

RESPONSES TO COMMENTS

Rancho Los Amigos South Campus Specific Plan Project Program Environmental Impact Report

State Clearinghouse No. 2019029057



Lead Agency:

CITY OF DOWNEY
11111 Brookshire Ave
Downey, California 90241

September 2021

This document is designed for double-sided printing to conserve natural resources.

1.0 INTRODUCTION

1.1 Introduction

In accordance with State California Environmental Quality Act (CEQA) Guidelines §15120 through §15132 and §15162, the City of Downey prepared a Draft Program Environmental Impact Report (PEIR) for the Rancho Los Amigos South Campus Specific Plan Project (RLASCSP or Project) (SCH No. 2019029057). The Draft PEIR was made available for review and comment to the public, responsible and trustee agencies, interested groups, and organizations for a 45-day period that occurred between June 8, 2021 and July 22, 2021. The Draft PEIR was also made available directly to State agencies through the State Clearinghouse, Office of Planning and Research.

The purpose of this document is to present public comments and responses to comments received on the Draft PEIR. In accordance with CEQA Guidelines §15088, the City of Downey, as the Lead Agency, has evaluated all substantive comments received on the RLASCSP Draft PEIR, and has prepared written responses to these comments. This document has been prepared in accordance with CEQA and represents the independent judgment of the Lead Agency.

1.2 Format

The Response to Comments document is organized as follows:

Section 1.0: Introduction

Section 2.0: Identification of Draft PEIR commenters, comment letters, and responses to the comment letters

Section 3.0: Clarifications and Revisions

It is noted, none of the corrections/clarifications identified in this PEIR constitute “significant new information” pursuant to State CEQA Guidelines §15088.5. The new information added merely clarifies/amplifies and makes insignificant modifications to the PEIR. The corrections/clarifications do not involve changes in the Project or environmental setting, or significant new information. They do not result in a new impact or substantial increase in the severity of an environmental impact identified in the PEIR. No new or substantially different mitigation measures than those identified in the PEIR are required. Moreover, the new information does not affect the PEIR’s overall conclusion that would require recirculation.

1.3 CEQA Requirements Regarding Comments and Responses

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

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

CEQA Guidelines §15088(a) states that the “The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.” Section 15088(c) notes “The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.”

In accordance with CEQA, Public Resources Code §21092.5, copies of the written responses to public agencies will be provided to those agencies at least ten days prior to consideration of certification of the PEIR.

2.0 COMMENT LETTERS AND RESPONSES

2.1 List of Commenters

In accordance with the State CEQA Guidelines §15132, the following is a list of public agencies, organizations, and individuals and businesses that submitted comments on the Draft PEIR received as of close of the public review period. Comments have been numbered and responses have been developed with corresponding numbers.

List of Commenting Public Agencies, Persons, and Organizations			
Letter Reference	Commenter	Date of Correspondence	Page No.
Agencies (A)			
A1	LA Metro	July 2, 2021	6
A2	Caltrans District 7	July 9, 2021	14
A3	South Coast Air Quality Management District (South Coast AQMD)	July 20, 2021	18
A4	City of South Gate	July 20, 2021	31
Organizations (B)			
B1	Attorneys for Southwest Regional Council of Carpenters	July 20, 2021	54
B2	Los Angeles Conservancy	July 22, 2021	87
Individuals and Businesses (C)			
C1a	Renee Acero	June 29, 2021	104
C1b	Renee Acero	July 6, 2021	106
C1c	Renee Acero	July 21, 2021	108
C2	Sandra Perez	July 7, 2021	110
C3	Donna Siemann	July 14, 2021	112
C4a	Gaby Martinez	July 14, 2021	114
C4b	Gaby Martinez	July 15, 2021	116
Other			
Planning Commission Study Session		July 14, 2021	119
Planning Commission Hearing		July 21, 2021	121

2.2 Comment Letters and Responses

In compliance with State CEQA Guidelines §15132, this section includes all of the comments received on the PEIR, along with the City of Downey’s responses to significant environmental points raised by those comments. The comments are grouped according to author: Public Agencies, Organizations, Individuals and Businesses. Each comment letter is reproduced on the following pages. Each letter and the individual comments in each letter have been consecutively numbered for ease of reference. Following each comment letter, a response is provided for each comment raising substantive environmental issues. The responses are numbered and correlated to the bracketed and identified portions of each comment letter.

Responses may include text revisions to clarify or amplify information in the PEIR, as a result of environmental points issues in the comments, or as requested by the Lead Agency. A response to a

comment requiring PEIR revisions presents the relevant PEIR text in a box, with deleted text indicated by ~~strike through~~ and added text indicated by double underline.

**Comment Letters and Responses:
Agencies (A)**

Letter A1

LA Metro

Shine Ling, AICP, Manager, Transportation Planning
July 2, 2021

LETTER A-1

From: Ling, Shine [<mailto:LingS@metro.net>]
Sent: Friday, July 2, 2021 3:21 PM
To: Guillermo Arreola
Cc: Roberts, Jane; Ross, Jeffrey; Carvajal, Elizabeth
Subject: Re: Rancho Los Amigos South Campus Specific Plan

[CAUTION EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Guillermo, good afternoon:

Thanks for providing the Metro team with a copy of the Specific Plan draft earlier in June. We had our Strategic Advisor, Walker Wells of Raimi + Associates, review the draft. He has provided some comments (attached). Overall, the Specific Plan is in the right direction, but can benefit from some added discussion and policies to address affordable housing, first/last mile connections, and parking. This would help make the Specific Plan an even stronger one.

Please review the comments with your team, and advise on how the City can address our recommendations. If it's helpful, I would be glad to set up a call to unpack the recommendations and discuss further (including our Strategic Advisor). Just let me know some times that work for your team.

I look forward to upcoming steps on this project.

Best,
Shine

Shine Ling, AICP
LA Metro
Manager, Transportation Planning
Transit Oriented Communities
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Metro's mission is to provide world-class transportation for all.



Transit-Supportive Development Toolkit Review

City of Downey

Rancho Los Amigos South Campus Specific Plan
TOD Grant Round 5
June 30, 2021

To: Elizabeth Carvajal, Shine Ling, Jane Roberts, Metro
From: Walker Wells, Raimi + Associates
RE: Review of Administrative Draft dated June 2021

Background

The City of Downey is a grantee through the Metro Transit Oriented Development (TOD) Planning Grant Program. The Rancho Los Amigos South Campus Specific Plan (RLASCSP) area is located at the southwest corner of the City of Downey in the southern portion of Los Angeles County. The southern portion of the planning area includes the Gardendale station on the proposed West Santa Branch line.

Recipients of Metro TOD planning grants are encouraged to apply relevant tools and strategies outlined in the Metro Transit Supportive Development Toolkit. The Tool Kit includes strategies to preserve and increasing transit ridership and maximize the local and regional benefits of the transportation system.

This review identifies 1) components of the Draft Specific Plan that are consistent with the Transit Supportive Development Toolkit and 2) opportunities to include additional strategies to increase consistency with the Toolkit.

The Toolkit outlines ten characteristics of transit supportive places:

- Compact Design
- Complete Neighborhoods
- Street and Network Connectivity
- Site Layout, Parking Layout, and Building Design
- Affordable Housing
- Commercial Stabilization, Business Retention and Expansion
- Transit Prioritization, Accessibility, and Area Design
- Parking Management
- Transportation Demand Management
- Pedestrian and Bicycle Circulation

Using these characteristics as an overall frame of best practices, the toolkit describes a number of tools that can be used to create development patterns that support transit ridership.

Applicable Tools

Planning Tools

- Specific Plan – The City is developing the Rancho Los Amigos South Campus Specific Plan to establish a vision, guiding principles, and development standards that includes the creation of a “TOD Corridor Sub District” in the southern portion of the planning area.
- Minimum Densities –The Draft Plan allows for densities of 40 – 75 dwelling units per acre and 2.5 FAR, which are greater than the minimums stated in the Toolkit of at least 20 units per acre or a FAR of 1.5 within a 1/4 mile walk of major transit facilities.
- Form Based Code – The Draft Plan does not include form based code. The Plan does include a chapter focused on development standards and design guidelines.
- Incentives and Bonuses for Affordable Housing – No additional incentives are provided for affordable or workforce housing development.
- Bike Stations – the Plan does not currently address the need for bike share and micromobility infrastructure.
- Traffic Calming – the urban design and complete streets sections of the Draft Plan identify multiple ways to reconfigure streets to improve access and safety for pedestrians and cyclists.
- Parking – the Draft Plan recognizes current parking shortages and the need for parking to support new development. However, specific strategies for shared parking, unbundled parking, innovative parking systems, or methods to encourage development close to the Gardendale Station to reduce the amount of parking are not addressed.

Urban Design Tools

- TOD Building Standards – the Plan includes detailed urban design standards that orient buildings toward the public right-of-way, and to create safe and enjoyable conditions for pedestrians. Standards specifically related to the character of the future train station are not provided.
- TOD Street Standards – the Draft Plan includes guidelines for street, bike, and pedestrian standards. The path to the Gardendale Station is not addressed in a way that is consistent with the Metro First/Last Mile Strategic Plan.

Economic Tools

- Enhanced Infrastructure Finance Districts – the Draft Plan recommends this approach among others in Chapter 7 Implementation as a means to establish a local assessment to support the financing of community beneficial projects including green infrastructure, renewable energy, urban heat island mitigation, or water management.

- Affordable Housing Sustainable Communities Program – this program is consistent with the intent of the Toolkit to leverage local funding sources with regional and state funding. New low-income housing developed within the Draft Plan area would have good potential to qualify for the AHSC program, due to the proximity to the future Gardendale Station. The Draft Plan recognizes the need to provide additional housing but does not specifically identify the need for low-income or other income-restricted housing. The Housing Element is mentioned as a reference document but the role of the Plan in achieving the 6th Cycle RHNA numbers is not addressed. Specific locations that are consistent with the AHSC or other affordable housing funding criteria are not identified.

Chapter Specific Comments

The Specific Plan envisions a composition of uses that complement the medical facilities in the North Campus and that supports the expansion of Los Angeles County regional facilities. The plan also lays out how to best develop transit-supportive uses around the Gardendale Transit Station, to be located along the southern border of the planning area. The Plan includes multiple references to the characteristic of transit-supportive development as described below.

Chapter 1: Executive Summary

Several Plan goals are consistent with the Toolkit:

- Encourage transit-supportive development site wide, and providing a balance of mix uses around transportation centers and transportation corridors providing a balanced mix of uses.
- Balanced, flexible, and diverse land uses that support economic development and additional housing opportunities.
- Establish land use regulations that support increased pedestrian and bicycle activity and transit usage.
- Support improvements to public transportation infrastructure, including bus transit and potential rail facilities.

Chapter 2: Project Area Environs

No comments

Chapter 3: Policy Context

The Guiding Principles in Section 3.3 include multiple references to transit supportive development practices:

- Guiding Principle #3 – Improved visual and functional connections and linkages between commercial/retail areas, residential neighborhoods, transportation nodes, and civic/institutional uses within and around the Specific Plan area.
- Guiding Principle #4 – Improved pedestrian and bicycle accessibility and vehicular circulation to minimize potential conflicts between different transportation users throughout the Specific Plan area.

- *Guiding Principle #7 – Encourage transit-supportive development throughout the Specific Plan area, and provide and provide a balanced mix of land uses adjacent to transportation centers and mobility corridors.*

The following policies in Section 3.4 are consistent with the Toolkit:

- *LU-2: Coordinate land use planning with infrastructure and transportation planning.*
- *LU-3: Establish land use regulations that support increased pedestrian and bicycle activity and transit usage.*
- *MO-1: Integrate existing and future roadway and transportation facilities into any improvements identified in the Specific Plan.*
- *MO-2: Create and enhance bicycle and pedestrian connections between key community amenities and activity centers.*
- *MO-3: Improve and enhance non-vehicular and vehicular circulation and connections that are pedestrian-friendly in conjunction with future development. Large, expansive parking lots will be discouraged or prohibited to further encourage transit supportive development.*
- *MO-4: Support improvements to public transportation infrastructure, including bus transit and potential rail facilities.*
- *MO-5: Require bicycle parking at key locations, such as employment centers, parks, transit, schools, and commercial centers.*
- *UD-3: Identify ways to improve and enhance linkages and connections between new development in the Specific Plan and existing neighborhoods.*
- *UD-4: Develop design guidelines that encourage optimal building configuration and design, parking strategies, signage, pedestrian amenities, landscaping, and appropriate, timeless architectural styles.*
- *IMP-6: Establish development incentives such as modified development standards, streamlined review and approval, or density bonuses, to encourage new development that fulfills the vision of the Rancho Los Amigos Specific Plan.*

Section 3.6 does not address how the Draft Plan is consistent with the First/Last Mile Strategic Plan, the Transit Supportive Development Toolkit, or the Metro Moving Beyond Sustainability Plan.

Chapter 4: Development Plan

The proposed land uses outlined in Table 4.1 allow for mixed use and multi-family housing development at densities that are supportive of Toolkit strategies related to Compact Design and Complete Neighborhoods, specifically TOD Mixed Use Corridor and Mixed Use Overlay.

The description of the TOD Corridor Sub-District (TODC) in section 4.1.3 is consistent with the overall intent of the Toolkit.

The intent of this Sub-District is to create transit-supportive uses around the future Metro Gardendale Transit Station. The future development of this district will be focused around facilitating access to the station, whether through adjacent higher density residential or connective complete street improvements in and around the RLASP. Targeted neighborhood serving commercial uses will help support residents and grow the district into a desirable place for professionals who will have the ability to access a large portion of the region for job opportunities.

Section 4.2 does not include a discussion of how the Station location and design will be integrated with Metro Bus, other transit providers, micromobility, or ride share services.

It is difficult to determine the difference between Image 4.6 and 4.6a regarding the street network and what new streets or other connections are proposed in the Specific Plan.

Chapter 5: Land Use and Development Standards

The land use classifications and development standards allow for the density (in both dwelling units and FAR) building height that supports transit use and reduced VMT.

There is no description of Incentives for providing affordable housing or for other types of community benefits, even though the provision of incentives is identified in Chapter 3 as Policy IMP-6.

Chapter 6: Design Guidelines

No specific building design or streetscape guidelines, such as those provided in the First/Last Mile Strategic Plan, are provided to address the conditions related to access to the Gardendale Station.

The plan does not provide street cross sections to demonstrate the feasibility of the proposed road diets and addition of enhanced bicycle facilities.

Section 6.2.4 states:

Placement of shared parking structures should be distributed throughout the Specific Plan area, with one located adjacent to the West Santa Ana Branch Gardendale transit stop to accommodate regional users.

The use of shared parking is consistent with the Toolkit. However, the Plan does identify specific locations for the shared parking facilities or discuss what measures are needed to secure the needed properties from the County or private parties.

Section 6.5.3- A. Parking Facilities and Vehicular Access includes the following statement:

Parking spaces should be located and designed to produce the shortest route of travel from a building entrance.

Prioritizing direct access between parking and building entrances could result in a preference for street parking or private parking lots facing the street or sidewalk, rather encouraging shared parking lots located behind buildings or in the interior of the blocks. This could have a negative impact on the ability to create a cohesive walkable urban environment that supports transit use.

Section 6.5.3 also includes the following statement regarding parking structures:

Parking structures are encouraged near the West Santa Branch Gardendale transit stop to accommodate regional users and encourage their activity throughout the Specific Plan area.

This could have a negative impact on the urban design character around the Gardendale Station if the parking structures have blank walls, do not include ground floor commercial, civic, or other activity, or create barriers to access. These strategies are discussed generally in Section 6.5.3 but specific strategies for the Gardendale Station are not provided.

Section 6.5.4 provides a limited list of sustainability or green building measures. No discussion of incentives for including these features is provided.

Chapter 7: Implementation and Administration

7.7.4 does not identify AHSC, low-income housing tax credits, Los Angeles County CDC, or other sources for funding for affordable housing.

Recommendations

- Integrate First/Last Mile Strategic Plan strategies for the area around the future Gardendale Station.
- Prepare for Shared Mobility. Street design and parking should take into consideration growth in the use of shared vehicles and micromobility options. Include design standards that relate to the integration of bikeshare, secure bike parking, micromobility access, ride share, and the need for parking, storage, and charging of electric bikes and scooters.
- Identify specific locations or parcels for low-income housing development.
- Align the land use and development standards with the City's plan for accommodating the 6th cycle RHNA allocations and General Plan Housing Element.
- Review the current design standards related to parking to ensure that they are consistent with the TOD character described for the area around the Gardendale Station.
- Expand the discussion of sustainability practices for buildings and infrastructure in Section 6.5.4 to reference the State CalGreen Building Code, green building certification such as LEED or Green Point Rated, all-electric and/or net zero energy design, enhanced water efficiency, and integration of resilience measures in civic projects. Align with incentives provided for other community benefits.

Response A1-1

The commenter states that LA Metro received the Rancho Los Amigos South Campus Specific Plan (Specific Plan) for review. Comments were provided to the City on the Specific Plan but not on the Draft PEIR. The commenter's comments are noted and will be taken into consideration by the City's decision-makers. No further response is required.

Letter A2 California Department of Transportation, District 7
Emily Gibson, Acting IGR/ CEQA Branch Chief
July 9, 2021

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

LETTER A-2
Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7- OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
PHONE (213) 266-3574
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

July 9, 2021

City of Downey
11111 Brookshire Avenue
Downey, California 90241
Attention: Guillermo Arreola

RE: Ranchos Los Amigos South Campus
Specific Plan (RLASCSP) – Draft
Environmental Impact Report (DEIR)
SCH# 2019029057
GTS# 07-LA-2019-03614
Vic. LA-105 PM 14.565
Vic. LA-710 PM 16.393

Dear Guillermo Arreola,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The Draft Rancho Los Amigos South Campus Specific Plan (RLASCSP or Specific Plan) has been prepared to promote future development of the southern portion of the Rancho Los Amigos Campus. The RLASCSP is a City-initiated Specific Plan located completely on land that is owned by the County of Los Angeles.

The Specific Plan also prioritizes creating more livable communities with access to regional transit and promotes alternative transit opportunities. Over one-half (approximately 63 percent or 109 acres) of the approximately 172-acre RLASCSP area, will either remain unchanged, or is committed to other projects being planned and studied by the County and the Los Angeles Metropolitan Transportation Authority (Metro). Potential environmental impacts associated with the County and Metro projects are analyzed under separate environmental documents. The remainder of the Specific Plan area (approximately 37percent or 62.5 acres) comprises the Project site, referred in this PEIR as the Focus Area. The Focus Area is planned and programmed for a mix of transit-oriented residential, retail, and office uses. The overall RLASCSP area has four geographical districts: Flex Tech/Bio Medical (FTBM), Regional Public Facilities (RPF), Transit-Oriented Development (TOD), and Community Serving (CS). The Focus Area includes three of the four districts: RPF, TOD, and CS; no FTBM land is located within the Focus Area. Within the Focus Area, the RLASCSP would allow a maximum development of 700 dwelling units (DUs) and approximately 1,130,000 square feet (SF) of new, non-residential (commercial, retail, office, public facilities, etc.) land uses.

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Guillermo Arreola
July 9, 2021
Page 2

The nearest State facilities to the proposed project are I-710 and I-105. After reviewing the DEIR, Caltrans has the following comments:

2 Caltrans acknowledges and supports mixed-use, infill development that prioritizes walking, biking, and transit. The Project's goals appear to be in alignment with State-level sustainable transportation policy goals which seek to reduce the number of trips made by driving, reduce Greenhouse Gas (GHG) emissions, and encourage alternative modes of travel. Caltrans' Strategic Management Plan has set targets of tripling trips made by bicycle and doubling trips made by walking and public transit, as well as achieving a reduction in statewide, per capita, vehicle miles traveled (VMT). Similar goals are embedded in the California Transportation Plan 2040, California Transportation Plan 2050, and Southern California Association of Governments (SCAG) Connect SoCal (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy). Statewide legislation such as AB 32 and SB 375, as well as Executive Order S-3-05 and N-19-19, echo the need to pursue more sustainable development. Projects, like the one proposed, can help California meet these goals.

Caltrans has the following recommendations for the Specific Plan:

Street Design:

- 3
1. Caltrans recommends creating the safest streetscape possible for pedestrians and people on bikes. Wide roadways with numerous travel lanes are associated with higher vehicle speeds and less safe conditions for people walking and biking. Elements should be considered to create the most comfortable environment possible for all the people who will be walking and biking within the specific plan area. The most effective methods to reduce pedestrian and bicyclist exposure to vehicles is through physical design and geometrics. These methods include the construction of physically separated facilities such as Class IV bike lanes, curb extensions or bulb-outs, sidewalks, pedestrian refuge islands, landscaping, street furniture, and reductions in crossing distances through roadway narrowing. Visual indicators such as, pedestrian and bicyclist warning signage, flashing beacons, crosswalks, signage, and striping should be used in addition to physical design improvements to indicate to motorists that they can expect to see and yield to pedestrians and people on bikes.
 2. Use these tools to improve connections to existing active transportation and transit infrastructure, such as taking advantage of this project's proximity to the future Metro Gardendale Station.

Parking:

1. Reduce the amount of parking whenever possible, as abundant car parking enables and encourages driving. Research looking at the relationship between land-use, parking, and transportation indicates that the amount of car parking supplied can undermine a project's ability to encourage public transit and active modes of transportation. For any project to better promote public transit and reduce vehicle miles traveled, we

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Guillermo Arreola
July 9, 2021
Page 3

3
cont.

recommend the implementation of Transportation Demand Management (TDM) strategies as an alternative to building too much parking.

If the car parking must be built, it should:

- a. Be unbundled from the cost to rent or buy any residential unit to reduce car dependency and lower Vehicle Miles Travelled (VMT).
 - b. Be designed in a way that is conducive to adaptive reuse. They should contain flat floors with ramps on the exterior edge, so that they can be more easily converted to beneficial uses in the future.
2. Caltrans recommends that long-term bicycle parking spaces be provided in addition to any short-term spaces, allowing residents to take advantage of the Project's central location and choose the bicycle as their preferred mode of travel more easily. Long-term bicycle parking should be located onsite, indoors, on the ground floor, and within 200 feet of primary pedestrian entrances.

If you have any questions, please contact project coordinator Anthony Higgins, at anthony.higgins@dot.ca.gov and refer to GTS# 07-LA-2019-03614.

Sincerely,

Emily Gibson

Emily Gibson
Acting IGR/CEQA Branch Chief

Cc: State Clearinghouse

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Response A2-1

The comment is introductory in nature and states that the California Department of Transportation (Caltrans) has received and reviewed the Rancho Los Amigos South Campus Specific Plan (Specific Plan) Draft Program EIR (PEIR). Further, the commenter restates the project description. Responses to specific comments are provided below in Response 2 and Response 3.

Response A2-2

Caltrans' expresses its support for mixed-use, infill development, similar to the proposed Project. The comment further states that the Project appears consistent with State-level sustainable transportation policy goals. The comment is noted and no further response is required.

Response A2-3

The commenter provides recommendations concerning street design and parking standards for the Specific Plan. Future development facilitated by the Specific Plan would be subject to project-level review by the City including consistency with the General Plan, Municipal Code, and Specific Plan development standards, including those concerning parking. The comment does not address the Draft PEIR analysis. The comment is noted and no further response is required.

Letter A3 **South Coast Air Quality Management District**
Lijun Sun, J.D., Program Supervisor CEQA IGR
July 20, 2021

LETTER A-3



SENT VIA E-MAIL:
GArreola@downeyca.org
Guillermo Arreola, Principal Planner
City of Downey, Planning Division
11111 Brookshire Avenue
Downey, California 90241

July 20, 2021

**Draft Program Environmental Impact Report (PEIR) for the Proposed
Rancho Los Amigos South Campus Specific Plan (Proposed Project)
(SCH No.: 2019029057)**

1

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Downey is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments include recommended revisions to the CEQA air quality impact analysis, air quality mitigation measures, and information on South Coast AQMD rules and permits that the Lead Agency and should be incorporated into the Final PEIR.

Based on the Draft PEIR, the Lead Agency proposes to demolish 105 existing structures and build a maximum of 700 residential units and 1,130,000 square feet of new non-residential uses such as (commercial, retail, office, and public facilities uses on a 62.5-acre portion of 172 acres¹ (Proposed Project). The Proposed Project is located on the southwest corner of East Imperial Highway and Rives Avenue in the City of Downey. For the purpose of the environmental analysis in the Draft PEIR, construction of the Proposed Project will take place over 14 years beginning in late 2021 and buildout by 2035².

2

Based on a review of the Draft PEIR and supporting technical appendices, South Coast AQMD staff has four comments. A summary of these comments is provided as follows with additional details provided in the attachment.

1. CEQA Air Quality Impact Analysis from Construction Activities: In the Draft PEIR, The Lead Agency did not quantify the Proposed Project's construction emissions. Since the Proposed Project's maximum number of residential units and square feet of non-residential uses at full buildout in 2035 are available at the time of the environmental analysis, the Lead Agency can and should use the information to develop a potential construction scenario to quantify the Proposed Project's emissions from likely construction activities and make a good faith and reasonable disclosure of the construction air quality impacts that would take place over 14 years in the Final PEIR.
2. CEQA Air Quality Impact Analysis from Cleanup Activities: Based on the Draft PEIR, it is reasonably foreseeable that cleanup activities to remediate and control contaminated soil

¹ Draft PEIR, Section 2.0 Project Description, Page 20-19.

² *Ibid.* Page 2.0-23.

Guillermo Arreola

July 20, 2021

2
cont

would need to take place prior to implementation of the Proposed Project with residential uses. The Lead Agency should quantify emissions from cleanup activities in the Final PEIR.

