Gloria Olmos, Mayor/Chair
Hector Delgado, Mayor Pro Tem/ Vice Chair
Manuel Acosta, Councilmember/ Boardmember
Rudy Bojorquez, Councilmember/ Boardmember
Larry Rodriguez, Councilmember/ Boardmember

Rene Salas, City Manager/Executive Director
Susie A. Altamirano, Interim City Attorney/Interim General Counsel
Adrian Garcia, City Clerk/Secretary
Masami Higa, Director of Finance/Treasurer

CITY OF SOUTH EL MONTE

REGULAR MEETING OF THE SOUTH EL MONTE CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE SOUTH EL MONTE IMPROVEMENT DISTRICT

AGENDA

April 15, 2025, 6:00 PM
1415 Santa Anita Avenue, South El Monte, CA 91733

PUBLIC COMMENT

Those wishing to participate during Public Comment may do so in person at the South El Monte City Hall Council Chambers, or may submit written public comments by emailing sem.cityclerk@soelmonte.org. Emailed public comments are due by 5:00 p.m., and should be limited to no more than 250 words. Written public comments will be provided to the City Council and will be part of the record but will not be read aloud.

To participate during public comment via teleconference, see below:

Link: https://us02web.zoom.us/j/86581711880
Webinar ID: 865 8171 1880
Or call in: 1 669 900 6833, when prompted, enter 86581711880#

LIVE STREAMING OF MEETINGS

The City of South El Monte live streams the City Council Meetings over the Internet at https://www.cityofsouthelmonte.org/129/City-Council-Agendas-Minutes after the meetings, recordings are immediately posted. NOTE: Your attendance at this public meeting may result in the streaming and recording of your image and/or voice.

AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk's office at (626) 579-6540 at least 72 hours prior to the meeting.

MEETINGS

The City Council holds regular meetings on the first and third Tuesday of every month. Regular meetings start at 6 p.m. in the Council Chambers at City Hall, 1415 Santa Anita Avenue, South El Monte, California. Special and Adjourned Regular meetings start time are to be determined.

POSTING LOCATIONS OF AGENDA AND/OR CANCELLATION NOTICES

Regular meeting agendas will be posted at least 72 hours before the meeting (GC 54954(a)(1)).

Agenda and Cancellation Notices can be viewed online and are also posted at the following three (3) locations: City Hall located at 1415 Santa Anita Avenue, Senior Center located at 1556 Central Avenue and the Community Center located at 1530 Central Avenue, South El Monte, California.

VIEWING OF AGENDA PACKETS

Full agenda packet can be viewed either at www.cityofsouthelmonte.org/129/City-Council-Agendas-Minutes or in the City Clerk's Office during normal business hours Monday through Thursday, 7:00 a.m. to 5:30 p.m. Closed on Fridays and major holidays.

ISSUES RELATED TO AGENDA

For issues related to the agenda, including a disability-related accommodation necessary to participate in this meeting, please contact:

Adrian Garcia, MMC, City Clerk
Ph (626) 443-4928
Cell (626) 926-3071

Sabrina A. Muhne, Deputy City Clerk
Ph (626) 652-3121
Cell (626) 374-1998

LEVINE ACT DISCLOSURE

Pursuant to the Levine Act (Govt Code Section 84308), any party to a permit, license, contract, or other entitlement before the City Council is required to disclose on the record any campaign contribution, including aggregated contributions, of more than $500 made by the party or the party's agents within the preceding 12 months to any City official. Participants and agents are requested to make this disclosure as well. The disclosure should be made when the agenda item is called and must include the name of the party, participant, or agent, and any other person making the contribution, the name of the recipient, the amount of the contribution, and the date the contribution was made. Council Members are also required to make such disclosures and recuse themselves.

CONFLICT OF INTEREST

City Council Members with a conflict of interest under the Political Reform Act are required to make disclosure of financial interest when the item is called and recuse themselves.

AGENDA BEGINS ON THE FOLLOWING PAGE

1. ROLL CALL

Councilmembers: Acosta, Bojorquez, Rodriguez, Mayor Pro Tem Delgado, and Mayor Olmos

2. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Hector Delgado

3. INVOCATION

Pastor David Torres, Calvary Assembly of God Church

4. PRESENTATIONS

4.a. Recognition to Deputy Joshua R. Rodriguez for his service to the City of South El Monte

4.b. Sheriff's Department Report for the Month of March 2025

4.c. Code Enforcement and Public Safety Department Report for the Month of March 2025

5. APPROVAL OF THE AGENDA AND WAIVER OF FULL READING OF ORDINANCES

By motion of the City Council, this is the time to notify the public of any changes to the agenda, remove items from the consent calendar for individual consideration and/or rearrange the order of the agenda.

6. PUBLIC COMMENT

Speakers may provide public comments on any matter within the subject matter jurisdiction of the City Council, including items on the agenda. Each speaker will be limited to five minutes. Unless a majority of the Council objects, the Mayor may provide speakers more or less time to speak. All comments or queries shall be addressed to the Council as a body and not to any specific member thereof. Pursuant to Government Code Section 54954.2(a)(2), the Ralph M. Brown Act, no action or discussion by the City Council shall be undertaken on any item not appearing on the posted agenda, except to briefly provide information, ask for clarification, provide direction to staff, or schedule a matter for a future meeting.

7. CONSENT CALENDAR

Items on the consent calendar are considered to be routine and customary and are enacted by a single motion with the exception of items previously removed by a member of the City Council during "Approval of the Agenda" for individual consideration. Any items removed shall be individually considered immediately after taking action on the Consent Calendar.

Consent Calendar Items 7.a through 7.e. next page.

CONSENT CALENDAR (CONTINUED)

7.a. CONSIDERATION AND APPROVAL OF THE SPECIAL CITY COUNCIL MEETING MINUTES OF MARCH 27, 2025

Staff is requesting approval of Minutes for the March 27, 2025, Special City Council Meeting.

RECOMMENDED ACTION: Staff is requesting approval of Minutes for the March 27, 2025, Special City Council Meeting.

7.b. CONSIDERATION AND APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF APRIL 1, 2025

Staff is requesting approval of Minutes for the April 1, 2025, Regular City Council Meeting.

RECOMMENDED ACTION: Staff is requesting approval of Minutes for the April 1, 2025, Regular City Council Meeting.

7.c. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 25-034, APPROVING WARRANTS FOR THE PERIOD OF APRIL 2, 2025, THROUGH APRIL 15, 2025

Authorizing payment of City expenditures for the period of April 2, 2025, through April 15, 2025, totaling $698,820.43.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 25-034, authorizing payment of City expenditures.

7.d. 2024 HOUSING ELEMENT ANNUAL PROGRESS REPORT

The 2024 Housing Element Annual Progress Report summarizes the City's progress with regard to the implementation of the goals, policies, and programs of the City's General Plan. It also summarizes the activities of the Community Development Department from January 1, 2024, through December 31, 2024. This report was submitted on April 1, 2025, per state mandate and was approved by the State Department of Housing and Community Development (HCD).

RECOMMENDED ACTION: Staff recommends that the City Council receive and file the Housing Element Annual Progress Report for Calendar Year 2024.

7.e. CONSIDERATION OF FIRST READING OF ORDINANCE NO. 1281, ESTABLISHING A CITY HOMELESS COMMISSION

Staff is seeking City Council to introduce first reading of Ordinance No. 1281, Establishing a City Homeless Commission.

RECOMMENDED ACTION: Staff recommends City Council waive first reading and introduce Ordinance No. 1281, Establishing a City Homeless Commission

Consent Calendar Item 7.f. next page.

CONSENT CALENDAR (CONTINUED)

7.f. CONSIDERATION AND APPROVAL OF RESOLUTIONS 25-038 AND 25-039 CREATING NEW CLASSIFICATIONS AND UPGRADING A CERTAIN JOB DESCRIPTION & PAY

Approval of the attached resolutions would create the new classification of Director of Economic Development, and associated compensation ranges. The position of Director of Community Development would be upgraded to include Public Works and compensation increased.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolutions No. 25-038 and 25-039, creating the position of Director of Economic Development and upgrading the existing position of Director of Community Development to the Director of Community Development & Public Works with an expanded job description and adjusted compensation.

8. PUBLIC HEARINGS

8.a. CONTINUED FROM THE APRIL 1, 2025, REGULAR CITY COUNCIL MEETING - APPEAL OF PLANNING COMMISSION RESOLUTION NO. 24-09, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM, AND APPROVAL OF CONDITIONAL USE PERMIT NO. CUP 21-13 TO ALLOW FOR THE DEVELOPMENT OF A NEW 156,877 SQUARE FOOT BUILDING TO BE LOCATED AT 2222 ROSEMEAD BOULEVARD

RECOMMENDED ACTION: Staff recommends that the City Council adopt the attached Resolution No. 25-035 (Attachment A) denying the Appeal and upholding the Planning Commission's decision on November 19, 2024.

9. GENERAL BUSINESS

9.a. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 25-036, APPROVING A REVISED SITE PLAN FOR THE PREVIOUSLY APPROVED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF SOUTH EL MONTE AND MAGELLAN VALUE PARTNERS (MVP) SOUTH EL MONTE I, LLC FOR A PROPOSED DEVELOPMENT OF PROPERTY LOCATED AT 825 LEXINGTON-GALLATIN ROAD ("PROPERTY").

A change to the site plan proposed under the previously approved Memorandum of Understanding, dated June 26, 2023 ("MOU"), authorized under Resolution No. 23-27 regarding the proposed development of property located at 825 Lexington-Gallatin Road ("Property")

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 25-036, approving the First Amendment to the MOU to replace a revised site plan for the MOU with MVP South El Monte I, LLC ("MVP") for Property.

General Business Items 9.b. through 9.d. next page.

GENERAL BUSINESS (CONTINUED)

9.b. CONSIDERATION AND APROVAL OF RESOLUTION NO. 25-037, APPROVING AWARD OF CONSTRUCTION CONTRACT TO PTM GENERAL ENGINEERING SERVICES, INC. FOR SYSTEMIC SAFETY IMPROVEMENTS AT SIGNALIZED INTERSECTIONS, HSIPL-5352(025), CITY PROJECT NO. 607

On January 29, 2025, the Engineering Department solicited bids for the Systemic Safety Improvements at Signalized Intersections Project. The work involves installation of raised pavement markers, striping, pedestrian crosswalks, and traffic signal adjustments (implementation of leading pedestrian interval (LPI)) at twenty one (21) signalized intersections citywide. The lowest responsive bid was submitted by PTM General Engineering Services, Inc. in the total bid amount of $327,027.00.

RECOMMENDED ACTION: Staff recommends City Council:

1. Adopt and approve the plans and specifications for the Systemic Safety Improvements at Signalized Intersections Project;
2. Approve Resolution No. 25-037, awarding the Systemic Safety Improvements at Signalized Intersections Project contract to the lowest responsible bidder in an amount of $327,027.00 to PTM General Engineering Services, Inc. and authorize the City Manager to execute the contract;
3. Authorize fifteen percent (15%) of the total contract amount as contingency allowance to be used if necessary for unforeseen conditions at the City Manager's discretion.

9.c. SEEK DIRECTION FROM CITY COUNCIL REGARDING STATE OF THE CITY EVENT DONATIONS

Staff seek direction from City Council regarding State of the City event donations.

RECOMMENDED ACTION: Staff recommends City Council discuss and provide direction to staff regarding State of the City event donations.

9.d. CONSIDERATION AND APPROVAL OF AMENDING CHAPTER 3.16 OF TITLE 3 OF THE SOUTH EL MONTE MUNICIPAL CODE REGARDING THE PURCHASE OF SUPPLIES, EQUIPMENT, AND SERVICES

Purchasing Ordinance Amendment

RECOMMENDED ACTION: Staff recommends City Council waive first reading and introduce Ordinance No. 1282, amending Chapter 3.16 of Title 3 of the South El Monte Municipal Code regarding the purchase of supplies, equipment, and services.

10. COMMITTEE REPORTS, INCLUDING AB 1234 REPORTS

AB 1234, section 53232.3(d) requires Members of a legislative body to provide brief reports on meetings attended at the expense of the local agency (i.e., League of California Cities Conferences, ICSC conferences, etc.) at the next regular meeting of the legislative body.

11. CORRESPONDENCE

11.a. LETTER FROM EPIPHANY CATHOLIC CHURCH REQUESTING A FEE WAIVER FOR A TEMPORARY USE PERMIT AND CITY STAFF TIME FOR "RECORRIDO MARCHA DEL SILENCIO"

Epiphany Church is requesting a fee waiver for a Temporary Use Permit (TUP) and for City staff time dedicated to public safety support during its annual "Silent March" procession, scheduled for Friday, April 18, 2025.

RECOMMENDED ACTION: Staff recommends City Council discuss and consider approving the fee waiver request submitted by Epiphany Catholic Church, totaling $1,655.00.

12. COUNCILMEMBERS' AGENDA

12.a. MAYOR GLORIA OLMOS

1. Direction to Patrol Streetlights in the city and fix water drain hole at Shively behind the bleacher closer to the parking lot.

2. Waive the fees for the South El Monte High School Basketball Team Banquet.

3. Donation of $500 to South El Monte Social Golf Group, a non-profit for kids in all the local sports.

12.b. COUNCILMEMBER MANUEL ACOSTA

Discussion/Action: With the advent of new housing and an increased number of ADU's, South El Monte streets are being overburdened with street parking. Many households own several cars, of which, some are being stored on the public street. Stored vehicles are vehicles that get moved once a week for street sweep, and are parked again until the next street sweep. In order to minimize the burden on the public street, the city should require that no more than two vehicles be stored on the public street.

13. CLOSED SESSION - None

14. RECESS COUNCIL MEETING

Successor Agency Meeting next page.

15. ANNOUNCEMENT BY THE CITY CLERK (PRIOR TO CONVENING THE SUCCESSOR AGENCY MEETING)

Pursuant to Government Code Section 54952.3, Board Members do not receive any compensation or stipend for attending the Successor Agency meeting.

16. CALL TO ORDER AND ROLL CALL

Board Members: Acosta, Bojorquez, Rodriguez, Vice Chair Delgado, and Chair Olmos

17. APPROVAL OF AGENDA

This is the time for the Board to remove any items from the consent calendar for individual consideration, table, continue, add items, or to make a motion to rearrange the order of this agenda.

18. PUBLIC COMMENTS

Speakers may provide public comments on any matter within the subject matter jurisdiction of the Board, including items on the agenda. Each speaker will be limited to five minutes. Unless a majority of the Board objects, the Chair may provide speakers more or less time to speak. All comments or queries shall be addressed to the Board as a body and not to any specific member thereof. Pursuant to Government Code Section 54954.2(a)(2), the Ralph M. Brown Act, no action or discussion by the Board shall be undertaken on any item not appearing on the posted agenda, except to briefly provide information, ask for clarification, provide direction to staff, or schedule a matter for a future meeting.

19. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine and customary and are enacted by a single motion with the exception of items previously removed by a member of the Board during "Approval of the Agenda" for individual consideration. Any items removed shall be individually considered immediately after taking action on the Consent Calendar.

19.a. CONSIDERATION AND APPROVAL OF THE SUCCESSOR AGENCY MEETING MINUTES FOR MARCH 18, 2025

Staff is requesting approval of the Minutes of the March 18, 2025, Successor Agency Meeting.

RECOMMENDED ACTION: Staff is requesting approval of the Minutes of the March 18, 2025, Successor Agency Meeting.

20. EXECUTIVE DIRECTOR'S AGENDA - None

21. ADJOURNMENT OF SUCCESSOR AGENCY MEETING

22. RECONVENE AND ADJOURN COUNCIL MEETING

NEXT REGULAR CITY COUNCIL MEETING:

Tuesday, May 6, 2025, at 6:00 p.m.

CERTIFICATION

I, Adrian Garcia, MMC, City Clerk of the City of South El Monte, or my designee, hereby certify under penalty of perjury that a true, accurate copy of the foregoing agenda was posted on this April 10, 2025, seventy-two (72) hours prior to the meeting per Government Code 54954.2 at the following locations: City of South El Monte City Hall, Senior Center and Community Center and made available at www.cityofsouthelmonte.org.



Adrian Garcia, MMC

City Council Agenda Report
Agenda Item No. 4.a.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY:

SUBJECT: Recognition to Deputy Joshua R. Rodriguez for his service to the City of South El Monte

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SUMMARY:

RECOMMENDED ACTION:

FISCAL/FINANCIAL IMPACT:

DISCUSSION:

ATTACHMENT(S):

None

City Council Agenda Report
Agenda Item No. 4.b.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Rene Salas, City Manager

SUBJECT: Sheriff's Department Report for the Month of March 2025

SUMMARY:

RECOMMENDED ACTION:

FISCAL/FINANCIAL IMPACT:

DISCUSSION:

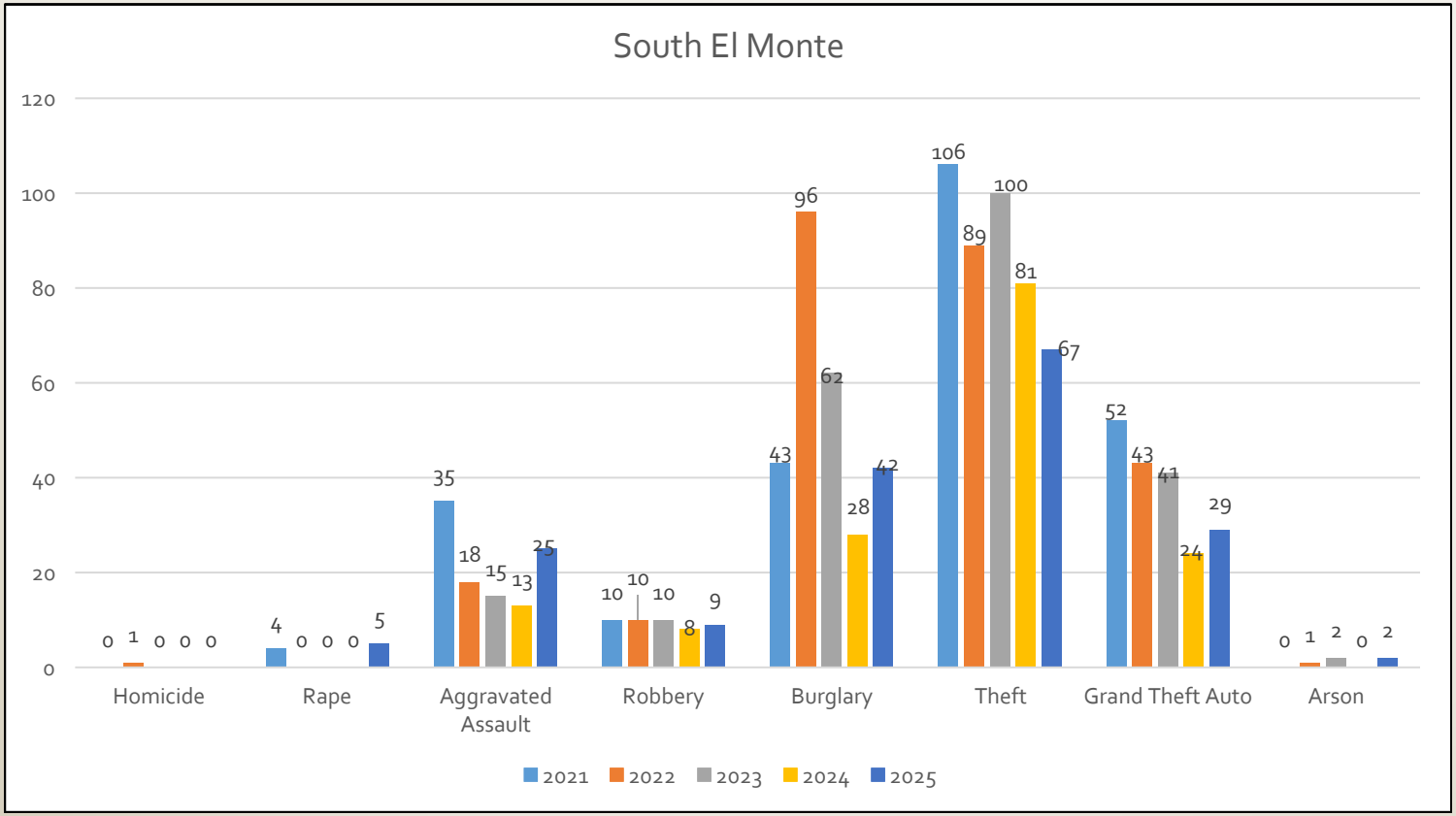
ATTACHMENT(S):

A. PowerPoint - March 2025

South El Monte
March 2025

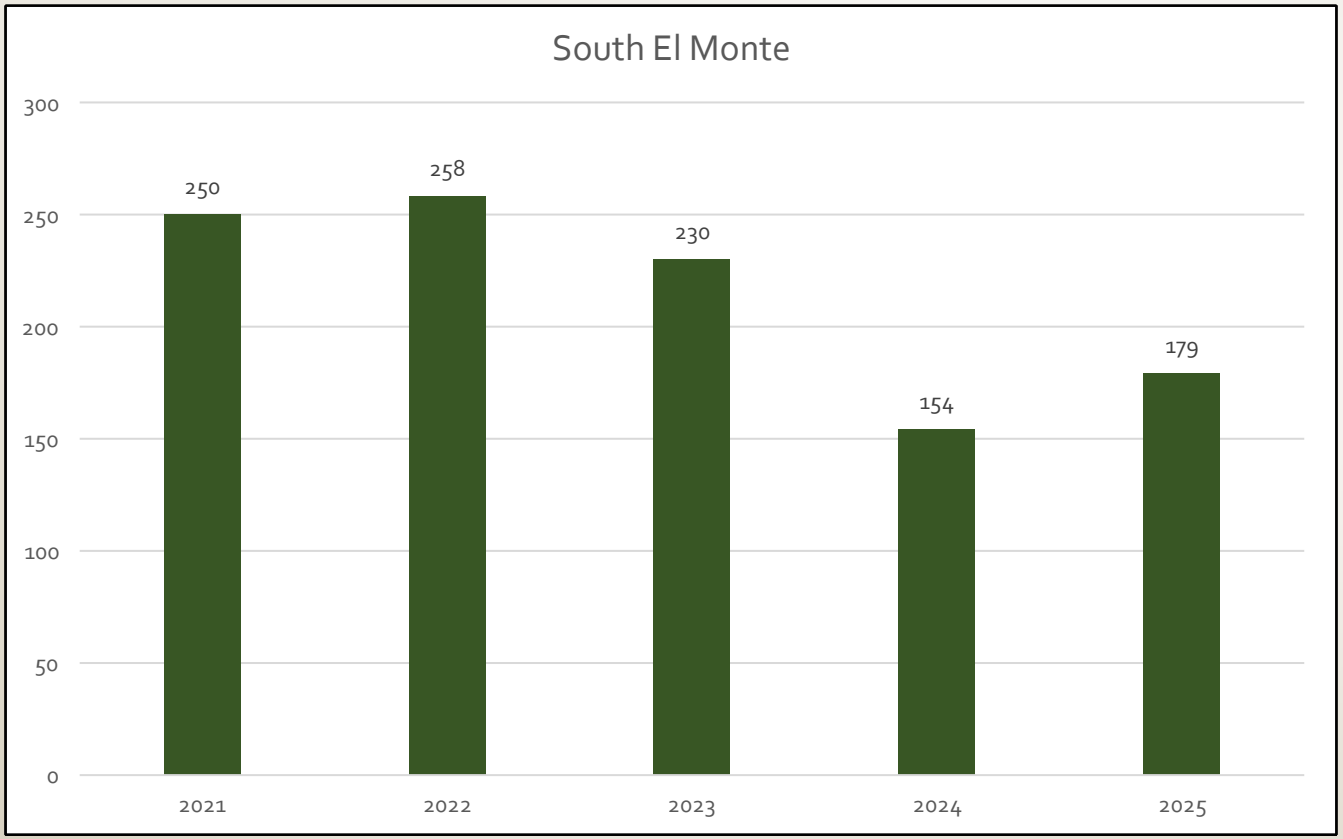
Crime Statistics

South El Monte
Part I Crime Statistics – March 2021-2025 YTD



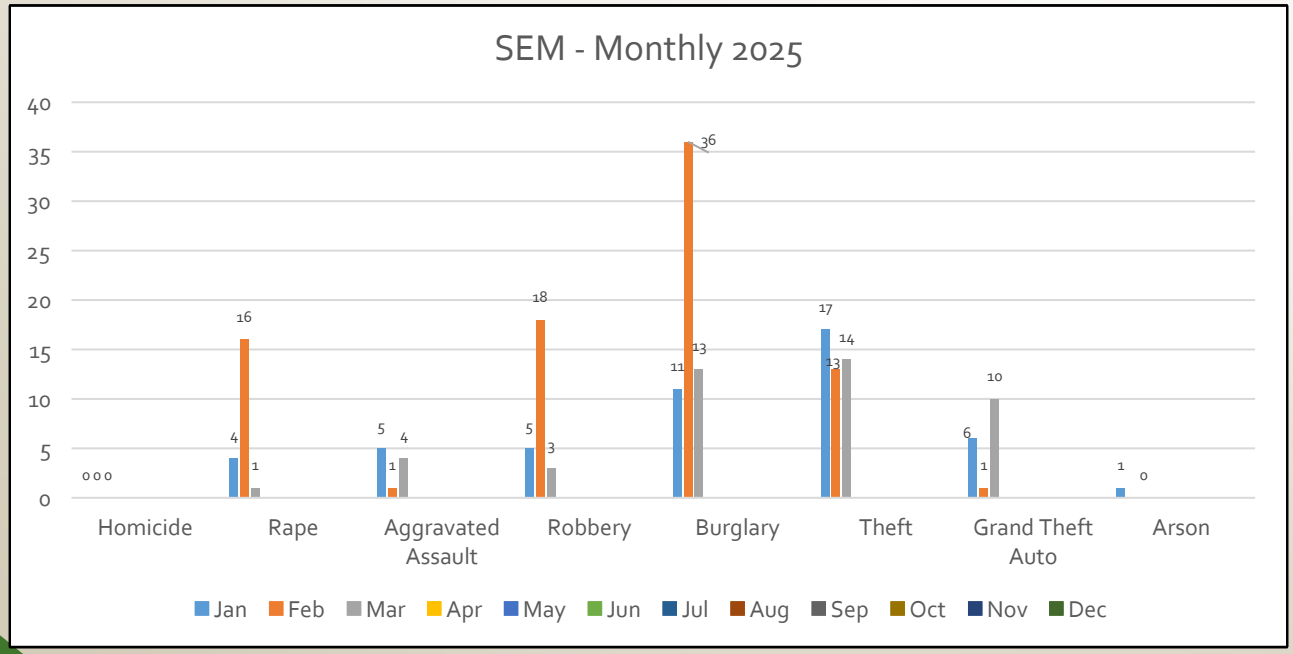
South El Monte	1 yr % change	4 yr % change
Homicide	NC	NC
Rape	NC	25%
Aggravated Assault	92%	-29%
Robbery	13%	-10%
Burglary	50%	-2%
Theft	-17%	-37%
Grand Theft Auto	21%	-44%
Arson	NC	NC
Total	16%	-28%

South El Monte
Part I Crime Statistics – March 2021-2025 YTD



South El Monte
Part I Crime Statistics – 2025 Monthly Breakdown & Arrests YTD

South El Monte	January	February	March	April	May	June	July	August	September	October	November	December	Total
Homicide	0	0	0										0
Rape	4	0	1										5
Aggravated Assault	5	16	4										25
Robbery	5	1	3										9
Burglary	11	18	13										42
Theft	17	36	14										67
Grand Theft Auto	6	13	10										29
Arson	1	1	0										2
Total	49	85	45	0	0	0	0	0	0	0	0	0	179



Arrests	
2024	244
2025	208

South El Monte	YTD
Res Burg	1
Other Burg	41
Petty Theft	34
Grand Theft	18
Theft from Vehicle	15

City Council Agenda Report
Agenda Item No. 4.c.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Danilo Batson, Interim Director of Public Works

SUBJECT: Code Enforcement and Public Safety Department Report for the Month of March 2025

SUMMARY:

RECOMMENDED ACTION:

FISCAL/FINANCIAL IMPACT:

DISCUSSION:

ATTACHMENT(S):

A. Code Enforcement and Public Safety Report March 2025

City of South El Monte

Code Enforcement and Public Safety Report

March 2025 Recap

Raul Rodriguez
Code Enforcement Supervisor

Code Enforcement Cases

March - 160

Building Code..... 22

Business..... 4

Graffiti (Private Property)..... 22

Health & Safety/Public Nuisance.... 11

Homeless 24

Illegal Dumping/Bulk 22/7

Prohibited Animals 2

Property Maintenance..... 28

Street Vendors..... 7

Streets/Public Places..... 6

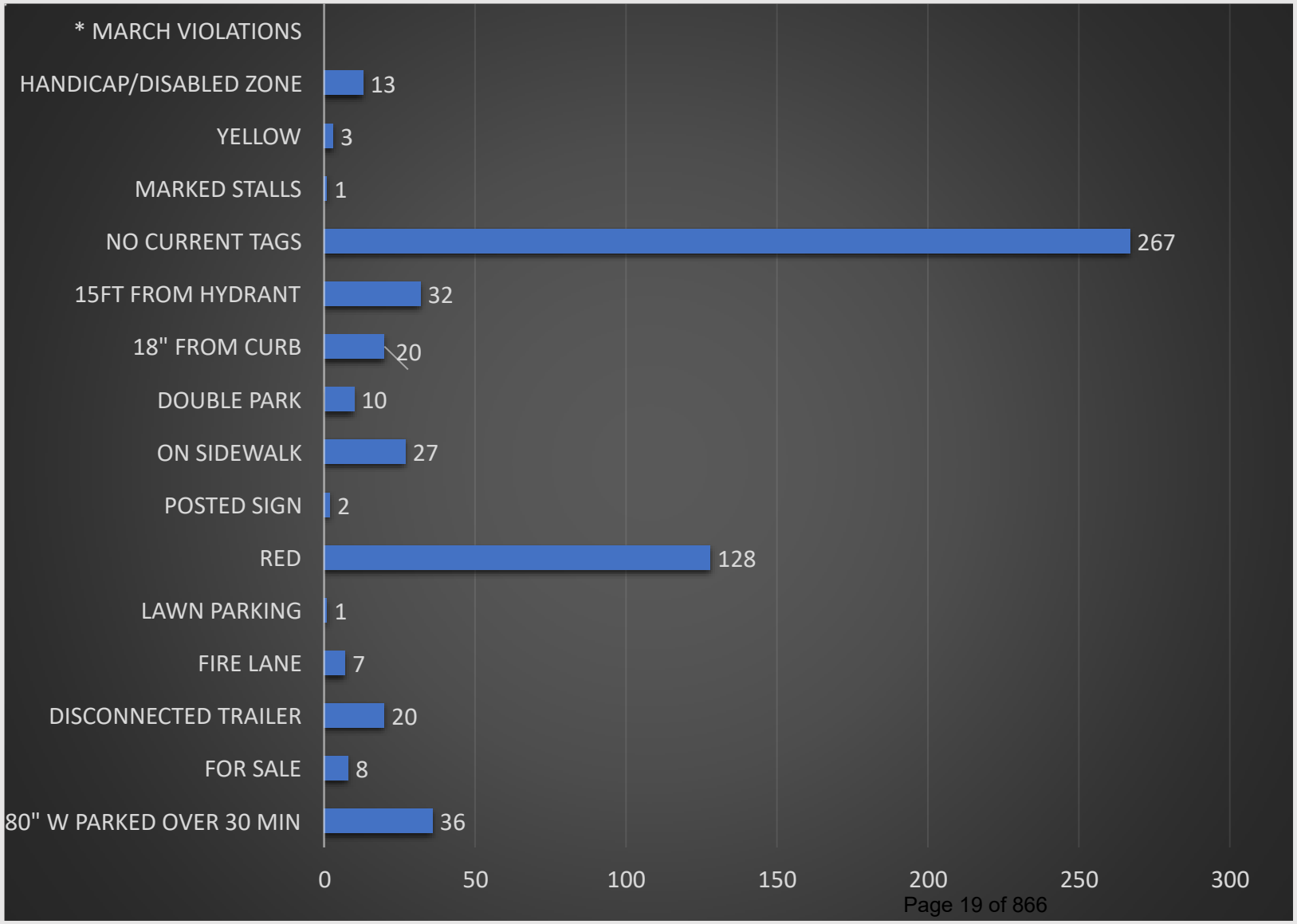
Cannabis..... 2

Zoning.....3

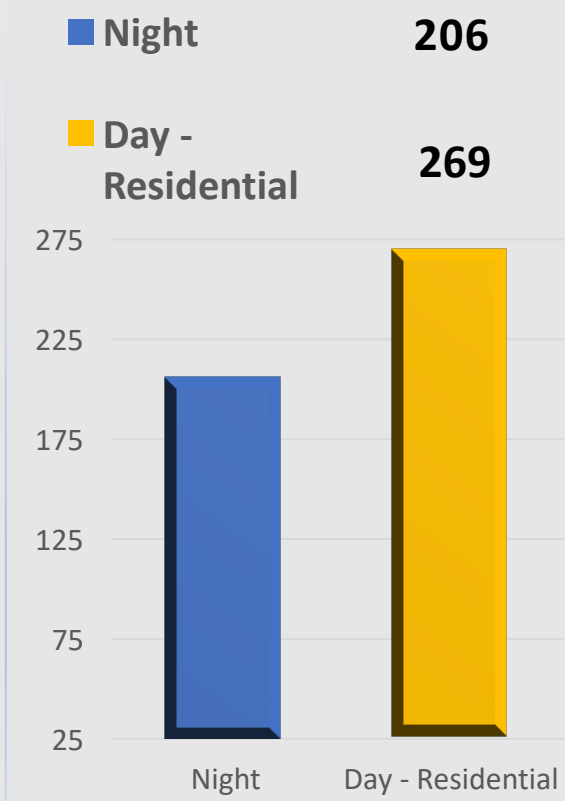


Parking Citations
March – 1,009

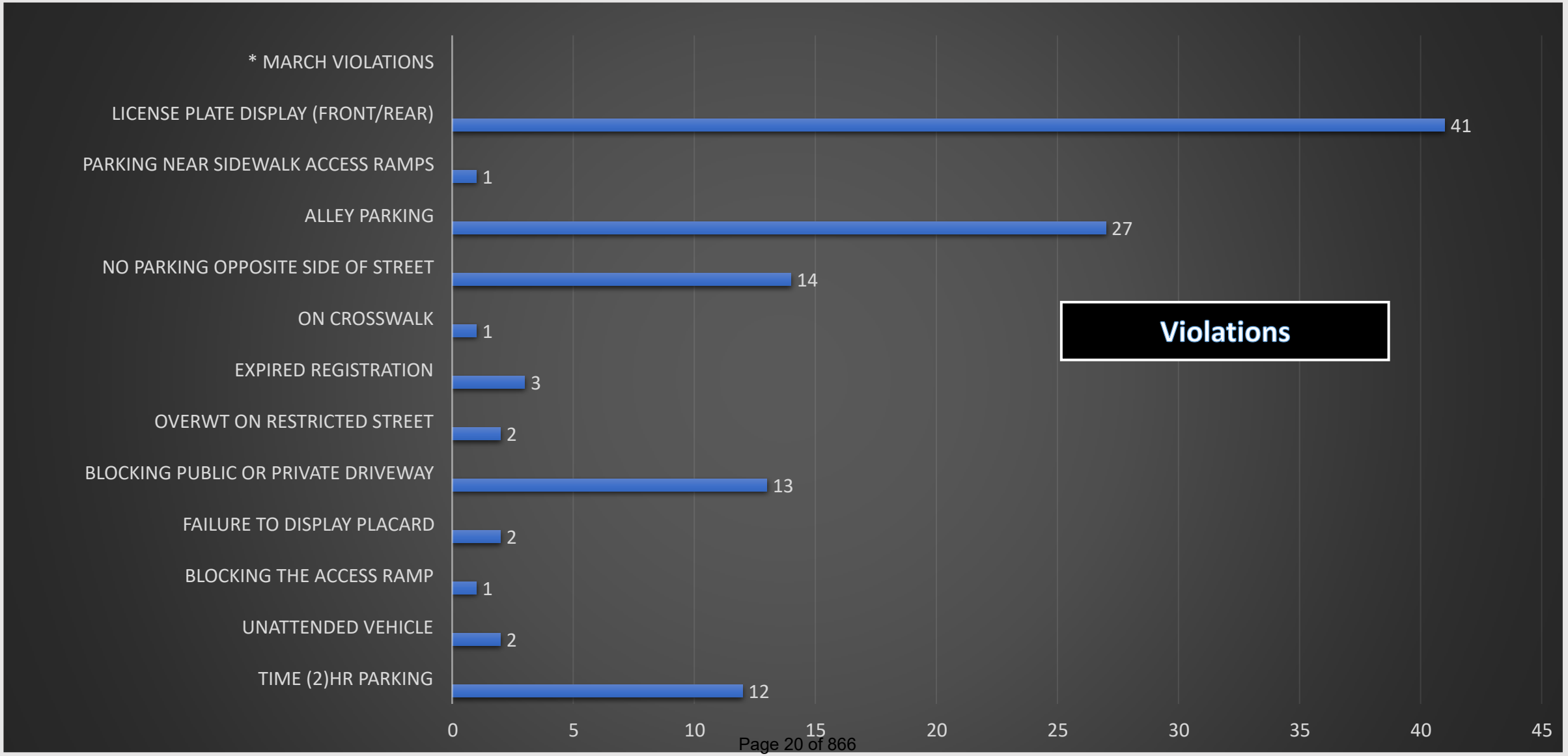
* Number of Citations issued differs from number of violations listed



STREET SWEEPING – 475



Parking Citations
March Continued -



City Council Agenda Report
Agenda Item No. 7.a.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Adrian Garcia, MMC, City Clerk

SUBJECT: CONSIDERATION AND APPROVAL OF THE SPECIAL CITY COUNCIL MEETING MINUTES OF MARCH 27, 2025

SUMMARY: Staff is requesting approval of Minutes for the March 27, 2025, Special City Council Meeting.

RECOMMENDED ACTION: Staff is requesting approval of Minutes for the March 27, 2025, Special City Council Meeting.

FISCAL/FINANCIAL IMPACT:

DISCUSSION:

ATTACHMENT(S):

A. DRAFT Spec CC Minutes 3-27-25

CITY OF SOUTH EL MONTE
SPECIAL CITY COUNCIL MEETING MINUTES
Tuesday, March 27, 2025 - 12:00 PM
El Palacio Hall, 1221 Peck Road, South El Monte, California 91733

Mayor Olmos called the meeting to order at 12:12 P.M.

1. ROLL CALL

PRESENT: Councilmember(s): Acosta, Bojorquez, Rodriguez, Mayor Pro Tem Delgado and Mayor Olmos

ABSENT: Councilmember(s): None

STAFF PRESENT: Rene Salas, City Manager; Susie A. Altamirano, Interim City Attorney; Masami Higa, Director of Finance; Adrian Garcia, City Clerk; Ariana De La Cruz; Danilo Batson, Interim Director of Public Works; and Sabrina Muhne, Deputy City Clerk.

2. PLEDGE OF ALLEGIANCE – Joe Leal, United States Army Combat Veteran

3. INVOCATION – Pastor Benjamin Garrett, Faith Dominion Church

4. PUBLIC COMMENT

Mayor Olmos opened public comment.

There being no public comment, Mayor Olmos closed public comment.

5. PRESENTATIONS

5. a. STATE OF THE CITY

Mayor Olmos presented the State of the City program.

6. ADJOURNMENT

There being no further business coming before this body, at 1:03 p.m. Mayor Olmos adjourned the meeting.

Minutes prepared by Sabrina A. Muhne, Deputy City Clerk.

_____ _____
Adrian Garcia, MMC, City Clerk Gloria Olmos, Mayor

City Council Agenda Report
Agenda Item No. 7.b.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Adrian Garcia, MMC, City Clerk

SUBJECT: CONSIDERATION AND APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES OF APRIL 1, 2025

SUMMARY: Staff is requesting approval of Minutes for the April 1, 2025, Regular City Council Meeting.

RECOMMENDED ACTION: Staff is requesting approval of Minutes for the April 1, 2025, Regular City Council Meeting.

FISCAL/FINANCIAL IMPACT:

DISCUSSION:

ATTACHMENT(S):

A. DRAFT Reg CC Minutes 04-01-25

CITY OF SOUTH EL MONTE
REGULAR CITY COUNCIL MEETING MINUTES
Tuesday, April 1, 2025 - 6:00 PM
1415 Santa Anita Avenue, South El Monte, California 91733

Mayor Olmos called the meeting to order at 6:00 P.M.

1. ROLL CALL

PRESENT: Councilmember(s): Acosta, Bojorquez, Rodriguez, Mayor Pro Tem Delgado, and Mayor Olmos

ABSENT: Councilmember(s): None

STAFF PRESENT: Rene Salas, City Manager; Susie A. Altamirano, Interim City Attorney; Ariana De La Cruz, Director of Community Services (via Zoom); Danilo Batson, Interim Director of Public Works; Gerardo Marquez, Interim Director of Community Development; and Sabrina Muhne, Deputy City Clerk.

Zoom was provided for the public to participate during Public Comment via teleconference.

2. PLEDGE OF ALLEGIANCE – Councilmember Rudy Bojorquez led the Pledge of Allegiance.

3. INVOCATION – Pastor Patricia Garrett, Faith Dominion Church, offered the invocation.

4. PRESENTATIONS

4.a. Mayor and City Council presented Certificates of Recognition to the South El Monte High School Varsity Girls Soccer Team for obtaining 2nd place in the 2025 CIF Southern Section (California) Division 8.

4.b. Mayor and City Council presented Certificates of Recognition to the South El Monte High School Future Business Leaders of America (FBLA) Club for their assistance in the 2025 State of the City of South El Monte event on March 27, 2025.

4.c. Mayor and City Council received a presentation from the Los Angeles County Department of Public Works regarding the Consolidated Sewer Maintenance District's Proposed Rate Increase.

5. APPROVAL OF THE AGENDA AND WAIVER OF FULL READING OF ORDINANCES

Motion by Councilmember Bojorquez, seconded by Councilmember Rodriguez, to approve the agenda. Motion passed 5-0, by the following vote:

APPROVAL OF THE AGENDA AND WAIVER OF FULL READING OF ORDINANCES (CONTINUED)

AYES:	Councilmember(s):	Acosta, Bojorquez, Rodriguez, Mayor Pro Tem Delgado, and Mayor Olmos
NAYS:	Councilmember(s):	None
ABSTAIN:	Councilmember(s):	None

6. PUBLIC COMMENT

Mayor Olmos opened public comment.

1. Adan De La Garza, Public Information Officer, United States Small Business Administration Office of Disaster Recovery and Resilience, introduced the organization and presented information on resources the Administration provides for businesses and non-profit organizations.

2. Richard Angel, resident, expressed concerns on Agenda Item 12.a.2 and Agenda Item 12.c.

3. Danny Olmos, resident, congratulated the city for a nice State of the City event, congratulated the South El Monte High School students, congratulated Epiphany Catholic School on their 65th anniversary, and expressed support for Agenda Item 12.b.1.

4. John Ventura, resident, expressed concerns on Agenda Item 12.a.2., City finances, and that councilmembers' items on the agendas do not state how much is being requested.

5. Eduardo Sauceda, resident, spoke on the Los Angeles County Department of Public Works presentation, the homeless crisis and funding issues, spending issues at the state level, the City's costs, and economic turmoil.

There being no further public comment, Mayor Olmos closed public comment.

7. CONSENT CALENDAR

Motion by Councilmember Acosta, seconded by Councilmember Rodriguez, to approve the Consent Calendar. Motion passed 5-0, by the following vote:

AYES:	Councilmember(s):	Acosta, Bojorquez, Rodriguez, Mayor Pro Tem Delgado, and Mayor Olmos
NAYS:	Councilmember(s):	None
ABSTAIN:	Councilmember(s):	None

7.a. Approved the Minutes for the March 18, 2025, Regular City Council Meeting.

CONSENT CALENDAR (CONTINUED)

7.b. Adopted Resolution No. 25-032, authorizing payment of City expenditures for the period of March 19, 2025, through April 1, 2025, totaling $2,065,553.54.

7.c. Adopted Resolution No. 25-033**,** authorizing the sale of five (5) obsolete City Vehicles and directed the City Manager to hire an auction company to dispose of the obsolete vehicles.

8. PUBLIC HEARINGS

8.a. <u>CONTINUED FROM THE MARCH 4, 2025, REGULAR CITY COUNCIL MEETING</u> - APPEAL OF PLANNING COMMISSION RESOLUTION NO. 24-09, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM, AND APPROVAL OF CONDITIONAL USE PERMIT NO. CUP 21-13 TO ALLOW FOR THE DEVELOPMENT OF A NEW 156,877 SQUARE FOOT BUILDING TO BE LOCATED AT 2222 ROSEMEAD BOULEVARD

Susie A. Altamirano, City Attorney, announced Public Hearing Item 8.a. was continued to the April 15, 2025, Regular City Council Meeting.

No action was taken on this item.

9. GENERAL BUSINESS – None

10. COMMITTEE REPORTS, INCLUDING AB 1234 REPORTS

Councilmember Acosta announced he attended the following: Coffee with a Deputy at Starbucks, the San Gabriel Valley Legislative Caucus, the 65th Anniversary of Epiphany School & Casino Night, the League of California Cities Los Angeles County Division Government Connections Networking Seminar, the South El Monte State of the City, and the T-Ball Opening Day.

Councilmember Bojorquez announced he attended the following: the T-Ball Opening Day, and the CultivaLA Farm's Cesar Chavez Day of Service.

Mayor Pro Tem Delgado announced he announced he attended the following: the Foothill Transit Governing Board Meeting, the T-Ball Opening Day, the South El Monte State of the City, and the CultivaLA Farm's Cesar Chavez Day of Service.

Councilmember Rodriguez announced he attended the following: Coffee with a Deputy at Starbucks, the T-Ball Opening Day, the South El Monte State of the City, and the CultivaLA Farm's Cesar Chavez Day of Service.

Mayor Olmos announced she attended the following: the Planning Commission Meeting, the Community Services Commission Meeting, the T-Ball Opening Day, the 65th Anniversary of Epiphany School & Casino Night, the Los Angeles County

Sanitation District No. 15 Board of Directors Regular Meeting, Coffee with a Deputy at Starbucks, the San Gabriel Valley Legislative Caucus, and the State of the City.

11. CORRESPONDENCE – None

12. COUNCILMEMBERS' AGENDA

12.a. COUNCILMEMBER RUDY BOJORQUEZ

1. Discussion/action to video and audio record planning commission meetings and post to city website similar to city council meetings.

Councilmember Bojorquez summarized his item.

Staff was directed to post video and audio of the Planning Commission Meetings to the City's website.

No action was taken on this item.

2. Discussion/action to extend invitation to planning commissioners to attend contract cities conference in Indian wells.

Councilmember Bojorquez summarized his item and expressed that after further thought, there are better-suited conferences for the Planning Commissioners to attend other than the California Contract Cities Association conference.

Discussion ensued regarding budget restrictions, other conference types, and options relating to Planning Commissioners' attendance.

Staff was directed to research appropriate conferences for Planning Commissioners to attend.

No action was taken on this item.

12.b. MAYOR GLORIA OLMOS

1. Discussion/action to fix the pad mount on Santa Anita and Central Avenue.

Mayor Olmos summarized her item and directed staff to fix the electric box at Santa Anita Avenue and Central Avenue.

No action was taken on this item.

2. Discussion/action to sponsor the Spiritt Family Services' Blooming Minds event on May 8, 2025, at the Double Tree Hilton Rosemead.

DRAFT

Proceeds will go towards the programming of the mental, social, and physical well-being of children and their families.

Mayor Olmos summarized her item and provided examples of services that SPIRITT Family Centers provides to the South El Monte community.

Motion by Mayor Olmos, seconded by Councilmember Rodriguez, to donate $500 to the SPIRITT Family Centers' Blooming Minds event. Motion passed by consensus.

12.c. MAYOR PRO TEM HECTOR DELGADO

Discussion/Action/Direction on adding cameras to the following areas (New Temple Park, Mary Van Dyke Park, Community Center, Shively Park and City Hall).

Mayor Pro Tem Delgado summarized his item and requested looking into options to enhance safety and prevent vandalism issues at the parks and centers.

Staff was directed to create a list of areas not covered by cameras and to work with Dr. Elizabeth Evans, Valle Lindo School District Principal, on grant funding options for high-tech cameras.

No action was taken on this item.

12.d. COUNCILMEMBER LARRY RODRIGUEZ

Discussion/Action to change the Homeless Commission meetings from quarterly to monthly.

Councilmember Rodriguez summarized his item and provided a pamphlet to the City Manager that was created by the City of El Monte's Veterans and Homeless Commission.

Motion by Councilmember Rodriguez, seconded by Mayor Pro Tem Delgado to have monthly Homeless Commission meetings.

Substitute Motion by Mayor Olmos, seconded by Councilmember Acosta, to have quarterly meetings for a year or two to find out how it will affect the budget before moving to monthly meetings. Substitute motion failed 2-3, by the following vote:

AYES:	Councilmember(s):	Acosta, and Mayor Olmos
NAYS:	Councilmember(s):	Bojorquez, Rodriguez, and Mayor Pro Tem Delgado
ABSTAIN:	Councilmember(s):	None

DRAFT

Main Motion passed 3-2, by the following vote:

AYES:	Councilmember(s):	Bojorquez, Rodriguez, and Mayor Pro Tem Delgado
NAYS:	Councilmember(s):	Acosta, and Mayor Olmos
ABSTAIN:	Councilmember(s):	None

13. CLOSED SESSION

At 7:54 p.m. Mayor and City Council recessed into Closed Session.

13.a. **PUBLIC EMPLOYEE APPOINTMENT -** Title: City Attorney pursuant to Government Code Section 54957(b)(1).

13.b. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**: Pursuant to Government Code § 54956.9 (d)(1). Julian Deng vs. City of South El Monte, et al. Case No. 24NNCV03340

13.c. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**: Initiation of litigation pursuant to Government Code Section 54956.9 subdivision (d)(4) (two potential cases).

At 8:54 p.m. Mayor Olmos reconvened the meeting with all councilmembers present.

Susie A. Altamirano, Interim City Attorney, announced City Council discussed Items 13.a., and 13.c., reports were provided, feedback was given, no reportable action. Regarding Item 13.b., the City has agreed to enter into a Request for Dismissal with Prejudice, the City shall dismiss the citation and $5,000 owed in full consideration and settlement of any and all claims by the Plaintiff. Motion passed 5-0, by the following vote:

AYES:	Councilmember(s):	Acosta, Bojorquez, Rodriguez, Mayor Pro Tem Delgado, and Mayor Olmos
NAYS:	Councilmember(s):	None
ABSTAIN:	Councilmember(s):	None

14. ADJOURNMENT

There being no further business coming before this body, at 8:56 p.m., Mayor Olmos adjourned the meeting in honor of John Aguiñaga to a Regular City Council Meeting on Tuesday, April 15, 2025, at 6:00 p.m.

Minutes prepared by Sabrina A. Muhne, Deputy City Clerk.

_____ _____

Adrian Garcia, MMC, City Clerk Gloria Olmos, Mayor

City Council Agenda Report
Agenda Item No. 7.c.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Masami Higa, Director of Finance

SUBJECT: CONSIDERATION AND APPROVAL OF RESOLUTION NO. 25-034, APPROVING WARRANTS FOR THE PERIOD OF APRIL 2, 2025, THROUGH APRIL 15, 2025

SUMMARY: Authorizing payment of City expenditures for the period of April 2, 2025, through April 15, 2025, totaling $698,820.43.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 25-034, authorizing payment of City expenditures.

FISCAL/FINANCIAL IMPACT:

DISCUSSION:

ATTACHMENT(S):

A. Resolution No. 25-034
B. Expense Approval Report 4.15.25

ATTACHMENT A

RESOLUTION NO. 25-034

A RESOLUTION OF THE SOUTH EL MONTE CITY COUNCIL ALLOWING CERTAIN CLAIMS AND DEMANDS FOR THE PERIOD OF APRIL 2, 2025, THROUGH APRIL 15, 2025, TOTALING $ 698,820.43.

THE CITY COUNCIL OF THE CITY OF SOUTH EL MONTE DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1: That in accordance with Section 37202 of the Government Code, the Finance Director hereby certifies to the accuracy of the following demands and the availability of funds for payment thereof.

_____
Finance Director

SECTION 2: That the following claims and demands have been audited as required by law and that the same are hereby allowed in the amount hereafter set forth.

	CLAIMANT	CLAIM PERIOD	WARRANT #'S	AMOUNT
FY 24/25	Electronic Warrants	4/2/25-4/15/25	DFT0002683-2719	$173,665.57
FY 24/25	Regular Warrants	4/2/25-4/15/25	16203-16275	$314,223.31
Payroll	Check	PPE 3/29/25	2040-2049	$41,289.95
Payroll	Direct Deposit	PPE 3/29/25	9577-9695	$169,641.60

TOTAL EXPENDITURES RESOLUTION NO. 25-034, $698,820.43

PASSED, APPROVED, AND ADOPTED this 15th day of April 2025.

