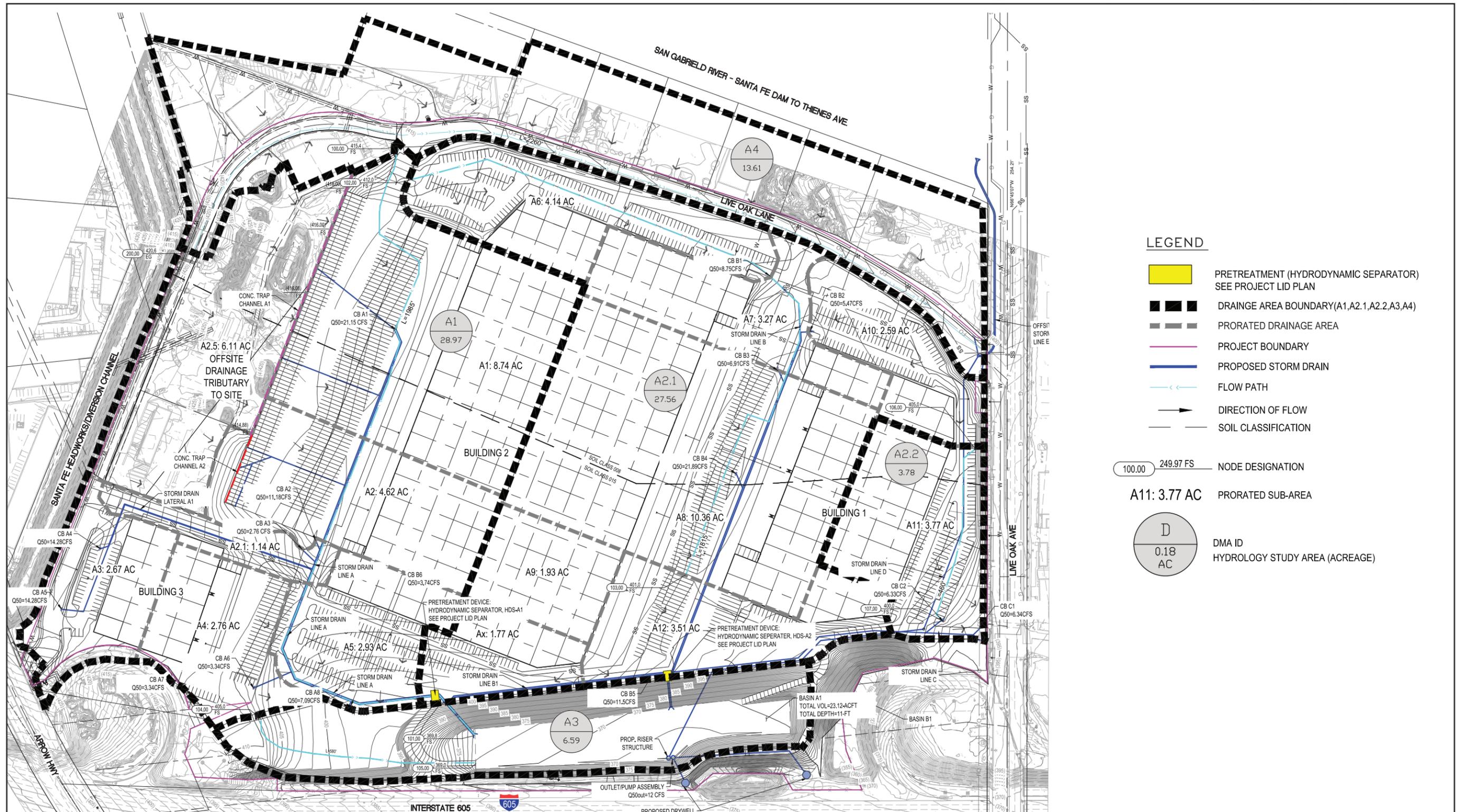
0 200
Scale (Feet)



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Figure 5.8-3 - Proposed Conditions Hydrology Map—Alternative 1



LEGEND

- PRETREATMENT (HYDRODYNAMIC SEPARATOR)
SEE PROJECT LID PLAN
 - DRAINAGE AREA BOUNDARY(A1,A2.1,A2.2,A3,A4)
 - PRORATED DRAINAGE AREA
 - PROJECT BOUNDARY
 - PROPOSED STORM DRAIN
 - FLOW PATH
 - DIRECTION OF FLOW
 - SOIL CLASSIFICATION
-
- 100.00 249.97 FS NODE DESIGNATION
 - A11: 3.77 AC PRORATED SUB-AREA
 - D
0.18
AC DMA ID
HYDROLOGY STUDY AREA (ACREAGE)

