

**CEQA FINDINGS OF FACT  
AND STATEMENT OF OVERRIDING CONSIDERATIONS  
REGARDING THE  
FINAL ENVIRONMENTAL IMPACT REPORT  
FOR THE  
IRWINDALE GATEWAY SPECIFIC PLAN  
STATE CLEARINGHOUSE NO. 2023020290**

**I. INTRODUCTION**

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

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

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

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

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

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

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

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

Having received, independently reviewed, and considered the Draft Environmental Impact Report (“Draft EIR”) and the Final Environmental Impact Report (“Final EIR”) for the Irwindale Gateway Specific Plan Project, SCH No. 2023020290 (collectively, the “EIR”), as well as all other information in the record of proceedings on this matter, the following Findings of Facts (“Findings”) are hereby adopted by the City of Irwindale (“City”) in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the City for adoption and implementation of the Irwindale Gateway Specific Plan (“proposed project” or “Specific Plan”). This action includes the certification of the following:

- Irwindale Gateway Specific Plan Environmental Impact Report, SCH No. 2023020290

#### **A. DOCUMENT FORMAT**

These Findings have been organized into the following sections:

- 1) **Section I** provides an introduction.
- 2) **Section II** provides a summary of the project, overview of the discretionary actions required for approval of the project, and a statement of the project’s objectives.

- 3) **Section III** provides a summary of previous environmental reviews related to the project area that took place prior to the environmental review done specifically for the project, and a summary of public participation in the environmental review for the project.
- 4) **Section IV** sets forth findings regarding the environmental impacts that were determined to be—as a result of the Notice of Preparation (NOP) and consideration of comments received during the NOP comment period—either not relevant to the project or clearly not at levels that were deemed significant for consideration given the nature and location of the proposed project.
- 5) **Section V** sets forth findings regarding significant or potentially significant environmental impacts identified in the Draft EIR that the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of project design features and/or mitigation measures. In order to ensure compliance and implementation, all of these measures are included in the Mitigation Monitoring and Reporting Program (“MMRP”) for the project and adopted as conditions of the project by the Lead Agency. Where potentially significant impacts can be reduced to less than significant levels through adherence to project design features and/or mitigation measures, these findings specify how those impacts were reduced to an acceptable level. Section 5 also includes findings regarding those significant or potentially significant environmental impacts identified in the Draft EIR that will or may result from the project and which the City has determined cannot feasibly be mitigated to a less than significant level.
- 6) **Section VI** sets forth findings regarding alternatives to the proposed project.
- 7) **Section VII** sets forth the Statement of Overriding Considerations which discusses the economic, legal, social, technological, and other benefits of the proposed project and compares these to the project’s unavoidable environmental risks.

## **B. RECORD OF PROCEEDINGS**

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

- The NOP and all other public notices issued by the City in conjunction with the proposed project
- The Draft EIR for the proposed project
- The Final EIR for the proposed project
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR

- All written and verbal public testimony presented during a noticed public hearing for the proposed project
- The Mitigation Monitoring and Reporting Program
- The reports and technical memoranda included or referenced in the Response to Comments
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR
- The Resolutions adopted by the City of Irwindale in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto
- Matters of common knowledge to the City of Irwindale, including but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Findings
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e)

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

### **C. CUSTODIAN AND LOCATION OF RECORDS**

The documents and other materials that constitute the administrative record for the City's actions related to the project are at the City of Irwindale Community Development Department – Planning Division, 16102 Arrow Highway, Irwindale, CA 91706. The City's Community Development Department – Planning Division is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the City of Irwindale Community Development office. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

## **II. PROJECT SUMMARY**

The Irwindale Gateway Specific Plan (Specific Plan) outlines two (2) options for the development of the project site, both of which are outlined in the Specific Plan. Both options involve developing the project site as an industrial logistics and distribution center, however, Option 2 would develop a Battery Energy Storage System (BESS) on a portion of the site, discussed below. The impacts associated with these two options are discussed and analyzed separately throughout the Draft EIR.

Prior to implementation of the Specific Plan, a majority of the site will have undergone reclamation pursuant to the Nu-Way Live Oak Reclamation Operations Plan. The Operations Plan for site reclamation was approved by the Regional Water Quality Control Board in September 2022 and the rough grading plan for the reclamation was approved by the County of Los Angeles Department of Public Works in September 2022. These reclamation activities are currently underway and the rough graded site per the Operations Plan serves as the baseline for analysis in the Draft EIR.

The Specific Plan includes details, regulations, and conditions necessary for Specific Plans pursuant to California Government Code Section 65451, including:

- The distribution and location of housing, agriculture, and open space, together with regulations establishing height, bulk, and setback limits for such buildings and facilities, including the location of areas such as floodplains or excessively steep or unstable terrain.
- Standards for existing and proposed transportation, sewage, water, and drainage.
- Standards for the conservation, development, and utilization of natural resources, including the prevention, control, and correction of soil erosion caused by subdivision roads or any other sources, and the protection of watershed areas.

### **A. PROJECT LOCATION**

The Specific Plan site is at 13620 Live Oak Lane in the central portion of the City of Irwindale in Los Angeles County. The project site is bordered by Interstate 605 (I-605) to the west, Live Oak Lane to the north and east, and Live Oak Avenue to the south. The Assessor's Parcel Numbers (APNs) for the project site are 8532-002-046 and 8532-002-047. There is also a 9.61-acre Southern California Edison (SCE) easement on the project site. 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 site does not include the industrial uses (APNs 8532-002-036, 8532-002-040, and 8532-002-043) that are between the northeast part of the project site and Live Oak Lane, nor does the site boundary include the parcel owned by the Valley County Water District (APN 8532-002-904) at the southeastern corner of the project site.

## **B. PROJECT DESCRIPTION**

### **Option 1**

Option 1 of the Specific Plan would include a 52.65-acre parcel developed as an industrial logistics and distribution center with three buildings and associated parking and loading docks. The remaining 13.99 acres of the site would be used for public rights-of-way and the SCE easement that runs from north to south along the western portion of the site. 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**

Option 2 would include a 36.71-acre parcel developed as an industrial logistics and distribution center with two warehousing/office buildings and a 15.94-acre parcel for the 400-megawatt BESS (electric energy storage, transmission and AC/DC and voltage conversion). 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. 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 undergrounded electrical tie-line unless applicable agencies (Southern California Edison or California Independent System Operator (CALISO)) require an overhead line. If required, an overhead electric tie-line would consist of three 220-kilovolt conductor cables below an optical ground wire that serves dual purposes of grounding and fiber optic communications. An overhead line would be subject to a Zone Variance application per IMC Chapter 17.32.

## **C. DISCRETIONARY ACTIONS AND APPROVALS**

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

- Certification of the Irwindale Gateway Specific Plan EIR
- Approval of City of Irwindale General Plan Amendment
- Approval of City of Irwindale Zone Change
- Approval of City of Irwindale Zone Ordinance Amendment (adopting the Irwindale Gateway Specific Plan)
- Approval of Tentative Parcel Map
- Certification of the Environmental Impact Report SCH No. 2023020290
- Adoption of Findings of Fact and Statement of Overriding Considerations

- Adoption of Mitigation Monitoring and Reporting Program

#### **D. STATEMENT OF PROJECT OBJECTIVES**

1. Create a comprehensive master plan for the re-use of a reclaimed sand and gravel quarry, including the development of a utility-scale battery energy storage system.
2. Provide state-of-the-art buildings that can accommodate various industrial and manufacturing uses, including warehouse distribution, logistics, and fulfillment centers with proximate access to Interstate 605 on- and off-ramps.
3. Ensure that infrastructure plans for water, sewer, and drainage are adequately designed for the Specific Plan.
4. Provide a circulation system that meets transportation requirements and minimizes potential adverse impacts on the surrounding area.
5. Provide guidelines and standards for architecture, landscaping, walls, fencing, lighting, and entry treatments that are compatible with the design and architecture of the surrounding uses.