_____
Gloria Olmos, Mayor

ATTEST:

_____
Adrian Garcia, MMC, City Clerk

Attachment: Exhibit A – Expense Report

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF SOUTH EL MONTE)

I, Adrian Garcia, MMC, City Clerk of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 25-034, was duly passed and approved by the City Council of the City of South El Monte at a regular meeting of said Council held on the 15th day of April 2025, and that said Resolution was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Adrian Garcia, MMC, City Clerk

South El Monte, CA

Warrant Register
Council Meeting 04/15/25

Account Number	Vendor Name	Payment Number	Payment Date	Description (Item)	Amount
01.0000.0000.2245	CALIFORNIA TEAMSTERS LOCAL 911	16203	04/01/2025	MAR'25 ADMIN	1,584.00
01.0000.0000.2245	CALIFORNIA TEAMSTERS LOCAL 911	16203	04/01/2025	MAR'25 MISC	572.00
01.0151.1545.5210	JOE ESPINOSA	16204	04/01/2025	4/3/25 NIGHT MARKET BAND PERFORMANCE	1,700.00
01.0000.0000.4554	MONICA HERRERA	16205	04/01/2025	4/12/25 MVD CR & GAZ CANCELLATION RFND	50.00
01.0000.0000.4554	MONICA HERRERA	16205	04/01/2025	3/29/25 MVD CR RESERVATION REFUND	50.00
01.0000.0000.4554	MONICA HERRERA	16205	04/01/2025	3/29/25 MVD CR & GAZ CANCELLATION RFND	300.00
01.0130.1330.5715	T-MOBILE USA INC	16206	04/01/2025	2/21-3/20/25 CITY CELL PHONES	3,806.59
01.0151.1545.5430	ZUMAYA RENTALS	16207	04/01/2025	4/3/25 NIGHT MARKET EQUIPMENT RENTALS	1,000.00
01.0000.0000.2270	STATE OF CA FRANCHISE TAX BOARD	16208	04/08/2025	A.R GARNISHMENT PPE 3/29/25	8.15
01.0170.1770.5525	A.C LOCK & KEY	16209	04/09/2025	15 RE-KEY	433.50
01.0150.1540.5954	ABSOLUTE SECURITY INTERNATIONAL	16210	04/09/2025	2/22/25 SECURITY SVCS	494.00
01.0150.1505.5204	ALICE JEAN STRONG	16211	04/09/2025	MAR'25 WOME & GIRLS COMMISSION MTG	100.00
01.0150.1530.5430	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	MONTHLY BDAY CELEBRATION SUPPLIES	61.73
01.0170.1020.5406	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	YARD DEP SUPPLIES	100.79
01.0150.1530.5952	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	EASTER DECORATIONS & GIVEWAY GOODIE BAGS	94.98
01.0130.1310.5406	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	OFFICE SUPPLIES	10.51
01.0150.1530.5406	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	CREDIT - ITEM RETURNED	(10.14)
01.0100.1040.5922	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	BIRTHDAY SUPPLIES	22.03
01.0120.1210.5406	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	DEPARTMENT SUPPLIES CREDIT	(40.78)
01.0150.1530.5952	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	VOLUNTEER DINNER DECORATIONS	501.49
01.0130.1310.5406	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	OFFICE SUPPLIES	8.74
01.0150.1530.5952	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	VOLUNTEER GIVEAWAYS	1,082.76
01.0100.1040.5916	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	CITY NEWSLETTER MAILING SUPPLIES	80.80
01.0120.1210.5406	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	DEPARTMENT SUPPLIES	59.54
01.0150.1530.5430	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	APRIL CRAFT SUPPLIES	129.46
01.0150.1530.5406	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	CREDIT - ITEM RETURNED	(10.15)
01.0120.1210.5406	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	DEPARTMENT SUPPLIES	92.51
01.0170.1020.5406	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	PW OFFICE SUPPLIES	128.84
01.0170.1020.5406	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	DEPT SUPPLIES YARD	60.63
01.0150.1530.5952	AMAZON CAPITAL SERVICES, INC	16212	04/09/2025	VOLUNTEER DINNER DECORATIONS	29.76
01.0151.1543.5952	ANDRES FERNANDEZ	16213	04/09/2025	VOLUNTEER SWEATER GIVEAWAYS	501.02
01.0151.1543.5952	ASCAP	16214	04/09/2025	2/1/25-1/31/26 ASCAP MUSIC LICENSE FEE	445.92
01.0170.1770.5525	AUTO ACCESSORIES EMERGENCY LIGHT INC	16215	04/09/2025	#50 PA SYSTEM / LEDS	2,173.75
01.0170.1770.5525	AUTO ACCESSORIES EMERGENCY LIGHT INC	16215	04/09/2025	#50 LED LIGHTBAR	1,428.06
01.0170.7020.5406	AUTO ACCESSORIES EMERGENCY LIGHT INC	16215	04/09/2025	#50 LED LIGHTBAR	1,116.94
01.0170.1100.5406	AUTO ACCESSORIES EMERGENCY LIGHT INC	16215	04/09/2025	#51 LED LIGHT BAR	669.29
01.0170.1770.5525	AUTO ACCESSORIES EMERGENCY LIGHT INC	16215	04/09/2025	#51 LED LIGHT BAR	1,876.31
01.0170.1770.5525	AUTO ACCESSORIES EMERGENCY LIGHT INC	16215	04/09/2025	#51 PA SYSTEM LEDS AND LIGHT BAR	2,173.75
01.0170.1770.5525	AUTOZONE	16216	04/09/2025	PW #2 RETURN BATTERY	(125.67)
01.0170.1770.5525	AUTOZONE	16216	04/09/2025	#2 NEW BATTERY	191.82

44.0800.8010.5525	AUTOZONE	16216	04/09/2025	#16 / #20 NEW WIPER / WASHER FLUID	168.12
01.0150.1515.5204	BLANCA M. FIGUEROA	16217	04/09/2025	MAR'25 PC MEETING	100.00
13.0500.5010.6010	CART MART INC	16218	04/09/2025	2025 CARRYALL 710 ELECTRIC LSV	26,479.70
01.0150.1505.5204	CHRISTINA FONSECA	16219	04/09/2025	MAR'25 WOME & GIRLS COMMISSION MTG	100.00
01.0170.1710.5520	DDC ELECTRIC SUPPLY, INC.	16220	04/09/2025	TIME CLOCK CHALL	132.90
06.0300.3010.5430	DRIFTWOOD DAIRY, INC	16221	04/09/2025	MILK/ CI NUTR PRGM	293.49
06.0300.3020.5430	DRIFTWOOD DAIRY, INC	16221	04/09/2025	MILK/ CII NUTR PRGM	32.60
06.0300.3010.5430	DRIFTWOOD DAIRY, INC	16221	04/09/2025	MILK/ CI NUTR PRGM	403.54
06.0300.3020.5430	DRIFTWOOD DAIRY, INC	16221	04/09/2025	MILK/ CII NUTR PRGM	44.83
44.0800.8010.5525	DWS TIRES	16222	04/09/2025	REPAIR R/R TIRE	40.00
01.0170.1720.5520	ECOLAB PEST ELIM. DIVISION	16223	04/09/2025	3/31/25 PEST CONTROL YARD	160.43
01.0160.1610.5520	ECOLAB PEST ELIM. DIVISION	16223	04/09/2025	3/31/25 PEST CONTROL/ CCTR	79.20
01.0170.1710.5520	ECOLAB PEST ELIM. DIVISION	16223	04/09/2025	3/31/25 PEST CONTROL CHALL	222.56
01.0000.0000.4554	ELIA PALACIOS	16224	04/09/2025	3/30/25 MVD CR DMG DEP RFND	50.00
01.0150.1505.5204	ELIZABETH M. GUTIERREZ	16225	04/09/2025	MAR'25 WOMEN & GIRLS COMMISSION MTG	100.00
01.0150.1505.5204	EVELYN BRIONES	16226	04/09/2025	MAR'25 WOMEN & GIRLS COMMISSION MTG	100.00
01.0160.1670.5520	EWING IRRIGATION	16227	04/09/2025	PROLINE T-BALL FIELD MARKER	834.75
01.0160.1650.5520	EWING IRRIGATION	16227	04/09/2025	LANDSCAPE FIELD MARKER LITTLE LEAGUE	634.75
01.0170.1750.5520	EWING IRRIGATION	16227	04/09/2025	ROUNDUP PROMAX	353.06
01.0160.1640.5520	EWING IRRIGATION	16227	04/09/2025	IRR REPAIRS/ POOL	49.10
01.0151.1543.5430	FLAGTIME USA	16228	04/09/2025	FLAGS OF VALOR	1,319.96
01.0151.1543.5430	FLAGTIME USA	16228	04/09/2025	FLAGS OF VALOR	3,131.00
01.0151.1543.5430	FLAGTIME USA	16228	04/09/2025	150 USA FLAGS	3,893.39
01.0170.1770.5525	FORD OF MONTEBELLO	16229	04/09/2025	#007 IGNITION COILS /VALVE	663.94
01.0170.1770.5525	FORD OF MONTEBELLO	16229	04/09/2025	#31 F/R WHEEL CAP	55.14
44.0800.8020.5215	GOLDEN LION TRANSPORTATION INC	16230	04/09/2025	3/31/25 SR SVCS EXCURSION	1,100.00
01.0100.1020.5215	GOVERNMENT STAFFING SERVICES, INC.	16231	04/09/2025	3/10-3/17/25 ADMIN ASSISTANT/ MUNI TEMP	2,150.00
01.0100.1050.5215	GOVERNMENT STAFFING SERVICES, INC.	16231	04/09/2025	3/10-3/20/25 HR ANALYST/ MUNI TEMP	5,530.00
01.0140.1410.5204	GRACIE H. RETAMOZA	16232	04/09/2025	MAR'25 PC MEETING	150.00
01.0170.1710.5520	GRANT'S TRUE VALUE HARDWARE	16233	04/09/2025	REPAIR PARTS/ CHALL	9.90
01.0151.1545.5430	GRANT'S TRUE VALUE HARDWARE	16233	04/09/2025	50' OF WIRE	14.34
01.0130.1310.5904	HINDERLITER, DE LLAMAS & ASSOC	16234	04/09/2025	JAN-MAR'25 SALES TAX	1,996.52
01.0130.1310.5904	HINDERLITER, DE LLAMAS & ASSOC	16234	04/09/2025	JAN-MAR'25 TRANSACTION TAX	600.00
01.0170.1760.5540	HONEYCOTT, INC	16235	04/09/2025	BEE REMOVAL TREE 11233 RUSH	195.00
06.0300.3010.5215	HUNTINGTON CULINARY	16236	04/09/2025	10/21-10/25/24 MEALS/ CI NUTR PRGM	5,520.00
06.0300.3020.5215	HUNTINGTON CULINARY	16236	04/09/2025	10/21-10/25/24 MEALS/ CII NUTR PRGM	605.00
06.0300.3010.5215	HUNTINGTON CULINARY	16236	04/09/2025	3/10-3/14/25 MEALS/ CI NUTR PRGM	5,980.00
06.0300.3020.5215	HUNTINGTON CULINARY	16236	04/09/2025	3/10-3/14/25 MEALS/ CII NUTR PRGM	605.00
06.0300.3010.5215	HUNTINGTON CULINARY	16236	04/09/2025	3/17-3/21/25 MEALS/ CI NUTR PRGM	6,325.00
06.0300.3020.5215	HUNTINGTON CULINARY	16236	04/09/2025	3/17-3/21/25 MEALS/ CII NUTR PRGM	605.00
06.0300.3010.5215	HUNTINGTON CULINARY	16236	04/09/2025	3/18-3/22/24 MEALS/ CI NUTR PRGM	4,341.25
06.0300.3020.5215	HUNTINGTON CULINARY	16236	04/09/2025	3/18-3/22/24 MEALS/ CII NUTR PRGM	423.50
06.0300.3010.5215	HUNTINGTON CULINARY	16236	04/09/2025	3/23-3/29/24 MEALS/ CI NUTR PRGM	4,945.00
06.0300.3020.5215	HUNTINGTON CULINARY	16236	04/09/2025	3/23-3/29/24 MEALS/ CII NUTR PRGM	423.50
06.0300.3010.5215	HUNTINGTON CULINARY	16236	04/09/2025	4/1-4/5/24 MEALS/ CI NUTR PRGM	4,283.75
06.0300.3020.5215	HUNTINGTON CULINARY	16236	04/09/2025	4/1-4/5/24 MEALS/ CII NUTR PRGM	423.50
06.0300.3010.5215	HUNTINGTON CULINARY	16236	04/09/2025	7/8-7/13/24 MEALS/ CI NUTR PRGM	6,460.00
06.0300.3020.5215	HUNTINGTON CULINARY	16236	04/09/2025	7/8-7/13/24 MEALS/ CII NUTR PRGM	605.00
01.0170.1770.5525	INDUSTRIAL CLEANING SYSTEMS, INC.	16237	04/09/2025	PW SERVICE PSI SYTEM	1,121.41

01.0170.1710.5520	INDUSTRIAL PIPE & STEEL	16238	04/09/2025	KRUSE FEED SHEET METAL	5.94
01.0170.1710.5520	J-2 CONTAINERS & STORAGE LLC	16239	04/09/2025	40' CONTAINER/ DOCUMENT STORAGE	4,982.69
01.0140.1410.5204	JACQUELINE RUBIO	16240	04/09/2025	MAR'25 PC MEETING	150.00
37.0670.6720.5977	JCL TRAFFIC SERVICES	16241	04/09/2025	STREET ADHESIVE / MARKER/ BUTYL PADS	1,045.33
01.0140.1410.5204	JEFFREY MICHAEL ORTIZ	16242	04/09/2025	MAR'25 PC MEETING	150.00
27.0575.5710.5215	JOHN L. HUNTER AND ASSOCIATES, INC.	16243	04/09/2025	JAN'25 - BCR PROGRAM SVCS	852.50
01.0170.1475.5215	JOHN L. HUNTER AND ASSOCIATES, INC.	16243	04/09/2025	JAN'25 - IW PRORGRAM SVCS	7,253.75
70.0900.9020.5215	JOHN L. HUNTER AND ASSOCIATES, INC.	16243	04/09/2025	JAN'25 - NPDES PROGRAM SVCS	5,342.55
01.0170.1475.5215	JOHN L. HUNTER AND ASSOCIATES, INC.	16243	04/09/2025	JAN'25 - LAND DEVE. PROGRAM SVCS	926.50
25.0550.5510.5215	JOHN L. HUNTER AND ASSOCIATES, INC.	16243	04/09/2025	JAN'25 - USED OIL RECYCLING PRGM	243.00
01.0140.1410.5204	KENNETH EUEKHEANG TANG	16244	04/09/2025	MAR'25 PC MEETING	150.00
02.0170.1760.5537	L.A. COUNTY DEPT OF PUBLIC WORKS	16245	04/09/2025	COUNTY LIGHTING MAINT - 3RD QUARTER FY 24-25	3,233.31
01.0110.1110.5635	L.A. COUNTY SHERIFF'S DEPT.	16246	04/09/2025	JAN'25 TRAFFIC ENFORCEMENT	1,392.80
01.0110.1110.5635	L.A. COUNTY SHERIFF'S DEPT.	16246	04/09/2025	JAN'25 CRIME SUPPRESSION	878.94
01.0140.1410.5204	LEONEL A. BARRERA JR	16247	04/09/2025	MAR'25 PC MEETING	150.00
01.0170.1770.5525	MODERN TRAILER SUPPLY CO.	16248	04/09/2025	#2 NEW JACK STAND	149.90
01.0150.1515.5204	NAOMI LOPEZ	16249	04/09/2025	MAR'25 PC MEETING	100.00
01.0170.1770.5525	NEW SIGN SOLUTION, INC.	16250	04/09/2025	#50, #51, #27 CITY DECALS	843.41
01.0150.1515.5204	NYDIA ROMERO	16251	04/09/2025	MAR'25 PC MEETING	100.00
01.0100.1020.5405	OFFICE DEPOT	16252	04/09/2025	OFFICE SUPPLIES	147.50
01.0150.1530.5406	OFFICE DEPOT	16252	04/09/2025	DEPT OFFICE SUPPLIES	238.01
01.0100.1030.5215	OLIVAREZ MADRUGA LAW ORGANIZATION, LLP	16253	04/09/2025	FEB'25 CITY COUNCIL LEGAL SVCS	17,724.00
01.0100.1030.5215	OLIVAREZ MADRUGA LAW ORGANIZATION, LLP	16253	04/09/2025	FEB'25 C.M LEGAL SVCS	6,653.00
01.0100.1030.5215	OLIVAREZ MADRUGA LAW ORGANIZATION, LLP	16253	04/09/2025	FEB'25 CITY CLERK LEGAL SVCS	1,062.50
01.0100.1030.5215	OLIVAREZ MADRUGA LAW ORGANIZATION, LLP	16253	04/09/2025	FEB'25 HR LEGAL SVCS	5,297.00
01.0100.1030.5215	OLIVAREZ MADRUGA LAW ORGANIZATION, LLP	16253	04/09/2025	FEB'25 FINANCE LEGAL SVCS	110.00
01.0100.1030.5215	OLIVAREZ MADRUGA LAW ORGANIZATION, LLP	16253	04/09/2025	FEB'25 P.W LEGAL SVCS	8,543.00
01.0100.1030.5215	OLIVAREZ MADRUGA LAW ORGANIZATION, LLP	16253	04/09/2025	FEB'25 COMMUNITY DEV LEGAL SVCS	9,944.50
01.0100.1030.5215	OLIVAREZ MADRUGA LAW ORGANIZATION, LLP	16253	04/09/2025	FEB'25 COMMUNITY SVCS LEGAL SVCS	178.50
01.0100.1030.5215	OLIVAREZ MADRUGA LAW ORGANIZATION, LLP	16253	04/09/2025	FEB'25 PLANNING LEGAL SVCS	6,943.51
01.0100.1030.5215	OLIVAREZ MADRUGA LAW ORGANIZATION, LLP	16253	04/09/2025	FEB'25 LITIGATION SERVICES	522.50
01.0170.7020.5215	PHOENIX GROUP INFORMATION SYSTEMS	16254	04/09/2025	FEB'25 - ADMIN CITE SVCS	1,201.60
01.0170.1100.5215	PHOENIX GROUP INFORMATION SYSTEMS	16254	04/09/2025	FEB'25 - PARKING CITE SVCS	7,102.22
01.0100.1020.5405	QUENCH USA, INC.	16255	04/09/2025	APR'25 WATER FILTER/ CHALL	134.45
01.0160.1610.5520	QUENCH USA, INC.	16255	04/09/2025	APR'25 WATER FILTER/ SCTR	58.21
01.0160.1610.5520	QUENCH USA, INC.	16255	04/09/2025	APR'25 CC WATR/FLTR	38.59
01.0100.1050.5934	ROXANA TADEO	16256	04/09/2025	SEPT'24 LIVESCAN SVCS	75.00
01.0100.1050.5934	ROXANA TADEO	16256	04/09/2025	NOV'24 LIVESCAN SVCS	150.00
01.0100.1050.5934	ROXANA TADEO	16256	04/09/2025	DEC'24 LIVE SCAN SVCS	25.00
01.0100.1050.5934	ROXANA TADEO	16256	04/09/2025	JAN'25 LIVE SCAN SVCS	100.00
01.0100.1050.5934	ROXANA TADEO	16256	04/09/2025	FEB'25 LIVE SCAN SVCS	375.00
01.0120.1210.5919	SAN GABRIEL VALLEY TRIBUNE	16257	04/09/2025	MAR'25 NOTICE/ NIB RESTROOM REHAB PJT	1,607.30
01.0150.1505.5204	SARA GAETA ANGUIAN	16258	04/09/2025	MAR'25 WOMEN & GIRLS COMMISSION MTG	100.00
01.0151.1543.5952	SMITTY'S SIGNWORKS, INC	16259	04/09/2025	EASTER EVNT STREET BANNER	1,815.00
01.0120.1210.5933	SOCAL SHRED LLC	16260	04/09/2025	3/11/25 SHREDDING SVCS	55.00
01.0160.1650.5520	SOUTHEAST CONSTRUCTION PRODUCTS,INC	16261	04/09/2025	WHITE MARKING PAINT	92.21
01.0170.1750.5962	SOUTHEAST CONSTRUCTION PRODUCTS,INC	16261	04/09/2025	WALK BEHIND CONCRETE SAW	5,206.56
01.0170.1740.5962	SOUTHEAST CONSTRUCTION PRODUCTS,INC	16261	04/09/2025	SMALL JOINT KNIFE	11.63
01.0170.1770.5525	SOUTHERN TIRE MART LLC	16262	04/09/2025	#30 REPLACED 4 TIRES	700.46

06.0300.3010.5430	SUPERIOR WAREHOUSE GROCERS	16263	04/09/2025	FOOD ITEMS/ CI NUTRITION PROGRAM	118.45
06.0300.3020.5430	SUPERIOR WAREHOUSE GROCERS	16263	04/09/2025	FOOD ITEMS/ CII NUTRITION PROGRAM	13.16
06.0300.3010.5430	SUPERIOR WAREHOUSE GROCERS	16263	04/09/2025	FOOD ITEMS/ CI NUTRITION PROGRAM	100.47
06.0300.3020.5430	SUPERIOR WAREHOUSE GROCERS	16263	04/09/2025	FOOD ITEMS/ CII NUTRITION PROGRAM	11.16
06.0300.3010.5430	SUPERIOR WAREHOUSE GROCERS	16263	04/09/2025	FOOD ITEMS/ CI NUTR PRGM	50.22
06.0300.3020.5430	SUPERIOR WAREHOUSE GROCERS	16263	04/09/2025	FOOD ITEMS/ CII NUTR PRGM	5.58
01.0100.1040.5921	THE SAUCE CREATIVE SERVICES CORP.	16264	04/09/2025	APR'25 CITY NEWSLETTER PUBLISHING	6,298.36
01.0100.1020.5215	TOWNSEND PUBLIC AFFAIRS	16265	04/09/2025	APRIL'25 CONSULTING SERVICES	6,750.00
01.0170.1770.5525	TRUE AUTO WERX	16266	04/09/2025	#50 WNDOW TINT	160.00
01.0170.1770.5525	TRUE AUTO WERX	16266	04/09/2025	#51 WINDOW TINT	160.00
01.0170.1770.5525	TRUE AUTO WERX	16266	04/09/2025	#48 WINDOW TINT	160.00
44.0800.8010.5525	TRUE AUTO WERX	16266	04/09/2025	#45 WINDOW TINT	160.00
01.0170.1020.5956	ULINE	16267	04/09/2025	PPE SUPPLIES	1,902.90
01.0151.1545.5499	ULINE	16267	04/09/2025	TRASH PICKERS	380.00
01.0170.1020.5956	ULINE	16267	04/09/2025	SAFETY GLASSES / AIR	238.08
01.0160.1660.5520	VALLEY FLOOD-LITE SERVICE, INC.	16268	04/09/2025	REPLACE LIGHTS/ SHIVLEY	1,910.66
01.0150.1515.5204	VICTOR MONTIEL	16269	04/09/2025	MAR'25 PC MEETING	100.00
01.0170.1170.5966	VICTORIA MORA	16270	04/09/2025	2/24-3/20/25 MILEAGE REIMB	42.00
01.0170.1760.5545	VISIONS RECYCLING, INC	16271	04/09/2025	GRAFFITI PAINT REMOVAL	338.74
01.0170.1710.5520	WATER CHEMISTS,DIV. OF CCI CHEMICAL	16272	04/09/2025	MAR'25 H20 TREATMENT	425.00
01.0170.1750.5215	WEST COAST ARBORISTS, INC	16273	04/09/2025	3/1-3/15/25 TREE SERVICE CIVIC CENTER	5,487.00
37.0670.6720.6025	WGJ ENTERPRISES, INC	16274	04/09/2025	CITYWIDE STREET STRIPPING	66,286.34
01.0170.1760.5545	WINZER	16275	04/09/2025	STREET GRAFFITI REMOVER	2,154.26
01.0160.1610.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SUPPLIES FOR FRONT LOBBY	110.01
01.0160.1610.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SUPPLIES TO FIX WALL PANEL	122.82
01.0160.1610.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SUPPLIES TO REPAIR ROOF	171.33
01.0160.1610.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	PAINT	35.91
01.0160.1620.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SWTICH COVERS	65.84
01.0160.1620.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SCTR DOORBELL	33.04
01.0160.1620.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SENIOR SVCS/ SUPPLIES	30.18
01.0160.1620.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SUPPLIES TO REPAIR FLOOR	85.80
01.0160.1620.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SUPPLIES/ SENIOR CENTER	66.88
01.0160.1620.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SUPPLIES TO INSTALL DRY WALL	388.87
01.0160.1620.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	ELECTRICAL SUPPLIES	182.10
01.0160.1650.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SUPPLIES FOR PARK GATES	93.05
01.0160.1650.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SUPPLIES TO REPAIR PARK FENCE	254.08
01.0170.1710.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SUPPLIES FOR WATER FOUNTAIN	55.09
01.0170.1710.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	CITY HALL PLANTS	108.66
01.0170.1710.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	PLANTS FOR CITY HALL	361.09
01.0170.1710.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	CITY HALL PLANTS	99.00
01.0170.1710.5520	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	CITY HALL POTS	99.00
01.0170.1740.5962	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	TOOLS FOR STAFF	88.13
01.0170.1740.5962	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	UMBRELLAS	16.43
02.0170.1760.5540	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	SUPPLIES FOR ST. SIGNS	72.48
37.0670.6720.5977	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	ADA RAMP	53.81
44.0800.8040.5555	HOME DEPOT CREDIT SERVICES	DFT0002683	03/26/2025	TRASH CAN FOR BUS SHELTER	231.33
01.0170.1730.5705	SO CAL GAS	DFT0002684	03/26/2025	2/14-3/18/25 1450 LIDCOMBE AVE	124.93
01.0170.1730.5705	SO CAL GAS	DFT0002685	03/26/2025	2/14-3/18/25 1556 CENTRAL AVE	378.89
01.0170.1730.5705	SO CAL GAS	DFT0002686	03/26/2025	2/14-3/18/25 1500 CENTRAL AVE	5,944.71

01.0170.1730.5705	SO CAL GAS	DFT0002687	03/26/2025	2/14-3/18/25 1530 CENTRAL AVE	162.82
01.0170.1730.5705	SO CAL GAS	DFT0002688	03/26/2025	2/14-3/18/25 1900 CENTRAL AVE	136.08
01.0170.1730.5705	SO CAL GAS	DFT0002689	03/26/2025	2/14-3/18/25 1824 CENTRAL AVE	95.98
01.0130.1330.5215	CHARTER COMMUNICATIONS HOLDINGS, LLC	DFT0002690	03/28/2025	3/9-4/8/25 INTERNET SVCS	106.24
01.0000.0000.2205	DEPARTMENT OF THE TREASURY	DFT0002691	04/02/2025	PPE 3/29/25 FEDERAL/ FINAL	11,851.81
01.0000.0000.2215	DEPARTMENT OF THE TREASURY	DFT0002691	04/02/2025	PPE 3/29/25 FEDERAL/ FICA	6,974.50
01.0000.0000.2215	DEPARTMENT OF THE TREASURY	DFT0002691	04/02/2025	PPE 3/29/25 FEDERAL/ MEDICARE	1,631.12
01.0130.1330.5932	ELAN FINANCIAL SERVICES	DFT0002692	04/02/2025	FEB'25-FEB'26 PICMONKEY FLYER SUB	120.00
01.0000.0000.2210	EMPLOYMENT DEVELOPMENT DEPT.	DFT0002693	04/03/2025	PPE 3/29/25 STATE WTHD'G FINAL	3,893.81
01.0100.1020.5916	QUADIENT LEASING USA, INC.	DFT0002694	04/03/2025	2/10-3/13/25 POSTAGE CHARGES	353.37
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002695	03/06/2025	1/16-2/13/25 1675 DURFEE AVE	219.97
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002696	04/03/2025	2/11-3/13/25 1222 PECK RD	228.48
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002696	04/03/2025	2/11-3/13/25 1109 PECK RD	228.48
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002696	04/03/2025	2/11-3/13/25 1502 PECK RD	228.48
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002696	04/03/2025	2/11-3/13/25 1508 PECK RD	228.48
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002696	04/03/2025	2/11-3/13/25 1628 DURFEE AVE	228.48
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002696	04/03/2025	2/11-3/13/25 1710 DURFEE AVE	228.48
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002696	04/03/2025	2/11-3/13/25 1660 DURFEE AVE	141.13
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002696	04/03/2025	2/11-3/13/25 FARNDON PECK	68.33
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002696	04/03/2025	2/11-3/13/25 THIENES/ PARKWAY	26.60
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002697	03/06/2025	1/16-2/13/25 1450 LIDCOMBE	239.75
01.0130.1310.5280	SECTRAN SECURITY INC.	DFT0002698	03/28/2025	MAR'25 ARMORED SVCS	213.92
01.0170.1730.5705	SO CAL GAS	DFT0002699	10/08/2024	8/28-9/29/24 1415 SANTA ANITA AVE	72.04
01.0170.1730.5710	SOUTHERN CALIFORNIA EDISON	DFT0002700	03/24/2025	2/7-3/10/25 1459 SANTA ANITA AVE	422.66
01.0170.1730.5710	SOUTHERN CALIFORNIA EDISON	DFT0002701	03/31/2025	2/13-3/16/25 1556 CENTRAL AVE	2,452.05
01.0170.1730.5710	SOUTHERN CALIFORNIA EDISON	DFT0002702	03/31/2025	2/13-3/16/25 1824 CENTRAL AVE	1,011.23
01.0170.1730.5710	SOUTHERN CALIFORNIA EDISON	DFT0002703	03/31/2025	2/13-3/16/25 1530 CENTRAL AVE	2,300.11
01.0170.1730.5710	SOUTHERN CALIFORNIA EDISON	DFT0002704	03/31/2025	2/13-3/16/25 1415 SANTA ANITA AVE	2,141.83
01.0130.1330.5950	XEROX CORPORATION	DFT0002705	03/31/2025	2/28-3/29/25 COPIER LEASE	282.63
01.0130.1330.5950	XEROX CORPORATION	DFT0002705	03/31/2025	2/28-3/29/25 COPIER LEASE	1,547.99
01.0000.0000.2020	CALPERS RETIREMENT	DFT0002706	04/03/2025	RATE PLAN 685	9,880.28
01.0000.0000.2020	CALPERS RETIREMENT	DFT0002706	04/03/2025	RATE PLAN 27216	20,775.81
01.0000.0000.2020	CALPERS RETIREMENT	DFT0002706	04/03/2025	RATE PLAN 23047	3,374.54
01.0000.0000.2021	CALPERS RETIREMENT	DFT0002706	04/03/2025	SERVICE CREDIT PURCHASE A.O	155.77
01.0000.0000.2205	DEPARTMENT OF THE TREASURY	DFT0002707	04/04/2025	PPE 3/29/25 FEDERAL	20,174.14
01.0000.0000.2215	DEPARTMENT OF THE TREASURY	DFT0002707	04/04/2025	PPE 3/29/25 FICA	30,420.32
01.0000.0000.2215	DEPARTMENT OF THE TREASURY	DFT0002707	04/04/2025	PPE 3/29/25 MEDICARE	7,114.44
01.0000.0000.2030	EMPLOYMENT DEVELOPMENT DEPT.	DFT0002708	04/04/2025	PPE 3/29/25 UI TAX WTHD'G	1,007.84
01.0000.0000.2030	EMPLOYMENT DEVELOPMENT DEPT.	DFT0002708	04/04/2025	PPE 3/29/25 TNG TAX WTHD'G	50.38
01.0000.0000.2210	EMPLOYMENT DEVELOPMENT DEPT.	DFT0002708	04/04/2025	PPE 3/29/25 STATE WTHD'G	7,160.57
01.0000.0000.2230	EMPOWER RETIREMENT, LLC	DFT0002709	04/04/2025	EMPLOYEE BEFORE TAX	3,165.00
01.0000.0000.2230	EMPOWER RETIREMENT, LLC	DFT0002709	04/04/2025	EMPLOYER MATCH	4,288.75
01.0000.0000.2235	EMPOWER RETIREMENT, LLC	DFT0002709	04/04/2025	EMPLOYEE AFTER TAX	750.00
01.0000.0000.2270	EXPERT PAY - STATE DISBURSEMENT UNIT	DFT0002710	04/04/2025	CASE 1457313	402.50
01.0000.0000.2270	EXPERT PAY - STATE DISBURSEMENT UNIT	DFT0002710	04/04/2025	CASE 20000002163990	359.00
01.0000.0000.2270	EXPERT PAY - STATE DISBURSEMENT UNIT	DFT0002710	04/04/2025	CASE 0980438	150.00
01.0000.0000.2270	EXPERT PAY - STATE DISBURSEMENT UNIT	DFT0002710	04/04/2025	CASE 20000002135289	529.50
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002711	04/08/2025	2/12-3/14/25 2018 DURFEE AVE	228.48
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002712	04/08/2025	2/12-3/14/25 1903 DURFEE AVE	141.13

01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002713	04/08/2025	2/13-3/17/25 1675 DURFEE AVE	141.13
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002714	04/08/2025	2/13-3/17/25 1450 LIDCOMBE	228.48
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 1707 N MERCED AVE	30.55
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 MERCED N/W SANTA ANITA	62.29
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 N/E MERCED SANTA ANITA	141.13
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 10452 RUSH ST	79.88
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 1500 N CENTRAL AVE	6,901.71
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 1824 CENTRAL AVE	934.03
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 1415 SANTA ANITA AVE	396.07
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 2000 SANTA ANITA AVE	68.33
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 1530 CENTRAL AVE	309.31
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 1819 N CENTRAL AVE	378.89
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 1900 CENTRAL AVE	189.72
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 1652 TYLER AVE	141.13
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 2022 N CENTRAL AVE	120.44
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 1819 N MERCED AVE	91.43
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 N LERMA/ MILLET	245.95
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002715	04/08/2025	2/14-3/18/25 1556 CENTRAL AVE	511.83
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002716	04/08/2025	2/12-3/14/25 11016 GOMEZ PALACIO DR	24.64
01.0170.1730.5720	SAN GABRIEL VALLEY WATER	DFT0002717	04/08/2025	2/12-3/14/25 1926 DURFEE AVE	228.48
01.0170.1100.5406	SPARKLETTS	DFT0002718	04/08/2025	MAR'25 WATER SVCS	35.82
01.0170.7020.5406	SPARKLETTS	DFT0002718	04/08/2025	MAR'25 WATER SVCS	35.82
02.0170.1760.5966	US BANK VOYAGER FLEET SYS	DFT0002719	02/26/2025	12/26-1/23/25 FUEL-CITY TRANSPORTATION	935.27
37.0670.6720.5966	US BANK VOYAGER FLEET SYS	DFT0002719	02/26/2025	12/26-1/23/25 FUEL-CITY TRANSPORTATION	3,648.13
44.0800.8010.5966	US BANK VOYAGER FLEET SYS	DFT0002719	02/26/2025	12/26-1/23/25 FUEL-CITY TRANSPORTATION	546.35
				Grand Total	**$ 487,888.88**

Authorization Signatures



Rene Salas, City Manager

City Council Agenda Report
Agenda Item No. 7.d.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Gerardo Marquez, Interim Director of Community Development

SUBJECT: 2024 HOUSING ELEMENT ANNUAL PROGRESS REPORT

SUMMARY: The 2024 Housing Element Annual Progress Report summarizes the City's progress with regard to the implementation of the goals, policies, and programs of the City's General Plan. It also summarizes the activities of the Community Development Department from January 1, 2024, through December 31, 2024. This report was submitted on April 1, 2025, per state mandate and was approved by the State Department of Housing and Community Development (HCD).

RECOMMENDED ACTION: Staff recommends that the City Council receive and file the Housing Element Annual Progress Report for Calendar Year 2024.

FISCAL/FINANCIAL IMPACT: No Fiscal Impact

DISCUSSION: The report has been prepared in compliance with California Government Code Section 65400 et. seq., which mandates the Planning Commission annually submit to the City Council, State Office of Planning and Research, and the Department of Housing and Community Development the status of the General Plan and the progress the City has made on implementing the goals and policies of the General Plan. During 2024, the Building Department issued permits for 90 total new units 8 of which were Accessory Dwelling Units (ADU's). The 90 units were then categorized into different affordability tiers that ranged from very low to above moderate-income levels. These units were categorized by taking the average rental rates per square feet from adjacent jurisdictions and applying them to each individual unit which permits were provided for.

Income Level	2021-2029 RHNA Allocation	Projection Period 6/30/21-10/14/21	2021	2022	2023	2024	Total Units to Date	Total Remaining RHNA by Income Level
Very Low (0-30% of AMI)	131	0	0	0	5	3	8	123
Low (30-50% of AMI)	64	3	1	0	7	9	20	44
Moderate (50 to 80% of AMI)	70	0	0	0	10	70	80	-
Above Moderate (>80% of AMI)	312	0	1	22	1	8	32	280
Total	577	3	2	22	23	90	140	447

The Housing Element Annual Progress Report is attached hereto for the Planning Commission's consideration. The report provides specific building records for the accounted units, goals and policies of the City of South El Monte Housing Element, LEAP Grant status information. Programs and policies that were reported to the state range from Code Enforcement Program which looks to coordinate the distribution of Homeowner Rehabilitation Assistance/ OOR Rehabilitation Program funding with code enforcement case data to assist eligible households to more long range planning such as the General Plan and Zoning Ordinance review and update.

CEQA

The Housing Element Annual Progress Reports does not qualify as a project as defined in the California Code of Regulations Section 15378(a). The report is an administrative activity conducted by the City that will not result in direct or indirect physical changes in the environment. Further, the Annual Progress Reports are exempt from review under the California Environmental Quality Act (CEQA), pursuant to California Code of Regulations Section 15601(b)(3). The activity is covered by the commonsense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ATTACHMENT(S):

A. REPORT 2024 SEM

Please Start Here

General Information	
Jurisidiction Name	South El Monte
Reporting Calendar Year	2024
Contact Information	
First Name	GERARDO
Last Name	MARQUEZ
Title	INTERIM COMMUNITY DEVELOPMENT DIRECTOR
Email	GMARQUEZ@SOELMONTE.ORG
Phone	6265796540
Mailing Address	
Street Address	1415 SANTA ANITA
City	SOUTH EL MONTE
Zipcode	91733

Optional: Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

Click here to download APR Instructions

Click here to add rows to a table. If you add too many rows, you may select a cell in the row you wish to remove and type ctrl + d.

v_03_03_25

Optional: This runs a macro which checks to ensure all required fields are filled out. The macro will create two files saved in the same directory this APR file is saved in. One file will be a copy of the APR with highlighted cells which require information. The other file will be list of the problematic cells, along with a description of the nature of the error.

Optional: Save before running. This copies data on Table A2, and creates another workbook with the table split across 4 tabs, each of which can fit onto a single page for easier printing. Running this macro will remove the comments on the column headers, which contain the instructions. Do not save the APR file after running in order to preserve comments once it is

Optional: This macro identifies dates entered that occurred outside of the reporting year. RHNA credit is only given for building permits issued during the reporting year.

Link to the online system: https://hcd.my.site.com/hcdconnect

Toggles formatting that turns cells green/yellow/red based on data validation rules.

Submittal Instructions

Please save your file as Jurisdictionname2024 (no spaces). Example: the city of San Luis Obispo would save their file as SanLuisObispo2024

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

1. **Online Annual Progress Reporting System - Please see the link to the online system to the left.** This allows you to upload the completed APR form into directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*

2. **Email -** If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

Jurisdiction	South El Monte	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Housing Element Planning Period	6th Cycle	10/15/2021 - 10/15/2029

Building Permits Issued by Affordability Summary		
Income Level		**Current Year**
Very Low	Deed Restricted	3
	Non-Deed Restricted	0
Low	Deed Restricted	5
	Non-Deed Restricted	4
Moderate	Deed Restricted	0
	Non-Deed Restricted	70
Above Moderate		8
Total Units		**90**

Note: Units serving extremely low-income households are included in the very low-income

Units by Structure Type	**Entitled**	**Permitted**	**Completed**
Single-family Attached	5	5	0
Single-family Detached	3	3	0
2 to 4 units per structure	1	1	0
5+ units per structure	0	73	0
Accessory Dwelling Unit	24	8	2
Mobile/Manufactured Home	0	0	0
Total	**33**	**90**	**2**

Infill Housing Developments and Infill Units Permitted	**# of Projects**	**Units**
Indicated as Infill	37	90
Not Indicated as Infill	0	0

Housing Applications Summary	
Total Housing Applications Submitted:	15
Number of Proposed Units in All Applications Received:	18
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

Use of SB 423 Streamlining Provisions - Applications	
Number of SB 423 Streamlining Applications	0
Number of SB 423 Streamlining Applications Approved	0

Units Constructed - SB 423 Streamlining Permits			
Income	**Rental**	**Ownership**	**Total**
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	**0**	**0**	**0**

Streamlining Provisions Used - Permitted Units	**# of Projects**	**Units**
SB 9 (2021) - Duplex in SF Zone	0	0
SB 9 (2021) - Residential Lot Split	0	0
AB 2011 (2022)	0	0
SB 6 (2022)	0	0
SB 423 (2023)	0	0

Ministerial and Discretionary Applications	**# of**	**Units**
Ministerial	15	18
Discretionary	0	207

Density Bonus Applications and Units Permitted	
Number of Applications Submitted Requesting a Density Bonus	0
Number of Units in Applications Submitted Requesting a Density Bonus	0
Number of Projects Permitted with a Density Bonus	1
Number of Units in Projects Permitted with a Density Bonus	73

Housing Element Programs Implemented and Sites Rezoned	**Count**
Programs Implemented	18
Sites Rezoned to Accommodate the RHNA	0

Jurisdiction	South El Monte
Reporting Year	2024 (Jan. 1 - Dec. 31)
Planning Period	6th Cycle 10/15/2021 - 10/15/2029

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table A
Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bo Applica
1					2	3	4	5							6	7	8	9	10
Prior APN+	Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Please select state streamlining provision/s the application was submitted pursuant to.	Did the housing development application seek incentives or concessions pursuant to Government Code section 65915?
Summary Row: Start Data Entry Below								0	0	0	6	0	12	0	18	0	0		
	8102-025-017	2442 ADEILIA		CONSULT-24-80	ADU	O	11/21/2024						1		1			NONE	No
	8104-017-017	2408 LORIN		CONSULT-24-75	ADU	O	10/24/2024				1				1			NONE	No
	8116-008-003	1455 MILLET		CONSULT-24-73	ADU	O	45573						1		1			NONE	No
	8103-011-015	10425 KLINGERMAN		CONSULT-24-69	ADU	O	9/5/2024						1		1			NONE	No
	8117-020-002	1340 KAYFORD		CONSULT-24-67	ADU	O	8/28/2024				1				1			NONE	No
	8102-035-012	2620 MARYBETH		CONSULT-24-66	ADU	O	8/26/2024						1		1			NONE	No
	8118-006-026	10923 GALAX		CONSULT-24-61	ADU	O	8/14/2024						1		1			NONE	No
	8103-007-004	2542 CENTRAL		CONSULT-24-56	ADU	O	7/31/2024				1		1		2			NONE	No
	8103-007-016	2533 ;UDER		CONSULT-24-43	ADU	O	6/3/2024				1				1			NONE	No
	8103-023-061	10103 KLINGERMAN		CONSULT-24-38	ADU	O	5/18/2024						1		1			NONE	No
	8116-008-028	1434 STROZIER		CONSULT-24-27	ADU	O	3/25/2024						1		1			NONE	No
	8114-033-006	1624 LEAFDALE		CONSULT-24-26	ADU	O	3/22/2024						1		1			NONE	No
	8102-026-031	5220 TAMORA		CONSULT-24-18	ADU	O	3/7/2024				2				2			NONE	No
	8104-022-013	2214 CONTINENTAL		CONSULT-24-11	ADU	O	2/15/2024						1		1			NONE	No
	8103-011-017	10407 KLINGERMAN		CONSULT-24-10	2 to 4	O	1/20/2024						2		2			SB 9 (2021) - Duplex in SF Zone	No
	8102-037-029	2540 ROSEMEAD		CONSULT-25-17	SFA	O	3/6/2025	3		3				32	38			NONE	Yes
	8102-037-029	2540 ROSEMEAD		CONSULT-25-18	SFD	O	3/6/2025					15		154	169			NONE	Yes
															0				
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Jurisdiction	South El Monte	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table A2
Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier					Unit Types		Affordability by Household Incomes - Completed Entitlement								Affordability by Household Incomes - Building Permits							Affordability by Household Incomes - Certificates of Occupancy										Streamlining	Infill	Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	Term of Affordability or Deed Restriction	Demolished/Destroyed Units			Density Bonus				Notes
1					2	3	4							5	6	7							8	9	10							11	12	13	14	15	16	17	18	19	20			21	22	23	24	25
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement Date Approved	# of Units Issued Entitlements	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued	# of Units Issued Building Permits	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Certificates of Occupancy or other forms of readiness (see instructions) Date Issued	# of Units issued Certificates of Occupancy or other forms of readiness	How many of the units were Extremely Low Income?	Please select the state streamlining provision the project was APPROVED pursuant to. (may select multiple)	Infill Units? Y/N*	Assistance Programs for Each Development (may select multiple - see instructions)	Deed Restriction Type (may select multiple - see instructions)	For units affordable without financial assistance or deed restrictions, explain how the locality determined the units were affordable (see instructions)	Term of Affordability or Deed Restriction (years) (If affordable in perpetuity enter 1000)*	Number of Demolished/Destroyed Units	Demolished or Destroyed Units	Demolished/ Destroyed Units Owner or Renter	Total Density Bonus Applied to the Project (Percentage Increase in Total Allowable Units or Total Maximum Allowable Residential Gross Floor Area)	Number of Other Incentives, Concessions, Waivers, or Other Modifications Given to the Project (Excluding Parking Waivers or Parking Reductions)	List the incentives, concessions, waivers, and modifications (Excluding Parking Waivers or Parking Modifications)	Did the project receive a reduction or waiver of parking standards? (Y/N)	Notes*	
Summary Row: Start Data Entry Below							0	1	0	7	0	18	9		33	3	0	5	4	0	70	8		90	0	0	0	0	0	2	0		2	8						0								
	RES-ACC-24-033	2442 ADELIA		RES-ACC-24-033	ADU	R						1		12/16/2024	1								12/16/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-034	10405 WEAVER		RES-ACC-24-034	ADU	R							1	12/5/2024	1								12/5/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-032	1340 KAYFORD		RES-ACC-24-032	ADU	R				1				11/6/2024	1								11/6/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-031	2620 MARYBETH		RES-ACC-24-031	ADU	R						1		10/16/2024	1								10/16/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-029	1624 LEAFDALE		RES-ACC-24-029	ADU	R							1	9/19/2024	1								9/19/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-026	2550 TAMORA		RES-ACC-24-026	ADU	R				1				8/15/2024	1								8/15/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-025	2550 TAMORA		RES-ACC-24-025	ADU	O				1				8/14/2024	1								8/14/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-024	10116 ALPACA		RES-ACC-24-024	ADU	R				1				8/1/2024	1								8/1/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-25-001	10116 ALPACA		RES-ACC-25-001	ADU	R		1						8/1/2024	1								8/1/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-023	10925 GALAX		RES-ACC-24-023	ADU	R						1		7/15/2024	1								7/15/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-022	10407 KLINGERMAN		RES-ACC-24-022	ADU	R							1	6/11/2024	2						1		6/11/2024	1								1		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-018	10422 SCHMIDT		RES-ACC-24-018	ADU	R						1		4/18/2024	1								4/18/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-017	1809 PENN MAR		RES-ACC-24-017	ADU	R							1	4/12/2024	1								4/12/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-015	2214 CONTINENTAL		RES-ACC-24-015	ADU	R						1		4/8/2024	1								4/8/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-014	1434 STROZIER		RES-ACC-24-014	ADU	R						1		4/4/2024	1								4/4/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-013	2509 TAMORA		RES-ACC-24-013	ADU	R							2	3/4/2024	2								3/4/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-009	10928 GALAX		RES-ACC-24-009	ADU	R						1		2/8/2024	1								2/8/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-008	11018 KLINGERMAN		RES-ACC-24-008	ADU	R							1	1/24/2024	1								1/24/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-006	1626 PENMAR		RES-ACC-24-006	ADU	R				1				1/22/2024	1				1				1/22/2024	1				1				1	3/3/2025	1		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-005	1634 HAVENPARK		RES-ACC-24-005	ADU	R						1		1/17/2024	1								1/17/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-003	1649 FRUITVALE		RES-ACC-24-003	ADU	R						1		1/10/2024	1						1		1/10/2024	1						1		1	12/16/2024	1		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-002	11450 LINARD		RES-ACC-24-002	ADU	R						1		1/8/2024	1						1		1/8/2024	1						1		1	11/25/2024	1		NONE	Y			average rental rates in comparable jurisdictions									
	RES-ACC-24-001	11451 FARNDON		RES-ACC-24-001	ADU	R				1				1/3/2024	1							1	1/3/2024	0								0		NONE	Y			average rental rates in comparable jurisdictions									
	8102-037-029	2540 AVALON ST		RES-NEW-24-010	SFD	O							1	11/18/2024	1							1	11/18/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	8102-037-029	2538 AVALON		RES-NEW-24-011	SFD	O							1	8/13/2024	1							1	8/13/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	8102-037-029	2535 ACADEMY		RES-NEW-24-012	SFA	O						1		8/13/2024	1						1		8/13/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	8102-037-029	9400 STARLITE		RES-NEW-24-013	SFA	O						1		8/13/2024	1						1		8/13/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	8102-037-029	2533 ACADEMY		RES-NEW-24-014	SFA	O						1		8/13/2024	1						1		8/13/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	8102-037-029	2531 ACADEMY		RES-NEW-24-015	SFA	O						1		8/13/2024	1						1		8/13/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	8102-037-029	2529 ACADEMY		RES-NEW-24-016	SFA	O						1		8/13/2024	1						1		8/13/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	8102-037-029	2542 AVALON		RES-NEW-24-009	SFD	O						1		8/13/2024	1						1		8/13/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	8103-011-017	10407 KLINGERMAN		RES-NEW-24-005	2 to 4	R				1				9/13/2024	1				1				8/13/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	5281-002-022	2727 ROSEMEAD		COM-NEW-22-004	5+	R	3		5			59	6	9/13/2022	73	3		5			59	6	1/1/2024	73								0	0	NONE	Y	Other	DB	average rental rates in comparable jurisdictions				10.0%		0	Other	No	
	8102-025-022	2547 TAMORA		RES-ACC-23-005	ADU	R				1				2/8/2023	1				1				1/1/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	8117-018-020	9909 LAWTON		RES-ACC-23-036	ADU	R						1		7/20/2023	1						1		7/18/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	8116-010-001	1641 HAVENPARK		RES-ACC-23-045	ADU	R						1		8/24/2023	1						1		9/3/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									
	8113-007-006	11428 BROADMEAD		RES-ACC-23-071	ADU	R				1				12/27/2023	1				1				12/10/2024	1								0		NONE	Y			average rental rates in comparable jurisdictions									

Jurisdiction	South El Monte	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.

Please contact HCD if your data is different than the material supplied here

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

		1	Projection Period	2									3	4
Income Level		**RHNA Allocation by Income Level**	**Projection Period - 06/30/2021-10/14/2021**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**	**2029**	**Total Units to Date (all years)**	**Total Remaining RHNA by Income Level**
Very Low	Deed Restricted	131	-	-	-	-	3	-	-	-	-	-	8	**123**
	Non-Deed Restricted		-	-	-	5	-	-	-	-	-	-		
Low	Deed Restricted	64	3	1	-	-	5	-	-	-	-	-	20	**44**
	Non-Deed Restricted		-	-	-	7	4	-	-	-	-	-		
Moderate	Deed Restricted	70	-	-	-	-	-	-	-	-	-	-	80	**-**
	Non-Deed Restricted		-	-	-	10	70	-	-	-	-	-		
Above Moderate		312	-	1	22	1	8	-	-	-	-	-	32	**280**
Total RHNA		**577**												
Total Units			**3**	**2**	**22**	**23**	**90**	**-**	**-**	**-**	**-**	**-**	**140**	**447**

Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).

	5		2021	2022	2023	2024	2025	2026	2027	2028	2029	6	7
	Extremely low-Income Need											**Total Units to Date**	**Total Units Remaining**
Extremely Low-Income Units*	66		-	-	5	-	-	-	-	-	-	**5**	**61**

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Please Note: Table B does not currently contain data from Table F or Table F2 for prior years. You may login to the APR system to see Table B that contains this data.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

VLI Deed Restricted
VLI Non Deed Restricted

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Jurisdiction	South El Monte	
Reporting Year	2024	(Jan. 1 - Dec. 31)

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	**Objective**	**Timeframe in H.E**	**Status of Program Implementation**
CREATION OF ADEQUATE SITES	**•Rezone to create additional opportunities for approximately 60 to 110 new lower- and moderate-income units. •Invest $7.3 million dollars of targeted community investments and neighborhood improvements, including infrastructure improvements, ADA accessibility, and enhanced pedestrian mobility, through the Santa Anita Avenue Complete Streets Revitalization project.**	**2021-2029**	**This is an ongoing effort and will continue**

IMPLEMENTATION OF MIXED USE (C-R) ZONE	**The City amended the Zoning Ordinance to permit mixed-use development using the new C-R zone district, the designation will permit both stand-alone infill residential development as well as traditional mixed-use development where commercial uses and residential uses are located in the same structure.(Commercial Residential) zone district.**	**Continuous**	**This is an ongoing effort and will continue**
GENERAL PLAN AND ZONING ORDINANCE REVIEW AND UPDATE.	**There will be an annual review of the General Plan to document its consistency with the Housing Element goals, policies, and programs.**	**Continuous**	**This is an ongoing effort and will continue**
SECOND UNIT HOUSING PROGRAM	**The first element of this program involves the continued use of a zoning provision that will continue to permit the development of an additional (second) housing unit on any R-1 Zoned lot. The additional housing units are permitted by right as long as they conform to the development standards for the R-1 Zone. An expanded component of this existing program will permit the City to waive application fees if the property owner agrees to an affordability covenant that would place an affordability restriction on the new units for a given period.**	**Continuous**	**The Accessory Dwelling Unit Ordinace was amended and adpoted in the last quarter of 2017. The City continues to promote this program.**

HOUSING CHOICE VOUCHER PROGRAM	**A federally funded rental program that assists very low-income families, elderly, and disabled households. Decent, safe, and sanitary housing units are provided to households through rental vouchers. Participants may find their own housing including single-family homes, townhouse, and apartments. The Baldwin Park Housing Authority administers the Housing Vouchers for five jurisdictions in the region including South El Monte. Participants are able to select any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects. The City of South El Monte has approximately 40 residents who currently participate in this program.**	**Continuous**	**This program is ongoing.**
IDENTIFICATION OF ELI AND LOW INCOME HOUSING FUNDING SOURCES	**The City proactively continues to pursue available funding sources to assist in the development of lower income, including extremely low-income housing. The City continues to apply for State and Federal assistance including, but not limited to, CDBG and Home funding. Other funding sources will continue to be explored including Prop 1-C and Local Housing Trust Funds.**	**Continuous**	**This program is ongoing and will be continued.**

LOT CONSOLIDATION PROGRAM	**In the absence of redevelopment, the City has limited options to assemble individual privately-owned properties for new larger developments. As a result, the City is required to rely solely on the private market to accomplish a consolidation of lots. This program is an ongoing program that recognizes the importance of public-private partnerships in assembling and redeveloping infill parcels.**	**Continuous**	**The program is ongoing and will be continued.**
EMERGENCY HOUSING PROGRAM	**The City recently amended the Zoning Ordinance to permit emergency shelters in an area located in the northwestern portion of the City just south of Garvey Avenue and west of Rosemead Boulevard. The City's Zoning Ordinance was amended to permit such uses by right without discretionary review within this zone, and to ensure emergency shelters are only subject to the same development and management standards that apply to other allowed uses within the overlay area. This zone was specifically selected because of its proximity to transportation, public services, and the underlying uses that could more easily accommodate the use.**	**2021-2029**	**The rezoning has been completed though the City will continue to ensure that the available zoning is identified so that it may be effectively implemented.**

REPLACEMENT HOUSING PROGRAM	**•Develop a system for tracking all development proposals on sites identified in the inventory and develop a system for ensuring developer compliance with replacement requirements. •Enforce replacement requirements in accordance with Government Code Section 66300 for 100% of all applicable projects.**	**2021-2029**	**Upon housing element adoption**
CODE ENFORCEMENT PROGRAM	**Coordinate distribution of Homeowner Rehabilitation Assistance/ OOR Rehabilitation Program funding with code enforcement case data to assist eligible households with incomes at or below 80 percent of the AMI and serve an anticipated total of 20 households through the OOR program that are in need of rehabilitation assistance located in low resource or areas of high segregation and poverty and higher need.**	**2021-2029**	**The program is ongoing and will be continued.**
COUNTYWIDE AFFORDABLE RENTAL HOUSING DEVELOPMENT PROGRAM	**Financial assistance is provided through the provision of "gap" financing in the form of both short- and long-term loans for construction and permanent financing, as well asfunds for nonprofit housing developers and HOME-designated Community Housing Development Organization (CHDO) activities.**	**2021-2029**	**This program is administered by the Los Angeles County Development Authority (LACDA). The City promotes this program on an ongoing basis.**

COUNTYWIDE AFFORDABLE HOME OWNERSHIP PROGRAM	**This program provides funding in the form of second mortgages to increase home ownership units that are affordable to low- and moderate-income persons. This program facilitates the acquisition of existing structures suitable for home ownership opportunities for low- and moderate-income persons. Where appropriate, this program will be used in conjunction with the County's Housing Bond and Mortgage Credit Certificate Programs.**	**2021-2029**	**This program is administered through Los Angeles Urban County HOME allocation. The City promotes this program on an ongoing basis.**
FIRST TIME HOME BUYER PROGRAM	**The Cal Home First Homebuyers Program consists of a $25,000 down payment assistance program for qualified applicants. Depending on the project, the assistance may increase to a maximum amount of $60,000.00. The loan is zero interest and must be repaid in 30 years. The program evaluates family size, family income, citizenship/residency, and type of property being purchased. The City will increase transparency and certainty in the development process through objective design standards. Any new design standards developed and imposed by the City shall be objective without involvement of personal or subjective judgement by a public official and shall be uniformly verifiable by reference to the City's regulations**	**2021-2029**	**This program has expended it's funds through CalHome funds.**

MORTGAGE CREDIT CERTIFICATE PROGRAM	**The Mortgage Credit Certificate (MCC) Program leverages home ownership assistanceby issuing certificates to income-qualified first-time home buyers authorizing the household to take a credit against Federal income taxes of up to 20% of the annual mortgage interest paid. The mortgage payments are used to repay the bonds; there is no City guarantee required.**	**2021-2029**	**This program is offered through the County and it's funds.**
REASONABLE ACCOMMODATION PROGRAM	**Facilitate the development, maintenance, and improvement of housing for persons with disabilities; reduce processing time for reasonable accommodation requests by 50 percent.**	**Continuous**	**The program is ongoing and will be continued.**
GREEN CITY PROGRAM	**Green City" refers users to a wide range of initiatives designed to improve the local environment. Key elements include energy conservation measures, recycling, water conservation, and the use of alternative transit. The programs includes rebates for energy conserving refrigerators, water heaters, and other household appliances**	**Continuous**	**The program is ongoing and will be continued.**

WATER CONSERVATION PROGRAM	**The City of South El Monte shall promote water conservation (drought-tolerant landscaping, water conserving plumbing fixtures, etc.) in the review of new development.**	**Continuous**	**The program is ongoing and will be continued.**
FAIR/EQUAL HOUSING PROGRAM	**This City program is designed to promote equal housing opportunities in South El Monte**	**Continuous**	**The program is ongoing and will be continued.**

City Council Agenda Report
Agenda Item No. 7.e.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Adrian Garcia, MMC, City Clerk, Susie Altamirano, Interim City Attorney

SUBJECT: CONSIDERATION OF FIRST READING OF ORDINANCE NO. 1281, ESTABLISHING A CITY HOMELESS COMMISSION.

SUMMARY: Staff is seeking City Council to introduce first reading of Ordinance No. 1281, Establishing a City Homeless Commission.

RECOMMENDED ACTION: Staff recommends City Council waive first reading and introduce Ordinance No. 1281, Establishing a City Homeless Commission

FISCAL/FINANCIAL IMPACT: Staff estimates a total of $500 fiscal impact in this Fiscal Year. Staff will budget $6,000 in FY 2025-2026.

DISCUSSION: At its Regular City Council Meeting of March 18, 2025, the City Council provided staff direction to bring back an Ordinance establishing a City Homeless Commission with 5 members and shall hold meetings monthly.

ATTACHMENT(S):

A. Ordinance No. 1281

ORDINANCE NO. 1281

AN ORDINANCE OF THE CITY OF SOUTH EL MONTE ESTABLISHING A CITY HOMELESS COMMISSION

THE CITY COUNCIL OF THE CITY OF SOUTH EL MONTE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 2.52 (Homeless Commission) is hereby added to Title 2 (ADMINSTRATION AND PERSONNEL) of the South El Monte Municipal Code to read as follows:

Chapter 2.52

HOMELESS COMMISSION

2.52.010 **Commission created**.

The City of South El Monte hereby creates a homeless commission to act in an advisory capacity to the City Council.

2.52.020 **Membership**.

The homeless commission shall consist of five (5) city residents appointed by a majority of the city council. No city employee is eligible to serve as a member of the commission. No person shall remain a member if that person ceases being a resident of the city. The term of office for members shall be one (1) year. Notwithstanding the foregoing, a member shall continue to serve until a qualified successor assumes that member's seat. If a vacancy occurs during the term, the council shall appoint a qualified successor to serve the remainder of the term. A majority of the council may remove a member at any council meeting.

2.52.030 **Compensation of members**.

Each member of the homeless commission shall be compensated at such rate as the city council may from time to time fix by resolution.

2.52.040 **Absence from meetings**.

If, without cause, a member of the homeless commission is absent from three (3) successive meetings of the commission, other than by permission of the commission expressed in its official minutes, the office of such a member shall be deemed to be vacant and the term of such member terminated. The homeless commission shall immediately inform the city council of such termination.

2.52.050 **Absence for cause**.

An absence due to illness or an unavoidable absence from the city shall be deemed absence for cause if written notice thereof is sent to the homeless commission on or before the day of any regular meeting of the commission.

2.52.060 **Regular meeting**.

A regular meeting as provided by law or by rule of the homeless commission shall be deemed a regular meeting for the purpose of this chapter.