3. Additional Recommended Project-Level Air Quality Mitigation Measures: The Draft PEIR can be used as first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses for future proposed development projects at the Proposed Project. To facilitate this, and to further reduce the significant, unavoidable construction air quality impacts, South Coast AQMD staff recommends that the Final PEIR include additional project-level mitigation measures for clean off-road and on-road construction equipment such as Tier 4 final construction equipment, zero-emissions or near-zero emissions heavy-duty trucks (e.g., material delivery trucks and soil import/export) in the Final PEIR.
4. Responsible Agency and South Coast AQMD Permits and Rules: If the Proposed Project will use stationary equipment such as groundwater remediation equipment or requires soil excavation, permits from South Coast AQMD are required. South Coast AQMD should be identified as a Responsible Agency in the Final PEIR. The Proposed Project may also be subject to requirements of South Coast AQMD Rule 431.2, Rule 1110.2, Rule 1166, and Rule 1466 that the Lead Agency should discuss in the Final PEIR.

3

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final PEIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, if the Lead Agency makes the findings that additional recommended air quality mitigation measures are not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting them in the Final PEIR (CEQA Guidelines Section 15091).

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Steve Tsumura, Air Quality Specialist, at stsumura@aqmd.gov or (909) 396-2549, should you have any questions.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

Attachment
LS:ST
LAC210608-03
Control Number

Guillermo Arreola

July 20, 2021

ATTACHMENT

1. CEQA Air Quality Impact Analysis from Construction Activities

The Lead Agency did not quantify the Proposed Project's construction emissions in the Draft PEIR. The Lead Agency stated that "it is infeasible to quantify the individual projects that would contribute incrementally to construction emissions throughout the City. As specific development projects are unknown at this time, quantifying individual future development's air emissions from short-term, temporary construction-related activities is not possible due to project-level variability and uncertainties concerning locations, detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown"³.

When specific development is reasonably foreseeable as a result of the goals, policies, and guidelines in the Proposed Project, the Lead Agency should identify any potential adverse air quality impacts and sources of air pollution that could occur using its best efforts to find out and a good-faith effort at full disclosure in the EIR. The degree of specificity will correspond to the degree of specificity involved in the underlying activity which is described in the EIR (CEQA Guidelines Section 15146). When quantifying air quality emissions, emissions from both construction (including demolition, if any) and operations should be calculated. Preparing the CEQA analysis "necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can" (CEQA Guideline Section 15144).

Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips).

When the precise construction schedule or scenario is unknown, the Lead Agency should use its best efforts to identify and quantify a worst-case construction impact scenario that is reasonably foreseeable at the time the Draft PEIR is prepared. As discussed in the Project Description, the Proposed Project includes a Focus Area with a net developable area of 47.8 acres assuming a 20 percent allowance for the circulation system and a seven-percent allowance for landscaping. Accordingly, the Focus Area could accommodate a maximum of 700 residential units and 1,130,000 square feet of new non-residential uses such as commercial, retail, office, and public facilities uses. Therefore, the Lead Agency can and should use this information to develop construction scenarios that would be required to implement the full buildout of the Proposed Project, quantify associated construction emissions, including emissions from any demolition activities, and compare the emissions to South Coast AQMD's air quality CEQA significance thresholds to determine the level of significance for the Proposed Project's air quality impacts from construction activities in the Final PEIR. The Lead Agency should use the most current version of California Emission Estimator Model (CalEEMod)⁴ to quantify construction emissions. While this recommendation may not change the Lead Agency's finding that the Proposed Project's construction air quality impacts would be significant and unavoidable, a

³ *Ibid.* Section 4.2 Air Quality, Page 4.2-18.

⁴ South Coast AQMD, CalEEMod. Accessed at: <http://www.aqmd.gov/calcemod/download-model>.

Guillermo Arreola

July 20, 2021

4
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quantitative analysis will facilitate the goal and purpose of CEQA on public disclosure with useful information on the kind, size, scope, intensity, duration, density, and location of subsequent project-level development to foster meaningful public participation and informed decision making (CEQA Guidelines Section 15003(c)). The recommended analysis will also ensure the Final PEIR includes an adequate and complete air quality impact analysis with a good-faith effort at full disclosure (CEQA Guidelines Section 15003(i)).

2. CEQA Air Quality Impact Analysis from Cleanup Activities

Based on the Hazards and Hazardous Materials Section in the Draft PEIR, it is reasonably foreseeable that soil and groundwater at the Proposed Project may be contaminated with volatile organic compounds (VOCs), including tetrachloroethylene and trichloroethylene from nearby sources⁵. In addition to the absence of an air quality impact analysis from construction activities associated with developing residential and non-residential uses, the Lead Agency did not quantify emissions from cleanup activities which may take place concurrently with development.

5

Cleanup activities will likely involve the use of heavy-duty, diesel-fueled trucks for soil export and result in emissions from vehicle trips by workers that will be required to conduct cleanup activities. Additionally, cleanup activities will likely require the use of additional equipment that may be different from typical equipment for grading and site preparation for construction. Since cleanup activities are reasonably foreseeable at the time the Draft PEIR was prepared, the Lead Agency should use good faith, best efforts to provide information on the scope, types, and duration of cleanup activities, quantify emissions from cleanup activities, and include those emissions in the Proposed Project's construction emissions profile to be compared to South Coast AQMD's air quality CEQA significance thresholds for construction to determine the level of significance in the Final PEIR. Alternatively, if emissions from cleanup activities are not included in the Final PEIR, the Lead Agency should provide reasons for not including them supported by substantial evidence in the record.

3. Additional Recommended Project-Level Air Quality Mitigation Measures

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate significant adverse impacts. The Proposed Project is a blueprint for the Rancho Los Amigos South Campus' future development. The Draft PEIR for the Proposed Project may serve as the first-tier, programmatic level analysis that can provide guidance to subsequent, project-level environmental analyses for future development projects at the Proposed Project. Therefore, South Coast AQMD staff recommends that the Lead Agency include the following project-level mitigation measures in the Final PEIR to further reduce significant, unavoidable air quality impacts from construction activities.

6

- All off road diesel-powered construction equipment greater than 50 horsepower shall meet U.S. EPA Tier 4 Final off-road emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by the California Air Resources Board (CARB). Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. This requirement shall be included in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the

⁵ Draft PEIR, Pages 4.7-4 and 5.

Guillermo Arreola

July 20, 2021

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compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit's certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment. Require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that construction equipment cannot meet the Tier 4 Final engine certification, the project representative or contractor must demonstrate through future studies with written findings supported by substantial evidence that is approved by the lead agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 4 Interim or reduction in the number and/or horsepower rating of construction equipment and/or limiting the number of construction equipment operating at the same time. All equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications. All maintenance records for each equipment and their contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.

- During construction, require the use of zero-emissions (ZE) or near-zero emissions (NZE) trucks (e.g., material delivery trucks and soil import/export), such as trucks with natural gas engines that meet the CARB's adopted optional NOx emission standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that truck operator(s)/construction contractor(s) commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. To monitor and ensure ZE, NZE, or 2010 model year trucks are used at the future development projects, the lead agency should require that operators maintain records of all trucks associated with the future development projects' construction and make these records available to the lead agency upon request. The records will serve as evidence to prove that each truck called to the future development projects during construction meets the minimum 2010 model year engine emission standards. Alternatively, the lead agency should require periodic reporting and provision of written records by contractors working on the future development projects and conduct regular inspections of the records.
- A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- All construction equipment must be tuned and maintained in compliance with the manufacturer's recommended maintenance schedule and specifications that optimize emissions without nullifying engine warranties. All maintenance records for each equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.
- Encourage construction contractors to apply for South Coast AQMD "SOON" funds. The "SOON" program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles⁶.

⁶ South Coast AQMD, Accessed at: <http://www.aqmd.gov/home/programs/business/detail?title=off-road-diesel-engines>

Guillermo Arreola

July 20, 2021

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- Prohibit vehicles and construction equipment from idling longer than five minutes at the construction site by including these restrictions in the construction company contract(s) and by posting signs on-site, unless the exceptions in the CARB regulations which pertain to idling requirements are applicable.
- Require construction equipment such as concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors be electric or alternative-fueled (i.e., non-diesel).
- Survey and document the proposed project's construction areas and identify all construction areas that are served by electricity. Onsite electricity, rather than temporary power generators, shall be used in all construction areas that are demonstrated to be served by electricity.

7

4. Responsible Agency and South Coast AQMD Permits and Rules

Disturbing and excavated soils that may contain hydrocarbons or toxic air contaminants are subject to the requirements of South Coast AQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil⁷, and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants⁸. Since the soil and environmental site assessments are reasonably foreseeable under Mitigation Measure (MM) HAZ-1, the Lead Agency should include a discussion on South Coast AQMD Rules 1166 and 1466 in the Air Quality Section of the Final PEIR.

If the soil and environmental site assessments involve the use of equipment which either emits or controls air pollution, South Coast AQMD staff should be consulted in advance to determine whether or not any permits or plans are required to be filed and approved by South Coast AQMD prior to the operation of such equipment, and to identify if any other South Coast AQMD Rules, such as Rule 431.2 – Sulfur Content of Liquid Fuels⁹ and Rule 1110.2 – Emissions from Gaseous and Liquid-Fueled Engines¹⁰ will be applicable to the Proposed Project and discussed in the Final PEIR.

8

Operation of portable engines and portable equipment units of 50 brake horsepower or greater (> 50bhp) that emit particulate matter requires a permit from South Coast AQMD or registration under the Portable Equipment Registration Program (PERP) through the California Air Resources Board (CARB)¹¹. The Lead Agency should consult with South Coast AQMD's Engineering and Permitting staff to determine if there is any diesel-powered equipment during implementation that will require a South Coast AQMD permit or if the equipment will need to be registered under the PERP through CARB. If a permit from South Coast AQMD is required, South Coast AQMD is a Responsible Agency for the Proposed Project and should be identified in the Final PEIR. Any assumptions used in the Air Quality Analysis in the Final PEIR will be

⁷ South Coast AQMD. Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1166.pdf>.

⁸ South Coast AQMD. Rule 1466 – control of Particulate Emissions from Soils with Toxic Air Contaminants. Accessed at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1466.pdf>.

⁹ South Coast AQMD. Rule 431.2 – Sulfur Content of Liquid Fuels. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-431-2.pdf>.

¹⁰ South Coast AQMD. Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1110-2.pdf>.

¹¹ South Coast AQMD. *Portable Equipment Registration Program (PERP)*. Accessed at: <http://www.aqmd.gov/home/permits/equipment-registration/perp>.

Guillermo Arreola

July 20, 2021

8
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used as the basis for permit conditions and limits for the Proposed Project. Should there be any questions on permits, please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>. For more information on the PERP Program, please contact CARB at (916) 324-5869 or visit CARB's webpage at: <https://ww2.arb.ca.gov/our-work/programs/portable-equipment-registration-program-perp>.

Response A3-1

The comment is introductory in nature and states that the South Coast Air Quality Management District (South Coast AQMD) has received and reviewed the RLASCSP Draft Program EIR (PEIR). The commenter restates the Project Description. The introductory comment does not raise a specific issue with the adequacy of the Draft PEIR or raise any other CEQA issue. Therefore, no further response is required.

Response A3-2

This comment notes that South Coast AQMD has four comments on the Draft PEIR and supporting appendices. The comments are concerning the following topic areas: (1) CEQA Air Quality Impact Analysis from Construction Activities, (2) CEQA Air Quality Impact Analysis from Cleanup Activities, (3) Additional Recommended Project-Level Air Quality Mitigation Measures, and (4) Responsible Agency and South Coast AQMD Permits and Rules. The commenter summarizes each comment that follows. Specific environmental comments are responded to in the responses below; refer to Response 4 through Response 8 below.

Response A3-3

This comment states that South Coast AQMD staff requests detailed written responses to all comments provided pursuant to California Public Resources Code §21092.5(a) and State CEQA Guidelines §15088(b). The City will comply with the requirements imposed by Public Resources Code §21092.5 and CEQA Guidelines §15088(b), which require a lead agency to provide a written response to a public agency on comments made on environmental issues by that public agency at least ten days prior to certifying an EIR. The comment does not state any specific concern or question regarding the adequacy of the PEIR. No further response is required.

Response A3-4

The commenter states that the Draft PEIR did not quantify the proposed Project's construction emissions. While the precise construction schedule or scenario is unknown, South Coast AQMD requests that the PEIR quantify a worst-case scenario construction impact using available information, including developable area and maximum development capacity.

CEQA Guidelines §15146 notes that the degree of specificity required in a PEIR should correspond to the degree of specificity involved in the underlying activity which is described in the PEIR. A PEIR on the adoption or amendment of a plan, such as the proposed Rancho Los Amigos South Campus Specific Plan (Specific Plan), need not be a detailed CEQA review on the specific construction projects that may follow. Therefore, the quantification of construction impacts associated with future potential development projects is not required.

The Draft PEIR provides a programmatic analysis of the future development potential allowed by the RLASCSP. It should be noted that no specific development projects are proposed and are therefore not analyzed at a project-specific level in the Draft PEIR. As discussed under Draft PEIR Impact 4.2-2, in Section 4.2, Air Quality, quantifying individual future development's air emissions from short-term, temporary construction-related activities would be speculative due to project-level variability and uncertainties concerning locations, detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown. For example, project-specific earthwork and the associated number of haul truck trips have a major influence on construction emissions, and these details can vary drastically depending on specific project requirements (i.e., a project with a subterranean garage

would require much more excavation and off-site hauling than a project with only surface parking). Since these parameters can vary so widely (and individual project-related construction activities are time dependent and based upon numerous factors including size, earthwork volumes, timing/duration, etc.), quantifying precise construction-related emissions and impacts would yield unreliable, speculative results.

As described above and in the Draft PEIR, the PEIR is a programmatic analysis that addresses impacts as specifically and comprehensively as possible. The Specific Plan provides planning policies and regulations that connect General Plan policies to guide future change but does not propose any specific development project.

While the analysis of detailed project-level actions can eliminate the need for further environmental documentation, those details are currently not available for future potential development projects from an air quality perspective. As such, on a programmatic level, the analysis identifies significant and unavoidable impacts for construction and operations and identifies applicable mitigation. Part of the basis for the impact conclusions was the fact that specific development projects and construction schedules are currently unknown and have the potential to overlap.

The Draft PEIR identifies standard conditions that would ensure compliance with South Coast AQMD rules as well as mitigation measures that would require future development to mitigate regional air quality impacts during the development review process. Mitigation Measure (MM) AQ-1 in Section 4.2, Air Quality, of the PEIR, requires the analysis of project-specific developments in accordance with South Coast AQMD guidelines and methodologies. Project-specific mitigation measures may include energy efficiency measures, water efficiency measures, encouragement of alternatively fueled vehicles, facilitation of ride-sharing programs, provide informational materials on low ROG/VOC consumer products, among others.

As noted above, specific development projects have not been identified. Therefore, a program-level analysis has been provided in the Draft PEIR and worst-case potential impacts were disclosed, and corresponding mitigation and/or conditions of approval were identified. Project-specific analysis, if necessary, would be prepared for future projects.

Response A3-5

The commenter states that soil and groundwater on the project site may be contaminated with volatile organic compounds (VOCs). Further, the commenter states that the Draft PEIR did not analyze impacts associated with cleanup activities that may take place concurrently with development within the Focus area. Said cleanup activities could result in the use of heavy-duty, diesel-fueled trucks and additional construction equipment that would generate additional emissions. South Coast AQMD requests that the PEIR quantify potential emissions based on the scope, types, and duration of cleanup activities. Alternatively, if cleanup activities are not included in the Final PEIR, South Coast AQMD requests the document provide an explanation and evidence to support this decision.

MM HAZ-1 requires preparation of a project-specific Phase I Environmental Site Assessment (ESA) for any vacant, commercial, and industrial site currently or historically involving hazardous materials or waste (refer to Section 4.7, Hazards and Hazardous Materials, of the PEIR, page 4.7-16). The Phase I ESA would identify if further sampling/remedial activities by a qualified hazardous materials Environmental Professional with Phase II/site characterization experience. As noted in Response A3-4, specific development projects have not been identified. Therefore, specific information on the level or nature of

remediation activities are not currently known. The need and extent of remediation would be identified during a project-specific analysis. The associated project-specific air quality emissions would be required to evaluate emissions from these activities and project-specific measures/conditions of approval would be identified to reduce emissions to the extent feasible.

Response A3-6

The commenter requests additional mitigation in order to ensure that all feasible mitigation is incorporated. MM AQ-1, in Section 4.2, Air Quality, of the PEIR, requires the analysis of project-specific developments in accordance with South Coast AQMD guidelines and methodologies. The mitigation and/or conditions of approval required for future development projects would reduce the specific effects of a particular project and would meet CEQA’s essential nexus and rough proportionality standards. The following table provides an evaluation of the requested measures and applicability to the Project.

Suggested Mitigation	Response
<p>All off road diesel-powered construction equipment greater than 50 horsepower shall meet U.S. EPA Tier 4 Final off-road emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by the California Air Resources Board (CARB). Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. This requirement shall be included in applicable bid documents, purchase orders, and contracts. Successful contractor(s) must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities. A copy of each unit’s certified tier specification or model year specification shall be available upon request at the time of mobilization of each applicable unit of equipment. Require periodic reporting and provision of written construction documents by construction contractor(s) to ensure compliance, and conduct regular inspections to the maximum extent feasible to ensure compliance. In the event that construction equipment cannot meet the Tier 4 Final engine certification, the project representative or contractor must demonstrate through future studies with written findings supported by substantial evidence that is approved by the lead agency before using other technologies/strategies. Alternative applicable strategies may include, but would not be limited to, construction equipment with Tier 4 Interim or reduction in the number and/or horsepower rating of construction</p>	<p>The Draft PEIR found impacts associated with construction to be potentially significant due to the unknown nature of construction activities associated with future development projects. As a result, the Draft PEIR identified standard conditions that would minimize construction emissions. Standard Condition (SC) 4.2-1 requires adherence to South Coast AQMD Rule 403 (Fugitive Dust) to reduce fugitive dust emissions generated at future construction sites by requiring dust abatement measures. State Vehicle Code Section 23114 requires all trucks hauling excavated or graded material to the prevention of such material spilling onto public streets. SC 4.2-2 requires future construction contractors to adhere to South Coast AQMD Rule 1113 (Architectural Coatings) to limit volatile organic compounds from architectural coatings.</p> <p>As addressed in the Draft PEIR, future development projects would be subject to the City’s development review process, as detailed in Chapter 5 of the Specific Plan, and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements including those intended to protect public health from air quality impacts. Development review may include subsequent CEQA documentation or technical analyses. Project-specific environmental review would rely on the South Coast AQMD’s significance thresholds to determine the significance level of a future project impact. Projects that exceed the South Coast AQMD’s thresholds would be required to implement all feasible project-specific measures, such as those identified in the comment (e.g., the</p>

Suggested Mitigation	Response
<p>equipment and/or limiting the number of construction equipment operating at the same time. All equipment must be tuned and maintained in compliance with the manufacturer’s recommended maintenance schedule and specifications. All maintenance records for each equipment and their contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.</p>	<p>use of Tier 4 construction equipment, reducing equipment size, limiting the number of construction equipment operating at the same time, etc.). The actual mitigation measures and/or conditions of approval required for future development projects would be determined as a part of project-specific review by the City of Downey.</p> <p>Future development that includes 20 percent lower income housing and no subdivision must be approved “by right” as defined in California Government Code §65583.2(h). These developments would be exempt from CEQA and may not be subject to further discretionary review, but may be subject to development review as previously addressed and would be required to implement all applicable standard conditions and regulations imposed by the City and regulatory agencies. Future development that does not qualify as a “use by right” would be subject to further discretionary review or approval by the City, including environmental review under CEQA.</p>
<p>During construction, require the use of zero-emissions (ZE) or near-zero emissions (NZE) trucks (e.g., material delivery trucks and soil import/export), such as trucks with natural gas engines that meet the CARB’s adopted optional NOx emission standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that truck operator(s)/construction contractor(s) commit to using 2010 model year or newer engines that meet CARB’s 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. To monitor and ensure ZE, NZE, or 2010 model year trucks are used at the future development projects, the lead agency should require that operators maintain records of all trucks associated with the future development projects’ construction and make these records available to the lead agency upon request. The records will serve as evidence to prove that each truck called to the future development projects during construction meets the minimum 2010 model year engine emission standards. Alternatively, the lead agency should require periodic reporting and provision of written records by contractors working on the future development projects and conduct regular inspections of the records.</p>	<p>See prior response regarding the development review process. Project-specific environmental review would rely on the South Coast AQMD’s significance thresholds to determine the significance level of a future project impact. Projects that exceed the South Coast AQMD’s thresholds would be required to implement all feasible project-specific mitigation measures and/or conditions of approval, such as those identified in the comment (e.g., the use of newer model year trucks, natural gas engines, zero/near-zero emission trucks, etc.).</p>

Suggested Mitigation	Response
A copy of each unit’s certified tier specification, BACT documentation, and CARB or South Coast AQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.	See prior response regarding the development review process. The actual measures/standard conditions required for future development projects would be determined as a part of project-specific review by the City of Downey.
All construction equipment must be tuned and maintained in compliance with the manufacturer’s recommended maintenance schedule and specifications that optimize emissions without nullifying engine warranties. All maintenance records for each equipment and their construction contractor(s) should be made available for inspection and remain on-site for a period of at least two years from completion of construction.	See prior response regarding the development review process. The actual measures/standard conditions required for future development projects would be determined as a part of project-specific review by the City.
Encourage construction contractors to apply for South Coast AQMD “SOON” funds. The “SOON” program provides funds to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles.	See prior response regarding the development review process.
Prohibit vehicles and construction equipment from idling longer than five minutes at the construction site by including these restrictions in the construction company contract(s) and by posting signs on-site, unless the exceptions in the CARB regulations which pertain to idling requirements are applicable.	Future development projects would be required to comply with the 5-minute idling limit per CARB regulation/state law (California Code of Regulations, Title 13, Division 3, Article 1, Chapter 10, Section 2449 [General Requirements for In-Use Off-Road Diesel-Fueled Fleets]).
Require construction equipment such as concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors be electric or alternative-fueled (i.e., non-diesel).	See prior response regarding the development review process.
Survey and document the proposed project’s construction areas and identify all construction areas that are served by electricity. Onsite electricity, rather than temporary power generators, shall be used in all construction areas that are demonstrated to be served by electricity.	See prior response regarding the development review process. The actual measures/standard conditions required for future development projects would be determined as a part of project-specific review by the City of Downey.

Response A3-7

The commenter states the PEIR Air Quality section should include discussion on South Coast AQMD Rules 1166 – VOC Emissions from Decontamination of Soil and 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants since soil and environmental site assessments are reasonably foreseeable under MM HAZ-1. The Draft PEIR provides a program-level analysis of the Focus Area of the Specific Plan and future projects facilitated by Project implementation would be subject to project-level review. Future development would be required to obtain all necessary permits, including those from

South Coast AQMD. Approval of the Project would not result in direct construction that would require soil and/or environmental site assessments. Therefore, discussion of Rule 1166 and Rule 1466 within the Final PEIR is not required. No further response is required.

Response A3-8

The commenter states that operation of portable engines and portable equipment of units of 50 brake horsepower or greater that emit particulate matter require a permit from South Coast AQMD or registration under the Portable Equipment Registration Program (PERP) through CARB. The comment states that assumptions used in the Final PEIR Air Quality Analysis would serve as the basis for permit conditions for the proposed Project.

The proposed Project would not result in direct construction that would require the use of diesel-powered equipment. The proposed Project is a programmatic land use plan and does not propose development at this time. Future development within the Specific Plan area would be required to obtain all necessary permits, including South Coast AQMD permits and/or PERP registration, as determined during project-level review. Therefore, no South Coast AQMD permits, or PERP registration would occur as part of the proposed Project.

Letter A4 **City of South Gate, Community Development Department**
Grace Martin, Interim Director
July 20, 2021

LETTER A-4



**Community Development Department
Planning Division**

8650 California Avenue, South Gate, CA 90280
Phone: (323) 563-9514 Fax: (323) 563-5358
www.cityofsouthgate.org

Date: July 20, 2021

To: Guillermo Arreola, Principal Planner
City of Downey Community Development Department

From: Grace Martin, Interim Director
City of South Gate Community Development Department

Cc: Chris Jeffers, South Gate City Manager
Raul Salinas, South Gate City Attorney

Re: City of Downey - Rancho Los Amigos South Campus Specific Plan

Dear Mr. Arreola:

The City of South Gate is in receipt of a public notice for the proposed Rancho Los Amigos South Campus Specific Plan (RLASCSP) within the City of Downey. We are submitting the following comments pertaining to the circulated NOP, Specific Plan ("Project") and Draft Environmental Impact Report (SCH#2019029057).

- 1
- The City of South Gate contends that the Project documents do not provide the necessary, or adequate, information in a manner required by law that would result in a well-informed decision by decisionmakers and the public for the following reasons:
1. The Project NOP, Specific Plan and DEIR lack a stable and finite Project Description that is consistent throughout the three documents as required by CEQA;
 2. The DEIR proposes a piecemeal approach to analyzing the Specific Plan which is prohibited under CEQA;
 3. The DEIR inappropriately tiers off an LA County EIR for a 35-acre RLASCSP project that excludes the City's Project site; and
 4. The DEIR does not disclose environmental impacts on surrounding communities in South Gate and defers environmental analysis and mitigation measures related to the Project, which is prohibited under CEQA.