#### **III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION PROCESS**

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

- The City of Irwindale determined that an EIR would be required for the Proposed Project and issued a Notice of Preparation (“NOP”) on February 10, 2023. The NOP was sent to all responsible agencies, trustee agencies, and the Office of Planning Research and posted at the Los Angeles County Clerk-Recorder’s office and on the City’s website on February 10, 2023. The thirty (30)-day public review period extended from February 10, 2023, to March 11, 2023. However, because the scoping meeting was held relatively close to the end date of the comment period, the local comment period was extended to March 18, 2023, to give local individuals and organizations one additional week to submit comments.
- A scoping meeting was held during the NOP review period to solicit additional suggestions on the scope of the Draft EIR. The scoping meeting was held on Thursday March 2, 2023 at 6:00 PM at the Irwindale Community Center. The notice of the public scoping meeting was included in the NOP. Oral and written comments were received during the meeting.
  - The scope of the Draft EIR was determined based on the City’s comments received in response to the NOP. Section 2.3 of the DEIR describes the issues identified for analysis in the Draft EIR.

- The City of Irwindale prepared a Draft EIR, which was made available for a forty-five (45)-day public review period beginning Monday, May 13, 2024 and ending Thursday, June 27, 2024.
  - The complete Draft EIR consists of the analysis of the Specific Plan and all referenced appendices. The Notice of Availability (“NOA”) for the Draft EIR was sent to all interested persons, agencies, and organizations. The Notice of Completion (“NOC”) was sent to the State Clearinghouse in Sacramento for distribution to public agencies. The NOA was posted at the Los Angeles County Clerk-Recorder’s office and published in the San Gabriel Valley Tribune on May 13, 2024. Copies of the Draft EIR were made available for public review at the City of Irwindale City Hall, Irwindale Public Library, and Irwindale Community Development -- Planning Division. The Draft EIR was also made available for download via the City’s website: <https://www.irwindaleca.gov/590/13620-Live-Oak-Lane---Irwindale-Gateway>
- A special meeting of the City of Irwindale Planning Commission is scheduled for October 28, 2024, at 6:30 PM. The meeting will be held in the City of Irwindale Council Chambers, located at 5050 Irwindale Avenue, Irwindale, CA 91706, and online via Zoom.
- Section 15088(b) of Title 14 of the California Code of Regulations (State CEQA Guidelines) requires lead agencies to provide written Responses to Comments to public agencies commenting on the Draft EIR at least 10 days prior to certifying the Final EIR. Seven comment letters were received from public agencies.

#### **IV. ENVIRONMENTAL ISSUES THAT WERE DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE PROPOSED PROJECT**

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

Based on the public scoping process (including review of NOP responses), in addition to analysis prepared for the Draft EIR, the City determined, based upon the threshold criteria for significance, that none of the environmental topics were determined to have no impact or were found to be less than significant. As a result, all environmental topics were analyzed in Chapter 5 of the EIR.

##### **B. IMPACTS DETERMINED AS “NO IMPACT” AND “LESS THAN SIGNIFICANT IMPACTS” IN THE EIR**

This section identifies impacts of the proposed project determined to be less than significant without implementation of project-specific mitigation measures. This determination assumes compliance with existing regulations, as detailed in each respective topical section of Chapter 5 and Chapter 8, *Impacts Found Not to Be Significant*, in the Draft EIR.

- a) Aesthetics.** Implementation of the proposed project under Option 1 or 2 would not obstruct existing views of the San Gabriel Mountains and Puente Hills from surrounding roadways that abut the project site due to the substantially higher elevation of the mountains when compared to the proposed buildings and BESS infrastructure. Additionally, implementation of the proposed Specific Plan would ensure that the proposed development does not conflict with aesthetic related zoning regulations. The Specific Plan also provides standards for lighting and glare to ensure that project development does not adversely affect surrounding receptors. Furthermore, there would be no impacts to scenic corridors or highways since none exist within the vicinity of the project site.
- b) Agricultural and Forestry Resources.** Most of the project site is a former sand and gravel quarry and inert landfill and is currently undergoing remedial grading operations. As such, the project site does not contain any existing agricultural uses, land designated as important farmland by the California Department of Conservation, Williamson Act contracts, or forest/timberland resources. Therefore, development of the site under either Option 1 or 2 would have no impact on agricultural and forestry resources.
- c) Air Quality.** The proposed project would not exceed the South Coast Air Quality Management District's (AQMD's) localized significance thresholds for construction and operational emissions under either Option 1 or Option 2. Additionally, the qualified health risk from construction and operational emissions would not exceed South Coast AQMD's cancer risk and chronic hazards thresholds for either Option 1 or Option 2. The potential health risk associated with a thermal runaway event

of lithium-ion battery systems from the BESS was also evaluated and was determined unlikely to result in substantial toxic air contaminant concentrations for sensitive receptors.

- d) Biological Resources.** The project site is a former sand and gravel quarry and inert landfill. It has been highly disturbed over the last 65 years, with mining on the site commencing in 1957. A majority of the project site is currently undergoing remedial grading operations. The proposed project would not disturb any area that was not previously disturbed by reclamation activities, and the SCE easement would remain undeveloped under proposed conditions. Areas disturbed by reclamation activities have no habitat suitable for the two special species of concern that have been observed and recorded within a mile of the project site, the coast horned lizard or coastal whiptail. Additionally, while the project site is 0.34 miles southwest of the San Gabriel Canyon Significant Ecological Area which provides critical habitat for southwestern willow flycatcher, no suitable habitat for the species exists on the project site and no trees would be removed from the project site during implementation of the Specific Plan. Additionally, the project site does not contain sensitive natural communities or viable riparian habitat that is considered a protected wetland. Project development would take place within the boundaries of the project site and adjacent urban lands to the south including Live Oak Avenue and the Rio Hondo substation and would not impact the San Gabriel River or Santa Fe Flood Control Dam. The proposed project was concluded to have less than significant impacts to biological resources under both Options 1 and 2.
- e) Cultural Resources.** The proposed project would have no impact on historic resources since no historic resources exist on the project site. Additionally, while grading activities under construction of the proposed project have the potential to unearth human remains, existing laws and regulations outline specific procedures in the event of these discoveries that ensure that impacts under both Option 1 and Option 2 are less than significant.
- f) Energy.** The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation for Option 1 or Option 2. Energy use associated with construction would be temporary. Construction contractors would be required to minimize nonessential idling of construction equipment during construction in accordance with the California Code of Regulations, Title 13, Chapter 9, Article 4.8, Section 2449. Additionally, under Option 2, the proposed project would facilitate greater use of renewable energy sources, therefore decreasing reliance on fossil fuels. All land uses under the proposed project would also comply with the Building Energy Efficiency Standards and the California Green Building Code (CALGreen).

- g) Geology and Soils.** The project site is not located on or near any active surface faults or liquefaction hazard zones. While seismic activity in the project area could lead to ground-shaking, project buildings would comply with California Building Code (CBC) standards. Additionally, the grading to be conducted as part of the Operations Plan prior to implementation of the proposed project would ensure that uneven and unstable ground is filled and that the project site is flat. Erosion resulting from construction of the proposed project would be reduced with compliance with a Storm Water Pollution Prevention Plan (SWPPP) and Irwindale Municipal Code (IMC) and CBC standards. Subsequent geotechnical evaluation would identify engineering recommendations based on final project design, and mandatory compliance with the recommendations of the geotechnical evaluation would ensure impacts associated with other soil hazards including compressible soils, unstable soils, and subsidence would be less than significant for Options 1 and 2. Additionally, either version of the proposed project would not result in significant impacts to paleontological resources since the project site is covered by a thick layer of artificial fill. If the grading activities extend into the native alluvium, paleontological resources could be impacted by the project, though the likelihood is low.
- h) Greenhouse Gas Emissions.** Neither option of the proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, which include the California Air Resources Board 2022 Scoping Plan and the Southern California Association of Government's (SCAG's) Regional Transportation and Sustainable Communities Strategy (RTP/SCS). For example, the proposed project would comply with the Building Energy Efficiency Standards and CALGreen in addition to supporting GHG emissions reduction measures through the development of BESS under Option 2. Additional ways that the proposed project would support the scoping plan and the RTP/SCS are discussed on page 5.6-24 of the Draft EIR.
- i) Hazards and Hazardous Materials.** Both options of the proposed project would comply with all applicable regulations to ensure that the use, transport, and disposal of hazardous materials under the proposed project would not result in significant impacts. This includes specific fire safety requirements for BESS that are discussed in detail under Impact 5.7-1 of the Draft EIR. Additionally, all existing recognized environmental conditions at the project site would be remediated with impacts being reduced to less than significant under implementation of the Operations Plan. The proposed project would also result in less than significant impacts with respect to emergency service and evacuation access with plan review by the City's Building and Safety Department, along with the Los Angeles County Fire Department and Irwindale Police Department, to ensure adequate site access is maintained and that project driveways would not interfere with circulation on adjacent streets. The project site is not within proximity to an airport and no conditions under the proposed project would exacerbate fire risk.