2.52.070 **Organization**.

The homeless commission shall elect its chairperson from among its appointed members for a term of one year, and subject to other provisions of law, may create and fill such other offices as it may determine. The homeless commission shall adopt rules for transaction of business and shall keep a record of the resolutions, transactions, findings and determinations, which record shall be a public record.

2.52.080 **Purpose**.

A. The homeless commission shall act in an advisory capacity to the city council in all matters and efforts to address, assist and alleviate the growing population of unhoused individuals, or those on the verge of becoming unhoused, residing in the City.

B. To accomplish its purpose, the homeless commission may:

1. Identify short-term and long-term strategies to decrease the homelessness and provide guidance and direction to the city council regarding the adoption and/or implementation of policies respective to those issues;

2. Confer with local, state and federal organizations and programs in response to homelessness and disseminate information regarding relevant policies, organizations or events to help strengthen the city's own policies and strategies; and

3. Provide a platform for the city to directly engage and foster cooperation with the homeless population in the community.

2.52.090 **Amendment by Ordinance.**

This chapter may be amended by Ordinance of the City Council

Section 2: The City Clerk shall certify to the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this ___ day of _____ 2025.

_____
Gloria Olmos, Mayor

ATTEST:

_____
Adrian Garcia, MMC, City Clerk

APPROVED AS TO FORM:

_____
Susie A. Altamirano, Interim City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF SOUTH EL MONTE)

I, Adrian Garcia, City Clerk of the City of South El Monte, do hereby certify that the foregoing Ordinance No. 1281, was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ___ day of _____ 2025 and that thereafter, said Ordinance was duly passed and adopted by the City Council of the City of South El Monte at a regular meeting of said Council held on the __ day of ___ 2025, by the following vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):

_____
Adrian Garcia, MMC, City Clerk

City Council Agenda Report
Agenda Item No. 7.f.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Iyob Tessema, Director of Human Resources & Risk Management

SUBJECT: CONSIDERATION AND APPROVAL OF RESOLUTIONS 25-038 AND 25-039 CREATING NEW CLASSIFICATIONS AND UPGRADING A CERTAIN JOB DESCRIPTION & PAY

SUMMARY: Approval of the attached resolutions would create the new classification of Director of Economic Development, and associated compensation ranges. The position of Director of Community Development would be upgraded to include Public Works and compensation increased.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolutions No. 25-038 and 25-039, creating the position of Director of Economic Development and upgrading the existing position of Director of Community Development to the Director of Community Development & Public Works with an expanded job description and adjusted compensation.

FISCAL/FINANCIAL IMPACT: Both Department Head positions are Unclassified, "At-Will, Exempt" positions governed by respective Employment Agreements ("Employment Contracts"). The Salary Ranges and position titles of the Unclassified, Exempt At-Will positions are as follows:

UNCLASSIFIED, EXEMPT, AT-WILL	MONTHLY SALARY
1. Director of Economic Development	$12,155 - $16,666
2. Director of Community Development &Public Works	$12,155 - $16,666

Assuming the positions are filled at "Step E", with benefits averaging 35%, the fiscal impacts are as follows:

Director of Economic Development: $16,666 x 12 = $200,000 x 1.35 = $270,000.

Director of Community Development &
Public Works: $16,666 x 12 = $200,000 x 1.35 = $270,000.

DISCUSSION: The following positions are recommended for changes:

Director of Economic Development – Create a new classification with a proposed compensation range of $12,155/month – $16,666/month. The class specification is an Executive Management position (Department Head) responsible for all Economic Development Services; such as but not limited to: Advanced planning, capital projects, land use, courting new businesses, negotiating contractual agreements with grantors, developers, and brokers. The creation of this new classification became necessary due to the overall re-structuring of City Administration to better meet the specific needs of City governance.

Director of Community Development & Public Works – The former Executive Management position of Director of Community Development (Department Head) is proposed to be upgraded and restructured to incorporate oversight of the Department of Public Works, forming a new, consolidated role: Director of Community Development & Public Works. This revised classification carries a proposed salary range of $12,155/month to $16,666/month. The updated class specification encompasses full management responsibility for functions related to both Community Development and Public Works, including but not limited to Planning, Building Safety and Construction Management, Engineering, Streets, Grant Administration, and serving as a liaison to various Commissions and Committees. This reclassification is part of a broader reorganization of City Administration aimed at more effectively meeting the operational and governance needs of the City.

ATTACHMENT(S):

A. Resolution No. 25-038, Director of Economic Development
B. Exhibit A to Resolution 25-038, Director of Economic Development Class Spec
C. Resolution No. 25-039, Director of Community Development & Public Works.
D. Exhibit A to Resolution No. 25-039, Director of Community Development & Public Works Class Spec

ATTACHMENT A

RESOLUTION NO. 25-038

A RESOLUTION OF THE SOUTH EL MONTE CITY COUNCIL CREATING THE POSITION OF DIRECTOR OF ECONOMIC DEVELOPMENT & ADOPTING THE CLASS SPECIFICATION

WHEREAS, pursuant to City of South El Monte ("City") Municipal Code section 2.64.040 the City Manager is responsible for preparation and maintenance of a classification plan consisting of job specifications for all classifications in the City's classified service; and

WHEREAS, the City Manager recommends creating the position of Director of Economic Development in an effort to restructure the organization to better meet the present and future needs of the City; and

WHEREAS, the City Manager recommends the City adopt the class specification and salary range for the position of Director of Economic Development through the budget process; and

WHEREAS, the City has or will meet and confer with any affected employee organization regarding the implementation of the class specification, salary range, and any other substantial changes.

NOW, THEREFORE, THE SOUTH EL MONTE CITY COUNCIL DOES HEREBY RESOLVES, DETERMINES AND ORDERS AS FOLLOWS:

SECTION 1. The aforementioned recitals are incorporated herein by reference as set forth in full herein.

SECTION 2. The South El Monte City Council hereby approves the creation the classification of Director of Economic Development, and adopts the job description for the position, a copy of which is attached hereto as Exhibit A.

SECTION 3. The South El Monte City Council hereby approves the compensation range of $12,155- $16,666.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution.

SECTION 6. The Resolution shall take effect immediately upon its adoption by City Council.

PASSED, APPROVED AND ADOPTED this 15th day of April 2025.

_____
Gloria Olmos, Mayor

ATTEST:

_____
Adrian Garcia, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF SOUTH EL MONTE)

I, Adrian Garcia, City Clerk of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 25-038, was passed and approved by the City Council of the City of South El Monte, at a regular meeting of said Council held on the 15th day of April 2025, and that said Resolution was adopted by the following vote:

AYES:	Councilmember(s):
NOES:	Councilmember(s):
ABSENT:	Councilmember(s):
ABSTAIN:	Councilmember(s):

_____
Adrian Garcia, City Clerk

EXHIBIT A
TO RESOLUTION NO. 25-038

CITY OF SOUTH EL MONTE

DIRECTOR OF ECONOMIC DEVELOPMENT
At-Will, Exempt

DEFINITION

Under direction from the City Manager, serves as a member of the City's executive management team; plans, directs, organizes, budgets, coordinates and oversees the programs, projects, activities and operations of the Economic Development Department. He/She will establish and maintain liaison to the Planning Commission, capital improvement projects, other committees as needed, and the general public. He/She assures the integrity of all Economic Development services; is well versed in the principles methods and practices of economic development that includes strong negotiating and facilitation skills; has familiarity with the fundamentals of real-estate analysis including financial and economic review processes; and oversees the administration of professional consulting services contracts. Provides leadership regarding departmental strategies, resource requirements and competing priorities to attain community needs. Performs other duties as assigned.

SUPERVISION RECEIVED AND EXERCISED

Supervision is received from the City Manager. Supervision is exercised over Community Development & Public Works Department staff.

ESSENTIAL DUTIES

Assume full management responsibilities for both Departmental Services and Duties may include, but are not limited to, the following:

- Plans, organizes, and directs Economic Development operations including current and advanced planning, environmental planning (CEQA compliance), building and safety plan check, permitting, public service counter operations, building and grading inspections, business license program and inspections, and housing programs to achieve goals within available resources.

- Reviews major land use, businesses, construction and building projects with other Staff, Managers, Commissions, Committees, City Manager and City Council to enhance and maintain successful programs and projects to help shape the growth and development of the City’s infrastructure;

- Facilitates private development in the City through meetings and outreach to developers, brokers, and retail tenants.

- Obtain and manage state and federal grant monies for these and other projects;

- Oversee and review the engineering services activities including engineering design, development review, CIP planning and construction management;

- Understand Budgetary practices and economics in the field of Planning and economic development, direct the forecast of funds needed for staffing, equipment, materials and supplies, monitor and approve expenditures and implement mid-year adjustments;

- Manage the application process for acquiring and administering County, State, and Federal Grants;

- Represents the Economic Development to other line departments, elected officials, and outside agencies and organizations;
- Courts developers and businesses and negotiate contracts and agreements;
- Supervise and coordinate the technical research required in the economic development review process;
- Develop and Present highly technical & analyzed information, studies and reports, as well as ordinances, resolutions, and staff reports clearly and concisely to various divisions, commissions, City Council and lay groups orally and in writing;
- Serves as liaison to the City's Planning Commission; provide full administration and management of the agenda and projects in accordance with the rules as set forth in the Brown Act;
- Manages online customer services to the public and business community;
- Hires, trains, motivates, evaluates, disciplines, plans and organizes workloads for assigned staff and consultants;
- Analyzes local, State and Federal legislation; advises and develops City policy in the areas of planning, economic development, ;
- Oversees Citywide regulatory programs including the compliance reporting to various State and federal agencies; maintains the City's General Plan and Zoning Code;
- Engages intergovernmental organizations and represents the City in Economic Development forums;
- Perform a variety of public relations and outreach work related to Economic development, redevelopment, and planning activities;
- Generates private sector investment and economic development interest in the revitalization of properties in the City by working with real estate brokers, merchant builders and private investment firms;
- Evaluates business processes and implements modernization strategies, where needed; develops and leads staff to implement short and long-range plans and projects; assigns and coordinates staff to support year-round City and non-City special events.
- Manages the City's Housing Programs including the implementation of State grant funds.
- Responds to public inquiries about economic development, regulations and ordinances;
- Attend evening and weekend events and/or meetings; and
- Perform other duties as assigned by the City Manager.

JOB REQUIREMENTS

Knowledge:

- Principles and practices of Public Administration, Organization and Management;

- Principles, methods, and procedures of Economic Development ;
- Budget Techniques;
- City Municipal Code, General Plan, Subdivision Map Act;
- State and Federal regulations and legislation;
- Principles of urban design, planning and zoning laws, land develop process;
- Adept regulation research, English Language usage, writing and interpretation skills;
- Marketing and Public Relations, principles and techniques;
- Technology systems and relevant software applications;
- Supervise, evaluate, and direct assigned staff;
- Initiate, negotiate, and/or review complex development proposals;
- Adapt in a high-volume, fast-paced working atmosphere with multiple priorities;
- Develop comprehensive plans to meet future City needs/services;
- Deal constructively with conflict and develop effective resolutions; and
- Oversee and coordinate consulting engineers, developers and brokers effectively.

Competencies:

- Project Management – Ensures clear definition of project goal and criteria for success.
- Strategic View – Focuses on the future and where current trends will lead.
- Managing Change – Involves key stakeholder in planning and decision making.
- Process Improvement – Controlling and Improving processes and workflow.
- Organizational Design and Structure – Evaluates alternative organizational designs and selects the one best suited to meeting customer needs.
- Organizational Savvy – Understands the inner workings and interrelationships of the organization.
- Fiscal Acumen – Spends organizational funds wisely and strategically.
- Managing Performance – Sets and aligns individual performance goals with the goals of the unit and the overall organization.
- Empowering Others – Allocates responsibility to others according to their abilities and opportunities for development.
- Leadership – Creates a positive work environment in which all are motivated to do their best.
- Handling Conflict – Deals with interpersonally or politically challenging situations calmly and diplomatically, diffusing tension.
- Influencing – Persuades others to consider and adopt a new position or attitude on a topic.
- Presentation Skill – Delivers clear, organized, and persuasive messages.
- Innovation – Readily spots/identifies current opportunities for improvement.
- Gathering and Analyzing Data – Organizes, codes, aggregates, and disaggregates data for analysis and produces data that can be trusted.

MINIMUM QUALIFICATIONS

Experience:

Five (5) years increasingly responsible experience in urban planning, Public Administration, Economics, Engineering or closely related field. A Master's Degree in an applicable field is highly desirable. At least three years of increasingly responsible professional experience in the public

service sector, and in supervisory management capacity. Demonstrated commitment to collaboration, innovation, open and transparent communication, and fiscal management. Management certifications from accredited universities or institutions is also a plus.

Education:
Bachelor's degree in Urban and/or Regional planning, Geography, public administration, or a closely related field. A Master's degree is preferred.

Licenses and Certificates
Possession of a valid Class C California State Driver's License at the time of employment and continuously throughout employment.

PHYSICAL DEMANDS AND WORKING CONDITIONS
The physical demands and working conditions described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Physical Demands:
- Hand-eye coordination is necessary to operate computers and various pieces of office equipment.
- Frequently required to talk or hear.
- Sit; use hands to finger, handle, feel or operate objects, tools, or controls.
- Reach with hands and arms.
- Occasionally required to stand or walk.
- Occasionally lift and/or move up to 25 pounds.
- Vision abilities required for close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus.

Working Conditions:
- Sedentary, office settings.
- Some outdoor work is required in the inspection of various land use developments and construction sites.
- Exposure to weather conditions including wet and/or humid conditions, or airborne particles.
- Noise level in the work environment is usually quiet in the office, and moderate in the field.
- Ability to work extended hours, including evenings, weekends, and holidays in order to complete projects, and attend

ATTACHMENT C

RESOLUTION NO. 25-039

A RESOLUTION OF THE SOUTH EL MONTE CITY COUNCIL UPGRADING THE POSITION OF DIRECTOR OF COMMUNITY DEVELOPMENT TO BE RENAMED DIRECTOR OF COMMUNITY DEVELOPMENT & PUBLIC WORKS & ADOPTING THE EXPANDED CLASS SPECIFICATION

WHEREAS, pursuant to the City of South El Monte ("City") Municipal Code section 2.64.040 the City Manager is responsible for preparation and maintenance of a classification plan consisting of job specifications for all classifications in the City's classified service; and

WHEREAS, the City previously approved and adopted class specifications and a salary range for the position of Director of Community Development through the budget process; and

WHEREAS, the City Manager recommends upgrading of the position of Director of Community Development to be renamed the Director of Community Development & Public Works, and adopt the expanded class specification and a salary range for the position of Director of Community Development & Public Works through the budget process; and

WHEREAS, the City Manager recommends the upgraded position of the Director of Community Development & Public Works in an effort to restructure the organization to better meet the present and future needs of the City; and

WHEREAS, the City has or will meet and confer with any affected employee organization regarding the implementation of the class specification, salary range, and any other substantial changes.

NOW, THEREFORE, THE SOUTH EL MONTE CITY COUNCIL DOES HEREBY RESOLVES, DETERMINES AND ORDERS AS FOLLOWS:

SECTION 1. The aforementioned recitals are incorporated herein by reference as set forth in full herein.

SECTION 2. The South El Monte City Council hereby approves upgrading the position of Director of Community Development, and adopts the job description for the upgraded position of Director of Community Development & Public Works, a copy of which is attached hereto as Exhibit A.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each and every section, subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution.

SECTION 5. The Resolution shall take effect immediately upon its adoption by City Council.

PASSED, APPROVED AND ADOPTED this 15th day of April 2025.

_____
Gloria Olmos, Mayor

ATTEST:

_____
Adrian Garcia, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF SOUTH EL MONTE)

I, Adrian Garcia, City Clerk of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 25-039, was passed and approved by the City Council of the City of South El Monte, at a regular meeting of said Council held on the 15th day of April 2025 and that said Resolution was adopted by the following vote:

AYES:	Councilmember(s):
NOES:	Councilmember(s):
ABSENT:	Councilmember(s):
ABSTAIN:	Councilmember(s):

_____
Adrian Garcia, City Clerk

EXHIBIT A
TO RESOLUTION NO. 25-039

CITY OF SOUTH EL MONTE

DIRECTOR OF COMMUNITY DEVELOPMENT & PUBLIC WORKS
At-Will, Exempt

DEFINITION

Under direction from the City Manager, serves as a member of the City's executive management team; plans, directs, and coordinates the activities of the Community Development and Public Works Departments, which includes Planning, Building and Safety, Housing, Code Enforcement, Public Safety, Municipal Engineering, Field Services, Facilities, Fleet Management, Capital Improvement, Landscape, and Street Maintenance. He/She will develop and administer the department budget; establishes and maintains liaison to the Planning Commission and other committees as needed, the general public; well versed in the principles methods and practices of economic development that includes strong negotiating and facilitation skills; have familiarity with the fundamentals of real-estate analysis including financial and economic review processes; performs other duties as assigned.

SUPERVISION RECEIVED AND EXERCISED

Supervision is received from the City Manager. Supervision is exercised over Community Development & Public Works Department staff.

ESSENTIAL DUTIES

Assume full management responsibilities for both Departmental Services and Duties may include, but are not limited to, the following:

- Plans, organizes, and directs Community Development operations including current and advanced planning, environmental planning (CEQA compliance), building and safety plan check, permitting, public service counter operations, building and grading inspections, business license program and inspections, and housing programs to achieve goals within available resources;
- Enhance and maintain successful programs and projects to help shape the growth and development of the City's infrastructure;
- Obtain and manage state and federal grant monies for these and other projects;
- Oversee and review the engineering services activities including engineering design, development review, CIP planning and construction management;
- Understand Budgetary practices and economics in the field of Planning and economic development, direct the forecast of funds needed for staffing, equipment, materials and supplies, monitor and approve expenditures and implement mid-year adjustments;
- Develop specifications and bid documents for a variety of public works and public utilities-related designs, constructions and maintenance projects, recommend contract awards, negotiate contract provisions and coordinate, review, inspect, monitor, and approve contractor's performance;
- Manage the application process for acquiring and administering County, State, and Federal Grants;
- Represents the Community Development and Public Works Departments to other line departments, elected officials, and outside agencies and organizations;

- Courts developers and businesses and negotiate contracts and agreements;
- Supervise and coordinate the technical research required in the economic & public works review process;
- Develop and Present highly technical & analyzed information, studies and reports, as well as ordinances, resolutions, and staff reports clearly and concisely to various divisions, commissions, City Council and lay groups orally and in writing;
- Serves as Executive Officer of the City's Planning Commission; provide full administration and management of the agenda and projects in accordance with the rules as set forth in the Brown Act;
- Manages online customer services to the public and business community;
- Hires, trains, motivates, evaluates, disciplines, plans and organizes workloads for assigned staff and consultants;
- Analyzes local, State and Federal legislation; advises and develops City policy in the areas of planning, economic development, public works and public infrastructure;
- Oversees Citywide regulatory programs including the compliance reporting to various State and federal agencies; maintains the City's General Plan and Zoning Code;
- Engages intergovernmental organizations and represents the City in Community Development and Public Works forums;
- Perform a variety of public relations and outreach work related to community development, redevelopment, planning and public works activities;
- Generates private sector investment and economic development interest in the revitalization of properties in the City by working with real estate brokers, merchant builders and private investment firms;
- Oversees the enforcement of a variety of business license zoning requirements, codes, including Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, Uniform Electrical Code, Uniform Fire Code, Uniform Housing Code, Uniform Abatement of Dangerous Buildings Code;
- Oversee code enforcement and public safety activities and ensure compliance with appropriate laws, ordinances, and regulations;
- Evaluates business processes and implements modernization strategies, where needed; develops and leads staff to implement short and long-range plans and projects; assigns and coordinates staff to support year-round City and non-City special events;
- Manages the City's Housing Programs including the implementation of State grant funds;
- Responds to public inquiries about community development, planning/building, Public Works and zoning regulations and ordinances;
- Attend evening and weekend events and/or meetings; and
- Perform other duties as assigned by the City Manager.

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JOB REQUIREMENTS

Knowledge:

- Principles and practices of Public Administration, Organization and Management;
- Principles, methods, and procedures of City Planning, municipal public works, designing, maintenance, construction, Streets, Utilities and maintenance programs;
- Budget Techniques;
- City Municipal Code, General Plan, Subdivision Map Act;
- State and Federal regulations and legislation;
- Principles of urban design, planning and zoning laws, land develop process;
- Adept regulation research, English Language usage, writing and interpretation skills;
- Marketing and Public Relations, principles and techniques;
- Technology systems and relevant software applications;
- Supervise, evaluate, and direct assigned staff;
- Initiate, negotiate, and/or review complex development proposals;
- Adapt in a high-volume, fast-paced working atmosphere with multiple priorities;
- Develop comprehensive plans to meet future City needs/services;
- Deal constructively with conflict and develop effective resolutions; and
- Oversee and coordinate consulting engineers effectively.

Competencies:

- Project Management – Ensures clear definition of project goal and criteria for success.
- Strategic View – Focuses on the future and where current trends will lead.
- Managing Change – Involves key stakeholder in planning and decision making.
- Process Improvement – Controlling and Improving processes and workflow.
- Organizational Design and Structure – Evaluates alternative organizational designs and selects the one best suited to meeting customer needs.
- Organizational Savvy – Understands the inner workings and interrelationships of the organization.
- Fiscal Acumen – Spends organizational funds wisely and strategically.
- Managing Performance – Sets and aligns individual performance goals with the goals of the unit and the overall organization.
- Empowering Others – Allocates responsibility to others according to their abilities and opportunities for development.
- Leadership – Creates a positive work environment in which all are motivated to do their best.
- Handling Conflict – Deals with interpersonally or politically challenging situations calmly and diplomatically, diffusing tension.
- Influencing – Persuades others to consider and adopt a new position or attitude on a topic.
- Presentation Skill – Delivers clear, organized, and persuasive messages.
- Innovation – Readily spots/identifies current opportunities for improvement.
- Gathering and Analyzing Data – Organizes, codes, aggregates, and disaggregates data for analysis and produces data that can be trusted.

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MINIMUM QUALIFICATIONS

Experience:
Five (5) years increasingly responsible experience in urban planning, Public Administration, Economics, Engineering or closely related field. A Master's Degree in an applicable field is highly desirable. At least three years of increasingly responsible professional experience in the public service sector, and in supervisory management capacity. Demonstrated commitment to collaboration, innovation, open and transparent communication, and fiscal management. Management certifications from accredited universities or institutions is also a plus.

Education:
Bachelor's degree in land-use planning, urban planning, public administration, or a closely related field. A Master's degree is preferred.

Licenses and Certificates
Possession of a valid Class C California State Driver's License at the time of employment and continuously throughout employment.

PHYSICAL DEMANDS AND WORKING CONDITIONS
The physical demands and working conditions described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Physical Demands:

- Hand-eye coordination is necessary to operate computers and various pieces of office equipment.
- Frequently required to talk or hear.
- Sit; use hands to finger, handle, feel or operate objects, tools, or controls.
- Reach with hands and arms.
- Occasionally required to stand or walk.
- Occasionally lift and/or move up to 25 pounds.
- Vision abilities required for close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus.

Working Conditions:

- Sedentary, office settings.
- Some outdoor work is required in the inspection of various land use developments and construction sites.
- Exposure to weather conditions including wet and/or humid conditions, or airborne particles.
- Noise level in the work environment is usually quiet in the office, and moderate in the field.

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City Council Agenda Report

Agenda Item No. 8.a.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Gerardo Marquez, Interim Director of Community Development

SUBJECT: CONTINUED FROM THE APRIL 1, 2025, REGULAR CITY COUNCIL MEETING - APPEAL OF PLANNING COMMISSION RESOLUTION NO. 24-09, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM, AND APPROVAL OF CONDITIONAL USE PERMIT NO. CUP 21-13 TO ALLOW FOR THE DEVELOPMENT OF A NEW 156,877 SQUARE FOOT BUILDING TO BE LOCATED AT 2222 ROSEMEAD BOULEVARD

SUMMARY: APPEAL OF PLANNING COMMISSION RESOLUTION NO. 24-09

RECOMMENDED ACTION: Staff recommends that the City Council adopt the attached Resolution No. 25-035 (Attachment A) denying the Appeal and upholding the Planning Commission's decision on November 19, 2024.

FISCAL/FINANCIAL IMPACT: No impact anticipated.

DISCUSSION: On November 19, 2024, the Planning Commission adopted Resolution No. 24-09 approving Conditional Use Permit No. 21-13 (CUP), and adopting Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation and Monitoring Reporting Program (MMRP) prepared in compliance with the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21000 *et seq.*). Approval of the CUP involves the development of a new 156,877 square foot building that is comprised of approximately 113,877 square feet (sf) of warehouse space, 20,305 sf of office space, 7,879 sf of retail space, and 14,990 sf of warehouse storage space (Project), located at 2222 Rosemead Boulevard. As part of the processing of the CUP, staff contracted Kimley-Horn and Associates to prepare the IS/MND and the MMRP for the Project.

On November 27, 2024, the law firm of Adams Broadwell Joseph & Cardozo, on behalf of the Coalition of Responsible Equitable Economic Development Los Angeles (CREED LA), submitted an appeal to the Planning Commission's decision to approve the CUP for the development of the Project. CREED LA asserts the City improperly concluded that

there was no substantial evidence in the record demonstrating that the Project will not have a significant effect on the environment and the preparation of an environmental impact report (EIR) is required. In their appeal letter dated November 27, 2024, CREED LA indicated that they, including other members of the public, presented substantial evidence supporting a fair argument that the Project will result in potentially significant impacts on public health, air quality, greenhouse gas, energy, noise, transportation and public utilities. CREED LA argued that reasonably foreseeable impacts were not adequately analyzed nor appropriately mitigated by the IS/MND and an EIR is necessary to comply with CEQA.

During the circulation period for the IS/MND, CREED LA submitted a letter contesting the findings of the IS/MND. Those comments were reviewed and detailed responses were provided in the *Responses to Public Comments* document attached to the Planning Commission's agenda packet (Attachment C). Kimley-Horn concluded that the comments received did not raise any substantive environmental issues that would require recirculation of the IS/MND or the need for the preparation of an EIR. In addition, the mitigation measures prepared for and contained in the MMRP did not require any modifications as a result of the comments submitted.

On February 19, 2025, Kimley-Horn submitted responses to CREED LA's November 18, 2024 comments letter and the November 27, 2024 appeal letter of Planning Commission Resolution No. 24-09, which approved the CUP, the IS/MND, and MMRP. Kimley-Horn's responses are attached to this report as Attachment E. It should be noted that a majority of the issues presented in both the November 18, 2024 comment letter and the November 27, 2024 Appeal letter have been previously raised in a comment letter dated October 30, 2024, and have been addressed in prior written and oral responses. As noted, the responses to comments were incorporated into the City's staff report and are contained in the administrative record.

Subsequently, the appellant submitted an additional letter on January 27, 2025 and provided comments that were previously raised regarding hazardous materials and air quality. The attached Response Letter (Attachment F) addresses the issues raised by CREED LA pertaining to CEQA. The MMRP does include a minor revision, which has been included as Exhibit B to the attached Resolution. The minor revision to the MMRP does not trigger the need to recirculate the IS/MND or MMRP. As such, staff concurs with the revision to the MMRP and it is recommended that the City Council reject the appeal.

ATTACHMENT(S):

A. Resolution No. 25-035 - Appeal
B. Exhibit A to Resolution No. 25-035 - IS/MND
C. Exhibit B to Resolution No. 25-035 - MMRP
D. Exhibit C to Resolution No. 25-035 - Response to Comments - Nov 19 2024
E. Exhibit D to Resolution No. 25-035- Response to Comments - Feb 19
F. Exhibit E to Resolution No. 25-035 - Response to Comments - Mar 31
G. Exhibit F 2222 Rosemead Avenue Response to Comments Supplemental Response Memo
H. PC RES 24-09
I. Creed LA Comment Letter Oct. 18 2024
J. CREED LA Comment Letter November 18, 2024
K. November 27 - Appeal of Planning Commission Decision

L. CREED LA Comment Letter January 27, 2025

ATTACHMENT A

RESOLUTION 25-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH EL MONTE, CALIFORNIA, DENYING AN APPEAL OF PLANNING COMMISSION RESOLUTION NO. 24-09 ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE INDUSTRIAL BUILDING PROPOSED AT 2222 ROSEMEAD BOULEVARD, APPROVING THE MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING CONDITIONAL USE PERMIT NO. 21-13

WHEREAS, Rosemead Holding LLC ("Applicant") filed an application for a conditional use permit to develop a new 156,877 square foot building inclusive of approximately 113,877 square feet ("sf") of warehouse space, 20,305 sf of office space and 7,879 sf of retail space, and 14,990 sf of warehouse storage space ("Project"), located at 2222 Rosemead Boulevard, South El Monte ("Property"); and

WHEREAS, pursuant to South El Monte Municipal Code ("SEMMC") Section 17.03.060, the Project requires Planning Commission review and approval because the Project consists of request for a conditional use permit ("CUP"); and

WHEREAS, an Initial Study/Mitigated Negative Declaration ("IS/MND") (SCH No. 2024100046) was prepared in compliance with the California Environmental Quality Act ("CEQA") (Pub. Res. Code § 21000 *et seq.*), which is hereby attached and incorporated by reference as Exhibit "A"; and

WHEREAS, the IS/MND concluded that the Project would result in less than significant impact with the implementation of a mitigation measures and a Mitigation Monitoring and Reporting Program ("MMRP"), which is hereby attached and incorporated by reference as Exhibit "B"; and

WHEREAS, the IS/MND was made available for public review and comment October 1, 2024 to October 30, 2024; and

WHEREAS, During the 30-day comment period the City received five comment letters, to which the City prepared a Response to Comments that provided responses to such comments and supported by substantial evidence, which is hereby incorporated by reference as Exhibit "C" and included as a part of the IS/MND; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 19, 2024 to consider the CUP application and considered all evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 24-09 approving Conditional Use Permit No. 21-13, and adopting the associated IS/MND and MMRP that were prepared for this project; and

WHEREAS, Mitigation Measure MM-NOI-1, which prohibits truck movement and loading and unloading between the hours of 10:00 p.m. and 7:00 a.m., has been revised to include the construction of a 10-foot high noise attenuation wall along the southern property line, which is reflected in Exhibit "B"; and

WHEREAS, on November 27, 2024, Coalition of Responsible Equitable Economic Development Los Angeles ("CREED LA") filed a timely appeal of the Planning Commission's decision to approve the Project and adopt the associated IS/MND and MMRP, and that appeal was scheduled for a *de novo* public hearing for the January 28, 2025 City Council meeting; and

WHERAS, the City prepared an additional Response to Comments that is attached to this Resolution and hereby incorporated as Exhibit "D," which provided responses to such comments which were supported by substantial evidence and included as a part of the IS/MND; and

WHERAS, the City prepared an additional Response to Comments that is attached to this Resolution and hereby incorporated as Exhibit "E," which provided responses to such comments which were supported by substantial evidence and included as a part of the IS/MND; and

WHEREAS, a duly noticed *de novo* public hearing was scheduled for January 28, 2025, but the *de novo* public hearing was ultimately continued to the April 15, 2025 meeting; and

WHEREAS, on April 15, 2025, the City Council held a duly noticed public hearing, reviewed and considered all facts and evidence, both written and testimonial, pertaining to the CUP, IS/MND and MMRP; and

WHEREAS, after the close of such public hearing, the City Council adopted Resolution No. 25-031 to deny CREED LA's appeal, adopt the associated IS/MND and MMRP, and approve the CUP to permit the Project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of South El Monte, California, resolves, finds, determines, and orders as follows:

SECTION 1: The recitals above are true and correct and are incorporated by reference herein.

SECTION 2: After considering all testimony, both written and oral, presented at that hearing, the City Council hereby denies the appeal of Planning Resolution No. 24-09, which adopted the IS/MND and associated MMRP for the Project and approved CUP No. 21-13 for the construction of a new 156,877 square foot building, with warehousing, commercial, and office uses.

SECTION 3: Based on the entirety of the administrative record, the City Council hereby adopts the IS/MND and MMRP that was prepared for the project, in compliance with CEQA, which was made available for public review and comment October 1, 2024 to October 30, 2024. The Initial Study concluded that the Project will result in less than significant impacts with the implementation of mitigation measures. Therefore, the City prepared a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, which findings are supported by substantial evidence.

SECTION 4: The administrative record, inclusive of the documents and records for the Project, shall be kept with the City's Department of Community Development located at 1415 Santa Anita Avenue, El Monte, California and kept within the custody of the Director of Community Development.

SECTION 5: The City Clerk is directed to file a Notice of Determination as required by CEQA.

SECTION 6: Pursuant to SEMMC Section 17.03.060, the Project would not be detrimental to person or properties in the immediate vicinity nor to the City, in general.

A. The parcels directly adjacent to the Property are developed with warehouse and industrial uses comprised of warehousing and wholesale uses with ancillary office space. Additionally, the Project will be subject to conditions of approval that would prohibit outdoor storage or operation that have been incorporated in order to ensure that any future uses are not detrimental to adjacent properties or the City, in general.

B. As conditioned, the Project meets the requirements of SEMMC Section 17.03.060 and will not be detrimental to the public health, safety, or welfare, nor will it adversely affect the property values or the present or future development of the surrounding area, including the mobilehome park located adjacent south of the Property due to the requirement for the Project to construct a 10-foot noise barrier at the southern Property line, which has been included as a part of the MMRP as Mitigation Measure MM-NOI-1.

C. As conditioned, the Project will represent a quality establishment that will be compatible with surrounding commercial and manufacturing uses, the surrounding areas, and the City's goals. The Project will contribute to the general well-being of the City in that the Project benefits neighboring uses and will be an asset to the surrounding area as well as to the rest of the City. The Project will redevelop inactive sites that were primarily automobile repairs and sales establishments. The Project will reactivate the site into an enclosed facility.

D. As conditioned, the Project is consistent with the City's General Plan, and is compatible with the objectives, policies, general land uses, economic development and programs specified in the General Plan which includes, but is not limited to, the following goals:

Land Use Element

Policy 1.5: *Continue to provide opportunities for establishment and expansion of a broad range of industrial businesses within those areas of the City designated for industrial.* This project will serve the area by creating a single location for storage, wholesale, and retail operations for new businesses to establish their operations within the area.

Goal 2: *Focus new revenue-generating development in those areas of the City with high visibility.* The Project will redevelop and reactivate a vacant parcel and provide a new warehouse/wholesale and commercial mixed-use type of development to complement the existing adjacent sites along the already established Rosemead Boulevard.

Goal 3.0: *Accommodate new development that is compatible with and complement existing land uses* by allowing for the establishment an industrial building that contains warehouse, wholesale and retails use that fit within the other neighboring uses. Adjacent to the north, south, and west

of the Property are similar uses and types of buildings that are already established. While the Property is currently vacant, the Project will provide a new enclosed facility that will operate entirely within the building and there shall be no outdoor storage or operation of any kind.

Goal 6.0: *Provide for the revitalization of deteriorating land uses and properties.* The Property was previously comprised of automobile repair and sales facilities that are currently vacant and unutilized. The new development will not only reactivate a site that has been vacant for many years, but will also provide off-site improvements by restoring existing street pavement along the length of the Property frontage to the centerline of the street on Rosemead Boulevard, new sidewalk, curb ramps, curb and gutter, and driveways.

SECTION 7: Based on the entirety of the administrative record, inclusive of the foregoing findings, the City Council hereby approvals CUP No. 21-31 to construct an approximately 156,877 sf building, inclusive of warehouse, office and retail uses subject to the following conditions:

General Conditions

1. The Applicant and the business entity allowed for hereunder shall indemnify, defend, and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, lawsuits, or actions arising from the granting of, or the exercise of, the rights permitted by this approval, and from any and all claims or losses occurring or resulting to any person, firm, corporation, or property for damage, injury, or death arising out of, or connected in anyway, with the performance of the use permitted hereby. The Applicant's obligation to indemnify, defend, and hold harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits, or actions, and any award of damages or attorney's fees in any such lawsuit or action.
2. The Applicant and the business entity allowed for hereunder shall execute an Affidavit of Acceptance of these conditions in the presence of a Notary Public and return the Affidavit to the Director of Community Development within ten calendar days of the date of the Planning Commission's approval.
3. The approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within two years from the date of this approval.
4. Applicant and its employees, agents and contractors shall comply with all State, Federal, and Municipal Code provisions.

Planning Conditions

5. All buildings and walls must be finished with graffiti resistant materials. Any graffiti painted or marked upon the Property or on any adjacent area under the control of the Applicant shall be removed or painted over within 48 hours of discovery or notice from the City.
6. The Property shall be maintained in a safe and clean condition and the Applicant shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way. At the end of each business day, the Applicant shall pick up any and all litter

including but not limited to large, discarded items that may have collected in the Property's parking area and public right-of-way.

7. The Applicant shall maintain all required permits and licenses in good standing.
8. The Applicant understands that any violation of the foregoing conditions shall be grounds for the suspension or revocation of the CUP.
9. The construction site shall always be kept in a clean manner prior, during, and after construction.
10. The Applicant shall develop the Property as shown in the site plan and landscaping plan approved by the Planning Commission.
11. The Applicant shall provide a detailed landscape and irrigation plan, prepared by a registered Landscape Architect to the Community Development Director for review and approval prior to submitting the plans to the Building Division.
12. The Applicant shall install drought tolerant landscaping in strict compliance with a landscape plan prepared by a Landscape Architect drawn at a minimum scale of 1" = 10' which will include all proposed softscape elements (included areas of ornamental plantings and turf areas), with the perimeter planting design for the exterior of building. The Applicant shall incorporate the following into the landscape plan:
    a. Enclose all planters within parking lot areas with raised six-inch P.C.C. curbs, except at sidewalks.
    b. Provide an automated underground irrigation system for all landscaped areas.
    c. Provide adequate landscaping to completely screen all ground mounted mechanical equipment.
13. All exterior doors shall be lit with a minimum of one-foot candle power of intensity and constructed of tamper-resistant fixtures.
14. The Applicant shall have no outside storage of material or equipment during or after hours in the required parking lot areas or near the front entrance of the Property visible from Rush Street.
15. There shall be no loading or unloading of materials on the public right of way (Rush Street).
16. There shall be no queuing or parking of vehicles on or along Rush Street as a result of this development.
17. At no time shall the site store inoperable freight trucks or vehicles in its parking areas either within the vehicle spaces or the freight truck spaces.
18. No repair of vehicles or freight trucks shall occur at any time.
19. All exterior lights on the property shall be LED and shall be directed, positioned, and/or shielded such that they do not illuminate surrounding properties and/or the public right of way.
20. For security purposes, lighting shall be place in such a way as to illuminate the area surrounding the trash enclosure(s), transformer, and all vehicle parking spaces. This lighting shall be un-switched and photo sensor controlled.
21. Any bollards on the site visible from the public right of way shall be decorative in nature and shall be approved by the Director of Community Development or designee.
22. Noise generated from the site shall comply with the South El Monte Municipal Code Chapter 8.20.
23. The applicant must incorporate a copy of these conditions of approval into the approved set of building plans.

24. The consolidation of parcels shall be finalized and recorded prior to the issuance of building permits.
25. Any future cold storage business shall be subject to a conditional use permit application.
26. Any future use operating times shall be consistent with the South El Monte Municipal Code unless the use requires a conditional use permit.

Public Works Conditions

PW1. The second sheet of building plans, grading plans and/or offsite improvement plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.

PW2. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:

a. Observation of cleared areas and benches prepared to receive fill;
b. Observation of the removal of all unsuitable soils and other materials;
c. The approval of soils to be used as fill material;
d. Inspection of compaction and placement of fill;
e. The testing of compacted fills; and
f. The inspection of review of drainage devices.

PW3. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.

PW4. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.

PW5. Low Impact Development (LID) review shall be completed prior submitting grading plans for plan review. Grading plans shall be submitted including the proof of approval of LID or exemption of LID.

PW6. Install new driveway approach in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.

PW7. Remove and replace broken and off grade sidewalk in accordance with SPPWC standard plan 113-2, and as directed by the City Engineer or his/her designee.

PW8. Install an irrigation system and landscape the designated parkway area, and as directed by the City Engineer and/or his/her designee.

PW9. Protect and maintain existing street tree through the duration of the project. Existing street tree must be maintained in healthy condition through the duration of any planning and construction. Trees should be deemed healthy and in good condition upon the conclusion of any construction in order for the project to be accepted as completed by the Public Works Department.

PW10. Remove and replace broken and off grade curb and gutter in accordance with SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee.

PW11. Relocate water meter from the sidewalk as directed by the City Engineer or his/her designee.

PW12. Rehabilitate existing AC street pavement along the length of the property frontage to the centerline of the street, and as directed by the City Engineer or his/her designee.

PW13. Underground all utility services to the property.

PW14. Protect existing tree(s).

PW15. A Sewer Study shall be reviewed and approved by the City Engineer or his/her designee, prior to the issuance of permits. If sewer is found to be inadequate, sewer improvement plans shall be submitted to the City for approval and required improvements shall be made at the sole cost to the property owner/developer.

PW16. Project shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of permits. Any necessary public improvements determined by Traffic Engineering, shall be made at the sole cost to the property owner/developer.

Building Division Conditions

B1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.

B2. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.

B3. The building shall be addressed as 2222 Rosemead Blvd., and an application to assign unit numbers shall be filed with City prior to plan check submittal.

B4. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.

B5. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.

B6. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:

a. Observation of cleared areas and benches prepared to receive fill;

b. Observation of the removal of all unsuitable soils and other materials;

c. The approval of soils to be used as fill material;

d. Inspection of compaction and placement of fill;

e. The testing of compacted fills; and

f. The inspection of review of drainage devices.

B7. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.

B8. A grading and drainage plan shall be approved by Engineering Division prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.

B9. Prior submitting grading plans to Engineering Department, LID review shall be completed and approved.

B10. Mechanical ventilation in accordance with Los Angeles County Building Code is required for the enclosed parking garage.

B11. Mezzanine design shall comply with Section 505 of the California Building Code. Each mezzanine area shall also comply with the applicable means of egress requirements of Chapter 10. The aggregate area of all mezzanines within the room shall be not greater than one-third of the floor area of that room or space in which they are located.

B12. Interior exit stairway shall discharge directly to the exterior of the building per Section 1023.3 and 1028 of California Building, unless Exceptions 1 and 2 under Section 1028 are satisfied.

B13. All State of California disability access regulations for accessibility shall be complied with.

B14. The retaining/garden wall design along the property line fronting Rosemead Boulevard shall be designed in such way to provide an accessible route from the public street sidewalks to the accessible building or facility entrance they serve per Section 11B-206.2.1 pf the California Building Code.

B15. The number of accessible parking spaces provided on the site shall be calculated according to the number of spaces required for each parking facility per Section 11B-208.2 of the California Building Code. Surface parking and underground parking garage are separate parking facilities. Accessible parking spaces shall only be permitted to be located in different parking facilities if Exception 2 under Section 11B-208.3.1 is satisfied.

B16. The number of accessible electrical vehicle charging station (EVCS) provided on the site shall be calculated according to the number required for each parking facility per Section 11B-228.3.2 of the California Building Code. Surface parking and underground parking garage are separate parking facilities. Ambulatory accessible EVCS shall be provided if more than 25 EVCS are provided per Table 11B-228.3.2.1.

B17. The following plan checks are required:

a. Electrical plan check

b. Mechanical plan check

c. Plumbing plan check

B18. Plumbing fixtures shall be provided as required by the Chapter 4 of the California Plumbing Code.

B19. Project shall comply with the CalGreen Non-Residential mandatory requirements.

B20. No form work or other construction materials will be permitted to encroach into adjacent property without written approval of the affected property owner.

B21. Demolition permit is required for any existing buildings which are to be demolished.

B22. Separate plan review and building permit is required for the proposed signs.

B23. All fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the

tributary weight of the water filled pipe plus a 250-pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.

B24. Separate permit is required for Fire Sprinklers.

B25. The building permit will not be issued until the property has been surveyed and the boundaries marked by a land surveyor licensed by the State of California.

B26. Foundation inspection will not be made until the excavation has been surveyed and the depth of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.

B27. Foundation inspection will not be made until setback on all sides of the proposed building has been surveyed and the location of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.

B28. Prior to the issuance of building permit, a written consent shall be obtained from the current easement holder(s) for any proposed development encroaching into existing easement(s).

B29. City records indicate the proposed site is a combination of lots under common ownership. A parcel merger by document shall be processed prior to issuance of the building permit.

B30. Proposed lot line adjustment involving another adjacent parcel shall be executed in such way that the adjusted fire separation distance to any existing buildings as a result shall not impose additional fire-resistance rating requirements to their existing exterior wall or openings in accordance with the current building code requirements.

B31. Building permits shall not be issued until lots merger have been processed to the satisfaction of the Building Official.

Los Angeles County Fire Department Conditions

1. Submitted plans shall correspond with the plans approved by the County of Los Angeles Fire Department Fire Prevention Division Land Development Unit.

County of Los Angeles Sheriff's Department Conditions

1. Installation of security cameras and building lights with motion sensors shall be placed around the proposed development where feasible to reduce opportunities of criminal activities. Cameras and lighting shall be placed in such a way where law enforcement can adequately identify vehicle license plates upon entry/exit to the site.
2. Height of hedge-type plants shall be limited to allow visibility from the street. Landscaping shall not block building addresses from street patrol car line of sight.
3. Provide numerical addresses in a font size on the corner of the building that can be easily viewed and read from the street.
4. During construction of the project emergency access shall be maintained at all times.

SECTION 8: If any portion of this Resolution is declared invalid, illegal or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Resolution shall continue in full force and effect.

SECTION 9: This resolution shall become effective immediately.

SECTION 10: The City Council's decision through the adoption of this Resolution is final.

PASSED, APPROVED, AND ADOPTED this 15th day of April 2025.

_____
Gloria Olmos, Mayor

ATTEST:

_____
Adrian Garcia, MMC, City Clerk

APPROVED AS TO FORM:

_____
Susie Altamirano, Interim City Attorney

State of California)
County of Los Angeles) SS:)
City of South El Monte)

I, Adrian Garcia, City Clerk of the City of South El Monte, hereby certify that the foregoing Resolution, being Resolution No. 25-035 was duly passed and approved by the City Council of the City of South El Monte at a regular meeting of said Council held on the 15th day of April 2025, and the said Resolution was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Adrian Garcia, MMC, City Clerk

ATTACHMENT B

EXHIBIT A
TO RESOLUTION NO. 25-035

2222 ROSEMEAD BOULEVARD WAREHOUSE DEVELOPMENT

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

Prepared for	City of South El Monte Community Development Department 1415 Santa Anita Avenue South El Monte, California 91733
Prepared by	Kimley-Horn and Associates, Inc. 1100 W. Town & Country Road, Suite 700 Orange, California 92868 and Phil Martin & Associates 2987 NW Fairway Heights Drive Bend, Oregon 97703
Date	August 2024

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Abbreviations

AAQS	ambient air quality standards
AB	Assembly Bill
ACM	asbestos-containing materials
ADT	average daily traffic
amsl	above mean sea level
AQMP	air quality management plan
AST	aboveground storage tank
BAU	business as usual
bgs	below ground surface
BMP	best management practices
CAA	Clean Air Act
CAFE	corporate average fuel economy
CalARP	California Accidental Release Prevention Program
CalEMA	California Emergency Management Agency
Cal/EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
Cal/OSHA	California Occupational Safety and Health Administration
CalRecycle	California Department of Resources, Recycling, and Recovery
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
cfs	cubic feet per second
CGS	California Geologic Survey
CMP	congestion management program
CNDDB	California Natural Diversity Database
CNEL	community noise equivalent level

CO	carbon monoxide
CO2e	carbon dioxide equivalent
Corps	US Army Corps of Engineers
CSO	combined sewer overflows
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	environmental impact report
EPA	United States Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GHG	greenhouse gases
GWP	global warming potential
HCM	Highway Capacity Manual
HQTA	high quality transit area
HVAC	heating, ventilating, and air conditioning system
IPCC	Intergovernmental Panel on Climate Change
Ldn	day-night noise level
Leq	equivalent continuous noise level
LBP	lead-based paint
LCFS	low-carbon fuel standard
LOS	level of service
LST	localized significance thresholds
MW	moment magnitude
MCL	maximum contaminant level
MEP	maximum extent practicable
mgd	million gallons per day
MMT	million metric tons
MPO	metropolitan planning organization

MT	metric ton
MWD	Metropolitan Water District of Southern California
NAHC	Native American Heritage Commission
NOX	nitrogen oxides
NPDES	National Pollution Discharge Elimination System
O3	ozone
OES	California Office of Emergency Services
PM	particulate matter
POTW	publicly owned treatment works
ppm	parts per million
PPV	peak particle velocity
PUC	Public Utilities Commission (PUC)
RCRA	Resource Conservation and Recovery Act
REC	recognized environmental condition
RMP	risk management plan
RMS	root mean square
RPS	renewable portfolio standard
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SIP	state implementation plan
SLM	sound level meter
SCAB	South Coast Air Basin
SOX	sulfur oxides
SQMP	stormwater quality management plan
SRA	source receptor area [or state responsibility area]
SWQDV	Stormwater Quality Design Volume
SUSMP	standard urban stormwater mitigation plan
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TNM	transportation noise model

tpd	tons per day
TRI	toxic release inventory
TTCP	traditional tribal cultural places
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan
V/C	volume-to-capacity ratio
VdB	velocity decibels
VHFHSZ	very high fire hazard severity zone
VMT	vehicle miles traveled
VOC	volatile organic compound
WQMP	Water Quality Management Plan
WSA	Water Supply Assessment

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1.0 INTRODUCTION

1.1 Purpose and Scope of the Initial Study

Pursuant to State CEQA Guidelines Section 15367, the City of South El Monte (City) is the Lead Agency for the project. The Lead Agency is the public agency that has the principal responsibility for carrying out or approving a project. The City has the authority for environmental review in accordance with CEQA and certification of the environmental documentation.

This Initial Study has been prepared to evaluate the potential environmental effects associated with the construction and operation of the proposed 2222 Rosemead Boulevard Warehouse Development Project (proposed Project or Project). The document has been prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq). Pursuant to CEQA requirements, this Initial Study includes a description of the proposed Project; an evaluation of the Project's potential environmental impacts; the findings of the environmental analyses; and recommended standard conditions and mitigation measures to avoid or lessen the Project's significant adverse environmental impacts.

This Initial Study evaluates each of the environmental issue areas contained in the Environmental Checklist Form provided in **Section 3.0**. It provides decision-makers and the public with information concerning the potential environmental effects associated with the Project's construction and ongoing operations, and ways to avoid or reduce potential environmental impacts. The City will use this Initial Study as a resource when considering and taking action on the Project. Any responsible agency may elect to use this environmental analysis for discretionary actions associated with Project implementation.

1.2 Summary of Findings

Based on the Environmental Checklist Form completed for the proposed Project and supporting environmental analyses, the Project would result in no impact or a less than significant impact on the majority of the environmental issues analyzed in this Initial Study. The following environmental topic areas would have no impact or a less than significant impact: Aesthetics, Agriculture and Forestry, Air Quality, Biological Resources, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfires. The Project's impacts on the following issue areas would be less than significant with mitigation incorporated: Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Transportation, Tribal Cultural Resources, and Utilities and Service Systems. All impacts would be less than significant after mitigation.

As set forth in the State CEQA Guidelines Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration), a public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

(a) The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or

(b) The initial study identifies potentially significant effects, but:

(1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for

public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

(2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

1.3 Initial Study Public Review Process

The City has provided the Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) to the Los Angeles Clerk and mailed the NOI to responsible agencies, nearby property owners, and others who expressed interest in receiving the NOI. In conjunction with the NOI, the City has released the IS/MND for a 30-day public review period in accordance with State CEQA Guidelines Section 15073. During the public review period, the IS/MND, including the technical appendices, can be accessed on the City's website and is available for review at the location listed below.

https://www.cityofsouthelmonte.org/606/Current-Projects

City of South El Monte
Community Development Department, Planning Division
1415 Santa Anita Avenue
South El Monte, CA 91733

In reviewing the IS/MND, affected public agencies and interested members of the public should focus on the adequacy of the document in identifying and analyzing the Project's potential environmental impacts and the ways in which the potentially significant impacts can be avoided or mitigated. If public agencies or any members of the public have comments on the IS/MND, they can be sent to:

Gerardo Marquez, Planning Manager
City of South El Monte
1415 Santa Anita Avenue
South El Monte, CA 91733
gmarquez@soelmonte.org

Comments sent via email should include the Project name in the subject line and a valid mailing address in the email.

Following receipt and evaluation of comments from agencies, organizations, and/or individuals, the City will determine whether these comments raise any substantial new environmental issues. If so, further documentation may be required. If not or if the issues raised do not provide substantial evidence that the Project would have a significant effect on the environment, the IS/MND and the Project will be considered for adoption and approval, respectively.

1.4 Report Organization

This document includes the following sections:

Section 1.0 – Introduction. This section provides an introduction and overview describing the conclusions of the Initial Study.

Section 2.0 – Project Description. This section identifies the project site location and key characteristics and includes a list of anticipated discretionary actions.

Section 3.0 – Environmental Checklist. The Environmental Checklist Form provides an overview of the potential impacts that may or may not result from Project implementation.

Section 4.0 – Environmental Evaluation. This section contains an analysis of environmental impacts for each resource area identified in the Environmental Checklist.

Section 5.0 – References. The section identifies resources used to prepare the Initial Study.

2.0 PROJECT DESCRIPTION

2.1 Project Location

Figure 1: Regional Map, and **Figure 2: Local Vicinity Map**, depict the project site within the regional and local context of Los Angeles County and the City of South El Monte, respectively. The project site is located at 2200, 2212, 2218, and 2226 Rosemead Boulevard in the northwestern portion of the City of South El Monte, Los Angeles County, California. The approximately 5.14-acre project site includes four parcels legally described as Assessor Parcel Numbers (APNs) 8102-039-029, 8102-039-030, 8102-039-031, 8102-039-035. The project site generally slopes east to west towards Rosemead Boulevard with a gradient of less than three percent. Elevations on the site range from 234 feet to 238 feet above mean sea level (amsl).

Commercial and industrial uses generally border the project site to the north and east, industrial uses and a mobile home park to the south, and Rosemead Boulevard to the west followed by commercial and industrial uses. Regional access is provided by Rosemead Boulevard (State Route 165 [SR-164]), which is located adjacent to the project site; SR-60, which is located approximately 0.9-mile south of the project site; and Interstate 10 (I-10), which is located approximately 1.3 miles north of the project site. Access to the project site would be provided via two driveways along Rosemead Boulevard.

2.2 Existing On-site and Surrounding Land Uses

As shown in **Figure 3: Aerial Photograph**, the project site is vacant except for the building pads for the former on-site buildings that were demolished in late 2021 and early 2022. The former uses on the project site included a company that reconditioned steel drums and plastic totes and an auto body repair shop. There are existing sidewalks, curbs, and light standards attached to overhead electrical lines along both sides of Rosemead Boulevard. Land uses near the project site are summarized in **Table 2.2-1: Surrounding Land Uses**.

Table 2.2-1: Surrounding Land Uses

Direction	Land Uses
North	Commercial and industrial uses including a lumber store; electrical supply store; cabinet supply store
East	Commercial and industrial uses including a trucking company, landscaper, and restaurant
South	Industrial uses including a general contractor, bathroom supply store, auto repair, and a mobile home park; multi-family and single-family residences
West	Rosemead Boulevard. West of Rosemead Boulevard are commercial and industrial uses including an auto body shop and grocery store; single-family residences

2.3 General Plan and Zoning

General Plan

According to the City of South El Monte General Plan (General Plan) land use map, the project site has a General Plan land use designation of Commercial-Manufacturing (CM); see **Figure 4: Existing General Plan Land Use Designation**. According to the General Plan Land Use Element, the purpose of the Commercial-Manufacturing (CM) land use category is to provide areas where general commercial and limited manufacturing uses can co-locate. The CM designation has a maximum floor area ratio (FAR) of 0.75.

Allowable uses include light manufacturing, warehousing, distribution, wholesale, and service operations. The project proposes warehousing uses, which is consistent with the CM land use designation.

Zoning

According to the City of South El Monte Zoning Map, the project site is zoned Commercial Manufacturing (C-M); see **Figure 5: Existing Zoning District**. The purpose of the C-M zoning district is to provide areas within the City in which general commercial and limited manufacturing uses can be collocated. Development standards are found in the City of South El Monte Municipal Code (Municipal Code) Chapter 17.09. Municipal Code 17.09.02 identifies warehousing as a permitted use in the C-M zone. A Conditional Use Permit (CUP) is required because the proposed 156,877 square-foot (sf) warehouse is greater than 20,000 sf, which is the maximum building size allowed in the C-M zone without a CUP.

2.4 Project Characteristics

Project Overview

As proposed, the Project would construct an approximately 156,877-sf concrete tilt-up warehouse and 13 dock doors. Of the 156,877 sf, the Project would have 113,703 sf of warehouse space, 7,879 sf of retail use, 20,305 sf of accessory warehouse office use, and 14,990 sf of warehouse storage. The proposed site plan is shown in **Figure 6: Site Plan***,* and summarized in **Table 2.4-1: Proposed Project**. The building would be at a maximum height of 48 feet 10 inches. The building's site coverage is 55 percent with a FAR of 0.7.

Table 2.4-1: Proposed Project Summary

Level	Warehouse (sf)	Retail (sf)	Accessory Warehouse Office (sf)	Warehouse Storage (sf)	Total (sf)
Level 1	113,703	7,879	1,893	-	123,475
Level 2/ Mezzanine	-	-	8,928	14,990	23,918
Level 3/ Mezzanine	-	-	9,484	-	9,484
Total	**113,703**	**7,879**	**20,305**	**14,990**	**156,877**
Source: AO, 2222 Rosemead Boulevard, Sheet A1.1, August 8, 2024.					