- 2
- The aforementioned issues are further discussed in this memo. We respectfully request that the City of Downey delay formal actions on the proposed Project to complete the following:
- a) Update the Specific Plan to remove Sub-District 1 (FTBM) and provide a stable and finite Project Description within the NOP, SP and DEIR that is consistent with CEQA criteria;
 - b) Avoid CEQA piecemealing by completing a Supplemental EIR to the County's certified EIR (SCH# 2017081017); and

2
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- c) Update technical analyses as listed on Pages 7 through 10 of this letter to develop a mitigation measure plan that considers all potential (and cumulative) impacts to the City of South Gate, and recirculate updated documents to allow the public adequate time to comment on the proposed Project.

1. Project Description Instability and Inconsistencies within all City Documents

- a) The City of Downey's Project Description within the NOP, Specific Plan and Draft EIR for the Rancho Los Amigos South Campus development lack stability as all three documents provide different project elements, acreages, siting locations, and densities. (See Table 1) This information must be updated to reflect a stable and finite Project Description as required under CEQA. To better align the SP with the intent of the DEIR, please remove Sub-District 1 (FTBM) from the SP proposal and focus SP amendments on the proposed "Focus Area" which cover Sub-Districts 2 (RPF), 3 (TOD) and 4 (CS).

Table 1. Rancho Los Amigos South Campus NOP, Specific Plan and DEIR Inconsistencies

Document	Acreage	Description / Siting / Density INCONSISTENCIES
NOP	171.85 – acres (NOP, P.1; See also Table 1)	<p>Description: Facilitate and encourage "industrial, commercial, retail, and mixed -use opportunities, residential development, public and open spaces, an improved pedestrian environment, and a variety of transportation choices that will take advantage of the existing public transit system and a potential multi-modal transportation center." (NOP, P. 2)</p> <p>Siting: Generally bounded by Imperial Highway to the north, Gardendale Street to the south, Rives Avenue to the east, and Old River School Road to the west; see Exhibit 2. (NOP, P. 1) Refer also to Table 1. (NOP, P. 2)</p> <p>Densities: N/A</p>
Specific Plan	250 – acres (Chapter 4.0, Section 4.1 Land Use Plan, P. 4-1)	<p>Description inconsistent with NOP: Envisions a composition of uses that complement the medical facilities in the North Campus, while allowing for the expansion of Los Angeles County regional facilities. The plan also lays out how to best develop transit-supportive uses around the proposed Metro West Santa Ana Branch (WSAB) Gardendale Transit Station, to be located along the southern border of the planning area. Additional complementary uses, such as neighborhood commercial and open space nodes and linkages were considered. (Chapter 1.1, Introduction, p. 1-2)</p> <p>Siting consistent with NOP: Exhibit 1.1 (p. 1-3) Bounded by Imperial Highway to the north, Gardendale Street to the south, Rives Avenue to the east, and Old River School Road to the west.</p>

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		<p>Densities: Four Sub-Districts: FTBM: 40-75 du/ac; RPF: 60 du/ac; TOD: 40-75 du/ac; CS: 40-75 du/ac. (Chapter 4.1, p. 4-1)</p>
<p>Draft EIR</p>	<p>62.5 – acres (ES, Executive Summary, Project Description Summary, P. ES-1)</p>	<p>Description inconsistent with NOP and SP: Over one-half (approximately 63 percent or 109 acres) of the approximately 172-acre RLASCSP area (RLASCSP area or Specific Plan area), will either remain unchanged, or is committed to other projects being planned and studied by the County and the Los Angeles Metropolitan Transportation Authority (Metro; see also Section 2.5.2: Concurrent Studies and Development. Potential environmental impacts associated with the County and Metro projects are analyzed under separate environmental documents. The County's Rancho Los Amigos South Campus Project (County Project) has been approved and the EIR is incorporated by reference herein; see Section 1.0: Introduction. Accordingly, environmental impacts associated with the County and Metro projects are not considered under this Program EIR (PEIR). The remainder of the Specific Plan area (approximately 37 percent or 62.5 acres) comprises the Project site, referred in this PEIR as the Focus Area. The Project proposes to establish a maximum allowable development of 700 dwelling units (DUs) and 1,130,000 square feet (SF) of new non-residential (commercial, retail, office, public facilities, etc.) uses in the Focus Area. (ES.1 Project Overview, P. ES-1)</p> <p>Siting inconsistent with NOP and SP: A general map of the "Focus Area" provides no street boundaries. Boundaries are unclear.</p> <p>Densities inconsistent with NOP and SP: 44 DU/AC; 1.13 million SF of commercial, retail, office, public facilities, etc.</p> <p>Other Approvals inconsistent with DEIR Focus Area Proposal: GPA 21-00063 and Zoning Amendment 21-00063 both refer to the 172-acre SP area, not the 62.5 Focus Area described in Section ES.1 of the DEIR. (Section 2.9.2, List of Permits and Other Approvals, P. 2.0-24)</p>

2. CEQA Piecemealing

- a) Pursuant to CEQA Guidelines Section 15378(a), the term "Project" refers to the whole of the action and does not mean "each separate governmental approval". While the proposed Specific Plan document covers a 172-acre Project area, the proposed DEIR only focuses on 62.5-acres of that Specific Plan area ("Focus Area"). The City's disclosure within the DEIR of its piecemeal approach to analyzing the Specific Plan is as follows:

Draft EIR, Page ES-1, Project Overview - The approximately 172-acre Specific Plan area is located at the southwest corner of the City of Downey (City) in the southern portion of Los Angeles County (County). Over one-half (approximately 63 percent or 109 acres) of the approximately 172-acre RLASCSP area will either remain unchanged or is committed to other projects being planned and studied by the County and the Los Angeles Metropolitan Transportation Authority (Metro). Potential environmental impacts associated with the County and Metro projects are analyzed under separate environmental documents. Accordingly, environmental impacts associated with the County and Metro projects are not evaluated under this PEIR. The remainder of the Specific Plan area (approximately 37 percent or 62.5 acres) comprises the Project site, referred in this PEIR as the Focus Area. The Focus Area is planned and programmed for a mix of transit-oriented residential, retail, and office uses. Accordingly, this PEIR analyzes the RLASCSP's proposed development within the Focus Area."

The State Clearinghouse has records of two EIRs for the Rancho Los Amigos South Campus Specific Plan. While both EIRs reference the same project area, they are two separate studies proposing two separate approvals by two different Lead Agencies - LA County and the City of Downey. (See Table 2).

The proposed City of Downey RLASCSP focuses on four Sub-districts illustrated on Exhibit 2-9 of the DEIR and Exhibit 4.1 of the Specific Plan. While the proposed Program DEIR attempts to tier off the LA County EIR (SCH#2017081017) in more than seven (7) CEQA areas, the LA County EIR only covered 35-acres of the 172-acre SP area, leaving approximately 137-acres within the SP area unaccounted for in the County's CEQA analysis. The segmenting of the 172-acre Specific Plan area, where pieces of the overall project are evaluated in separate environmental documents by different lead agencies, is explicitly forbidden under CEQA.

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Table 2. Rancho Los Amigos South Campus Specific Plan Environmental Impact Reports

SCH#: 2017081017 10/8/2019	SCH#: 2019029057 6/8/2021
Lead Agency: LA County	Lead Agency: City of Downey
Title: Rancho Los Amigos South Campus Project	Title: Rancho Los Amigos South Campus Specific Plan
Present Land Use: SP 88-1 (Rancho Business Park Specific Plan)	Present Land Use: SP 88-1 (Rancho Business Park Specific Plan)
<p>2019The County of Los Angeles, as the lead agency, has completed the Draft Environmental Impact Report (Draft EIR) for the proposed Rancho Los Amigos South Campus Project. The County proposes to develop three new County administrative buildings in the Development Area on the Project Site, including the Internal Services Department (ISD) Headquarters, Probation Department Headquarters, and a County Office Building. Staffing for each of these buildings would be filled by approximately 3,000 County-budgeted positions that are currently at other existing County facilities located within the region. Staffing numbers may be adjusted as the design is developed. The ISD Headquarters would be up to approximately 315,000 square feet; the Probation Department Headquarters would be up to approximately 168,000 square feet; and the County Office Building would be up to approximately 167,000 square feet. The ISD and Probation Headquarters buildings, both of which would be up to six stories (90 feet) each, may be co-located in one building, which would also be up to six stories (90 feet). The County Office Building would be up to five stories (75 feet). The total square footage for the proposed Project would be up to approximately 650,000 square feet. The proposed Project would include development of two parking structures for employees and visitors. The ISD/Probation Parking Structure would provide 2,167 parking spaces, with a height of up to nine stories (90 feet). The County Office Parking Structure would provide 525 parking spaces, with a height of up to three stories (36 feet). The proposed Project would include all necessary utilities and points of connection, roadways, curbs and gutters, sidewalks, medians, site structures, hydrants, vaults, manholes, substations, street lights, street signage, landscaping, and irrigation for the proposed new development. Off-site-improvements, such as those required for utilities, would also be necessary. All staging during construction would occur on the Project Site.</p>	<p>The goal of the Rancho Los Amigos South Campus Specific Plan is to encourage and promote economic development and revitalization to enhance the city's attractiveness to the local and regional marketplace. The SP is anticipated to remove regulatory obstacles to the reuse of existing structures and promote infill development of currently vacant and underutilized properties. The SP will facilitate and encourage enhanced commercial, retail, and mixed-use opportunities, residential development, public and open spaces, an improved pedestrian environment, and a variety of transportation choices that will enhance the potential for a multi-modal transportation center.</p>
<p><i>Source: Retrieved from CA. State Clearinghouse website www.ceqanet.opr.ca.gov/Project_SCH_Number_2017081017 (ca.gov) and SCH Number 2019029057 (ca.gov).</i></p>	

5 b) **Recommended Reconciliation of Specific Plan and DEIR – Focus Area Only**

According to Downey's proposed Specific Plan, the whole of the proposed Project includes a General Plan Amendment and an update to the Rancho Los Amigos South Campus Specific Plan (SP 88-1) covering 172-acres of County owned land within the City of Downey. However, the DEIR only focuses on a 62.5-acre area ("Focus Area") and about half of that Focus Area includes LA County's 35-acre public facilities developments that the County analyzed and approved in a 2020 EIR (SCH#2017081017). To promote consistency between Project documents and avoid any CEQA piecemealing approach, we recommend the following:

6 (i) **Remove Sub-District 1 (FTBM) from the Specific Plan and list it as "Not-A-Part" within the SP document to align with the intent of the EIR Focus Area analysis -**

The Specific Plan outlines Allowable Uses (SP Table 5-1, p. 5-9) and Special Uses (SP Section 5.10 and 5.12, p. 5-23 through 5-27) with maximum development densities and FARs that would create "direct physical changes" to the environment, as well as policies, procedures, and land use standards that would yield "reasonably foreseeable indirect physical changes" to the environment. Those allowable land uses and special uses are currently unknown within Sub-District 1. However, uses within Sub-Districts 2, 3 and 4 are known. Therefore, we recommend that Sub-District 1 be labeled as "Not A Part" of the overall Specific Plan Project to better define the Focus Area discussed within the EIR.

7 (ii) **Outline developments within Sub-Districts 2, 3 and 4 to highlight proposed Focus Area Projects:**

Please update the Specific Plan to outline proposed and approved developments within the City's Focus Area. Include very specific project list within each Sub-District as follows:

Sub-District 2 (RPF): 26 Acres (approx.). County Facilities analyzed in 2020 occupy all of Sub-District 2 and portions of Sub-District 3. Density information for Sub-District 2 must be updated to reflect the County's approved density within their 2020 EIR. Please reference all approved County projects within the Specific Plan:

- a) 315,000 SF ISD Headquarters (Six Stories or 90-feet high)
- b) 168,000 SF Probation Department Headquarters (Six Stories or 90-feet high)
- c) 167,000 SF County Office Building (Five stories or 75-feet high)
- d) One ISD/Probation Parking Structure for 2,167 parking spaces (Nine stories or 90 feet high).
- e) One County Office Parking Structure for 525 parking spaces (Three stories or 36 feet high).

Sub-District 3 (TOD): 54 Acres. A portion of Sub-District 3 would be occupied by approved County developments while the remainder of the Sub-District would include the following new developments by the City of Downey as well as the Metro Project. Please reference the following new developments within the Specific Plan and update densities information within DEIR Table 2-3 for consistency.

- a) 700 Dwelling Units (44 DU/AC)
- b) 1.13 million SF of a mix of commercial, retail, office, public facilities, etc.

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cont.

- c) Metro West Santa Ana Branch (WSAB) Metro Project – While this is undertaken by a separate entity, Downey's SP and EIR must include discussions of the WSAB Project.

Sub-District 4 (CS): 14 Acres (approx.). Community open space and recreational area that allows a residential density of 40-75 du/ac according to SP Section 5.7.4, Table 5-5. The Downey Sports Complex is within this zone. Please note that Sub-District densities are inconsistent between the SP and DEIR Table 2-3. Please update for consistency.

iii) Clarify Specific Plan Implementation Process for Focus Area:

The cumulative effects of proposed developments within Sub-Districts 2, 3 and 4 would have a significant impact on neighboring South Gate Communities. As such, the Specific Plan must provide a land use map with proposed distribution, location, intensity and extent of uses within each Sub-District. Chapters 5.11 and 5.12 provide some guidance on the approval process for County projects that would occur within the Focus Area boundaries, but the entitlement process for future private land uses is unclear. Please see additional questions below needing clarification within the SP document.

8

- Which Agency has land use authority over housing and non-housing developments proposed within the SP boundaries, City of Downey or LA County, and what would trigger Planning Commission versus City Council/Board of Supervisors approval?
- Which Agency would review consistency with SP design guidelines and conduct subsequent environmental analysis of proposed developments within the SP boundaries – City of Downey or LA County?
- Are all new projects (public or private) outlined within Table 5-1 subject to a Conditional Use Permit process for approval or would Permitted and Ancillary Uses be subject to another permit process? Please clarify.
- As the Metro West Santa Ana Branch Metro Project is a significant part of the City's Specific Plan, would the Metro project add new commercial and housing developments to the Project site that is not a part of the City's proposed 700 dwelling units and 1.13 million SF of non-residential developments? Please clarify.

3. Recommended Supplemental EIR Approach

9

According to the City's DEIR the Project analysis was tiered off LA County's 2020 EIR because "the analysis conducted for the County Project EIR is representative of general site conditions throughout the South Campus." However, as the City of Downey's proposed 700 dwelling units and 1.13 million non-housing developments would expand upon LA County's approved public projects and certified EIR, we strongly recommend that the City of Downey instead complete a Supplemental EIR to the County's certified EIR to avoid segmentation under CEQA.

As part of this EIR update process, we request that the following technical studies be updated and a new mitigation measure plan be incorporated into the study:

8-10

Aesthetics

The Specific Plan project would create new sources of substantial light or glare, which would

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cont.

adversely affect day or nighttime views in the area. Please discuss the City of Downey's Specific Plan design guidelines and Guiding Principles that are created to minimize impacts pertaining to the visual character and quality of public views.

11

Air Quality Analysis

The EIR must identify potential sources of air quality impacts associated with demolition of buildings and construction of new buildings within the SP area. Due to the sensitive historic nature of the Rancho Los Amigos South Campus Specific Plan, and location of these resources to nearby residential uses in South Gate, the City of Downey must conduct a Phase II analysis for demolition of existing structures and long-term operations within the SP Area and reference any environmental analysis linked to the Metro West Santa Ana Branch (WSAB) Metro Project. As the DEIR states that the Metrolink station would not occur at a later phase of the RLASC Specific Plan, please provide a phasing program that considers impacts to Air Quality before, during and after the Metrolink station is installed.

12

Biological Resources

The DEIR tiered Biological Resources discussions off the LA County DEIR that considered site-specific biological resources on 35-acres of County owned land. This approach does not provide the adequate coverage needed to disclose impacts that will be created by the City's additional 700 DUs and 1.13 million SF of non-residential uses. As biological resources studies expire, please provide updated studies that cover the whole of the 62.5-acre Focus Area with mitigation measures consistent with Local, State and Federal Requirements.

13

Cultural Resources

Section 2.2 of the Specific Plan outlines historic buildings that will be demolished as part of developments within the SP area. The proposed DEIR mitigations are per LA County's EIR which did not fully cover, or consider, the City of Downey's proposed 700 DUs and 1.13 million SF of non-residential uses. Section 3.3 of the Specific Plan identified "historic and cultural resources, including historic buildings" as key factors to guiding the design standards for the Specific Plan. The SP outlines the following Historic Preservation Policies as a means of addressing historic buildings within the project area: *HP-1: Evaluate existing buildings and their features that contribute to the unique historic character and architectural styles of the area. HP-2: Provide tools that facilitate preservation of unique historic/architectural character of buildings and districts. HP-3: Support efforts to expand and augment the knowledge that has been gathered regarding the history of the Rancho Los Amigos area and the surrounding region.* (See P. 3-11 of SP document). To evaluate proposed SP policies and guidelines, Downey's EIR must include a HALS report, an Interpretative Commemorative Program, a Salvage Plan and Inventory Report as well as a Mothballing Plan. Please provide these studies for the Project area and update EIR Mitigation Measures accordingly.

14

Greenhouse Gas Emission

Please update these discussions to consider proposed construction and operation impacts of the whole of the 62.5-acre Focus Area.

15 **Hazards and Hazardous Materials**
The LA County EIR included site assessments pertaining to groundwater contaminants and underground plumes located within their development boundaries; however, the same Phase I assessments, soils tests and groundwater tests or sampling must be completed for the remainder 27.5-acres in the Focus Area. Please update this section to include coverage for the whole of the 62.5-acre Focus Area.

16 **Utilities and Service Systems**
The proposed Focus Area projects would expand existing demands for utilities and service systems within the SP area by adding 700 DUs and 1.13 million SF of non-residential uses to nearly 1 million SF of previously approved County facilities. Pursuant to CEQA §15155, a Water Supply Assessment would be required for the proposed 62.5-acre Focus Area project since it meets the thresholds of a water-demand project. Please complete a Water Supply Assessment and update this section with WSA outcomes pursuant to CEQA §15155.

17 **Population / Housing**
This section of the DEIR tiered off the LA County EIR which did not consider the City's proposed 700 DUs and 1.13 million SF of new non-residential uses (commercial, retail, office, public facilities, etc.). Please update this section to include assessments of the whole Specific Plan Focus Area based on Sub-District developments summarized in Comment # 2.b of this letter. Cumulative analysis must consider neighboring South Gate Hollydale Specific Plan build out for Population and Housing.

18 **Transportation Analysis**
Section 15130 of CEQA Guidelines provides two options for developing future volume forecast: (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or (B) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.
LA County utilized a hybrid of the abovementioned options for their 2020 Traffic Impact Analysis of a 35-acre Development area within the Specific Plan boundaries. We recommend that the City of Downey use the same hybrid approach to update the County's traffic analysis for the proposed Specific Plan Focus Area. Analysis of the following intersections must include the newly proposed 700 residential units and 1,130,000 SF of non-residential developments.

i) Intersections to be studied:

1. Atlantic Avenue / Imperial Highway (City of Lynwood)
2. Wright Road / Abbott Road – I-710 Southbound Off-Ramp (City of South Gate)
3. Wright Road / Imperial Highway (City of Lynwood / City of South Gate)
4. Ruchti Road-Garfield Place / Imperial Highway (City of South Gate)
5. Garfield Avenue / Imperial Highway (City of South Gate)
6. Garfield Avenue / Gardendale Street (City of Downey / City of South Gate)

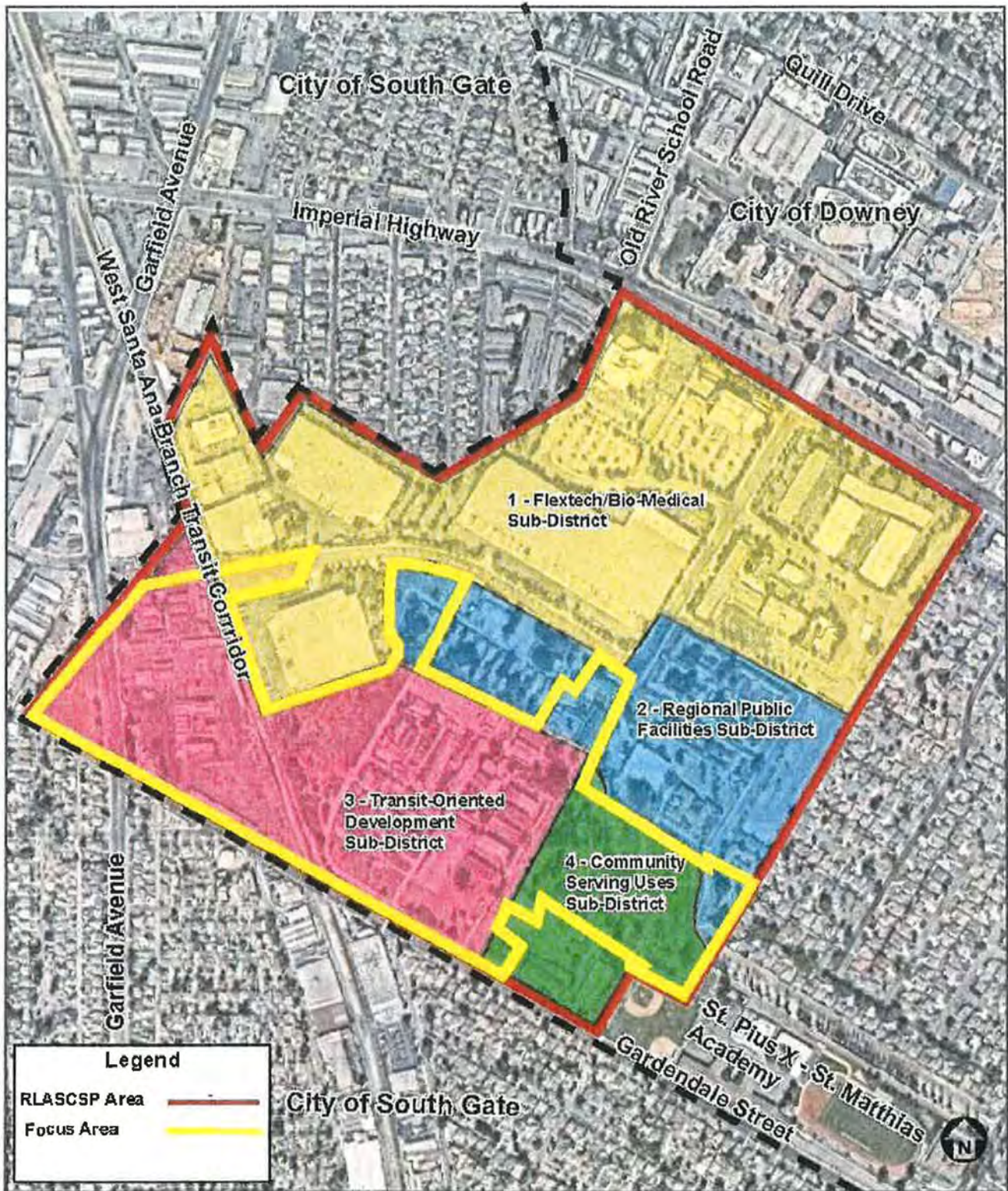
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7. Garfield Avenue / Monroe Avenue (City of South Gate) [Unsignalized]
8. Gardendale Street / Monroe Avenue (City of South Gate) [Unsignalized]
9. Garfield Avenue / Main Street (City of South Gate)
10. Garfield Avenue / N. Somerset Ranch Road (City of Paramount)
11. Garfield Avenue / S. Somerset Ranch Road (City of Paramount)
12. Old River School Road / Imperial Highway (City of Downey)
13. Erickson Avenue / W. Imperial Highway (City of Downey/County of Los Angeles) [Unsignalized]
14. Erickson Avenue / E. Imperial Highway (City of Downey/County of Los Angeles) [Unsignalized]
15. Industrial Avenue / Gardendale Street (City of Downey/City of South Gate) [Unsignalized]
16. Erickson Avenue / Gardendale Street (City of Downey/City of South Gate /County of Los Angeles) [Unsignalized]
17. Arizona Avenue / Gardendale Street (City of Downey / City of South Gate) [Unsignalized]
18. Industrial Avenue – Arizona Avenue / Gardendale Street (City of South Gate) [Unsignalized]
19. Paramount Boulevard / Imperial Highway (City of Downey)
20. Paramount Boulevard / Gardendale Street (City of Downey / City of South Gate / City of Paramount)
21. Paramount Boulevard / N. Somerset Ranch Road (City of South Gate)
22. Paramount Boulevard / S. Somerset Ranch Road (City of South Gate)
23. Downey Avenue / Gardendale Street (City of Downey / City of Paramount)
24. Brookshire Avenue – N. Somerset Ranch Road / Gardendale Street (City of Downey)
25. Lakewood Boulevard / Imperial Highway (City of Downey)
26. Lakewood Boulevard / Gardendale Street (City of Downey)
27. Erickson Avenue / Amigos Avenue (City of Downey / County of Los Angeles) [Unsignalized]

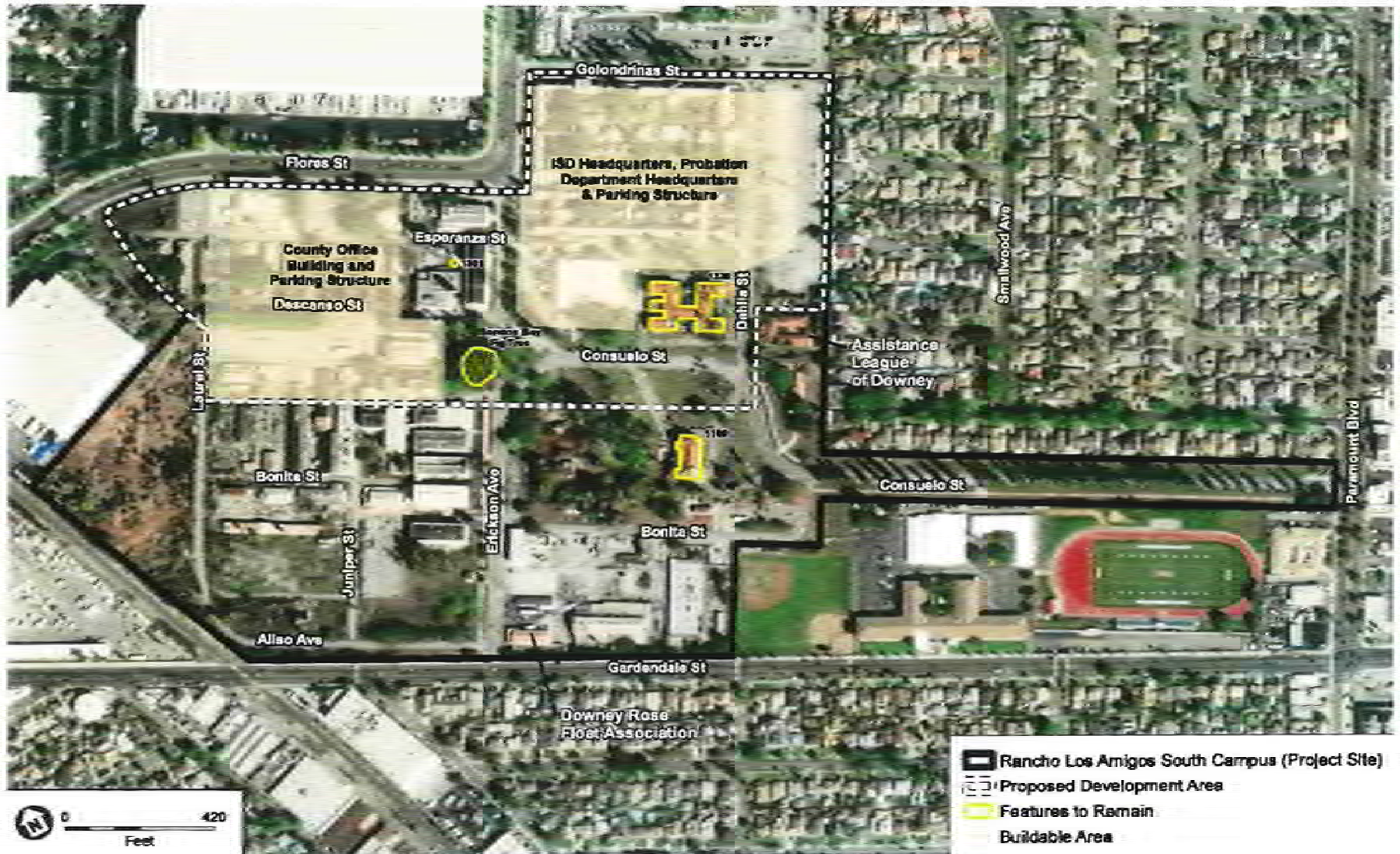
ii) Metrolink: Please include discussions by Metro West Santa Ana Branch (WSAB) Metro Project related to the SP Focus Area. As the DEIR states that Metrolink station would occur at a later phase of the Specific Plan, please provide a phasing program that considers impacts to traffic before, during and after the Metrolink station is installed.

iii) Parking: As parking is a significant issue of concern within the City of South Gate, please provide a parking program associated with the Focus Area project as well as the Metro West Santa Ana Branch Project. If developments with the Metro are unknown, please provide a parking program associated with the newly proposed 700 dwelling units and 1.13 million SF non-residential developments.