- j) Hydrology and Water Quality.** Both options of the proposed project would be required to implement a Stormwater Pollution Prevention Plan and comply with the Municipal Code, the erosion control plan, and grading requirements throughout the construction phase of the development accommodated by the Specific Plan. These regulatory requirements would address anticipated pollutants of concern from construction activities. Pursuant to the State Construction General Permit, the MS4 Permit, the Statewide General Permit for Stormwater Discharges Associated with Industrial Activities, Chapter 8.28 of the City's Municipal Code, and requirements of Sections 404 and 401 of the CWA, the Specific Plan would be required to implement federal, State, and local water quality standards; construction phase BMPs; post-construction site design, treatment, and source control measures to help keep pollutants out of stormwater. Additionally, the proposed project would not interfere with groundwater recharge, since the proposed project would have sufficient water supply from the project's water provider Valley County Water District (VCWD). The preliminary hydrology report for the proposed project shows that the that the proposed basin for the project site regulates peak flows from the 50-Year 24-Hour storm event so that the post-development runoff does not exceed 1 cubic-foot-second/acre. The project site is not subject to flooding hazards.
- k) Land Use and Planning.** Neither option under the proposed project would physically divide an existing community. The proposed uses are generally consistent with the land use currently operating on adjacent properties and the project site does not provide access to established communities. An analysis of the project's consistency with relevant plans including the SCAG RTP/SCS, Irwindale General Plan, and Irwindale Zoning Code included in Table 5.9-1, *SCAG 2020-2045 RTP/SCS Goals Consistency Analysis*, and Table 5.9-2, *General Plan Consistency Analysis*, of the Draft EIR. The Specific Plan would be consistent with the applicable policies and goals of these plans.
- l) Mineral Resources.** The project site is in an area designated MRZ-2 and the Irwindale Production Area, however, the site is designated with land uses incompatible with mining in the San Gabriel P-C region and no active mining operations are present on the project site. Furthermore, there are no active mining operations on-site, and past mining operations depleted mineral resources at the project site. There would be no impacts to mineral resources under either option of the proposed project.
- m) Noise.** Construction associated with either option under the proposed project would generate noise-level increases from 0.2 to 0.3 dBA Leq at the nearest receiver locations which would not exceed the 5 dBA threshold for noise increases, consistent with the Irwindale Municipal Code. Additionally, operational noise levels would not exceed 5 dBA for either Option 1 or Option 2 at the nearest receptor locations. Similarly, traffic noise levels as a result of traffic added by the proposed project would not exceed the incremental noise level increase thresholds. Vibration

impacts from construction equipment would not result in damage to nearby receptors.

- n) Population and Housing.** The proposed project would not result in any new housing in the City but is expected to add approximately 580 long-term new jobs under Option 1 and 475 long-term new jobs under Option 2. These jobs are expected to be filled by residents in the City and region. No direct population growth would occur. Additionally, no housing exists at the project site and therefore no residents or homes would be displaced by the proposed project.
- o) Public Services.** The Los Angeles County Fire Department (LACFD) would provide fire service to the project site and anticipates that the proposed project would not have a significant impact on the service demands of the station that serves the proposed project. The BESS would be subject to LACFD review and would be required to comply with fire code requirements specific to energy storage systems. The Irwindale Police Department noted that the proposed project would not require expansion of police protection facilities. School and library services would not be impacted by the proposed project because the project would not generate population growth.
- p) Recreation.** Recreational uses under the proposed project would not be impacted by the proposed project since the project does not involve uses that would generate population in the City.
- q) Transportation.** Neither option under the proposed project would impact City circulation systems. A Traffic Impact Analysis was conducted for the proposed project and is included as Appendix L2 to the Draft EIR which concluded that signalization at the intersection of Live Oak Avenue and Live Oak Lane would be needed to address traffic impacts from both options of the proposed project. The proposed project would also provide pedestrian amenities and bicycle parking facilities both on the project site and within the surrounding right-of-way, supporting the City's implementation of its Active Transportation Plan. Additionally, the proposed project would not create roadway hazards or result in inadequate emergency access to the project site. The development would comply with fire and building codes, and circulation plans would be reviewed by the Planning Division and LACFD. Furthermore, 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.
- r) Utilities and Service Systems.** As discussed in the analysis of Impact 5.15-1 and the Sewer Area Study for the proposed project, the existing wastewater infrastructure serving the project site would be able to accommodate the additional flows from development under the Specific Plan. Wastewater from the project site

would be treated at the San Jose Creek Water Reclamation Plant which has capacity to accommodate the wastewater from the proposed project. The total water demand for the project site is anticipated to be 101 acre-feet-year, accounting for water losses, which falls within the residual water supplies available to VCWD. Impacts to stormwater drainage would be less than significant with implementation of the on-site detention basin and the modular wetlands systems at the project site, as discussed further in Sections 5.8 *Hydrology and Water Quality*, and Section 5.15, *Utilities and Service Systems*, of the Draft EIR. Solid waste disposal under the proposed project would be required to comply with various federal, state, and local laws and regulations that govern solid waste disposal. Additionally, the two (2) landfills that would serve the proposed project would have capacity to serve the proposed project. While the Specific Plan would increase energy demand at the site compared to existing conditions, all development would be required to comply with the latest applicable Building Energy Efficiency Standards and CALGreen. The proposed project would represent negligible increases to the natural gas and electricity consumption of its service area.

- s) **Wildfire.** The project site is not in a high Fire Hazard Severity Zone (FHSZ) or very high FHSZ but is adjacent to a very high FHSZ. However, the project site is separated from this FHSZ area due to roadways which would act as fire breaks. The electrical infrastructure of the BESS would undergo maintenance to ensure that there is no fuel buildup that would exacerbate fire risk on- or off-site. The proposed project would therefore not exacerbate fire risk.

## **V. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS**

The following potentially significant environmental impacts were analyzed in the Draft EIR, and the effects of the project were considered. Because of environmental analysis of the project and the identification of relevant General Plan policies; compliance with existing laws, codes, and statutes; and the identification of feasible mitigation measures, some potentially significant impacts have been determined by the City to be reduced to a level of less than significant, and the City has found—in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a) (1)—that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.” This is referred to herein as “**Finding 1.**”

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

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

### **A. IMPACTS MITIGATED TO LESS THAN SIGNIFICANT**

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

#### **1. Air Quality**

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**Impact 5.2-4: The proposed project would result in other emissions that would adversely affect a substantial number of people. [Threshold AQ-4]**

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#### **Construction**

During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, noxious odors would be

confined to the immediate vicinity of the construction equipment. By the time such emissions reached any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of odor-producing materials. Therefore, impacts associated with construction-generated odors are considered less than significant for both Option 1 and Option 2 of the proposed project.

### **Operation**

The type of facilities that are considered to have objectionable odors include wastewater treatment plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. The types of businesses accommodated under the proposed project could result in these types of uses: asphalt plants, automobile and truck repair garages, bakeries and confectionaries (manufacturing and wholesale), bottling plants, computer and electronic parts manufacturing, concrete manufacturing, distribution warehousing and e-commerce fulfillment centers for dry and frozen goods, machinery manufacturing, and product assembly. While these and other types of industrial land uses associated with the proposed project would be required to comply with South Coast AQMD Rule 402, additional measures may be necessary to prevent an odor nuisance. Therefore, certain types of industrial land uses that could be associated with either option of the proposed project may generate potentially significant odor impacts to a substantial number of people.