0 225
Scale (Feet)



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- **Area A4** refers to the off-site area to the east of the proposed project. The drainage area includes runoff from the existing businesses on Live Oak Lane and the existing street width, which includes the improved sections that are part of the Specific Plan development. Stormwater follows the existing flow path, draining south to Live Oak Avenue along the street gutters on Live Oak Lane. Under Alternative 1, Stormwater stormwater for this drainage area would first flow into four modular wetlands systems (MWS) and then into a catch basin. Water would drain into a proposed storm drain line that would connect to Line E the proposed storm drain on Live Oak Lane and drain to the San Gabriel River. Under Alternative 2 runoff would either be routed to the onsite basin and drywells or by-pass the basin and be routed directly into the proposed storm drain that drains into the Santa Fe Headworks/Diversion Channel. The proposed project is not required to treat this offsite runoff per the requirements of MS4 Permit (Order No. R4-2021-0105, NPDES No. CAS004004) and Chapter 8.28 of the Irwindale municipal code. It should be noted that Appendix I2 analyzes routing runoff from this area to modular wetlands. The modular wetlands are no longer proposed, and the final LID Report would reflect this change.

For areas A1 through A3, the proposed LID system would take advantage of the native soils percolation rates to infiltrate the SWQDv from the 85th percentile, 24-hour storm. The on-site detention basin would be designed to accommodate the SWQDv while providing temporary storage for the two proposed drywells. The SWQDv is 203,413 cubic feet, or 4.67 acre-feet. The proposed detention basin has a volume of 22.62 acre-feet. The SWQDv for Area A4 is 45,088 cubic feet, or 1.03 acre-feet. Although not required, if Alternative 2 is chosen and runoff from drainage Area A4 is routed into the basin for treatment, the basin has enough residual capacity to accommodate this volume. Therefore, the detention basin has adequate capacity.

Pages 5.8-21, 5.8-22, and 5.8-23, Section 5.8.4, Environmental Impacts, Impact 5.8.1, Operations. The following changes are made due a second alternative for the storm drain that connects the onsite detention basin to the final storm water disposal point. The following changes are made due to a proposed second alternative for the storm drain that connects the onsite detention basin to the final storm water disposal point. This alternative was not known when the DEIR was released for public review. Changes are also made in line with the updated Hydrology Report.

The drywells would also take advantage of the infiltration capacity of native soils. Sizing and capacity analysis of the proposed drywell systems was calculated following the design guidelines defined in Los Angeles County Department of Public Works' (LACDPW) Low Impact Development Standards Manual for dry wells, which allows for a maximum drawdown time of 96 hours. For areas A1 through A3, The the proposed drywells result in a maximum drawdown time of 58 hours (see Table 5.8-2) and are therefore adequately sized. Although not required, if runoff from A4 is routed into the drywells for treatment under Alternative 2, the proposed drywells would result in a maximum drawdown time of 70 hours (see Table 5.8-2) and are therefore adequately sized.

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Table 5.8-2 Capacity Analysis for Proposed Drywells

Area	Acreage (acres)	Drywell Disposal Rates (cfs)	Factor of Safety	Design Disposal Rate per Drywell (cfs)	Disposal Rate for Two Drywells (cfs)	SWQDv (cf)	Drawdown Time (hrs)
A-1 through A-3	66.9	1.22	2.5	0.49	0.98	203,413	57.9
A-1 through A-4	80.5	1.22	2.5	0.49	0.98	248,504	70.4

Source: Appendix I2.

Notes: cfs = cubic feet per second; cf= cubic feet; hrs =hours; SWQDv=stormwater quality design volume

Additionally, the on-site drainage would be pretreated before entering the basin using two nutrient separating baffle boxes³⁷ to extend the life of the drywells. The baffle boxes are designed based on the treatment flow at maximum bypass flow, which is based on the 50-year storm event, with one baffle box for area A-1 and one for areas A-2.1 and A-2.2. As shown in Table 5.8-3, the baffle boxes have adequate capacity to accommodate the peak flows from the project site. If A4 is routed into the basin under Alternative 4, the nutrient separating baffle boxes would need to accommodate an additional 28.0 cfs. Both baffle boxes have a residual capacity that exceeds this volume and can accommodate this additional flow.