Letter A4, Attachment 1



Letter A4, Attachment 2



Response A4-1

This comment provides a summary and responses to specific comments are provided in Response A4-3 through Response A4-8, below. The comment introduces the City of South Gate's comments on the Draft Program EIR (PEIR). The comment notes four primary concerns with the PEIR: (1) the Project NOP, Specific Plan, and PEIR project description are inconsistent; (2) the DEIR proposes a piecemeal approach, prohibited under CEQA; (3) the PEIR inappropriately tiers off the LA County Rancho Los Amigos South Campus Project EIR; and (4) the PEIR does not disclose environmental impacts on surrounding communities, deferring environmental analysis and mitigation measures which is prohibited under CEQA. The City of Downey, as the lead agency, disagrees with the commenter's assertions and believes that the PEIR is adequate and complies with CEQA and the CEQA Guidelines. The commenter's opinions are noted and will be taken into consideration by the City's decision-makers.

Response A4-2

The comment requests the City delay formal actions on the proposed Project until the aforementioned comments are reconciled. The commenter provides recommendations to address concerns, including updates to the Specific Plan, preparation of a Supplemental PEIR to avoid piecemealing, and updates to the technical analyses, followed by recirculation of the PEIR. As further discussed in subsequent responses to the specific concerns, the City, as the lead agency, does not believe the recommendations are warranted. Response A4-3 through Response A4-8, below, address the City of South Gate's comments.

Response A4-3

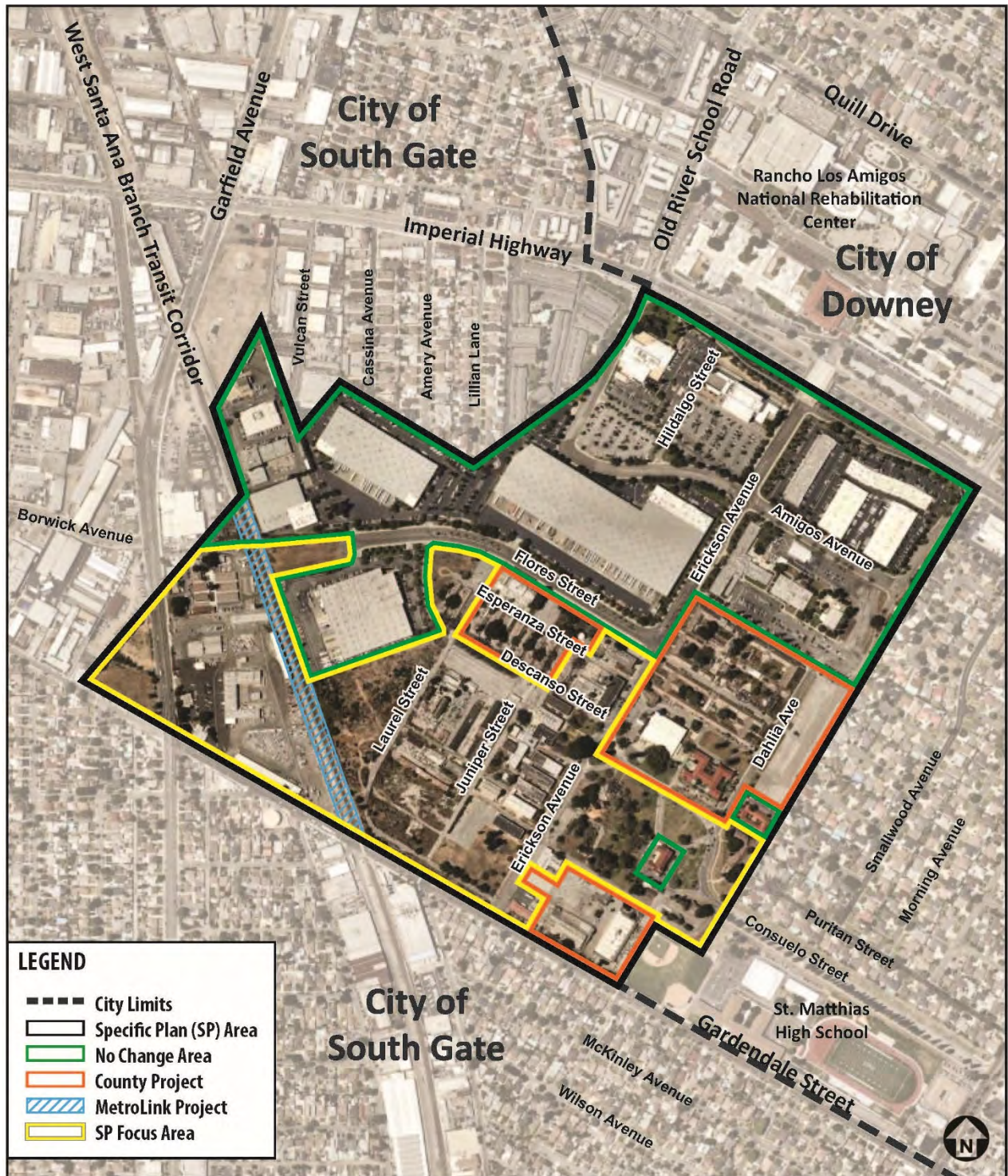
The commenter suggests that the project description is instable. With respect to the Project Description, as summarized by the commenter, the language between the three documents referenced is not exactly the same but each note that the Rancho Los Amigos South Campus Specific Plan (Specific Plan) will facilitate and encourage enhanced commercial, retail, and mixed-use opportunities, residential development, public and open spaces, an improved pedestrian environment, and a variety of transportation choices that will enhance the potential for a multi-modal transportation center. Thus, the intent of the descriptions of the Project's proposed land uses are consistent.

The commenter's request to remove the Flex Tech/Bio Medical (FTBM) sub-district from the Specific Plan is noted. This request does not affect the PEIR evaluation on the Focus Area, which excludes the FTBM sub-district. The commenter's request will be taken into consideration by the City's decision-makers.

With respect to the acreage numbers in the Specific Plan and the RLASCSP PEIR, the Specific Plan references 250 acres while the Notice of Preparation and the PEIR identify the Specific Plan acreage as 172 acres (rounded). The Specific Plan area is 172 acres; the draft Specific Plan has been modified to reflect this correction, which does not change the analysis provided in the PEIR or the description of the Specific Plan.

Exhibit 2-3, Specific Plan Boundary, has been modified to identify additional street names. This modification does not affect the PEIR evaluation.

Exhibit 2-3, Specific Plan Boundary



With respect to the density assumptions in the PEIR, the comment suggests the density assumptions between the three documents are inconsistent. First, the NOP does not include density assumptions, which had not yet been determined. Table 2-3 of Section 2.0, Project Description, of the PEIR has been modified to reflect the density ranges and maximum intensity ranges in the draft Specific Plan. Deleted text is indicated by ~~strike through~~ and added text indicated by double underline, as follows:

Table 2-3: Development Plan Land Use Summary				
Specific Plan Development Standards				
Sub-District	Minimum Lot Area (sf)	Maximum Height (ft)	Maximum Density (du/ac)	Maximum Intensity (FAR)
Flex Tech/Bio-Medical (FTBM)	25,000	75 ft/6 stories	60 <u>40-75</u>	2.5
Regional Public Facilities (RPF)	25,000	75 ft/6 stories	60	<u>1.25-2.5</u>
Transit-Oriented Development (TOD)	25,000	75 ft/6 stories	100 <u>40-75</u>	2.5
Community Serving (CS)	10,000	30 ft/2 stories	60 <u>40-75</u>	0.5

The development capacity analyzed in the PEIR was determined by subtracting right-of-way easements and landscape easements from the total Focus Area. Therefore, while the allowable density varies by sub-district, for the purpose of determining the residential development capacity, the Specific Plan and the PEIR assumed an average density of 44 dwelling units per acre (DU/AC). The maximum density permitted within the sub-districts was not assumed because not every parcel/future site may develop at the maximum density or intensity; instead reasonable assumptions as to likely development were made.

With respect to the discretionary approvals before the City of Downey, the City will consider the approval of the draft Specific Plan, which encompasses 172 acres, and conceptually identifies how areas outside of the Focus Area may develop at some future time, including providing guidance on topics including but not limited to design, vehicular and non-vehicular circulation, and integration with medical facilities in the North Campus north of Imperial Highway. However, the PEIR evaluates potential future development within the Focus Area because no development (outside of the Focus Area) is contemplated/reasonably foreseeable in the (a) “no change” area; (b) the development area assumed as a part of the County’s approved but not constructed development project; or (c) Metro and the Federal Transit Administration’s West Santa Ana Branch Transit Corridor EIS/EIR, which was released for public review and comment on July 30, 2021. Information available about the County’s approved project and Metro’s proposed transit station within the Specific Plan area was provided in the PEIR, and included as a part of the cumulative impact analysis.

Response A4-4

The commenter contends that the improper “piecemealing” under CEQA is occurring because the Draft PEIR focuses on 62.5 acres of the Specific Plan and not the full 172-acre Specific Plan area. The commenter also claims that “piecemealing” is occurring because Los Angeles County prepared an EIR for a separate project named the Rancho Los Amigos South Campus Project.

Under CEQA, piecemealing occurs when a larger project is broken into smaller pieces to avoid full environmental review of the whole of a project. The City’s Draft PEIR considers the full 172-acre Specific Plan site, but focuses its analysis on the 62.5-acre “focus area” because the remaining approximately 109 acres “will either remain unchanged or is committed to other projects.” That is, the Specific Plan’s

approval will not result in any environmental changes to the approximately 109 acres that are not part of the “focus area.” Analysis of areas that will not be changed by the Specific Plan is unwarranted. There is no reasonably foreseeable larger project to analyze. Thus, focusing the Draft PEIR’s analysis on the focus area does not constitute piecemealing.

The comment also notes that there are two EIRs with the same name. While the names are similar, they are not the same. As to the County’s EIR for the Rancho Los Amigo South Campus Project, although it has a similar name, it is an entirely separate project from the Specific Plan and has already been approved by the County in June 2020, making it effectively part of the existing environment. Further, the City was not the lead agency for that project and did not have discretion to consider it as part of the Specific Plan’s approval process. CEQA requires a project to include all relevant parts of a project that will foreseeably *result from project approval*. The County’s project is not one that will result from Specific Plan approval – on the contrary, it has preceded any approval of the Specific Plan. That said, the County’s project was considered as part of the Draft PEIR’s cumulative projects discussion.

As a point of clarification, the RLASCSP PEIR does not tier off of the County’s EIR. The County’s EIR is incorporated by reference, and where information from that EIR is applicable to the City’s proposed Project, it is cited in the RLASCSP PEIR.

Response A4-5

This comment introduces the City of South Gate’s recommendations to promote consistency between the NOP, Specific Plan, and PEIR and avoid a CEQA piecemealing approach. Responses to specific comments are provided in Response A4-6 to Response A4-8 below.

Response A4-6

Please refer to the response to Comment A4-3 regarding the commenter’s suggestion to remove the FTBM sub-district from the Specific Plan and identify it as “Not-A-Part” for consistency with the PEIR. Further, the comment notes that allowable land uses and special uses are currently unknown for the FTBM sub-district. This statement is incorrect, as Specific Plan Chapter 5, Land Use and Development Standards, outlines allowable uses and development standards for all Specific Plan sub-districts, including the FTBM sub-district. The PEIR evaluates the Focus Area, which does not include the FTBM sub-district.

Response A4-7

This comment suggests that the Specific Plan be updated to outline proposed and approved developments within the Focus Area. The comment provides a summary of projects within each sub-district and identifies associated information including number of dwelling units, building square footage, building height, parking, etc.

The Specific Plan is a policy-level document that establishes the vision, development framework, and policies for the Specific Plan area. The Specific Plan consists of tailored development standards, design guidelines and land use regulations that guide implementation of the goals of the Specific Plan. Accordingly, the Specific Plan is not required to include project-level data or discuss proposed and/or approved projects. Previously-approved projects are part of the existing environment. Proposed projects were proposed independent of the Specific Plan and have separate utility and function. The proposed Specific Plan has no effect on such projects.

The comment further notes that sub-district densities are inconsistent between the Specific Plan and PEIR Table 2-3. Please refer to the response to Comment A4-3.

Response A4-8

This comment states that cumulative effects of proposed developments within sub-districts 2, 3, and 4 (SPF, TOD, and CS sub-districts) would have a significant impact on neighboring communities in the City of South Gate. The comment suggests that the Specific Plan be revised to provide a land use map identifying a distribution of uses within each sub-districts. The PEIR evaluates the potential environmental impacts of future development in the Focus Area. and identifies the County's approved development project and the proposed Metro projects as cumulative projects. Because no site-specific developments have been proposed by the property owner, the County of Los Angeles, the EIR provides a programmatic evaluation of an assumed buildout of 700 dwelling units and 1,130,000 sf of non-residential uses within the Focus Area. The distribution of uses within the Focus Area is not known.

The commenter requests that the Specific Plan provide guidance on the entitlement process for future private development projects subject to the Specific Plan provisions. Private development projects would be subject to the adopted development review procedures for the City of Downey, consistent with those for all other development projects in the City. As addressed in the PEIR and as it applies to CEQA, subsequent activities would be examined by the City in light of the Final PEIR to determine whether additional CEQA documentation would be required. A Program EIR may serve as the environmental document for later activities or implementing actions provided it contemplates and adequately analyzes the potential environmental impacts of those subsequent activities. No new environmental review would be required where the future activity is within the scope of the Project evaluated in the Program EIR, and no new environmental document would be required unless otherwise required by §21166 of the CEQA Statutes and §15162 of the State CEQA Guidelines. Whether a later activity is within the scope of a Program EIR is a factual question that the lead agency determines based on substantial evidence in the record.

Chapter 7.0, Implementation and Administration, of the draft Specific Plan notes that the Specific Plan's implementation and administration provisions are applicable to development activity and land use within the boundaries of the Specific Plan area. The regulations, development standards, and guidelines contained in the Specific Plan shall apply in their entirety in the review of new development proposals in addition to applicable requirements of the Downey Municipal Code. The City of Downey would be vested with the duty or authority to issue permits or licenses which conform with the provisions of the Specific Plan, and shall not issue any permit or license or approve any use or building which would conflict with the provisions of the Specific Plan. Any permit, license or approval issued that conflicts with the requirements of the Specific Plan would be considered null and void.

The comment asks which agency (City of Downey or County of Los Angeles) would have land use authority, and what would trigger approval by the Planning Commission or Board of Supervisors, respectively. As noted above, the City is the lead agency for development proposals within the Specific Plan area. All land within the Specific Plan area is within the City's jurisdiction boundaries and, therefore, all future applicable approvals, entitlements and improvements are subject to the review and approval of the City of Downey as Lead Agency. Whether a use would require action by the Planning Commission, would be determined, in part as to whether it is a permitted or conditionally permitted use, as identified in Table 5-1 of the draft Specific Plan.

Chapter 5, section 5.10, of the draft Specific Plan identifies specific regulations for “Special Uses”, which are identified as Emergency Shelters, Transitional Housing/Supportive Housing, Storage Yards, and Animal Shelters/ Facilities.

In accordance with applicable State laws, certain housing development is identified as a “use by right”. While by-right projects are statutorily exempt under CEQA, they must comply with applicable development standards (e.g., Specific Plan and Municipal Code) and federal, state, and local regulations or guidelines, including standard conditions. The by-right permitting process may require administrative approvals to verify compliance.

The following are examples of by-right uses.

Supportive Housing/Low Barrier Navigation Centers. Assembly Bill (AB) 101 states that “The Legislature finds and declares that Low Barrier Navigation Center developments are essential tools for alleviating the homelessness crisis.” State law has been updated to require approval “by right” of certain supportive housing developments inclusive of low barrier navigation centers that meet the requirements of State law. Low barrier navigation centers are generally defined as service-enriched shelters focused on the transition of persons experiencing or at risk of become homeless into permanent housing. Low Barrier Navigation Centers provide temporary living facilities for these persons and provide support services for accessing income, public benefits, health services, shelter, and housing. Low Barrier Navigation Centers are required as a use by right in areas zoned for mixed uses and non-residential zones permitting multi-unit uses if it meets specified requirements.

Emergency, Transitional and Supportive Housing. A variety of state laws (SB 2, SB 375, AB 2162, AB 1233, et al.) enacted requirements for emergency shelters and supportive housing and expressly limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. AB 2162 (Supportive Housing Streamlining Act) requires supportive housing to be considered a use by right in zones where multi-family and mixed-use are permitted, including non-residential zones permitting multi-family uses if the proposed housing development meets specified criteria. AB 2162 also requires local entities to streamline the approval of housing projects containing a minimum amount of supportive housing by providing a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for a CUP or other similar discretionary entitlements.

The commenter asks which agency would review consistency with the Specific Plan design guidelines and conduct subsequent environmental analysis. As previously noted, this would be the responsibility of the City.

The commenter ask whether all projects in Table 5-1 are subject to the Conditional Use Permit process or a different permit process. Table 5-1 in the draft Specific Plan identifies permitted uses, conditionally permitted uses, and uses which are not permitted for each sub-district. The table also identifies that certain uses may be subject to additional provisions. For example, and as previously addressed, emergency shelters, are subject to additional provisions as a Special Use. As such, not all land uses identified in the table require a Conditional Use Permit. Further, Chapter 5, subsection 5.11 identifies that Special Uses proposed by a Third-Party Operator or a Non-County Property Owner would require a Conditional Use Permit. Where the project is a County-operated facility or a County housing development, the County is required to consult with the City (see section 5.12 of Chapter 5); City staff is required to review and provide comments to the County on development plans.

The commenter asks whether the Metro project includes additional commercial and housing development in the Specific Plan area? No. As it applies to the proposed Gardendale Station, the draft EIS/EIR states “The at-grade Gardendale Station (Figure 2-15) would be located within the San Pedro Subdivision ROW, just north of Gardendale Street. Access to the station would be via a new pedestrian walkway on the south end of the platform that would connect to the sidewalk on the north side of Gardendale Street. Emergency egress would be provided on the north end of the platform. Within the San Pedro Subdivision ROW, existing freight tracks would be relocated to the west to accommodate the station platform and tracks. No parking facility is proposed at this station”. As stated in Section 2.0, Project Description, of the PEIR “The intent of the TOD sub-district is to create transit-supportive uses around the future Metro Gardendale Transit Station. The future development of this district will be focused around facilitating access to the station, whether through adjacent higher density residential or connective complete street improvements in and around the Specific Plan area. Targeted neighborhood serving commercial uses will help support residents and grow the district into a desirable place for professionals who will have the ability to access a large portion of the region for job opportunities. “

Response A4-9

The comment suggests that the City’s PEIR was tiered off the County’s EIR. Please refer to the response to Comment A4-4.

Response A4-10

The comment suggests that the proposed Project would create new sources of substantial light or glare. The commenter provides no evidence to support this claim. Under CEQA Guidelines §15384, argument, speculation, unsubstantiated opinion or narrative does not constitute substantial evidence. (*Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 580.) The topic of aesthetics, inclusive of views and lighting is addressed in Section 4.1, Aesthetics, of the PEIR. As noted in Section 4.1 of the PEIR, Municipal Code Sections 9520 and 9624 including lighting standards and regulations. The commenter requests a discussion of the draft Specific Plan’s design guidelines and guiding principles with respect to visual character and quality of public views. The Specific Plan includes eight Guiding Principles; see pages 3-9 and 3-10 of the draft Specific Plan. Guiding Principles 1, 3, and 6 most address the commenters request.

- **Guiding Principle #1** – Enhanced streetscape, landscape, and public amenities through the Rancho Los Amigos South Campus Specific Plan area.
- **Guiding Principle #3** – Improved visual and functional connections and linkages between commercial/retail areas, residential neighborhoods, transportation nodes, and civic/institutional uses within and around the Specific Plan area.
- **Guiding Principle #6** – Encourage future development with a distinct character and identity for the Specific Plan area.

The draft Specific Plan Design Guidelines include design guidelines to address topics including but not limited to: building placement and orientation, architectural design and character (including form and massing, articulation, materials and colors), placemaking elements, lighting, open space, etc. Additional design guidance is provided for specific land uses including multi-family residential uses, commercial uses, light industrial, office, and public facilities. The Specific Plan includes additional setback and stepback (e.g., multi-story buildings should include stepbacks on upper floors to lessen the impact of tall buildings on

surrounding uses) requirements for future development adjacent to Gardendale Street, adjacent to existing off-site residential development. Guidance provided in the draft Specific Plan addresses the commenter's request to identify where the Specific Plan addresses visual character and quality of public views. No further response is required.

Response A4-11

The commenter states that the PEIR must identify potential sources of air quality impacts associated with demolition of buildings and construction of new buildings within the Specific Plan area. The Draft PEIR provides a programmatic analysis of the future development potential allowed by the Specific Plan. It should be noted that no specific development projects are proposed and are therefore not analyzed in the Draft PEIR. As discussed in Section 4.2, Air Quality, of the Draft PEIR under Impact 4.2-2, quantifying individual future development's air emissions from short-term, temporary demolition and construction-related activities would be speculative due to project-level variability and uncertainties concerning the actual number of buildings which may be demolished, when buildings would be demolished, locations, detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown. For example, project-specific earthwork and the associated number of haul truck trips have a major influence on short-term air quality emissions, and these details can vary drastically depending on specific project requirements (i.e., a project with a subterranean garage would require much more excavation and off-site hauling than a project with only surface parking). Since these parameters can vary so widely (and individual project-related demolition and construction activities are time dependent and based upon numerous factors as previously noted), quantifying precise short-term emissions and impacts would yield unreliable, speculative results.

While the analysis of detailed project-level actions can eliminate the need for further environmental documentation, those details are currently not available for future potential development projects from an air quality perspective. As such, on a programmatic level, the analysis identifies significant and unavoidable impacts for construction and operations and identifies applicable mitigation and/or conditions of approval. Part of the basis for the impact conclusions was the fact that specific development projects and construction schedules are currently unknown and have the potential to overlap.