### **Mitigation Measure**

AQ-2 Prior to future discretionary approval, if it is determined that a project has the potential to emit nuisance odors beyond the property line, an odor management plan shall be prepared by the project applicant, subject to review and approval by the City of Irwindale Community Development Department. Facilities that have the potential to generate nuisance odors include but are not limited to:

- Wastewater treatment plants
- Composting, green waste, or recycling facilities
- Fiberglass manufacturing facilities
- Painting/coating operations
- Large-capacity coffee roasters
- Food-processing facilities

The odor management plan shall show compliance with the South Coast Air Quality Management District's Rule 402 for nuisance odors. The odor management plan shall identify the best available control technologies for toxics (T-BACTs) that will be utilized to reduce potential odors to acceptable levels, including appropriate enforcement mechanisms. T-BACTs may include,

but are not limited to scrubbers (i.e., air pollution control devices) at the industrial facility. T-BACTs identified in the odor management plan shall be identified as mitigation measures in the environmental document and/or incorporated into the site plan.

**Finding:**

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

## **2. Cultural Resources**

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### **Impact 5.4-2: Development of the project could impact archaeological resources. [Threshold C-2]**

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The project site is a former sand and gravel quarry and inert landfill. The project site has been highly disturbed over the last approximately 65 years with mining on the site commencing in 1957. When mining operations ceased in approximately 1973, the depleted quarry pits extended to a maximum depth of approximately 120 feet below ground surface. The Nu-Way Live Oak Inert Landfill operated on the site from approximately 1996 to 2005. Under landfill operation, the former quarry was backfilled with inert materials to its capacity at street level. The site operations plan for reclamation describes the excavation, screening, and placement of approximately 8.3 million cubic yards of fill material. Under the operations plan, existing fill is being excavated to a maximum depth of 120 feet. Excavated materials will be screened for noncompliant materials, which will be segregated and disposed of.

The results of the California Historical Resources Information System records search indicated that there are no archeological resources on the project site or within a 0.25-mile radius. Additionally, the Native American Heritage Commission (NAHC) responded on April 21, 2023, with a negative Sacred Lands File search, indicating no record for the presence of Native American sacred land within the project site. Although the project site has a low potential for archaeological resources, previously unidentified subsurface (buried) resources could potentially be uncovered during ground-disturbing activity in areas that have not been excavated during the reclamation activities and for off-site improvements. If such archaeological resources are encountered during project construction, there could be an adverse change of an archaeological resource, resulting in a significant impact. These impacts would apply under both Option 1 and Option 2 of the proposed project. Mitigation Measures CUL-1 and CUL-2 would be implemented as part of the proposed project to mitigate this impact to less-than-significant.

### **Mitigation Measures:**

The following mitigation measures reduce this impact to less than significant:

CUL-1 Prior to the issuance of any permits allowing ground-disturbing activities, the project proponent/operator shall retain a Qualified Archaeologist, defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior, 2011), to carry out all mitigation measures related to archaeological resources. The contact information for this Qualified Archaeologist shall be provided to the City of Irwindale Community Development Department - Planning Division prior to the commencement of any construction activities on-site.

CUL-2 In the event that unanticipated cultural resources are encountered during any phase of project construction, all construction work within 50 feet of the find shall cease, and the Qualified Archaeologist and designated Native American representative, as defined in Mitigation Measure TCR-2, shall assess the find for importance. Construction activities may continue in other areas. If the discovery is determined to not be significant by the Qualified Archaeologist and/or designated Native American representative, work will be permitted to continue in the area.

If a find is determined to be important by the Qualified Archaeologist and designated Native American representative, he or she shall immediately notify the City. The City shall consult on a finding of eligibility and implement appropriate treatment measures if the find is determined to be eligible for inclusion in the California Register of Historical Resources (CRHR). Work may not resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the site either: (1) is not eligible for the CRHR; or (2) treatment measures have been completed to its satisfaction.

### **Finding:**

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

### 3. Transportation

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**Impact 5.13-2: Development accommodated by the Specific Plan would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). [Threshold T-2]**

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Both Options 1 and 2 of the Irwindale Gateway Specific Plan include proposed development of industrial warehousing, associated parking, and loading docks. The project site is currently a vacant lot that is used for a variety of industrial and commercial uses as well as stockpiled materials and debris. Option 1 includes the development of 954,796 square feet of warehouse space and 43,000 square feet of office space. A variety of general warehousing and manufacturing tenants could be accommodated in the three (3) buildings. Option 2 would include two (2) industrial buildings providing 668,070 square feet of warehouse space and 36,000 square feet of office space. Additionally, this option would include a 400-megawatt BESS on approximately 16 acres.

As shown in Table 5.13-1, *Project VMT Characteristics*, in the Draft EIR, the proposed project would result in 20.8 daily Vehicle Miles Traveled (VMT) per employee for both Options 1 and 2, which would exceed the City's threshold of 18.5 daily VMT per employee. Therefore, impacts would be potentially significant without mitigation for both Option 1 and Option 2.

However, as shown in Table 5.13-1, with the implementation of Mitigation Measures T-1 and T-2 the San Gabriel Valley Council of Governments Regional VMT Analysis Tool forecasts the project's VMT to be reduced to 18.4 daily VMT per employee using industry standards measures of effectiveness for VMT reduction measures within the geographic context of the project. The VMT per employee value is below the City's threshold. Therefore, impacts would be less than significant.

**Mitigation Measure:**

The following mitigation measures would reduce this impact to less than significant:

- 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.
  
- 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.

**Finding:**

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

#### **4. Tribal Cultural Resources**

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**Impact 5.14-2: The proposed project would cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency to be significant pursuant to criteria in Public Resources Code section 5024.1(c). [Threshold TCR-1.ii]**

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The Sacred Lands File (SLF) search conducted by the Native American Heritage Commission (NAHC) did not indicate the presence of known Tribal Cultural Resources (TCRs) within or immediately adjacent to the project site. However, the Gabrieleño Band of Mission Indians–Kizh Nation indicated that the project area is of high importance to the tribe and that there is the potential for unknown and/or buried TCRs to be encountered during construction activities. Should such resources be determined by the lead agency to be significant, the proposed project could result in potentially significant impacts related to the substantial adverse change in the significance of TCRs. Mitigation Measures CUL-1, CUL-2, and TCR-1 through TCR-3 would be implemented as part of the proposed project to mitigate this impact to less than significant. This potential impact applies to both Option 1 and Option 2 and these mitigation measures would be implemented under either option of the proposed project.

**Mitigation Measure:**

In addition to the following mitigation measures, implementation of Mitigation Measure CUL-1 and CUL-2 would reduce impacts to less than significant.

TCR-1 The project applicant shall retain a Native American monitor from or approved by the Gabrieleño Band of Mission Indians–Kizh Nation. The monitor shall be retained prior to the commencement of any ground-disturbing activity for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). Ground-disturbing activity shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

The monitor shall complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities; the type of construction activities performed; locations of ground-disturbing activities; soil types; cultural-related materials; and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc. (collectively, tribal cultural resources, or TCRs) as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the project applicant/lead agency upon written request to the Tribe.

On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

TCR-2 Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh shall recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural, and/or historic purposes.

TCR-3 Native American human remains are defined in Public Resources Code 5097.98(d)(1) as an inhumation or cremation and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.

If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resources Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. Human remains and grave/burial goods shall be treated alike per California Public Resources Code Sections 5097.98(d)(1) and (2). Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial

goods. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

**Finding:**

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

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

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

**1. Air Quality**

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**Impact 5.2-1: The proposed project would conflict with or obstruct implementation of the applicable air quality plan (the South Coast AQMD AQMP). [Threshold AQ-1]**

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Support for this environmental impact conclusion is fully discussed in Section 5.2, *Air Quality*, starting on page 5.2-27 of the Draft EIR.

Though the proposed project would result in an increase in employment, it would not cause the City to reach or exceed the number of jobs forecast by SCAG. And because the Air Quality Management Plan (AQMP) is based on the SCAG forecasts, the proposed project would not substantially conflict with the emissions inventory in the current 2022 AQMP.