The retail and warehouse end users are unknown at this time. The hours of operation would be determined by the lessee; however, at this time, the hours are proposed to be seven days a week and operate 24 hours a day. However, all on-site truck movement and loading and unloading activities at the proposed loading docks, which are located behind electronic gates, would be prohibited from 10:00 PM to 7:00 AM. The Project does not propose refrigeration as part of the warehouse operations.

Architecture, Landscaping, and Lighting

The conceptual architectural design for the Project assumes concrete tilt-up panels with architectural treatments, such as panel reveals to provide visual relief of the building facades. As shown in **Figure 7: Building Elevations***,* the exterior elevations would be light grey, medium grey, dark grey, warm beige, and medium brown with bands of blue glazed windows. The warehouse building would be subject to compliance with the development standards and provisions contained in Municipal Code Chapter 17.09, Industrial Zones – Standards and Uses. Rooftop mechanical equipment would be screened as part of the Project.

As shown in **Figure 8: Conceptual Landscape Plan**, landscaping would be provided along Rosemead Boulevard, adjacent to the northern and southern property lines, and internal to the project site. Of the 5.14-acre project site, approximately 0.18-acre (or approximately 7,777 sf) would be landscaped with trees, shrubs, grasses, and ground cover.

The Project proposes an 8-foot-tall green screen with flowering vines along the southern boundary of the project site from driveway access east to the terminus of the passenger vehicle parking area. Fencing along the remainder of the southern boundary opposite the loading docks would be wrought iron fencings atop a 1.5- to 3.5-foot retaining wall for a total height of 8 feet to screen the loading dock area from the mobile home park. The northern and western project site boundaries would have an 8-foot-tall wrought iron fence.

Site lighting would be used to provide adequate lighting for circulation, safety, and security. Night lighting would be provided seven days per week. Outdoor lighting for the parking areas would be provided consistent with the requirements outlined in Municipal Code Section 17.09.100, Exterior Lighting Facilities, which requires lighting to be arranged to not provide a direct glare or create hazardous interference with highways and neighboring properties.

Vehicular and Non-Vehicular Circulation and Parking

Vehicular Access

Access to the project site would be provided from two 28-foot driveways along Rosemead Boulevard (see **Figure 6: Site Plan**). Passenger vehicles and trucks would enter and exit at both driveways. It is anticipated that most trucks would enter and exit the site at the northern driveway. Electronic security gates are proposed for both the north and south driveways to restrict public access beyond the passenger vehicle parking areas. As previously noted, the gates would be closed between 10:00 PM and 7:00 AM. The Project proposes 13 dock doors along the south side of the building and one at-grade door along the east side of the building to load and unload trucks(see **Figure 6: Site Plan).**

Parking

All parking would be provided on the project site. Parking for retail uses would be provided near the northern driveway and employee parking would be provided near the southern driveway. Pursuant to Municipal Code Chapter 17.16, Off-Street Parking and Loading, the Project is required to provide 175 parking spaces. The Project proposes 176 parking spaces, including 167 standard stalls and 9 parallel stalls, which exceeds the City's parking requirement. In accordance with the 2022 California Green Building Standards Code, Title 24, Part 11 (CALGreen), the Project requires and would provide 35 electric vehicle (EV) parking spaces and 9 EV-capable spaces.

Pedestrian and Bicycle

Pedestrian access to the project site is provided via sidewalks along Rosemead Boulevard. The project site is required to provide nine long-term and nine short-term bicycle parking spaces near the southern driveway entrance. There are no bicycle lanes on either side of Rosemead Boulevard. No bicycle lanes are proposed as part of the Project.

Transit

The Project would be served by LA Metro's network of regional and local bus transit options. Specifically, LA Metro Routes 266 and 287 serve the project site via two bus stops on both the east and west sides of Rosemead Boulevard approximately 400 feet north of the project site. The El Monte Station/San

Bernardino Freeway Busway is located at 3501 Santa Anita Avenue, at Ramona Avenue, to the north of the City, which provides a variety of public transit options and connections to most major destinations in the Los Angeles area. From the busway, riders can board Metrolink trains, other local transit lines, carpools, and vanpools.

2.5 Utilities and Infrastructure

Project implementation would require the construction of new and/or upgraded on-site utility infrastructure to serve the proposed warehouse building. These utilities would connect to existing utility infrastructure in adjacent roadways, with the final sizing and design of on-site facilities to occur during the final building design and plan check. All proposed infrastructure and improvements would require City approval and where necessary, the approval of the utility/service provider.

Water Service

The San Gabriel Valley Water Company (SGVWC) provides water service to the project site. There is an existing 6-inch water main in Rosemead Boulevard adjacent to the site and a 10-inch water line in Rush Street approximately 640 feet south of the project site. The Project would connect to the existing six-inch water line in Rosemead Boulevard for potable water service for the Project. The Project would connect to the existing 10-inch water line in Rush Street for fire protection. No off-site water line construction or upsizing of either the existing 6-inch or 10-inch water mains in Rosemead Boulevard and Rush Street, respectively, would be required to provide water or fire protection service to the project site other than new off-site water line construction required to make a typical connection to the existing water lines would occur within the public right-of-way of Rosemead Boulevard and Rush Street. The proposed water system improvements would be designed and constructed in accordance with City and SGVWC requirements and require City and SGVWC approval.

Wastewater Collection and Disposal

The Los Angeles County Public Works Consolidated Sewer Maintenance District (CSMD) provides operation and maintenance services for the City's sewer facilities, including those at the project site. Upon Project implementation, Los Angeles County Public Works CSMD would continue to serve the project site. There is an existing eight-inch sewer main in Rosemead Boulevard adjacent to the site that would serve the Project. As a part of the Project, new on-site sewer lines would connect to the existing eight-inch sewer main in Rosemead Boulevard. No off-site sewer line construction or upsizing of the existing eight-inch sewer main in Rosemead Boulevard would be required to accommodate the proposed Project other than a typical connection to the existing eight-inch sewer main that would be required within the public right-of-way of Rosemead Boulevard. The proposed wastewater system improvements would be designed and constructed in accordance with City and Los Angeles County Public Works CSMD requirements.

Drainage and Water Quality Treatment

The City owns and maintains a limited number of catch basins and storm drains while the Los Angeles County Flood Control District (County Flood Control District), a part of the Los Angeles County Public Works Division, owns and maintains a network of catch basins, storm drains and channels throughout the City. The County Flood Control District owns and operates the storm drain system near the project site.[1] Upon Project implementation, the County Flood Control District would continue to serve the project site.

[1] Los Angeles County Public Works. (2024). *Los Angeles County Storm Drain System GIS Maps*. Accessed from https://pw.lacounty.gov/fcd/StormDrain/index.cfm. Accessed July 25, 2024.

Two existing catch basin connections to the public storm drain main would be used; no new connections to the County Flood Control District are anticipated; see **Figure 9: Conceptual Drainage Plan**. The Applicant would submit construction/engineering plans and as-built plans to the County's engineer to obtain a permit to connect to the existing storm drain in Rosemead Boulevard.

Dry Utilities and Solid Waste Management

There are aboveground and belowground utility infrastructure along Rosemead Boulevard. Southern California Edison (SCE) provides electrical service to the project site. The Southern California Gas Company (SoCalGas) provides natural gas service to the project site. Both SCE and SoCalGas would continue to serve the project site. Electrical, gas, telephone, and cable television would be extended to the proposed warehouse building. All new public utilities would be placed underground**.** Utilities would be principally located in road rights-of-way. The Project proposes to install an 18,144-sf solar-ready zone on the roof.

2.6 Project Construction

Project construction is anticipated to take approximately 12 months. For this environmental analysis, Project construction is estimated to begin in fall/winter 2024.[2] Construction would occur in the following sequence:

- Site clearing (removal of existing vehicle storage and containers and trees);
- Site preparation;
- Grading. Approximately 11,951 cubic yards (cy) of cut and 14,561 cy of fill with 2,610 cy of net export, including on-site grading and installation of infrastructure within existing rights-of-way. All infrastructure (i.e., storm drain, water, wastewater, dry utilities, and street improvements) would be installed within the existing rights-of-way with connections to the project site;
- Building construction; and
- Paving, architectural coating, and landscaping.

2.7 Discretionary and Ministerial Approvals

The City of South El Monte, as Lead Agency, has discretionary authority over the Project. To implement the Project, the Applicant would need to obtain, at a minimum, the following discretionary and ministerial actions and/or approvals:

- **Adoption of the Initial Study/Mitigated Negative Declaration.** The Project requires CEQA compliance through the adoption of an IS/MND prior to Project approval. This IS/MND is intended to serve as the primary environmental document for all actions associated with the approval of the 2222 Rosemead Boulevard Warehouse Development Project. In addition, this is the primary reference document for the formulation and implementation of a mitigation monitoring and reporting program for the Project.

[2] The technical reports supporting this Initial Study assumed a construction schedule for the Project from November 2023 to November 2024. Due to different intervals for the processing and anticipated approval timeframe for the Project, the Project is now assumed to commence construction in fall/winter 2024, with a 12-month construction timeframe. This change in construction schedule does not impact the conclusions of the technical reports and evaluations supporting this Initial Study, as the change in construction schedule is not expected to result in any new or worse environmental impacts for purposes of CEQA. The overall scope, equipment use and duration of Project construction would remain the same, and the delayed construction date could reasonably result in fewer air quality emissions as State and AQMD regulations become more stringent. Therefore, the technical reports supporting this Initial Study remain valid.

- **Conditional Use Permit.** The Project requires a CUP to allow the proposed 156,877 sf warehouse building because it is greater than 20,000 sf, which is the maximum building size allowed in the C-M zone without a CUP.
- **Lot Merger.** Four parcels (APNs 8102-039-029, 8102-039-030, 8102-039-031) would be merged into one newly created parcel at 2222 Rosemead Boulevard.
- Demolition, grading, building, and sign permits.
- Any other permit or approval required by an agency with jurisdiction over the Project.

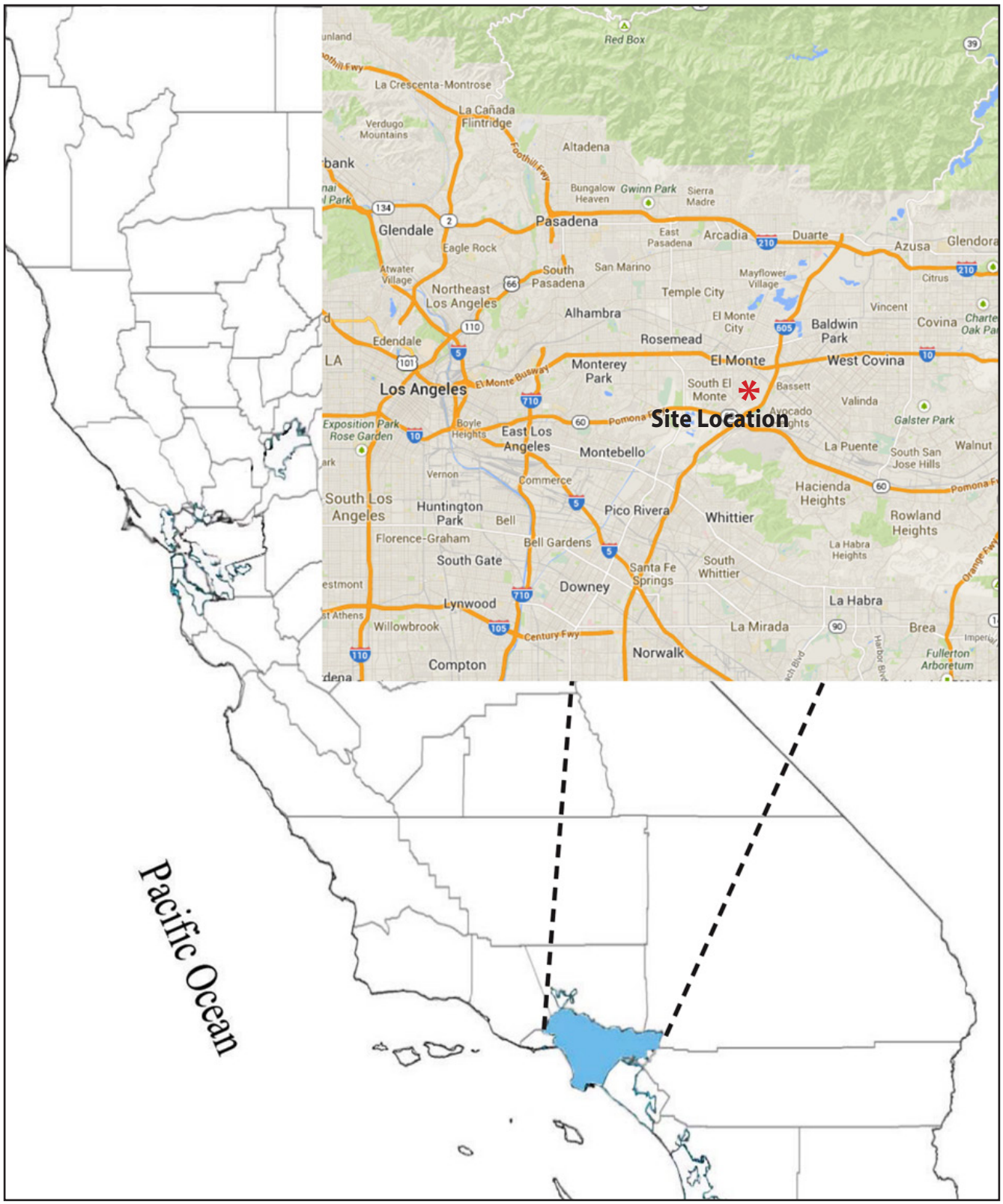
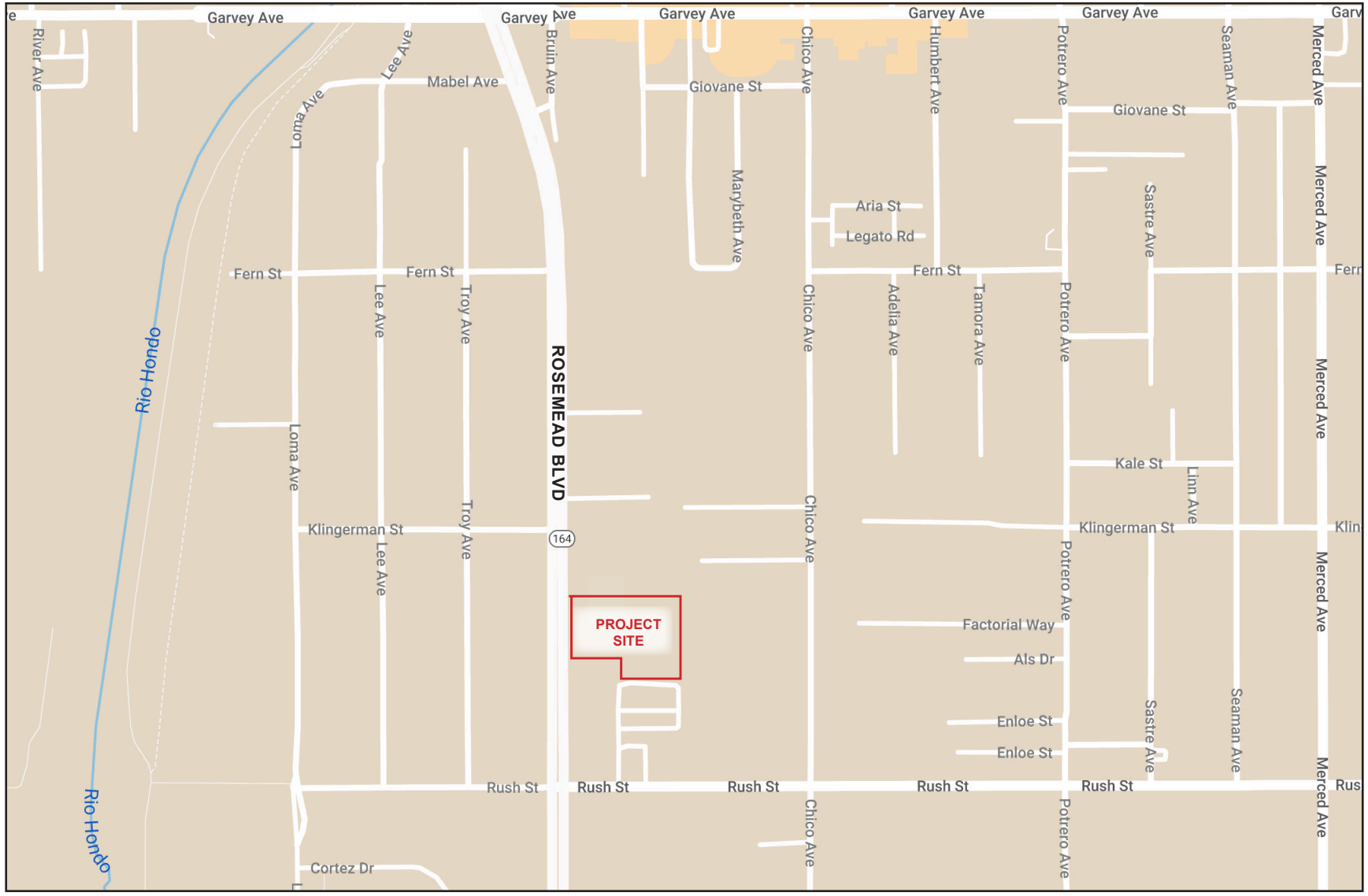


FIGURE 1
Regional Map



Source: Google Earth

Figure 2
Local Vicinity Map



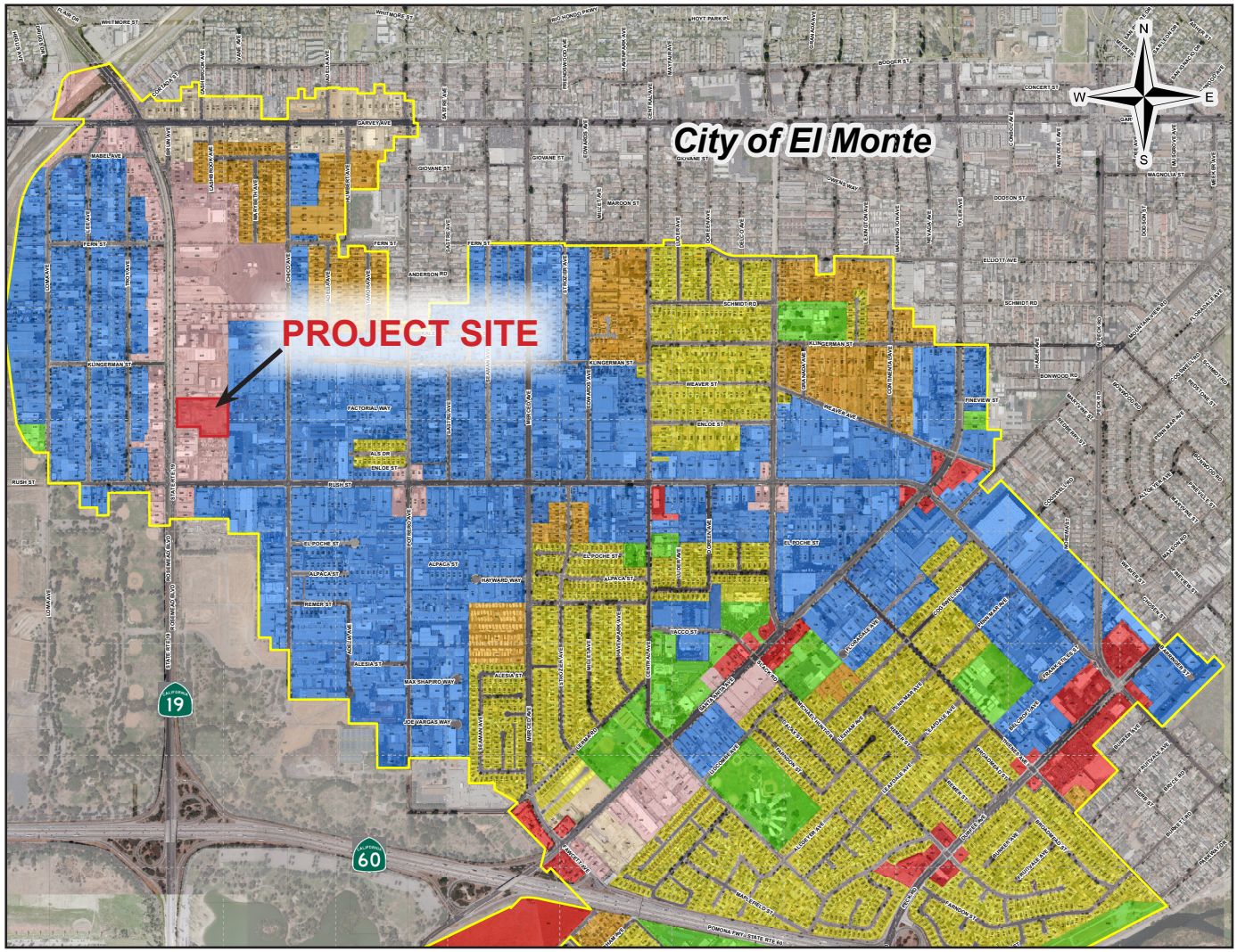
Source: Google Earth

Figure 3
Aerial Photograph

City of
South El Monte

General Plan

- Low Density Residential
- Medium-Density Residential
- Mixed Use
- Commercial
- Commercial-Manufacturing
- Industrial
- Public Facilities
- City Boundary



Source: City of South El Monte

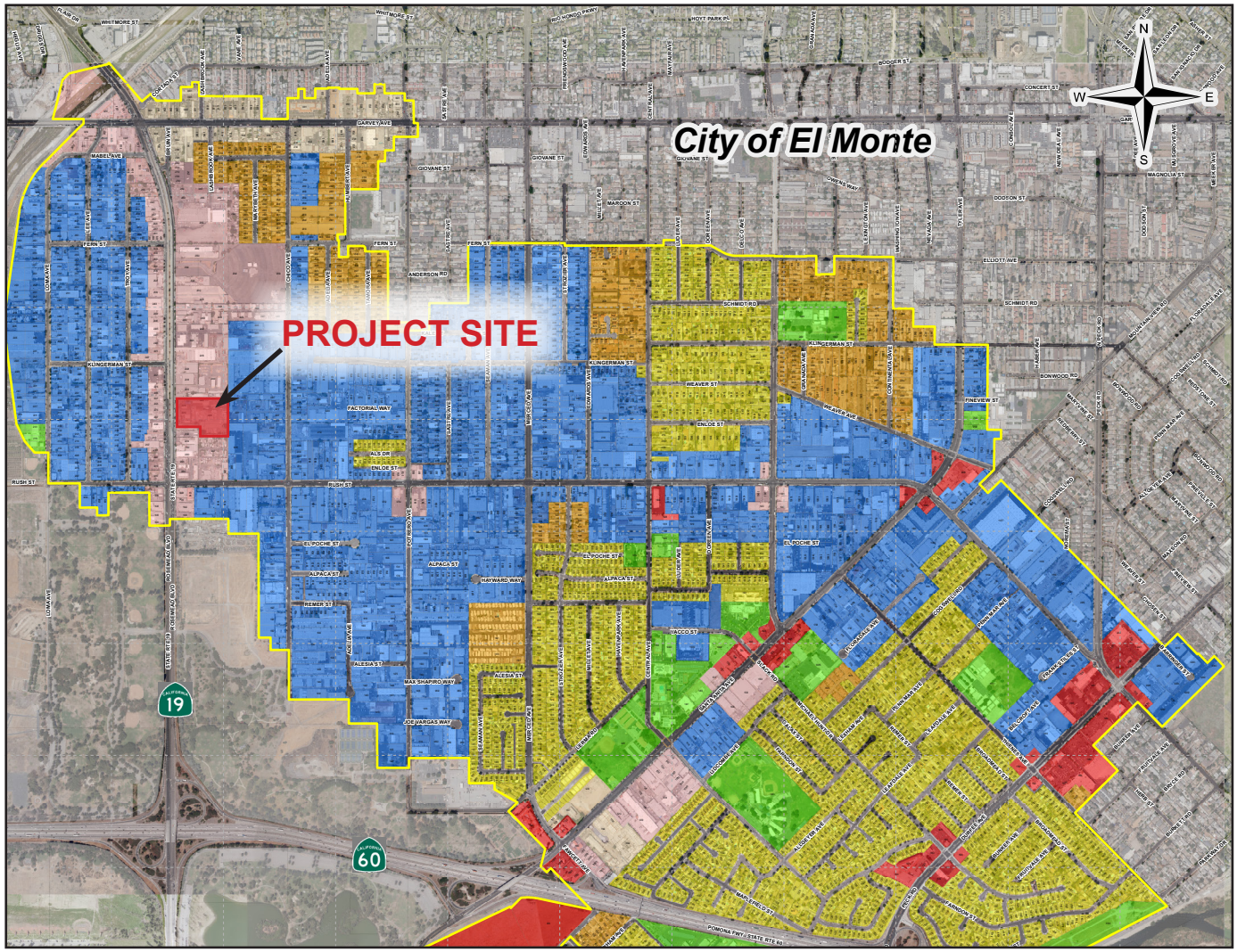
Figure 4

Existing General Plan Land Use Designation

City of
South El Monte

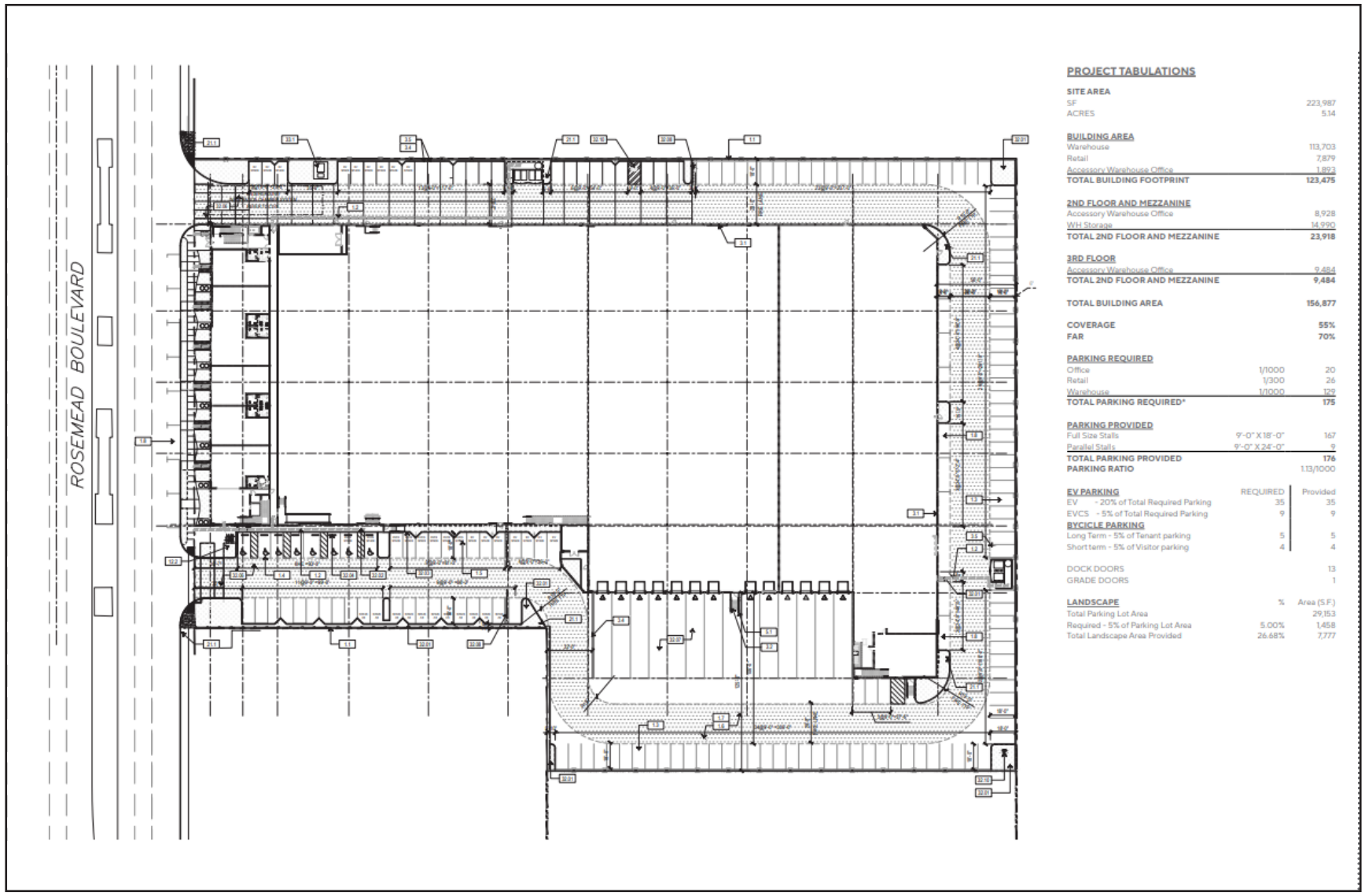
Zoning

- R-1 (Single Family Residential)
- R-3 (Multi Family Residential)
- C-R (Commercial-Residential)
- C (Commercial)
- C-M (Commercial-Manufacturing)
- M (Manufacturing)
- P-F (Public Facilities)
- City Boundary



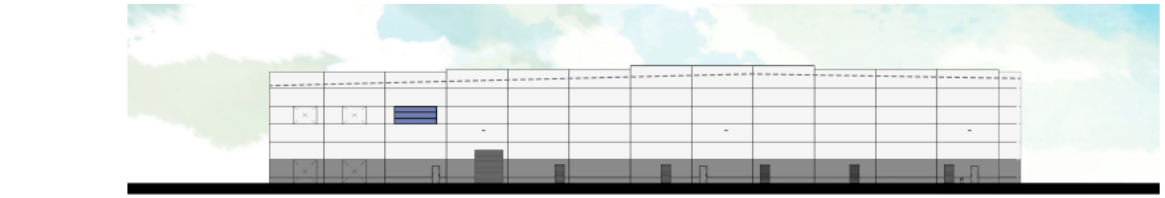
Source: City of South El Monte

Figure 5
Existing Zoning District



Source: AO Architects

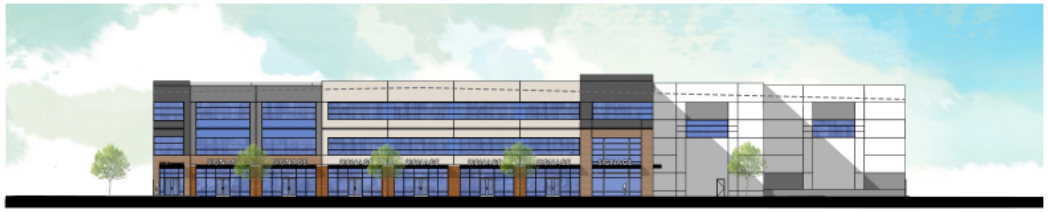
Figure 6
Site Plan



EAST ELEVATION | 4 |



SOUTH ELEVATION | 3 |



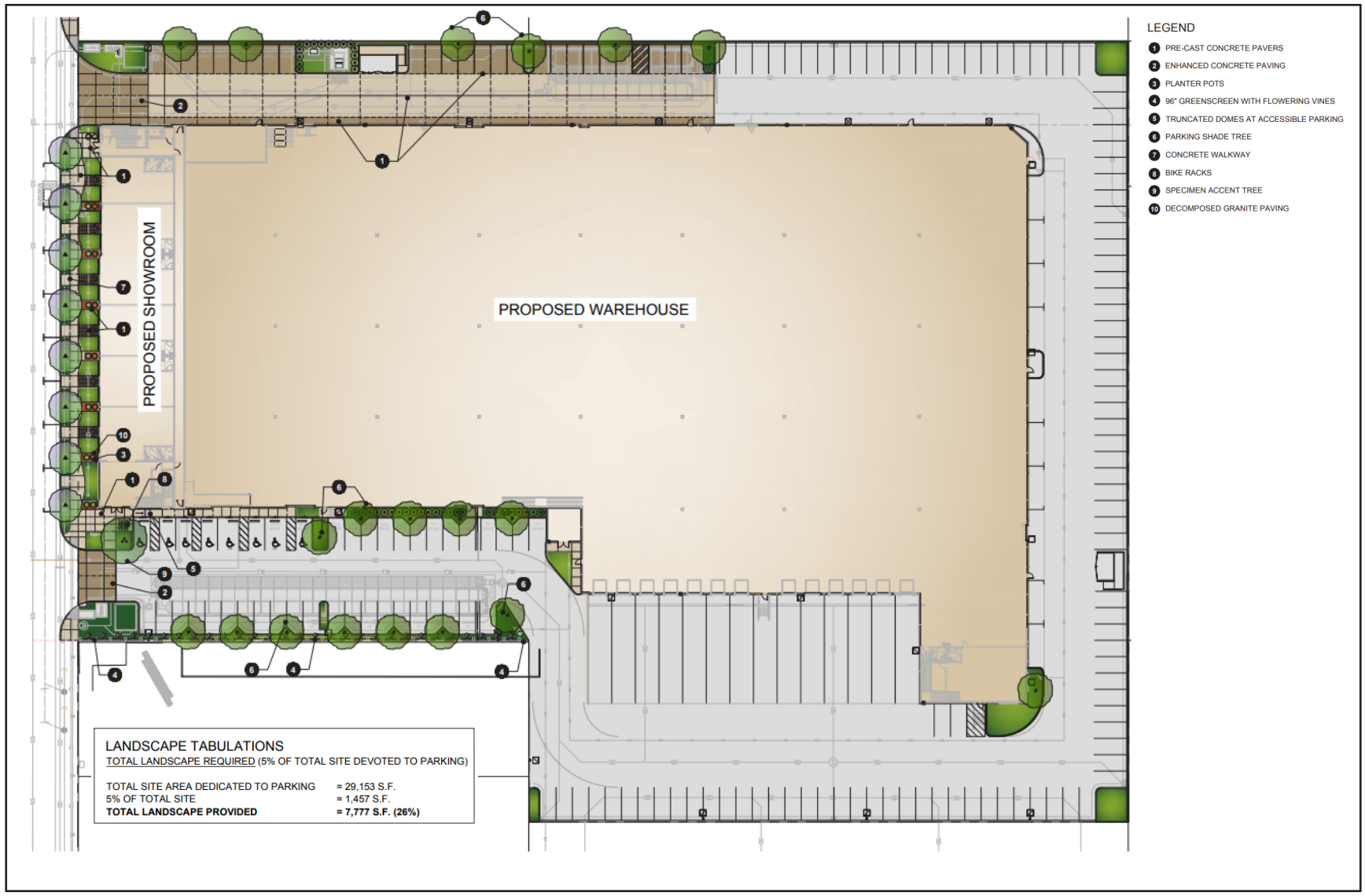
WEST ELEVATION | 2 |



NORTH ELEVATION | 1 |

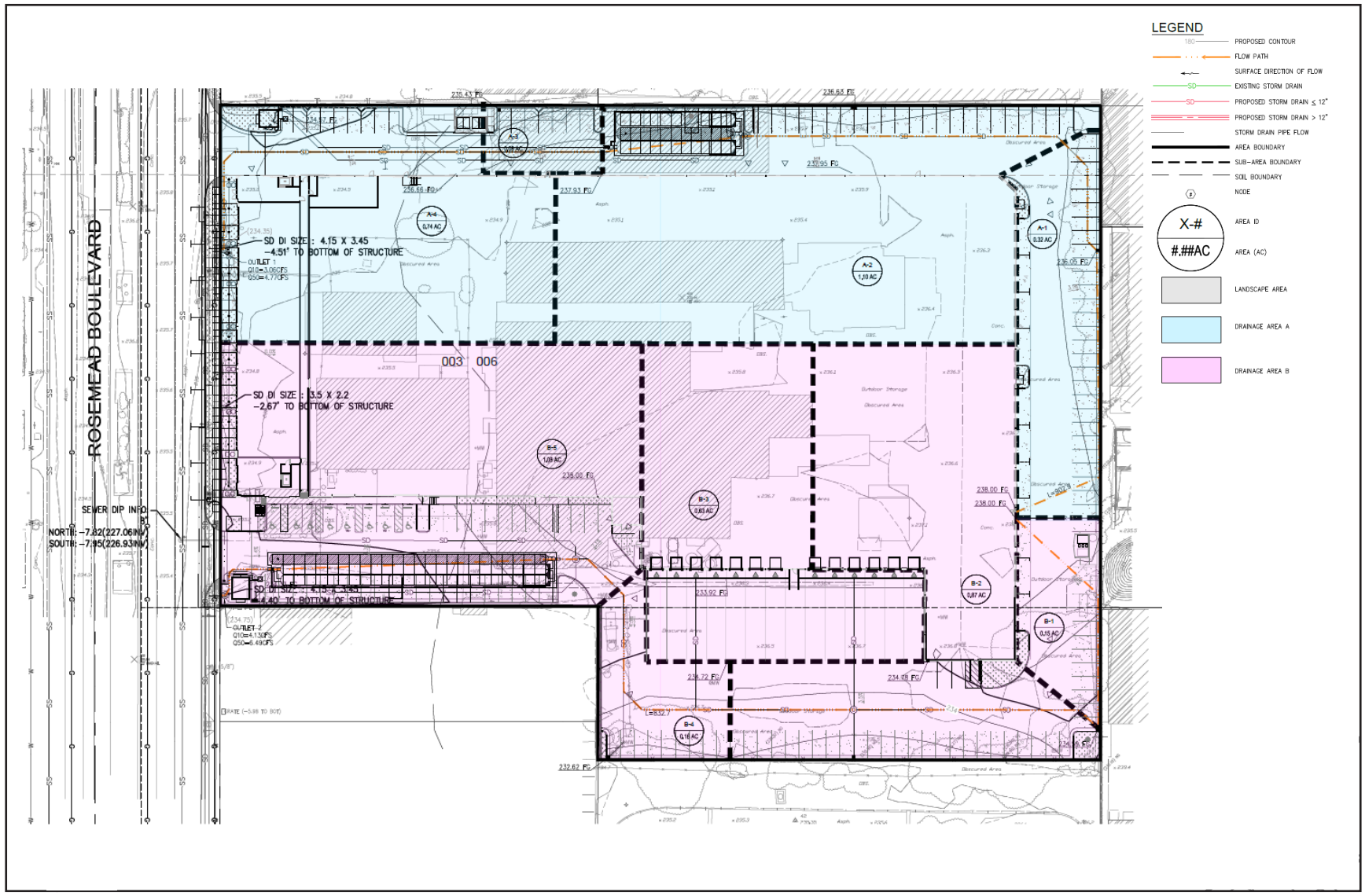
Source: AO Architects

Figure 7
Building Elevations



Source: AO Architects

Figure 8
Conceptual Landscape Plan



Source: Tait & Associates

Figure 9

Conceptual Drainage Plan

3.0 INITIAL STUDY CHECKLIST

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. The Project will not have any Potentially Significant Impacts; therefore, an Environmental Impact Report is not required.

- ☐ Aesthetics
- ☐ Air Quality
- ☐ Agricultural and Forestry Resources
- ☐ Biological Resources
- ☐ Cultural Resources
- ☐ Energy
- ☐ Geology/Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards & Hazardous Materials
- ☐ Hydrology/Water Quality
- ☐ Land Use/Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population/Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation
- ☐ Tribal Cultural Resources
- ☐ Utilities/Service Systems
- ☐ Wildfire
- ☐ Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation (check one):

- ☐ I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

CERTIFICATION:

Prepared by:

Kimley-Horn and Associates, Inc. and Phil Martin & Associates

Reviewed by:



_____

City of South El Monte

Environmental Checklist

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS. Except as provided in Public Resources Code §21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
2. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §12220(g)), timberland (as defined by Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code §51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment	☐	☐	☒	☐

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
under an applicable federal or state ambient air quality standard?				
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐
4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒
5. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐
6. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
8. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒
9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒
10. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	☐	☐	☐	☒
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
iv) Impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐
11. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
12. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
13. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐
14. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
15. PUBLIC SERVICES. Would the project result in				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☒	☐
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. RECREATION. Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐
17. TRANSPORTATION. Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	☐	☒	☐	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐
18. TRIBAL CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?	☐	☐	☒	☒
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☒	☐	☐
19. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☒	☐	☐

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐
20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒
21. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

4.0 ENVIRONMENTAL ANALYSIS

4.1 Aesthetics

Threshold (a) Would the Project have a substantial adverse effect on a scenic vista?

No Impact. The area surrounding the project site is urbanized and includes one-story commercial and industrial buildings to the east, north, and west that somewhat obscure distant views of the mountains north of the City. The General Plan does not identify any specific scenic vistas in the City. However, the San Gabriel Mountain Range is a prominent vista in the San Gabriel Valley. Existing urban development in the surrounding area limits views across and beyond the project site. Further, Rosemead Boulevard does not provide long-range scenic views. The proposed warehouse building would not exceed 48 feet 10 inches and would not obstruct any scenic vistas. Therefore, the Project would not obstruct, interrupt, or dimmish a scenic vista. No impact would occur and no mitigation is required.

Threshold (b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

No Impact. According to the General Plan Resources Element, there are no officially designated State scenic highways in or proximate to the City. The nearest officially designated State scenic highway is SR-2, which is located approximately 14 miles north of the project site. The project site is not visible from SR-2. Therefore, since the project site is not within the vicinity of any designated or eligible State scenic highways, the Project would not substantially damage scenic resources including trees, scenic rock outcroppings, or historic buildings within a State scenic highway. No impact would occur and no mitigation is required.

Threshold (c) If in a non-urbanized area, would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact. The project site is in an urbanized area. As noted in **Table 2.2-1: Surrounding Land Uses**, the project site is bordered by commercial and industrial buildings to the east, north, and west and an industrial building and mobile home park to the south, the latter of which is also zoned Commercial Manufacturing (C-M). Although the Project would change the character of the site with the construction of the 48-foot-10-inch-tall warehouse building, the Project would be compatible with the existing development pattern and the character of the existing developed area surrounding the site.

The Project would be subject to the requirements of Municipal Code Section 17.09, which addresses permitted and prohibited development intended to provide for areas within the City in which general commercial and limited manufacturing uses can be collocated. Municipal Code Section 17.09.040 and Section 17.09.050 discuss property development standards that apply to all uses within the C-M zone. The development standards are imposed to control the type and intensity of uses and to ensure the quality of design that will enhance the area in which the use is located and which will protect adjacent and neighboring properties. Compliance with the C-M zoning district development standards would be ensured through the City's review during the application process and future review of building permits.

There are no height requirements for development in the C-M zone, except that any building constructed adjacent to a residentially zoned lot can have a maximum allowable height of 28 feet.[3] Note, the mobile home park to the south is not zoned for residential use. Therefore, the proposed warehouse would not exceed any maximum building height for a building in the C-M zone. The proposed architecture and massing are intended to complement the existing development and would comply with the General Plan objectives and policies to provide compatibility of the Project's design with the surrounding land uses. Therefore, impacts would be less than significant and no mitigation is required.

Threshold (d) Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. Glare is created by the reflection of sunlight and electric lights from windows and building surfaces. Daytime glare is generally caused by the reflection of sunlight from highly reflective surfaces at or above eye level. Reflective surfaces are typically associated with buildings constructed with broad expanses of highly polished surfaces or broad, light-colored areas of paving. Daytime glare is usually present during early morning and late afternoon hours when the sun is at a low angle and the potential exists for intense reflected light to interfere with vision and driving conditions. Daytime glare may also hinder outdoor activities performed within surrounding land uses. Nighttime glare includes direct, intense, focused light, along with reflected light. Glare generated by direct light typically comes from mobile sources (e.g., automobiles). Glare is also less frequently caused by intense stationary sources, such as floodlights or cargo crane lights. As with daytime sun glare, intense nighttime light may cause undesirable interferences with driving or other activities. The project site is in an urbanized area with existing light sources, including automobile headlights associated with traffic on Rosemead Boulevard adjacent to and west of the site, parking lot lights of surrounding commercial and industrial land uses, exterior advertising, and building lights from surrounding commercial and industrial buildings, and street lights.

Construction. Project construction has the potential to generate light spillover to off-site land uses, including the mobile home park south of the project site. While the majority of Project construction would occur during daylight hours, construction could occur up until 10:00 PM in accordance with Municipal Code Section 8.20.030 which would require the use of artificial lighting, particularly during the winter season when daylight is no longer sufficient earlier in the day. Outdoor lighting sources, such as floodlights, spotlights, and/or headlights associated with construction equipment and hauling trucks, typically accompany nighttime construction activities. To the extent that evening construction includes artificial light sources, such use would be temporary and would cease upon Project completion.

The Project would generate lighting from two primary sources: lighting from building interiors that would pass through windows and lighting from exterior sources (e.g., signage, parking area lighting, building illumination, security lighting, wayfinding, and landscape lighting). Although the proposed Project would introduce new sources of light, the surrounding urban area contains multiple sources of illumination. The proposed lighting would be subject to compliance with Municipal Code Section 17.09.100 – Exterior Lighting Facilities, which requires exterior lighting facilities to be located in a manner that will not provide a direct glare or create hazardous interference with highways and neighboring properties. The City would also review new lighting for conformance with the Building Energy Efficiency Standards in effect at the

[3] South El Monte Municipal Code Section 17.16.120 - Maximum building height.

time of building permit application to ensure the minimum amount of lighting is being used, and no light spillage would occur.

As shown in **Figure 7**, the Project proposes blue-glazed windows on all sides of the buildings with the greatest amount of windows on the west side of the building adjacent to Rosemead Boulevard. The Project would be required to comply with CCR Title 24 standards, which require all glass used in the building design to have minimal reflectivity to reduce glare on surrounding neighbors. Therefore, compliance with the City's existing regulatory framework (i.e., CCR Title 24, Building Energy Efficiency Standards, and Municipal Code), which would be verified through the City's plan review process would ensure the Project does not create a substantial new source of light or glare which would adversely affect day or nighttime views in the area. Impacts would be less than significant and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable.

4.2 Agriculture and Forestry Resources

Threshold (a) Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The State of California, Department of Conservation, Farmland Mapping and Monitoring Program has designated the project site as Urban and Built-Up Land. There is no Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance on or proximate to the project site.[4] The surrounding area includes various commercial and industrial uses and a mobile home park. No farmland would be converted. Therefore, no impact would occur and no mitigation is required.

Threshold (b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is zoned C-M. Since there is no agricultural use on the site and the C-M zone does not allow agricultural use, the Project would not conflict with any zoning that allows agricultural use on the site. A Williamson Act contract between local governments and private landowners restricts specified parcels of land to agricultural or related open-space use in return for a lower property tax assessment. The project site is not under a Williamson Act contract. Further, the project site's existing C-M zoning does not allow for agricultural uses. Therefore, the Project would not conflict with agricultural zoning designation or a Williamson contract. Therefore, no impact would occur and no mitigation is required.

Threshold (c) Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

Threshold (d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The proposed Project would not conflict with existing zoning for forest land, timberland, or timberland production. There are no forest or timberland resources on the project site or in the surrounding area. The project site's existing C-M zoning district does not permit forest land, timberland, or timberland production. Therefore, no impact would occur and no mitigation is required.

Threshold (e) Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The project site and surrounding area do not include nor are proximate to agricultural uses or forest land. Therefore, the Project would not directly or indirectly result in the conversion of property from agricultural or timberland uses. Therefore, no impact would occur and no mitigation is required.

[4] State of California Department of Conservation. *California Important Farmland Finder*. Available at https://maps.conservation.ca.gov/dlrp/ciff/. Accessed July 22, 2024.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable.

4.3 Air Quality

The air quality analysis in this section is based on information included in the following reports:

- *Rosemead and Rush Industrial Project, Air Quality, Global Climate Change, HRA, and Energy Impact Analysis*, Ganddini Group Inc., February 16, 2024; see **Appendix A.**[5]
- *Rosemead and Rush Industrial Project Memorandum – Updated Plan Set and Transportation, Noise, and Air Quality/Greenhouse Gas/Energy Impact Studies*, Ganddini Group Inc., August 15, 2024; see **Appendix A.**[6]

Threshold (a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The project site is within the South Coast Air Basin (SCAB), which is under the South Coast Air Quality Management District (SCAQMD) jurisdiction. The SCAQMD is required, under the Federal Clean Air Act, to reduce emissions of criteria pollutants for which the SCAB is in nonattainment. To reduce such emissions, the SCAQMD drafted the 2016 and 2022 AQMPs, which establish programs of rules and regulations directed at reducing air pollutant emissions and achieving California ambient air quality standards (CAAQS) and National ambient air quality standards (NAAQS). The AQMPs are a regional and multi-agency effort including the SCAQMD, the California Air Resources Board, and the U.S. Environmental Protection Agency. The AQMPs' pollutant control strategies are based on the latest scientific and technical information and planning assumptions, including SCAG's *Connect SoCal 2024* (2024-2050 Regional Transportation Plan/Sustainable Communities Strategy [RTP/SCS]). SCAG's latest growth forecasts at the time of AQMP preparation were defined in consultation with local governments and based on local general plans.

Criteria for determining consistency with the AQMPs are listed below:

- **Consistency Criterion No. 1**: The project will not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMPs.
- **Consistency Criterion No. 2**: The project will not exceed the assumptions in the AQMPs or increments based on the years of the project build-out phase.

According to the SCAQMD's *CEQA Air Quality Handbook*, the purpose of the consistency finding is to determine if a project is inconsistent with the AQMP's assumptions and objectives, and thus if it would interfere with the region's ability to comply with CAAQS and NAAQS.

The violations that Consistency Criterion No. 1 refers to are exceeding the CAAQS and NAAQS. Based on the air quality modeling analysis conducted for the Project (**Appendix A**), the Project would not exceed

[5] The technical reports supporting this Initial Study assumed a construction schedule for the project from November 2023 to November 2024. Due to different intervals for the processing and anticipated approval timeframe for the Project, the Project is now assumed to commence construction in Fall/Winter 2024, with expected construction timeframe of 12 months. This change in construction schedule does not impact the conclusions of the technical reports and evaluations supporting this Initial Study, as the change in construction schedule is not expected to result in any new or worse environmental impacts for purposes of CEQA. The overall scope, equipment use and duration of Project construction would remain the same, and the delayed construction date could reasonably result in fewer air quality emissions as State and AQMD regulations become more stringent. Therefore, the technical reports supporting this Initial Study remain valid.

[6] After preparation of the technical study, minor modifications to the plan set dated August 8, 2024 has resulted in a net reduction of square feet compared to the assumptions for the February 2024 study. These changes do not change the findings of the study as summarized in this Initial Study.

the SCAQMD's construction or operational thresholds as shown in **Table 4.3-2: Construction-Related Regional Pollutant Emissions** and **Table 4.3-3: Regional Operational Pollutant Emissions**. Therefore, the Project would not exceed the CAAQS or NAAQS, would not contribute to an existing air quality violation, and is consistent with Consistency Criterion No. 1.

With respect to Consistency Criterion No. 2, consistency with the AQMP assumptions is determined by performing an analysis of a project with the assumptions in the AQMP. The emphasis of this criterion is to ensure that the analyses conducted on a project are based on the same forecasts as the AQMP. The AQMPs contain air pollutant reduction strategies based on SCAG's latest growth forecasts, and SCAG's growth forecasts were defined in consultation with local governments and with reference to local general plans. The project site has an existing land use designation of Commercial-Manufacturing and is zoned C-M. The proposed Project would construct an approximately 156,877 sf concrete tilt-up warehouse with 113,703 sf of warehouse space, 7,879 sf of retail use, 20,305 sf of accessory warehouse office use, and 14,990 sf of warehouse storage. The proposed Project is consistent with the existing land use and zoning designations that were assumed in the AQMP. Therefore, the Project is not anticipated to exceed the AQMP assumptions for the project site and is found to be consistent with Consistency Criterion No. 2. Because the Project is consistent with the SCAQMD consistency findings criteria, the Project would not conflict with or obstruct the implementation of the AQMP. A less than significant impact would occur and no mitigation is required.

Threshold (b) Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or State ambient air quality standard?

Less Than Significant Impact. Since the timing or sequencing of the cumulative projects is unknown, any quantitative analysis to ascertain daily construction emissions that assumes multiple, concurrent construction projects would be speculative at this time. Further, cumulative projects include local development as well as general growth in the project area. However, as with most development, the greatest source of emissions is from mobile sources, which travel well out of the local area. Therefore, from an air quality standpoint, the cumulative analysis would extend beyond any local projects and when wind patterns are considered would cover an even larger area. The SCAQMD recommends using two different methodologies: (1) that project-specific air quality impacts be used to determine the potential cumulative impacts to regional air quality; and (2) that a project's consistency with the current AQMP be used to determine its potential cumulative impacts. The Project's potential regional construction and operational air quality impacts are discussed below. The Project's consistency with the AQMP is discussed under Response 4.3(a) above.

Regional Air Quality

Air quality impacts that derive from dispersed mobile sources, which are the dominant pollution generators in the SCAB, often occur hours later and miles away after photochemical processes have converted primary exhaust pollutants into secondary contaminants such as ozone. The incremental regional air quality impact of an individual project is generally very small and difficult to measure. Therefore, the SCAQMD has developed significance thresholds based on the volume of pollution emitted rather than on actual ambient air quality because the direct air quality impact of a project is not quantifiable on a regional scale. The SCAQMD CEQA Handbook states that any project in the South Coast Air Basin with daily emissions that exceed any of the identified significance thresholds should be considered as having an individually and cumulatively significant air quality impact. For the purposes of

this air quality impact analysis, a regional air quality impact would be considered significant if emissions exceed the SCAQMD significance thresholds identified in **Table 4.3-1: SCAQMD Air Quality Significance Thresholds.**

Table 4.3-1: SCAQMD Air Quality Significance Thresholds

Mass Daily Thresholds[1]		
Pollutant	**Construction (lbs/day)**	**Operation (lbs/day)**
NOx	100	55
VOC	75	55
PM_{10}	150	150
$PM_{2.5}$	55	55
SOx	150	150
CO	550	550
Lead	3	3
Toxic Air Contaminants (TACs), Odor and GHG Thresholds		
TACs (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Chronic & Acute Hazard Index > 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to South Coast AQMD Rule 402	
GHG	10,000 MT/yr CO2e for industrial facilities	
Ambient Air Quality Standards for Criteria Pollutants[2]		
NO_2 1-hour average annual arithmetic mean	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.18 ppm (State) 0.03 ppm (State) & 0.0534 ppm (federal)	
PM_{10} 24-hour average annual average	 10.4 µg/m^3 (construction)[3] & 2.5 ug/m^3 (operation) 1.0 ug/m^3	
$PM_{2.5}$ 24-hour average	 10.4 µg/m^3 (construction)[3] & 2.5 µg/m^3 (operation)	
SO_2 1-hour average 24-hour average	 0.25 ppm (State) & 0.075 ppm (federal – 99th percentile) 0.04 ppm (State)	
Sulfate 24-hour average	 25 µg/m^3 (State)	
CO 1-hour average 8-hour average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (State) & 35 ppm (federal) 9 ppm (State/federal)	
Lead 3-day average Rolling 3-month average	 1.5 µg/m^3 (State) 0.15 µg/m^3 (federal)	

(1) Source: South Coast AQMD CEQA Handbook (South Coast AQMD, 1993)
(2) Ambient air quality thresholds for criteria pollutants based on South Coast AQMD Rule 1303, Table A-2 unless otherwise stated.
(3) Ambient air quality threshold based on South Coast AQMD Rule 403.
Source: Ganddini Group Inc. 2024

Construction-Related Emissions

Project construction activities would generate short-term criteria air pollutant emissions. The criteria pollutants of primary concern within the project area are O_3 precursor pollutants (i.e., reactive organic gases [ROG] and nitrogen oxides [NO_X]) and PM_{10} and $PM_{2.5}$. Construction-related emissions are short term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air quality impact if the criteria pollutant emissions exceeded the SCAQMD's thresholds of significance.

Construction results in the temporary generation of emissions resulting from site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities as well as weather conditions and the appropriate application of water.

Project construction is anticipated to occur over approximately 12 months. Project construction-related emissions were calculated using the CARB-approved CalEEMod computer program; see **Appendix A** for more information regarding the construction assumptions used in this analysis. The maximum summer or winter criteria pollutant emissions from the proposed Project's construction-related criteria pollutant emissions are shown in **Table 4.3-2**. As identified in **Table 4.3-2**, the Project's construction emissions would not exceed SCAQMD thresholds for all criteria pollutants. Therefore, the Project's construction-related emissions would result in a less than significant impact.

Table 4.3-2: Construction-Related Regional Pollutant Emissions

	Pollutant Emissions (pounds/day)					
Activity	**ROG**	**NOx**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Maximum Daily Emissions[1,2]	60.60	84.20	100.00	0.17	5.03	3.91
SCAQMD Thresholds	75	100	550	150	150	55
Exceeds Thresholds?	**No**	**No**	**No**	**No**	**No**	**No**

(1) Reflects on-site and off-site emissions. On-site demolition and grading PM_{10} and $PM_{2.5}$ emissions show compliance with SCAQMD Rule 403 for fugitive dust.
(2) Construction, painting, and paving phases may overlap.
Source: Ganddini Group Inc. 2024.

Operational-Related Emissions

Project operations would result in long-term increases in air quality emissions compared to the existing emissions from the site; the site is currently vacant. This increase would be due to emissions from project-generated vehicle trips and operational emissions from the ongoing use of the Project.

The operations-related criteria air quality impacts of the Project were analyzed with CalEEMod. The operating emissions were based on year 2025, which is the anticipated opening year for the Project (see **Appendix A** for more information regarding the operational assumptions used in this analysis). CalEEMod analyzes operational emissions from area sources, energy usage, and mobile sources, which are discussed below.

Mobile Sources. Mobile sources include emissions from the vehicle miles generated by the Project. The vehicle trips associated with the Project have been analyzed using CalEEMod. The Project would generate 227 (passenger car equivalent; PCE) truck trips and 422 vehicle trips per day. CalEEMod applies emission factors for each trip using the EMFAC2021 model to determine the Project's vehicular traffic pollutant

emissions. Due to the location of the project site and proposed warehouse land use, the average customer-based trip length was increased to 40 miles per SCAQMD recommendation, while all other trip lengths were based on the urban default values (see **Appendix A**).