The commenter also states that a "Phase II" analysis is required. Although this comment is provided under the topical heading of Air Quality, it is assumed that the comment is related to the hazardous materials. Mitigation Measure (MM) HAZ-1 in Section 4.7, Hazards and Hazardous Materials, of the PEIR, requires preparation of a project-specific Phase I Environmental Site Assessment (ESA) for any vacant, commercial, and industrial site currently or historically involving hazardous materials or waste (refer to Draft PEIR page 4.7-16). The Phase I ESA would identify if further sampling/remedial activities by a qualified hazardous materials Environmental Professional with Phase II/site characterization experience. Because no specific development projects have been identified, specific information on the level or nature of remediation activities are not currently known. The need and extent of remediation would be identified during a project-specific analysis. The associated project-specific air quality emissions would be required to evaluate emissions from these activities and project-specific measures/conditions of approval would be identified to reduce emissions to the extent feasible in compliance with regulatory requirements.

Response A4-12

The comment suggests that the City's PEIR was tiered off LA County's 2020 EIR. As discussed in Response A4-4, the PEIR does not tier from the County's EIR. The County's EIR is incorporated by reference, and

where information from that EIR is applicable to the City's proposed Project, it is cited in the PEIR. Specific to the topic of biological resources, the comment suggests that biological surveys need to be prepared for the entirety of the Focus Area.

As addressed in Section 4.3, Biological Resources, of the PEIR, the City of Downey Vision 2025 General Plan Conservation Element addresses policies related to trees but the General Plan does not identify sensitive biological resources in the City. The PEIR notes that the Specific Plan area, inclusive of the Focus Area is located within a highly urbanized area where development has removed native vegetation communities, surficial natural soils, topography, and hydrology. As stated in Section 4.3, "...this PEIR section relies upon and incorporates by reference in its entirety the County of Los Angeles Rancho Los Amigos South Campus Project EIR (County Project EIR) Section 3.3: Biological Resources. The resource surveys conducted for the County Project EIR included a portion of the Focus Area and are representative of general site conditions and sensitivity throughout the South Campus. That EIR and the detailed studies therein adequately address the potentially occurring species present within the County Project area and the proposed Project's Focus Area, and applicable mitigation strategies." Aside from the fact that a portion of the South Campus was separately evaluated in the County's EIR (certified in June 2020), the characteristics of the overall area are the same. With the exception of potential impacts to migratory birds (in trees) and roosting bats (at structures), the County's EIR did not identify the potential for significant impacts to vegetation or wildlife. Thus, no further biological studies are warranted.

Because of the potential for roosting bats and nesting birds, both which are protected under the Migratory Bird Treaty Act and California Fish and Game Code, the PEIR includes mitigation for preconstruction surveys for nesting birds and site-specific surveys to verify the presence of roosting bats, determine the extent of any potential impacts, and provide mitigation. The potential effects to these species are adequately addressed at a programmatic level in the PEIR and no further analysis or response is required.

Response A4-13

The commenter implies that the historic resources mitigation in the City's PEIR is not adequate because the County's adopted EIR did not consider the City's proposed Project. As to the adequacy of the County EIR, that is not the subject of these responses to comments on the City's proposed Specific Plan. Regardless, the Specific Plan's Focus Area is within the boundaries of historic district evaluated in the County's EIR (Historic District Evaluation Report for Rancho Los Amigo South Campus, June 2018; Appendix D-1). For this reason, data provided in the County's EIR is appropriate to use as a reference document in the City's PEIR. As a programmatic EIR, it is appropriate to include mitigation prior to any demolition activities. The PEIR analysis is consistent with the draft Specific Plan policies related to evaluation of existing buildings (which was conducted in the County's EIR); provides tools to facilitate the preservation of unique historic/architectural character (the proposed Project includes the preservation of five individually eligible structures in the Specific Plan area, of which four are within the Focus Area); and recognizes that future development would result in significant unavoidable impacts to historic resources, consistent with the finding of the County's EIR. With respect to HP-3, which notes that the Specific Plan should support efforts to expand the knowledge of Rancho Los Amigos, see MM CR-2 regarding the required interpretive and commemorative program. Mitigation would be adopted as conditions of approval for all projects. No further response is required .

Response A4-14

This comment request that the PEIR evaluate the construction and operational GHG impacts of the Focus Area. Because of the programmatic nature of the proposed Project, including the uncertainty of timing of future development, the PEIR determined that GHG impacts at the programmatic level would be significant and unavoidable. Although individual development projects have the potential to exceed individual project level thresholds, all future projects would be subject to the City's development review process, as detailed in Chapter 5 of the draft Specific Plan, and would be required to demonstrate consistency with General Plan policies and municipal code requirements, including those related to GHG emission reduction. The actual mitigation measures/conditions of approval required for future development projects would be determined as a part of project-specific review.

Response A4-15

The commenter request that the City's PEIR include a Phase I Environmental Site Assessment (ESA) and soil and groundwater testing or sampling for the Focus Area. As discussed in Section 4.7, Hazards and Hazardous Materials, of the PEIR, regulatory database searches were performed to supplement available data in the County's Project EIR, which included documentation for the South Campus, including generally that portion of the Focus Area between Gardendale Street to the south, Flores Street to the north, the railroad alignment to the west, and Dahlia to the east. Because site investigations requested by the commenter were prepared as a part of the County's Project EIR and included the Focus Area, no further studies are required as a part of this programmatic analysis. However, as future development is proposed, mitigation would be required as conditions of approval, including preparation of a Phase I ESA and implementation of remediation actions as needed. The PEIR adequately addresses the issues noted by the commenter.

Response A4-16

The commenter states that a Water Supply Assessment should be prepared. As discussed in the Draft PEIR on pages 4.15-11 to 4.15-12, the Project's Focus Area (i.e., where changes will occur) is located within the City's Water District service area. The Water District's 2015 Final Urban Water Management Plan (UWMP) used population projections based on SCAG's Regional Growth Forecast. As documented in the UWMP, the City has sufficient water supply to accommodate the Project for normal year, single dry year, and multiple dry year conditions through 2040. Therefore, there is sufficient water supply for existing and future water demands, including water demands for the Project area.

A Water Supply Assessment requires a Water District to determine whether the projected water demand associated with certain types of projects was included in the most recently adopted UWMP. Here, the Project does not authorize any development on its own, thus, all future development would be required to comply with the City's development review process, and would be required to demonstrate consistency with City's General Plan and City's Municipal Code requirements related to water management. Further, it is already clear from the UWMP that there is sufficient water for the Project. Nevertheless, a Water Supply Assessment will be prepared before certification of the PEIR to confirm the conclusions noted above.

Response A4-17

The comment suggests that Section 4.11, Population and Housing, of the PEIR tiers off of the County's Project EIR and that Section 4.11 of the PEIR does not consider the City of South Gate's Hollydale Specific

Plan. With respect to the commenter's statement regarding tiering, please refer to the response to Comment A4-4. Although the proposed Project does not propose any specific development projects, the PEIR identifies that future development could induce direct population growth through the construction of 700 dwelling units. Project implementation would not cause SCAG's 2045 population forecasts for the City to be exceeded. As identified in Section 4.11 of the PEIR, SCAG identified the City's population in 2016 was 113,300 and is expected to increase to 119,200 by 2045, which equates to an approximate 5 percent increase in population. Project implementation could potentially increase the City's population by approximately 2,324 new persons (assuming every person residing at the project site is a new resident to the City) or approximately 2.1 percent over existing conditions.

Therefore, the Project's incremental effects involving population growth through residential development would not induce substantial unplanned population growth. With respect to employment, the PEIR estimates that future non-residential development could generate new job opportunities. The PEIR notes that the new positions created by future development within the Focus Area could be filled by persons who already reside in the local region.

With respect to the Hollydale Village Specific Plan, the City of South Gate approved the Specific Plan¹ and a Negative Declaration² in 2017. The Negative Declaration states that "The proposed 'project' involves the adoption and subsequent implementation of the Hollydale Village Specific Plan. The Specific Plan is anticipated to facilitate development, especially residential and retail in a mixed-use setting, proximate to the Gardendale Eco-Rapid Transit Station. The major objectives of the Specific Plan are to identify land use options that include providing new mixed-uses, increasing housing opportunities and neighborhood-serving retail uses, and preserving industrial uses..."

The City's Negative Declaration (no mitigation identified) further states "The adoption and subsequent implementation of the Hollydale Village Specific Plan will not lead to any impacts not already identified in the certified EIR that was prepared for the City of South Gate General Plan. In addition, the goals, policies, and implementation programs contained within the Specific Plan will further mitigate the potential impacts from new development contemplated as part of the implementation of the General Plan and the Hollydale Village Specific Plan. As a result, no additional impact beyond that which may be required for individual development projects is required."

The Negative Declaration goes on to say "The Hollydale Village Specific Plan, will not by itself, lead to any new development not already contemplated in the South Gate General Plan." The Negative Declaration's Project Description does not provide any quantification of development for the Hollydale Village Specific Plan area. The commenter does not explain what considerations should be made as to the Hollydale Specific Plan. The City of South Gate's Hollydale Specific Plan provides no information with respect to the topic of population and housing. No further response is required.

Response A4-18

On September 27, 2013, SB 743 was signed into law and started a process that would change transportation impact analysis as part of CEQA compliance. These changes include the elimination of auto delay, Level of Service (LOS), and similar measures of vehicular capacity or traffic congestion as a basis for

¹ City of South Gate Hollydale Village Specific Plan. <https://www.cityofsouthgate.org/DocumentCenter/View/6774/Hollydale-Village-Specific-Plan->

² City of South Gate Hollydale Village Specific Plan Initial Study and Negative Declaration. <https://www.cityofsouthgate.org/AgendaCenter/ViewFile/Item/3823?fileID=9427>

determining significant environmental impacts. The mandatory date for adoption of vehicle miles travelled (VMT) as the applicable CEQA standard was July 1, 2020. While the County's EIR used the LOS standard (the EIR was certified in June 2020), the appropriate CEQA standard for the City's PEIR is VMT. Section 4.13, Transportation, of the PEIR provides a VMT analysis based on the Los Angeles County Traffic Impact Assessment Guidelines. All future projects would be subject to the City's development review process, as detailed in Chapter 5 of the Specific Plan, and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements. This could include the preparation of traffic studies and VMT analyses, including the adoption of mitigation and/or conditions of approval.

With respect to parking, SB 743 also sets forth new guidelines for evaluating project transportation impacts under CEQA, as follows: "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area (TPA) shall not be considered significant impacts on the environment." As defined by PRC] §21099, a TPA is an area within 0.5 mile of a major transit stop that is "existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to §450.216 or §450.322 of Title 23 of the Code of Federal Regulations. Based on this definition of a TPA, the proposed Project is within a TPA as defined above and, as it applies to this section of the PEIR, is exempt from the evaluation of parking in the CEQA context. As it applies to the Specific Plan, the Specific Plan notes that parking would be provided consistent with Municipal Code requirements.

**Comment Letters and Responses:
Organizations (B)**

Letter B1 **Southwest Regional Council of Carpenters**
Mitchell M. Tsai, Attorney at Law
July 20, 2021

LETTER B-1

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VIA E-MAIL

July 20, 2021

Guillermo Arreola
City of Downey, Planning Division
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Em: garreola@downeyca.org

RE: Rancho Los Amigos South Campus Specific Plan Draft Environmental Impact Report (SCH No. 2019029057)

Dear Mr. Arreola,

On behalf of the Southwest Regional Council of Carpenters (“**Commenters**” or “**Carpenters**”), my Office is submitting these comments on the City of Downey’s (“**City**” or “**Lead Agency**”) Draft Program Environmental Impact Report (“**DEIR**”) (SCH No. 2019029057) for the proposed Rancho Los Amigos South Campus Specific Plan (“**Project**”).

1

The City proposes to adopt the Project, covering a 172-acre area owned by the County of Los Angeles in the southwest corner of the City, to promote future development of the Rancho Los Amigos Campus, focusing on a “diverse mixture of job-generating land uses,” including transit-oriented development, residential, retail, and office uses. (DEIR, 2.0-14). The Project would allow for a maximum development of 700 dwelling units and 1,130,000 square feet of non-residential uses. (DEIR, 2.0-2). As part of the Project, the City would initiate a General Plan amendment, a zoning text amendment, and a zoning map amendment. Subsequent activities in the Project area would be examined in light of the final version of the Program Environmental Impact Report prepared for the Project.

2

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

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 2 of 23

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

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

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

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

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

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 3 of 23

length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

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

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

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cont.

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

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

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

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help

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

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

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 4 of 23

achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

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

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

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

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

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The

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cont.

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, available at https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

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

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

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

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

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 5 of 23

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

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

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

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

A. Background Concerning the California Environmental Quality Act

4

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations ("CCR" or "CEQA Guidelines") § 15002(a)(1).⁵ "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR 'protects not only the environment but also informed self-government.' [Citation.]" *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal. App. 4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

⁵ The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 150000 *et seq.*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given "great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous." *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 6 of 23

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

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

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

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is

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City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 7 of 23

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made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450).

B. The Planning Commission should Continue this Item Until the City Releases the Final Environmental Impact Report

Generally, CEQA requires decision-makers to review and consider the environmental impacts of projects before recommending or approving a particular project. Here, the Planning Commission is set to consider and make a recommendation that the City Council approve the Project and certify the Final Environmental Impact Report even before the Final Environmental Impact Report has been released.

Specifically, Section 5 of City Staff's resolution requests that the Planning Commission recommend that "City Council certify the Final Program Environmental Impact Report based on the Planning Commission's review of the Specific Plan and Draft Program Environmental Impact Report."

5

Section 5 calls for the Planning Commission to speculate on the contents of a non-existent document in making its recommendation to City Council. Since the Final EIR for this Project has yet to have been released and the public comment period on the Draft EIR for this Project has yet to expire as of the date of the Planning Commission's July 21, 2021 meeting, it would be improper for the Planning Commission to recommend certification of the Final EIR for the Project without even knowing or having had an opportunity to review the contents of the Final EIR or the public comments made on the Draft EIR.

Numerous things could occur prior to the release of the Final Environmental Impact Report. Previously undisclosed environmental impacts could be discussed as part of the Final EIR. The Project could be changed in significant ways. The Draft EIR could even be revised and recirculated if there was "significant new information" justifying another round of public notice and comment.

The Planning Commission recommending certification of the Final EIR based upon the Draft EIR would prematurely foreclose the CEQA environmental review process and defeat CEQA's mandate for informed environmental decision-making.

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 8 of 23

C. CEQA Requires Revision and Recirculation of an Environmental Impact Report When Substantial Changes or New Information Comes to Light

Section 21092.1 of the California Public Resources Code requires that “[w]hen significant new information is added to an environmental impact report after notice has been given pursuant to Section 21092 ... but prior to certification, the public agency shall give notice again pursuant to Section 21092, and consult again pursuant to Sections 21104 and 21153 before certifying the environmental impact report” in order to give the public a chance to review and comment upon the information. CEQA Guidelines § 15088.5.

Significant new information includes “changes in the project or environmental setting as well as additional data or other information” that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative).” CEQA Guidelines § 15088.5(a). Examples of significant new information requiring recirculation include “new significant environmental impacts from the project or from a new mitigation measure,” “substantial increase in the severity of an environmental impact,” “feasible project alternative or mitigation measure considerably different from others previously analyzed” as well as when “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Id.*

An agency has an obligation to recirculate an environmental impact report for public notice and comment due to “significant new information” regardless of whether the agency opts to include it in a project’s environmental impact report. *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 95 [finding that in light of a new expert report disclosing potentially significant impacts to groundwater supply “the EIR should have been revised and recirculated for purposes of informing the public and governmental agencies of the volume of groundwater at risk and to allow the public and governmental agencies to respond to such information.”]. If significant new information was brought to the attention of an agency prior to certification, an agency is required to revise and recirculate that information as part of the environmental impact report.

6

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 9 of 23

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

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

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁹

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

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

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.

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

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 10 of 23

- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

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

7
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City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 11 of 23

allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

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

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

E. The DEIR's Project Description is Not Accurate, Stable, and Finite

"[A]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient" environmental document. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 200.) "A curtailed or distorted project description may stultify the objectives of the reporting process" as an accurate, stable and finite project description is necessary to allow "affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost,

¹⁰ See also The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

7
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City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 12 of 23

8
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consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance. (*Id.* at 192–93.) Courts determine *de novo* whether an agency proceeded “in a manner required by law” in maintaining a stable and consistent project description. (*Id.* at 200.)

A project description fails for not including sufficient detail when there is not enough information provided to accurately evaluate the project’s environmental impacts. Here, the DEIR’s project description is not accurate, stable, or finite, thus undermining much of the subsequent analysis in the DEIR. As discussed further below, the DEIR improperly narrowed its analysis to a 62.5-acre “Focus Area” when the Project itself is 172 acres. Furthermore, though the project description calls for 700 dwelling units and 1,130,000 square feet of “non-residential uses,” the DEIR does not adequately describe the “non-residential uses” which will be built, only speculating as to the ultimate development in the area. As the DEIR itself concedes throughout, the ambiguity and uncertainty regarding the final use of the areas covered by the Project undercuts the DEIR’s analysis of the Project’s environmental impacts.

An EIR must be “prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (*Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 26.) An EIR’s description of the project should identify the project’s main features and other information needed for an assessment of the project’s environmental impacts. (*Citizens for a Sustainable Treasure Island v City & County of San Francisco* (2014) 227 Cal.App.4th 1036, 1053.) The DEIR does not meet CEQA’s requirements for an adequate project description.

F. The EIR Improperly Segments the Project and Fails to Consider the Whole of an Action

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CEQA provides that a public agency may not divide a single project into smaller individual subprojects to avoid responsibility for considering the environmental impact of the project as a whole. (*Orinda Ass’n v Board of Supervisors* (1986) 182 CA3d 1145, 1171.) CEQA “cannot be avoided by chopping up proposed projects into bite-sized pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.” (*Tuolumne County Citizens for Responsible Growth, Inc. v City of Sonoma* (2007) 155 CA4th 1214; *Association for a Cleaner Env’t v Yosemite Community College Dist.* (2004) 116 CA4th 629, 638; *Plan for Arcadia, Inc. v City Council* (1974) 42 CA3d 712, 726.)

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 13 of 23

9
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The Project is a Specific Plan covering 172 acres of land, but limits its analysis to only a 62.5 acre “Focus Area.” (DEIR, 2.0-14). The Specific Plan area includes four distinct geographic “districts,” yet the DEIR analyzes impacts only in three of the four districts. The Focus Area excludes a “Flex Tech/Bio Medical” district that constitutes the largest single designated Project area. (DEIR, 2.0-18) It would include not only office and medical office uses to complement the Rancho Los Amigos Rehabilitation Center, but also light industrial and research uses. (DEIR, 2.0-19). Also excluded from the DEIR’s consideration are the Metro West Santa Ana Branch light rail transit project and the Downey Sports Complex already under construction. Though the DEIR purports to consider the environmental impacts of these developments within the Project area in its analyses of cumulative impacts, the fact remains that the Project was unreasonably piecemealed such that the putative programmatic DEIR only really covers analysis of less than 50% of the actual Project.

By segmenting what should have been one single project into three separate ones, the City violated CEQA by failing to consider the “whole of an action.” As a result, the Project’s DEIR improperly minimized the actual impacts that would occur if these three projects were analyzed as one single project.

G. CEQA Bars the Deferred Development of Environmental Mitigation Measures

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

Impermissible deferral can occur when an EIR calls for mitigation measures to be created based on future studies or describes mitigation measures in general terms but the agency fails to commit itself to specific performance standards. *Preserve Wild Santee*

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 14 of 23

10
cont.

v. City of Santee (2012) 210 Cal. App. 4th 260, 281 [city improperly deferred mitigation to butterfly habitat by failing to provide standards or guidelines for its management]; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645, 671 [EIR failed to provide and commit to specific criteria or standard of performance for mitigating impacts to biological habitats]; see also *Cleveland Nat'l Forest Found. v San Diego Ass'n of Gov'ts* (2017) 17 Cal. App. 5th 413, 442 [generalized air quality measures in the EIR failed to set performance standards]; *California Clean Energy Comm. v City of Woodland* (2014) 225 Cal. App. 4th 173, 195 [agency could not rely on a future report on urban decay with no standards for determining whether mitigation required]; *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal. App. 4th 681, 740 [agency could not rely on future rulemaking to establish specifications to ensure emissions of nitrogen oxide would not increase because it did not establish objective performance criteria for measuring whether that goal would be achieved]; *Gray v. County of Madera* (2008) 167 Cal. App. 4th 1099, 1119 [rejecting mitigation measure requiring replacement water to be provided to neighboring landowners because it identified a general goal for mitigation rather than specific performance standard]; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777, 794 [requiring report without established standards is impermissible delay].

11

Here, the DEIR defers the development of the following mitigation measures for potentially significant environmental impacts:

- MM TCR-1 proposes to retain a qualified archaeologist to conduct monitoring duties and develop treatment plan for inadvertently discovered archaeological resources without detailing any specific plan for resource monitoring that would be established using a generally accepted performance criteria or standard.
- MM CUL-8 calls for the development of a Long Term Preservation Plan to mitigate potential impacts on archaeological resources without detailing any specific plan that would be established using a generally accepted performance criteria or standard.
- MM CR-10 attempts to mitigate impacts caused by the unanticipated discovery of human remains during future Project developments, but does not detail any specific plan for final

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 15 of 23

11
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treatment of such remains established using generally accepted performance criteria or standards.

- MM CR-11 through MM CR-14 propose mitigations for impacts on paleontological resources that rely on retention of a qualified paleontologist without specifying any specific plan for mitigation established using generally accepted performance criteria or standards.

The DEIR needs to be amended to include specific mitigation measures with any applicable performance standards. The DEIR needs to be revised to specify what the plan is and what performance standard or measure will be used that complies with any rule or regulation cited.

H. The DEIR Fails to Support Its Findings with Substantial Evidence

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

12

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

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 16 of 23

12
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to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. See also *Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (fact that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

1. *The DEIR Fails to Support its Findings on Greenhouse Gas Impacts with Substantial Evidence.*

CEQA Guidelines § 15064.4 allow a lead agency to determine the significance of a project's GHG impact via a qualitative analysis (e.g., extent to which a project complies with regulations or requirements of state/regional/local GHG plans), and/or a quantitative analysis (e.g., using model or methodology to estimate project emissions and compare it to a numeric threshold). So too, CEQA Guidelines allow lead agencies to select what model or methodology to estimate GHG emissions so long as the selection is supported with substantial evidence, and the lead agency "should explain the limitations of the particular model or methodology selected for use." CEQA Guidelines § 15064.4(c).

13

CEQA Guidelines sections 15064.4(b)(3) and 15183.5(b) allow a lead agency to consider a project's consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

CEQA Guidelines §§ 15064.4(b)(3) and 15183.5(b)(1) make clear qualified GHG reduction plans or CAPs should include the following features:

- (1) **Inventory:** Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities (e.g., projects) within a defined geographic area (e.g., lead agency jurisdiction);
- (2) **Establish GHG Reduction Goal:** Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 17 of 23

(3) **Analyze Project Types:** Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;

(4) **Craft Performance Based Mitigation Measures:** Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

(5) **Monitoring:** Establish a mechanism to monitor the CAP progress toward achieving said level and to require amendment if the plan is not achieving specified levels;

13
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Collectively, the above-listed CAP features tie qualitative measures to quantitative results, which in turn become binding via proper monitoring and enforcement by the jurisdiction—all resulting in real GHG reductions for the jurisdiction as a whole, and the substantial evidence that the incremental contribution of an individual project is not cumulatively considerable.

Here, the DEIR does not make any attempt to quantify the construction or operational GHG emissions of the Project, instead demurring to the idea that because the developments pursuant to the Project are as-yet unknown, the GHG emissions must be indeterminable. (DEIR, 4.6-12 through 4.6-15). However, the DEIR materials includes an Appendix B titled “Air Quality Monitoring,” wherein some attempt at quantification via modelling was done. It includes what appear to be calculations of GHG emissions and CO₂e numbers which are not discussed anywhere in the DEIR. Additionally, as noted above, the DEIR fails to analyze GHG emissions from sources outside of the “Focus Area” to which the DEIR was limited. The DEIR must be revised to consider the environmental impacts of GHG emissions from the whole project.

14

2. *The DEIR is Required to Consider and Adopt All Feasible Air Quality and GHG Mitigation Measures*

A fundamental purpose of an EIR is to identify ways in which a proposed project's significant environmental impacts can be mitigated or avoided. Pub. Res. Code §§ 21002.1(a), 21061. To implement this statutory purpose, an EIR must describe any

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 18 of 23

feasible mitigation measures that can minimize the project's significant environmental effects, PRC §§ 21002.1(a), 21100(b)(3); CEQA Guidelines §§ 15121(a), 15126.4(a).

If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible”¹¹ and find that “specific overriding economic, legal, social, technology or other benefits of the project outweigh the significant effects on the environment.”¹² “A gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.” *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039.

Here, the DEIR finds that the Project will have significant and unavoidable impacts on air quality and greenhouse gas emissions, but fails to provide any adequate discussion of potential mitigations, especially operational mitigations. Even assuming the Project may take credit for all the claimed VMT reductions it outlines, the Project will still have a significant GHG emissions impact which requires that the DEIR adopt a finding of a significance and the adoption of all feasible mitigation measures to ameliorate this impact. Instead, the DEIR again defers discussion of air quality and greenhouse gas emissions to the future, and relies on the idea that future development within the Project area will comport with regulations and plans established by SCAQMD, SCAG, and other governmental organizations.

The City is merely making a conclusory statement about future compliance with the law and does not commit itself to any specific or binding course of action which is project-specific. A determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal.App.4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. There is no analysis in the DEIR connecting the effect of compliance with regulatory requirements such that the impacts could be determined to be less than

14
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¹¹ PRC §§ 21002, 21002.1, 21081; CEQA Guidelines §§ 15091, 15092(b)(2)(A).