Table 5.8-3 Capacity Analysis for the Proposed Nutrient Separating Baffle Boxes

Area	Acreage (acres)	SWQDv (cf)	Q ₅₀ Bypass Flow (cfs)	Baffle Box Capacity (cfs)
A-1	29.0	96,010	70.1	102.7
A2.1-A2.2	31.3	103,849	70.9	102.7
A-4	13.6	45,088	28.0	-

Source: Appendix I2.

Notes: cfs = cubic feet per second; cf= cubic feet; SWQDv=Stormwater quality design volume

For area A4, treatment would occur through four modular wetlands systems. These areas are limited to space in the public right of way, and for that reason, compact biofiltration BMPs are the best option to treat stormwater from this area. The design would be based on the flow from the 85th percentile storm event. As shown in Table 5.8-4, the modular wetlands systems have adequate design capacity to treat runoff flows from area A4.

Table 5.8-4 Capacity Analysis for the Proposed Modular Wetland Systems

Area	Acreage (acres)	Q85 Treatment Flow (cfs)	Treatment Capacity (cfs)
A-4	13.6	2.3	2.4

Source: Appendix I2.

Notes: cfs = cubic feet per second

Proposed development would also implement source control measures to prevent pollutants from contacting stormwater runoff and prevent discharge of contaminated stormwater runoff to the storm drain system

³⁷ A nutrient separating baffle box is an advanced vault treatment system for storm water runoff. Its patented screen system is designed to capture and store debris in a dry state to minimize nutrient leaching and allow for easy servicing.

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and/or receiving waters by providing physical separation of areas or careful management of activities that are sources of pollutants. The proposed source control measures include:

- Storm drain message and signage
- Outdoor trash storage/waste area
- Outdoor loading/unloading dock area
- Landscape irrigation practices

Additionally, LACDPW's Low Impact Development Standards Manual requires all projects in natural drainage systems that have not been improved (e.g., channelized or armored with concrete, shotcrete, or rip-rap) or drainage systems that are tributary to a natural drainage system to implement hydromodification controls. The project must fully mitigate off-site drainage impacts caused by hydromodification and changes in water quality, flow velocity, flow volume, and depth/width of flow. Since the proposed development would connect directly either to the San Gabriel River or the Santa Fe Headworks/Diversion Channel, which is a County-engineered and -maintained facility, hydromodification impacts to natural streams would not occur, and hydromodification control measures are not required.

Page 5.8-24, Section 5.8.4, Environmental Impacts, Impact 5.8.3, Operations. The following changes are made due a second alternative for the storm drain that connects the onsite detention basin to the final storm water disposal point. This alternative was not known when the DEIR was released for public review. Changes are also made in line with the updated Hydrology Report.

Buildout of the Specific Plan would increase impervious areas on the project site. Per the requirements of the LACDPW, as detailed in the Los Angeles County Hydrology Manual and the Los Angeles County Hydraulic Design Manual, development under the proposed project would be required to have site-specific hydrology and hydraulic studies to determine the capacity of the existing storm drain systems and project impacts on such systems prior to approval by the LACDPW. The analysis in the Preliminary Hydrology Report (see Appendix I1), pursuant to the requirements of LACDPW, represents the hydrology and hydraulic analysis for Option 1. The proposed Option 1 contains a larger impervious area than Option 2 since the BESS site is anticipated to have a similar drainage pattern and would not have greater amount of impervious surface. Therefore, the analysis in the Preliminary Hydrology Report is conservative. Additionally, the Hydrology Report analyzes Alternative 1 for the offsite storm drain. If Alternative 2 is chosen, the final Hydrology Report would reflect this change.

LACDPW requires that the proposed basin regulates peak flows from the 50-Year 24-Hour storm event so that the post-development runoff does not exceed 1 cfs/acre. The project site, as analyzed in the Preliminary Hydrology Report under Alternative 1, is 66.9 acres, so the allowable maximum peak runoff flow is 66.9 cfs.³⁸ The 50-Year 24-Hour post-development flow for the Specific Plan development is 12 cfs. For Alternative 2, runoff from Area A-4 may be routed to the onsite basin. The peak flow rate for areas A1 through A4 for the

³⁸ The project site is 66.64 acres, so the analysis in the Preliminary Hydrology Report is conservative.