Long-term emissions generated by the proposed project would produce criteria air pollutants that exceed the South Coast AQMD significance thresholds for VOC and NO<sub>x</sub> during the proposed project Option 1 operations, and for NO<sub>x</sub> only during Option 2 operations (see Impact 5.2-3). South Coast AQMD's significance thresholds identify whether a project has the potential to cumulatively contribute to the Southern California Air Basin's (SoCAB's) nonattainment designations. Implementation of the proposed project would result in an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of the Ambient Air Quality Standards (AAQS). Therefore, overall, the proposed project (Options 1 and 2) would be considered inconsistent with the AQMP, and impacts would be potentially significant.

### **Mitigation Measures:**

The following feasible measures are required to be implemented:

- AQ-1 The construction contractor shall specify in the construction bid that the construction contractor(s) shall only use interior and exterior paints with a low VOC (volatile organic compound) content with a maximum concentration of 0 grams per liter (g/L) for building architectural coating during construction and for future coating to reduce VOC emissions. All building and site plans shall note use of paints with a maximum VOC concentration of 0 g/L. Prior to construction, the construction contractor(s) shall ensure that all construction plans submitted to the City of Irwindale Building and Safety Department and the Community Development Department clearly show this requirement.
- 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 the proposed project's buildings would consume 100 percent carbon-free electricity, when feasible 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 include, but are not limited to, plans for 100 percent renewable electricity.
- 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.
- 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 five minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) 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.

- 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.
- 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.

**Finding:**

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

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**Impact 5.2-2: Construction and operation associated with the proposed project under Option 1 and Option 2 would result in a cumulatively considerable net increase of criteria pollutants that exceed South Coast AQMD's threshold criteria. [Threshold AQ-2]**

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Support for this environmental impact conclusion is fully discussed in Section 5.2, *Air Quality*, and in particular, starting on page 5.2-28 of the Draft EIR.

## Construction

Construction activities produce combustion emissions from various sources, such as on-site heavy-duty construction vehicles, vehicles hauling materials to and from the site, and motor vehicles transporting the construction crew. Construction of the proposed project would generate criteria air pollutants associated with construction equipment exhaust and fugitive dust from site preparation, rough grading, fine grading, utilities trenching, building construction, paving, architectural coating, and finishing and landscaping; off-site improvements; and sewer and storm drain construction. Option 2 would also include installation of the BESS facility on-site. Air pollutant emissions from construction activities on-site would vary daily as construction activity levels change. An estimate of maximum daily construction emissions for Option 1 and Option 2 of the proposed project are provided in Table 5.2-9, *Maximum Daily Regional Construction Emissions (Option 1)*, and Table 5.2-10, *Maximum Daily Regional Construction Emissions (Option 2)*, in the Draft EIR. The tables show the highest daily emissions that would be generated by the overlapping construction activities over the anticipated development period.

### *Option 1*

As shown in Tables 5.2-9, the maximum daily emissions for NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> from construction-related activities would be less than their respective South Coast AQMD regional significance threshold values for Option 1. However, VOC emissions from construction activities overlapping with the proposed project's architectural coating phase would exceed the South Coast AQMD Regional construction threshold for Option 1.<sup>1</sup> Therefore, short-term air quality impacts from proposed project-related construction activities would exceed South Coast AQMD's threshold criteria for VOC, and impacts for Option 1 would be potentially significant.

### *Option 2*

As shown in Tables 5.2-10, the maximum daily emissions for NO<sub>x</sub>, VOC, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> from construction-related activities would all be less than their respective South Coast AQMD regional significance threshold values for Option 2. Therefore, short-term air quality impacts from proposed project-related construction activities under Option 2 would be less than significant.

## Operation

As shown in Table 5.3-11, *Maximum Daily Regional Operation Emissions (Option 1)*, and Table 5.3-12, *Maximum Daily Regional Operation Emissions (Option 2)*, in the Draft EIR, project-related air pollutant emissions from daily operations would exceed the South Coast AQMD regional emissions thresholds for VOC and NO<sub>x</sub> under Option 1 and NO<sub>x</sub> under Option 2. The primary sources of long-term criteria air pollutant emissions would be project-generated passenger vehicle and truck trips as well as use of off-road equipment

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<sup>1</sup> The maximum daily construction VOC emissions for Option 2 is estimated to be 74.69 lb/day, which is less than the South Coast AQMD threshold for VOC.

on-site such as yard trucks and forklifts. Option 2 would also include operation of the BESS on-site. However, it would not require natural gas use to operate and thus would not generate criteria air pollutant emissions. Emissions of VOC and NO<sub>x</sub> that exceed the South Coast AQMD regional threshold would cumulatively contribute to the O<sub>3</sub> nonattainment designation of the SoCAB. Emissions of NO<sub>x</sub> that exceed the South Coast AQMD regional significance thresholds would also cumulatively contribute to the particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) nonattainment designations of the SoCAB. Therefore, the project would result in a potentially significant impact because it would significantly contribute to the nonattainment designations of the SoCAB.

**Mitigation Measure:**

The following feasible mitigation measure is required to be implemented:

AQ-1 The construction contractor shall specify in the construction bid that the construction contractor(s) shall only use interior and exterior paints with a low VOC (volatile organic compound) content with a maximum concentration of 0 grams per liter (g/L) for building architectural coating during construction and for future coating to reduce VOC emissions. All building and site plans shall note use of paints with a maximum VOC concentration of 0 g/L. Prior to construction, the construction contractor(s) shall ensure that all construction plans submitted to the City of Irwindale Building and Safety Department and the Community Development Department clearly show this requirement.

**Finding:**

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

## 2. Greenhouse Gas Emissions

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**Impact 5.6-1: The proposed project would generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment. [Threshold GHG-1]**

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Support for this environmental impact conclusion is fully discussed in Section 5.6, *Greenhouse Gas Emissions*, and in particular, starting on page 5.6-20 of the Draft EIR.

Operation of development accommodated by under Option 1 would generate up to 2,058 trips per day (non-passenger equivalent) consisting of 1,508 passenger vehicle trips and 550 heavy-heavy duty truck trips. Proposed project development under Option 2 would involve construction and operation of a BESS facility and 704,070 square feet of industrial space. Under Option 2, the proposed project would generate up to 418 truck trips and 1,093 passenger trips for a total of 1,511 trips per day. In addition, operation of the BESS under Option 2 would consume electricity to power its components and to charge its batteries, which would generate GHG emissions. However, as the BESS facility would store excess electricity from the grid for use at a later time, it would lower the need for electricity generated from nonrenewable sources, thereby resulting in a reduction in GHG generation from such sources. Furthermore, the BESS, along with the installation of other battery energy storage facilities, would contribute to CARB's goal for reaching 100 percent renewable energy production, thereby reducing GHG emissions from energy production.

The amount of energy derived from nonrenewable sources available on the electric grid that is used to charge the project's batteries is "too speculative for evaluation" (CEQA Guidelines, Section 15145). The same is true for any attempt to evaluate the amount of GHG emissions caused by the project's charging from nonrenewable sources available on the electric grid. Thus, any attempt to quantify indirect GHG emissions from the project would be too speculative to be of real value and thus is not required by CEQA.

Annual average construction emissions were amortized over 30 years and included in the emissions inventory to account for one-time GHG emissions from the construction phase of development accommodated by the proposed project. The proposed construction- and operation-related emissions of development accommodated by the proposed project are quantified and shown in Table 5.6-5, *Project-Related GHG Emissions (Option 1)*, and Table 5.6-6, *Project-Related GHG Emissions (Option 2)*, in the Draft EIR. As demonstrated in the tables, development and operation associated with the proposed project's annual emissions would exceed the South Coast AQMD bright-line threshold of 3,000 metric tons of carbon dioxide equivalent (MTCO<sub>2e</sub>) per year. Therefore, GHG emissions generated by the project would be considered to cumulatively contribute to statewide GHG emissions, and impacts are potentially significant.

### Mitigation Measures

The following feasible mitigation measures are required to be implemented:

GHG-1 Prior to the issuance of building permits, the Project Applicant shall provide documentation to the City demonstrating that the project shall install measures listed below. Implementation of these measures shall be verified by the City prior to the issuance of final certificate of occupancy.