¹² PRC §§ 21002, 21002.1, 21081; CEQA Guidelines §§ 15091, 15092(b)(2)(B).

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 19 of 23

14
cont.

significant. The City is essentially requesting a good-faith assumption that regulatory compliance will serve as a backstop without developing any mitigation measures. The City must identify mitigations; sufficiency cannot be assumed based on compliance alone.

15

3. The DEIR Fails to Support its Findings on Population and Housing Impacts with Substantial Evidence.

The DEIR finds that the Project will have less-than-significant impacts on substantial population growth in the area. However, the DEIR recognizes that the Project could potentially increase the City's population by approximately 2,324 new persons, or 2.1 percent. (DEIR, 4.11-7). This does not include any influx of residents that might occur due to the 3,000 jobs created or relocated by the County of Los Angeles, and the 1,932 projected new jobs created by non-County development within the Project area. (DEIR, 4.2-16). The DEIR simply concludes that the new jobs might be filled by the City's unemployed population, (DEIR, 4.11-7), but again does not account for the fact that many of these jobs will be relocated from elsewhere within the County. Many County employees whose jobs were relocated may similarly decide to relocate to the City, adding to the new resident count. These new residents may place additional strain on City services and resources. The City should reconsider and revise the DEIR's conclusion on the Project's impacts on population and housing.

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

A. Background Regarding the State Planning and Zoning Law

16

Each California city and county must adopt a comprehensive, long-term general plan governing development. *Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 352, citing Gov. Code §§ 65030, 65300. The general plan sits at the top of the land use planning hierarchy, and serves as a "constitution" or "charter" for all future development. *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 773; *Lesber Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540.

General plan consistency is "the linchpin of California's land use and development laws; it is the principle which infused the concept of planned growth with the force of law." See *Debottari v. Norvo City Council* (1985) 171 Cal.App.3d 1204, 1213.

State law mandates two levels of consistency. First, a general plan must be internally or "horizontally" consistent: its elements must "comprise an integrated, internally

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 20 of 23

consistent and compatible statement of policies for the adopting agency.” See Gov. Code § 65300.5; *Sierra Club v. Bd. of Supervisors* (1981) 126 Cal.App.3d 698, 704. A general plan amendment thus may not be internally inconsistent, nor may it cause the general plan as a whole to become internally inconsistent. See *DeVita*, 9 Cal.4th at 796 fn. 12.

Second, state law requires “vertical” consistency, meaning that zoning ordinances and other land use decisions also must be consistent with the general plan. See Gov. Code § 65860(a)(2) [land uses authorized by zoning ordinance must be “compatible with the objectives, policies, general land uses, and programs specified in the [general] plan.”]; see also *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184. A zoning ordinance that conflicts with the general plan or impedes achievement of its policies is invalid and cannot be given effect. See *Lesher*, 52 Cal.3d at 544.

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State law requires that all subordinate land use decisions, including conditional use permits, be consistent with the general plan. See Gov. Code § 65860(a)(2); *Neighborhood Action Group*, 156 Cal.App.3d at 1184.

A project cannot be found consistent with a general plan if it conflicts with a general plan policy that is “fundamental, mandatory, and clear,” regardless of whether it is consistent with other general plan policies. See *Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 782-83; *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1341-42 (“FUTURE”). Moreover, even in the absence of such a direct conflict, an ordinance or development project may not be approved if it interferes with or frustrates the general plan’s policies and objectives. See *Napa Citizens*, 91 Cal.App.4th at 378-79; see also *Lesher*, 52 Cal.3d at 544 (zoning ordinance restricting development conflicted with growth-oriented policies of general plan).

As explained in full below, the Project is inconsistent with the City’s General Plan, Vision 2025 (“General Plan”). As such, the Project violates the State Planning and Zoning law.

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 21 of 23

B. The Project is Inconsistent with the General Plan, and thus the DEIR's Conclusions Regarding Impacts on Land Use and Planning are Unsupported by Substantial Evidence

The DEIR fail to establish the Project's consistency with several General Plan goals, policies, and programs including the following:

- Policy 1.1.1, Program 1.1.1.4: Discourage non-industrial uses into areas designated for industrial uses, (General Plan, 1-16);
- Policy 2.1.1, Program 2.1.1.1: Maintain intersections and street segments at acceptable service levels and not worsen those intersections and street segments currently operating at unacceptable levels, (General Plan, 2-12);
- Policy 2.1.2: Promote improvements in the street system through the development process, (General Plan, 2-12);
- Program 2.1.2.5: Discourage projects that generate high amounts of traffic onto local and collector streets (General Plan, 2-13);
- Policy 2.2.3: Reduce the number and length of vehicle trips generated by land use in Downey, (General Plan 2-16);¹³
- Goal 2.3: Reduce adverse impacts from truck traffic, (General Plan, 2-21 through 2-22);
- Goal 2.4: Reduce adverse impacts onto city streets from traffic traveling through the region, (General Plan, 2-24 through 2-25);
- Policy 4.5.2, establishing a policy of improving air quality through land use decisions, including:
 - Discouraging the placement of air-sensitive uses in close proximity to areas with concentrated pollutants, such as congested traffic intersections;
 - Reducing the number and length of vehicle trips by promoting the provision of services needed by residents locally; and
 - Discouraging land uses known as major sources of air pollution. (General Plan, 4-19).

The Project fails to discuss its conformity with each of the aforementioned Goals, Policies, and Programs laid out in the City's General Plan, even though the Project will have reasonably foreseeable impacts on land use, traffic, vehicle trip generation, air quality, and emissions. This discussion is relevant not only to compliance with land use

¹³ The DEIR identified Policy 2.2.4, but erroneously labelled it as Policy 2.2.3.

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 22 of 23

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and zoning law, but also with the contemplation of the Project's consistency with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental impacts. The DEIR should be amended to include analysis of the Project's comportment with the Goals, Policies, and Programs listed above.

18

C. The DEIR Should be Revised to Consider the Project's Consistency with the Upcoming 6th Cycle Revisions to the City's Housing Element

The DEIR includes discussion of the Project's consistency with the City's present housing element. However, the City will soon be required to revise its housing element for the October 15, 2021 through October 25, 2029 planning period. As development of the Project area will take place during the upcoming planning period and not the current period, the DEIR should include an analysis of the Project's consistency with the upcoming Housing Element update and its various policies and programs.

III. **FAILURE TO INCLUDE CONSULTATION AND PREPARATION SECTION**

19

CEQA requires all EIRs contain certain contents. *See* CEQA Guidelines §§ 15122 – 15131. CEQA expressly requires an EIR “identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the draft EIR, by contract or other authorization.” CEQA Guidelines § 15129. This information is critical to demonstrating a lead agency fulfilled its obligation to “consult with, and obtain comments from, each responsible agency, trustee agency, any public agency that has jurisdiction by law with respect to the project, and any city or county that borders on a city or county within which the project is located” PRC § 21104(a).

Failure to provide sufficient information concerning the lead agency's consultation efforts could undermine the legal sufficiency of an EIR. Courts determine *de novo* whether a CEQA environmental document sufficiently discloses information required by CEQA as “noncompliance with the information disclosure provisions” of CEQA is a failure to proceed in a manner required by law. PRC § 21005(a); *see also Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502, 515.

Here, the DEIR fails to identify which federal agencies, state agencies, local agencies, or other organizations, if any, that were consulted in the preparation of this DEIR other than individuals from Kimley-Horn and Associates, Inc. (DEIR, 8.0-1). The DEIR should be revised to identify the organizations the City consulted with in the

City of Downey – Rancho Los Amigos South Campus Specific Plan DEIR
July 20, 2021
Page 23 of 23

19
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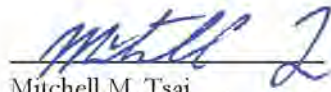
preparation of the DEIR in compliance with Section 21104(a) of the Public Resources Code.

21

IV. CONCLUSION

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

Sincerely,



Mitchell M. Tsai

Attorneys for Southwest Regional Council of Carpenters

Attached:

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

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

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

This comment is introductory in nature and states that the Law Office of Mitchell M. Tsai has submitted comments on behalf of the Southwest Regional Council of Carpenters. Further, this comment restates the project description. Responses to individual comments will be sent to the address noted pursuant to the requirements of State CEQA Guidelines §15088. Responses to specific comments are provided below; refer to Response B1-3 through Response B1-21.

Response B1-2

This comment provides background on the Southwest Carpenters and identifies the organization's interest in the land use planning and environmental review. The comment notes the commenter's rights to supplement the provided comments and incorporates by reference relevant case law. Further, the comment requests that the Lead Agency provide notice for all notices related to the proposed Project, pursuant to the State CEQA Guidelines, Public Resources Code, and California Planning and Zoning Law. The comment is noted and relevant notices will be sent to the address noted. This comment does not raise a specific issue with the adequacy of the Draft PEIR analysis. Therefore, no further response is necessary.

Response B1-3

This comment states that the City should require the applicant to provide additional community benefits such as requiring local hire and use of a skilled workforce to build the Project. The comment identifies the benefits of local hire and skilled workforce requirements in reducing trip lengths and in turn, greenhouse gas emissions. Further, the comment provides examples of local hire regulations adopted throughout the State and cites information identifying the benefits of such policy. The comment concludes by suggesting the City should request the Project be built to standards exceeding the 2019 California Green Building Code to mitigate the Project's environmental impacts.

This comment incorrectly identifies the proposed Project as a development project and does not recognize the programmatic nature of the Rancho Los Amigos South Campus Specific Plan (Specific Plan) Project. With respect to the California Green Building Code, future projects would be subject to compliance with then-current regulatory requirements including the Green Building Code.

Response B1-4

This comment provides background on CEQA. This comment does not raise a specific issue with the adequacy of the Draft PEIR analysis. Therefore, no further response is necessary.

Response B1-5

This comment states that the Planning Commission should not consider and/or make a recommendation concerning the Project to City Council until the Final PEIR has been released. The commenter suggests that Planning Commission recommending certification of the Final PEIR based upon the Draft PEIR would prematurely foreclose the CEQA review process and defeat CEQA's mandate for informed environmental decision-making. The commenter conclusion regarding the CEQA process incorrect. The Planning Commission is not the discretionary approval body for the Project and is not required to consider comments and responses to those comments prior to making a recommendation to the City Council. The City Council, as the approval body, is responsible the consideration of certification of the Final EIR (Draft EIR, Responses to Comments, and any other information added by the Lead Agency) prior to consideration of Project approval.

Response B1-6

This comment notes that the State CEQA Guidelines require revision and recirculation of an EIR when substantial changes or new information comes to light. This comment does not raise a specific issue with the adequacy of the Draft PEIR analysis. Therefore, no further response is necessary.

Response B1-7

The comment states that State CEQA Guidelines §15065(a)(4) requires that an agency make a finding of significance when a project may cause a significance adverse effect on human beings. The comment states that construction work has been defined as a ‘Lower to High risk activity for COVID-19 spread.’ The commenter recommends that the City adopt additional mitigation measures concerning construction site design requirements, testing procedures, and an infection disease preparedness and response plan to address public health risks from construction activities.

COVID-19 is a public health issue, not a project-related CEQA effect. Conditions, information, recommendations, and procedures regarding this virus have changed many times during 2020-2021 and would likely continue to change frequently. To attempt to predict such changes or to prescribe safety measures based on potential future public health requirements is not feasible nor practical. As previously addressed in the Response to Comment 3, no development is currently proposed; the commenter does not seem to recognize the programmatic nature of the proposed Project.

If the COVID-19 pandemic is still ongoing at the time that a project-specific development is proposed and is ready for construction, workers would follow any guidelines and requirements issued by the State of California, the County of Los Angeles, and City of Downey as well as any additional safety measures required by contractors working on site. Construction work has continued in California through most of the pandemic, and it can reasonably be assumed that work could proceed as long as any required safety measures were implemented. Additionally COVID-19 is an existing condition, and the scope of CEQA is assessing the Project’s impacts on the environment rather than an existing condition’s impact on the Project.

Response B1-8

The commenter suggests that the PEIR project description is “not accurate, stable, and finite”. The commenter states that the PEIR improperly narrows its analysis to the Focus Area when the Specific Plan encompasses 172 acres. Further, the commenter states that the PEIR does not adequately describe the non-residential uses that would be built and is speculative regarding future development in the area.

The City disagrees with the commenter regarding the Project Description provided in the PEIR. The PEIR evaluates potential future development within the Focus Area because no development (outside of the Focus Area) is contemplated as a part of the City’s proposed Project in the (a) “no change” area; (b) the development area assumed as a part of the County’s approved but not constructed development project; or (c) Metro and the Federal Transit Administration’s West Santa Ana Branch Transit Corridor EIS/EIR, which was released for public review and comment on July 30, 2021.

The Specific Plan is a programmatic document and does not propose direct development, but would facilitate future development within the Specific Plan area. Subsequent projects within the Specific Plan area would occur subject to discretionary permits and would occur as market conditions allow. Accordingly, it is infeasible to anticipate the types of non-residential uses that would occur on the site. Specific Plan Chapter 5 outlines allowable uses and development standards for all sub-districts within the Specific Plan. These standards were used to determine the development capacity within the Focus area

which was used as the basis for the CEQA analysis, including but not limited to Section 4.11, Population and Housing, which quantifies the potential increase in population and employment associated with future development. This analysis is representative of build-out conditions and provides a conservative evaluation of potential environmental impacts from Project implementation. Further, future development proposals within the Focus Area would be subject to project-level City review to demonstrate consistency with the City's General Plan, Municipal Code, and Specific Plan.

Response B1-9

The comment suggests that the PEIR improperly segments the Project and fails to consider the whole of an action by limiting analysis to the Focus Area and only three of the four Specific Plan sub-districts. Please refer to the response to Comment B1-8.

The commenter contends that the improper "piecemealing" under CEQA is occurring because the Draft PEIR focuses on 62.5 acres of the Specific Plan and not the full 172-acre Specific Plan area. The commenter also claims that "piecemealing" is occurring because Los Angeles County prepared an EIR for a separate project named the Rancho Los Amigos South Campus Project.

Under CEQA, piecemealing occurs when a larger project is broken into smaller pieces to avoid full environmental review of the whole of a project. The City's Draft PEIR considers the full 172-acre Specific Plan site, but focuses its analysis on the 62.5-acre "focus area" because the remaining approximately 109 acres "will either remain unchanged or is committed to other projects." That is, the Specific Plan's approval will not result in any environmental changes to the approximately 109 acres that are not part of the "focus area." Analysis of areas that will not be changed by the Specific Plan is unwarranted. There is no reasonably foreseeable larger project to analyze. Thus, focusing the Draft PEIR's analysis on the focus area does not constitute piecemealing.

The comment also notes that there are two EIRs with the same name. While the names are similar, they are not the same. As to the County's EIR for the Rancho Los Amigo South Campus Project, although it has a similar name, it is an entirely separate project from the Specific Plan and has already been approved by the County in June 2020, making it effectively part of the existing environment. Further, the City was not the lead agency for that project and did not have discretion to consider it as part of the Specific Plan's approval process. CEQA requires a project to include all relevant parts of a project that will foreseeably *result from project approval*. The County's project is not one that will result from Specific Plan approval – on the contrary, it has preceded any approval of the Specific Plan. That said, the County's project was considered as part of the Draft PEIR's cumulative projects.

Response B1-10

Comment 10 restates law and court decisions. It does not include any comment on the environmental analysis. No changes are warranted.

Response B1-11

Comment B1-11 references four mitigation measures (CR-10, CR-11 to CR-14, CUL-8, and TCR-1) and states that the mitigation measures are inadequate.

Regarding MM CUL-8, there is no corresponding mitigation measure in the Draft PEIR. Thus, it is unclear which mitigation measure the commenter is referencing. Even MM CR-8 is not applicable, as the

commenter states that the mitigation calls for a Long Term Preservation Plan,” but neither MM CR-8 nor any other mitigation measures reference a Long Term Preservation Plan. No changes are warranted.

Regarding MM CR-10, the commenter states that it does not detail any specific plan for final treatment of human remains using generally accepted performance criteria or standards. Section 4.4, Cultural Resources, of the PEIR, MM CR-10 states: “In the event that human remains are discovered or unearthed, all earth-disturbing work within a 100-meter radius of the location of the human remains shall be temporarily suspended or redirected by the applicant until a forensic expert retained by the applicant has identified and evaluated the nature and significant of the find, in compliance with State CEQA Guidelines §15064.5(f). If human remains of Native American origins are discovered or unearthed, the applicant shall contact the consulting tribe, as detailed in MM TCR-1, regarding any finds and provide information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input concerning significant and treatment. After the find has been appropriately mitigated, as determined as document by a qualified archaeologist, work in the area may resume.”

Section 4.4, Cultural Resources, MM CR-10 has been revised and is incorporated into the Final EIR as follows:

Unanticipated Discovery. In the event that human remains are discovered or unearthed, all requirements of California Health and Safety Code Section 7050.5 shall be met, including all earth-disturbing work within a 100-meter radius of the location of the human remains shall be temporarily suspended or redirected by the applicant until a forensic expert retained by the applicant has identified and evaluated the nature and significance of the find, in compliance with State CEQA Guidelines §15064.5(f) the County Coroner’s office has made the necessary findings as to origin and disposition. If human remains of Native American origins are discovered or unearthed, the requirements of Public Resources Code 5097.98 shall be met, including the applicant shall contact the consulting tribe, as detailed in MM TCR-1, regarding any finds and provide information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input concerning significance and treatment. After ~~the find has been appropriately mitigated~~ all applicable requirements have been met, as determined by the qualified archaeologist, work in the area may resume.

Regarding MM CR-11 to MM CR-14 in Section 4.4 of the PEIR, the commenter states that the mitigation lacks a specific plan for mitigation established using generally accepted performance criteria or standards. MM CR-11 to MM CR-13 require retention of a qualified paleontologist, proper worker training, and monitoring for paleontological resources. MM CR-14 requires cessation of work when paleontological resources are discovered, full assessment by the qualified paleontologist, and salvage and curation of significant paleontological resources following the standards of the Society of Vertebrate Paleontology (SVP). Contrary to the commenter’s statement, these are clear and generally accepted criteria and standards. No changes are warranted.

Regarding MM TCR-1, the commenter states that the mitigation fails to detail any specific plan for resource monitoring that would be established using a generally accepted criteria or standard. As addressed in Section 4.14, Tribal Cultural Resources, of the PEIR, requirements for monitoring for all archeological and cultural resources are discussed in MM CR-9, which requires a qualified archeologist monitor all ground-disturbing activity to a depth of five feet. This type of monitoring is clear and a generally accepted standard. It is unclear what additional monitoring standards the commenter thinks would be appropriate. MM TCR-1 and MM TCR-2 discuss analysis and treatment of archeological and tribal

resources in the event of discovery. The mitigation measures require treatment occur in accordance with the established Cultural Resources Monitoring Program. No changes are warranted.

Response B1-12

The commenter suggests that the findings of the PEIR are not supported by substantial evidence. Comment 12 restates law and court decisions. It does not include any comment on the environmental analysis. No changes are warranted. Please refer to the responses to Comments B1-13 through B1-15.

Response B1-13

The commenter suggests that the greenhouse gas (GHG) analysis is not supported by substantial evidence. The comment summarizes CEQA Guidelines §15064.4(b)(3) and §15183.5(b). CEQA Guidelines §15064.4(b)(3) explains that the lead agency should consider the extent to which a project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Section 4.6, Greenhouse Gas Emissions, of the Draft under PEIR Impact 4.6-2 (starting on Draft PEIR page 4.6-15) evaluates whether the Specific Plan would conflict with an applicable plan, policy, regulation, or recommendation of an agency for the purpose of reducing GHG emissions. The City of Downey does not have an adopted qualified climate action plan for the purposes of reducing GHG emissions. The Draft PEIR evaluated whether the project would conflict with CARB's Climate Change Scoping Plan, SCAG's Connect SoCal, and the City's General Plan, as well as California Executive Order S-3-05 (refer to Draft PEIR Impact 4.6-2). The Draft PEIR demonstrated that at the programmatic level, the Specific Plan would not conflict with the applicable GHG reduction plans. It should be noted that CEQA Guidelines §15064.4 specifically notes that a lead agency shall have discretion to determine, in the context of a particular project, whether to (1) quantify greenhouse gas emissions resulting from a project; and/or (2) rely on a qualitative analysis or performance based standards. The Draft PEIR has complied with §15064.4 and relied on a qualitative analysis to evaluate the Specific Plan at a programmatic level.

Additionally, CEQA Guidelines §15183.5(b) addresses tiering and streamlining of GHG analyses and specifically pertains to plans for the reduction of GHG emissions. The section of the guidelines outlined and quoted in the comment are requirements for climate action plans/GHG reduction plans. The proposed Rancho Los Amigos Specific Plan provides a vision and policy framework for development in the Specific Plan area and is not a climate action plan or GHG reduction plan. As such CEQA Guidelines §15183.5(b) is not applicable.

As noted in the Section 4.6 of the Draft PEIR (Impact 4.6-1), all future projects would be subject to the City's development review process, as detailed in Chapter 5 of the draft Specific Plan, and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements, including those associated with GHG emission reductions, and would be subject to compliance with regulatory requirements and conditions of approval. It should be noted that air quality data was provided for informational purposes and represents reasonably foreseeable development of the Focus Area of the Specific Plan area. However, these emissions are not representative of any specific development project. GHG emissions from individual development projects are dependent on numerous factors, including the carbon content of energy (which is required to decrease in future years) and the level of energy efficiency required in the state building code. Because of the programmatic nature of the proposed Project, including the uncertainty of timing of future development, the Draft PEIR determined that future development considered significant and unavoidable.

Response B1-14

This comment states that the PEIR does not adopt all feasible air quality and GHG mitigation measures. As discussed in Section 4.6, Greenhouse Gas Emission, of Draft PEIR on page 4.6-15, no GHG reduction measures are feasible as the reasonable and feasible on-site design features are not known at this time. Additional off-site mitigation measures would also not be feasible as the largest component for GHG emissions for the Project are from mobile emissions, which are regulated by different state and regional policies and regulations. Therefore, impacts at the programmatic level would be significant and unavoidable. However, as addressed in the Draft PEIR, environmental review would be required for future development projects. Although individual development projects have the potential to exceed individual project level thresholds, all future projects would be subject to the City's development review process, as detailed in Chapter 5 of the Specific Plan, and would be required to demonstrate consistency with General Plan policies and municipal code requirements, including those related to GHG emission reductions. The actual mitigation measures/conditions of approval required for future development projects would be determined as a part of project-specific development review by the City of Downey.

Response B1-15

This comment states that the Draft PEIR fails to support its less than significant finding regarding population and housing impacts with substantial evidence because it does not account for job growth that will attract new residents.

The Draft PEIR fully accounts for population growth, discussing the new residential development and how the number is within previously-anticipated growth numbers. (See Draft PEIR at p. 4.11-7.) As addressed in Section 4.11, Population and Housing, of the PEIR, SCAG forecasts that the City's population will increase by approximately 5 percent between 2016 and 2045. According to data provided by SCAG, the City's population in 2016 was 113,300 and is expected to increase to 119,200 by 2045.

Page 4.11.1 of Section 4.11 has been revised to clarify the language and is incorporated into the Final PEIR. This correction does not change the PEIR analysis.

Table 4.11-1, Population Estimates (2016–2045) provides County and City population estimates in SCAG's Connect SoCal: Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal) data. Connect SoCal, which addresses population, households, and employment. SCAG's forecasts are based on jurisdictions' existing land uses and General Plan land use designations. Population projections are calculated based on household growth and household size. SCAG forecasts that the County's population will increase by approximately 22 percent and the City's population will increase by approximately 5 & percent between 2016 and 2045. According to data provided by SCAG, the City's population in 2016 was 113,300 and is expected to increase to 119,200 by 2045, which equates to an approximate 5 percent increase in population. This averages to an approximate 0.17 percent increase in population per year, which is lower than the countywide growth rate for the same time period. The proposed Project would be implemented in a densely populated urban area, and would be supported by current roads and infrastructure.

With respect to employment, SCAG forecasts that employment in Downey will increase by approximately 7 percent from 42,900 to 45,800 between 2016 and 2045. (see https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf.)

The commenter states that the growth does not account for the jobs in the “Project area” and the population growth that will come with it. But, as explained in the Draft PEIR, 1,932 new jobs are anticipated, a number that could easily be absorbed by existing residents, based on 6,700 unemployed persons being in the City. Further, residents of the City and the surrounding area would also likely work in the Specific Plan area, further reducing the likelihood that the jobs would lead to more growth than already analyzed in the Draft PEIR. Also, as discussed in the Draft PEIR, the actual job growth that will occur is speculative. Any further residential growth beyond what is planned would be subject to separate approvals and CEQA processes – that is, job growth alone would not be enough to cause the population to grow. In sum, the Draft PEIR’s conclusions are supported by substantial evidence, and the commenter has not provided substantial evidence to the contrary. No changes are warranted.

Response B1-16

The commenter suggests that the proposed Project is inconsistent with the City of Downey’s General Plan. Please refer to the responses to Comment B1-17.

Response B1-17

The commenter identifies two General Plan goals, five policies, and one program noting that the PEIR should address the Project’s consistency with these goals, policies, and programs and implies that the Project is inconsistent with the General Plan.

The City disagrees and provides substantiation in the following discussion. However, it is important to note with respect to the commenter’s opinion regarding alleged inconsistencies, it should be noted that, under CEQA, a project is consistent with the underlying general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. A given project need not be in perfect conformity with each and every general plan policy (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 238). Moreover, a lead agency’s determination that a project is consistent with the general plan is entitled to deference (*Ibid.*).