Area Sources. Area sources include emissions from consumer products, landscape maintenance equipment, and architectural coatings. Landscape maintenance includes fuel combustion emissions from the operation of equipment such as lawnmowers, rototillers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers, as well as air compressors, generators, and pumps. Since information is not available at this time for the landscape maintenance fleet equipment that would be used at the site, CalEEMod defaults were used to estimate the emissions from the operation of landscape maintenance equipment.

Energy Usage. Energy usage includes emissions from the generation of electricity and natural gas used on the site.

The maximum daily pollutant emissions generated by the Project's long-term operations are shown in **Table 4.3-3**. As shown, the Project's long-term operational emissions would not exceed any SCAQMD thresholds. Therefore, the Project's operational emissions would result in a less than significant impact.

Table 4.3-3: Regional Operational Pollutant Emissions

	Pollutant Emissions (pounds/day)					
Activity	**ROG**	**NOx**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Maximum Daily Emissions	6.82	11.60	30.00	0.12	2.80	0.84
SCAQMD Thresholds	55	55	550	150	150	55
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Note: the higher of either summer or winter emissions.
Source: Ganddini Group Inc. 2024

Cumulative Short-Term Emissions

The project site is located in an area that is not in attainment for O_3, PM_{10}, and $PM_{2.5}$. Construction and operation of cumulative projects may further degrade the local air quality, as well as the air quality of the SCAB. The greatest cumulative impact on the quality of regional air would be the incremental addition of pollutants mainly from increased traffic volumes from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with the construction of the cumulative projects. Air quality would be temporarily degraded during construction activities that occur separately or simultaneously. However, in accordance with the SCAQMD methodology, projects that do not exceed SCAQMD air emission criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact. A significant impact may occur if a project would add a cumulatively considerable contribution to a federal or State non-attainment pollutant.

Project operations are calculated to generate emissions of NOx, ROG, CO, PM_{10}, and $PM_{2.5}$ that would not exceed SCAQMD regional or local thresholds(**Table 4.3-3**) and would not be expected to result in ground-level concentrations that exceed the NAAQS or CAAQS. Since the Project would not introduce any substantial stationary sources of emissions, CO is the benchmark pollutant for assessing local area air quality impacts from post-construction motor vehicle operations. As indicated earlier, no violations of the State and federal CO standards are projected to occur for the Project, based on the estimated traffic associated with the proposed Project.

Because the operation of the Project would not have a cumulatively considerable net increase in regional or local non-attainment criteria pollutants, the Project would result in a less than significant cumulative impact for operational emissions.

Threshold (c) Would the Project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. To identify impacts on sensitive receptors, the SCAQMD recommends addressing localized significance thresholds (LSTs) for construction. LSTs were developed in response to the SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the Final Localized Significance Threshold Methodology (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with project-specific emissions.

Since CalEEMod calculates construction emissions based on the number of equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment, **Table 4.3-4: Maximum Number of Acres Disturbed Per Day** is used to determine the Project's maximum daily disturbed acreage for comparison to LSTs. The appropriate source receptor area (SRA) for the LSTs is the South San Gabriel Valley (SRA 11) because this area includes the project site. LSTs apply to NO_x, CO, PM_{10}, and $PM_{2.5}$. The SCAQMD provides look-up tables for projects that disturb areas less than or equal to 5.0 acres. Project construction is anticipated to disturb a minimum of 2.5 acres in a single day during the grading phase.

Table 4.3-4: Maximum Number of Acres Disturbed Per Day

Activity	Equipment	Number	Acres/8 hr-day	Total Acres
Demolition	Rubber Tired Dozers	2	0.5	1
Total for Phase		-	-	**1**
Grading	Rubber Tired Dozers	1	0.5	0.5
	Graders	1	0.5	0.5
	Crawler Tractors[1]	3	0.5	1.5
Total for Phase		-	-	**2.5**

(1) Tractor/loader/backhoe is a suitable surrogate for a crawler tractor per SCAQMD staff.
Source: Ganddini Group Inc. 2024.

The sensitive receptor nearest the project site is the mobile home park located adjacent to the south. LST thresholds are provided for distances to sensitive receptors of 25, 50, 100, 200, and 500 meters. Therefore, LSTs for receptors located at a distance of 25 meters were utilized in this analysis consistent with SCAQMD methodology.

Table 4.3-5: LST Local Construction Emissions at the Nearest Receptors presents the results of localized emissions during each construction phase. As shown, none of the analyzed criteria pollutants would exceed the local emissions thresholds at the nearest sensitive receptors. Therefore, Project construction would not result in significant concentrations of pollutants at nearby sensitive receptors.

Table 4.3-5: LST Local Construction Emissions at the Nearest Receptors

	On-Site Pollutant Emissions (pounds/day)			
Activity	**NOx**	**CO**	**PM_{10}**	**$PM_{2.5}$**
Demolition	27.3	23.5	2.1	1.24
Grading	20.0	19.7	3.7	2.21
Building Construction	82.7	95.4	3.95	3.64
Paving	7.81	10.0	0.39	0.36
Architectural Coating	0.91	1.15	0.03	0.03
SCAQMD LST Thresholds[1]	121	1,031	7	5
Exceeds Threshold?	**No**	**No**	**No**	**No**

(1) The nearest sensitive receptors are the existing residential/trailer park use located adjacent to the south, the multi-family residential land uses located approximately 547 feet (~166 meters) to the southwest, and the single-family residential land uses located approximately 297 feet (~91 meters) to the west, 372 feet (~114 meters) to the northwest and 743 feet (~226 meters) to the southwest of the project site; therefore, the 25-meter threshold was used.

Notes: The Project will disturb up to a maximum of 2.5 acres a day during grading (see **Table 4.3-4**).
Calculated from CalEEMod and SCAQMD's Mass Rate Look-up Tables for 2 acres, to be conservative, at a distance of 25 m in SRA 11 South San Gabriel Valley.

Source: Ganddini Group Inc. 2024.

Construction-Related Health Impacts

Public health significance thresholds related to criteria pollutant emissions are established for regional compliance in accordance with State and federal ambient air quality standards to protect the public from both acute and long-term health impacts, depending on the potential effects of the pollutant. Because both regional and local emissions of criteria pollutants during construction are calculated to be below the applicable thresholds, the Project would not contribute to long-term health impacts related to nonattainment of the ambient air quality standards. The significant adverse acute health impacts due to Project construction emissions would have a less than significant impact.

Construction-Related Toxic Air Contaminant Impacts

The greatest potential for toxic air contaminant emissions associated with the construction of the Project would be with diesel particulate emissions during the operation of heavy construction equipment. According to the Office of Environmental Health Hazard Assessment (OEHHA) and the SCAQMD Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (August 2003), health effects from TACs are described in terms of individual cancer risk based on a lifetime (i.e., 30-year) resident exposure duration. Given the temporary and short-term construction schedule of approximately 12 months to construct the Project, the Project would not result in long-term (i.e., lifetime or 30-year) exposure. Additionally, construction-based particulate matter (PM) emissions, which include diesel exhaust emissions, do not exceed local or regional thresholds.

The Project would comply with the California Air Resources Board (CARB) Air Toxics Control Measure which limits the operation of diesel-powered equipment and vehicle idling to no more than five minutes and the CARB In-Use Off-Road Diesel Vehicle Regulation. Project compliance with these measures and regulations would minimize Project TACs during construction. TAC impacts during Project construction would be less than significant.

Operations-Related Human Impacts

The ongoing operation of the Project would generate toxic air contaminant (TAC) emissions from the operation of on-site diesel trucks. According to SCAQMD methodology, health effects from carcinogenic

air toxics are usually described in terms of individual cancer risk. “Individual Cancer Risk” is the likelihood that a person exposed to concentrations of toxic air contaminants over a 30-year lifetime will contract cancer, based on the use of the revised OEHHA risk-assessment methodology. The 2015 OEHHA guidance states that "Districts are to determine which facilities will prepare an HRA based on a prioritization process outlined in the law. The process by which Districts identify priority facilities for risk assessment involves consideration of potency, toxicity, quantity of emissions, and proximity to sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences".

The Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis prepared by SCAQMD (August 2003) defers to CARB (State) for "technical guidance for diesel toxic impact analyses for various source categories". The California Air Pollution Control Officers Association (CAPCOA) has developed TAC health risk assessment guidelines to provide consistent, statewide procedures for preparing the health risk assessments required under the Air Toxics “Hot Spots” Act. The District recommends that lead agencies conduct TAC risk assessments in accordance with the CAPCOA Risk Assessment Guidelines, as supplemented by the District’s supplemental guidelines. According to SCAQMD and CAPCOA guidelines, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. “Individual Cancer Risk” is the likelihood that a person exposed to concentrations of toxic air contaminants over a 30-year lifetime will contract cancer, based on the use of standard risk-assessment methodology.

The nearest sensitive receptors to the project site are the existing mobile home park use located adjacent to the south, the multi-family residential land uses located approximately 547 feet to the southwest, the single-family residential land uses located approximately 297 feet to the west, 372 feet to the northwest, and 743 feet to the southwest of the project site.

The most recent *Health Risk Assessment for Proposed Land Use Projects* prepared by CAPCOA (July 2009) recommends avoiding siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week). A summary of the basis for the distance recommendations can be found in the CARB Handbook Air Quality and Land Use Handbook: A Community Health Perspective.

The Project is calculated to generate approximately 89 truck trips per day (non-PCE). Therefore, a quantitative health risk assessment for the Project is not warranted or required because the Project would generate less than 100 truck trips per day. Due to the low number of Project-related trucks (less than 100 per day), significant TAC impacts from the project-related operational diesel particulate matter (DPM) sources are not anticipated, and no significant long-term operations-related TAC impacts by the Project.

The applicable significance thresholds for health effects related to criteria pollutant emissions are established for regional compliance with the State and federal ambient air quality standards, which are intended to protect public health from both acute and long-term health impacts, depending on the potential effects of the pollutant. Because regional and local emissions of criteria pollutants during Project operations are below the applicable thresholds, the Project would not contribute to long-term health impacts related to nonattainment of the ambient air quality standards. Therefore, the Project would have less than significant operational human health impacts. Based on the analysis above, the Project would not have any significant operational air quality impacts.

Carbon Monoxide Hotspots. CO is the pollutant of major concern along roadways because the most notable source of CO is motor vehicles. CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of potential local air quality impacts. Local air quality impacts can be assessed by comparing future without and with Project CO levels to the State and federal CO standards. To determine if the proposed Project could cause emission levels in excess of the CO standards discussed above, a sensitivity analysis is typically conducted to determine the potential for CO "hot spots" at intersections in the general project vicinity. Because of reduced speeds and vehicle queuing, "hot spots" potentially occur at high-traffic volume intersections with a Level of Service E or worse.

The analysis prepared for CO attainment in the SCAB can be used to assist in evaluating the potential for CO exceedances in the SCAB. CO attainment was thoroughly analyzed as part of the SCAQMD's 2003 Air Quality Management Plan (2003 AQMP) and the 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan). As discussed in the 1992 CO Plan, peak carbon monoxide concentrations in the South Coast Air Basin are due to unusual meteorological and topographical conditions, and not due to the impact of particular intersections. Considering the region's unique meteorological conditions and the increasingly stringent CO emissions standards, CO modeling was performed as part of the 1992 CO Plan and subsequent plan updates and air quality management plans. In the 1992 CO Plan, a CO hot spot analysis was conducted for four busy intersections in Los Angeles at the peak morning and afternoon time periods. The intersections evaluated included: South Long Beach Boulevard and Imperial Highway (Lynwood); Wilshire Boulevard and Veteran Avenue (Westwood); Sunset Boulevard and Highland Avenue (Hollywood); and La Cienega Boulevard and Century Boulevard (Inglewood). These analyses did not predict a violation of CO standards. The busiest intersection evaluated was that at Wilshire Boulevard and Veteran Avenue, which has a daily traffic volume of approximately 100,000 vehicles per day. The Los Angeles County Metropolitan Transportation Authority evaluated the Level of Service in the vicinity of the Wilshire Boulevard/Veteran Avenue intersection and found it to be Level of Service E during the morning peak hour and Level of Service F during the afternoon peak hour.

The Traffic Impact Analysis (see **Appendix F**) indicates that the proposed Project would generate approximately 523 daily vehicle trips (non-passenger car equivalent [PCE]) with an Opening Year + Project PM peak hour volume of 1,928 vehicles at the project driveways. The 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan) shows that an intersection that has a daily traffic volume of approximately 100,000 vehicles per day would not violate the CO standard. Therefore, as the PM peak hour volume falls far short of 100,000 vehicles per day, no CO "hot spot" modeling is needed. Impacts would be less than significant and no mitigation is required.

Threshold (d) Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. The SCAQMD CEQA Air Quality Handbook states that an odor impact would occur if a project creates an odor nuisance pursuant to SCAQMD Rule 402, Nuisance, which states:

> *A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.*

Construction

During construction, emissions from construction equipment, such as diesel exhaust, and volatile organic compounds from architectural coatings and paving activities may generate odors. However, these odors would be temporary, are not expected to affect a substantial number of people, and would disperse rapidly. Therefore, odor impacts associated with the Project's construction-related activities would be less than significant.

Operations

The SCAQMD CEQA Air Quality Handbook identifies certain land uses as sources of odors. The type of facilities that are typically considered to have objectionable odors associated with their operations include wastewater treatment plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. The Project proposes a warehouse that is not included in the list of typical objectionable odor-causing land uses. Any odors that are generated during the operations of the Project would be low in concentration, temporary, and are not anticipated to have a significant odor impact on any odor-sensitive receptors adjacent to the site. Therefore, the Project would not create objectionable odors. Impacts would be less than significant and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable.

4.4 Biological Resources

Threshold (a) Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. The project site is located in an urban built-up area with commercial and industrial development bordering the site on the east, north, and west, and an industrial building and a mobile home park are adjacent to and south of the site. The project site currently consists of a paved surface parking lot and a building foundation from the former buildings. The only vegetation on the project site is non-native trees as well as shrubs and weeds. The project site does not support any suitable habitat for candidate, sensitive, or special-status species due to the previously developed nature and existing conditions. Further, the General Plan Resources Element states that there are no rare or endangered species of plants, fish, or wildlife because the City is built out. Therefore, the Project would not have an adverse impact on any candidate, sensitive, or special-status plant or wildlife species. No impact would occur and no mitigation is required.

Threshold (b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Threshold (c) Would the Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. Based on the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory, there are no riparian habitats or other sensitive natural communities on or near the project site. The project site does not contain any water resources (e.g., streams, creeks, channels, vernal pools) nor would the proposed Project potentially affect wetlands. Therefore, no impact concerning riparian habitat or wetlands would result from the Project and no mitigation is required.

Threshold (d) Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact. Wildlife movement corridors are physical connections that allow wildlife to move between areas of suitable habitat in both undisturbed and fragmented landscapes. The project site is located in an urbanized and built-up environment. The project site is not a recognized wildlife corridor nor is it proximate to a nursery site for native and migratory wildlife.

The proposed Project would remove several trees that have the potential to support nesting migratory birds that are protected under the Migratory Bird Treaty Act (MBTA) (US Code Title 16, §§703 to 712) and California Fish and Game Code (CFGC) (§§3503 et seq.). Standard Condition (SC) BIO-1 requires compliance with the MBTA. The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. Under MBTA provisions, it is unlawful "by any means or manner to pursue, hunt, take, capture (or) kill" any migratory birds except as permitted by regulations issued by the USFWS. The term "take" is defined by USFWS regulation to mean to "pursue,

hunt, shoot, wound, kill, trap, capture or collect" any migratory bird or any part, nest, or egg of any migratory bird covered by the conventions, or to attempt those activities. In addition, the California Fish and Game Code extends protection to non-migratory birds identified as resident game birds (CFGC §3500) and any birds in the orders Falconiformes or Strigiformes (birds-of-prey) (CFGC §3503). The on-site trees and vegetation could provide a suitable nesting habitat for birds. Compliance with SC BIO-1 would ensure that a less than significant impact would occur.

Threshold (e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The City does not have an ordinance protecting biological resources on private property. Therefore, the Project would not conflict with any located City policies or ordinances that protect biological resources, including trees. No impact would occur and no mitigation is required.

Threshold (f) Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

No Impact. According to the California Department of Fish and Wildlife's California Regional Conservation Plans map, the project site is not located within a Natural Community Conservation Plan (NCCP) or Habitat Conservation Plan (HCP).[7] The project site does not contain any sensitive biological resources, and no local policies protecting biological resources apply to the site. Therefore, the Project would not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. No impact would occur and no mitigation is required.

Mitigation Program

Standard Conditions

SC BIO-1 **Nesting Migratory Birds.** During construction, grubbing, brushing, or tree removal shall be conducted outside of the state identified nesting season for migratory birds (i.e., typically March 15 through September 1), if possible. If construction activities cannot be conducted outside of nesting season, a Pre-Construction Nesting Bird Survey within and adjacent to the project site shall be conducted by a qualified biologist within three days prior to initiating construction activities. If active nests are found during the Pre-Construction Nesting Bird Survey, a Nesting Bird Plan (NBP) shall be prepared by a qualified biologist and implemented during construction. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, monitoring, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, nesting sage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity.

Mitigation Measures

No mitigation measures are required.

[7] California Department of Fish and Wildlife, California Regional Conservation Plans, August 2024, Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline, accessed July 29, 2024.

4.5 Cultural Resources

Threshold (a) Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

No Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally, a resource is considered "historically significant" if it meets one of the following criteria:

1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2) Is associated with the lives of persons important in our past.
3) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4) Has yielded, or may be likely to yield, information important in prehistory or history.

The project site was developed in the past with industrial buildings. The industrial buildings and other site improvements were demolished in late 2021 and early 2022. The only improvements remaining on the site are the concrete building pads of the previous buildings, the asphalt drive aisles, the parking lot, and limited landscaping. Because there are not any buildings on the site, the Project would have no impact on historic resources and no mitigation is required.

Threshold (b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less Than Significant With Mitigation Incorporated. The geotechnical investigation[8] notes the project site is underlain by 5 to 13 feet of undocumented fill. Project grading and construction are proposed to a maximum depth of approximately 10 feet below the existing ground surface. Subsurface excavation to this depth could unearth archaeological resources. Should archaeological deposits be encountered during ground disturbance, a substantial adverse change in the significance of an archaeological resource could occur. Therefore, MM CUL-1 would be required, which outlines steps to be taken if an archaeological resource is exposed during construction. Implementation of MM CUL-1 would reduce potential impacts to unknown archaeological resources to a less than significant level.

Threshold (c) Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. Past development has previously disturbed the project site. No known human remains occur on the site, and no dedicated cemeteries are on or near the project site. It is not anticipated that human remains are present. In the event human remains are encountered during earth removal or disturbance activities, compliance with the established regulatory framework (i.e., Health and Safety Code Sections 7050.5-7055 and PRC Section 5097.98 and Section 5097.99), identified in SC CUL-1, would preclude significant impacts associated with human remains.

[8] Geotechnical Investigation, TGR, December 11, 2020, page 7.

Mitigation Program

Standard Conditions

SC CUL-1 California Health and Safety Code Section 7050.5 through 7055, and Public Resources Code Sections 5097.98 and 5097.99 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Mitigation Measures

MM CUL-1 Prior to the issuance of the first grading permit or permit for ground disturbance activities, the Applicant shall provide evidence to the City of South El Monte that a qualified archaeologist has been retained. The selection of the qualified archaeologist shall be subject to approval by the City. The archaeologist shall train project construction workers on the types of archaeological resources that could be found in site soils.

The archaeologist shall periodically monitor ground-disturbing activities. If cultural resources are inadvertently unearthed during excavation and grading activities of any future development project, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery (the distance shall be determined by the archaeologist) and the archaeologist shall be contacted to evaluate the significance of the find. Work can continue beyond the find. For finds that are not significant, work may resume immediately after the find is documented and removed at the direction of the archaeologist. If a find is significant, a mitigation plan shall be developed and approved by the City of South El Monte Planning Manager and all required mitigation completed prior to ground disturbance activity continuing within the established buffer radius.

4.6 Energy

The energy analysis in this section is based on information included in the following report:

- *Rosemead and Rush Industrial Project, Air Quality, Global Climate Change, HRA, and Energy Impact Analysis*, Ganddini Group Inc., February 16, 2024; see **Appendix A.**
- *Rosemead and Rush Industrial Project Memorandum– Updated Plan Set and Transportation, Noise, and Air Quality/Greenhouse Gas/Energy Impact Studies*, Ganddini Group Inc., August 15, 2024; see **Appendix A.**[9]

Threshold (a) Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

Less Than Significant Impact.

Fuel. During construction, transportation energy use depends on the type and number of trips, vehicle miles traveled, the fuel efficiency of vehicles, and travel mode. Transportation energy use during construction would be associated with the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel/gasoline. The use of energy resources by these vehicles would fluctuate according to the construction phase and would be temporary.

Construction worker trips are estimated to be from light-duty autos and light-duty trucks.[10] Construction worker trips are estimated to generate an estimated 244,263 VMT based on data from CalEEMod 2022.1.1.8 model defaults. Construction worker vehicle fuel efficiencies were estimated at an aggregate fuel efficiency of 25.44 miles per gallon (mpg) using information from CARB's 2021 EMFAC model. Project construction workers are estimated to consume approximately 9,602 gallons of fuel during construction.

Most construction equipment during demolition and grading would be gas-powered or diesel-powered, and the later construction phases would require electricity-powered equipment. Construction equipment would consume an estimated 31,101 gallons of diesel fuel. Project construction represents a "single-event" diesel fuel demand and would not require ongoing or permanent commitment of diesel fuel resources for this purpose. The estimated fuel consumption for vendor and hauling during building construction and architectural coating application would be 1,657 gallons. Idling of in-use off-road heavy-duty diesel vehicles in California is limited to five minutes per Title 13, CCR Section 2449(d)(3). Project construction equipment would also be required to comply with the latest United States Environmental Protection Agency (U.S. EPA) and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel use. Impacts related to transportation energy use during construction would be temporary and would not require expanded energy supplies or the construction of new infrastructure; impacts would be less than significant.

During operations, energy consumption would be associated with visitor and employee vehicle trips; delivery and supply trucks; and trips by maintenance and repair crews. Using the CalEEMod output from

[9] After preparation of the technical study, minor modifications to the plan set dated August 8, 2024 has resulted in a net reduction of square feet compared to the assumptions for the February 2024 study. These changes do not change the findings of the study as summarized in this Initial Study.

[10] CalEEMod User's Guide Appendix C (April 2022) states that construction work trips are made by a fleet consisting of 25 percent light-duty auto (or passenger car), 50 percent light-duty truck type 1 (LDT1), and 25 percent light duty truck type 2 (LDT2).

the air quality and greenhouse gas analyses, it is assumed that an average trip for autos would be 15.92 miles, light trucks, and 3-axle trucks would be 7.28 miles, and 4-axle trucks would be 40 miles.[11] As the Project includes the development of the site with warehouse and retail uses, to present a worst-case scenario, it was assumed that vehicle use associated with the Project would be 365 days per year. The Project is calculated to generate 523 trips per day. The vehicle fleet mix was used from the CalEEMod output. The Project is estimated to consume approximately 211,268 gallons of fuel per year. California consumed approximately 3.1 billion gallons of diesel and 13.6 billion gallons of gasoline in 2022.

The trip generation and VMT generated by the Project are consistent with other similar industrial uses of similar scale and configuration as reflected respectively in the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition, 2021). The project site is near public transportation, further reducing the need to drive. The City and surrounding areas are highly urbanized with numerous gasoline fuel facilities and infrastructure. Consequently, the proposed Project would not result in a substantial energy demand that would require expanded supplies, the construction of other infrastructure, or the expansion of existing facilities. Existing rules and regulations concerning vehicle fuel consumption efficiencies would ensure that vehicle trips generated by the Project would not be considered inefficient, wasteful, or unnecessary.

Electricity. Energy capacity, or electrical power, is generally measured in watts (W) while energy use is measured in watt-hours (Wh). On a utility-scale, a generator's capacity is typically rated in megawatts (MW), which is one million watts, while energy use is measured in megawatt-hours (MWh) or gigawatt-hours (GWh), which is one billion watt-hours. SCE would provide electrical service to the project site.

Electrical service is provided to the project site and surrounding area by SCE, which obtains electricity from conventional and renewable sources. In 2022, 33.2 percent of SCE's electricity was generated from eligible renewables; 8.3 percent from nuclear power; 3.4 percent from large hydroelectric generators; 24.7 percent from natural gas; 8.3 percent from nuclear; and 30.4 percent from other and unspecified sources.[12] SCE has reached California's 2020 renewable energy as mandated.

The annual total electricity demand of the Project is expected to be 843,163 kilowatt-hours (kWh). In 2021, the non-residential sector of the County of Los Angeles consumed approximately 44,438 million kWh of electricity.[13] The Project's electricity consumption would represent an insignificant increase compared to the overall demand in SCE's service area. Therefore, projected electrical demand would not significantly impact SCE's level of service.

The Project's design and materials would be required to comply with the latest Building Energy Efficiency Standards adopted at the time of construction. The Project would also adhere to the actions listed in CALGreen, which establishes planning and design standards for sustainable site development, energy efficiency, water conservation, material conservation, and internal air contaminants.

Project development would not interfere with the achievement of the 60 percent Renewable Portfolio Standard set forth in SB 100 for 2030 or the 100 percent standard for 2045. These goals apply to SCE and other electricity retailers. As electricity retailers reach these goals, emissions from end-user electricity use

[11] CalEEMod default distance for W-O (work-other) is 7.97 miles (with trips changed to 40 miles per SCAQMD recommendations), for O-O (other-other) is 7.28 miles, and 15.92 miles for H-W (home-work).

[12] Southern California Edison. 2022 Power Content Label. https://www.sce.com/sites/default/files/custom-files/PDF_Files/SCE_2022_Power_Content_Label_B%26W.pdf. Accessed June 4, 2024.

[13] California Energy Commission, Electricity Consumption by County. https://ecdms.energy.ca.gov/elecbycounty.aspx

would decrease from current emission estimates. Impacts to electrical service would be less than significant.

Natural Gas. Southern California Gas Company (SoCalGas) provides natural gas service to the area. The Project is expected to use approximately 2,916,899 kilo-British thermal units per year (KBTU/year) of natural gas. [14] In 2021, the non-residential sector of the County of Los Angeles consumed approximately 1,743 million therms of gas.[15] The demand is expected to be adequately served by the existing SoCalGas facilities. Core demand is expected to decline by 1.1 percent per year through 2035 (bcfd).[16] [17] Therefore, the natural gas demand from the proposed Project would represent a nominal percentage of overall demand in SoCalGas' service area. The Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.

Threshold (b) Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Less Than Significant Impact. The Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. All of the Project's electricity demands would be served by SCE. Additionally, the Project would comply with the CCR Title 24 energy standards, the 2022 CALGreen Code, and *Connect SoCal 2024*, which contain conservation policies that are mandatory under the City's Building Code; as such, the Project would not conflict with applicable plans for renewable energy or energy efficiency. Such requirements of CCR Title 24 and CALGreen include specific lighting requirements to conserve energy, window glazing to reflect heat, enhanced insulation to reduce heating and ventilation energy usage, and enhanced air filtration. The Project would incorporate these measures as required by the code. The most recent Title 24 Standards ensure that builders use the most energy-efficient and energy-conserving technologies and construction practices.

CCR Title 24 contains energy efficiency standards for residential and non-residential buildings based on a State mandate to reduce California's energy demand. Specifically, CCR Title 24 addresses several energy efficiency measures that impact energy used for lighting, water heating, heating, and air conditioning, including the energy impact of the building envelope such as windows, doors, skylights, wall/floor/ceiling assemblies, attics, and roofs. Part 6 of Title 24 specifically establishes energy efficiency standards for residential and non-residential buildings constructed in the State of California to reduce energy demand and consumption. The Project would not conflict with any of the federal, State, or local plans for renewable energy and energy efficiency. Because the Project would comply with Parts 6 and 11 of Title 24, no conflict with existing energy standards and regulations would occur.

SCAG's *Connect SoCal 2024* was adopted in April 2024 by SCAG and was approved by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The Plan integrates transportation, land use, and housing to meet GHG reduction targets set by CARB. The document establishes GHG emissions goals for automobiles and light-duty trucks (per capita passenger vehicle GHG emission reduction target of 19 percent below 2005 levels by 2035), as well as an overall GHG target for the region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of SB 375. SCAG's

[14] California Energy Commission, Gas Consumption by County. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[15] 1 therm = ~100,043.06 BTU and 1 kBTU = 1,000 BTU. Therefore, the County of Los Angeles' consumption of approximately 1,743 million therms of gas is equal to approximately 174,375,053 kBTU per year.
[16] 1 bcfd is equivalent to about 1.03 billion kBTU.
[17] California Gas and Electric Utilities, 2022 California Gas Report, Available at: https://www.socalgas.com/sites/default/files/Joint_Utility_Biennial_Comprehensive_California_Gas_Report_2022.pdf.

2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal 2020), adopted in September 2020, also established GHG emissions goals for automobiles and light-duty trucks, as well as an overall GHG target for the region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of SB 375. The Project would not conflict with the stated goals of *Connect SoCal 2024* or *Connect SoCal 2020*.

Further, the City participates in the San Gabriel Valley Energy Wise Partnership (SGVEWP) which helps the City and its residents and business owners to reduce their energy usage and costs. The SGVEWP includes an Energy Action Plan that identifies the City's long-term vision and commitment to achieve energy efficiency in the community and government operations. In addition, all contractors and waste haulers are required to comply with the Countywide Integrated Waste Management Plan to divert a minimum of 50 percent of waste project materials from landfill disposal.

Overall, the Project would be designed and constructed in accordance with applicable State and local green building standards that would serve to reduce the energy demand of the Project. A less than significant impact would occur and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are required.

4.7 Geology and Soils

The geology and soils analysis in this section is based in part on information included in the following report:

- *Geotechnical Investigation, Proposed Industrial Building, 2200 Rosemead Boulevard, South El Monte, California*, TGR Geotechnical, Inc., December 2020; see **Appendix B**.

Threshold (a) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact. The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to establish regulatory zones, known as "Alquist Priolo Earthquake Fault Zones," around the surface traces of active faults and to issue appropriate maps. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (typically 50 feet). As concluded in the Geotechnical Investigation, the project site is not located within an Alquist-Priolo Earthquake Fault Zone and thus, the possibility of damage due to ground rupture is considered very low since active faults are not known to cross the site. Therefore, the Project would not directly or indirectly cause potential substantial adverse effects, including the risks of loss, or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. No impact would occur and no mitigation is required.

Threshold (a) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the:

ii) Strong seismic ground shaking?

Less Than Significant Impact With Mitigation Incorporated. Similar to other areas located in the seismically active Southern California region, the City is susceptible to strong ground shaking during an earthquake. However, as previously addressed under Response 4.7ai, the project site is not located within an Alquist-Priolo Earthquake Fault Zone. The proposed Project construction would be required to conform to the seismic design parameters of the current California Building Code as adopted by the City. MM-GEO 1 requires the City to review all project plans for grading, foundation, structural, infrastructure, and all other relevant construction permits relative to the Geotechnical Investigation recommendations. Compliance with MM-GEO 1 and applicable regulations would reduce potential impacts related to strong seismic ground shaking to a less than significant level.

Threshold (a) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the:

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact With Mitigation Incorporated. Liquefaction is a seismic phenomenon in which loose, saturated, fine-grained granular soils behave similarly to a fluid when subjected to high-intensity ground shaking. Liquefaction occurs when these ground conditions exist: 1) Shallow groundwater; 2) Low density, fine, clean sandy soils; and 3) High-intensity ground motion. The effects of liquefaction can include sand boils, settlement, and bearing capacity failures below foundations. As concluded in the Geotechnical Investigation, the project site is located within an area having a potential for liquefaction. The on-site soils were explored to a depth of approximately 51.5 feet below the existing ground surface and groundwater was encountered at a depth of 48 feet. However, the historic depth to groundwater of 5 feet below the existing grade was used in the liquefaction calculations for the Project. The Geotechnical Investigation provides recommendations concerning seismic design parameters, foundations, slabs, and general earthwork and grading, among other factors. The Geotechnical Investigation concludes Project construction is feasible from a geotechnical standpoint provided the Investigation's recommendations are followed and implemented during construction. MM-GEO 1 requires the City to review all project plans for grading, foundation, structural, infrastructure, and all other relevant construction permits relative to the Geotechnical Investigation recommendations. Following compliance with standard engineering practices, the established regulatory framework, and MM GEO-1, the Project's potential impacts concerning the exposure of people or structures to potential adverse effects involving liquefaction would be less than significant.

Threshold (a) Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the:

iv) Landslides?

No Impact. The project site is relatively flat. Due to the flat topography of the site and the area surrounding the site, landslides are not anticipated. According to the Seismic Hazard Zones Map from the California Geological Survey,[18] the site is not located within a Zone of Required Investigation for earthquake-induced landslides. Additionally, no historic landslides have been recorded on or near the site, nor were there any indications of landslides due to the developed nature of the area. The proposed Project would be required to adhere to standards set forth by the CBC and any other applicable building code and engineering standards related to shaking hazards and geologic stabilization. No impacts are anticipated and no mitigation is required.

Threshold (b) Would the Project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. Grading and earthwork activities during construction would expose soils to potential short-term erosion by wind and water. A significant impact may occur if a project exposes large areas to the erosional effects of wind or water for a protracted period. Construction projects that involve the disturbance of one or more acres of soil, including clearing, grading, and ground disturbances such as stockpiling or excavation, are required to obtain coverage under the State Water Resources Control Board General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit). The Construction General Permit requires developing and implementing a Stormwater Pollution

[18] https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed May 31, 2024.

Prevention Plan (SWPPP) and installing erosion-control and sediment-control best management practices (BMPs) to control potential construction-related erosion. Therefore, short-term construction impacts associated with soil erosion or the loss of topsoil would be less than significant.

Following project construction, ground surfaces would be covered by the proposed building or otherwise stabilized with landscaping and paving. Stormwater generated on the site, along with any sediments contained within the storm water, would be directed into an on-site Modular Wetland System, which would be treated on site. Therefore, the potential for substantial soil erosion or the loss of topsoil as a result of Project operations is considered less than significant.

Threshold (c) Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact With Mitigation Incorporated. Refer to Responses 4.7aiii and 4.7aiv regarding the potential for liquefaction and landslides, respectively. Seismically induced lateral spreading involves primarily the movement of earth materials due to earth shaking. Lateral spreading is demonstrated by near-vertical cracks with predominantly horizontal movement of the soil mass involved. Therefore, as concluded in the Geotechnical Investigation (**Appendix B**), due to the relatively flat topography in the vicinity of the project site, the potential for lateral spreading at the project site is considered very low. Subsidence occurs when the withdrawal of groundwater, oil, or natural gas vertically displaces a large portion of land. Soils that are particularly subject to subsidence include those with high silt or clay content. No large-scale extraction of groundwater, gas, oil, or geothermal energy is occurring or is planned, at the project site or in the general vicinity. Further, the Geotechnical Investigation concluded that subsidence between one- and two-tenths of a foot could occur. The Geotechnical Investigation includes recommendations concerning seismic design parameters, foundations, slabs, and general earthwork and grading, among other factors. It concludes that Project construction is feasible from a geotechnical standpoint provided the Investigation's recommendations are followed and implemented during construction. MM-GEO 1 requires the City to review all Project plans for grading, foundation, structural, infrastructure, and all other relevant construction permits relative to the Geotechnical Investigation recommendations. Following compliance with standard engineering practices, the established regulatory framework, and MM GEO-1, the Project's potential impacts concerning the exposure of people or structures to potential adverse effects involving liquefaction would be less than significant.

Threshold (d) Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?

Less Than Significant Impact. Expansive soils swell when they become wet and shrink when they dry out, and result in the potential for cracked building foundations. The on-site silty clay soils and sandstone/siltstone bedrock have an expansion index of eight, correlating to a "Very Low" expansion potential. Therefore, the Project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, and would therefore not result in substantial risks to life or property associated with expansive soils. Impacts would be less than significant and no mitigation is required.

Threshold (e) Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project does not propose the construction and use of septic tanks or any other type of alternative wastewater disposal system. The Project would connect to the existing local public wastewater collection system in Rosemead Boulevard adjacent to the project site. Therefore, no impact would occur and no mitigation is required.

Threshold (f) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact With Mitigation Incorporated. The project site has been graded and disturbed in the past associated with the construction of the industrial buildings that formerly occupied the site and were demolished in late 2021 and January and February of 2022. Any paleontological resources that may have existed on the site were, in all likelihood, removed, disturbed, and/or destroyed during the previous construction. Although not expected, Project grading and excavation activities could affect unidentified paleontological resources. Therefore, MM GEO-2, which addresses actions to be taken should paleontological resources be found, is required to reduce potential impacts to paleontological resources to a less than significant level.

Mitigation Program

Standard Conditions

No standard conditions are applicable.

Mitigation Measures

MM GEO-1 Prior to the issuance of grading permits, the City of South El Monte Building and Safety Department shall review all Project plans for grading, foundation, structural, infrastructure, and all other relevant construction permits to ensure compliance with the applicable recommendations from the Geotechnical Investigation.

MM GEO-2 Prior to the issuance of the first grading permit for ground-disturbing activities, the Applicant shall provide evidence to the City of South El Monte Building and Safety Department that a qualified paleontologist has been retained. The selection of the qualified paleontologist shall be subject to the acceptance of the City. If paleontological resources are encountered, the contractor shall immediately cease all earth-moving activities within a 100-foot radius of the area of discovery. The qualified paleontologist shall be contacted to evaluate the significance of the finding and determine an appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements under State CEQA Guidelines Section 15064.5 shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.

4.8 Greenhouse Gas Emissions

The Greenhouse Gas Emissions analysis in this section is based on information included in the following report:

- *Rosemead and Rush Industrial Project, Air Quality, Global Climate Change, HRA, and Energy Impact Analysis,* Ganddini, February 16, 2024; see **Appendix A.**
- *Rosemead and Rush Industrial Project Memorandum – Updated Plan Set and Transportation, Noise, and Air Quality/Greenhouse Gas/Energy Impact Studies*, Ganddini Group Inc., August 15, 2024; see **Appendix A.**[19]

Threshold (a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. The Project would generate GHG emissions from area sources, including on-site energy usage, mobile sources, waste, water, and the operation of construction equipment. The GHG emission threshold for the Project is the SCAQMD draft screening threshold of 3,000 MTCO2e[20] per year for all land uses.

Construction GHG Emissions

The proposed Project would generate direct short-term construction emissions of GHGs from construction equipment and the transport of materials and construction workers to and from the project site. The GHG emissions only occur during temporary construction activities and would cease once construction is complete. The Project's total GHG emissions are shown in **Table 4.8-1: Project Greenhouse Gas Emissions**.

Table 4.8-1: Project Greenhouse Gas Emissions

	Greenhouse Gas Emissions (Metric Tons/Year)					
Category	**Bio-CO2**	**NonBio-CO_2**	**CO_2**	**CH_4**	**N_2O**	**CO_2e**
Maximum Annual Operations	24.40	2,549.00	2,574.00	2.60	0.20	2,701.00
Construction[1]	0.00	16.47	16.47	0.00	0.00	16.67
Total Emissions	24.40	2,565.47	2,590.47	2.60	0.20	2,717.67
SCAQMD Draft Screening Threshold For All Land Uses						3,000
Exceeds Threshold?						**No**

Note: CalEEMod Version 2022.1.1.8 for Opening Year 2025.
(1) Construction GHG emissions CO2e based on a 30-year amortization rate.
Source: Ganddini Group Inc., 2024.

The SCAQMD recommends that construction emissions be amortized over a 30-year period. Therefore, projected GHGs from construction have been quantified and amortized over 30 years. The project's

[19] After preparation of the technical study, minor modifications to the plan set dated August 8, 2024 has resulted in a net reduction of square feet compared to the assumptions for the February 2024 study. These changes do not change the findings of the study as summarized in this Initial Study.

[20] MTCO2e – Metric tons of carbon dioxide equivalent.

amortized construction emissions would be approximately 17 $MTCO_2e$ per year. Once construction is complete, the generation of these GHG emissions would cease.

Operations GHG Emissions

Over its lifetime, the Project would generate long-term operational GHG emissions from direct sources such as project-generated vehicular traffic and the operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power, the energy required to convey water to, and wastewater from the project, the emissions associated with the project's solid waste, and any fugitive refrigerants from air conditioning or refrigerators.

Table 4.8-1 summarizes the Project's GHG emissions and indicates the Project's unmitigated construction and operational emissions would total approximately 2,718 $MTCO_2e$ per year and would not exceed the SCAQMD 3,000 $MTCO_2e$ per year threshold. Therefore, the Project would have a less than significant impact concerning GHG emissions.

Threshold (b) Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The City does not have a Climate Action Plan; therefore, the Project has been compared to the goals of the CARB Scoping Plan and *Connect SoCal 2024* and *Connect SoCal 2020*.

2022 CARB Scoping Plan Consistency. The 2022 Scoping Plan lays out a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279. The transportation, electricity, and industrial sectors are the State's largest GHG contributors. The 2022 Scoping Plan intends to achieve the AB 1279 targets primarily through zero-emission transportation (e.g., electrifying cars, buses, trains, and trucks). Additional GHG reductions are achieved through decarbonizing the electricity and industrial sectors.

Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero-emission vehicle sales in 2035 through Advanced Clean Cars II; and implementing the Advanced Clean Fleets regulation to deploy zero-emission electric vehicle buses and trucks. Additional transportation policies include the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, and Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation. The 2022 Scoping Plan would continue to implement SB 375. GHGs would be further reduced through the Cap-and-Trade Program carbon pricing and SB 905. SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate carbon dioxide removal projects and technology.

As the latest 2022 Scoping Plan builds upon previous versions, Project consistency with applicable strategies of the 2008, 2017, and 2022 Plan are assessed in **Table 4.8-2: Project Consistency with CARB Scoping Plan Policies and Measures**. As shown, the Project would not conflict with the applicable strategies within the Scoping Plans. Therefore, the Project would not conflict with any adopted GHG plans, policies, or regulations.

Table 4.8-2: Project Consistency with CARB Scoping Plan Policies and Measures

2008 Scoping Plan Measures to Reduce Greenhouse Gas Emissions	Project Compliance with Measure
California Light-Duty Vehicle Greenhouse Gas Standards – Implement adopted standards and planned second phase of the program. Align zero-emission vehicle, alternative and renewable fuel and vehicle technology programs with long-term climate change goals.	**No Conflict.** These are CARB-enforced standards; vehicles that access the project site (that are required to comply with the standards) will comply with the strategy.
Energy Efficiency – Maximize energy efficiency building and appliance standards; pursue additional efficiency including new technologies, policy, and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California.	**No Conflict.** The Project will comply with the current Title 24 standards.
Low Carbon Fuel Standard – Develop and adopt the Low Carbon Fuel Standard.	**No Conflict**. These are CARB-enforced standards; vehicles that access the project site (that are required to comply with the standards) will comply with the strategy.
Vehicle Efficiency Measures – Implement light-duty vehicle efficiency measures.	**No Conflict.** These are CARB-enforced standards; vehicles that access the project site (that are required to comply with the standards) will comply with the strategy.
Medium/Heavy-Duty Vehicles – Adopt medium and heavy-duty vehicle efficiency measures.	**No Conflict.** These are CARB-enforced standards; vehicles that access the project site (that are required to comply with the standards) will comply with the strategy.
Green Building Strategy – Expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings.	**No Conflict.** The California Green Building Standards Code (proposed Part 11, Title 24) was adopted as part of the California Building Standards Code in the CCR. Part 11 establishes voluntary standards, which are mandatory in the 2022 edition of the Code, on planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.
High Global Warming Potential Gases – Adopt measures to reduce high global warming potential gases.	**No Conflict.** CARB identified five measures that reduce HFC emissions from vehicular and commercial refrigeration systems; vehicles that access the project site that are required to comply with the measures will comply with the strategy.
Recycling and Waste – Reduce methane emissions at landfills. Increase waste diversion, composting, and commercial recycling. Move toward zero-waste.	**No Conflict**. The State is currently developing a regulation to reduce methane emissions from municipal solid waste landfills. The Project will be required to comply with City programs, such as City's recycling and waste reduction program, which comply, with the 75 percent reduction required by 2020 per AB 341.

Table 4.8-2: Project Consistency with CARB Scoping Plan Policies and Measures

2008 Scoping Plan Measures to Reduce Greenhouse Gas Emissions	Project Compliance with Measure
Water – Continue efficiency programs and use cleaner energy sources to move and treat water.	**No Conflict.** The Project will comply with all applicable City ordinances and CAL Green requirements.
2017 Scoping Plan Recommended Actions to Reduce Greenhouse Gas Emissions	**Project Compliance with Recommended Action**
Implement Mobile Source Strategy: Further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean Car regulations.	**No Conflict.** These are CARB-enforced standards; vehicles that access the project site (that are required to comply with the standards) will comply with the strategy.
Implement Mobile Source Strategy: At least 1.5 million zero emission and plug-in hybrid light-duty electric vehicles by 2025 and at least 4.2 million zero emission and plug-in hybrid light-duty electric vehicles by 2030.	**No Conflict.** These are CARB-enforced standards; vehicles that access the project site (that are required to comply with the standards) will comply with the strategy.
Implement Mobile Source Strategy: Innovative Clean Transit: Transition to a suite of to-be-determined innovative clean transit options. Assumed 20 percent of new urban buses purchased beginning in 2018 will be zero emission buses with the penetration of zero-emission technology ramped up to 100 percent of new sales in 2030. Also, new natural gas buses, starting in 2018, and diesel buses, starting in 2020, meet the optional heavy-duty low-NOX standard.	**No Conflict.** These are CARB-enforced standards; vehicles that access the project site (that are required to comply with the standards) will comply with the strategy.
Implement Mobile Source Strategy: Last Mile Delivery: New regulation that would result in the use of low NOX or cleaner engines and the deployment of increasing numbers of zero-emission trucks primarily for class 3-7 last mile delivery trucks in California. This measure assumes ZEVs comprise 2.5 percent of new Class 3–7 truck sales in local fleets starting in 2020, increasing to 10 percent in 2025 and remaining flat through 2030.	**No Conflict.** These are CARB-enforced standards; vehicles that access the project site (that are required to comply with the standards) will comply with the strategy.
Implement SB 350 by 2030: Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030.	**No Conflict**. The Project will be compliant with the current Title 24 standards.
By 2019, develop regulations and programs to support organic waste landfill reduction goals in the SLCP and SB 1383.	**No Conflict.** The Project will be required to comply with City programs, such as City's recycling and waste reduction program, which comply, with the 75 percent reduction required by 2020 per AB 341.
2022 Scoping Plan Priority Key Actions and Recommendations	**Project Compliance with Recommended Actions**
100 percent of light-duty vehicle sales are ZEVs by 2035.	**No Conflict.** This action is in regard to vehicle sales, with an aim to have 100 percent of light-duty vehicle sales be ZEVs by 2035. The proposed project is an industrial use and would not interfere with such policymaking.

Table 4.8-2: Project Consistency with CARB Scoping Plan Policies and Measures

2008 Scoping Plan Measures to Reduce Greenhouse Gas Emissions	Project Compliance with Measure
VMT per capita reduced 25 percent below 2019 levels by 2030 and 30 percent below 2019 levels by 2045.	**No Conflict**. The Project would not result in an unmitigated impact to VMT. The Project is an industrial use located near existing public transit, including LA Metro Route 266 and 287 bus stops along Rosemead Boulevard and Rush Street, and existing commercial uses.
All electric appliances in new construction beginning 2026 (residential) and 2029 (commercial).	**No Conflict.** The California Green Building Standards Code (proposed Part 11, Title 24) was adopted as part of the California Building Standards Code in the CCR. Part 11 establishes voluntary standards, which are mandatory in the 2022 edition of the Code, on planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.
For existing residential buildings, 80 percent of appliance sales are electric by 2030 and 100 percent of appliance sales are electric by 2035 (appliances replaced at end of life). For existing commercial buildings, 80 percent of appliance sales are electric by 2030 and 100 percent of appliance sales are electric by 2045 (appliances replaced at end of life)	**Not Applicable**. This action is about appliance sales and the proposed Project is a non-residential use and would not interfere with such policymaking. Further, although this action is not necessarily applicable on a project-specific basis, the proposed Project is subject to the California Green Building Standards Code (proposed Part 11, Title 24) which was adopted as part of the California Building Standards Code in the CCR. Part 11 establishes voluntary standards, which are mandatory in the 2022 edition of the Code, on planning and design for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.
Sources CARB Scoping Plan (2008, 2017, and 2022); Ganddini Group Inc., 2024.	

Connect SoCal 2024 and Connect SoCal 2020 Consistency. Development-related mobile sources are the most potent source of GHG emissions, and therefore, project comparison to *Connect SoCal 2024* and *Connect SoCal 2020* is an appropriate indicator of whether the Project would inhibit the State's post-2020 GHG reduction goals.[21]

Compliance with applicable State standards would ensure consistency with State and regional GHG reduction planning efforts. The *Connect SoCal 2024* and *Connect SoCal 2020* goals were used to determine consistency with the previously stated planning efforts. The project's consistency with *Connect SoCal 2024*

[21] Connect SoCal 2024 was approved by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) on May 10, 2024; however, it is still pending approval from CARB. Therefore, this analysis evaluates Project consistency with Connect SoCal 2024 and Connect SoCal 2020.

and *Connect SoCal 2020* goals is analyzed in **Table 4.8-3: Connect SoCal 2024 and Connect SoCal 2020 Consistency Analysis**. As indicated in **Table 4.8-3**, the Project would not conflict with the Connect SoCal 2024 and 2020 goals adopted to reduce GHG emissions. Therefore, the Project would not result in any significant impacts or interfere with SCAG's ability to achieve the region's GHG emissions reduction target of 19 percent by 2035.

Table 4.8-3: Connect SoCal 2024 and Connect SoCal 2020 Consistency Analysis

SCAG Goals	Compliance
Connect SoCal 2024[1]	
Mobility: Build and maintain an integrated multimodal transportation network.	
Support investments that are well-maintained and operated, coordinated, resilient and result in improved safety, improved air quality and minimized greenhouse gas emissions	**Not Applicable.** This policy is not project-specific; therefore, is not applicable.
Ensure that reliable, accessible, affordable, and appealing travel options are readily available while striving to enhance equity in the offerings in high-need communities	**Not Applicable.** This policy is not project-specific; therefore, is not applicable.
Support planning for people of all ages, abilities, and backgrounds	**Not Applicable.** This policy is not project-specific; therefore, is not applicable.
Communities: Develop, connect, and sustain communities that are livable and thriving	
Create human-centered communities in urban, suburban, and rural settings to increase mobility options and reduce travel distances	**Consistent**. The Project is in an urban area near existing employment centers and community services. Locating the Project in this area would reduce trip lengths, which would reduce air pollutants and GHG emissions. The Project is also within a short walking distance (400 feet) to local bus routes and is surrounded by connected sidewalks to allow for multimodal transportation.
Produce and preserve diverse housing types in an effort to improve affordability, accessibility, and opportunities for all households	**Not Applicable.** The Project does not propose any housing uses.
Environment: Create a healthy region for the people of today and tomorrow	
Develop communities that are resilient and can mitigate, adapt to, and respond to chronic and acute stresses and disruptions, such as climate change	**Consistent**. The Project's estimated GHG emissions do not exceed the SCAQMD's regional or localized thresholds. Projects that do not exceed the SCAQMD's LSTs would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and result in no criteria pollutant health impacts. Further, the project's emissions are below the SCAQMD's 3,000 $MTCO_2e$ screening threshold and would not contribute to a GHG/climate change impact.
Integrate the region's development pattern and transportation network to improve air quality, reduce greenhouse gas emissions and enable more sustainable use of energy and water	**Consistent**. While the Project is not a transportation improvement project, the Project's location within a developed area would reduce trip lengths, which would reduce GHG and air pollutant emissions. Additionally, the reduction of energy use, improvement of air quality, and promotion of more environmentally

Table 4.8-3: Connect SoCal 2024 and Connect SoCal 2020 Consistency Analysis

SCAG Goals	Compliance
	sustainable development are encouraged through the development of alternative transportation methods, green design techniques for buildings, and other energy-reducing techniques such as compliance with the provisions of the California Building Energy Efficiency Standards and the Green Building Standards Code (CALGreen).
Conserve the region's resources	**Consistent**. The Project is an infill development. The Project is not located on land that is designated for agricultural uses, natural resources, or conservation. Therefore, the Project would not result in a loss of the region's resources.
Economy: Support a sustainable, efficient, and productive regional economic environment that provides opportunities for all people in the region	
Improve access to jobs and educational resources	**Consistent**. The Project is in an urban area near existing employment centers and community services. Locating the Project within this area would improve access to jobs and educational resources.
Advance a resilient and efficient goods movement system that supports the economic vitality of the region, attainment of clean air and quality of life for our communities	**Not Applicable.** This policy is not project-specific; therefore, is not applicable.
Connect SoCal 2020[2]	
Goal 1: Encourage regional economic prosperity and global competitiveness.	**Not Applicable.** This policy is not project-specific; therefore, is not applicable. However, the Project is an urban infill development. Redevelopment of the site would contribute to regional economic prosperity.
Goal 2: Improve mobility, accessibility, reliability, and travel safety for people and goods.	**No Conflict.** The Project would be located near public transit, including Foothill Transit Route 269, LA Metro Routes 266 and 287 with bus stops near the intersections of Rosemead Boulevard and Garvey Avenue and Rush Street and Santa Anita Avenue. Therefore, the Project would contribute to mobility and accessibility.
Goal 3: Enhance the preservation, security, and resilience of the regional transportation system.	**Not Applicable.** This is not a project-specific policy; therefore, is not applicable.
Goal 4: Increase person and goods movement and travel choices within the transportation system.	**Not Applicable.** This is not a project-specific policy; therefore, is not applicable.
Goal 5: Reduce greenhouse gas emissions and improve air quality.	**Consistent.** The Project would locate industrial and retail uses in a developed area proximate to transit, which would help to reduce GHGs and air quality.
Goal 6: Support healthy and equitable communities	**Consistent**. The Project does not exceed State and LSTs. Projects that do not exceed the SCAQMD's LSTs would not violate any air quality standards or contribute substantially to an existing or projected air

Table 4.8-3: Connect SoCal 2024 and Connect SoCal 2020 Consistency Analysis

SCAG Goals		Compliance
		quality violation and result in no criteria pollutant health impacts. Further, the Project would provide industrial and retail uses which would contribute to the community's economy and help create an equitable community. The Project would not conflict with the surrounding community's ability to access healthy food or parks.
Goal 7:	Adapt to a changing climate and support an integrated regional development pattern and transportation network.	**Not Applicable.** This is not a project-specific policy; therefore, is not applicable.
Goal 8:	Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	**Not Applicable.** This is not a project-specific policy; therefore, is not applicable.
Goal 9:	Encourage development of diverse housing types in areas that are supported by multiple transportation options.	**Consistent.** The Project involves the development of warehouse and retail uses. The project is located within a short walking distance (400 feet) of local bus routes and is surrounded by connected sidewalks to allow for multimodal transportation.
Goal 10:	Promote conservation of natural and agricultural lands and restoration of habitats.	**Not Applicable.** This Project is located within an urban area and is not located on agricultural lands or within natural habitat.
Sources: Southern California Association of Governments, *Connect SoCal 2024*, 2024; Southern California Association of Governments, *Connect SoCal 2020*, 2020; Ganddini Group Inc., 2024.		

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable.

4.9 Hazards and Hazardous Materials

The analysis in this section is based in part on the following technical studies:

- *Phase I Environmental Site Assessment, 2200 North Rosemead Boulevard, South El Monte*, Ramboll US Corporation, Irvine, California, July 21, 2020; see **Appendix C**.
- *Phase I Environmental Site Assessment, 2212, 2218, and 2226 North Rosemead Boulevard, South El Monte*, Ramboll US Corporation, Irvine, California, July 21, 2020; see **Appendix C**.
- *Limited Soil and Soil Vapor Site Investigation Report, Rosemead Holding LLC – Phase 1 Development, 2200 North Rosemead Boulevard, South El Monte, California*, Leighton Consulting Inc., September 3, 2021 (Phase II Subsurface Investigation); see **Appendix C**.
- *Limited Soil Investigation Report, Rosemead Holding LLC, 2200-2226 North Rosemead Boulevard, South El Monte, California*, Leighton Consulting, Inc., April 25, 2023; see **Appendix C.**
- *Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard, South El Monte, California*, Leighton Consulting, Inc., April 25, 2023; see **Appendix C.**
- *Soil Vapor Assessment Report, Former Pacific Drum Company (Rosemead Holding, LLC) 2200, 2212, 2218, and 2226 North Rosemead Boulevard, South El Monte, California 91733*, EEC Environmental, April 26, 2023; see **Appendix C.**
- *Limited Soil Remediation Work Plan Addendum for 2200-2226 N. Rosemead Boulevard, South El Monte, California*, Haley & Aldrich, Inc., April 2024; see **Appendix C.**

Background: Existing Conditions

The project site was used for agricultural purposes from about 1928 through 1948. The project site was then used for construction equipment storage until 1959 when Pacific Coast Drum Company (PCD) redeveloped a portion of the site as a steel drum reconditioning facility. PCD stopped operations in 1996 and leased that portion of the project site to Ditty Container, Inc. From 1996 to 2020, the western portion of the site was occupied by various auto body and repair shops, and the eastern portion of the site was used for metal drum and plastic tote cleaning and recondition operations that included underground storage tanks (USTs), aboveground storage tanks (ASTs), and sumps. Historical operations and recognized environmental conditions are summarized in the Phase I Environmental Site Assessments for 2200 North Rosemead Boulevard and 2212, 2218, and 2226 North Rosemead Boulevard, which are provided in **Appendix C**. The former buildings were demolished in February 2022 and the project site currently contains the former building concrete slabs and pavement with limited areas of exposed soil in the southern portion of the site.