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50-Year 24-Hr storm event is conservatively 39.96 cfs³⁹. The total drainage area for this scenario is 80.51 acres and the post-development runoff should not exceed 80.51 cfs. Therefore, the basin has adequate capacity.

Additionally, the proposed storm drain on Live Oak Avenue (~~Line E~~ Alternative 1) would have a design capacity of 45.3 cfs and would convey runoff from the project site in addition to drainage area A4. Drainage area A4 would have a peak flow rate of 27.96 cfs for the 50-Year 24-Hr storm event. Therefore, ~~Line E~~ the storm drain would receive a total of 39.96 cfs and would be adequately designed to convey this flow. Furthermore, the storm drain under Alternative 2 would be designed using the same parameters as Alternative 1 and would result in a similar overall capacity. Once one of the two alternatives is chosen the Final Hydrology Report would reflect the chosen alternative. The Final Hydrology Report would be submitted to the City for review and approval prior to commencing any ground disturbing activities.

With the implementation of the on-site detention basin, ~~and drywells, and the modular wetlands systems,~~ the Specific Plan would not substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding or create stormwater runoff that would exceed the capacity of the storm drain system. The calculated stormwater runoff volume for 50-Year 24-Hour storm event under post-development conditions can be accommodated by the on-site storm drain system.

Additionally, development in accordance with the proposed project must be operated in accordance with the MS4 Permit (Order No. R4-2021-0105, NPDES No. CAS004004) and Chapter 8.28 of the Irwindale municipal code. The MS4 Permit requires new development to retain and treat a specified volume of stormwater runoff on-site, as described in Impact 5.8-1.

Therefore, development pursuant to the Specific Plan would not be anticipated to cause substantial erosion or siltation on- or off-site or substantial flooding on- or off-site. Development would also not be anticipated to create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage system. Therefore, impacts would be less than significant.

Significance After Mitigation: Less than significant impact.

Page 5.8-25 and 5.8-26, Section 5.8.4, Environmental Impacts, Impact 5.8.5, Operations. The following changes are made due a second alternative for the storm drain that connects the onsite detention basin to the final storm water disposal point. This alternative was not known when the DEIR was released for public review. Changes are also made in line with the updated Hydrology Report.

The planning area would be connected to VCWD's public water supply. VCWD relies on groundwater from the Main Basin, which is an adjudicated basin that has been identified by DWR as a very-low-priority groundwater basin. In that regard, the basin is actively managed by the Main San Gabriel Basin Watermaster. Pursuant to the SGMA, the basin does not require a Groundwater Sustainability Plan, and the Watermaster submits annual reports to DWR. The Watermaster ensures that the basins do not exceed their safe yield.

³⁹ This does not account for the reduction in flow that results from routing Area A-4 to the basin.

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Development accommodated by the Specific Plan would adhere to the State CGP, implement the SWPPP, and adhere to the City's stormwater management requirements, as described in detail in Impact 5.8-1, and would thereby ensure that groundwater quality is not adversely impacted during construction. No dewatering or groundwater wells are required to implement the Specific Plan, and the project site is not in an active groundwater recharge area. In addition, development pursuant to the Specific Plan would implement LID BMP measures, including drywells, baffle boxes, and detention basins, ~~and modular wetland systems~~, which would capture and filter water containments and would thereby ensure that water quality is not impacted during the operational phase of the Specific Plan. As a result, development of the planning area would not obstruct or conflict with the implementation of the Los Angeles Region Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties.

Therefore, the Specific Plan would not obstruct or conflict with groundwater management, and impacts would be less than significant.

Level of Significance Before Mitigation: Less than significant.

Pages 5.15-32 and 5.15-33, Section 5.15.3.4, Environmental Impacts, Impact 5.16.5. The following changes are made due a second alternative for the storm drain that connects the onsite detention basin to the final storm water disposal point. This alternative was not known when the DEIR was released for public review. Changes are also made in line with the updated Hydrology Report.

The analysis in the Preliminary Hydrology Report (see Appendix MI1) represents the hydrology and hydraulic analysis for Option 1. The proposed Option 1 contains a larger impervious area than Option 2 since the BESS site is anticipated to have a similar drainage pattern with minimal to no pavement; however, the current design is preliminary and surface type may change. Therefore, the analysis in the Preliminary Hydrology Report is conservative. Additionally, the Hydrology Report analyzes Alternative 1 for the offsite storm drain. If Alternative 2 is chosen, the final Hydrology Report would reflect this change.