- All-electric energy systems.
- Enhanced window insulation (0.4 U-factor, 0.32 SHGC).
- Duct insulation (R-6).
- High efficiency HVAC (EER 15/80 percent AFUE or 8 HSPF).
- Weather-based irrigation control systems combined with drip irrigation.
- Low flow toilets, urinals, and bathroom faucets to reduce water usage.

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 the proposed project's buildings would consume 100 percent carbon-free electricity, when feasible 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 include, but are not limited to, plans for 100 percent renewable electricity.

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:

- 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.

- Truck check-in points shall be inside the project site to ensure no trucks are queuing on local roadway(s).
- 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.

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.

GHG-5 In accordance with the City of Irwindale's Municipal Code Chapter 17.66, *Trip Reduction and Travel Demand Measures*, shall make provision for each of the

TDM measures outlined in Subsection 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.

- 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.
- 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 five minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) directional text on the sign shall read "To Truck Route" with a directional arrow, and 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.

**Finding:**

**Finding 3** – The City hereby makes Finding 3. Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the EIR. These changes are identified in the form of the mitigation measure(s) above. The City of Irwindale hereby finds that implementation of the mitigation measure(s) is feasible, and the measure(s) is therefore adopted. The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological or other factors, that would mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment and residential opportunities, make infeasible the alternatives identified in the EIR, as discussed in Section D of these Findings (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)). As described in the

Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

## **VI. FINDINGS REGARDING ALTERNATIVES**

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

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

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

#### **1. Alternative Development Area**

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126.6[f][2][A]). Key factors in evaluating the feasibility of potential off-site locations for EIR project alternatives include:

- If it is in the same jurisdiction.
- Whether development as proposed would require a General Plan Amendment.
- Whether the project applicant could reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent). (CEQA Guidelines Section 15126.6[f][1])

As shown in Figure 4-3, *City of Irwindale Cumulative Projects within Two Miles of the Proposed Project*, and Figure 4-4, *Cumulative Projects within Two Miles of the Proposed Project in Surrounding Jurisdictions*, and detailed in corresponding Tables 4-1 and 4-2, in the Draft EIR, the project area is characterized by high development activity. Four (4) of the five (5) approved or pending projects within the City of Irwindale are, as with the proposed project, industrial warehousing developments. Limited opportunities for new projects remain in the City, and the applicant does not own or have options on other properties within the City of Irwindale area or surrounding area.

Moreover, the proposed project site's location is key to the applicant's project objectives. Key to their proposal is the proximate access to the Interstate 605 (I-605) and on- and off-ramps. A critical site component for Option 2 that includes the BESS facility is the site's adjacency to an existing substation.

For these reasons, an alternate project site was not evaluated as a feasible project alternative.

## 2. Alternative Land Use

The following alternative land uses for the project site were reviewed for their potential to reduce or eliminate the significant impacts associated with the project as proposed while attaining most of the project's basic objectives:

- **Retail.** A market analysis was conducted by The Concord Group (TCG) for potential retail and hotel use of the project site (Concord Group 2022). This report is included as Appendix N of the Draft EIR. The analysis was conducted in light of the City embarking on a General Plan update and with an objective to determine the viability of site development in accordance with the site's Regional Commercial designation. TCG arrived at the following high-level conclusions regarding the market potential of the property:
  - Large-scale, anchored format retail (regional mall, big box center, neighborhood center) is neither market nor financially feasible, due to the following factors:
    - Poor retail conditions nationally, characterized by oversupply, declining availability of anchor tenants, department store revenue decline and growth of e-commerce (see Appendix N, Exhibit II-1, of the Draft EIR).
    - Inferior visibility compared to existing stock which favors locations off I-10 and I-210, with traffic counts that are 35 percent to 50 percent higher than that along the I-605 near the project site (see Appendix N, Exhibit II-2A, of the Draft EIR).
    - The demographic character locally and associated median incomes and home values are inferior to other established retail locations in the greater market area (see Appendix N, Exhibit II-4, of the Draft EIR).
    - Two major malls are located within five-miles of the project site, while nearly all major big box anchors have a presence within a three-mile radius (Appendix N, Exhibit II-5C and II-5D, of the Draft EIR).
  - The neighborhood location and market area retail dynamics could support the development of smaller format, convenience retail centers servicing the local workforce and drive-by traffic along I-605.
  - The immediate surrounding land uses are problematic for attracting large-scale retail tenants to this location. Large-scale asphalt operators and overhead powerlines are not attractive for potential retail and hotel users.

This alternative was, therefore, rejected for further analysis.

- **Hotel.** Based on The Concord Group report, the location of the project site, adjacent to the I-605, is not a desired location for hotels. The market opportunity of a hotel development targeting leisure or business travel is weak in the current climate of the San Gabriel Valley. Market conditions have not recovered from the COVID-19 downturn as occupancy and average daily rates are still well below 2019 levels. The

site is not suited for leisure travel, and the surrounding land uses do not support development for business travel hotels as they are all located along the employment corridors of the I-10 and I-210. The immediate surrounding land uses are problematic for attracting hotel and large-scale retail tenants to this location. Large-scale asphalt operators and overhead powerlines are not attractive for potential retail and hotel users. There is also an oversupply of hotels within a 5-mile radius, with three (3) hotels totaling 389 rooms either completed or under construction in Monrovia and Duarte since the 2022 Concord Report. For these reasons, a hotel use was not evaluated further as a viable project alternative.

- **Office.** An all-office space alternative would not be economically viable. According to a recent report regarding the economic viability of office real estate by CBRE Group, Inc., office vacancy rates continue to rise in the Greater Los Angeles area due to companies adopting hybrid-flexible work from home schedules for their employees, low asking-lease rates, and businesses downsizing. Additionally, the Greater Los Angeles office market has posted a negative net absorption for five quarters straight (-3,272,532 square feet), meaning there is a surplus of office space in the Greater Los Angeles area, which means investing in the development of excess office space would not be economically viable. This alternative was, therefore, rejected for further analysis.

## **B. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS**

The following alternatives were determined to represent a reasonable range of alternatives with the potential to feasibly attain most of the basic objectives of the Proposed Project but avoid or substantially lessen any of the significant effects of the project. Table 7-6, *Summary of Proposed Project and Alternatives Impacts*, of the Draft EIR, identifies how each of the alternatives selected for further analysis compare to the Proposed Project. Table 7-7, *Ability of Each Alternative to Meet the Project Objectives*, of the Draft EIR, provides a summary of the ability of the alternatives to achieve the project objectives.

### **1. No Project/No Development Alternative**

As with the proposed project, under this alternative, implementation of the Nu-Way Live Oak Reclamation Operations Plan would be fully implemented. The landfill reclamation is not part of the proposed project. As such the site would be rough graded in accordance with the Operations Plan and any remaining structures would be removed. Existing structures located in the northwest corner of the project site, however, are not within the grading plan approved for the Operations Plan (see Figure 3-5, *Rough Grading Plan and Remedial Grading Over-Excavation*, in the Draft EIR). Under the No Project/No Development plan, these structures would remain. The balance of the site would remain undeveloped and rough graded.

This alternative would result in similar impacts to 5 impact categories, reduce or eliminate impacts to 12 environmental impacts, and increase impacts to 3 categories. Impacts would

be similar for agricultural, biological, and mineral resources; population and housing; and recreation. This alternative would reduce impacts for air quality, cultural resources, energy, geology and soils, greenhouse gases, hazards, land use and planning, noise, public services, tribal cultural resources, utilities, and wildfire. The significant, unavoidable project-related impacts would be eliminated under the No Project alternative. Because the beneficial improvements under the proposed project for aesthetic, hydrology, and transportation would not occur under this alternative, the impacts to these categories would be considered greater than the proposed project. Overall, impacts under this alternative would be decreased in comparison to the proposed project.

The No Project alternative would meet none of the proposed project's objectives.

**Finding:**

This alternative is rejected because it would not meet any of the objectives of the proposed project and would therefore result in none of the benefits of the proposed project including the economic benefits to the City from developing a new warehouse distribution, logistics, and fulfillment center. This alternative would also increase impacts to aesthetics, hydrology and water quality, and transportation since no site improvements would be implemented. As a result, specific economic, legal, social, technological, or other considerations, including provision of employment and residential opportunities, make infeasible this project alternative for the reasons identified in the EIR. Since the site would remain vacant, the site would not provide employment or residential opportunities and would not provide revenues to support infrastructure improvements.