The project site is located in an area of contaminated groundwater underlying the San Gabriel Valley that is designated by the U.S. EPA as the San Gabriel Valley Superfund site. The site is located in an area known as “Area 1”, which includes the South El Monte Operable Unit. Groundwater in the area is generally contaminated with volatile organic compounds (VOCs), in particular, Trichloroethylene (TCE), perchloroethylene (PCE), and carbon tetrachloride; perchlorate; 1,4-dioxane; and N-Nitrosodimethylamine (NDMA). According to the Environmental Database Report (EDR), the site of the former occupant (PCD) and numerous surrounding properties and other properties in the vicinity listed on the CPS-SLIC and Well Investigation Program (WIP) databases are located in San Gabriel Valley Area 1

and listed as Potentially Responsible Parties (PRPs) for contributing to the groundwater contaminant plume that comprises an area of approximately 11 square miles.[22]

Historically, numerous subsurface investigations consisting of soil, soil vapor, and groundwater sampling were conducted in connection with the WIP at the site and adjoining properties historically occupied by PCD. In 1998 the Los Angeles Regional Water Quality Control Board (Los Angeles RWQCB) determined that releases of liquid wastes at the site impacted the soil and groundwater beneath the site. However, further remediation or site-specific cleanup actions were not required by the Los Angeles RWQCB (the administrator of the WIP). As a result of PCD demonstrating stable or declining concentrations of VOCs in soil vapor, the Los Angeles RWQCB did not require additional investigation or remediation work at the site. The case was closed with a No Further Action (NFA) designation on March 17, 1998, and is listed as "case closed" in the Geotracker database as of November 17, 2014. However, the closure letter made clear that PCD was considered a PRP with regard to the South El Monte Operable Unit and urged PCD to continue to cooperate with U.S. EPA.

In 2012, a consent agreement between U.S. EPA/DTSC and numerous parties was signed pertaining to the South El Monte Operable Unit of the San Gabriel Valley Area 1 Superfund site. PCD was one of the parties that signed onto the consent agreement. The consent agreement, which was approved by the United State District Court for the Central District of California, resolves the complaint filed by U.S. EPA and DTSC for reimbursement of response costs incurred for response action taken in connection with releases of hazardous substances in the South El Monte Operable Unit. The consent agreement stated that contaminant concentrations exceed Maximum Contaminant Levels (MCLs) throughout a large portion of the South El Monte Operable Unit, including areas used for sources of drinking water. The defendants (including PCD) entered into the consent agreement to protect public health but did not admit liability arising out of any previous or current releases. Cleanup actions performed in relation to the San Gabriel Valley Area 1 Superfund site, including the South El Monte Operable Unit, are ongoing. Remediation of impacted groundwater within the areawide plume commenced in 2008 with the installation and operation of four separate groundwater pump and treat systems.

Past investigations conducted on the site from the 1980s through the early 2000s have revealed the presence of soil, soil vapor, and groundwater contamination, which was found to consist of generally low to moderate concentrations of VOCs (specifically, chlorinated solvents) and other compounds. The concentrations of various compounds that were detected in soil, soil vapor, and groundwater samples exceed current regulatory thresholds, likely resulting from prior on-site operations and off-site migrating sources. The project site and adjoining property to the north (2226 North Rosemead Boulevard) have a long history of use as a steel drum and tote reconditioning business, which operated since 1959 until the buildings on the site were demolished in late 2021 and early 2022. The western portion of the site was used by auto body shops that occupied the site since 1996. Both operations used and stored a variety of chemicals (e.g., paints, resins, varnishes, cleaners, degreasers, etc.) and generated a variety of hazardous wastes (solvents, oils). Based on prior activities, several areas of environmental concern have been identified, including the following: the wastewater treatment system (including three sumps/USTs and

[22] Phase I Environmental Site Assessment, 2200 North Rosemead Boulevard, South El Monte, Ramboll US Corporation, Irvine, California, July 21, 2020, page 38.

several ASTs, a 3-stage clarifier, paint storage areas, drum and plastic tote storage areas, a waste oil storage area, areas of surficial staining, and a former hazardous waste storage area.[23]

The following additional findings related to potential contamination concerns on the site were identified in the 2020 Phase I Environmental Site Assessment:

- Sump/Underground Storage Tank (UST) Closed-in-Place. One 3,300-gallon sump/UST located in the southcentral portion of the site was closed in place in 2004. The sump/UST (Tank No. 3), which formerly was used to contain cooling water for the wastewater treatment system, was cleaned out in 1993 and covered with a metal plate [the Los Angeles County Department of Public Works (DPW) treated the sump as a UST for closure purposes]. In order to assess any potential subsurface impacts, soil samples were collected and analyzed for VOCs, benzene, toluene, ethylbenzene and xylene (BTEX), and total petroleum hydrocarbon (TPH). Because the historical use of the sump/UST was for a cooling water sump and results indicated only minor impacts to soil, no additional sampling was recommended by the consultant and closure was requested. Decommissioning the sump/UST was completed on September 4, 2004 when the tank was filled with slurry and new concrete was poured over the concrete sump. Closure was granted by the Los Angeles DPW on September 8, 2004.[24]
- Wastewater Treatment System and Clarifier. Wastewater generated from the cleaning of drums was treated in the on-site wastewater treatment system and clarifier and subsequently discharged to the municipal sanitary sewer system. The wastewater treatment system comprised a 400-gallon wastewater sump/UST (Tank No. 2), a 1,500-gallon wastewater above ground storage tank (AST) (Tank No. 1), three empty ASTs, an 1,800-gallon hydrochloric acid AST, and a clarifier. Based on a visual inspection conducted during a 2020 site visit, no specific environmental concerns were noted apart from noting that the facility was old and that surface coverings were in poor to fair condition. However, during a soil gas survey conducted in the vicinity in 1991, a "hot spot" of elevated concentrations of vinyl chloride was identified just south of the wastewater treatment system. At the time of the 2020 Phase I Environmental Site Assessment, no sampling activities were known to have been conducted at the site for approximately 15-20 years (see below for recent sampling information). Further, compliance audits reviewed under operation by the former operator Ditty revealed the potential for spillage and infiltration in the areas of surface drainage and beneath the processing areas of the facility.[25]
- Groundwater Monitoring Wells. At the time of the 2020 site visit, Ramboll observed two monitoring wells on the southern portion of the site, MW-1 inside the waste oil storage area and MW-2 located to the south of the wastewater treatment system. The on-site wells reportedly were installed in 1988 pursuant to requirements from the Los Angeles DPW and subsequently were sampled several times between 1988 and 2002. The 1998 closure letter issued for the site by the Los Angeles RWQCB stated that the property owner was required to maintain the wells in good condition in anticipation of possible future sampling requirements from the U.S. EPA. The current status of groundwater monitoring wells is discussed below.

[23] Phase I Environmental Site Assessment, 2200 North Rosemead Boulevard, South El Monte, Ramboll US Corporation, Irvine, California, July 21, 2020, page 39.
[24] Ibid, page 40.
[25] Phase I Environmental Site Assessment, 2200 North Rosemead Boulevard, South El Monte, Ramboll US Corporation, Irvine, California, July 21, 2020, page 40.

Based on the information in the Phase I ESA,[26] a Phase II Subsurface Investigation[27] was completed in August and September 2020. Extensive investigations were undertaken on the project site in August and September 2020, including 37 borings that included soil and soil gas samples and 4 groundwater Hydropunch samples.

Based on the results of the Phase II Subsurface Investigation the following actions were recommended:

- Prepare a Soil Management and Contingency Plan (SMCP) to detail the handling, stockpiling, sampling, and reuse or disposal of soil with concentrations of chemicals of potential concern (COPCs) in excess of their respective San Francisco Bay RWQCB ESLs or site-specific soil cleanup levels that may be established as part of a Human Health Risk Assessment (HHRA) and integrated into the SMCP with Los Angeles RWQCB concurrence.
- Design and install a sub-slab vapor barrier to protect future workers from potential vapor intrusion by VOCs in the soil vapor which are likely to exist post demolition, and after site grading for the new construction.
- Prepare a Remedial Action Closure Report detailing the removal actions, sampling and disposal actions conducted during site redevelopment (construction), as well as details of the design of the sub-slab vapor mitigation system, and details on any unknown environmental liabilities detected and remediated.
- Request from the Los Angeles RWQCB the issuance of a 'No Further Action" letter once the remedial activities have been completed in concurrence with the approved SMCP.[28]

Following the Phase II Subsurface Investigation, additional assessment, evaluation, monitoring, and limited remediation activities have occurred at the project site as follows:

- To further delineate subsurface impacts at the project site, and to help prepare a limited soil remediation workplan, a limited soil investigation was conducted for the properties on the site located at 2200-2226 North Rosemead Boulevard in 2023. The limited soils investigation focused on the eastern portion of the site where elevated concentrations of metals, Polychlorinated Biphenyl (PCBs), VOCs, and TPH were identified by previous on-site investigations. The investigation confirmed that soil affected by COCs at concentrations above commercial environmental screening levels (i.e., lead, PCBs, ethylbenzene, and 1,4- dichlorobenzene) is primarily distributed at depths ranging from just below pavement to no deeper than 5 feet below ground surface (bgs). The investigation also confirmed that the lateral extent of soil affected by COCs does not extend beyond the eastern boundary of the project site and that further off-site investigation is not justified. Soil samples from the southernmost boring indicated they were not affected by COCs. As a result, further delineation to the south was not necessary or justified.
- Three new groundwater monitoring wells were installed in January 2023, based on the fact that the existing groundwater monitoring wells were dry. Based on the results of sampling, PCE, TCE, and vinyl chloride were detected below MCLs and significantly below concentrations in 1990.

[26] Phase I Environmental Site Assessment, 2200 North Rosemead Boulevard, South El Monte, Ramboll US Corporation, Irvine, California, July 21, 2020.

[27] Phase II Subsurface Investigation, Technical Memorandum, EEC Environmental, October 19, 2020.

[28] Limited Soil and Soil Vapor Site Investigation, Rosemead Holding LLC, Phase I Development, 2200 North Rosemead Boulevard, South El Monte, California, Leighton Consulting, Inc., September 3, 2021, pages 31-32.

Cis-1,2-DCE was measures slightly above its MCL but at concentrations over 95 percent lower than in 1990.

- A soil vapor extraction system (SVE) was installed in April 2022 to remediate VOCs in the subsurface associated with historical operations at the project site. SVE system operation began in July 2022 and was shut down in December 2022. A soil vapor assessment was conducted for the project site in 2023 to evaluate the effectiveness of the Soil Vapor Extraction (SVE) system in reducing concentrations of VOCs in soil vapor throughout the project site. The assessment also evaluated whether releases at the Chemrite property located adjacent to and south of the project site are the predominant source of VOC impacts to soil vapor and soil at the project site. Based on the results of the investigation, the VOCs in the soil vapor at the project site are sourced from the former Chemrite property adjacent to and south of the project site.

Based on the results of the 2023 Limited Soil Investigation Report, a Limited Soil Remediation Work Plan (LSRWP) for the eastern portion of the project site was prepared.[29] The work plan facilitates the proper characterization and handling of chemicals of concern (COC) affected soil that workers are likely to encounter during site remediation on the eastern portion of the site. Additionally, the work plan details procedures if previously unknown historical improvements such as USTs, clarifiers, sumps, interceptors, vaults, buried containers (e.g., 55-gallon drums), and/or piping are encountered during soil remediation. Consistent with applicable law, the consent decree the Applicant shall implement the LSRWP, as approved by the Los Angeles RWQCB.

Additional concerns to understand the soil vapor pathway for future construction and end users of the warehouse development were analyzed within the Summary of the Soil Vapor Assessment Report completed by EEC Environmental in April 2023. EEC Environmental's evaluation included identifying the effectiveness of the SVE system in reducing concentrations of VOCs in soil vapor throughout the project site and to understand if off-site sources, inclusive of the uses at the south adjacent Chemrite property, which continue to the source of VOC impacts to soil vapor and soil at the project site.

Based on the results of the 2023 Soil Vapor Assessment, soil vapor at the project site remains impacted by VOCs at concentrations above regulatory screening levels established for a commercial setting. EEC Environmental identified this due to migrating constituents from the adjacent Chemrite property. VOC concentrations of these constituents are generally one to two orders of magnitude higher near the former Chemrite site than at other portions of the project site. Recommendation within the report included removal of the SVE system and proper abandonment of the associated extraction wells. Additionally, where the highest concentration levels were identified within the project site, complete limited shallow soil excavation in the vicinity as part of the activities proposed under the Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard (Leighton, 2023).

The above summaries of site assessments were conducted at the project site in support of an anticipated redevelopment of the property including review by the Los Angeles RWQCB and Office of Environmental Health Hazard Assessment (OEHHA) for assessing risk for future users. Due to the known exceedances of contamination an additional Limited Soil Remediation Work Plan Addendum (LSRWP Addendum) was completed by Haley & Aldrich in June 2024. The LSRWP Addendum included summarizing the above reports, completing additional soil sampling to aid in creating an excavation implementation plan, and

[29] Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard, South El Monte, California, Leighton Consulting, Inc., April 25, 2023.

developing site-specific remedial action goals (RAGs) along with vapor intrusion mitigation pathway plans, which are summarized below.

- Excavation implementation plan:
  - Based on the historical soil sampling and sampling conducted as part of the LSRWP Addendum, approximately 4,999 cubic yards of impacted soil will be excavated at varying depths to a maximum of 8.5 feet within the eastern portion of the project site, which is deeper than identified within previous reports. Of this soil impacted with lead, arsenic, hexavalent chromium, and TPH, 4,670 cubic yards will be managed with the oversight of the Los Angeles RWQCB and 329 cubic yards will be managed through TSCA Clean-up from the U.S. EPA due to the impacts of PCBs.
  - All excavated soil will be sampled again from the segregated stockpiles for waste classification. Additionally, backfill for the excavation will include clean on-site overburden soil or stockpiled soil that meets remedial action goals (RAGs), which are defined below. If excavation volumes increase based on confirmation sample results and import soil is required, it will need to be sampled prior to on-site use.
- Site-specific remedial action goals:
  - The goal of this supplemental soil sampling program was to further delineate the lateral and vertical extent of soil impacts to support remediation planning and project site redevelopment. The characterization program included the collection and laboratory analysis of 82 soil samples from 23 soil boring locations, some of which included locations that were previously sampled. Each COC within the project site has specific RAGs, which will be implemented through risk management, confirmation sampling, and remedial excavation.
- Vapor intrusion mitigation pathway plans
  - Human Health Risk Evaluation Summary includes potential subsurface excavation scenarios and reasonably anticipated future land use scenarios. The results of the risk evaluation will be used to assist in identifying areas of the Site where remediation, or other forms of risk management, may be appropriate, with the overall goal of long-term protection of human health and the environment.
    - VOCs detected in soil vapor may require remediation, mitigation, or other form of risk management (e.g., institutional or engineering controls) prior to the redevelopment of the project site for future commercial/industrial land use purposes.
    - Levels of PCBs, lead, arsenic, and hexavalent chromium in soil at the project site may require some remediation, mitigation, or other form of risk management (e.g., institutional controls) prior to the redevelopment of the Site for future commercial/industrial land use purposes.
    - Levels of PCBs, lead, arsenic, and hexavalent chromium in soil at the project site may require some remediation, mitigation, or other form of risk management to protect the health of hypothetical future on-Site construction workers involved in the redevelopment of the Site for commercial/industrial land use purposes.

- Implementation of a Vapor Intrusion Mitigation System (VIMS) will be included in project site design to account for the abovementioned soil vapor as an engineering control. After the construction of the vapor barrier as a VIMS ongoing Operation, Maintenance, and Monitoring (OMM) plan.

As discussed above, multiple reports and investigations were conducted for the project site, including a Phase I, Phase II, and soil and soil vapor investigations. Based upon those reports, including refinements and clarifications based on later, more-detailed investigations, the following environmental impact analysis includes various mitigation measures to reduce potential hazardous material impacts to less than significant.

Threshold (a) Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. Project construction would require the normal and routine use of small amounts of hazardous materials, including fuels, greases, and other lubricants to maintain construction equipment and coatings such as paint. Such materials would be handled and used in accordance with applicable regulations for such materials.

The handling, use, transport, and disposal of hazardous materials during Project construction would be required to comply with existing regulations of several agencies including the U.S. EPA, Occupational Safety and Health Administration (OSHA), California Division of Occupational Safety and Health (Cal-OSHA), and the U.S. Department of Transportation. All work would be subject to SCAQMD Regulations including Rule 403, Rule 1166, and Rule 1466. The work would also be performed in accordance with and by contractors trained according to Cal-OSHA regulations, including 8 CCR 5192. Soil work would be performed under the oversight of regulatory agencies, including the U.S. EPA and the Los Angeles RWQCB. All handling, transportation, and disposal of regulated wastes, including any PCB remediation waste, Resource Conservation and Recovery Act (RCRA) hazardous waste, and non-RCRA hazardous waste, would be performed in accordance with applicable regulations, including the Toxic Substance Control Act (TSCA) (implementing regulations are located at 40 CFR, Part 761), RCRA (implementing regulations are located at 40 CFR, Part 262 and Part 263) and the California Hazardous Waste Control Law (HWCL) (implementing regulations located at Title 22 CCR, Division 4.5).

All on-site hazardous material excavation and handling activities would be conducted in accordance with SCAQMD Rules 403, 1166, and 1466. Hazardous soils would be stockpiled, profiled, treated and if required, transported and disposed of off the site in accordance with federal regulations under TSCA, RCRA, and HWCL regulations.

In addition to compliance with federal and State regulations, the licensed hazardous waste contractor would be required by law to maintain a contractor's license with the appropriate endorsements to handle and manage hazardous waste. Waste haulers must obtain and maintain appropriate licenses such as a commercial driver's license and take Department of Transportation training related to hauling hazardous waste. Because all work would be performed in accordance with applicable environmental, health, and safety regulations, the impact would be less than significant.

Once constructed and operational, the proposed warehouse would require routine maintenance and the use of janitorial cleaning materials such as cleaners, solvents, paints, and other custodial products that are potentially hazardous. These materials would be used in relatively small quantities, clearly labeled,

and stored in compliance with State and federal requirements. The Project does not propose and an end-user would not involve the storage, handling, or transport of hazardous materials as part of their daily operations. With the exercise of normal safety practices, the Project would not create a significant hazard to the public or the environment with the normal use of maintenance and janitorial products. The Project does not propose to manufacture or transport hazardous materials. Therefore, the Project would not have any significant routine transport, use, or disposal of hazardous materials and the impact would be less than significant.

Threshold (b) Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

Less Than Significant Impact With Mitigation Incorporated.

Construction

Project construction activities would include the removal of existing building foundations, pavement, grading, site preparation, and landscaping. The Project's Phase I ESA concluded that the project site contained recognized environmental conditions (RECs) related to the San Gabriel Valley Superfund Site, prior industrial uses, and documented releases of hazardous substances at adjoining properties. Therefore, Project demolition and construction activities could create a significant hazard to the public or the environment through the potential release of hazardous materials into the environment.

Based on the information in the Phase I ESA,[30] a Phase II Subsurface Investigation[31] was completed in August and September 2020. Extensive investigations were undertaken on the project site in August and September 2020, including 37 borings that included soil and soil gas samples and 4 groundwater samples. The Phase II Subsurface Investigation concluded the contamination encountered at the project site can be remediated and would not prevent development. Based on the results of the Phase II Subsurface Investigation, a Limited Soil and Soil Vapor Site Investigation Report was prepared to address known and potential environmental impacts associated with redevelopment of the project site. The Limited Soil and Soil Vapor Investigation Report dated September 3, 2021 included the following recommendations:

- Prepare a Soil Management and Contingency Plan (SMCP) to detail the handling, stockpiling, sampling, and reuse or disposal of soil with concentrations of chemicals of potential concern (COPCs) in excess of their respective San Francisco Bay RWQCB Environmental Screening Levels (ESLs) or site-specific soil cleanup levels that may be established as part of a Human Health Risk Assessment (HHRA) and integrated into the SMCP with Los Angeles RWQCB concurrence.
- Design and install a sub-slab vapor barrier to protect future workers from potential vapor intrusion by volatile organic compounds (VOCs) in the soil vapor which are likely to exist post demolition, and after site grading for the new construction.
- Prepare a Remedial Action Closure Report detailing the removal actions, sampling, and disposal actions conducted during site redevelopment (construction), as well as details of the design of the sub-slab vapor mitigation system, and details on any unknown environmental liabilities detected and remediated.

[30] Phase I Environmental Site Assessment, 2200 North Rosemead Boulevard, South El Monte, Ramboll US Corporation, Irvine, California, July 21, 2020.
[31] Phase II Subsurface Investigation, Technical Memorandum, EEC Environmental, October 19, 2020.

- Request from the Los Angeles RWQCB the issuance of a 'No Further Action" letter once the remedial activities have been completed in concurrence with the approved SMCP.

In accordance with the Phase II Subsurface Investigation's recommendations, in April 2022, a soil vapor extraction system (SVE) was installed to remediate VOCs in the subsurface associated with prior operations at the project site. SVE system operation began in July 2022 and ended in December 2022. A Soil Vapor Assessment was conducted for the project site in 2023 to evaluate the effectiveness of the SVE system in reducing concentrations of VOCs in soil vapor throughout the project site. The Soil Vapor Assessment also evaluated whether releases at the Chemrite property, which is located adjacent to and south of the site, are the predominant source of VOC impacts to soil vapor and soil at the project site. Based on the results of the investigation, the source of VOCs in the soil vapor found the project site originate from the former Chemrite property. The SVE was determined to not be effective. Therefore, the Soil Vapor Assessment recommended the removal of the SVE system and proper abandonment of the associated extraction wells, and limited shallow soil excavation as outlined in MM HAZ-2.

In August 2022, the Los Angeles RWQCB provided comments on the September 2021 Limited Soil and Soil Vapor Site Investigation Report. To address those comments, a Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard and a Limited Soil Investigation Report were prepared in April 2023. The work plan outlines the proper procedures for the characterization and handling of chemicals of concern affected soil that workers are likely to encounter during site remediation on the eastern portion of the site. Additionally, the work plan details procedures should previously unknown historical improvements such as (USTs), clarifiers, sumps, interceptors, vaults, buried containers (e.g., 55-gallon drums), and/or piping be encountered during soil remediation. An environmental consultant would conduct field screening, soil sampling, characterizing/profiling, dust monitoring (i.e., in compliance with SCAQMD Rules 402, 403, and 1466), VOC monitoring (in compliance with SCAQMD Rule 1166), and coordinating the handling and/or removal of materials affected by hazardous substances and/or petroleum products. Contractors for the Project would be provided with a copy of the Limited Soil Remediation Work Plan and required to monitor for potential unidentified environmental concerns in soil during the work. In addition, the contractors would be required to attend a "kick-off meeting" prior to initiation of on-site activities. MM HAZ-3 requires the Applicant to implement the Limited Soil Investigation Report as approved by the Los Angeles RWQCB.

In January 2024, additional soil samples were collected from the eastern portion of the project site to supplement the existing data and further characterize chemicals of potential concern in shallow soil. A Limited Soil Remediation Work Plan Addendum was prepared to supplement the Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard by providing newly collected data and addressing Los Angeles RWQCB and Office of Environmental Health Hazard Assessment comments. The Limited Soil Remediation Work Plan Addendum's recommended vapor intrusion pathway mitigation plan is outlined in MM HAZ-4. Compliance with these requirements would reduce soil vapor impacts to a less than significant level.

The recommendations in the above-mentioned reports are provided as MM HAZ-1 through MM HAZ-4. These provisions would minimize the potential for hazardous materials to be released into the environment during Project construction. With the implementation of MM HAZ-1 through MM HAZ-4, impacts would be mitigated to a less than significant level.

Operations

Project operations would involve the use of typical hazardous materials/chemicals associated with commercial and industrial uses such as cleaners, paints, solvents, fertilizers, and pesticides for site landscaping. Any routine transport, use, and disposal of these materials during Project operations must adhere to federal, state, and local regulations for transport, handling, storage, and disposal of hazardous substances. Further, hazardous materials/chemicals such as household cleaners, paints, solvents, and fertilizers in low quantities do not pose a significant threat related to the release of hazardous materials into the environment. Therefore, Project operations would not create a significant hazard through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant.

Threshold (c) Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. There are no schools within 0.25-mile of the project site. The closest school, Potrero Middle School, is located at 2611 Potrero Avenue, approximately 0.40-mile northeast of the project site. Notwithstanding, the routine transport, use, and disposal of hazardous materials during Project construction would be subject to federal, State, and local regulations for transport, handling, storage, and disposal of hazardous substances. Compliance with the regulatory framework would ensure Project construction activities would not create a significant hazard to nearby schools.

Additionally, the Project does not propose any uses that could generate hazardous emissions or involve the handling of hazardous materials, substances, or waste in significant quantities that could impact schools. The types of hazardous materials that would be routinely handled at the project site would be restricted to small quantities of cleaning solvents and paints used by facilities maintenance staff in accordance with normal operations. The materials used by facilities maintenance staff would be used in small quantities and stored in compliance with State and federal requirements. Therefore, compliance with the regulatory framework would ensure Project operations would not create a significant hazard to nearby schools. Impacts would be less than significant and no mitigation is required.

Threshold (d) Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment?

No Impact. Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List, maintained by the DTSC and RWQCB. The Cortese List contains hazardous waste and substance sites including public drinking water wells with detectable levels of contamination, sites with known underground storage tanks (USTs) having a reportable release, solid waste disposal facilities from which there is a known migration, hazardous substance sites selected for remedial action, historic Cortese sites, and sites with known toxic material identified through the abandoned site assessment program. A regulatory database record search was conducted as part of the Phase I ESA prepared for the Project (see **Appendix C**) in accordance with Government Code Section 65962.5. The project site is not identified on the active Cortese List, which is the list of hazardous materials sites that is compiled pursuant to California Government Code Section 65962.5. Based on this threshold, no impact would occur.

Threshold (e) Would the Project be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?

Less Than Significant Impact. The San Gabriel Valley Airport is located at 4233 Santa Anita Avenue in the City of El Monte and approximately two miles northeast of the project site. The El Monte Airport Master Plan Report (Master Plan) reviews the Airport development's current status, anticipated future use, and proposed future flight path. The Master Plan must be consistent with the Los Angeles County Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA) regulations. Airport Land Use Compatibility Plans (ALUCP) cover aviation activities of 15 Los Angeles County public-use airports, including the San Gabriel Valley Airport. The ALUCP depicts the Airport's boundaries and development restrictions. According to Master Plan Figure 7A, Noise Contours Year 1993, which is the latest noise contour map, the airport's 65 CNEL noise contour extends approximately 0.06-mile south of I-10 and approximately 0.80-mile south of the San Gabriel Valley Airport's southern boundary. This 65 CNEL boundary is approximately 1.5 miles northeast of the project site and noise levels at this distance would not extend to and impact operations at the project site.

FAA design standards for ARC B-I/Small facilities, such as EI Monte Airport's Runway 1-19, specify that the Runway Safety Areas (RSA) be 120 feet wide the full length of the runway, and extend a minimum of 240 feet beyond the ends of the runway pavement. The RSA at the approach end of Runway 1 meets or exceeds this minimum standard. The RSA at the approach end of Runway 19 is truncated on its northwest corner by the Airport's chain link perimeter security fence, a public jogging path, and the Rio Hondo Flood Control Channel. Since removal of these obstacles is not feasible and relocation of the runway pavement end is not desirable, Declared Distances must be utilized to account for this nonstandard RSA configuration. The Declared Distances calculations for EI Monte Airport's Runway 1-19 are depicted in Figure 5B and that distance is 200 feet. Therefore, the RSAs do not extend off the boundary of the San Gabriel Valley Airport and would not impact the project site. According to the Master Plan, the two compatibility concerns that apply to the proposed Project are noise impacts and safety issues. As discussed above, the project site is approximately 1.5 miles southwest of the 1993 65 CNEL noise contour of the airport and would not be impacted by noise associated with current and future airport operations. As also discussed above, the Project would not be impacted by the RSAs of both runways 1 and 19, and the FAA required RSA distances to remain within the boundary of the airport and would not extend to or impact the project site. Therefore, Project employees and customers would not be exposed to excessive noise or safety impacts associated with current and future operations at the San Gabriel Valley Airport. Impacts would be less than significant and no mitigation is required.

Threshold (f) Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The project site is located in an urbanized area where adequate circulation and access are provided to facilitate emergency response. According to the County of Los Angeles Department of Public Works, Rosemead Boulevard is designated as an evacuation route.[32] Rosemead Boulevard borders the project site's western boundary. Construction activities are expected to be primarily contained within the project site boundaries and would not require the complete closure of any

[32] Los Angeles County Department of Public Works. (2024). *Disaster Route Maps (By City) -South El Monte.* Retrieved from https://pw.lacounty.gov/dsg/disasterroutes/city.cfm_

public or private streets or roadways during construction. The Project proposes warehouse and retail uses and would not include activities that would interfere with emergency response or evacuation plans.

The proposed building configuration would be subject to compliance with applicable fire codes, including proper emergency exists for residents and patrons; see Response 4.16a. As such, Project implementation would not impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant and no mitigation is required.

Threshold (g) Would the Project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas?

No Impact. The project site is in an urban environment and is not contiguous or proximate to open space. According to the California Department of Forestry and Fire Protection's Fire and Resource Assessment Program,[33] the City of South El Monte is not in a Local or State Fire Hazard Severity Zone (FHSZ). Therefore, the Project would not expose and have no impact concerning employees or the warehouse building to a significant risk of loss, injury, or death due to a wildland fire.

Mitigation Program

Standard Conditions

No standard conditions are applicable.

Mitigation Measures

MM HAZ-1 Prior to the issuance of a grading permit, the Applicant shall implement a Soil Management and Contingency Plan (or equivalent document) as approved by the Los Angeles Regional Water Quality Control Board (Los Angeles RWQCB). The Soil Management and Contingency Plan (SMCP) (or equivalent document) shall specify the details regarding the handling, stockpiling, sampling, and reuse or disposal of soil with concentrations of Chemicals of Potential Concern (COPC) in excess of their respective San Francisco Bay RWQCB ESLs or site-specific remedial action goals (RAGs) levels that may be established as part of a Human Health Risk Assessment (HHRA) and integrated into the SMCP with Los Angeles RWQCB concurrence. Once approved, the SMCP (or equivalent document) shall be kept on site by the general contractor throughout construction and distributed to the grading contractor and other contractors that may be trenching or boring on the site.

- The SMCP shall Identify and implement accident prevention and control measures for demolition and remediation activities, and for ongoing operations that are protective of the health and safety of the public, and construction workers including a routine inspection program to ensure that such measures are being implemented during demolition and construction. At a minimum, such measures shall include compliance with all applicable federal, State, and local laws and regulations.

[33] CALFire. (2024). *Fire Hazard Severity Zones in State Responsibility Area.* Retrieved from https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones, Accessed July 30, 2024.

- The SMCP shall include the vapor intrusion mitigation system (VIMS) outlined in MM HAZ-4.

MM HAZ-2 Prior to the issuance of a grading permit by the City of South El Monte , the Applicant shall in accordance with the Soil Vapor Assessment Report for Former Pacific Drum Company (Rosemead Holdings, LLC) 2200, 2212, 2218, and 2226 North Rosemead Boulevard South El Monte, California 91733 (EEC Environmental, 2023) (included as Appendix C to this Initial Study):

- Remove the existing soil vapor extraction system (SVE) system and properly abandon the associated extraction wells in accordance with Los Angeles Regional Water Quality Control Board; and
- Perform limited shallow soil excavation in the vicinity of HP-4 as part of the activities proposed under the Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard (Leighton, 2023).

MM HAZ-3 Prior to grading permit issuance, the Applicant shall demonstrate to the City of South El Monte Building and Safety Division implementation of the Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard and Limited Soil Remediation Work Plan Addendum for 2200-2226 N. Rosemead Boulevard as approved by the Los Angeles Regional Water Quality Control Board. The Los Angeles Regional Water Quality Control Board shall provide oversight for implementation.

MM HAZ-4 Prior to the issuance of a grading permit, the City of South El Monte Building and Safety Department shall review the building plans to verify that a vapor intrusion mitigation system (VIMS) is included in the Project design in accordance with the Limited Soil Remediation Work Plan Addendum for 2200-2226 N. Rosemead Boulevard to minimize VOCs on the project site. A construction quality assurance program shall be developed and implemented during VIMS construction that includes a pre-construction meeting and routine meetings during construction of the system, observations of construction and testing activities, and pre-occupancy (post-construction) system inspection and performance monitoring. The construction quality assurance program shall be summarized on the final VIMS design drawings and detailed in a construction quality assurance plan. A VIMS Construction Completion Summary Report shall also be prepared and submitted to the Los Angeles RWQCB within 60 days of VIMS construction completion. The VIMS Construction Completion Summary Report shall include a summary of the construction quality assurance program and VIMS installation activities, as-built drawings, and VIMS Engineer certification that the VIMS was installed in general accordance with the design. The City of South El Monte Building and Safety Division shall have oversight/sign-off responsibility for the vapor barrier.

MM HAZ-5 In accordance with Los Angeles Regional Water Quality Control Board Comment No. 6 and requirements dated August 17, 2022, prior to the issuance of the first occupancy permit, baseline indoor air sampling involving at least two rounds of sampling shall be performed to account for seasonal fluctuation of contaminants in the indoor air. Air sampling results shall be submitted to and approved by the Los Angeles Regional Water Quality Control Board.

4.10 Hydrology and Water Quality

The analysis in this section is based on the following technical study and letter from the civil engineer:

- Preliminary Hydrology and Hydraulics and LID Report; see **Appendix D**.
- Tait & Associates, letter dated February 16, 2024; see **Appendix D** .

Threshold (a) Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. Impacts to water quality of receiving waters generally range over three different phases of a project:

- During the earthwork and construction phase, when the potential for erosion, siltation, and sedimentation would be the greatest.
- Following construction and before the establishment of ground cover, when the erosion potential may remain relatively high.
- Following Project completion, when impacts related to sedimentation would decrease markedly, but those associated with urban runoff would increase.

Following is a discussion of the potential water quality impacts resulting from urban runoff that would be generated during Project construction and operations.

Construction. Construction-related activities that are primarily responsible for sediment releases are related to exposing previously stabilized soils to potential mobilization by rainfall/runoff and wind. Such activities include removing vegetation and impermeable surfaces from the site, project grading, and trenching for infrastructure improvements. Environmental factors that affect soil erosion include topography, type of soil, and rainfall characteristics. Non-sediment-related pollutants that are also of concern during construction relate to non-storm water flows and generally include construction materials (e.g., paint and stucco); chemicals, liquid products, and petroleum products used to maintain construction equipment during construction and/or the maintenance of heavy equipment; and concrete and related cutting or curing residues. Project construction-related activities would generate pollutants that could adversely affect the water quality of downstream receiving waters if appropriate and effective storm water and non-storm water management measures are not installed and maintained during construction to remove and minimize on-site pollutants from urban runoff from the site.

Construction activity subject to the Construction General Permit for Stormwater Discharge Associated with Construction Activity (Construction General Permit) includes any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre. The proposed Project would disturb more than one acre of land surface and would therefore be required to obtain coverage under the NPDES storm water program. Construction activities would be required to comply with a Storm Water Pollution Prevention Plan (SWPPP) consistent with California State Water Resources Control Board (State Water Board), Order No. 99-08-DWQ, Los Angeles County MS4 Permit Order No. R4-2021-0105 and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS004004 (Permit) to minimize pollution of downstream storm water. To obtain coverage under the Construction General Permit, the Applicant is required to file with the State Water Board, Permit Registration Documents that include a Notice of Intent (NOI) and other compliance-related documents. The Construction General Permit

requires the development and implementation of a SWPPP and monitoring plan, which must include erosion-control and sediment-control best management practices (BMPs) that would meet or exceed measures required by the Construction General Permit to control potential construction-related pollutants. Erosion-control BMPs are designed to prevent erosion, whereas sediment BMPs are designed to trap sediment once it has been mobilized.

Additionally, the Project would be required to comply with Municipal Code Chapter 8.44, Stormwater Management and Discharge Control, which sets forth requirements for the construction and operation of developments within the City to ensure compliance with the City's current NPDES permit and to reduce pollutant loading in storm water discharges by the maximum extent practicable. Compliance with any conditions and requirements established by the City to meet federal and State water quality requirements related to storm water runoff would be verified during the plan check process. Municipal Code Chapter 8.44 contains guidelines on structural and non-structural BMPs for meeting the NPDES goals. These requirements would ensure that potential project impacts related to soil erosion, siltation, and sedimentation remain less than significant and avoid violation of any water quality standards or waste discharge requirements.

Operations. The proposed drainage pattern would be similar to the existing condition, except the site would drain to two Modular Wetland Systems before discharging to two existing catch basins in Rosemead Boulevard. Implementation of BMPs would manage and capture storm water runoff to reduce potential impacts on the County Flood Control District's storm water drainage system. To comply with the new development and redevelopment standards of the Los Angeles County Municipal NPDES Permit (MS4 Permit), a Low Impact Development Plan (LID) has been prepared to identify BMPs to manage and capture storm water runoff. The LID Plan assumes the project site would include an on-site retention (infiltration) basin in each of the two driveways, runoff harvest and use, and on-site biofiltration. The final BMPs to be implemented for the Project would be determined by the City through their review of the Final Hydrology and Hydraulics Report and the LID Plan.

Compliance with NPDES and Municipal Code requirements, which include implementation of LID BMPs, would ensure that Project operations would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Impacts would be less than significant and no mitigation is required.

Threshold (b) Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Less Than Significant Impact. The SGVWC has a service area of approximately 45 square miles and currently derives its groundwater supplies from two groundwater basins, the Main San Gabriel Basin (Main Basin) and the Central Basin, with the Main Basin as San Gabriel's primary groundwater source. San Gabriel's water supply sources also include recycled water and a connection with the Metropolitan Water District of Southern California (MWD) for delivery of treated imported water.[34]

The SGVWC Final 2020 Urban Water Management Plan and Water Shortage Contingency states that water demands (potable and non-potable) in its service area for normal years would increase from 33,632 acre-

[34] San Gabriel Valley Water Company, June 2021 Final 2020 Urban Water Management Plan and Water Shortage Contingency.

feet per year (afy) in 2020 to approximately 38,700 afy in 2045.[35] The water company forecasts that it would have sufficient water supplies to meet water demands in its service area for normal, single-dry, and during a five consecutive year drought period.[36] The Project's water demand would be minimal and would not decrease groundwater supplies or significantly impact SGVWC's ability to provide water service to its service area through 2045. As stated in Response 4.7aiii, groundwater was encountered to depths of 48 feet. Project grading and construction are proposed to a maximum depth of approximately 10 feet below the existing ground surface on the eastern third of the site where undocumented fill exists and 5 feet below the existing ground surface on the rest of the site. As a result, Project grading would not encounter groundwater at a maximum depth of 10 feet below the surface. Therefore, dewatering that could lower the existing groundwater level would not be required. The Project would not impact the level of the local groundwater.

With the exception of very limited areas of remanent landscape vegetation, the site is impervious with pavement and concrete building pads. Upon implementation of the Project, the site would be approximately 96 percent impervious. Approximately four percent of the project site would be pervious associated with the proposed on-site landscaping. This change is considered negligible compared to existing site conditions. Therefore, implementation of the proposed Project would not deplete groundwater supplies or interfere with groundwater recharge. Impacts would be less than significant and no mitigation is required.

Threshold (c) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

(i) Result in a substantial erosion or siltation on- or off-site.

Less Than Significant Impact. A significant impact would occur if the proposed Project would substantially alter the drainage pattern of the site or area, including through the alteration of the course of a stream or river, such that erosion or siltation would result. The proposed Project does not contain nor is adjacent to a stream or river. Further, the proposed Project would not result in a significant change to the site's drainage pattern. Project construction would temporarily expose on-site soils to surface water runoff. However, as discussed in Response 4.10a, the Project would be subject to compliance with NPDES and Municipal Code requirements, which include the implementation of erosion-control and sediment-control BMPs. Therefore, the Project would not cause substantial erosion or siltation on or off the site. A less than significant impact would occur and no mitigation is required.

(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

No Impact. As demonstrated in **Appendix D**, the Project would reduce flows under 50-year storm events when compared to existing conditions. Because the Project would decrease surface runoff, it would not result in flooding on or off the site. No impact would occur and no mitigation is required.

(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

[35] Ibid, Table 4-3, page 4-6.
[36] Ibid, page 4-2.

No Impact. The Project would reduce impervious surfaces, thereby reducing flows under 50-year storm events, as compared to the existing condition. Because the Project would decrease surface water runoff, it would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. No impact would occur and no mitigation is required.

(iv) Impede or redirect flood flows?

No Impact. The project site is not located within the 100-year hazard flood zone area. Flood Insurance Rate Map (FIRM) 06037C1665F indicates the project site is within Zone X, 0.2 percent chance of flood; areas with a one percent annual chance of flood with average depths of less than one foot or with drainage areas less than one square mile; or areas protected by levees from the one percent annual chance of flood.[37] Further, the Project would use a biofiltration device (i.e., Modular Wetland System) to treat runoff and minimize impacts to existing storm water drainage facilities. The project site is not subject to flooding and would not impede or redirect flood flows. No impact would occur and no mitigation is required.

Threshold (d) In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to project inundation?

No Impact. Tsunamis are sea waves that are generated in response to large-magnitude earthquakes. When these waves reach shorelines, they sometimes produce coastal flooding. Seiches are the oscillation of large bodies of standing water, such as lakes, which can occur in response to ground shaking. The project site is approximately 25 miles east of the Pacific Ocean and there are no nearby bodies of standing water. Therefore, the project site is not within a tsunami or seiche zone.

The Project proposes a warehouse and retail development that would involve the use of materials associated with routine maintenance of the property, such as janitorial supplies for cleaning purposes and/or herbicides and pesticides for landscaping. The Project is not within a flood hazard, tsunami, or seiche zone and would not risk the release of pollutants. No impacts would occur and no mitigation is required.

Threshold (e) Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. Water quality in the City is regulated by the Los Angeles RWQCB and its Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties. Refer to Responses 4.10a and 4.10b. The Project would comply with regional and local regulations requiring the preparation of a SWPPP and would not obstruct existing water quality control plans or groundwater sustainable management plans. In addition, the Applicant would be required to comply with a project-specific water quality management plan during operation activities. Therefore, the Project would not conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable.

[37] United States, Federal Emergency Management Agency. (2024) Flood Insurance Rate Map 06037C1665F. Available at: https://msc.fema.gov/portal/home, Accessed July 26, 2024.

4.11 Land Use and Planning

Threshold (a) Would the Project physically divide an established community?

No Impact. Examples of projects that could physically divide an established community include a new freeway or highway that traverses an established neighborhood. The Project proposes industrial and commercial infill development in an urbanized area. The proposed Project would not include any roadway extensions or other development features through currently developed areas. No off-site improvements such as new roadways or infrastructure are proposed that could physically divide an established community. The Project would be developed within the existing boundary of the site. The Project would be compatible with the existing commercial and industrial uses adjacent to the site and would not disrupt or divide these established commercial and industrial communities surrounding the site. Therefore, given its nature and scope, the Project would not physically divide an established community. No impact would occur and no mitigation is required.

Threshold (b) Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact. The General Plan land use map depicts the City's land use designations and indicates the project site is designated Commercial Manufacturing. The Commercial Manufacturing land use designation provides areas where general commercial and limited industrial manufacturing uses can co-locate. The City of South El Monte Zoning Map depicts the City's zones and indicates the project site is zoned Commercial Manufacturing (C-M) Zone, which similarly provides areas within the City in which general commercial and limited manufacturing uses can be collocated. The Project proposes an approximately 156,877 sf concrete tilt-up warehouse with 113,703 sf of warehouse space, 7,879 sf of retail use, 20,305 sf of accessory warehouse office use, and 14,990 sf of warehouse storage. As such, the Project would be consistent with the project site's land use designation and zoning.

The General Plan addresses conflicts between residential and industrial land uses. Before 1997, zoning regulations identified residential uses in industrial zones as nonconforming uses subject to amortization and eventual removal. However, in response to community opposition to more aggressive City efforts to remove the nonconforming residential uses, in 1997 the City Council adopted regulations to permit legally established residential uses in industrial zones to continue and not be subject to removal.[38]

While this regulation preserves needed housing units in the City, it does not address the potential conflicts between residential and industrial uses. Issues of concern include truck traffic and associated safety concerns, hours of operation of industrial businesses, the potential for release of hazardous materials, and noise from manufacturing operations, among others. In attempts to strike a balance between land use compatibility and preservation of existing housing, the City's policy is to facilitate the removal of residential uses in industrial zones by providing housing opportunities in other City locations more suitable for residential use.[39]

As a result, the General Plan Land Use Element includes the following goals and associated policies to reduce potential land use conflicts between industrial and residential land uses within the industrial zone.

[38] City of South El Monte General Plan, Land Use Element, page 9.
[39] Ibid.

Table 4.11-1: General Plan Consistency Analysis evaluates the Project concerning the relevant General Plan goals and policies and concludes the Project would not conflict with the relevant General Plan goals and policies. Therefore, the Project would not result in a significant environmental impact concerning a conflict with the General Plan.

Table 4.11-1: General Plan Consistency Analysis

Land Use Element	
Goal 1: Maintain a balanced mix and distribution of land uses throughout South El Monte	
Policy 1.4: Create opportunities for two types of commercial development: (1) commercial uses that meet the retail and service needs of the local resident and employee populations, and (2) regional-serving retail commercial businesses that capture revenues from a broader population base.	**Consistent.** The Project proposes 7,879 sf of commercial retail on the ground level of the building fronting Rosemead Boulevard. Commercial retail space would be available for lease for offices and retail/services. The mix of proposed uses would serve local retail and service needs and would be consistent with the implementation of Policy 1.4.
Policy 1.5: Continue to provide opportunities for establishment and expansion of a broad range of industrial businesses within those areas of the City designated for industrial use.	**Consistent.** The Project proposes industrial and commercial uses on a site that has a General Plan land use designation of Commercial-Manufacturing use. Therefore, the Project is consistent with the implementation of Policy 1.5.
Goal 2: Focus new revenue-generating development in those areas of the City with high visibility.	
Policy 2.2 Expand development opportunities along Rosemead Boulevard by allowing for a broader range of commercial, as well as office uses. Rezone the east side of Rosemead Boulevard Commercial-Manufacturing.	**Consistent.** The proposed Project is located on the east side of Rosemead Boulevard in the C-M zone and would introduce a mix of commercial retail, warehouse, and office uses to the project site. The mix of uses would introduce additional development to the area and would be consistent with the implementation of Policy 2.2.
Goal 3.0: Accommodate new development that is compatible with and complements existing land uses.	
Policy 3.3: Require that industrial development provide adequate buffers (such as decorative walls and landscaped setbacks) at the designated boundaries with adjacent residential and commercial uses to prevent impacts on residences and commercial businesses due to noise, traffic, parking, light and glare, and differences in scale; to ensure privacy; and to provide visual compatibility.	**Consistent.** The Project would include fencing around the northern, southern, and eastern property boundaries. The proposed fencing would separate the development from existing off-site residential uses (i.e., mobile home park) and prevent impacts due to noise, traffic, parking, light, glare, and differences in scale. Further, the Project would prohibit all truck movement through the site and at the loading docks between 10:00 PM and 7:00 AM to minimize truck traffic noise to the residents south of the site. All lighting would be directed onto the site and oriented away from the mobile home park to the south to reduce the potential impacts from light and glare. Accordingly, the Project would be consistent with the implementation of Policy 3.3 and Policy 3.4.
Policy 3.4: Require that the external lighting of commercial and industrial properties be confined to the site to avoid adverse impacts on adjacent land uses due to light spillover or glare.	
Goal 4.0: Work toward the gradual elimination of residential land uses within areas designated and zoned for industrial use and development.	
Policy 4.3: Require that industrial development provide adequate buffers (such as decorative walls and landscaped setbacks) at the designated boundaries with adjacent existing residential uses so as to prevent impacts	**Consistent.** The Project proposes fencing around the northern, southern, and eastern property boundaries. The proposed fencing would separate the development from existing off-site residential

Table 4.11-1: General Plan Consistency Analysis

on residences due to noise, traffic, parking, light and glare, and differences in scale.	uses (i.e., mobile home park) and prevent impacts due to noise, traffic, parking, light, glare, and differences in scale. Further, the Project would prohibit all truck movement through the site and at the loading docks between 10:00 PM and 7:00 AM to minimize truck traffic noise to the residents south of the site. All lighting would be directed onto the site and oriented away from the mobile home park to the south to reduce the potential impacts from light and glare. Accordingly, the Project would be consistent with the implementation of Policy 4.3.
Circulation Element	
Goal 5.0: Provide adequate parking for existing and future vehicle demand.	
Policy 5.1: Ensure that parking regulations for industrial businesses are adequate to meet parking demands.	**Consistent.** Under Municipal Code Chapter 17.16, Off-Street Parking and Loading, the Project is required to provide 176 parking spaces. The Project proposes 176 parking spaces, including 167 standard stalls and nine parallel stalls, and meets the City's parking requirement. Accordingly, the Project would be consistent with the implementation of Policy 5.1.

Mitigation Program

Standard Conditions and Mitigation Measures

No conditions of approval or mitigation measures are required.

4.12 Mineral Resources

Threshold (a) Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

No Impact. The State of California State Geologist has identified four Mineral Resource Zone (MRZ) categories that reflect varying degrees of mineral resource potential. The four categories are MRZ-1, MRZ-2, MRZ-3, and MRZ-4. The four categories are described below:

- **MRZ-1.** Adequate information indicates that no significant mineral deposits are present or likely to be present.
- **MRZ-2.** Adequate information indicates that significant deposits are present or there is a high likelihood for their presence, and development should be controlled.
- **MRZ-3.** The significance of mineral deposits cannot be determined from the available data.
- **MRZ-4.** There is insufficient data to assign any other MRZ designation.

The project site is located in MRZ-3 and does not contain mineral resources of significant value. The project site and the surrounding areas are not developed with mineral resource recovery activities, and the City's General Plan Resources Element does not identify any mineral resources in the City. The Project would not eliminate or impact any mineral resource either on the site or on any of the adjacent surrounding land use. The Project would not have any mineral resource impacts.

Threshold (b) Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. As discussed in Section "3.12 a" of this Initial Study, there are no mining sites identified in the City of South El Monte General Plan. The Project would not result in the loss of availability of any delineated locally important mineral resource mining site. The Project would not have any mineral resource recovery impacts.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable.

4.13 Noise

The analysis in this section is based in part on the following noise report and peer review letter and included in **Appendix E**:

- *Rosemead and Rush Industrial Project, Noise Impact Analysis*, Ganddini, June 15, 2023 (Rev. 1); see **Appendix E.**
- *Rosemead and Rush Industrial Project Memorandum – Updated Plan Set and Transportation, Noise, and Air Quality/Greenhouse Gas/Energy Impact Studies*, Ganddini Group Inc., August 15, 2024; see **Appendix A.**[40]

Background

The analysis describes sound in terms of amplitude (loudness) and frequency (pitch). The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is in relation to the frequency of the pressure vibration. Since the human ear is not equally sensitive to a given sound level at all frequencies, the A-weighted decibel scale (dBA) relates noise to human sensitivity. The A-weighted decibel scale provides this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Noise, on the other hand, is unwanted sound. A typical noise environment consists of a base of steady ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from traffic on a major highway.

Several rating scales analyze the adverse effect of community noise on people. Since environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise as well as the time of day when the noise occurs. For example, the equivalent continuous sound level (L_{eq}) is the acoustic energy content of noise for a stated period; therefore, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. The Day-Night Sound level (L_{dn}) is a 24-hour average L_{eq} with a 10 dBA "weighting" added to noise during the hours of 10:00 PM to 7:00 AM to account for noise sensitivity in the nighttime. The Community Noise Equivalent Level (CNEL) is a 24-hour average L_{eq} with a 10 dBA weighting added to noise during the hours of 10:00 PM and 7:00 AM and an additional 5 dBA weighting during the hours of 7:00 PM to 10:00 PM to account for noise sensitivity in the evening and nighttime.

Existing Setting

The project site noise environment is primarily characterized by roadway noise. The primary traffic noise source is from traffic on Rosemead Boulevard, which is west and adjacent to the project site. Secondary noise sources include parking lot noise, air handling equipment such as HVAC mechanical noise, and operational noise from surrounding commercial and industrial uses to the east, north, and west, and industrial use and a mobile home park to the south.

[40] After preparation of the technical study, minor modifications to the plan set dated August 8, 2024 has resulted in a net reduction of square feet compared to the assumptions for the June 2023 study. These changes do not change the findings of the study as summarized in this Initial Study.

Noise-Sensitive Receptors. Noise-sensitive receptors are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Certain land uses are particularly sensitive to noise and vibration. These uses include residences, schools, hospital facilities, houses of worship, and open space/recreation areas where quiet environments are necessary for the enjoyment, public health, and safety of the community. The nearest sensitive receptors to the project site are the residents of the mobile home park adjacent to and south of the site.

Ambient Noise Measurements. As shown in **Figure 10: Noise Measurement Locations**, six, 15-minute daytime noise measurements were taken between 11:13 AM and 2:14 PM on April 18, 2023, both on and proximate to the project site to determine the existing noise environment. In addition, one (1) long-term 24-hour noise measurement was taken from April 18-April 19, 2023.

Table 4.13-1: Short-Term Noise Measurement Summary (dBA) provides a summary of the short-term ambient noise data. Table 4.13-2: Exterior Noise Limits provides hourly interval ambient noise data from the long-term noise measurements. As shown, measured short-term ambient noise levels ranged between 54.1 and 72.3 dBA Leq. Long-term hourly noise measurement ambient noise levels ranged from 44.4 to 57 dBA Leq. The dominant noise source in the vicinity of the project site is vehicle traffic associated with Rosemead Boulevard, Rush Street, and other surrounding roadways.

Table 4.13-1: Short-Term Noise Measurement Summary (dBA)

Daytime Measurements[1]								
Site Location	**Time Started**	**Leq**	**Lmax**	**Lmin**	**L(2)**	**L(8)**	**L(25)**	**L(50)**
STNM1	11:13 AM	72.3	80.7	53.1	78.3	76.2	73.9	70.5
STNM2	11:54 AM	60.2	69.7	50.8	65.5	63.4	61.4	58.8
STNM3	12:20 PM	57.7	63.1	54.2	60.9	59.8	58.2	57.0
STNM4	12:46 PM	54.1	64.4	48.6	59.4	57.1	54.3	53.0
STNM5	1:24 PM	66.2	79.2	55.1	73.3	69.5	66.6	64.1
STNM6	1:59 PM	67.0	79.7	51.6	75.5	72.1	67.0	60.7

L_{eq}: equivalent noise level; L_{min}: minimum noise level; L_{max}: maximum noise level
Source: Ganddini Group Inc., 2024.



Source: Ganddini Group Inc.

Legend
NM 1 Noise Measurement Location
ST NM Short-Term Noise Measurement
LT NM Long-Term Noise Measurement

FIGURE 10
Noise Measurement Location Map

Regulatory Setting

City of South El Monte Municipal Code. Municipal Code Chapter 8.20, Noise Regulations, contains noise standards that are correlated with land use zoning classifications, meant to maintain identified ambient noise levels and to limit, mitigate, or eliminate intrusive noise that exceeds the ambient noise levels within a specific zone.

The City has also set restrictions to control noise impacts from construction activities. Municipal Code Section 8.20.030 (D) states, "No person shall operate or cause or authorize the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of ten PM and seven AM, or at any time on weekends or holidays, such that the sound therefrom creates a noise disturbance across the real property line of an adjacent or nearby property developed entirely or partially for residential use."

Although the Municipal Code limits the hours of construction, it does not provide specific noise level performance standards for construction. Municipal Code Section 8.20.020 identifies the maximum permissible sound levels for different land uses. The noise/land use compatibility guidelines for land uses in the City are presented in **Table 4.13-2**.

Table 4.13-2: Exterior Noise Limits

Receiving Land Zoning Category	Time Period	Noise Level Standard (dBA)
One- or two-family residential zone	10:00 PM to 7:00 AM	45
	7:00 AM to 10:00 PM	55
Multiple dwelling residential zone, public zone	10:00 PM to 7:00 AM	50
	7:00 AM to 10:00 PM	60
Commercial zone or commercial-manufacturing zone	10:00 PM to 7:00 AM	55
	7:00 AM to 10:00 PM	60
Manufacturing zone	Anytime	70
Receiving Land Use Category	**Time Period**	**Noise Level Standard (dBA)**
Property partially or entirely developed for one- or two-family residential uses	10:00 PM to 7:00 AM	45
Property partially or entirely developed for multi-family residential uses	10:00 PM to 7:00 AM	50

City of South El Monte Municipal Code Section 8.20.020 - Table 2 Exterior Noise Limits by Use.
Source: Ganddini Group Inc., 2024.

Threshold (a) Would the Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact With Mitigation Incorporated.

Construction

Construction noise represents a short-term impact on ambient noise levels. Noise generated by equipment for demolition and construction equipment, including trucks, graders, bulldozers, concrete mixers, and portable generators can reach high levels. Construction activities on the project site would expose existing noise-sensitive uses would be exposed to increased noise levels. In typical construction projects, such as the proposed Project, the loudest noise generally occurs during grading activity because

it involves the largest equipment. Noise-sensitive receptors may be exposed to elevated noise levels during Project construction. However, construction noise would be acoustically dispersed throughout the project site and not concentrated in one area near surrounding sensitive uses. The City's Noise Ordinance does not establish quantitative construction noise standards. Instead, the Noise Ordinance has established allowable hours of construction. Construction activities cannot occur between 10:00 PM and 7:00 AM on weekdays, or at any time on weekends or holidays, such that the sound therefrom creates a noise disturbance across the real property line of an adjacent or nearby property developed entirely or partially for residential use. The Project would be required to comply with SC N-1, which requires the construction contractor to comply with noise regulations prescribing the hours allowed for construction activity identified in Municipal Code Chapter 8.20. SC N-2 would further minimize impacts from construction noise as it requires construction equipment to be equipped with properly operating and maintained mufflers and other State-required noise attenuation devices. Implementation of SC N-1 and SC N-2 would preclude significant construction-related impacts.