The project site drains to off-site conveyances maintained by the Los Angeles County Flood Control District (LACFCD). The proposed project would construct a new storm drain that connects the proposed detention basin on site to the LACFCD conveyance system with two alternatives proposed (see Figure 3-14). Alternative 1 includes a storm-drain from the proposed detention basin to Live Oak Avenue which outfalls to the San Gabriel River, located to the southeast of the project site. Alternative 2 includes a storm drain that crosses beneath Live Oak Lane and outfalls into the Santa Fe Headworks/Diversion Channel northeast of the site.

Overall, the developed condition hydrology would follow the existing condition surface flow pattern, where drainage continues to flow south to the proposed detention basin. The existing pits would be hydraulically connected through storm drainpipes. The proposed drainage areas are shown on Figure 5.8-3 ~~5.9-3~~, *Proposed Conditions Hydrology Map – Alternative 1*. The project site is subdivided into four drainage areas. Under Alternative 1, the ~~The~~ on-site drainage areas, A-1 through A-3, would drain to the detention basin. Runoff from the 85th

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percentile storm event⁴⁰ would drain from the detention basins into two dry wells⁴¹ on the northwest boundary, adjacent to the basin and I-605 for on-site retention. Under Alternative 2, runoff from drainage Area A-4 may also be routed to the onsite basin. Any excess runoff would be directed to Line E on Live Oak Avenue, which outfalls to the San Gabriel River to the east of the project. The proposed on-site and off-site drainage can be described in five subdrainage areas:

- **Area A1** refers to the northerly drainage area that includes off-site drainage from the existing commercial site, proposed buildings 3 and 2, and pavement from parking stalls and drive aisles. The runoff would sheet flow to nearby catch basins, into the underground storm drain system, and into the proposed detention basin.
- **Area A2.1** refers to the on-site drainage in the middle of the site. This drainage area would include drainage from building 2, building 1, and pavement from the parking aisles and stalls. Stormwater will first drain to nearby catch basins into the underground storm drain and then into proposed detention basin.
- **Area A2.2** refers to the on-site drainage on the westerly side of the site. The drainage area includes drainage from building 1 and pavement from the parking aisles and stalls. Stormwater enters the underground storm drain system through catch basins and then drains to the proposed detention basin.
- **Area A3** refers to the on-site drainage area that makes up the proposed detention basin. The basin is considered self-retaining and does not affect the on-site storm drain system. The basin manages stormwater volumes for the proposed dry wells for the 85th percentile storm.
- **Area A4** refers to the off-site area to the east of the proposed project. The drainage area includes runoff from the existing businesses on Live Oak Lane and the existing street width, which includes the improved sections that are part of the Specific Plan development. Stormwater follows the existing flow path, draining south to Live Oak Avenue along the street gutters on Live Oak Lane. Under Alternative 1, Stormwater stormwater for this drainage area would first flow into four modular wetlands systems (MWS) and then into a catch basin. Water would drain into a proposed storm drain line that would connect to Line E the proposed storm drain on Live Oak Lane and drain to the San Gabriel River. Under Alternative 2 runoff would either be routed to the onsite basin and drywells or by-pass the basin and be routed directly into the proposed storm drain that drains into the Santa Fe Headworks/Diversion Channel. The proposed project is not required to treat this offsite runoff per the requirements of MS4 Permit (Order No. R4-2021-0105, NPDES No. CAS004004) and Chapter 8.28 of the Irwindale municipal code. It should be noted that Appendix I2 analyzes routing runoff from this area to modular wetlands. The modular wetlands are no longer proposed, and the final LID Report would reflect this change. Both Appendix I1 and I2 analyze Alternative 1 for the proposed offsite storm drain.

⁴⁰ The MS4 Permit requires designated projects to retain, on-site, the Stormwater Quality Design Volume from a design storm event. The design storm event is determined using the 0.75-inch 24-hour rain event or the 85th percentile 24-hour rain event, whichever is greater.

⁴¹ Dry walls are underground structures that disposes of unwanted water, most commonly surface runoff and stormwater. It is a gravity-fed, vertical underground system that can capture surface water from impervious surfaces, then store and gradually infiltrate the water into the groundwater aquifer.