**2. Existing General Plan Alternative**

Under this alternative, the site would be developed consistent with the existing land use designation, Regional Commercial (RC). The RC land use designation encourages a mix of commercial, office professional, and light manufacturing uses along a number of high-visibility traffic corridors. Given that commercial retail and office uses have been determined not to be economically viable for this site, this alternative has been defined to focus on light manufacturing with very minimal retail square footage. The site is zoned M-2 (Heavy Manufacturing) for which the zoning ordinance describes a variety of over 100 different allowed manufacturing-type uses. The RC designation defines a floor area ratio of 2.0 to 1.0. The current zone does not have a maximum building height. The market analysis for the project site concludes that the site could support the development of smaller format, convenience retail centers serving the local workforce and drive-by traffic along I-605. Specifically, this alternative includes a total of 10,000 square feet to support a fast-food restaurant, gas station, and convenience mart, as described in the TCG report. Since a new Specific Plan use would require a General Plan Amendment, this alternative only includes one option and assumes a Floor Area Ratio (FAR) of 2.0 for the manufacturing use on approximately 49 acres resulting in (approximately 4.3 million square feet [SF] along with the 10,000 SF of retail use.

This alternative would only reduce impacts to one category in comparison to the proposed project: land use and planning. This is because the project would be consistent with the existing General Plan land use designation and would not require a General Plan amendment. This alternative would result in similar impacts to ten (10) impact categories and increased impacts to nine (9) categories. Impacts would be similar for agricultural, biological, and cultural resources; hazards; hydrology; minerals; recreation; transportation; tribal cultural resources; and wildfire. This alternative would increase impacts to aesthetics, air quality, energy, geology, greenhouse gases, noise, population and housing, public services, and utilities. As with the proposed project, impacts to air quality and greenhouse gas emissions would remain significant and unavoidable. Overall, impacts under this alternative would be increased in comparison to the proposed project.

The Existing General Plan alternative would achieve two (2) of the project objectives. It is assumed that with compliance of existing regulations and City and other agency requirements and permitting reviews, that this alternative would ensure adequately designed infrastructure and circulation systems (Objectives Nos. 3 and 4). Although this alternative could provide state-of-the-art buildings that accommodate various industrial and manufacturing uses, the existing General Plan would not allow warehousing distribution and logistics uses at this project site (Objective No. 2). Similarly, it would not permit a battery energy storage system as stipulated in Objective No. 1. And finally, although this alternative would comply with existing City land use, zoning and design guidelines, it would not provide project-specific detailed guidelines and standards for architecture, landscaping, walls, fencing, lighting, and entry treatments that are required in a specific plan (Objective No. 5).

**Finding:**

This alternative is rejected because it would not reduce impacts when compared to the proposed project with the exception of land use and planning since no General Plan Amendment and rezone would be required. Additionally, it would only meet two project objectives. Therefore, this alternative would not result in most of the benefits of the proposed project including the development of a warehousing and logistics center and/or a BESS and detailed design guidelines and development standards. As a result, specific economic, legal, social, technological, or other considerations, including provision of employment and residential opportunities, make infeasible this project alternative for the reasons identified in the EIR.

**3. Reduced Intensity Alternative**

This alternative includes the same land uses as the proposed project but assumes that the warehousing square footage is reduced sufficiently to eliminate the significant greenhouse gas emissions impact of the proposed project. It would accommodate up to 116,018 SF of warehousing plus 5,225 SF of office space (approximately 12 percent of the proposed project SF) and could be designed with a BESS use (which is assumed to be the same acreage as the proposed project) as a second option. The warehousing

square footage for the BESS option is reduced the same proportion as the Option 1 reduction (12 percent of the warehousing SF for proposed project Option 2).

This alternative would reduce impacts to nine (9) environmental impacts, result in similar impacts to nine (9) categories, and increase two (2) impacts. It would reduce impacts to air quality, cultural resources, greenhouse gas emissions, hazards, noise, public services, tribal cultural resources, and utilities. This alternative would eliminate the significant, unavoidable impact to greenhouses gases. Impacts would be similar for agricultural resources, biological resources, geology, hydrology, minerals, population and housing, recreation, transportation, and wildfire. Impacts to aesthetics and land use and planning would be greater than the proposed project. As with the proposed project, impacts to air quality would remain significant and unavoidable. Overall, impacts under this alternative would be reduced in comparison to the proposed project.

The Reduced Intensity alternative would represent a similar project as the proposed project, but with a substantial reduction in building square footage. It would offer an Option 1 scenario as well as an Option 2 scenario that could accommodate a battery energy storage system (BESS) identical to the proposed project's BESS (Objectives Nos. 1 and 2). The land uses (both warehousing and the BESS) would require a General Plan amendment, and it is assumed that a Specific Plan would be prepared. Along with City and service providers' requirements and review, the Specific Plan would ensure that infrastructure plans (water, sewer, and drainage) are adequately designed (Objective No. 3). Similarly, the Specific Plan and City/agency reviews would ensure that circulation improvements minimize potential adverse impacts in the project area (Objective No. 4). Finally, a Specific Plan would provide detailed guidelines and standards for architecture, landscaping, walls, fencing, lighting, and entry treatments that are required in a Specific Plan (Objective No. 5). Although the Reduced Intensity Alternative has the potential to meet each of the project objectives, the success of achieving these objectives would be dependent upon the economic viability of the land uses defined. There is no certainty that the limited use required to avoid a significant greenhouse gas impact would be sufficient to finance the required infrastructure and amenities outlined in a Specific Plan. Moreover, with such a limited warehousing use within the large site (52 acres under Option 1 and 37 acres under Option 2), much of the site would be vacant.

**Finding:**

This alternative is rejected because it would not avoid significant impacts to air quality and would increase impacts to aesthetics and land use and planning. While this alternative would meet the objectives of the proposed project, a large portion of the project site would remain vacant and the limited scale of the development could decrease the economic viability of this alternative to the extent that the improvements defined in the Specific Plan would no longer be feasible to finance. As a result, specific economic, legal, social, technological, or other considerations, including provision of higher-paying employment opportunities, make infeasible this project alternative for the reasons identified in the EIR.

#### **4. Truck Trailer Storage Alternative**

This alternative was previously considered by the project applicant. A conceptual site plan is shown as Figure 7-1, *Truck Trailer Parking Project Alternative*, in the Draft EIR. The plan included a total of 2,062 tractor trailer parking stalls and a 40,726 SF building accommodating warehousing and office space. This alternative was considered for the entire site, and an Option 2 has not been evaluated.

This alternative would reduce impacts to seven (7) environmental impacts, have similar impacts to eleven (11) categories, and increase two (2) impacts in comparison to the proposed project. It would reduce impacts to air quality, energy, geology, greenhouse gas emissions, hazards, public services, and utilities. Impacts would be similar for agricultural, biological and cultural resources; hydrology, mineral resources, noise, population and housing, recreation, transportation, tribal cultural resources, and wildfire. It would increase impacts to aesthetics and land use and planning. As with the proposed project, impacts to air quality and greenhouse gas emissions would remain significant and unavoidable. Overall, impacts under this alternative would be reduced in comparison to the proposed project.

The Truck Trailer Storage alternative would substantially reduce the overall building square footage, but would develop most of the site, much like the proposed project. This alternative would only meet two (2) out of the five (5) project objectives. Specifically, this alternative would only meet Objective Nos. 3 and 4. It would ensure that infrastructure plans for water, sewer, and drainage are adequately designed for the project area and would provide a circulation system that meets transportation requirements and minimizes potential adverse impacts. Since it is unlikely that a Specific Plan would be prepared for this use, it would not provide guidelines and standards for architecture, landscaping, walls, fencing, lighting, and entry treatments that are compatible with the design and architecture of the surrounding uses (Objective No. 5). A comprehensive master plan for the re-use of a reclaimed sand and gravel quarry including the development of a utility scale battery energy storage would not be a part of this alternative (Objective No. 1). Lastly, as the warehousing square footage is limited to one 40,726 SF building (which includes 4,000 SF office), it would not provide state-of-the-art buildings that can accommodate various industrial and manufacturing uses, including warehouse distribution, logistics, and fulfillment centers with proximate access to Interstate 605 on- and off-ramps (Objective No. 2).