The Project would also generate noise at off-site locations from haul trucks moving debris and soil from the project site during demolition and grading activities; vendor trips; and worker commute trips. Given the project site's proximity to SR-164 (Rosemead Boulevard), SR-60, and I-10, it is anticipated that vendor and/or haul truck traffic would take the most direct route to the freeway ramps. Rosemead Boulevard currently handles approximately 31,650 to 33,400 average daily vehicle trips in the vicinity of the project site.[41] As noted in **Appendix F**, the greatest number of construction-related vehicle trips per day would be during building construction at up to 91 vehicle trips per day (i.e., 65 worker trips and 26 vendor trips). Therefore, vehicle traffic generated during Project construction is considered nominal relative to existing roadway volumes and would not result in the doubling of traffic volume necessary to increase noise levels by 3 dBA. Therefore, the Project's noise impacts concerning construction-related traffic would be less than significant.

Operation

Stationary Source Noise. The proposed Project consists of an approximately 156,877 sf concrete tilt-up warehouse with 113,703 sf of warehouse space, 7,879 sf of retail use, 20,305 sf of accessory warehouse office use, and 14,990 sf of warehouse storage.). Project operations would generate noise from mechanical equipment (e.g., HVAC, etc.), activities associated with loading/unloading trucks, parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and off-site traffic noise. These noise sources would be consistent with the existing noise sources in the project site vicinity.

Due to the relatively noisy urban environment, operational noise levels were modeled along the project site boundaries at adjacent land uses. Land uses not adjacent to the project site would not be affected by on-site project-generated operational noise, including the multi-family residential uses located approximately 547 feet to the southwest and single-family residential uses located approximately 297 feet to the west, 372 feet northwest, and 743 feet to the southwest of the project site. Land uses that may be affected by project operational noise are those that are adjacent to the project site, including the mobile home park to the south, and commercial/industrial land uses to the north, east, and west.

Based on the operational noise modeling, Project operation is expected to range between 47 and 54 dBA Leq at the project site boundaries. As shown in **Table 4.13-3: Project Compliance with Stationary Noise**

[41] Existing average daily traffic volumes were calculated from the PM peak hour intersection traffic counts provided in the Rosemead and Rush Industrial Project Transportation Impact Analysis, Ganddini Group Inc. (April 28, 2023)

Standards - Daytime and **Table 4.13-4: Project Compliance with Stationary Noise Standards - Nighttime,** the Project's operational noise would not exceed any of the City's adjusted daytime exterior noise source standards but would exceed the adjusted nighttime noise standards for single-family residential land uses (i.e., the mobile home park) located just south of the project site. To reduce the Project's operation-related noise levels, implementation of MM NOI-1 would be required, which requires either the construction of a 10-foot-tall concrete barrier along the southern property line or restricts the movement of trucks on-site between the hours of 10:00 PM and 7:00 AM to meet nighttime noise standards.

Table 4.13-3: Project Compliance with Stationary Noise Standards - Daytime

Project Site Property Line	Receptor # [1]	Receptor Land Use	Existing Daytime Measured Noise Levels (dBA Leq)[2]	Daytime Noise Standard (7:00 AM-10:00 PM) (dBA, Leq)	Adjusted Noise Standard, Daytime[3] (dBA, Leq)	Operational Noise Levels[1]	Exceeds Adjusted Daytime Noise Standards (Yes/No)
West	1	Commercial	72	70	75	31	No
North	2	Commercial	60	70	70	47	No
East	3	Industrial	58	n/a	n/a	46	No
South	4	Single-family residential	54	55	55	54	No
South	5	Commercial	54	70	55	49	No

(1) See Appendix D, Figure 6.
(2) See Appendix D, Table 1.
(3) Adjusted per City of South El Monte Municipal Code Section 8.20.020 Table 1 Exterior Noise Limits by Zone, note 2.
Source: Ganddini Group Inc., 2024.

Table 4.13-4: Project Compliance with Stationary Noise Standards - Nighttime

Receptor[1]	Measurement Period	Existing Nighttime Noise Levels[2]	Nighttime Noise Standard (7:00 AM – 10:00 PM dBA, Leq)	Adjusted Noise Standard, Nighttime[3] (dBA, Leq)	Operational Noise Levels[1]	Exceeds Adjusted Nighttime Noise Standards (Yes/No)
R-4 Single Family Residential South of Project Site	10:00 PM – 11:00 PM	48	50	50	54	Yes
	11:00 PM – 12:00 AM	49	50	50	54	Yes
	12:00 AM – 1:00 AM	47	50	50	54	Yes
	1:00 AM – 2:00 AM	47	50	50	54	Yes
	2:00 AM – 3:00 AM	44	45	45	54	Yes
	3:00 AM – 4:00 AM	46	50	50	54	Yes
	4:00 AM – 5:00 AM	48	50	50	54	Yes
	5:00 AM – 6:00 AM	51	50	55	54	No
	6:00 AM – 7:00 AM	53	50	55	54	No

(1) See Appendix D, Figure 6.
(2) See Appendix D, Table 2.
(3) Adjusted per Municipal Code Section 8.20.020, Table 1, Exterior Noise Limits by Zone, note 2.
Source: Ganddini Group Inc., 2024.

Mobile Source Noise. It is widely accepted that the average healthy human ear can barely perceive changes of 3 dBA in an outdoor environment and that a change of 5 dBA is readily perceptible. Therefore, the Project would have a significant impact if the addition of Project trips on surrounding roadways causes noise levels to increase by:

- 5 dBA in residential areas where the existing ambient noise level is less than or equal to a CNEL of 65 dBA; or,
- 3 dBA in residential areas where the existing ambient noise level exceeds a CNEL of 65 dBA.

Roadway noise levels were calculated at roadways based on the FHWA Traffic Noise Prediction Model methodology. During operation, the proposed Project is expected to generate approximately 523 average daily trips with 44 trips during the AM peak hour and 56 trips during the PM peak hour. Roadway noise levels were calculated for the following scenarios:

- Existing Without Project: This scenario refers to existing year traffic noise conditions.
- Existing Plus Project: This scenario refers to existing year plus Project traffic noise conditions.

Table 4.13-5: Increase in Existing Noise Levels Due to Project Generated Vehicle Traffic (dBA CNEL) shows the change in existing roadway noise levels with the addition of Project operational trips. As shown in Table 4.13-5, the modeled existing traffic noise levels range between 58-78 dBA CNEL and the modeled Existing Plus Project traffic noise levels range between 59-78 dBA CNEL at the right-of-way of each study roadway segment. The Project is anticipated to increase noise levels between 0.01 to 1.46 dB along the modeled roadway segments. Therefore, the addition of Project trips is not expected to change noise levels in excess of the applicable threshold at any of the study roadway segments. Impacts would be less than significant.

Table 4.13-5: Increase in Existing Noise Levels Due to Project Generated Vehicle Traffic (dBA CNEL)

Roadway	Segment	Distance from roadway centerline to right-of-way (feet)[2]	Modeled Noise Levels (dBA CNEL)[1]				
			Existing Without Project at right-of-way	Existing Plus Project at right-of-way	Change in Noise Level	Exceeds Standards[3]	Increase of 3 dB or More?
Klingerman Street	West of Rosemead Blvd	30	58.00	59.46	1.46	Yes	No
Rush Street	West of Rosemead Blvd	40	67.82	67.94	0.12	Yes	No
	East of Rosemead Blvd	40	72.88	72.92	0.04	Yes	No
Rosemead Boulevard	North of Klingerman St	50	77.93	77.96	0.03	Yes	No
	South of Klingerman St	50	77.93	77.98	0.05	Yes	No
	North of Project North Dwy	50	77.96	78.02	0.06	Yes	No
	Project North Dwy to Project South Dwy	50	77.96	78.01	0.05	Yes	No
	South of Project South Dwy	50	77.96	78.00	0.04	Yes	No
	North of Rush St	50	77.91	77.95	0.04	Yes	No
	South of Rush St	50	78.15	78.16	0.01	Yes	No

(1) Exterior noise levels calculated 5 feet above pad elevation, perpendicular to the subject roadway.
(2) Roadway right-of-way (ROW) from the City of South El Monte General Plan Circulation Element, Figure C-1 Roadway Classifications (October 2000).
(3) Per the City of South El Monte exterior daytime noise level limits for one- or two-family residential zones of 55 dBA CNEL (see **Table 4.13-2**)
Source: Ganddini Group Inc., 2024.

Threshold (b) Would the Project generate excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact With Mitigation Incorporated.

On-Site Construction Vibration. Construction equipment can produce groundborne vibration depending on the equipment and construction methods employed. While vibration spreads through the ground and diminishes in strength with distance, buildings on nearby soil can be affected. This ranges from no perceptible effects at the lowest levels, low rumbling sounds, perceptible vibration at moderate levels, and slight damage at the highest levels. **Table 4.13-6: Construction Equipment Vibration Source Levels** summarizes vibratory levels for common construction equipment.

Table 4.13-6: Construction Equipment Vibration Source Levels

Equipment	Approximate PPV at 25 feet (in/sec)
Pile Driver (impact)	0.644
Pile Drive (sonic)	0.170
Clam shovel drop (slurry wall)	0.202
Hydromill (slurry wall)	0.008
Vibratory Roller	0.210
Hoe Ram	0.089
Large Bulldozer	0.089
Caisson Drilling	0.089
Loaded Truck	0.076
Jackhammer	0.035
Small Bulldozer	0.003
Source: Ganddini Group Inc., 2024.	

Groundborne vibration would be generated by a number of construction activities at the project site. Groundborne vibration levels associated with Project construction are provided in **Table 4.13-7: Construction Vibration Levels at the Nearest Receptors**. As shown in **Table 4.13-7**, the residential threshold of 0.3 PPV in/sec would not be exceeded at the residential uses to the south of the project site. However, the commercial/industrial threshold of 0.5 PPV in/sec has the potential to be exceeded at the commercial/industrial land uses to the east, north, and south of the project site.

Therefore, implementation of MM NOI-2 is required, which prohibits the use of vibratory rollers, or other similar vibratory equipment, within 15 feet and large bulldozers within eight feet of the adjacent commercial/industrial structures. With MM NOI-2 incorporated, the Project's construction-related vibration impacts would be less than significant.

Table 4.13-7: Construction Vibration Levels at the Nearest Receptors

Receptor Location	Distance from Property Line to Nearest Structure (feet)[1]	Equipment	Vibration Level[2]	Threshold Exceeded?[3]	Vibration Level with BMPs[2,4]	Threshold Exceeded with BMPs?[3]
Industrial to the east (2315 Chico Ave)	1	Vibratory Roller	26.250	Yes	0.452	No
	1	Large Bulldozer	11.125	Yes	0.492	No
Commercial to the north (2310 Rosemead Blvd)	1	Vibratory Roller	26.250	Yes	0.452	No
	1	Large Bulldozer	11.125	Yes	0.492	No
Commercial to the west (2207 Rosemead Blvd)	132	Vibratory Roller	0.017	No	-	-
	132	Large Bulldozer	0.007	No	-	-
Commercial to the south (2128 Rosemead Blvd)	1	Vibratory Roller	26.250	Yes	0.452	No
	1	Large Bulldozer	11.125	Yes	0.492	No
Residential to the south (residential/trailer park use adjacent to south of project site)	46	Vibratory Roller	0.084	No	-	-
	46	Large Bulldozer	0.036	No	-	-

(1) The industrial uses located to the east, north, and south of the project site have existing buildings located adjacent to the property lines of the proposed project site. For modeling purposes, a distance of one foot was utilized.
(2) Vibration levels are provided in PPV in/sec.
(3) Caltrans identifies the threshold at which there is a risk to "architectural" damage older residential structures as 0.3 in/sec PPV and 0.5 in/sec PPV at modern industrial/commercial buildings.
(4) Best Management Practices (BMPs) for architectural damage include prohibiting the use of vibratory rollers, or other similar vibratory equipment, within 15 feet and large bulldozers within 8 feet of commercial/industrial structures surrounding the project site. This BMP is listed as Mitigation Measure NOI-2 of this Initial Study.
Source: Ganddini Group Inc., 2024.

Operations

Once operational, the Project would not be a significant source of groundborne vibration. Groundborne vibration surrounding the site currently results from heavy-duty vehicular travel (e.g., refuse trucks, heavy-duty trucks, delivery trucks, and transit buses) on the nearby local roadways. Project operations would include periodic truck deliveries. Due to the rapid drop-off rate of groundborne vibration and the short duration of the associated events, vehicular traffic-induced groundborne vibration is rarely perceptible beyond the roadway right-of-way, and rarely results in vibration levels that cause damage to buildings in the vicinity. According to the FTA's Transit Noise and Vibration Impact Assessment, trucks rarely create vibration levels that exceed 70 VdB (equivalent to 0.012 inches per second PPV) when they are on roadways. Therefore, trucks operating at the project site or along surrounding roadways would not exceed FTA thresholds for building damage or annoyance. Impacts would be less than significant and no mitigation is required.

Threshold (c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?

Less Than Significant Impact. The San Gabriel Valley Airport is located at 4233 Santa Anita Avenue in the City of El Monte and approximately two miles northeast of the project site. The El Monte Airport Master Plan Report (Master Plan) reviews the Airport development's current status, anticipated future use, and proposed future flight path. The Master Plan must be consistent with the Los Angeles County Airport Land Use Commission (ALUC) and Federal Aviation Administration (FAA) regulations. Airport Land Use Compatibility Plans (ALUCP) cover aviation activities of 15 Los Angeles County public-use airports, including the San Gabriel Valley Airport. The ALUCP depicts the Airport's boundaries and development restrictions. According to Master Plan Figure 7A, Noise Contours Year 1993, which is the latest noise contour map, the airport's 65 CNEL noise contour extends approximately 0.06-mile south of I-10 and approximately 0.80-mile south of the San Gabriel Valley Airport's southern boundary. This 65 CNEL boundary is approximately 1.45 miles northeast of the project site and noise levels at this distance would not extend to and impact operations at the project site. Therefore, although the Project is within two miles of a public airport, it would not expose people residing or working in the project area to excessive noise levels. Impacts would be less than significant and no mitigation is required.

Mitigation Program

Standard Conditions

SC N-1 All construction activities should be limited to the hours between the hours of 7:00 AM and 10:00 PM on weekdays, or any time on weekends or holidays per City of South El Monte Municipal Code Chapter 8.20.

SC N-2 The Applicant shall ensure through contract specifications that construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading or building permit (whichever is issued first). The construction BMPs shall include the following:

- All equipment, whether fixed or mobile, will be equipped with properly operating and maintained mufflers, consistent with manufacturer standards.
- All stationary construction equipment will be placed so that emitted noise is directed away from the noise-sensitive receptors nearest the project site.
- As applicable, all equipment shall be shut off and not left idle when not in use.
- To the degree possible, equipment staging will be located in areas that create the greatest distance between construction-related noise and vibration sources and existing sensitive receptors.
- Jackhammers, pneumatic equipment, and all other portable stationary noise sources will be directed away and shielded from existing residences in the vicinity of the project site. Either one-inch plywood or sound blankets can be utilized for this purpose. They should reach up from the ground and block the line of sight between equipment and existing residences. The shielding should be without holes and cracks.
- No amplified music and/or voice will be allowed on the project site.
- Haul truck deliveries will not occur outside the hours presented as exempt for construction per City of South El Monte Municipal Code Section 8.20.030(D).

Mitigation Measures

MM NOI-1 Prior to issuance of any demolition or grading permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions that either: (1) require the installation of a 10-foot-high concrete masonry wall along the southern property line of the project site; or (2) prohibit truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM.

MM NOI-2 Prior to issuance of any demolition or grading permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions prohibiting the use of vibratory rollers, or other similar vibratory equipment, within 15 feet – or large bulldozers within 8 feet - of the project site's north, south, and east boundary.

4.14 Population and Housing

Threshold (a) Would the Project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure?

Less Than Significant Impact. Project construction would temporarily increase construction employment in the near-term and during future construction periods. While the size of the construction force would vary during the different phases of construction, workforce demand likely would be met with the existing and anticipated labor market in the City and surrounding region. As such, Project construction would not require a substantial number of workers to relocate from outside the region, and the Project would not induce substantial unplanned population growth in connection with construction activities. As proposed, the Project would construct an approximately 156,877-sf concrete tilt-up warehouse with 113,703 sf of warehouse space, 7,879 sf of retail use, 20,305 sf of accessory warehouse office use, and 14,990 sf of warehouse storage. No residential uses would be proposed as part of the Project's development. Further, given the Project's scale and nature, it is assumed that employment associated with the proposed uses would not induce substantial direct population growth. It is assumed the new jobs could be filled by local residents who already reside in the City. Additionally, the Project does not include the extension of roads or other infrastructure to unserved areas, which could induce indirect growth. Therefore, a less than significant impact would occur and no mitigation is required.

Threshold (b) Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. The project site is currently vacant. There are no habitable structures on the site and there are currently no plans for future residential development. As a result, the Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. No impact would occur and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable.

4.15 Public Services

Threshold (a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?

Less Than Significant Impact. Fire protection for the project site is provided by the Los Angeles County Fire Department (LACFD). The closest fire station to the site is Station 90, located at 10115 East Rush Street, approximately one mile southeast of the project site with a response time of approximately 3 minutes, which meets the response time goals of the Department.[42] Construction and operation of the proposed Project would increase the number of structures and employees in the Project area; however, as previously addressed in Response 4.14a, the Project would not directly or indirectly induce unplanned population growth in the City. Further, because the project site is currently served by fire protection services and is located in an urban setting where fire protection services and equipment/infrastructure are already in place, the Project does not propose and would not require new or physically altered fire protection facilities to maintain service objectives. Therefore, the Project would not result in adverse physical impacts associated with the construction of fire protection facilities.

As part of the development review process, the LACFD Fire Prevention Division would review the proposed project site plan and determine if access and water system requirements, which would enhance the proposed development's fire protection, are adequate. Further, the Project would be required to comply with standard LACFD conditions of approval. Specifically, the LACFD review addresses fire and life safety requirements for project construction at the fire plan check stage. This includes a review of the design details of the architectural, structural, mechanical, plumbing, and electrical systems. The Project would be required to comply with applicable City, County, and State code requirements for fire protection and be subject to pay any applicable fees. Municipal Code Chapter 15.14 adopts the Los Angeles County Fire Code by reference. Implementation of all Fire Code requirements would further reduce potential impacts concerning fire protection services. Therefore, impacts are less than significant and no mitigation is required.

Threshold (b) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?

Less Than Significant Impact. The project site is within the service area of the Los Angeles County Sheriff's Department's (LASD) Temple Station, located at 8838 Las Tunas Drive in Temple City, approximately 3.6 miles north of the project site. Construction and operation of the proposed Project would increase the number of structures and employees in the area; however, as previously addressed in Response 4.14a, the Project would not directly or indirectly induce unplanned population growth in the City. Further, because the project site is currently served by police protection services and is located in an urban setting where police protection services and equipment/infrastructure are already in place, the Project does not propose and would not require new or physically altered police protection facilities to maintain service

[42] County of Los Angeles Fire Department, Ronald Durbin, Forestry Division, letter dated May 25, 2023.

objectives. Therefore, the Project would not result in adverse physical impacts associated with the construction of police protection facilities.

The proposed Project would adhere to all California Building Code regulations. The City has incorporated the Los Angeles County Building Code standards under Municipal Code Section 15.02.010. Emergency access requirements would minimize site safety hazards and potential construction-related impacts to police services. Compliance with California Building Code requirements related to site security and building, and site safety design recommendations would ensure adequate police protection services can be provided to the project site. As a result, the proposed Project would not adversely impact service ratios or response times or require new or altered facilities. Additionally, as part of the development review process, the LASD would review the Project concerning emergency access and site/facility security requirements and recommendations. LASD would review Project plans to ensure compliance with applicable City regulations to ensure adequate site signage, lighting, and other crime safety preventative measures are implemented. The LASD review would ensure the development would conform to LASD emergency access requirements thereby reducing demands on law enforcement services. Additionally, the Project would be required to comply with applicable City, County, and State code requirements for police protection and be subject to pay any applicable fees. Therefore, the Project's impact on police protection services would be less than significant and no mitigation is required.

Threshold (c) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?

Less Than Significant Impact. The project site is within the service area of the El Monte City School District (K-8) and the El Monte Union High School District (9-12). The Project proposes the construction of a warehouse with commercial uses and does not include any residential development. The proposed Project's employees would predominately come from the existing workforce in the City and would therefore not contribute to a significant population increase and associated student population influx to any specific school in the El Monte City School District or El Monte Union High School District service area. School funding comes predominantly from federal, State, and local contributions, including business and personal income taxes, sales tax, and property tax. However, the Project would be required to comply with SB 50 requirements, which allow school districts to collect impact fees from developers of new residential and nonresidential projects.

As stated in Government Code Section 65995(h), "The payment or satisfaction of a fee, charge, or other requirement levied or imposed …are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization …on the provision of adequate school facilities." Payment of these fees would offset impacts from increased demand for school services associated with development of the proposed Project by providing an adequate financial base to construct and equip new and existing schools. Overall, the Project would not contribute to a significant student population increase and payment of impact fees would ensure that impacts are offset and remain less than significant.

Threshold (d) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?

Less Than Significant Impact. Refer to **Section 4.16: Recreation**.

Threshold (e) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities: libraries?

Less Than Significant Impact. The Los Angeles County Library system provides library services to over 3.4 million residents living in unincorporated areas and to residents of 49 of the 88 incorporated cities of Los Angeles County, inclusive of the City of South El Monte. The nearest library to the project site is the South El Monte Library, located at 1430 North Central Avenue, approximately 1.2 miles southeast of the project site. The proposed Project would not result in substantial permanent population growth and would not incrementally increase the demand for library services in the area. The threshold for determining impacts pursuant to CEQA is based upon whether a project would result in substantial adverse physical impacts associated with the provision or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios or other performance objectives. The impacts to the overall per capita availability of books, media, computers, and library public service space would not create significant physical or environmental impacts. Therefore, project-related impacts to library facilities would be less than significant and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable.

4.16 Recreation

Threshold (a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Threshold (b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?

Less Than Significant Impact. The City operates three parks, three community centers, and an aquatic center. The nearest City park facility is Mary Van Dyke Park located at 1819 Central Avenue, approximately 1.7 miles southeast of the project site. The Project proposes a warehouse building with commercial retail uses. The Project is not a residential development that would generate a permanent increase of residents in the area leading to a demand for park services. Therefore, the proposed Project would not result in substantial physical deterioration of existing parks and recreational facilities and no new recreational facilities would be required. Impacts would be less than significant and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable.

4.17 Transportation

The transportation analysis in this section is based on information included in the following reports:

- *Rosemead and Rush Industrial Project Transportation Impact Analysis*, Ganddini Group Inc., April 28, 2023; see **Appendix F**.
- *Rosemead and Rush Industrial Project Memorandum – Updated Plan Set and Transportation, Noise, and Air Quality/Greenhouse Gas/Energy Impact Studies*, Ganddini Group Inc., August 15, 2024; see **Appendix A.**[43]

Threshold (a) Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less Than Significant Impact. Please refer to **Table 4.11-1**, which evaluates the Project's consistency with the General Plan and concludes that the Project would not conflict with applicable Land Use Element and Circulation Element policies. Transit, roadway, bicycle, and pedestrian facilities are discussed further below.

Transit. As discussed in **Section 2.0: Project Description**, public transit service in the area is provided by LA Metro's network of regional and local bus transit options. Specifically, LA Metro Routes 266 and 287 serve the project site via two bus stops on both the east and west sides of Rosemead Boulevard approximately 400 feet north of the project site. The El Monte Station/San Bernardino Freeway Busway is located at 3501 Santa Anita Avenue to the north of the City, which provides a variety of public transit options and connections to most major destinations in the Los Angeles area. From the busway, riders can board Metrolink trains, other local transit lines, carpools, and vanpools. Proximity to transit opportunities would allow convenient access to future customers and employees of the proposed Project. Project construction and operation would not impact transit facilities. Therefore, the Project would not conflict with a program, plan, ordinance, or policy concerning transit facilities, and a less than significant impact would occur.

Roadways. Vehicular access to the project site would be provided via two driveways on Rosemead Boulevard. All roadway and driveway improvements would be constructed pursuant to LACFD requirements. There are no proposed off-site roadway improvements. Therefore, the Project would not conflict with a program, plan, ordinance, or policy concerning roadway facilities, and a less than significant impact would occur.

Bicycle Facilities. There are no bicycle facilities adjacent to the project site. The General Plan Circulation Element Bikeway Master Plan (Figure C-4) identifies existing and proposed bicycle facilities within the City. According to the General Plan Circulation Element, no bicycle facilities are proposed adjacent to the project site. Bike racks would be provided on the site. Therefore, the Project would not conflict with a program, plan, ordinance, or policy concerning bicycle facilities, and a less than significant impact would occur.

Pedestrian Facilities. A sidewalk is located adjacent to the project site along Rosemead Boulevard. The Project would not remove existing sidewalks or significantly impact pedestrian access or facilities.

[43] After preparation of the technical study, minor modifications to the plan set dated August 8, 2024 has resulted in a net reduction of square feet compared to the assumptions for the February 2024 study. These changes do not change the findings of the study as summarized in this Initial Study.

Therefore, the Project would not conflict with a program, plan, ordinance, or policy concerning pedestrian facilities, and a less than significant impact would occur.

The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Project would result in a less than significant impact and no mitigation is required.

Threshold (b) Would the Project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?

Less Than Significant Impact With Mitigation Incorporated. SB 743, approved in 2013, required the Governor's Office of Planning and Research (OPR) to establish recommendations for identifying and mitigating transportation impacts within the CEQA framework. Generally, SB 743 moves away from using delay-based level of service (LOS) as the primary metric for identifying a project's significant impact to instead using vehicle miles traveled (VMT). On January 20, 2016, OPR released revisions to its proposed CEQA Guidelines for the implementation of SB 743, and the final review and rulemaking for the new guidelines were completed in December 2018. OPR allowed lead agencies an opt-in period to adopt VMT guidelines before the mandatory adoption date of July 1, 2020. These revisions to the CEQA Guidelines criteria for determining the significance of transportation impacts are primarily focused on projects within transit priority areas and shifts the focus from driver delay to reduction of GHG emissions, creation of multimodal networks, and promotion of a mix of land uses. VMT is a measure of the total number of miles driven to or from a development and is sometimes expressed as an average per trip or per person.

State CEQA Guidelines Section 15064.3(b)(1) provides that "VMT traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within 0.5 mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact."

The Project's VMT assessment was prepared using the San Gabriel Valley Council of Governments (SGVCOG) VMT Evaluation Tool based on screening criteria and thresholds adopted by the City. Because the proposed land use is predominantly industrial, VMT was calculated for home-based work VMT per employee. As established in the City's Transportation Study Guidelines, a project would result in a significant impact if the project's VMT exceeds 15 percent below the baseline SGVCOG average value of 18.62 VMT per worker, resulting in a threshold of 15.83 VMT per worker. The Project is anticipated to generate 16.4 VMT per worker, which exceeds the City-established threshold of 15.83 VMT per worker. Therefore, MM TRANS-1, which requires the implementation of a Commute Trip Reduction Marketing/Education Program, is required to reduce the Project's VMT impact to a less than significant level (i.e., 15.80 VMT per worker).

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

Less Than Significant Impact. Project construction may require temporary lane closures for utility hookups and loading of large equipment. However, no full lane closures are anticipated, and any closures would

be temporary and done in coordination with the City. Project construction activities would not increase hazards due to a geometric design feature or incompatible use.

Access to the project site would be provided from two 28-foot driveways along Rosemead Boulevard (see **Figure 6: Site Plan**). Driveway engineering would comply with the City's engineering standards to maintain an adequate line of sight, thereby reducing vehicle and pedestrian conflicts and hazards. Additionally, internal drive aisles would accommodate standard fire lane turning radiuses and hammerhead turnaround maneuvers would be designed for emergency vehicles and fire services. Project driveway and internal circulation improvements would be constructed according to City and LACFD standards. The Project proposes an industrial and commercial development within a portion of the City that is predominately urban development. The Project does not include the use of any incompatible vehicles or equipment on the site, such as farm equipment. Project operations would not include sharp curves or dangerous intersections, or introduce incompatible uses. Therefore, impacts are less than significant and no mitigation is required.

Threshold (d) Would the Project result in inadequate emergency access?

Less Than Significant Impact. Rosemead Boulevard provides direct access to the project site and would serve as a primary evacuation and emergency access route within the area. No changes to the existing roadway network would occur. The Project would not require the complete closure of any public or private streets or roadways during construction. Temporary construction activities would not impede use of the road for emergencies or access for emergency response vehicles. Additionally, all construction staging would occur within the project site's boundaries and would not interfere with circulation along Rosemead Boulevard. Therefore, the Project would not result in inadequate emergency access. No impact would occur and no mitigation is required.

Mitigation Program

Standard Conditions

No standard conditions are applicable.

Mitigation Measures

MM TRANS-1 Prior to the issuance of the first occupancy permit, the Applicant shall submit to the City of South El Monte Public Works Department a transportation demand management (TDM) program the purpose of which is to reduce VMT and vehicular trips to the project site and project area. The TDM program shall be implemented with the occupancy of the Project. The TDM program shall include the following strategy:

- **[T-5] Implement Commute Trip Reduction Program:** Implement a voluntary commute trip reduction (CTR) program to discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking, thereby reducing VMT and GHG emissions. The voluntary CTR program must include the following elements:
  - Employer-provided services, infrastructure, and incentives for alternative modes such as ridesharing, discounted transit, bicycling, vanpool, and guaranteed ride homes.

- Information, coordination, and marketing for said services, infrastructure, and incentives.

4.18 Tribal Cultural Resources

Threshold a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

No Impact. As discussed in Response 4.5a, the project site does not contain any features meeting the historic resources criteria and does not meet the definition of a historic resource pursuant to CEQA. Therefore, Project implementation would not result in any substantial adverse change in a tribal cultural resource defined pursuant to PRC Section 5020.1(k). No impact would occur.

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less Than Significant Impact With Mitigation Incorporated. Chapter 532 Statutes of 2014 (i.e., AB 52) requires that lead agencies evaluate a project's potential impact on "tribal cultural resources." Such resources include "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources." AB 52 also gives lead agencies the discretion to determine, based on substantial evidence, whether a resource qualifies as a "tribal cultural resource."

In compliance with PRC Section 21080.3.1(b), the City has provided formal notification to California Native American tribal representatives identified by the California Native American Heritage Commission. Native American groups may have knowledge about cultural resources in the area and may have concerns about the adverse effects of development on tribal cultural resources as defined in PRC Section 21074. On May 2, 2023, the City contacted the tribal representatives noted below.

- Anthony Morales, Gabrieleño/Tongva San Gabriel Band of Mission Indians
- Sandonne Goad, Gabrieleño/Tongva
- Charles Alvarez, Gabrieleño -Tongva Tribe
- Robert Dorame, Gabrieleño Tongva Indians of California Tribal Council
- Andrew Salas, Gabrieleño Band of Mission Indians-Kizh Nation
- Lovina Redner, Santa Rosa Band of Cahuilla Indians
- Scott Cozart, Soboba Band of Luiseno Indians

As of the release date of the Initial Study, the City received one request for consultation from Chairman Andrew Salas of the Gabrieleño Band of Mission Indians-Kizh Nation; consultation occurred on June 2,

2023. MM TCR-1, TCR-2, and TCR-3 have been identified to mitigate potential impacts to tribal cultural resources. Following compliance with MM TCR-1, impacts would be less than significant.

Mitigation Program

Standard Conditions

No standard conditions are applicable.

Mitigation Measures

MM TCR-1 Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.

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

B. A copy of the executed monitoring agreement shall be provided to the City of South El Monte prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The Applicant shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.

D. The Applicant shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the tribal cultural resources ("TCR") mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures.

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

F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the Applicant and City that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.

MM TCR-2 Discovery of TCRs, Human Remains, and/or Grave Goods

A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.

B. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.

C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness." (Public Resources Code [PRC] §5097.98 (d)(1).) Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (PRC §5097.98 (a), d)(1) and (2)).

D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code §7050.5(c); 14 Cal. Code Regs. §15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. §15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that

distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. §15064.5(f).)

F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.

G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.

MM TCR-3 Procedures for Burials, Funerary Remains, and Grave Goods

A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.

B. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.

C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated "grave goods" (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.

D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.

E. In the event preservation in place is not possible despite good faith efforts by the Applicant and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or

ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity.

F. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery.

G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

4.19 Utilities and Service Systems

Threshold (a) Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electrical power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact With Mitigation Incorporated.

Water Facilities

Water demand for construction of the Project would be required for dust control, cleaning of equipment, excavation/export, removal and re-compaction, etc. During construction, the contractor would bring their own portable bathroom and wash stations which would have their own self-contained water source and wastewater storage. These facilities would not connect to the adjacent sewer or water infrastructure for those uses. The temporary water usage is far less than the proposed water demand and therefore poses no significant impact.

The Project would require the construction of new on-site water facilities, as well as limited connections to existing off-site/adjacent infrastructure. Although the Project would require relocation or construction of new on-site water facilities, these improvements would be limited to connections to existing facilities near the project site, the construction of which would not cause significant environmental effects.

SGVWC would supply water to the project site via the existing public six-inch water main in Rosemead Boulevard. The Project would connect to the existing six-inch water line in Rosemead Boulevard for potable water service for the Project and the existing 10-inch water line in Rush Street for fire protection. The existing water main in Rosemead Boulevard and Rush Street would not need to be upsized to accommodate the Project. The Project would be subject to all pertinent local, regional, and State-level regulations concerning any new connections, laterals, or trenching.

The Project would require the construction of new on-site water facilities, as well as limited connections to existing off-site/adjacent infrastructure. As such, the Project would result in the construction of water facilities, which could cause significant environmental effects. Although the Project would require relocation or construction of new on-site water facilities, these improvements would be limited to connections to existing facilities near the project site; their construction would not cause significant environmental effects. Further, the environmental effects associated with the construction of the proposed water facility improvements are discussed as part of the overall environmental analyses in **Sections 4.1** through **4.21**. As concluded in these sections, the Project's environmental effects would be reduced to less than significant through compliance with the established regulatory framework and mitigation. Therefore, with mitigation incorporated, the Project would result in less than significant environmental effects associated with the construction of the proposed water facilities.

Wastewater Conveyance Facilities

Wastewater generated in the City is collected by the City's local sewer collection system that connects with the Los Angeles County Sanitation Districts (LACSD) regional trunk sewers and is treated at the Whittier Narrows Water Reclamation Plant (WRP) at 301 N. Rosemead Boulevard in the City of El Monte or the Los Coyotes WRP located in the City of Cerritos. The Whittier Narrows WRP has a design capacity of 15 million gallons per day (mgd) and an average recycled flow of 8.3 mgd. The Los Coyotes WRP has a

capacity of 37.5 mgd and currently processes an average recycled flow of 17.5 mgd.[44] The Project is estimated to generate approximately 10,095 gpd of wastewater, including warehouse, retail, and office space.[45] As such, sufficient capacity exists at the existing WRPs to serve the Project's wastewater treatment demand in addition to the provider's existing commitments. Sewer lines would not need to be upsized to accommodate the Project. The Project would be subject to compliance with all pertinent local, regional, and State-level regulations concerning new connections, laterals, or trenching, and the payment of fees to the LACSD.

The Project would require the construction of new on-site wastewater conveyance facilities (i.e., pipes), as well as limited connections to existing off-site/adjacent infrastructure. Although the Project would require relocation or construction of new on-site wastewater conveyance facilities, these improvements would be limited to connections to existing LACSD facilities near the project site; their construction or relocation would not cause significant environmental effects. Further, the environmental effects associated with the construction of the proposed wastewater improvements are discussed as part of the overall environmental analyses in **Sections 4.1** through **4.21**. As concluded in these sections, the Project's environmental effects would be reduced to less than significant through compliance with the established regulatory framework and mitigation. Therefore, with mitigation incorporated, the Project would result in less than significant environmental effects associated with the construction of the proposed wastewater facilities.

Wastewater Treatment Facilities

As concluded above, adequate capacity exists to serve the Project's wastewater treatment demand in addition to the provider's existing commitments. Therefore, the Project would not result in the construction of wastewater treatment facilities, which could cause significant environmental effects. A less than significant impact would occur and no mitigation is required.

Storm Water Drainage Facilities

The proposed drainage pattern is similar to the existing condition, except the proposed site would incorporate source control measures to reduce potential off-site impacts. Site runoff would be directed to an on-site infiltration system before entering existing storm drains in Rosemead Boulevard. Additionally, the Project would implement source control measures including storm drain messaging and signage, outdoor trash storage/waste handling areas, outdoor loading/unloading dock areas, and efficient landscape irrigation to reduce pollutant sources in storm water runoff. Under the post-development condition, through the addition of permeable landscape areas, the site would be 96 percent impervious and 4 percent pervious. The proposed drainage system would connect to existing storm drainage facilities and Project implementation would not require the construction of new storm drainage facilities. Impacts would be less than significant and no mitigation is required.

Electric/Natural Gas/Telecommunication Facilities

There are existing electrical, natural gas, and telecommunication facilities in surrounding roadways. Project implementation would connect to existing infrastructure and would not require the construction of new facilities beyond point of connections. No new facilities or relocation of existing utility infrastructure would be required; therefore, no impact would occur.

[44] Los Angeles County Sanitation Districts, Donna Curry, letter dated April 4, 2023.
[45] Ibid.

Threshold (b) Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact. SGVWC's Final 2020 Urban Water Management Plan (UWMP) water demand forecasts are based on adopted general plans. Therefore, because the Project is consistent with the existing General Plan land use designation, its estimated water usage was accounted for in the UWMP. Therefore, because SGVWC's Final 2020 UWMP states it would have sufficient water supplies to meet proposed growth for normal, single-dry, and during a five consecutive year drought period, SGVWC would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. A less than significant impact would occur and no mitigation is required.

Threshold (c) Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the project's Projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. As discuss above under Response 4.19a, the WRP has adequate capacity to serve the Project's estimated wastewater treatment demand in addition to the provider's existing commitments. A less than significant impact would occur and no mitigation is required.

Threshold (d) Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Threshold (e) Would the Project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact. The City's Environmental Services Division addresses all matters related to solid waste collection, hazardous waste, and recycling programs provided to the residents and businesses of the City. The City contracts with Athens Services for residential trash collection. Athens Services is responsible for collection, materials recovery facility (MRF) processing, recycling, and disposal of non-recyclable solid waste. The Athens MRF is in the City of Industry. Solid waste not diverted for recycling at the MRF are disposed of at landfills within the greater Southern California region, specifically in San Bernardino County.[46]

The Project proposes to remove the existing concrete building pads and construct/operate a 156,877 SF warehouse and retail development. State law requires a 65 percent diversion rate for Construction and Demolition (C&D) projects. Municipal Code Chapter 3.12, Solid Waste Handling and Recycling Services, addresses solid waste disposal, including requirements for C&D projects. In accordance with Municipal Code Section 13.12.730, Recycling Plan, prior to receiving a permit from the City for construction or demolition, the contractor shall develop and submit a plan to recycle and salvage the projected C&D debris to the greatest extent feasible. **Table 4.19-1: Estimated Project Solid Waste Generation** shows the proposed Project's approximate solid waste generation using CalRecycle's estimated solid waste by land

[46] City of South El Monte, *Proposed Third Amendment to Solid Waste Collection Agreement with Athens Waste*, Available at: https://www.cityofsouthelmonte.org/DocumentCenter/View/2470/Staff-Report-sept-142021-PDF, Accessed March 23, 2021.

use.[47] As shown in **Table 4.19-1**, the proposed Project would generate 789 pounds of solid waste per year or 0.39 tons per year.

Table 4.19-1: Estimated Project Solid Waste Generation

Land Use	Generation Rate	Project Square Feet (sf)	Solid Waste Generation (lbs/yr)
Warehouse/Warehouse Storage	5 lbs/ksf/day	128,515 sf	643
Retail	2.5 lbs/ksf/day	7,879 sf	20
Warehouse Office	6 lbs/ksf/day	20,305 sf	122
		Total	**785**

ksf = 1,000 square feet; lbs = pounds; sf = square feet
Source: CalRecycle. (2019). Estimated Solid Waste Generation Rates. Available at https://www2.calrecycle.ca.gov/wastecharacterization/general/rates.

Project implementation would increase solid waste disposal demands over existing conditions. Solid waste within the City is primarily disposed of at the Mid-Valley Sanitary Landfill located at 2390 Alder Avenue in the City of Rialto. In 2019, approximately 90 percent of solid waste from South El Monte was disposed of at the Mid-Valley Sanitary Landfill and 20 percent was disposed of at the San Timoteo Sanitary Landfill. Mid-Valley Sanitary Landfill has a maximum permitted throughput of 7,500 tons per day. The facility's maximum capacity is 101,300,000 cubic yards and has a remaining capacity of 54,219,377 cubic yards.[48] Therefore, the 0.001 tons per day of solid waste generated from the Project could be accommodated at the Mid-Valley Sanitary Landfill or a combination of the disposal facilities currently receiving solid waste from the City. Therefore, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant, and no mitigation is required.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable.

[47] CalRecycle, Estimated Solid Waste Generation Rates, Available at: https://www2.calrecycle.ca.gov/wastecharacterization/general/rates, Accessed July 30, 2024.

[48] CalRecycle, SWIS Facility/Site Activity Details, Mid-Valley Sanitary Landfill (36-AA-0055), https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1880?siteID=2662, Accessed July 30, 2024.

4.20 Wildfire

Threshold (a) **If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?**

Threshold (b) **If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?**

Threshold (c) **If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?**

Threshold (d) **If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?**

No Impact. The project site is in a highly urbanized area and is not classified as Very High Fire Hazard Severity Zone (VHFHSZ).[49] The Project is a warehouse and retail development that would tie into existing infrastructure and would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities. The project site and surrounding vicinity are relatively flat. There are no known landslides near the site nor is the site in the path of any known or potential landslides. Therefore, the Project would result in no impact concerning wildfire.

Mitigation Program

Standard Conditions and Mitigation Measures

No standard conditions or mitigation measures are applicable.

[49] CALFire. (2024). *Fire Hazard Severity Zones in State Responsibility Area.* Retrieved from https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones, Accessed July 30, 2024.

4.21 Mandatory Findings of Significance

Threshold (a) Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact. On the basis of the foregoing analysis, the Project does not have the potential to significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten or eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The project site is bordered by existing development in an urbanized area of the City of South El Monte. The proposed Project is consistent with the General Plan and Municipal Code. Therefore, the Project would not have a significant impact on any sensitive, rare, or endangered plant/wildlife community.

Threshold (b) Does the Project have possible environmental effects which are individually limited, but cumulatively considerable?

Less Than Significant Impact. The Project does not have impacts that are individually limited, but cumulatively considerable. Incremental impacts resulting from development and operation of the proposed Project and other cumulative projects that would be under construction include air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, and tribal cultural resources. The analysis concluded that these incremental impacts are each less than significant or can be mitigated to a less than significant level. When viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, these impacts are not cumulatively considerable. No cumulative impacts are anticipated in connection with this or other projects. The Project complies with long-term regional air quality plans, and regional population forecasts, and is within the service capabilities of utility purveyors. No significant adverse environmental impacts have been identified. The analysis contained in this Initial Study evaluated existing conditions, potential impacts associated with Project development, and possible environmental cumulative impacts. The Project does not have any impact on projected growth or planned projects for the City of South El Monte or neighboring jurisdictions known as of the date of this analysis.

Threshold (c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact. There are no known substantial adverse effects on human beings that would be directly or indirectly caused by the proposed Project. The environmental evaluation has concluded that no significant environmental impacts would result from the Project.

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APPENDIX A

AIR QUALITY, GLOBAL CLIMATE CHANGE, HRA, AND ENERGY IMPACT ANALYSIS

APPENDIX B

GEOTECHNICAL INVESTIGATION

APPENDIX C

HAZARDOUS MATERIALS REPORTS

APPENDIX D

HYDROLOGY STUDIES

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NOISE IMPACT ANALYSIS

APPENDIX F

TRAFFIC IMPACT ASSESSMENT

2222 ROSEMEAD BOULEVARD WAREHOUSE DEVELOPMENT PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Prepared for	City of South El Monte 1415 Santa Anita Avenue South El Monte, California 91733
Prepared by	Kimley-Horn and Associates, Inc. 1100 W Town and Country Road, Suite 700 Orange, California 92868

Date: November 2024

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor standard conditions (SCs) and mitigation measures (MMs) identified in the 2222 Rosemead Boulevard Warehouse Development Project (Project) Initial Study/Mitigated Negative Declaration (IS/MND). This MMRP has been prepared in conformance with Public Resources Code Section 21081.6. Specifically, Public Resources Code Section 21081.6 states:

> (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
>
> (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
>
> (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
>
> (b) A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or incase of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
>
> (c) Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit the authority of the responsible agency or an agency having jurisdiction over natural

> resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during Project implementation. The City of South El Monte (City) is the Lead Agency for the Project and is therefore responsible for ensuring the implementation of the MMRP. The MMRP has been drafted as a fully enforceable monitoring program to meet Public Resources Code Section 21081.6 requirements.

The MMRP is comprised includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each MM:

- **Definition of Mitigation.** The MM contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, an applicant would be the responsible party for implementing the mitigation, and the City or its designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the designated representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.
- **Time Frame.** In each case, a time frame is provided for the performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

The MM numbering system in the table corresponds with the MM numbering system in the IS/MND. The MMRP table's last column will be used by the parties responsible for documenting when MM implementation has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City. The completed MMRP and supplemental documents will be kept on file at the Community Development Department, Planning Division.

2222 ROSEMEAD BOULEVARD WAREHOUSE DEVELOPMENT PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Cultural Resources					
MM CUL-1: Prior to the issuance of the first grading permit or permit for ground disturbance activities, the Applicant shall provide evidence to the City of South El Monte that a qualified archaeologist has been retained. The selection of the qualified archaeologist shall be subject to approval by the City. The archaeologist shall train project construction workers on the types of archaeological resources that could be found in site soils.	Prior to first Grading Permit Issuance or permit for ground disturbance activities	Verify Retention of a Qualified Professional	Community Development Department, Planning Division; Building & Safety Division		
The archaeologist shall periodically monitor ground-disturbing activities. If cultural resources are inadvertently unearthed during excavation and grading activities of any future development project, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery (the distance shall be determined by the archaeologist) and the archaeologist shall be contacted to evaluate the significance of the find. Work can continue beyond the find. For finds that are not significant, work may resume immediately after the find is documented and removed at the direction of the archaeologist. If a find is significant, a mitigation plan shall be developed and approved by the City of South El Monte Planning Manager and all required mitigation completed prior to ground disturbance activity continuing within the established buffer radius.	During excavation and grading activities	If cultural resources are unearthed, evaluate significance of findings If a find is significant, a mitigation plan is required	Qualified Archaeologist		
Geology and Soils					
MM GEO-1: Prior to the issuance of grading permits, the City of South El Monte Building and Safety Division shall review all Project plans for grading, foundation, structural, infrastructure, and all other relevant construction permits to ensure compliance with the applicable recommendations from the Geotechnical Investigation.	Prior to Grading Permit issuance	Verify compliance on project plans	Community Development Department, Building & Safety Division		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
MM GEO-2: Prior to the issuance of the first grading permit for ground-disturbing activities, the Applicant shall provide evidence to the City of South El Monte Building and Safety Division that a qualified paleontologist has been retained. The selection of the qualified paleontologist shall be subject to the acceptance of the City. If paleontological resources are encountered, the contractor shall immediately cease all earth-moving activities within a 100-foot radius of the area of discovery. The qualified paleontologist shall be contacted to evaluate the significance of the finding and determine an appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements under State CEQA Guidelines Section 15064.5 shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.	Prior to Grading Permit issuance	Verify retention of a qualified Paleontologist If paleontological resources are unearthed; evaluate significance of findings	Community Development Department, Planning Division; Building & Safety Division Qualified Paleontologist		
Hazards and Hazardous Materials					
MM HAZ-1: Prior to the issuance of a grading permit, the Applicant shall submit a Soil Management Plan (or equivalent document) for approval by the Los Angeles Regional Water Quality Control Board (Los Angeles RWQCB). The Soil Management Plan (SMP) (or equivalent document) shall specify the details regarding the handling, stockpiling, sampling, and reuse or disposal of soil with concentrations of Chemicals of Potential Concern (COPC) in excess of their respective site-specific remedial action goals (RAGs) or re-use criteria that were established as part of a Human Health Risk Assessment (HHRA) and integrated into the SMP. Once approved, the SMP (or equivalent document) shall be kept on site by the general contractor throughout construction and distributed to the grading contractor and other contractors that may be trenching or boring on the site.	Prior to Grading Permit issuance	Verify Soil Management Plan (or equivalent document) has been approved	Los Angeles RWQCB Community Development Department, Building & Safety Division		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
▪ The SMP shall Identify and implement accident prevention and control measures for soil disturbance and remediation activities, and for ongoing operations that are protective of the health and safety of the public (i.e., vapor intrusion mitigation system [VIMS]), and construction workers including a routine inspection program to ensure that such measures are being implemented during construction. At a minimum, such measures shall include compliance with applicable federal, State, and local laws and regulations.					
MM HAZ-2: Prior to the issuance of a grading permit by the City of South El Monte, the Applicant shall in accordance with the Soil Vapor Assessment Report (EEC Environmental, 2023), Limited Soil Remediation Work Plan (Leighton, 2023), Limited Soil Remediation Work Plan Addendum (Haley & Aldrich, 2024a), and TSCA Application for Risk-Based Clean-up (Haley & Aldrich, 2024b) (included as Appendix C to the Initial Study): ▪ Remove the existing soil vapor extraction system (SVE) system and properly abandon the associated extraction wells in accordance with Los Angeles Regional Water Quality Control Board; and ▪ Perform limited shallow soil excavation in the eastern portion of the site in coordination with the Los Angeles RWQCB and U.S. EPA.	Prior to Grading Permit issuance	Verify compliance on grading plans Verify SVE system removal and associated extraction well abandonment Verify soil excavation	Community Development Department, Building & Safety Division Los Angeles RWQCB Los Angeles RWQCB and U.S. EPA		
MM HAZ-3: Prior to grading permit issuance, the Applicant shall demonstrate to the City of South El Monte Building and Safety Division implementation of the Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard and Limited Soil Remediation Work Plan Addendum for 2200-2226 N. Rosemead Boulevard as approved by the Los Angeles Regional Water Quality Control Board, and the TSCA Application for Risk-Based Clean-up as approved by the U.S. EPA. The Los Angeles Regional Water Quality Control Board and U.S. EPA shall provide	Prior to Grading Permit issuance	Verify implementation of the Limited Soil Remediation Work Plan	Community Development Department, Building & Safety Division Los Angeles RWQCB and U.S. EPA		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
oversight for the implementation of soil remediation and mitigation activities performed.					
MM HAZ-4: Prior to the issuance of a grading permit, the City of South El Monte Building and Safety Division shall review the building plans to verify that a vapor intrusion mitigation system (VIMS) is included in the Project design in accordance with the Limited Soil Remediation Work Plan Addendum for 2200-2226 N. Rosemead Boulevard to minimize vapor intrusion risks from VOC impacted soil and soil vapor on the project site.	Prior to Grading Permit issuance	Verify vapor intrusion mitigation system (VIMS) is included in the Project design	Community Development Department, Building & Safety Division		
A construction quality assurance program shall be developed and implemented during VIMS construction that includes a pre-construction meeting and routine meetings during construction of the system, observations of construction and testing activities, and pre-occupancy (post-construction) system inspection and performance monitoring. The construction quality assurance program shall be summarized on the final VIMS design drawings and detailed in a Construction Quality Assurance Plan (CQAP).	During VIMS construction	Verify Construction Quality Assurance Program on final VIMS design drawing and CQAP Monitor during construction	Building & Safety Division		
A VIMS Construction Completion Summary Report shall also be prepared and submitted to the Los Angeles RWQCB within 60 days of VIMS construction completion. The VIMS Construction Completion Summary Report shall include a summary of the construction quality assurance program and VIMS installation activities, as-built drawings, and VIMS Engineer certification that the VIMS was installed in general accordance with the design. The City of South El Monte Building and Safety Division shall have oversight/sign-off responsibility for the vapor barrier.	Within 60 days of VIMS construction completion	Verify submittal of VIMS Construction Completion Summary Report	Community Development Department, Building & Safety Division Los Angeles RWCQB		
MM HAZ-5: In accordance with Los Angeles Regional Water Quality Control Board Comment No. 6 and requirements dated August 17, 2022, prior to the issuance of the first occupancy permit, baseline indoor air sampling involving at least two rounds of sampling shall be performed to account for seasonal fluctuation of contaminants	Prior to First Occupancy Permit issuance	Submit two rounds of Air Sampling data for approval to the Los Angeles RWQCB	Community Development Department, Building & Safety Division		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
in the indoor air. Air sampling results shall be submitted to and approved by the Los Angeles Regional Water Quality Control Board.			Los Angeles RWQCB		
Noise					
MM NOI-1: Prior to issuance of any demolition or grading permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions that either: (1) require the installation of a 10-foot-high concrete masonry wall along the southern property line of the project site; or (2) prohibit truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM.	Prior to Demolition or Grading Permit issuance	Verify compliance on project plans	Community Development Department, Planning Division Public Works Department		
MM NOI-2: Prior to issuance of any demolition or grading permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions prohibiting the use of vibratory rollers, or other similar vibratory equipment, within 15 feet – or large bulldozers within 8 feet of the project site's north, south, and east boundary.	Prior to Demolition or Grading Permit issuance	Verify compliance on project plans Monitor during grading and construction	Public Works Department		
Transportation					
MM TRANS-1: Prior to the issuance of the first occupancy permit, the Applicant shall submit to the City of South El Monte Public Works Department a transportation demand management (TDM) program the purpose of which is to reduce VMT and vehicular trips to the project site and project area. The TDM program shall be implemented with the occupancy of the Project. The TDM program shall include the following strategy: ▪ [T-5] Implement Commute Trip Reduction Program: Implement a voluntary commute trip reduction (CTR) program to discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking, thereby reducing VMT and GHG	Prior to First Occupancy Permit issuance Annually After Project Occupancy	Verify Submittal of TDM Program Verify implementation of Commute Trip Reduction Program	Public Works Department		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
emissions. The voluntary CTR program must include the following elements: o Employer-provided services, infrastructure, and incentives for alternative modes such as ridesharing, discounted transit, bicycling, vanpool, and guaranteed ride homes. o Information, coordination, and marketing for said services, infrastructure, and incentives.					
Tribal Cultural Resources					
MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities. A. The Applicant shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the "Kizh" or the "Tribe") - the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. A copy of the executed monitoring agreement shall be provided to the City of South El Monte prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity. C. The Applicant shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has	Prior to ground disturbing activities Monitoring during grading	Retention of an approved Native American Monitor; Executed Monitoring Agreement Monitoring during ground disturbance activities Pre-Construction Sensitivity/Educational Meeting Daily Tribal Monitoring Logs	Community Development Department, Planning Division Community Development Department, Building & Safety Division Kizh Monitor and/or Kizh Archaeologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
sufficient time to secure and schedule a monitor for the project. D. The Applicant shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the tribal cultural resources ("TCR") mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures. E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc. (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the City upon written request. F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that					

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the Applicant and City that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.					
MM TCR-2: Discovery of TCRs, Human Remains, and/or Grave Goods A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area. B. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes. C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness."	During construction, if human remains are found	Kizh Monitor and/or Kizh Archaeologist assigned and on site, if remains are found	Community Development Department, Planning Division; Building & Safety Division Kizh Monitor and/or Kizh Archaeologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
(Public Resources Code [PRC] §5097.98 (d)(1).) Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (PRC §5097.98 (a), d)(1) and (2)). D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code §7050.5(c); 14 Cal. Code Regs. §15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. §15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed. E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. §15064.5(f).) F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.					

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.					
MM TCR-3: Procedures for Burials, Funerary Remains, and Grave Goods A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains. B. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created. C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated "grave goods" (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human	During construction, if remains are found	Compliance with Koo-nas-gna Burial Policy	Community Development Department, Planning Division; Building & Safety Division Kizh Monitor and/or Kizh Archaeologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials. D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. E. In the event preservation in place is not possible despite good faith efforts by the Applicant and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity. F. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery. G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is					

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.					