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The County Department of Public Works requires that the proposed basin regulate peak flows from the 50-year 24-hour storm event so that the post-development runoff does not exceed 1 cfs/acre. The project site, as analyzed in the Preliminary Hydrology Report under Alternative 1, is 66.9 acres, so the allowable maximum peak runoff flow is 66.9 cfs.⁴² The 50-Year 24-Hour post-development flow for the Specific Plan development is 12 cfs. For Alternative 2, runoff from Area A-4 may be routed to the onsite basin. The peak flow rate for areas A1 through A4 for the 50-Year 24-Hr storm event is conservatively 39.96 cfs⁴³. The total drainage area for this scenario is 80.51 acres and the post-development runoff should not exceed 80.51 cfs. Therefore, the basin has adequate capacity.

Additionally, the proposed storm drain on Live Oak Avenue (~~Line E~~ Alternative 1) would have a design capacity of 45.3 cfs and would convey runoff from the project site in addition to drainage area A4. Drainage area A4 would have a peak flow rate of 27.96 cfs for the 50-Year 24-Hr storm event. Therefore, ~~Line E~~ the storm drain would receive a total of 39.96 cfs and would be adequately designed to convey this flow. Furthermore, the storm drain under Alternative 2 would be designed using the same parameters as Alternative 1 and would result in a similar overall capacity. Once one of the two alternatives is chosen the final Hydrology Report would reflect the chosen alternative. The final Hydrology Report would be submitted to the City for review and approval prior to commencing any ground disturbing activities.

With the implementation of the on-site detention basin and ~~drywells~~ the modular wetlands systems, the Specific Plan would not require or result in the relocation or construction of new or expanded stormwater facilities. The calculated stormwater runoff volume for the 50-year 24-hour storm event under post-development conditions can be accommodated by the on-site storm drain system. Therefore, impacts were determined to be less than significant.

Level of Significance Before Mitigation: Less than significant.

3.4 DEIR REVISIONS FOR CLARIFICATION

3.4.1 Mitigation Measures Clarification

The following revision is made to provide clarity to Mitigation Measure GHG-2:

GHG-2 Prior to issuance of an occupancy permit for a new tenant/business entity, the new tenant/business entity shall provide documentation to the City demonstrating enrollment in the proposed project's buildings ~~would consume a~~ 100 percent carbon-free electricity energy plan such as Southern California Edison's Green Rate program, when feasible. If a 100 percent carbon-free electricity plan is not available, the responsible party shall enroll in an energy plan with the next highest carbon-free electricity until a 100 percent carbon-free electricity energy plan becomes available. ~~and commercially available in accordance with Southern California Edison's approved programs in effect at the time the tenant/business entity seeks issuance of an occupancy permit.~~ Measures to achieve 100 percent carbon-free electricity use for the proposed project's buildings may

⁴² The project site is 66.64 acres, so the analysis in the Preliminary Hydrology Report is conservative.

⁴³ This does not account for the reduction in flow that results from routing Area A-4 to the basin.

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include, but are not limited to, plans for 100 percent renewable electricity. If such carbon-free electricity energy plans are waitlisted, the responsible party shall sign up on the waiting list until such time a plan is available.

The following revisions to Greenhouse Gas mitigation measures have been made to clarify that some of these measures are not applicable to the BESS portion under project Option 2. These measures focus on loading dock operations and employee customer parking, etc. The updated measures as shown also reflect the changes made in response to comments (see Section 3.1):

GHG-3 Prior to issuance of an occupancy permit for a new tenant/business entity, the project developer/facility owner and tenant/business entity shall provide to the City of Irwindale Community Development Department a signed document (verification document) noting that the project development/facility owner has disclosed to the tenant/business entity the requirement to implement the following measures. With the exception of the landscape equipment requirement (4th bullet), this measure shall not apply to the BESS:

- A solar photovoltaic (PV) system associated with proposed project buildings. The PV system shall be designed to comply with Section 140.10, *Prescriptive Requirements for Photovoltaic and Battery Storage Systems*, of the 2022 Building Energy Efficiency Standards. For purposes of this mitigation measure, battery storage modules are not considered buildings.
- High-efficiency lights (>50 percent of fixtures) to reduce energy usage.
- All major end-user appliances (e.g., dishwashers and refrigerators) installed are Energy Star certified or of equivalent energy efficiency where applicable.
- All landscape equipment (e.g., leaf blower) used for property management shall be electric powered only. The property manager/facility owner shall provide documentation (e.g., purchase, rental, and/or services agreement) to the Planning Department to verify, to the City's satisfaction, that all landscaping equipment utilized will be electric powered, as allowed.
- All on-site outdoor cargo-handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, generators, pumps, and other on-site equipment) shall be electric or non-diesel fueled. All on-site indoor forklifts shall be powered by electricity.
- All truck/dock bays that serve cold storage facilities within the proposed buildings shall be electrified to facilitate plug-in capabilities and support use of electric standby and/or hybrid electric transport refrigeration units.
- Prior to the issuance of a building permit, the site plan shall include the minimum number of automobile electric vehicle charging stations in accordance with the requirements of the Tier 2 Nonresidential Voluntary Measures of CALGreen Section A5.106.5.3, Electric vehicle (EV) charging, required by the California Code of Regulations Title 24.

In addition, the project developer/facility owner has provided the following:

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- Occupants/tenants shall be provided documentation on the United States Environmental Protection Agency’s SmartWay program.
- Occupants/tenants shall be provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than—required engines and equipment.

This verification document shall be signed by authorized agents for the project developer/facility owner and tenant/business entities. In addition, if applicable, the tenant/business entity shall provide documentation (e.g., purchase or rental agreement) to the City of Irwindale Community Development Department to verify, to the City’s satisfaction, compliance with these measures.

GHG-4 Prior to the issuance of a building permit, the Project Applicant shall provide documentation to the City demonstrating that the project buildings’ electrical room is sufficiently sized to hold additional panels that may be needed to supply power for future installation of electric charging systems for electric trucks and power transport refrigeration units (TRUs). Conduit shall be installed from the electrical room to tractor-trailer parking spaces in logical locations on-site to facilitate future electric truck charging. Conduit shall be installed between the electrical room and the loading docks to facilitate the use of electric plug-in TRUs. This mitigation measure shall not apply to the BESS.

GHG-5 In accordance with the City of Irwindale’s Municipal Code Section 17.66, *Trip Reduction and Travel Demand Measures*, shall make provision for each of the TDM measures outlined in Section 17.66.030 B, *Development Standards* and shall comply with the *Monitoring* requirements in Section 17.66040. The project applicant shall demonstrate compliance with each measure in a written report submitted to the city prior to the issuance of a building permit and show compliance prior to the issuance of certificate of occupancy. Thea Transportation Demand Management (TDM) Program shall include detailed strategies for reducing the use of single occupant vehicles by employees by increasing carpool/vanpool participation and transit use. Additionally, the TDM program may provide for alternative work or compressed work schedules to reduce the number of days an employee commutes to work. This mitigation measure shall not apply to the BESS.

GHG-6 Prior to the issuance of a building permit, the site plan shall include surface parking lots to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles associated with trips to the proposed project’s buildings. At minimum, the number of preferential parking spaces shall equal to the Tier 2 Nonresidential Voluntary Measures of CALGreen Section A5.106.5.1.2. In addition, the site plan shall also include automobile electric vehicle charging stations equal to the Tier 2 Nonresidential Voluntary Measures of CALGreen. This mitigation measure shall not apply to the BESS.

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GHG-7 Prior to issuance of an occupancy permit, a new tenant/business entity shall place legible, durable, weather-proof signs at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than three ~~five~~ minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; 3) directional text on the sign shall read "To Truck Route" with a directional arrow. and ~~3)~~ 4) telephone numbers of the building facilities manager and CARB to report violations. The City shall conduct a site inspection to ensure that the signs are in place. This mitigation measure shall not apply to the BESS.

3.4.2 Project Description Clarification

The following text update is required to accurately describe the electrical tie-lines for the BESS project (Option 2):

Electric Tie-Line

The electrical tie-line will be undergrounded unless the applicable agency(ies), including but not limited to Southern California Edison or California Independent System Operator (CALISO), reject the proposed the underground line. If the applicable agency(ies) require an overhead tie-line, the Applicant shall be subject to a Zone Variance application per IMC Chapter 17.32. The overhead line would transition to underground at a transition pole. The underground portion of the electric tie-line would consist of conduits containing electric power cables, fiber optic communications cable, and a grounding conductor within an approximately 3'-0" wide and 3'-0" deep, high-strength concrete encasement that would be a minimum of 3'-0" feet below the surface. Impacts related to the undergrounding of the electric tie-line would not result in a net increase of impacts of the proposed projects.