#### **Finding:**

This alternative is rejected because it would not reduce significant and unavoidable impacts to air quality and greenhouse gases and would increase impacts to aesthetics and land use and planning. Furthermore, this alternative would only meet two (2) out of the five (5) project objectives, therefore lacking a Specific Plan with guidelines and standards to develop the site, an option for BESS development, and the development of state-of-the-art buildings for industrial and manufacturing uses. As a result, specific

economic, legal, social, technological, or other considerations, including provision of employment opportunities, make infeasible this project alternative for the reasons identified in the EIR.

### **C. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

CEQA requires a lead agency to identify the “environmentally superior alternative,” and in cases where the “No Project” Alternative is environmentally superior to the proposed project, the environmentally superior development alternative must be identified. In this case, the No Project alternative would be considered the environmentally superior alternative. As summarized in Table 7-6, *Summary of Project and Alternative Impacts*, in the Draft EIR, the No Project alternative would reduce 12 impacts and eliminate both of the significant, unavoidable impacts of the proposed project (air quality and greenhouse gases). The Reduced Intensity alternative is identified as “environmentally superior” to the proposed project. This alternative reduces nine (9) of the impacts of the proposed project and only increases two (2) impacts (aesthetics and land use and planning). It eliminates the significant greenhouse gas impact of the proposed project.

## **VII. STATEMENT OF OVERRIDING CONSIDERATIONS**

### **A. INTRODUCTION**

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

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

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

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed project against the unavoidable adverse impacts associated with the project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the proposed project, none of which both meets the project objectives and is environmentally preferable to the proposed project, for the reasons discussed in the Findings and Facts in Support of Findings.

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

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

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

### **1. Implements the Objectives Established for the Proposed Project**

The proposed project is a Specific Plan that provides guidelines and standards for the development of the project site as an industrial and manufacturing hub, including plans that specifically address utility infrastructure requirements and circulation within and around the site. The Specific Plan also addresses the re-use of the project site for both the industrial/manufacturing uses in addition to BESS. Therefore, the proposed project would implement each objectives of the proposed project, as listed in Section II.D, *Statement of Project Objectives*.

### **2. Develops a Currently Under-Utilized Brownfield Site**

The project site has formerly hosted a quarry, the Nu-Way Live Oak Inert Landfill, and a street-sweeping business, but since the closing of operations for each of these uses, undergone remedial grading and largely remained vacant. The proposed Specific Plan envisions the long-term development of the project site as hub for industrial businesses to thrive and encourage further economic investment in the City of Irwindale. The proposed uses would maximize the location the project site which is

proximate to the on- and off-ramps of Interstate 605, thereby allowing easy access for heavy-duty trucks to a major transport route, by-passing local streets. The contemporary design for the industrial and business park uses would also enhance the visual quality of the currently vacant site. Due to the former and surrounding uses of the site, its development with industrial, manufacturing, and potentially BESS uses are consistent with other land uses and the visual character of the area. This would also assist the City in the concentrating non-residential uses away from residential uses in the City. These two (2) land uses can often be incompatible due to the operational characteristics of non-residential uses, which by their nature, can result in traffic congestion, air emissions, and industrial light and noise. Overall, the Specific Plan provides an opportunity to develop an underutilized site with uses that are both appropriate for the site and that would increase the economic output of the City.

### **3. Provides Consistency with the General Plan**

As described in Section 3.1 of the Specific Plan, the proposed project provides a framework for the development of the project site that is consistent with the City's General Plan goals. For example, the Specific Plan serves as a plan to transition a former quarry site into a productive and beneficial use for the City, consistent with Policy CDE 2 in the Community Development Element. The Specific Plan would also implement a comprehensive plan for the site that is consistent with its designation, per Policies CDE 3 and 5. The Specific Plan also provides high quality design, a plan for property maintenance, and entry treatments, consistent with Policies CDE 12, 14, and 15, respectively. The Specific Plan also outlines its consistency with Policies in the Infrastructure Element, Resource Management Element, and Public Safety Element.

### **4. Creates Jobs, Provides Economic Benefits, and Meets Demands for Industrial Space**

The Specific Plan allows for up to 997,796 square feet of industrial and business park uses on a former quarry site. Revenue benefits to the City of Irwindale may include but not be limited to increased property tax revenue and point-of-sale tax revenue. In addition, the Specific Plan will allow for development of uses leading to creation of jobs that can be filled by residents of the City and surrounding communities. The analysis in the Draft EIR assumes that up to 580 long-term new jobs would be created by the proposed project.

The proposed project would provide much-needed flexible industrial space to fulfill the needs of the growing industrial sector. The greater Southern California region is expected to continue to see strong demand for industrial facilities driven by the needs of retail and e-commerce users for facilities with modern amenities to maximize distribution efficiency, as well by as the scarcity of available facilities and land to develop such facilities in the more expensive and constrained Los Angeles, Orange County, San Bernardino and Riverside area industrial markets. Both options under the Specific Plan envision industrial/manufacturing uses, with the design focusing on the

expectation that some of the proposed space would be used for warehousing, logistics, and fulfillment uses. The Specific Plan would result in the benefit of supporting the goods movement industry in decreasing lead times for delivery of consumer products and increasing the local supply of goods for regional consumers.

**5. Provides Enhanced Utility Infrastructure for the Project Site**

The proposed project would construct utility improvements throughout the project site to accommodate the proposed development. This includes the construction of water lines that would connect to the existing 12-inch main line on Live Oak Lane, a new 6-inch force main sewer line that would drain south and east on Live Oak Avenue to the existing 10-inch sewer line on Live Oak Avenue and Rivergrade Road, and a new 24-inch gravity storm drain that connects to the existing storm drain on Live Oak Avenue. Dry utilities, including electricity and natural gas service, would also be installed.

**6. Improves the Circulation System of the Project Site and Surrounding Area**

The proposed circulation system under the proposed project is described in detail within Chapter 3, *Project Description*, of the Draft EIR and in the proposed Specific Plan. In addition to internal drive aisles and a sidewalk network within the project site, the proposed project would include off-site improvements that while also accommodating the uses of the proposed project, would provide benefits to other users of the City's circulation system in the project area. Such improvements include:

- A 750 feet of a five-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.
- Expansion of Live Oak Lane to improve it to the City's standard of 60 feet.
- Construction of minimum five-foot-wide sidewalks along both sides of Live Oak Lane and ten-foot-wide landscaped setbacks along the portion of Live Oak Lane that abuts the project site.
- Installation of a new traffic signal at the Live Oak Lane and Live Oak Avenue intersection.
- Installation of five (5) new public streetlights along the north side of Live Oak Lane abutting the project site and eight (8) new public streetlights along the east side of Live Oak Lane abutting the project site.
- Construction of a meandering sidewalk and parkway along the south side of Arrow Highway.
- Modification of the public sidewalk and landscaping along the north side of the portion of Live Oak Avenue that abuts the project site to accommodate

a Class IV trail consistent with the City of Irwindale Active Transportation Plan to create a portion of the connection to the Class IV San Gabriel River Trail.

## **7. Improves the Aesthetic Character of the Project Site**

The proposed Specific Plan includes development standards and design guidelines that direct the design of the proposed project within specific parameters. These standards and guidelines include a variety of features that aim to increase the visual appeal of the development. This includes requirements to screen the BESS equipment through walls or landscaping when in proximity to the surrounding streets and using screening materials compatible with the design and architecture of the building. The Specific Plan encourages diverse building designs while promoting consistency among all buildings to maintain visual cohesiveness. It also has standards for the design of building façades that face view corridors of the surrounding streets that would offer an inviting design to passing pedestrians and motorists. The project site would also be fully landscaped as shown in Figures 3-12, *Preliminary Landscape Plan for Option 1*, and 3-13, *Preliminary Landscape Plan for Option 2*, of the Draft EIR. The proposed project's landscaping and green-space plan is thus focused on ornamental landscaping. Entry treatments at the project site's prominent intersections would include monument signage, water features, flowering accent and palm trees, groundcover, and shrub masses.

## **C. CONCLUSION**

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