The following goals were developed for the Specific Plan through extensive community input and focused discussions with all stakeholders and reflect the intentions of the General Plan.

- Create a mixed-use, compact, and multi-modal environment
- Promote sustainable principles in design and development
- Enhance the pedestrian scale and function of the built environment
- Establish a complementary mix of cultural uses, public spaces, and outdoor activities
- Create stronger connections with local neighborhoods and connectivity with mobility options
- Promote a family-oriented, culturally enriched, healthy lifestyle
- Celebrate and reinforce Downey’s and the Rancho Los Amigos South Campus’ character and history
- Enhance economic development successes in the area
- Support a flexible variety of land uses that further regional transportation and transit planning objectives

Discretionary actions associated with the proposed Project include a change the General Plan and zoning designations to Rancho Los Amigos South Campus Specific Plan to reflect the objectives of the City regarding revitalization of the area.

The commenter references the following programs, policies, and goals:

- Land Use Element Program 1.1.1.4 of Policy 1.1.1 states “Discourage non-industrial uses into areas designated for industrial uses.” But does not reference applicable General Plan Goal 1.1 or applicable Policy 1.1.1 addressed in Section 4.9, Land Use and Planning, of the PEIR (see Table 4.9-2, which provides an analysis of the consistency of the proposed Project with the General Plan. The General Plan Goal states “Provide sufficient land areas for uses that serve the needs of residents, visitors and businesses.” Policy 1.1.1: Maintain a balance of land uses. Based on the vision of the City for the Specific Plan area, the proposed Project is not inconsistent with General Plan Program 1.1.1.4.
- Circulation Element Program 2.1.1.1 of Policy 2.1.1 is also referenced in Section 4.13, Transportation, of the PEIR: “Maintain intersections and street segments at acceptable service levels and not worsen those intersections and street segments currently operating at unacceptable levels.” Circulation Element Policy 2.1.2 states “Promote improvements in the street system through the development process.” Program 2.1.2.5 of Circulation Policy 2.1.2 states “Discourage projects that generate high amounts of traffic onto local and collector streets.” As addressed in the PEIR, including Section 4.13, Transportation, the Focus Area proposes a TOD sub-district to facilitate transit-supportive uses around the future Metro Gardendale Transit Station, through adjacent higher density residential or connective complete street improvements, including pedestrian access through the Specific Plan area. The intent of the Specific Plan is to create a mixed-use, compact, and multi-modal environment and promote sustainable principles in design and development by reducing dependency on vehicle trips. The Circulation Element identifies different roadway classifications for the streets within the City, each with varying sizes, composition, and purposes. The circulation for the Specific Plan will be consistent with existing City roadway classifications and will largely use the existing roadway network for internal access and connections to adjacent facilities. All future projects would be subject to the City’s development review process, as detailed in Chapter 5 of the draft Specific Plan, and would be required to demonstrate consistency with General Plan policies and Municipal Code requirements.
- Circulation Element Policy 2.2.3 states “Reduce the number and length of vehicle trips generated by land use in Downey.” As noted above, the intent of the Specific Plan is to create a mixed-use, compact, and multi-modal environment and promote sustainable principles in design and development by reducing dependency on vehicle trips. As addressed in the PEIR, specifically in Section 4.13, the Project would support SCAG’s Connect SoCal overall land use pattern of reinforcing the trend of locating new housing and employment in High Quality Transit Areas with the intent of reducing vehicle miles travelled (VMT) and GHG emissions. The proposed Project would also help increase the share of total trips that use transit.
- Circulation Element Goal 2.3 states “Reduce adverse impacts from truck traffic”. The Project allows for a mix of residential and non-residential development on County of Los Angeles property located in the City of Downey. The Project does not emphasize land uses, such as manufacturing facilities, which would have a greater percentage of heavy truck traffic.

- Circulation Element Goal 2.4 states “Reduce adverse impacts onto city streets from traffic traveling through the region”. As previously addressed, the Project would allow for new housing and employment in High Quality Transit Areas with the intent of reducing VMT and GHG emissions. The proposed Project would also help increase the share of total trips that use transit.
- Conservation Element Policy 4.5.2, as referenced in Section 4.5, Air Quality, of the PEIR states “Improve air quality through land use decisions”. The commenter summarizes some of the programs for Policy 4.5.2 regarding the location of sensitive land uses proximate to areas of concentrated pollutants; reducing vehicle trip lengths; and discouraging land uses known as major sources of air pollution. As addressed in Section 4.5, no significant carbon monoxide hotspot impacts would occur. Where residential development is proposed within 500 feet of the Metrolink right-of-way, MM AQ-2 requires a project-specific Health Risk Assessment (HRA). Should potential exposure exceed South Coast AQMD thresholds, additional measures would be required. These can include but not be limited to additional indoor air filters to reduce exposure of sensitive receptors to substantial pollutant concentrations to a less than significant level. With respect to Program 4.5.2.3, major sources of stationary air pollution can include oil refineries, power plants, industrial facilities, as well as mobile sources including automobiles, trucks, buses, and trains. As previously addressed, the Project would allow for new housing and employment in High Quality Transit Areas with the intent of reducing VMT and GHG emissions. The proposed Project would also help increase the share of total trips that use transit.

The proposed Project is not inconsistent with the noted goals, policies, and programs. No further response is required.

Response B1-18

This comment states that the DEIR should address the proposed Project’s consistency with the 6th Cycle (2021-2029) Regional Housing Needs Assessment (RHNA) allocation and the City’s Housing Element Update. The City’s 2021-2029 Housing Element update was not available when the PEIR was being prepared; the Housing Element update was made available in August 2021. The 2021-2029 RHNA for Downey is 6,510 residential units, divided into four categories of income and affordability. To comply with Housing Element law, the City must identify candidate housing sites that can accommodate the assigned 2021-2029 RHNA allocation. This may include the identification of current vacant land that can accommodate residential use or infill sites that permit residential development. Specific to the City’s draft Housing Element update, the proposed Project is identified as the “development of a mixed-use, compact, and multi-modal environment...The plan will create a new neighborhood and district that includes cultural uses and public spaces, stronger connections with local neighborhoods, and connectivity with mobility options in a manner that will reinforce the character and history of Downey and the Rancho Los Amigos South Campus. Based on the densities expected to be developed, the 600 units (exclusive of the Veterans Commons Project) can be credited toward the lower-income RHNA based on the provisions of State law allowing developments at “default densities” (at least 30 units per acre in Downey) to be counted as lower-income sites. Nonetheless, recognizing that a variety of housing types and prices may be developed on the campus, the unit count is distributed more conservatively in this Housing Element and split between the lower- and above-moderate income RHNA.” Therefore, the proposed residential development in the Focus Area would help the City meet its RHNA allocation.

Response B1-19

The comment suggests that the PEIR fails to identify which federal agencies, state agencies, local agencies, or other organizations, were consulted in the preparation of this EIR. Please refer to Table 1-1 of Section 1.0 of the PEIR which identifies the agencies and parties which provided comments on the Notice of Preparation, as well as Section 1.4.1 which summarizes outreach by the City (since 2017). The City directly sent the NOP to approximately 39 parties, including 2 federal agencies, 10 State agencies and departments, 3 regional agencies, 9 cities, the County of Los Angeles, as well as the Downey Unified School Districts, Native American tribal representatives, utility agencies, and other interested parties.

Response B1-20

The commenter requests that the PEIR be revised and recirculated and/or...“prepare an environmental impact report which addresses the aforementioned concerns.” The commenter has not raised issues that would render the PEIR deficient or require recirculation or require the preparation of a new EIR. While the ultimate determination would be made by the City’s decision-makers, City staff has reviewed the comments on the Draft PEIR and the response to those comments, and have not identified any significant new information in those comments or responses that would necessitate recirculation under the standards set forth in CEQA Guidelines §15088.5.

SWAPE Attachment

SWAPE provides an example of a specific plan project in the City of Claremont to demonstrate that greenhouse gas (GHG) emissions can be lowered via vehicle miles traveled (VMT) decreases where development uses a local labor force. As addressed in the programmatic-level EIR, the Project does not propose construction of development; rather, it provides capacity for future development within the Focus Area. The example is noted and no further response is required.

Letter B2 **Los Angeles Conservancy**
Adrian Scott Fine, Senior Director of Advocacy
July 22, 2021

LETTER B-2



523 West Sixth Street, Suite 800
Los Angeles, CA 90014

313.623.7489 office
213.623.3909 fax
lconservancy.org

July 22, 2021

Guillermo Arreola
City of Downey
11111 Brookshire Avenue
Downey, CA 90241
Email: garreola@downeyca.org

**RE: Rancho Los Amigos South Campus Specific Plan – Draft
Program Environmental Impact Report (PEIR)**

Dear Guillermo Arreola:

1 On behalf of the Los Angeles Conservancy, I am writing to comment on the Draft Program Environmental Impact Report (PEIR) for the Rancho Los Amigos South Campus Specific Plan that supports the Los Angeles County’s proposed demolition of nearly all the California Register-listed Rancho Los Amigos Historic District (Historic District). As stated in the Draft PEIR, the project does not propose any development, while future development could potentially result in direct impacts through the physical demolition, destruction, or alteration of potential historical resources within the Focus Area. Future development within the Focus Area assumes the demolition of contributor and non-contributor buildings and would remove remaining features of the Historic District’s original 1888 Site plan. Thus this project will create significant and unavoidable impacts that will result in the district’s loss of eligibility and delisting from the California Register of Historical Resources.

2 For over a decade the Conservancy has been working closely with various County representatives regarding Rancho Los Amigos and its future, with numerous reuse and redevelopment proposals considered. In all cases we have pressed for meaningful retention of the Historic District and repurposing the buildings for new uses. We continue to believe there is a “win-win” scenario available for the Rancho Los Amigos South Campus where both preservation of the Historic District’s eligibility and new construction is possible.

3 During these past ten-plus years, with the County as the steward, the Historic District has deteriorated and buildings continue to fall into an accelerated disrepair. In recent years contributing buildings within the Historic District have been destroyed due to neglect, vandalism, and numerous arson fires. For instance, the 1915 Harriman Residence was destroyed by arson in June 2017 (Exhibit A). The current deteriorated conditions and neglect which have occurred under the County’s stewardship have been cited as a health and safety concern and justification for the County’s Rancho Los Amigos South Campus project’s nearly



I. Proposed Project Poses Impacts to Cultural Resources

The Historic District was determined eligible for listing in the National Register of Historic Places by a consensus through a Section 106 process in 1995 and subsequently listed in the California Register of Historical Resources in 1998.

The Historic District was deemed significant under Criterion A of the National Register for its association with turn-of-the-century health care in Los Angeles County's indigent population, and for its later treatment of those in Los Angeles County with chronic illnesses, both mental and physical.

The Historic District contains a mix of buildings that housed both staff and patients, and a range of supporting services that collectively chart Rancho Los Amigos' transformation from a Poor Farm and rehabilitative care facility into a hospital to house long-term invalid patients. Additionally, the site plan and placement of the various structures, often grouped by uses, reflects the operation of the facility and the relationships the individual structures and their uses had with one another.

The Historic District was re-evaluated in 2018 as part of the County's environmental review. The evaluation noted recent changes in the status of some structures while extending the Historic District's boundaries at the southeast portion of the campus.

The updated evaluation reaffirms the continued eligibility of the Historic District as a historic resource listed in the California Register of Historical Resources. The re-evaluated Historic District contains 109 features, comprised of 61 contributors and 48 non-contributors. The contributors have been further classified into the following categories: 23 primary contributors, 17 secondary contributors and 21 tertiary contributors.

As proposed by the County and supported by the City of Downey through its PEIR, the Rancho Los Amigos South Campus project would demolish 104 buildings and structures—an unavoidable, significant impact that would eliminate the Historic District. The project would retain just four historic buildings, a water tower, and Moreton Bay Fig Tree.

II. County's inclusion of demolition-only component outside Project's Development Area circumvents CEQA, eliminates consideration of potentially feasible alternatives linked to that action

A significant flaw of the County's EIR, which the RLASCSP has incorporated into its Draft PEIR, is its inclusion of a demolition-only component outside the Project's Development Area. Thus this action circumvents CEQA and eliminates consideration of potentially feasible alternatives.

Similar to the County, the City of Downey Specifies four zones within the RLASCSP area. These include:

- 1) Flextech/Bio-Medical Sub District
- 2) Regional Public Facilities Sub District
- 3) Transit Oriented Development Sub District
- 4) Community Serving Uses Sub District

All but the Flextech/Bio-Medical Sub District encroach onto the Historic District. With the Transit Oriented Development Sub District encompassing most of the Historic District dictating a mix of retail, office, and residential units. It's unclear why a greater adaptive reuse program is not explored. Instead, the City of Downey has gone along with the County's Rancho Los Amigos South Campus projects that



7
cont.

dismiss the feasibility of the adaptive reuse for a different use while simultaneously calling for the demolition of “existing buildings, hardscape and some landscape features” throughout the larger project site.

The County appears to be inserting a secondary proposal, to clear the South Campus of structures outside the identified Development Area, under the guise of meeting Project Objectives focused on eliminating public safety concerns associated with the existing abandoned campus setting. Yet demolition is not the sole option for eliminating the public safety concerns.

The County and now the City of Downey are sidestepping the required full consideration of preservation alternatives to its demolition-only subproject that would result in the loss of numerous structures not otherwise impacted by the proposed new construction. The Conservancy outlined this central concern in our previous comments to the County and requests an explanation as to why it is pursuing this project in this manner and how this complies with CEQA?

Under CEQA Guidelines Section 15378, “project” is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...” An accurate and complete project description is essential to a legally sufficient EIR:

A curtailed or distorted project description may stultify the objectives of the [CEQA] reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the ‘no project’ alternative) and weigh other alternatives in the balance.²

Accordingly, a public agency cannot subdivide a single project into smaller individual subprojects to avoid reviewing the impacts of the project as a whole, or to eliminate potentially feasible alternatives from consideration.³ A separate environmental review with its own evaluation of alternatives should be prepared when future uses are identified and proposed for other portions of the South Campus and Rancho Los Amigos Historic District.

III. Modified Adaptive Reuse/Reduced Project Alternative should retain eligibility

8

A key policy under the California Environmental Quality Act (CEQA) is the lead agency’s duty to “take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history.”⁴ To this end, CEQA “requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.”⁵ The fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.⁶ Reasonable alternatives must be considered “even if they substantially impede

² Imperial Highway Relocation Feasibility Analysis, Executive Report, C. Project Scope. August, 2015. Los Angeles County Department of County Works.

³ Orinda Assn. v. Board of Supervisors (1986) 182 Cal.App.3d 1145, 1171.

⁴ Public Resource Code, Sec. 21001 (b), (c).

⁵ Sierra Club v. Gilroy City Council (1990) 222 Cal.App.3d 30, 41; also see Public Resources Code §§ 21002, 21002.1.

⁶ Guideline § 15126.6(a).



8
cont.

the project or are more costly.⁷⁷ Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.⁸

The opportunity exists to modify the Adaptive Reuse/Reduced Project Alternative by pairing new construction and an expanded version of the current adaptive reuse proposal, which would yield a preservation-based alternative capable of meeting, either fully or partially, all of the Project Objectives.

The Conservancy questions why a preservation alternative pairing new construction with the retention and reuse of a portion of the Historic District's buildings was not evaluated? We specifically addressed this point in our June 27, 2018, comments following our meeting and site visit. Again, we discussed this with the County at a meeting on November 14. We strongly believe an alternative of this type holds great promise in meeting Project Objectives while retaining and reusing a meaningful portion of the existing Historic District. We strongly encourage the County to seriously consider this type of approach as a preferred project.

9

IV. Relationship between County's environmental review and City of Downey's Specific Plan environmental review should be better coordinated

Both the County and the City of Downey are currently pursuing independent but seemingly related Environmental Impact Reports for this project site; the County's certified Rancho Los Amigos South Campus Project and the "Rancho Los Amigos South Campus Specific Plan" by the City of Downey. It appears that the City of Downey has relied heavily on the County's flawed EIR.

As with previous proposed projects by the County, and Downey's NOP for the RLASCSP, the Conservancy remains concerned about the fate of this important historic resource. It remains unclear to us why the City of Downey has accepted the County's flawed analysis and violation of CEQA law as part of its Draft PEIR. The unchecked refusal of Downey to explore adaptive reuse feasibility on a larger scale that retains the Historic District's eligibility is at odds with CEQA requirements.

Thank you for the opportunity to comment on the Draft PEIR for the Rancho Los Amigos South Campus project. We look forward to continuing to work with the City of Downey to pursue a preservation alternative as the preferred project. Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

Sincerely,



Adrian Scott Fine
Senior Director of Advocacy

Enclosure

⁷ *San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

⁸ Public Resources Code § 21081.5.



Exhibit A: Before and after, arson fire of 1915 Harriman Residence, Rancho Los Amigos



1915 Harriman Residence, as photographed in 2012 by Los Angeles Conservancy



1915 Harriman Residence, following arson fire, as photographed in 2018 by Los Angeles Conservancy



Exhibit B: Mapping of proposed demolition of Historic District



SOURCE: DigitalGlobe, 2016 (Aerial); ESA, 2018.



Rancho Los Amigos South Campus
 Final Environmental Impact Report
 Final EIR Figure 4-5
 Adaptive Reuse/Reduced Project Alternative Scenario 2



**Exhibit C: Various points of entry and lack of security. Rancho Los Amigos,
as photographed by Los Angeles Conservancy on November 20, 2019**





Response B2-1

This comment is introductory in nature and summarizes the PEIR's findings concerning potential impacts to historic resources. The comment notes that the Project would have a significant and unavoidable impact that would result in the loss of eligibility and delisting from the California Register of Historic Places. This statement is consistent with the analysis provided in the Draft PEIR. No further response is necessary.

Response B2-2

This comment introduces the Los Angeles Conservancy's involvement in development proposals for Rancho Los Amigos. The comment notes the Conservancy's belief that new construction within the Historic District is feasible while still preserving its eligibility. The comment is noted and further addressed in response to more specific comments on this subject below.

Response B2-3

This comment notes that the Historic District has become deteriorated and in disrepair over the past ten years, while under the County's stewardship. The commenter states that ongoing concerns regarding security and maintenance costs have been used to justify demolition of the Historic District. The comment suggests however, that the PEIR is deficient and lacks condition and feasibility analysis to substantiate its justification. Further, the Conservancy expresses concern regarding additional destruction of the Historic District while the proposed Project moves through the planning process. The commenter notes that the County is prohibited from neglecting these resources.

The City of Downey notes that while the City is the Lead Agency for the proposed Project, the land and buildings are owned by the County of Los Angeles. Responses to specific comments concerning these issues are provided below; refer to Responses B2-7, B2-8, and B2-9.

Response B2-4

This comment notes that the Conservancy responded to the Rancho Los Amigos South Campus Project Notice of Preparation in December 2017 and requested answers to various comments in the DEIR. The Conservancy provided additional comments following a meeting and site visit in June 2018. The comments discussed the feasibility and economic viability of balancing historic preservation and proposed Project objectives. These comments were submitted for the County's Project, not the City's proposed Project.

It is important to note that the City's proposed Focus Area is within the boundaries of historic district evaluated in the County's EIR (Historic District Evaluation Report for Rancho Los Amigo South Campus, June 2018; Appendix D-1). For this reason, data provided in the County's EIR is appropriate to use as a reference document in the City's PEIR. As required by CEQA Guidelines §15126.6(a), an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project. CEQA Guidelines §15126.6(a) goes on to say that an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. Feasibility is defined in CEQA as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code §21061.1). CEQA Guidelines §15126.6(f) specifies factors that may be taken into account when addressing the feasibility of alternatives; these factors include site suitability, economic viability,

availability of infrastructure, other plans or regulatory limitations, and jurisdictional boundaries and whether the proponent can reasonably acquire, control, or otherwise have access to an alternative site.

The County's Final EIR included substantial evidence regarding the feasibility of the project alternatives, including preservation, restoration, and reuse of the structures. It is again important to note that the entirety of the South Campus Specific Plan area, inclusive of the City's Focus Area, is on property owned by the County of Los Angeles. The County noted that all structures have experienced substantial deterioration due to time, weather, arson-related fires, seismic activity, high winds, water intrusions, soil settlement, and vandalism, which makes rehabilitation and reuse more difficult and costly. Comprehensive rehabilitation and adaptive reuse would require substantial and costly structural, seismic, and architectural upgrades to bring the historic buildings into serviceable use as required for compliance with Building Codes, as well as seismic, ADA, and Title 24 requirements. As it applies to the County's project, the County noted that the majority of the buildings on the South Campus were not good candidates for the proposed County uses because of the lack of sufficient square footage and open floor plans needed to ensure operational efficiency.

As addressed in Section 6.0, Alternatives, in the City's PEIR, the County of Los Angeles Board of Supervisors approved Alternative 4, Scenario 2, which assumes the development of up to approximately 650,000 sf of floor area of new buildings to serve as headquarters for various County departments, two parking structures, and infrastructure improvements. The County's approved project includes adaptive reuse and/or retention of existing buildings and structures that are eligible for listing in the National Register of Historic Places: Casa Consuelo (LACO No. 1238) and Power Plant (LACO No. 1300) would be adaptively reused; the Water Tower (LACO No. 1301) would be restored; the Shop and Laundry (LACO No. 1302) would be mothballed for future County use; the Administration Building (LACO No. 1100) would be retained with no alterations to the building or changes in its use; and the Moreton Bay Fig Tree would be retained. All other buildings and structures (103 in total) would be demolished as a part of the County's approved project.

The County noted in its staff report to the Board of Supervisors that "While this demolition would result in the loss of the RLASC Historic District's eligibility as an historic resource, it is necessary to achieve the County's objectives, which include eliminating public safety concerns associated with the existing abandoned campus setting including vandalism, arson, theft, structural instability, and habitation by individuals and urban wildlife; developing state-of-the-art County facilities that demonstrate the County's commitment to sustainability through achievement of a Leadership in Energy and Environmental Design Gold rating, or better; providing an attractive, uncluttered visible gateway to the South Campus from Imperial Highway and establishing a common character and tone for the South Campus; and enabling the RLASC to complement and readily adapt to potential future projects in immediate proximity. The buildings to be demolished have been vacant and boarded up since the 1980s and have deteriorated due to weather, interior and exterior vandalism, and multiple arson fires. The structures contain hazardous material, such as asbestos and lead paint and would not meet current building codes including seismic, energy, and Americans with Disabilities Act codes. Additionally, the cost to restore the buildings is estimated to be in excess of **\$300,000,000** (emphasis added), and there is no compatible County use that can be identified to occupy the buildings.

As stated on page 4-72, the only objective that Alternative 4 would fully meet would be to fulfill the spirit and intent of historic preservation, as set forth in the Secretary of the Interior's Standards, by ensuring the proper care and treatment of the most important historic resources on the South Campus to a greater

extent than the proposed Project as more historical buildings would be retained under development of this alternative. Otherwise, all other objectives would be met to a lesser extent than the proposed Project or not met at all.

As noted, the property is owned by the County and the preservation, restoration, and reuse of those historic buildings within the Focus Area by the City is not financially feasible. While the retained and mothballed buildings would be preserved as a part of the City's proposal, these County buildings would not be publicly accessible. When considering approval of the proposed Project and in making their findings, the City Council will take into account the various economic, environmental, social, legal, technical, and other considerations regarding the feasibility of the Project and each alternative.

Response B2-5

This comment identifies the Conservancy's concern with demolition of the Historic District and the County's lack of response to previously submitted comments. The commenter notes the significance of Rancho Los Amigos to Los Angeles County's heritage and the Conservancy, and expresses a preference for Alternative 4, which may allow for new construction and adaptive reuse.

Please refer to the response to Comment B2-4. In June 2020, the County Board of Supervisors certified the Rancho Los Amigos South Campus Project Final EIR (SCH No. 201708017) and approved Alternative 4, Scenario 2. Under the approved County Project (Alternative 4, Scenario 2), several historic structures were identified as primary/ individually eligible for adaptive reuse or to be mothballed.

The City's PEIR alternatives analysis includes Alternative C: Adaptive Reuse/Reduced Project assumes the adaptive reuse/mothballing of the same structures that are within the Focus Area that are identified in the County's Alternative 4, Scenario 2. This alternative assumes less development in the Focus Area when compared to the proposed Project and is identified as the Environmentally Superior Alternative.

Response B2-6

This comment provides an overview of the Historic District's eligibility and listing in the National Register of Historic Places in 1995 and the California Register of Historic Resources in 1998. Further, the comment notes the District's re-evaluation in 2018 and confirmation of its continued eligibility as a historic resource, including 31 contributor features. The commenter summarizes PEIR findings that Project implementation would result in significant and unavoidable impacts that would eliminate the Historic District while retaining four buildings, the water tower, and Moreton Bay Fig Tree. This comment does not raise a specific issue with the adequacy of the Draft PEIR analysis.

Response B2-7

This comment suggests that the County PEIR, which has been incorporated by reference into the City's PEIR, is flawed in its inclusion of a demolition-only component outside the County project area. The comment states that this action circumvents CEQA and eliminates consideration of potentially feasible alternatives. By focusing on demolition within the Project area, the commenter states the City's PEIR does not consider preservation of Historic District structures.

The comment notes the definition of "project" as provided under State CEQA Guidelines §15378 and suggests that the PEIR and County's project EIR subdivide a single project into smaller individual projects to avoid reviewing impacts of the project as a whole. The commenter states that a separate environmental

review with its own evaluation of alternatives should be prepared when future uses are identified and proposed for other portions of the South Campus and Historic District.