If required, the overhead electric tie-line would consist of three 220 kilovolt (kV) conductor cables below an optical ground wire that serves dual purposes of grounding and fiber optic communications. The conductors and optical ground wire would be supported by steel poles that would be designed high enough to provide minimum required clearances from existing overhead power lines. Some of the poles could be up to 150 feet high where existing overhead power lines are crossed to accommodate minimum needed vertical clearances. The conductor cables and optical ground wire would extend from the collector substation H-frame structures to a pole located inside the south end of the collector substation and then to the point of interconnection (POI) in the existing 220 kV bus works area inside of the SCE substation. Four possible electric tie-line alignment routes are proposed (see Figure 3-9, *Option 2 Electric Tie-Line Alignment Options*). For all the following routes, all poles would be in developed terrain and on private property outside of public rights-of-way. All the following routes would also be designed to provide for minimum separation distances from existing overhead transmission and distribution lines along Live Oak Avenue and on the west and east sides of the project site and the SCE substation property to meet high-voltage-electric safety-code requirements. The BESS developer is working with SCE to determine which of the following routes is most practical. Any of the following routes may need to be used pending the final design by SCE.

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- **Alignment A.** From the south end of the onsite substation, the tie-line may run east inside the south boundary of the project site to a turning pole near the intersection of Live Oak Avenue and Live Oak Lane, then south or southeast across Live Oak Avenue to a turning pole inside the SCE substation property, then east to the northeast portion of the SCE substation property, and then south inside the eastern boundary of the SCE property to the POI. This alignment would require up to three poles on the project site and up to five poles inside the SCE substation property.
- **Alignment B.** From the south end of the onsite collector substation, the tie-line may cross Live Oak Avenue approximately perpendicular to a turning pole where it would turn east and run along the inside of the northern boundary of the SCE substation property to another turning pole near the northeast corner of the SCE substation property, then east and south inside the SCE property to the POI. This alignment would require one pole on the project site (i.e., at the substation), and up to six poles inside the northwest portion of the SCE substation property.
- **Alignment C.** From the south end of the onsite collector substation, the tie-line may extend directly across Live Oak Avenue to a turning pole where it would turn west to another turning pole near the intersection of Live Oak Avenue and Graham Road, then extend southward near the east side of Graham Road inside the SCE property to the POI. This alignment would require one pole on the project site (i.e., at the substation), and up to five poles inside the northwest portion of the SCE substation property.
- **Alignment D.** From the south end of the onsite collector substation, the tie-line may extend southwest diagonally across Live Oak Avenue to a turning pole near the intersection of Live Oak Avenue and Graham Road, then extend southward near the east side of Graham Road inside the SCE property to the POI. This alignment would require one pole on the project site (i.e., at the substation), and up to four poles inside the northwest portion of the SCE substation property.

~~Detailed design may determine that a portion of the tie-line would need to be installed underground. If so, the overhead line would transition to underground at a transition pole. The underground portion of the electric tie-line would consist of conduits containing electric power cables, fiber optic communications cable, and a grounding conductor within an approximately three-foot wide and three-foot deep high-strength concrete encasement that would be a minimum of three feet below the surface.~~

Impacts related to the undergrounding of the electric tie-line would not result in a net increase in environmental impacts. Potential impacts to visual resources, as addressed in DEIR Section 5.1, *Aesthetics*, would be reduced as the potential for additional overhead lines in the vicinity would be eliminated. The impact conclusions for Air Quality and Greenhouse Gas emissions would not change. Operational impacts associated with these impacts would not change in comparison to the impacts as quantified in DEIR Sections 5.2, *Air Quality* and 5.3, *Greenhouse Gases*. The maximum construction-related emissions associated with the proposed project are based on the maximum daily emissions. These emissions would not be significant for Option 2 (BESS) and would occur during construction of Buildings 2 and 3 for Option 1. The excavation and related emissions associated with trenching to underground the electrical tie-lines would not change the significance findings in the analyses. Greenhouse gas emissions analyses do not quantify construction-related emissions as significance

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thresholds are based on long-term, operational impacts. Undergrounding the electrical tie-lines would not appreciably affect the other environmental impacts addressed in the DEIR.