The commenter contends that the improper “piecemealing” under CEQA is occurring because the Draft PEIR focuses on 62.5 acres of the Specific Plan and not the full 172-acre Specific Plan area. The commenter also claims that “piecemealing” is occurring because Los Angeles County prepared an EIR for a separate project named the Rancho Los Amigos South Campus Project.

Under CEQA, piecemealing occurs when a larger project is broken into smaller pieces to avoid full environmental review of the whole of a project. The City’s Draft PEIR considers the full 172-acre Specific Plan site, but focuses its analysis on the 62.5-acre “focus area” because the remaining approximately 109 acres “will either remain unchanged or is committed to other projects.” That is, the Specific Plan’s approval will not result in any environmental changes to the approximately 109 acres that are not part of the “focus area.” Analysis of areas that will not be changed by the Specific Plan is unwarranted. There is no reasonably foreseeable larger project to analyze. Thus, focusing the Draft PEIR’s analysis on the focus area does not constitute piecemealing.

With respect to the scope of the Project, the PEIR evaluates potential future development within the Focus Area because no development (outside of the Focus Area) is contemplated as a part of the City’s proposed Project in the (a) “no change” area; (b) the development area assumed as a part of the County’s approved but not constructed development project; or (c) Metro and the Federal Transit Administration’s West Santa Ana Branch Transit Corridor EIS/EIR, the latter which was released for public review and comment on July 30, 2021. For this reason, the consideration of alternatives to addresses future development options in the Focus Area because no development (or demolition) is assumed by the City. Please also refer to the response to Comment B2-4 with respect to the County’s approved project.

By focusing on demolition within the Project area, the commenter states the City’s PEIR does not consider preservation of Historic District structures. Please also refer to the following response to Comment B2-8 with respect to additional preservation of historic structures.

As explained in the Draft PEIR, the State CEQA Guidelines direct that the range of alternatives be guided by a “rule of reason,” such that only those alternatives necessary to permit a reasoned choice are addressed. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making. The range of potential alternatives to the proposed project shall also include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. An alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative need not be considered. State CEQA Guidelines §15126.6(f)(1) states that:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

Beyond these factors, the State CEQA Guidelines require the analysis of a “no project” alternative and an evaluation of alternative location(s) for the project, if feasible. State CEQA Guidelines §15126.6(c) also requires that an EIR identify any alternatives that were considered for analysis but rejected as infeasible and discuss the reasons for their rejection.

The Draft PEIR considered a reasonable range of alternatives, including two “no project” alternatives and an “Adaptive Reuse/Reduced Project” alternative that would result in more preservation than under the proposed Project. As such, there are alternatives that consider more preservation and reuse than the proposed Project (as suggested by the commenter). No further changes to the PEIR are warranted.

Response B2-8

The comment summarizes the State CEQA Guidelines goal to preserve historic environmental qualities for future generations and its requirement of public agencies to deny projects with significant adverse effects when feasible alternatives or mitigation measures can lessen such effects. The Conservancy questions why a “Modified Adaptive Reuse/Reduced Project Alternative” scenario was not evaluated in the PEIR, despite their comments on this matter during meetings with the County regarding the County project in June 2018 and November 2018. As a point of clarification, the Conservancy did not provide comments during the Notice of Preparation period for the City’s PEIR in 2019. The City’s PEIR does include an Adaptive Reuse/Reduced Project alternative (Alternative C); see Section 6.0, Alternatives. The commenter is correct that this alternative assumes the same adaptive reuse/mothballing assumptions for those buildings/structures in the Focus Area as was assumed for the County’s approved project.

The Specific Plan and PEIR would not preclude the restoration, rehabilitation and/or reuse of additional buildings within the Focus Area which have been identified as contributing structures to the Historic District. No individually eligible structures would be demolished in the Focus Area as a part of the City’s Project. However, because the approved County project would result in the demolition of 103 buildings and structures (of which 57 were identified as contributors to the historic district), the County’s project removes approximately 94 percent of the contributing structures to the historic district. As further addressed in Section 4.4, Cultural Resources of the PEIR, the County found that removal of the majority of the Historic District’s contributors would materially alter the Historic District in an adverse manner, resulting in a loss of all seven aspects of integrity (location, design, setting, materials, workmanship, feeling, and association), and the physical characteristics that allow the Historic District to convey its historical significance (i.e., the buildings, structures, features present during its period of significance) would, with few exceptions, no longer be extant. The County Project EIR determined that after project completion, the District would no longer convey its historical significance and it would no longer be eligible for listing in the National Register and would no longer be eligible for the California Register. The County Project EIR identified this change as a significant unavoidable impact.

Therefore, additional contributing structures could be mothballed, reused, or restored, the significant unavoidable impact to the Historic District would still occur because the impact would occur as a part of the County’s approved project.

Response B2-9

The commenter states that the relationship between the County project environmental review and RLASCSP Project environmental review should be better coordinated. With respect to the relationship between the two projects, it is again noted that the County’s EIR was certified and the project was approved in June 2020. Please also refer to response to Comment B2-7 regarding the Focus Area.

The comment identifies the Conservancy’s concern that the County project EIR is flawed, and as such, not a reliable basis for PEIR determinations. The City respectively disagrees that the County’s EIR is flawed. It is presumed valid unless a court deemed otherwise, which has not happened.

The comment reiterates the Conservancy's support of adaptive reuse within the Project area and need for a feasibility study of this alternative. Please refer to the response to Comments B2-4 and B2-7. The opinions of the commenter are noted.

**Comment Letters and Responses:
Individuals and Businesses (C)**

Letter C1a Renee Acero
June 30, 2021

LETTER C-1a

From: RENEE ACERO [mailto:r_acero@msn.com]
Sent: Wednesday, June 30, 2021 1:10 PM
To: Guillermo Arreola
Subject: Re: Rancho South

[CAUTION EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Also, is this in addition to all the projects already planned by the County? Their office and labs?

From: RENEE ACERO
Sent: Tuesday, June 29, 2021 7:32 PM
To: garreola@downeyca.org <garreola@downeyca.org>
Subject: Rancho South

Hello,
I saw a post about the Rancho specific plan on IG and noticed it mentioned "residential opportunities". Is this referring to the housing project planned at the old Hollydale Legion site?
Thanks

Get [Outlook for Android](#)

Response C1a-1

The commenter asks if the "residential opportunities" in the Specific Plan is referring to the housing project at the old Hollydale Legion site. The proposed Project would facilitate additional development within the Specific Plan area, including residential opportunities within the TOD sub-district. The former American Legion Hollydale Post 723 site on Garfield Avenue is within the boundaries of the Focus Area. The comment is noted and no further response is required.

Letter C1b Renee Acero

July 6, 2021

LETTER C-1b

From: RENEE ACERO [mailto:R_ACERO@msn.com]
Sent: Tuesday, July 6, 2021 9:19 AM
To: Guillermo Arreola
Subject: July 7 Planning Commission Mtg - Public Comment Item #1

[CAUTION EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello,

This public comment is in reference to the Rancho South Campus Specific Plan. I've looked over the plan and specifically, I'm concerned with the number of transitional housing and shelters allowed in this area. I know it says that the County has obligations etc, but I don't think loading this area with these types of temporary housing are beneficial to ANYONE. It's as if the county just wants to shove people somewhere, without any regard for what happens when their 30 days are up at these transitional housing units. And I don't even want to imagine what would become of the area if the shelters proposed ended up like the ones in DTLA.

I'm aware that the plan is just a guide and isn't an actual development plan, but I'm positive that if you 'allow' the County to build two shelters they WILL. And if you allow them to build 5 transitional housing units, they WILL. As we've been told by their rep before, it's their property, they'll do what they want.

I've also read the other public comment by the Downey resident and I'm sure Downey in general would like to stick any mandated residential units as far away from their 'money-making' downtown as possible. And to be honest, it'll probably happen because as a resident of Hollydale I know we have no support from any government agency, not even our own city. But I'm asking you to remember that this area is still in YOUR city. How many developers would be willing to build market rate residential units, how many businesses would be willing to open up shop if you allow the County to turn this area into a dumping ground for people they don't want to help? Having more permanent housing and thriving businesses would be more of an asset to Downey, I would assume.

With that in mind, I would hope that you would lower the amount of these types of housing allowed in this area so that HOPEFULLY you can get developments that will help the city and the surrounding residents. I for one would rather have permanent housing with neighbors that are invested in the area than ANYTHING the county has to offer. It's time for the county to actually HELP people and not just shove them in shelters. Make them be accountable for once!

thank you,

Renee Acero

Hollydale resident 20+ years.

Response C1b-1

The comment expresses concern regarding allowable uses, specifically transitional housing and shelters, in the Specific Plan area. The draft Specific Plan identifies transitional and supportive housing as a permitted use in the Flex Tech/Bio-Medical sub-district, Regional Public Facilities (RPF) sub-district, and TOD Corridor sub-district, subject to specific conditions. These conditions include but are not limited to compliance with Section 9430.06 of the Downey Municipal Code; no more than one transitional/supportive housing project in the FTBM and RPF sub-districts; no more than two transitional/supportive housing projects in the TOD sub-district. Such uses would not be permitted in the Community Serving Uses (CS) sub-district. The commenter's comments are noted and will be taken into consideration by the City's decision-makers.

Letter C1c Renee Acero
July 21, 2021

LETTER C1-c

Mary Cavanagh

From: RENEE ACERO <R_ACERO@msn.com>
Sent: Wednesday, July 21, 2021 1:02 PM
To: Downey Planning Commission - Public Comment
Subject: Item #3 Planning Commission - South Campus Rancho Los Amigos

[CAUTION EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

This public comment is in reference to the Rancho South Campus Specific Plan. I've looked over the plan and specifically, I'm concerned with the number of transitional housing and shelters allowed in this area. I know it says that the County has obligations etc, but I don't think loading this area with these types of temporary housing are beneficial to ANYONE. It's as if the county just wants to shove people somewhere, without any regard for what happens when their 30 days are up at these transitional housing units. And I don't even want to imagine what would become of the area if the shelters proposed ended up like the ones in DTLA.

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I've also read the other public comment by the Downey resident and I'm sure Downey in general would like to stick any mandated residential units as far away from their 'money-making' downtown as possible. And to be honest, it'll probably happen because as a resident of Hollydale I know we have no support from any government agency, not even our own city. But I'm asking you to remember that this area is still in YOUR city. How many developers would be willing to build market rate residential units, how many businesses would be willing to open up shop if you allow the County to turn this area into a dumping ground for people they don't want to help? Having more permanent housing and thriving businesses would be more of an asset to Downey, I would assume.

With that in mind, I would hope that you would lower the amount of these types of housing allowed in this area so that HOPEFULLY you can get developments that will help the city and the surrounding residents. I for one would rather have permanent housing with neighbors that are invested in the area than ANYTHING the county has to offer. It's time for the county to actually HELP people and not just shove them in shelters. Make them be accountable for once!

thank you,

Renee Acero

Hollydale resident 20+ years.

Response C1c-1

Please refer to the response to Comment Letter C1b. The commenter's opinions are noted and will be taken into consideration by the City's decision-makers.

Letter C2 **Sandra Perez**
July 7, 2021

LETTER C2

-----Original Message-----

From: Sandra Perez [mailto:lachandy01@yahoo.com]
Sent: Wednesday, July 7, 2021 4:25 PM
To: Guillermo Arreola
Subject: Rancho South

[CAUTION EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

(If possible I would like my email to be read at public comment).

I am emailing to ask why there was never any mention of residential opportunities at any of the meetings regarding the Rancho South Campus UNTIL now? AND how does this new concept impact the Environmental Impact Report that was completed?

It is very apparent that LA County and the City of Downey has already made plans without much input from those residents who will be impacted by these projects. As a resident of the Hollydale area of South Gate living across from Gardendale, how does the county and Downey intend to resolve the traffic congestion and public safety of this area given there will now be an additional 700-1200 residential opportunities added to the already approved projects? Also since we don't have much of a say, please consider permanent housing rather than transitional housing or shelters for this area. There will already be several facilities offering this type of housing around this site, there is no need to add more!

I look forward to hearing from you soon and thank you in advance for your time.

Sandra Perez

Response C2-1

The commenter asked why there was never any mention of residential opportunities at any of the meetings regarding the Rancho South Campus until now and how does this “new concept” impact the EIR that was completed? The comment also raises concerns regarding traffic congestion and public safety regarding additional residential development.. The City is unclear as to what “new concept” the commenter is referencing. The proposed residential land uses were identified in the Notice of Preparation (NOP) for the City’s Specific Plan PEIR and interested parties were provided an opportunity to comment on the NOP. Further, interested parties were engaged in the Specific Plan development process through public engagement efforts including community meetings and working sessions. The land uses facilitated by the Specific Plan were used to project buildout development capacity, as provided in the Draft PEIR Project Description. This buildout capacity was analyzed throughout the PEIR. The PEIR also evaluates transportation and public services and safety; please refer to Section 4.13, Transportation, and Section 4.12, Public Services and Recreation, of the PEIR, respectively. The commenter’s comments are noted and will be taken into consideration by the City’s decision-makers.

Letter C3 **Donna Siemann**
July 15, 2021

LETTER C3

From: Donna Siemann <donna.siemann@yahoo.com>
Sent: Wednesday, July 14, 2021 2:27 PM
To: Downey Planning Commission - Public Comment
Subject: SOUTH CAMPUS OF RANCHO LOS AMIGOS HOSP.

RECEIVED
JUL 14 2021
PLANNING

[CAUTION EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please go with the County's original proposal for the south campus of Rancho Los Amigos Hospital. Let's get this done. Thank you.
Donna Siemann
10225 Foster Rd.
Downey, CA. 90242
donna.siemann@yahoo.com
562-803-0301

Response C3-1

The commenter supports the County's original proposal for the south campus of the Rancho Los Amigos Hospital. The comment does not raise concerns about the Draft PEIR's analysis. The commenter's opinion is noted and will be taken into consideration by the City's decision-makers.

Letter C4a Gaby Martinez
July 14, 2021

LETTER C-4a

From: Gaby Martinez <gaby-hi@sbcglobal.net>
Sent: Wednesday, July 14, 2021 8:49 PM
To: Downey Planning Commission - Public Comment
Subject: Rancho Los Amigos Campus South

RECEIVED
JUL 14 2021
PLANNING

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Dear Commissioners,

First thank you for the opportunity for feedback.

I just passed by Gardendale. I noted a bike lane that diminishes the capacity for high volume, that most assuredly will come about with the occurrence of this project. There is also a midline (passing lane) that gives parents and residents the opportunity to turn in any direction they choose. Please be considerate of traffic, as a bottle neck is already occurring at Lakewood and Gardendale, during on peak hours and, that area has no development as the large scale proposed.

Second, what is the plan for the parking? Will it be a hybrid? For the proposed housing and metro? or will it be singularly designated? I propose a fusion for all the proposed: the soccer field, the residents, and the metro **with** levels being designated for residents to ensure parking. As you know parking is always a nuisance. It frees up space for residential development that we need, and as I just toured the lot, on paper it reads, and sounds like a lot of acreage/square footing but with development- space is reduced.

Third and equally important, the noise. What is the offset to this? the space does border neighborhoods, and I do want to respect and ensure a quality of life for people. May we please incorporate trees to cancel noise out? this offsets carbon emissions as well. That would be, not only sustainable for our planet, but a win win for the neighbors as well.

As for the speakers from Hollydale, if parking is an issue, they can take it up with whomever oversees them and they can start to implement residential parking with permits as the neighborhood of West Hollywood and others have implemented in high traffic communities.

I also concur with speakers regarding balance, and the need for affordable housing. Struggling families are welcomed, the caveat being- we welcome those who are good neighbors if it does turn into a section 8 type of thing. People are welcomed so long as they respect the neighbors that are welcoming them in. As the teacher noted her students need housing maybe we can accommodate such students/parents with a voucher to this proposed lot? Just throwing an idea out there.

Thank you for your time and consideration commissioners, et. all.

Future development facilitated by the Specific Plan would be subject to project-level environmental review to address potential impacts concerning vehicular and non-vehicular transportation. Future projects would be required to demonstrate consistency with the General Plan, Municipal Code, and Specific Plan development standards, including those concerning parking (see Specific Plan and Municipal Code) and noise levels (see Section 4.10, Noise, of the PEIR). The commenter's comments are noted and will be taken into consideration by the City's decision-makers.

Letter C4b **Gaby Martinez**
July 15, 2021

LETTER C-4b

From: Gaby Martinez <gaby-hi@sbcglobal.net>
Sent: Thursday, July 15, 2021 10:04 AM
To: Downey Planning Commission - Public Comment
Subject: Question

[CAUTION EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello again,

Can we get clarification on what the metro has planned? An extension to the green line? Or a bus depot? or both??

Thanks,

Gaby

Sent from my iPhone

Response 4b-1

The comment requests clarification regarding the Metro West Santa Ana Branch Transit Corridor Project (SCH #2017061007). As noted in the Project Description of the PEIR, Metro is developing a new light rail transit line that will potentially connect southeast Los Angeles County with downtown Los Angeles. One of the potential transit stop locations along the alignment is the proposed Gardendale Transit Station to be located just north of where the existing rail line meets Gardendale Street. A Notice of Preparation of a joint EIR/EIS for the Metro project was published in July 2018; the EIR/EIS was released for public review on July 30, 2021 and is available at: <https://www.metro.net/projects/west-santa-ana/>.

The EIR/EIS notes that the at-grade Gardendale Station "...would be located within the San Pedro Subdivision ROW, just north of Gardendale Street. Access to the station would be via a new pedestrian walkway on the south end of the platform that would connect to the sidewalk on the north side of Gardendale Street. Emergency egress would be provided on the north end of the platform. Within the San Pedro Subdivision ROW, existing freight tracks would be relocated to the west to accommodate the station platform and tracks. No parking facility is proposed at this station."

The comment does not raise any concerns regarding the Draft PEIR's environmental analysis. No further response is necessary.

Planning Commission

The City of Downey Planning Commission held a Study Session on July 14, 2021 during the regularly scheduled Planning Commission meeting. Minutes of the Planning Commission meeting were not available prior to the distribution of the Responses to Comments document. The following notes summarize the comments and responses provided during the Study Session.

Planning Commissioner Montoya

1. The County of Los Angeles owns the land and therefore would have the power to sell or lease the land to developers.
2. The Specific Plan has four sub-districts: who came up with the districts? Community Development Department (CDD) staff responded that it was a partnership between the City and County. CDD has provided updates and more details about the allowable uses for each sub-district.
3. Workshops date back to 2017. What type of notice were given to the community? CDD response: City's website, NextDoor, Facebook, and Instagram tools to provide outreach. Additional resources include neighborhood associations and newspapers. The average attendance was around 30 people.
4. What is the ability to talk with Supervisor Hahn about housing pricing and allocation? CDD noted that the Supervisor's office has been involved and wants to address the need for affordable housing. Options to flex and amend the plan.
5. Affordable housing sub-committee: creation of an inclusionary housing ordinance – future development must be subject to a certain percentage must be considered affordable. Or pay fees and collect money to build and sponsor affordable housing in the City of Downey.

Vice Chair Owens

1. Mentions the need of additional housing and how Downey is underserved by transit. Transit comes with certain amenities such as churches, buildings, schools, etc.

Chairperson Duarte

1. Is there a set number for inclusionary housing? CDD mentions it is currently being studied at this time, noting that the industry figure is around 12-20 percent.

Comments and questions from the public

1. Resident: Encourage affordable housing within the RLASCSP. School access was discussed. Note: affordable housing could be provided. Schools are addressed in Section 4.12, Public Services and Recreation, of the PEIR. No significant impacts to schools were identified.
2. Resident: Advocate for Alternative D which allows up to 2,000 dwelling units. City needs to focus on housing opportunity and meeting State mandate. Caltrans plans to widen of I-5 and I-605; would that result in housing loss? Note, the Caltrans widening is not a part of the City's project.
6. Resident: Virginia Johnson from South Gate. Do not approve of residential housing in the Specific Plan; Downey is shoving housing near the Hollydale neighborhood. Has doubts about the Metro project and transit opportunities. Mentions that the surrounding streets cannot accommodate the proposed traffic. Stated that Downey never contacted South Gate about this project. Note: Please refer to Section 4.13, Transportation, of the PEIR. The intent of a TOD district is in part to

reduce vehicular traffic. With respect to the City of Downey contacting South Gate about the project, workshops date back to 2017. What type of notice were given to the community? CDD response: City's website, NextDoor, Facebook, and Instagram tools to provide outreach. Additional resources include neighborhood associations and newspapers. The average attendance was around 30 people.

3. Resident in Hollydale. Opposes the residential uses due to potential capacity issues related to fire, police, hospital, and schools. Noted there is not enough parking in South Gate. Asked why the Metro project won't have a parking lot? Hollydale neighborhood is south of the project site. Note: Please refer to Section 4.12, Public Services and Recreation, of the PEIR, which addresses public safety and schools. The Metro project is the subject of the Study Session for the City's project.
4. Resident: Downey Tenant Union representative. Is an advocate of additional affordable housing. Mentions price control on housing.
5. Resident: Noted the project is a nuisance for surrounding areas but also beneficial by providing housing. Mentions balance of uses. Mentions need of additional housing in Los Angeles County. New housing can increase revenue.

The City of Downey Planning Commission held a public hearing on July 21, 2021. Minutes of the Planning Commission meeting were not available prior to the distribution of the Responses to Comments document. The following notes summarize the comments and questions.

Comments and questions from the public

1. South Gate Resident: There are two homeless facilities and affordable housing in South Gate. The proposed project will touch South Gate but is not adjacent to Downey. The County's development will have traffic. Limited use of bikes and transit.
2. Hollydale Resident: Where are the entrances and exits to the development? Gardendale is only two lanes. Whose building codes and parking codes would be used? We need more parking. Note: Existing and proposed access is addressed in Section 3.0, Project Description, of the PEIR. Access is proposed consistent with the City of Downey Circulation Element. Building and parking codes are a part of the City of Downey Municipal Code.
3. City of South Gate staff: The Project Description is not stable. The City's EIR inappropriately tiers off of the County's EIR. There's deferred mitigation. Need to prepare a supplemental EIR, new technical studies, and recirculate. The City's EIR doesn't address the County's project. Need to eliminate the Flex sub-district. Please refer to the responses to the City of South Gate's letter starting on page 42 of this Responses to Comments document.
4. South Gate Councilmember Hurtado: The City needs South Gate's input. Need to fight proposed Senate Bill 9.
5. Supervisor Hahn staff: Supports project. The Specific Plan provides a framework for development.
6. Downey Resident: Lives near Apollo Park, which has become the dumping area in the City for the homeless and people released from jail. Wants the City to do something about the homeless and that there's protection.

Planning Commissioner Montoya

1. Project is beneficial overall.

Chairperson Duarte

1. Comfortable moving forward to take action.

Planning Commissioner Ortiz

1. Restated that no site-specific projects are being considered.

3.0 CLARIFICATIONS AND REVISIONS

This section includes recommended clarifications and revisions to the EIR. Deleted text is shown as strikeout and new text is underlined. Revised figures are provided at the end of Section 3.0.

Section 2.0, Project Description

Table 2-3 has been revised and is incorporated into the Final PEIR to reflect the density ranges and maximum intensity ranges in the draft Specific Plan.

Table 2-3: Development Plan Land Use Summary				
Specific Plan Development Standards				
Sub-District	Minimum Lot Area (sf)	Maximum Height (ft)	Maximum Density (du/ac)	Maximum Intensity (FAR)
Flex Tech/Bio-Medical (FTBM)	25,000	75 ft/6 stories	60 <u>40-75</u>	2.5
Regional Public Facilities (RPF)	25,000	75 ft/6 stories	60	<u>1.25-2.5</u>
Transit-Oriented Development (TOD)	25,000	75 ft/6 stories	100 <u>40-75</u>	2.5
Community Serving (CS)	10,000	30 ft/2 stories	60 <u>40-75</u>	0.5

Exhibit 2-3, Specific Plan Boundary, has been modified to identify additional street names. This modification does not affect the PEIR evaluation.

Section 4.4, Cultural Resources

Section 4.4, Cultural Resources, MM CR-10 has been revised and is incorporated into the Final EIR as follows:

Unanticipated Discovery. In the event that human remains are discovered or unearthed, all requirements of California Health and Safety Code Section 7050.5 shall be met, including all earth-disturbing work within a 100-meter radius of the location of the human remains shall be temporarily suspended or redirected by the applicant until a forensic expert retained by the applicant has identified and evaluated the nature and significance of the find, in compliance with State CEQA Guidelines §15064.5(f) the County Coroner’s office has made the necessary findings as to origin and disposition. If human remains of Native American origins are discovered or unearthed, the requirements of Public Resources Code 5097.98 shall be met, including the applicant shall contact the consulting tribe, as detailed in MM TCR-1, regarding any finds and provide information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input concerning significance and treatment. After ~~the find has been appropriately mitigated~~ all applicable requirements have been met, as determined by the qualified archaeologist, work in the area may resume.

Section 4.11, Population and Housing

Table 4.11-1, Population Estimates (2016–2045) provides County and City population estimates in SCAG’s Connect SoCal: Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal) data. Connect SoCal, which addresses population, households, and employment. SCAG’s forecasts are based on jurisdictions’ existing land uses and General Plan land use designations. Population projections are calculated based

on household growth and household size. SCAG forecasts that the County's population will increase by approximately 22 percent and the City's population will increase by approximately 5.8 percent between 2016 and 2045. According to data provided by SCAG, the City's population in 2016 was 113,300 and is expected to increase to 119,200 by 2045, which equates to an approximate 5 percent increase in population. This averages to an approximate 0.17 percent increase in population per year, which is lower than the countywide growth rate for the same time period. The proposed Project would be implemented in a densely populated urban area, and would be supported by current roads and infrastructure.

Exhibit 2-3, Specific Plan Boundary