Standard Conditions (SCs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Biological Resources					
SC BIO-1: Nesting Migratory Birds. During construction, grubbing, brushing, or tree removal shall be conducted outside of the state identified nesting season for migratory birds (i.e., typically March 15 through September 1), if possible. If construction activities cannot be conducted outside of nesting season, a Pre-Construction Nesting Bird Survey within and adjacent to the project site shall be conducted by a qualified biologist within three days prior to initiating construction activities. If active nests are found during the Pre-Construction Nesting Bird Survey, a Nesting Bird Plan (NBP) shall be prepared by a qualified biologist and implemented during construction. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, monitoring, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, nesting sage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity.	Three days prior to first site disturbance, if during migratory bird nesting season	Verify requirements included on grading and construction plans Verify pre-construction nesting bird survey conducted and nesting bird plan prepared, if required	Community Development Department, Planning Division; Building & Safety Division Qualified Biologist		

Standard Conditions (SCs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Cultural Resources					
SC CUL 1: California Health and Safety Code Section 7050.5 through 7055, and Public Resources Code Sections 5097.98 and 5097.99 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.	In the event of an accidental discovery of human remains	Verify Requirements on Construction Plans; Verify Coroner Investigation, if required	Community Development Department, Planning Division; Building & Safety Division Los Angeles County Coroner Native American Heritage Commission, if remains are Native American		
Noise					
SC N-1: All construction activities should be limited to the hours between the hours of 7:00 AM and 10:00 PM on weekdays, or any time on weekends or holidays per City of South El Monte Municipal Code Chapter 8.20.	During grading and construction	Verify requirements on construction plans Conduct Site Inspections	Community Development Department, Planning Division; Building & Safety Division		
SC N-2: The Applicant shall ensure through contract specifications that construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of	Prior to Grading or Building Permit issuance, whichever issued first	Verify requirements on construction plans Conduct Site Inspections	Community Development Department, Planning Division;		

Standard Conditions (SCs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
a grading or building permit (whichever is issued first). The construction BMPs shall include the following: • All equipment, whether fixed or mobile, will be equipped with properly operating and maintained mufflers, consistent with manufacturer standards. • All stationary construction equipment will be placed so that emitted noise is directed away from the noise-sensitive receptors nearest the project site. • As applicable, all equipment shall be shut off and not left idle when not in use. • To the degree possible, equipment staging will be located in areas that create the greatest distance between construction-related noise and vibration sources and existing sensitive receptors. • Jackhammers, pneumatic equipment, and all other portable stationary noise sources will be directed away and shielded from existing residences in the vicinity of the project site. Either one-inch plywood or sound blankets can be utilized for this purpose. They should reach up from the ground and block the line of sight between equipment and existing residences. The shielding should be without holes and cracks. • No amplified music and/or voice will be allowed on the project site. • Haul truck deliveries will not occur outside the hours presented as exempt for construction per City of South El Monte Municipal Code Section 8.20.030(D).			Building & Safety Division		

ATTACHMENT C

EXHIBIT B
TO RESOLUTION NO. 25-035

2222 ROSEMEAD BOULEVARD WAREHOUSE DEVELOPMENT PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Prepared for	City of South El Monte 1415 Santa Anita Avenue South El Monte, California 91733
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PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor standard conditions (SCs) and mitigation measures (MMs) identified in the 2222 Rosemead Boulevard Warehouse Development Project (Project) Initial Study/Mitigated Negative Declaration (IS/MND). This MMRP has been prepared in conformance with Public Resources Code Section 21081.6. Specifically, Public Resources Code Section 21081.6 states:

> (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
>
> (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
>
> (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
>
> (b) A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or incase of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
>
> (c) Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit the authority of the responsible agency or an agency having jurisdiction over natural

> resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during Project implementation. The City of South El Monte (City) is the Lead Agency for the Project and is therefore responsible for ensuring the implementation of the MMRP. The MMRP has been drafted as a fully enforceable monitoring program to meet Public Resources Code Section 21081.6 requirements.

The MMRP is comprised includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each MM:

- **Definition of Mitigation.** The MM contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, an applicant would be the responsible party for implementing the mitigation, and the City or its designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the designated representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.
- **Time Frame.** In each case, a time frame is provided for the performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

The MM numbering system in the table corresponds with the MM numbering system in the IS/MND. The MMRP table's last column will be used by the parties responsible for documenting when MM implementation has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City. The completed MMRP and supplemental documents will be kept on file at the Community Development Department, Planning Division.

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MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Cultural Resources					
MM CUL-1: Prior to the issuance of the first grading permit or permit for ground disturbance activities, the Applicant shall provide evidence to the City of South El Monte that a qualified archaeologist has been retained. The selection of the qualified archaeologist shall be subject to approval by the City. The archaeologist shall train project construction workers on the types of archaeological resources that could be found in site soils.	Prior to first Grading Permit Issuance or permit for ground disturbance activities	Verify Retention of a Qualified Professional	Community Development Department, Planning Division; Building & Safety Division		
The archaeologist shall periodically monitor ground-disturbing activities. If cultural resources are inadvertently unearthed during excavation and grading activities of any future development project, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery (the distance shall be determined by the archaeologist) and the archaeologist shall be contacted to evaluate the significance of the find. Work can continue beyond the find. For finds that are not significant, work may resume immediately after the find is documented and removed at the direction of the archaeologist. If a find is significant, a mitigation plan shall be developed and approved by the City of South El Monte Planning Manager and all required mitigation completed prior to ground disturbance activity continuing within the established buffer radius.	During excavation and grading activities	If cultural resources are unearthed, evaluate significance of findings If a find is significant, a mitigation plan is required	Qualified Archaeologist		
Geology and Soils					
MM GEO-1: Prior to the issuance of grading permits, the City of South El Monte Building and Safety Division shall review all Project plans for grading, foundation, structural, infrastructure, and all other relevant construction permits to ensure compliance with the applicable recommendations from the Geotechnical Investigation.	Prior to Grading Permit issuance	Verify compliance on project plans	Community Development Department, Building & Safety Division		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
MM GEO-2: Prior to the issuance of the first grading permit for ground-disturbing activities, the Applicant shall provide evidence to the City of South El Monte Building and Safety Division that a qualified paleontologist has been retained. The selection of the qualified paleontologist shall be subject to the acceptance of the City. If paleontological resources are encountered, the contractor shall immediately cease all earth-moving activities within a 100-foot radius of the area of discovery. The qualified paleontologist shall be contacted to evaluate the significance of the finding and determine an appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements under State CEQA Guidelines Section 15064.5 shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.	Prior to Grading Permit issuance	Verify retention of a qualified Paleontologist If paleontological resources are unearthed; evaluate significance of findings	Community Development Department, Planning Division; Building & Safety Division Qualified Paleontologist		
Hazards and Hazardous Materials					
MM HAZ-1: Prior to the issuance of a grading permit, the Applicant shall submit a Soil Management Plan (or equivalent document) for approval by the Los Angeles Regional Water Quality Control Board (Los Angeles RWQCB). The Soil Management Plan (SMP) (or equivalent document) shall specify the details regarding the handling, stockpiling, sampling, and reuse or disposal of soil with concentrations of Chemicals of Potential Concern (COPC) in excess of their respective site-specific remedial action goals (RAGs) or re-use criteria that were established as part of a Human Health Risk Assessment (HHRA) and integrated into the SMP. Once approved, the SMP (or equivalent document) shall be kept on site by the general contractor throughout construction and distributed to the grading contractor and other contractors that may be trenching or boring on the site.	Prior to Grading Permit issuance	Verify Soil Management Plan (or equivalent document) has been approved	Los Angeles RWQCB Community Development Department, Building & Safety Division		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
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▪ The SMP shall Identify and implement accident prevention and control measures for soil disturbance and remediation activities, and for ongoing operations that are protective of the health and safety of the public (i.e., vapor intrusion mitigation system [VIMS]), and construction workers including a routine inspection program to ensure that such measures are being implemented during construction. At a minimum, such measures shall include compliance with applicable federal, State, and local laws and regulations.					
MM HAZ-2: Prior to the issuance of a grading permit by the City of South El Monte, the Applicant shall in accordance with the Soil Vapor Assessment Report (EEC Environmental, 2023), Limited Soil Remediation Work Plan (Leighton, 2023), Limited Soil Remediation Work Plan Addendum (Haley & Aldrich, 2024a), and TSCA Application for Risk-Based Clean-up (Haley & Aldrich, 2024b) (included as Appendix C to the Initial Study): ▪ Remove the existing soil vapor extraction system (SVE) system and properly abandon the associated extraction wells in accordance with Los Angeles Regional Water Quality Control Board; and ▪ Perform limited shallow soil excavation in the eastern portion of the site in coordination with the Los Angeles RWQCB and U.S. EPA.	Prior to Grading Permit issuance	Verify compliance on grading plans Verify SVE system removal and associated extraction well abandonment Verify soil excavation	Community Development Department, Building & Safety Division Los Angeles RWQCB Los Angeles RWQCB and U.S. EPA		
MM HAZ-3: Prior to grading permit issuance, the Applicant shall demonstrate to the City of South El Monte Building and Safety Division implementation of the Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard and Limited Soil Remediation Work Plan Addendum for 2200-2226 N. Rosemead Boulevard as approved by the Los Angeles Regional Water Quality Control Board, and the TSCA Application for Risk-Based Clean-up as approved by the U.S. EPA. The Los Angeles Regional Water Quality Control Board and U.S. EPA shall provide	Prior to Grading Permit issuance	Verify implementation of the Limited Soil Remediation Work Plan	Community Development Department, Building & Safety Division Los Angeles RWQCB and U.S. EPA		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
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oversight for the implementation of soil remediation and mitigation activities performed.					
MM HAZ-4: Prior to the issuance of a grading permit, the City of South El Monte Building and Safety Division shall review the building plans to verify that a vapor intrusion mitigation system (VIMS) is included in the Project design in accordance with the Limited Soil Remediation Work Plan Addendum for 2200-2226 N. Rosemead Boulevard to minimize vapor intrusion risks from VOC impacted soil and soil vapor on the project site.	Prior to Grading Permit issuance	Verify vapor intrusion mitigation system (VIMS) is included in the Project design	Community Development Department, Building & Safety Division		
A construction quality assurance program shall be developed and implemented during VIMS construction that includes a pre-construction meeting and routine meetings during construction of the system, observations of construction and testing activities, and pre-occupancy (post-construction) system inspection and performance monitoring. The construction quality assurance program shall be summarized on the final VIMS design drawings and detailed in a Construction Quality Assurance Plan (CQAP).	During VIMS construction	Verify Construction Quality Assurance Program on final VIMS design drawing and CQAP Monitor during construction	Building & Safety Division		
A VIMS Construction Completion Summary Report shall also be prepared and submitted to the Los Angeles RWQCB within 60 days of VIMS construction completion. The VIMS Construction Completion Summary Report shall include a summary of the construction quality assurance program and VIMS installation activities, as-built drawings, and VIMS Engineer certification that the VIMS was installed in general accordance with the design. The City of South El Monte Building and Safety Division shall have oversight/sign-off responsibility for the vapor barrier.	Within 60 days of VIMS construction completion	Verify submittal of VIMS Construction Completion Summary Report	Community Development Department, Building & Safety Division Los Angeles RWCQB		
MM HAZ-5: In accordance with Los Angeles Regional Water Quality Control Board Comment No. 6 and requirements dated August 17, 2022, prior to the issuance of the first occupancy permit, baseline indoor air sampling involving at least two rounds of sampling shall be performed to account for seasonal fluctuation of contaminants	Prior to First Occupancy Permit issuance	Submit two rounds of Air Sampling data for approval to the Los Angeles RWQCB	Community Development Department, Building & Safety Division		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
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in the indoor air. Air sampling results shall be submitted to and approved by the Los Angeles Regional Water Quality Control Board.			Los Angeles RWQCB		
Noise					
MM NOI-1: Prior to issuance of the first building permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions that either: (1) require the installation of a 10-foot-high noise attenuation wall along the southern property line of the project site; and (2) prohibit truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM. The effectiveness of the 10-foot noise attenuation wall (temporary or permanent) shall be verified to confirm it reduces noise by a minimum of 10 dBA prior to tenant occupancy of the building. If the verification confirms the attenuation wall does not achieve the required 10 dBA reduction, the wall shall be modified to ensure it achieves such reduction.	Prior to Building Permit issuance	Verify compliance on project plans	Community Development Department, Planning Division Public Works Department		
MM NOI-2: Prior to issuance of any demolition or grading permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions prohibiting the use of vibratory rollers, or other similar vibratory equipment, within 15 feet – or large bulldozers within 8 feet of the project site's north, south, and east boundary.	Prior to Demolition or Grading Permit issuance	Verify compliance on project plans Monitor during grading and construction	Public Works Department		
Transportation					
MM TRANS-1: Prior to the issuance of the first occupancy permit, the Applicant shall submit to the City of South El Monte Public Works Department a transportation demand management (TDM) program the purpose of which is to reduce VMT and vehicular trips to the project site and project area. The TDM program shall be implemented with the occupancy of the Project. The TDM program shall include the following strategy: ▪ [T-5] Implement Commute Trip Reduction Program: Implement a voluntary commute trip reduction (CTR) program to	Prior to First Occupancy Permit issuance Annually After Project Occupancy	Verify Submittal of TDM Program Verify implementation of Commute Trip Reduction Program	Public Works Department		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
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discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking, thereby reducing VMT and GHG emissions. The voluntary CTR program must include the following elements: ○ Employer-provided services, infrastructure, and incentives for alternative modes such as ridesharing, discounted transit, bicycling, vanpool, and guaranteed ride homes. ○ Information, coordination, and marketing for said services, infrastructure, and incentives.					
Tribal Cultural Resources					
MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities. A. The Applicant shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the "Kizh" or the "Tribe") - the direct lineal descendants of the project location. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. A copy of the executed monitoring agreement shall be provided to the City of South El Monte prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.	Prior to ground disturbing activities Monitoring during grading	Retention of an approved Native American Monitor; Executed Monitoring Agreement Monitoring during ground disturbance activities Pre-Construction Sensitivity/Educational Meeting Daily Tribal Monitoring Logs	Community Development Department, Planning Division Community Development Department, Building & Safety Division Kizh Monitor and/or Kizh Archaeologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
C. The Applicant shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project. D. The Applicant shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members (including any project subcontractors and consultants) about the tribal cultural resources ("TCR") mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures. E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc. (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the City upon written request.					

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
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F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the Applicant and City that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.					
MM TCR-2: Discovery of TCRs, Human Remains, and/or Grave Goods A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area. B. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes. C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-	During construction, if human remains are found	Kizh Monitor and/or Kizh Archaeologist assigned and on site, if remains are found	Community Development Department, Planning Division; Building & Safety Division Kizh Monitor and/or Kizh Archaeologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
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site project location, then all construction activities shall immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness." (Public Resources Code [PRC] §5097.98 (d)(1).) Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (PRC §5097.98 (a), d)(1) and (2)). D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code §7050.5(c); 14 Cal. Code Regs. §15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. §15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed. E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. §15064.5(f).)					

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
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F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods. G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.					
MM TCR-3: Procedures for Burials, Funerary Remains, and Grave Goods A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains. B. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created. C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated "grave goods" (aka, burial goods or funerary objects) are objects that, as part of the death rite or	During construction, if remains are found	Compliance with Koo-nas-gna Burial Policy	Community Development Department, Planning Division; Building & Safety Division Kizh Monitor and/or Kizh Archaeologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
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ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials. D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. E. In the event preservation in place is not possible despite good faith efforts by the Applicant and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity. F. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure					

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
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container on site if possible. These items will be retained and shall be reburied within six months of recovery. G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.					

Standard Conditions (SCs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Biological Resources					
SC BIO-1: Nesting Migratory Birds. During construction, grubbing, brushing, or tree removal shall be conducted outside of the state identified nesting season for migratory birds (i.e., typically March 15 through September 1), if possible. If construction activities cannot be conducted outside of nesting season, a Pre-Construction Nesting Bird Survey within and adjacent to the project site shall be conducted by a qualified biologist within three days prior to initiating construction activities. If active nests are found during the Pre-Construction Nesting Bird Survey, a Nesting Bird Plan (NBP) shall be prepared by a qualified biologist and implemented during construction. At	Three days prior to first site disturbance, if during migratory bird nesting season	Verify requirements included on grading and construction plans Verify pre-construction nesting bird survey conducted and nesting	Community Development Department, Planning Division; Building & Safety Division Qualified Biologist		

Standard Conditions (SCs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
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a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, monitoring, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, nesting sage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity.		bird plan prepared, if required			
Cultural Resources					
SC CUL 1: California Health and Safety Code Section 7050.5 through 7055, and Public Resources Code Sections 5097.98 and 5097.99 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.	In the event of an accidental discovery of human remains	Verify Requirements on Construction Plans; Verify Coroner Investigation, if required	Community Development Department, Planning Division; Building & Safety Division Los Angeles County Coroner Native American Heritage Commission, if remains are Native American		
Noise					
SC N-1: All construction activities should be limited to the hours between the hours of 7:00 AM and 10:00 PM on weekdays, or any time on weekends or holidays per City of South El Monte Municipal Code Chapter 8.20.	During grading and construction	Verify requirements on construction plans Conduct Site Inspections	Community Development Department, Planning Division;		

Standard Conditions (SCs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
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			Building & Safety Division		
SC N-2: The Applicant shall ensure through contract specifications that construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading or building permit (whichever is issued first). The construction BMPs shall include the following: • All equipment, whether fixed or mobile, will be equipped with properly operating and maintained mufflers, consistent with manufacturer standards. • All stationary construction equipment will be placed so that emitted noise is directed away from the noise-sensitive receptors nearest the project site. • As applicable, all equipment shall be shut off and not left idle when not in use. • To the degree possible, equipment staging will be located in areas that create the greatest distance between construction-related noise and vibration sources and existing sensitive receptors. • Jackhammers, pneumatic equipment, and all other portable stationary noise sources will be directed away and shielded from existing residences in the vicinity of the project site. Either one-inch plywood or sound blankets can be utilized for this purpose. They should reach up from the ground and block the line of sight between equipment and existing residences. The shielding should be without holes and cracks. • No amplified music and/or voice will be allowed on the project site.	Prior to Grading or Building Permit issuance, whichever issued first	Verify requirements on construction plans Conduct Site Inspections	Community Development Department, Planning Division; Building & Safety Division		

Standard Conditions (SCs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
• Haul truck deliveries will not occur outside the hours presented as exempt for construction per City of South El Monte Municipal Code Section 8.20.030(D).					

Kimley»Horn

Responses to Public Comments on the 2222 Rosemead Boulevard Warehouse Development Project Initial Study and Mitigated Negative Declaration

Introduction

The purpose of this memo is to transmit the public comments and responses to these comments received on the Initial Study and Mitigated Negative Declaration (IS/MND) for the 2222 Rosemead Boulevard Warehouse Development Project located in the City of South El Monte. The Draft IS/MND was released for public review and comment by the City of South El Monte on October 1, 2024, for a 30-day public comment period ending on October 30, 2024.

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15074, the City of South El Monte, as the Lead Agency, must consider the IS/MND together with any comments received during the public review process. Written responses have been prepared to comments received during and after the public review period.

CEQA Requirements Regarding Comments and Responses

State CEQA Guidelines Section 15204(b) states that "persons and public agencies should focus on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should:

1. Identify the specific effect,
2. Explain why they believe the effect would occur, and
3. Explain why they believe the effect would be significant."

State CEQA Guidelines Section 15204(c) further advises, "Reviewers should explain the basis for their comments and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to State CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence." State CEQA Guidelines Section 15204(d) states, "Reviewing agencies or organizations should include with their comments the name of a contact person who would be available for later consultation if necessary. Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." State CEQA Guidelines Section 15204(e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

List of Respondents

The comment letters received during and after the public review period are listed below and provided in **Appendix A: Comment Letters**.

Letter Number / Author / Date

1. Marjan R. Abubo, Lozeau Drury, LLP (on behalf of Supporters Alliance for Environmental Responsibility ["SAFER"] and its members in and around the City), October 29, 2024.
2. Aidan P. Marshall, Adams Broadwell Joseph & Cardozo Attorneys at Law (on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ["CREED LA"]), October 30, 2024.
3. Patricia Horsley, Environmental Planner, Facilities Planning Department, Los Angeles County Sanitation Districts, October 28, 2024.
4. Sam Wang, Program Supervisor, CEQA IGR, South Coast Air Quality Management District, October 30, 2024.
5. Anthony Higgins, Acting LDR Branch Chief, California Department of Transportation – District 7, November 5, 2024.

Responses to Comments

Responses have been provided to comments on significant environmental points to describe the disposition of issues and new information or clarifications, as appropriate. When comments did not address the completeness or adequacy of the environmental documentation or did not raise significant environmental issues, the receipt of the comment is noted; no further response is provided.

Kimley»Horn

RESPONSE TO COMMENT LETTER 1

Marjan R. Abubo, Lozeau Drury, LLP (on behalf of Supporters Alliance for Environmental Responsibility ["SAFER"] and its members in and around the City), October 29, 2024.

1-1 The comment states that the Supporters Alliance for Environmental Responsibility (SAFER) believes that the IS/MND is improper under CEQA due to the IS/MND's failure to adequately analyze and review the Project's potentially significant impacts. The comment states there is substantial evidence of a fair argument that the Project may have adverse environmental impacts related to noise and air quality. SAFER requests that an EIR be prepared for the Project rather than an MND to ensure that potentially significant impacts of this project are fully disclosed, analyzed, and mitigated.

The City respectfully disagrees. An EIR is not required for the Project because all potentially significant impacts would be mitigated to a less than significant level under the MND, and the commenter has not provided any evidence to the contrary. The commenter is referred to the entirety of the IS/MND, which provides a full analysis of the project's elements and an evaluation of both project construction and operations. The IS/MND also identifies multiple mitigation measures to reduce impacts to less than significant levels.

1-2 This comment reiterates the Project Description. No response is required.

1-3 The commenter describes the legal standard for Negative Declarations. No response is required.

1-4 The comment asserts that an EIR is required because substantial evidence in the record indicates a fair argument that the Project may have significant noise impacts. The comment states the Project underestimates noise and vibration impacts, and that correcting these errors reveals the Project's potentially significant noise and vibration impacts that must be disclosed and mitigated. Because this comment does not contain any specific comments about the environmental analysis or conclusions contained in the IS/MND. This is factually incorrect; responses to specific comments are provided below.

1-5 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 5.

1-6 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 6.

1-7 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 7.

1-8 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 8.

1-9 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 9.

1-10 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 10.

1-11 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 11.

1-12 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 12.

1-13 This comment refers to a comment letter prepared by the Office of Environmental Health Hazard Assessment (OEHHA) dated July 12, 2023, regarding their review of the Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard, South El Monte, California (April 2023 LSRWP). A Limited Soil Remediation Work Plan Addendum for 2200-2226 N. Rosemead Boulevard, South El Monte, California, was prepared by Haley & Aldrich, Inc., dated April 2024 (LSRWP Addendum) and was provided in IS/MND Appendix C, which supplements the April 2023 Soil Remediation Workplan with additional soil samples collected in January 2024 and addresses Los Angeles Regional Water Quality Board (LARWQCB) and OEHHA comments, including those in the July 12, 2023 letter. The OEHHA comment letter dated July 12, 2023, provided in the Lozeau Drury letter, was specifically addressed in Appendix A of the LSRWP Addendum, which was also provided as Appendix C of the IS/MND provided for public review and was approved by the LAWRQCB on October 2, 2024 (see Appendix B).

The commenter is incorrect in their statement that the IS/MND fails to disclose, analyze, or mitigate impacts related to cancer risk and hazard index as they are addressed in detail in Appendix C and IS/MND Section 4.9: Hazards and Hazardous Materials. Specifically, as concluded in the human health risk assessment, it is noted that current levels of chemicals of concern (COCs) in soil required risk management prior to site redevelopment for future commercial/industrial land use and states that soil excavation and removal was the selected remedy to address the threat to human health and groundwater quality. The proposed soil remediation will include excavation and removal of COC-impacted soils. PCB-impacted soils will be regulated by the United States Environmental Protection Agency (USEPA) 40 CFR 761 and will be managed with the USEPA

as the lead agency in accordance with the Toxic Substances Control Act (TSCA) Cleanup Plan that was submitted to the USEPA. Other COCs are generally co-located with PCB shallow soil impacts and will be removed during the TSCA remedial excavation. Additionally, the commenter is incorrect in their statement that these impacts are not mitigated. Mitigation measures (MM) HAZ-1 through HAZ-4 specifically address soil contamination.

MM HAZ-1 requires the Applicant to submit a Soil Management Plan for approval by the LARWQCB that specifies details regarding the handling, stockpiling, sampling, and reuse or disposal of soil with concentrations of Chemicals of Potential Concern (COPC) in excess of their respective site-specific remedial action goals (RAGs) or re-use criteria that were established as part of a Human Health Risk Assessment (HHRA) and integrated into the SMP. In accordance with MM HAZ-1, a SMP dated October 11, 2024 was approved by the LARWQCB on November 5, 2024 that establishes guidelines and recommended procedures including air quality monitoring requirements, soil management procedures, and worker health and safety requirements that manage risks to human health and the environment during soil disturbance activities associated with the redevelopment. The LARWQCB SMP Approval Letter is provided as Appendix B, which states the primary objectives of the SMP are to (1) appropriately manage risks to human health and the environment due to soil disturbance activities; and (2) provide a framework to evaluate and manage potentially impacted soil during disturbance activities.

Further, MM HAZ-3 requires the Applicant to demonstrate to the City of South El Monte Building and Safety Division implementation of the LSRWP and LSWRP Addendum as approved by the LARWQCB, the TSCA Application for Risk-Based Clean-up as approved by the USEPA. MM HAZ-3 further states that the LARWQCB and USEPA shall provide oversight for the implementation of soil remediation and mitigation activities. This is further supported in Appendix B, which requires a technical report documenting implementation of the proposed remediation be submitted to the LARWQCB after implementation of the LSWRP and LSWRP Addendum.

Finally, MM HAZ-4 requires a vapor intrusion mitigation system to be included in the Project design in accordance with the LSWRP Addendum to minimize vapor intrusion risks from VOC impacted soil and soil vapor on the project site. This is further supported in Appendix B, which states that construction of the warehouse cannot begin until the VIMS work plan has been approved by the LARWQCB.

Therefore, the IS/MND accurately considers the health risks and impacts associated with required remediation efforts, and as concluded in the IS/MND and approved by the LARWQCB, with implementation of MM HAZ-1 through MM HAZ-4, impacts concerning the release of hazardous materials into the environment would be less than significant.

1-14 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 14.

1-15 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 15.

1-16 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 16.

1-17 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 17.

1-18 See Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 18.

1-19 This comment states that for the reasons set forth above, SAFER requests that the City prepare and circulate an EIR for the Project prior to approval. See responses 1-1 through 1-18 above. This is a generalized comment that does not require a response.

1-20 This comment introduces Wilson Ihrig's review of the Noise Impact Analysis and provides background information concerning adverse effects of noise. This comment does not specifically state concerns or issues with the environmental analysis in the IS/MND.

1-21 Refer to Comment Response No. 1-5.

1-22 Refer to Comment Response No. 1-6.

1-23 Refer to Comment Response No. 1-9.

1-24 Refer to Comment Response No. 1-8.

1-25 This comment provides a closing to the Wilson Ihrig comment letter and does not raise any new issues regarding the adequacy of the IS/MND.

1-26 This comment introduces Clark and Associates review of the project and provides a summary of the project description. Note that this comment incorrectly identifies the project as within the City of El Monte. The project is in the City of South El Monte.

1-27 Refer to Comment Response No. 1-12.

1-28 Refer to Comment Response No. 1-15.

1-29 Refer to Comment Response No. 1-17.

1-30 Refer to Comment Response No. 1-17.

1-31 This comment provides a closing to the Clark & Associates comment letter and does not raise any new issues regarding the adequacy of the IS/MND.

1-32 Refer to Comment Response No. 1-13.

MEMORANDUM

TO: Dana Privett | KIMLEY-HORN & ASSOCIATES, INC.

FROM: Roma Stromberg, Katie Wilson, Giancarlo Ganddini | GANDDINI GROUP, INC.

DATE: November 13, 2024

SUBJECT: Response to Lozeau Drury Comment Letter Dated October 29, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618)

On behalf of Supporters Alliance for Environmental Responsibility (SAFER), the law firm of Lozeau Drury, LLP submitted a comment letter dated October 29, 2024 regarding the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed 2222 Rosemead Boulevard Warehouse Development project. This memorandum contains responses to comments relating to the technical studies prepared by Ganddini Group.

RESPONSE TO COMMENTS 1-3

These comments consist of introductory text, the project description, and legal standards. There are no comments relating to the technical studies prepared by Ganddini Group.

RESPONSE TO COMMENT 4

This comment notes that Wilson Ihrig was retained by the commenter to review the proposed project, MND, and the noise impact analysis prepared by Ganddini Group. The commenter claims that noise and vibration impacts are underestimated and correcting these errors would result in a potentially significant noise and vibration impacts that must be disclosed and mitigated.

Because the comment does not contain any specific comments or questions about the environmental analysis or conclusions contained in the Draft EIR, no further response is required. Responses to specific comments are provided below.

RESPONSE TO COMMENT 5

The Project's Technical Noise Analysis[1] estimated project construction noise levels using the Federal Transit Administration (FTA) methodologies and significance thresholds found in the *Transit Noise and Vibration Impact Assessment Manual (FTA Manual)* (2018). Specifically, project construction would be significant if it exceeds 80 dBA L_{eq} for an 8-hour period at residential land uses.

Page 45 of the FTA Manual discusses how noise modeling for operational noise sources on a large site and how all of the different noise sources should not be lumped together as one source at the center of the site because in reality, each operational noise source is typically situated in one area of the site over the life of the project. This does not apply to construction noise because construction equipment moves all over the project

[1] Rosemead and Rush Industrial Park Noise Impact Analysis (Ganddini Group, June 15, 2023).

site throughout any particular day and the location of temporary stationary noise sources will also shift from hour to hour and day to day. That is why the FTA manual includes instructions to model construction noise sources from the center of the site. This is a way of averaging the noise over the construction period, which is appropriate for an 8-hour L_{eq}. The Project's Technical Noise Analysis modeled all of the likely noise sources associated with each construction phase using well documented noise reference levels at the center of the site and projected that noise to nearby land uses. Well researched usage factors provided in the Caltrans Department of Transportation Technical Noise Supplement (2013) that are also used in the frequently used Road Construction Noise Model (RCNM). This was the appropriate methodology.

The comment concerning General vs. Detailed construction noise FTA methodologies is incorrect. A General Assessment was not conducted. As shown in Appendix D of the technical noise study prepared for the project, Detailed Construction Analysis methodologies were used to the degree possible. Specifically, the construction noise analysis includes noise level calculations of each piece of equipment at each receptor, during each phase and provides a cumulative noise level for each phase.

The construction noise methodology described by Wilson Ihrig's is inappropriate to use with an 8-hour Leq, because it is highly unlikely that one piece of equipment is going to be operating in the same place for the entire day. The whole purpose of the 8-hour threshold is to average noise levels that will move closer and farther from each sensitive receptor throughout the day.

As stated in page 1 of the Technical Noise Analysis, even though Project construction noise levels were found to be less than significant, the following Best Management Practices (BMPs) are included on project plans and will be adopted as Conditions of Approval.

1. All equipment, whether fixed or mobile, will be equipped with properly operating and maintained mufflers, consistent with manufacturer standards.

2. All stationary construction equipment will be placed so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

3. As applicable, all equipment shall be shut off and not left to idle when not in use.
4. To the degree possible, equipment staging will be located in areas that create the greatest distance between construction-related noise and vibration sources and existing sensitive receptors.

5. All other portable stationary noise sources will be directed away and shielded from existing residences in the vicinity of the project site. Either one-inch plywood or sound blankets can be utilized for this purpose. They should reach up from the ground and block the line of sight between equipment and existing residences. The shielding should be without holes and cracks.

6. No amplified music and/or voice will be allowed on the project site.

7. Haul truck deliveries will not occur outside of the hours presented as exempt for construction per City of South El Monte Municipal Code Section 8.20.030(D).

RESPONSE TO COMMENT 6

A detailed roof plan was not available when the Technical Noise Analysis was prepared. It has since been provided and is part of the application package. As shown in the roof plan and mechanical plans, HVAC units are only proposed on the western rooftop of the proposed building over office spaces and will not require warehouse sized units. Ceiling fans are proposed for warehouse ventilation.

RESPONSE TO COMMENT 7

As stated in the Technical Noise Analysis, in regard to vibration, the City of South El Monte's Municipal Code Section 8.20.020(B) states that no person shall operate or permit the operation of any device or machine that creates a vibration above the vibration perception threshold when measured at or beyond the property boundary of the source. However, because the City does not provide a numerical threshold of significance concerning groundborne vibration, groundborne vibration impacts were based on guidance from the *Transportation and Construction Vibration Guidance Manual* (California Department of Transportation, 2020). This manual provides direction for addressing vibration issues associated with the construction, operation, and maintenance of projects.[2] Both the architectural damage and annoyance thresholds utilized from this manual were developed from a synthesis of various vibration criteria. Therefore, these thresholds are based on the use of scientific methods and mathematics supported by multiple other vibration studies including *International Standards Organization (ISO) Guide to the Evaluation of Human Exposure to Vibration and Shock in Buildings* (ISO 1981), *Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment* (2018), *Vibration Criteria for Historic Buildings Journal of Construction Engineering and Management* (Konon 1985), *A Survey of Traffic-Induced Vibrations* (Whiffen 1971), *American Association of State Highway and Transportation Officials (AASHTO) Standard Recommended Practice for Evaluation of Transportation-Related Earthborne Vibrations* (1990), *National Cooperative Highway Research Program (NCHRP) Current Practices to Address Construction Vibration and Potential Effects to Historic Buildings Adjacent to Transportation Projects* (2021), and many others (see Chapter 6 of the Caltrans Manual). Furthermore, the vibration levels associated with the project were calculated based on vibration propagation equations and construction equipment source levels obtained from the *FTA Transit Noise and Vibration Impact Assessment Manual* (2018). These equations and vibration source levels are widely accepted for use in vibration related analyses. Therefore, the analysis used to assess the Project's construction vibration is supported by industry accepted methodology and standards.

The commenter states that *"even when an accepted method and standards are used to assess a significant impact, the EIR's analysis can nevertheless be rejected if a reviewing court concludes its characterization of a significant impact does not provide information sufficient to give the public and decisionmakers a complete picture of its nature and scope."* However, the comment does not provide any substantial evidence or fair arguments that the groundborne vibration methodology is insufficient or does not disclose the full nature of the impacts. There is no specific evidence provided by the commenter regarding errors or omissions in the project analysis that result in an incomplete picture of the potential impacts. As stated above, the analysis calculated the Project's vibration levels at all of the nearest receptors and then compared them to adopted thresholds. Both the calculation methodology and thresholds are founded in data consistently utilized in this type of analysis and based on scientific evidence. Furthermore, Mitigation Measure NOI-2 was provided to reduce any potential significant impacts related to architectural damage due to construction vibration. With incorporation of mitigation, the Project's vibration levels are less than significant as they do not exceed the identified vibration thresholds. Therefore, the Project correctly analyzes the potential vibration related construction impacts and no additional analysis is required.

RESPONSE TO COMMENT 8

Please also see response to Comment 7 above. Commercial and industrial uses are not considered vibration-sensitive land uses. Therefore, the annoyance threshold applies only to the residential receptors to the south of the project site. As shown in Table 17 of the Technical Noise Analysis, the nearest residential uses would have vibration levels that reach up to 0.084 PPV in/sec. Therefore, even if the analysis used the lower

[2] https://dot.ca.gov/programs/environmental-analysis/noise-vibration/guidance-manuals

"strongly perceptible" annoyance threshold of 0.10 PPV in/sec instead of the "severe" annoyance threshold of 0.4 PPV in/sec, the project would still not exceed vibration related annoyance significance thresholds.

The last few sentences of the comment state the "highest rung of FTA Manual thresholds." The project utilizes thresholds from the Caltrans manual not the FTA Manual; these are two different manuals. Furthermore, comment incorrectly claims that the use of the "highest rung" of thresholds potentially results in a vibration level that would be deemed a significant impact under the next level of thresholds. As demonstrated above, vibration levels at the residential uses do not exceed the more stringent "strong perceptible" annoyance threshold level.

Although construction is anticipated to last one year, due to the nature of construction, equipment moves within and around a project site. Therefore, one piece of equipment would not be at the modeled closest distance to the receptor for the entirety of project construction. Rather, the modeled annoyance levels would only occur during times that that particular piece of equipment is within the specified closest distance. At other times construction equipment would be further away resulting in lower vibration levels. Therefore, receptors will not be subjected to high levels of annoyance from vibration for the full year of construction.

With the statements above, the project does in fact disclose the potential impacts of project related vibration annoyance and the use of the "strongly perceptible" vibration threshold would not create a change in the significance level of the project nor would it result in the need to add any additional mitigation measures. No revisions or additional mitigation measures are necessary.

RESPONSE TO COMMENT 9

It is not necessary to model every piece of construction equipment, but rather provide a representative analysis. Therefore, it is common practice to model the highest vibration producing equipment that is anticipated to be utilized during a project, which provides the highest potential vibration level that may occur at the nearest sensitive receptors. Furthermore, it is not anticipated that pile drivers are to be utilized during project construction; however, a Condition of Approval is to be added to the Project and within the project plans that prohibits the use of pile drivers on the project site during project construction.

RESPONSE TO COMMENT 10

The Technical Noise Analysis Appendix G includes the vibration calculations for the project. These calculations are based on the reference equations from the *Transportation and Construction Vibration Guidance Manual*, (California Department of Transportation, April 2020, page 37). The last two sheets of Appendix G of the Technical Noise Analysis include modeling the vibration level at the specified distances provided in Mitigation Measure NOI-2. These two sheets provide evidence that implementation of the mitigation measure would result in groundborne vibration levels that do not exceed the damage threshold. Therefore, evidence is provided that the mitigation measure would reduce vibration impacts to below the threshold of significance.

It is not anticipated that pile drivers are to be utilized during project construction; however, a Condition of Approval is to be added to the Project and within the project plans that prohibits the use of pile drivers on the project site during project construction.

RESPONSE TO COMMENT 11

Because the comment does not contain any specific comments or questions about the environmental analysis or conclusions contained in the Draft EIR, no further response is required. Responses to specific comments are provided below.

RESPONSE TO COMMENT 12

The analysis of potential hazards due to on-site contamination has been addressed in Section 4.9 Hazards and Hazardous Materials, on pages 64 through 77 of the 2222 Rosemead Boulevard Warehouse Development IS-MND dated October 2024. This type of analysis is not part of an air quality analysis, is not required by the SCAQMD and is not included in CalEEMod modeling. Analysis and mitigation measures contained in the IS-MND in Section 4.9 Hazards and Hazardous Materials address impacts to workers.

RESPONSE TO COMMENT 13

See response to comment 12 above.

RESPONSE TO COMMENT 14

See response to comment 12 above.

RESPONSE TO COMMENT 15

Per the project Applicant, there are no back-up generators (BUGs) in the approved design. The project includes an electrical fire pump and would only be used on an as-needed (emergency) basis. As the fire pump is electrical, there would be no generation of emissions of criteria pollutants or toxic air contaminants. Any increase in the energy use from the emergency use of the electrical fire pump would be negligible. No additional analysis is warranted or required.

RESPONSE TO COMMENT 16

See response to comment 12 above.

RESPONSE TO COMMENT 17

In his construction HRA conducted for this SAFER comment letter, Dr. Clark has made errors in the calculations for determining the emission rate for the input into the AERMOD model. In the calculations, he showed in a Table that the duration of the project's construction will be 269 days; however, during another part of his calculation, he only used a construction duration of 259 days. As this number was used in the denominator of a calculation, the actual result (using 269 days) for the emissions rate came out to 4.45×10^{-7} grams/hour per m^2; whereas the emissions rate that Dr. Clark used was 3.67×10^{-6} lbs per hour of operation. One pound (lb) is equal to 453.6 grams. As Dr. Clarks emissions factor is in lbs/hour per m^2 and not grams/hour per m^2, and also off by a factor of 10, the results of the dispersion modeling with AERMOD would not be correct and would over-estimate the construction health risk by at least a factor of 10. Therefore, as the results are not reliable, the conclusions of a signficant impact from construction equipment TACs cannot be relied upon either, as the data inputs were incorrect. Addittionally, the Google Drive link that was included in the comment letter to access the output data for the modeling was not accessible/denied and access needed to be requested. This data should have been provided with the comment letter, or via a non-access-restricted link.

Neither the City of South El Monte nor the SCAQMD require projects to conduct construction-related health risk assessments. The SCAQMD leave the decision up to the Lead Agency. Futhermore, as the project site is relatively small, 5.14 acres, the project will not be using a large amount of construction equipment at any one time. The SCAQMD have also commented on this project (see SCAQMD comment letter dated October 30th,

2024) and they have not requested or required that either a construction HRA or operational HRA be conducted for this project. Therefore, no construction HRA is warranted or required.

RESPONSE TO COMMENT 18

See response to comment 17 above.

CONCLUSION

We appreciate the opportunity to assist you on this project. Should you have any questions or if we can be of further assistance, please contact us at 714-795-3100.

Respectfully submitted,
GANDDINI GROUP, INC.



Giancarlo Ganddini
Principal Traffic Engineer



Roma Stromberg, MS
Senior Noise Analyst



Katie Wilson, MS
Senior Air Quality Analyst

Kimley»Horn

RESPONSE TO COMMENT LETTER 2

Aidan P. Marshall, Adams Broadwell Joseph & Cardozo Attorneys at Law (on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ["CREED LA"]), October 30, 2024.

2-1 This introductory comment provides a summary of the proposed project and states that the IS/MND's project description is inaccurate, preventing meaningful review of the Project's impacts and that substantial evidence supports a fair argument that the Project would have potentially significant public health, air quality, energy, GHG emissions, transportation, noise, and public utilities impacts that are not adequately mitigated by the mitigation proposed in the IS/MND. However, the commenter does not provide any explanation concerning how the project description is inaccurate or any substantial evidence that impacts are not adequately mitigated.

Individual responses to the comments raised in the comment letter are provided in the responses below. As discussed below, none of the issues identified in the comment letter change the conclusions of the IS/MND, and therefore, an Environmental Impact Report (EIR) is not required. Impacts remain less than significant with implementation of mitigation measures.

2-2 This comment identifies individuals and labor organizations that are part of CREED LA and the association's interest in enforcing environmental laws. This comment also states that CREED LA supports the development of commercial, mixed-use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. It notes that projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation so that any remaining adverse impacts are reduced to the maximum extent feasible. The City acknowledges the individuals and organizations that are part of CREED LA. However, the comment does not address the adequacy or accuracy of the IS/MND. No further response is required.

2-3 This commenter incorrectly states that the IS/MND does not include an accurate and complete Project Description and summarizes the CEQA requirements and case law related to describing a project. The commenter's criticism of the IS/MND is unsupported and does not identify any specific concerns or provide evidence that the Project Description is incomplete. The City agrees with the commenter that a Project Description must be "accurate, stable, and finite," which is what is provided in the IS/MND. The Response to Comments below addresses specific comments related to the Project Description and demonstrates that the IS/MND includes an accurate and complete Project Description that adequately meets CEQA requirements.

2-4 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 4.

2-5 This comment states that the IS/MND is internally inconsistent regarding whether truck movement, loading, and unloading activities would be authorized between the hours of 10:00 PM

and 7:00 AM. As a point of clarification, should the Applicant decide to install a 10-foot-high concrete masonry wall in accordance with MM NOI-2, truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM would be allowed.

2-6 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 6.

2-7 This comment summarizes the purpose, goal, and requirements of CEQA, as well as when an EIR is required. The comment explains the fair argument standard with regards to the preparation of an EIR and an MND. The comment also states that the IS/MND for the proposed project does not satisfy the basic purposes of CEQA; does not adequately disclose, investigate, and analyze the proposed project's potentially significant impacts; and does not provide substantial evidence to conclude that impacts would be mitigated to a less than significant level. The comment states that substantial evidence shows that the proposed project may result in potentially significant impacts and that a fair argument can be made that the Project may cause significant impacts requiring the preparation of an EIR.

The IS/MND evaluates the proposed project's potential environmental impacts associated with 21 environmental factors identified in State CEQA Guidelines Appendix G. The City will consider the analysis in the IS/MND prior to making a decision on whether to adopt the MND and approve the project and, thus, the IS/MND meets the purpose and goal of CEQA.

The IS/MND identifies, discusses, and summarizes the documents and databases that were used to substantiate the analysis and conclusions of the environmental impacts, along with the models that were used in the environmental analysis. The documents and programs that were used to support the no impact and less than significant impacts (with and without mitigation measures) are from applicable regulatory agencies associated with the environmental factors that were discussed in the IS/MND, including the South Coast Air Quality Management District, California Department of Transportation, U.S. Department of Fish and Wildlife Services, California Department of Fish and Wildlife, California Department of Conservation, California Department of Toxic Substances Control, California Water Resources Control Board, Southern California Association of Governments, San Gabriel Valley Water Company, and CalRecycle. Site-specific evaluations were also conducted (e.g., Air Quality, Global Climate Change, HRA, and Energy Impact Analysis, Geotechnical Investigation, Phase I Environmental Site Assessment, Limited Soil and Soil Vapor Site Investigation Report, Limited Soil Investigation Report, Soil Vapor Assessment Report, Limited Soil Remediation Work Plan Addendum, Preliminary Hydrology and Hydraulics and LID Report, and Transportation Impact Analysis) to determine whether the proposed project would result in any potentially significant impacts. As analyzed throughout the IS/MND, the proposed project would either result in no impact or less than significant impacts (with and without mitigation measures). Thus, there is substantial evidence that the proposed project

would not have a significant effect on the environment with implementation of mitigation measures.

2-8 Refer to Comment Response No. 2-7.

2-9 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 9.

2-10 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 10.

2-11 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 11.

2-12 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 12.

2-13 The commenter states the requirements from State CEQA Guidelines Sections 15130(a), 15065(a)(3), and 15355(b) regarding cumulative impacts and the importance of a proper cumulative impact analysis. This comment does not raise any issues concerning the environmental analysis provided in the IS/MND, and thus no further response is required.

2-14 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 14.

2-15 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 15.

2-16 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 16.

2-17 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 17.

2-18 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) – Response to Comment 18.

2-19 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 19.

2-20 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 20.

2-21 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 21.

2-22 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 22.

2-23 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 23.

2-24 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 24.

2-25 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 25.

2-26 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 26.

2-27 The commenter asserts that the IS/MND fails to analyze the Project's fire flow requirement or the availability of existing infrastructure to supply adequate fire flow, and without an evaluation of these factors, the public utility impact remains unanalyzed and potentially significant. As stated on IS/MND page 99, "As part of the development review process, the LACFD Fire Prevention Division would review the proposed project site plan and determine if access and water system requirements, which would enhance the proposed development's fire protection, are adequate. Further, the Project would be required to comply with standard LACFD conditions of approval.

Specifically, the LACFD review addresses fire and life safety requirements for project construction at the fire plan check stage. This includes a review of the design details of the architectural, structural, mechanical, plumbing, and electrical systems. The Project would be required to comply with applicable City, County, and State code requirements for fire protection and be subject to pay any applicable fees. Municipal Code Chapter 15.14 adopts the Los Angeles County Fire Code by reference. Implementation of all Fire Code requirements would further reduce potential impacts concerning fire protection services." As described in the IS/MND, the Project would implement applicable Fire Code requirements, which include requirements concerning fire flow. The LACFD has reviewed the proposed project's site plan and has determined that the project would meet City fire flow requirements.

2-28 This comment states the City lacks substantial evidence to support the reliance on an MND, and there is substantial evidence supporting a fair argument that an EIR must be prepared for the Project. The commenter urges the City to fulfill its responsibilities under CEQA by withdrawing the IS/MND and preparing an EIR to address the issues raised in the letter. As discussed in the above responses for Comment Letter No. 2, the MND fully disclosed and mitigated potentially significant impacts to less than significant levels, and that substantial evidence was used to support the analysis and conclusions of the Initial Study. Therefore, the preparation of an EIR is not required for the Project. This comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

2-29 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 29.

2-30 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 31.

2-31 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 31.

2-32 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 32.

2-33 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 33.

2-34 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 34.

2-35 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 35.

2-36 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 36.

2-37 See Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) - Response to Comment 37.

MEMORANDUM

TO: Dana Privitt | KIMLEY-HORN & ASSOCIATES, INC.

FROM: Roma Stromberg, Katie Wilson, Giancarlo Ganddini | GANDDINI GROUP, INC.

DATE: November 13, 2024

SUBJECT: Response to Adams Broadwell Joseph & Cardozo Comment Letter Dated October 30, 2024, Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development
(GGI Project No. 19618)

On behalf of Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA), the law firm of Adams Broadwell Joseph & Cardozo submitted a comment letter dated October 30, 2024 regarding the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed 2222 Rosemead Boulevard Warehouse Development project. This memorandum contains responses to comments relating to the technical studies prepared by Ganddini Group.

RESPONSE TO COMMENTS 1-3

These comments consist of introductory text, the project description, and legal standards. There are no comments relating to the technical studies prepared by Ganddini Group.

RESPONSE TO COMMENT 4

Part of this comment claims that the ITE Land Use Code 150 (Warehousing) *"is just one of many land use codes potentially applicable to the Project, and does not reflect all reasonably foreseeable uses of the Project."*

As noted on page 18 of the traffic impact analysis for the project (IS/MND Appendix F), ITE Land Use Code 150 was determined to adequately represent the warehousing component of the proposed project based on review of the ITE land use descriptions. The current edition of the ITE Trip Generation Manual (11th Edition) provides the following description for Land Use Code 150:

> *"A warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas. High-cube transload and short-term storage warehouse (Land Use 154), high-cube fulfillment center warehouse (Land Use 155), high-cube parcel hub warehouse (Land Use 156), and high-cube cold storage warehouse (Land Use 157) are related uses."*

Furthermore, at 156,877 square feet, the proposed project falls squarely within the range of data points used by ITE to establish the average trip rate for ITE Land Use Code 150.

The comment also provides a comparison to trip rates for other warehousing land uses, including Fulfillment Center Warehouse – Non-Sort, Cold Storage Warehouse, Parcel Hub Warehouse, and Fulfillment Center

Warehouse – Sort. These land uses fall under the High-Cube Warehouse category (ITE Land Use Codes 154 through 157). ITE describes a high-cube warehouse as follows:

> *"A high-cube warehouse (HCW) is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses."*

Furthermore, the ITE data plots for the various high-cube warehousing land uses show that the average trip rates for these land use codes are derived from developments with a minimum of 200,000 square feet. At 156,877 square feet, the proposed project falls outside the range of data points. Therefore, comparison to trip rates for these other warehousing land uses (Fulfillment Center Warehouse – Non-Sort, Cold Storage Warehouse, Parcel Hub Warehouse, and Fulfillment Center Warehouse – Sort) is not appropriate since the ITE land use description and data plots are only applicable to warehousing buildings larger than 200,000 square feet and thus are not representative of the proposed project.

Additionally, per the Applicant, there will not be any cold storage at this facility and the building is not designed as such; therefore, an analysis of the facility as a refrigerated warehouse and analysis of emissions from TRUs is not warranted or required. The project can be conditioned to prohibit cold storage, if required, by the City Planning Department.

Based on the above, use of ITE Land Use Code 150 (Warehousing) as evaluated in the IS/MND provides the most conservative daily trip rate for trucks (0.6 daily truck trips per thousand square feet) when compared to other industrial ITE codes, except for high-cube cold-storage warehousing which is not proposed, and therefore represents the most conservative scenario when analyzing mobile source emissions.

RESPONSE TO COMMENT 5

This comment does not contain any issues relating to the technical studies prepared by Ganddini Group.

RESPONSE TO COMMENT 6

Per the project Applicant, there are no back-up generators in the approved design. The project includes an electrical fire pump and would only be used on an as-needed (emergency) basis. As the fire pump is electrical, there would be no emissions of criteria pollutants or toxic air contaminants. Any increase in the energy use from the emergency use of the electrical fire pump would be negligible. No additional analysis is warranted or required.

RESPONSE TO COMMENT 7

This comment does not contain any issues relating to the technical studies prepared by Ganddini Group.

RESPONSE TO COMMENT 8

This comment does not contain any issues relating to the technical studies prepared by Ganddini Group.

RESPONSE TO COMMENT 9

The commenter states that "the Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines also recommend a formal health risk analysis ("HRA") for short-term construction

exposures to TACs lasting longer than 2 months and exposures from projects lasting more than 6 months should be evaluated for the duration of the project." This is a recommendation from OEHHA and the determination of whether or not to require the analysis of short-term construction HRAs is left up to discretion of the Air District. The SCAQMD leaves the decision up to the Lead Agency. Furthermore, as the project site is relatively small, 5.14 acres, the project will not be using a large amount of construction equipment at any one time.

Neither the City of South El Monte nor the SCAQMD require projects to conduct construction-related health risk assessments.

The SCAQMD has also commented on this project (see SCAQMD comment letter dated October 30th, 2024) and they have not requested or required that either a construction HRA or operational HRA be conducted for this project. As stated in response to comment 4 above, the trip generation analyzed for the project is correct. The project will not have any cold storage facilities and will not have any TRUs. ITE code used in the Traffic Analysis for the ISMND would be most conservative since the project does not include cold storage (please see response to comment 4 above).

The ISMND does not fail to quantify sensitive receptors exposure to TACs and whether significance thresholds would be exceeded for the following reasons: As the project would generate only 89 truck trips per day, would not have cold storage or TRUs, and does not exceed the CAPCOA and CARB advisory recommendations to avod siting sensitive uses within 1,000 feet of distribution centers that have 100 or more trucks per day, a full dispersion-modeled (quantitative) HRA is not warranted or required. Furthermore, CARB's recommendation is based on health studies and air quality modeling and monitoring studies (see pages 12-15 of the CARB 2005 *Air Quality and Land Use Handbook: A Community Health Perspective*. A project with less than 100 trucks would not exceed the 10 in a million threshold. Please see response to comment 6 regarding TAC-related impacts from generators and fire pumps.

As stated above, neither the City nor SCAQMD require a construction health risk assessment to quantify TAC-related impacts to sensitive receptors. SCAQMD have used the LST analysis to show whether there will be any local impacts to sensitive receptors. SCAQMD LST thresholds were created to ensure that local sources of emissions don't create localized adverse air quality impacts. The project-specific LST analysis analyzes both PM10 and PM2.5 emissions emitted on-site. Diesel particulate matter (DPM) exhaust is a component of PM10 and PM2.5. As the project's emissions do not exceed the SCAQMD LST thresholds, which are screening thresholds and are, per SCAQMD, conservative by design, that is, the predicted impacts tend to overestimate the actual impacts, the DPM component of PM10 and PM2.5 would also not cause any impacts and SCAQMD MICR thresholdswould also not be exceeded duirng construction or operation.

As stated above, SCAQMD have reviewed the analysis for the project, provided comments, but have not requested or required any additional toxic air contaminant (TAC) analysis.

For the reasons given above, sensitive receptors near the project site, including the mobile home park residents south of the site, would not be exposed to significant TAC-related health risks from construction activities and would not be exposed to significant lifetime (30-year) health risks during operation.

RESPONSE TO COMMENT 10

Please see response to comment 8 above addressing the CAPCOA guidance and the number of trucks that would trigger an HRA. The entry and exit points for the project site are located along Rosemead Boulevard and would not be in close proximity to the closest sensitive receptors, located south of the project boundary. Please see the response to comment 8 above regarding construction HRAs. Furthermore, because the project

would not exceed the 10 in a million threshold (see response to comment 9 above), the project would not result in an excess incremental cancer risk. SCAQMD have stated in their HRA Cumulative Threshold Working Group that "unless the cancer risk from a project is greater than 10 in a million, no further analysis of cumulative impacts from air toxics is required."[1]

RESPONSE TO COMMENT 11

SCAQMD LST thresholds were created to ensure that local sources of emissions don't create localized adverse air quality impacts. The project-specific LST analysis analyzes both PM10 and PM2.5 emissions emitted on-site. Diesel particulate matter (DPM) exhaust (the main source of TACs) is a component of PM10 and PM2.5. As the project's emissions do not exceed the SCAQMD LST thresholds, which are screening thresholds and are, per SCAQMD, conservative by design, that is, the predicted impacts tend to overestimate the actual impacts, the DPM component of PM10 and PM2.5 would also not cause any impacts. Construction-related DPM emissions and their significance is addressed on page 40 and 41 of the ISMND; operational TACs are addressed on page 40 of the ISMND.

As stated above, SCAQMD has reviewed the analysis for the project, provided comments, but has not requested or required any additional toxic air contaminant (TAC) analysis.

RESPONSE TO COMMENT 12

Please see response to comments 4, 8, 9, and 10 above. The analysis for the project meets SCAQMD and CEQA requirements for analysis and disclosure of impacts. No additional analyses are warranted or required.

RESPONSE TO COMMENT 13

Comment noted. This comment cites CEQA provisions and case law regarding cumulative impacts analysis but does not contain any specific issues relating to the technical studies prepared by Ganddini Group.

RESPONSE TO COMMENT 14

The project was evaluated for cumulative impacts per currently approved SCAQMD methodology. As the project is not significant on a project level, per SCAQMD guidance, the project will not contribute cumulatively considerable emissions either. In regards to TACs, as the project does not generate enough traffic to require a full operational HRA (see response to comments 4, 9, 10 and 11 above), then the project would not exceed the SCAQMD Maximum Incremental Cancer Risk (MICR) threshold of 10 in a million either, and no further analysis of cumulative impacts from air toxics is required.[2] No additional analyses are warranted or required. The CaEnviroscreen score of 78.4 for PM and 91.6 for DPM are included in the ISMND for informational purposes and are not associated with any cumulative thresholds.

RESPONSE TO COMMENT 15

See response to comment 14. Additionally, the Attorney General's Guidance cites the 2019 CARB Concept Paper for Frieght Handbook, page 22, Table 5, where it states in the Local Governments and Air Districts column, that they are to "Establish screening criteria to evaluate a freight facility's contribution to a cumulatively considerable air quality impact including but not limited to identifying impacted areas, adopting local thresholds of significance, and developing standardized modeling parameters." As mentioned previously

[1] https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=13. Slide 11.

[2] https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-6-20241106.pdf?sfvrsn=13

that the SCAQMD is in the process of developing cumulative thresholds, in their Cumulative Impacts from Air Toxics for CEQA Projects Working Group. As stated previously, in their latest meeting (#6) the Working Group has stated that "unless the cancer risk from a project is greater than 10 in a million, no further analysis of cumulative impacts from air toxics is required." Please see response to comment 10.

RESPONSE TO COMMENT 16

See response to comment 15.

RESPONSE TO COMMENT 17

The ISMND included an energy analysis (see Section 6. Energy, pages 48 through 51 of the ISMND). The energy analysis for the project discusses and quantitatively analyzes (using CalEEMod) the project's energy use during construction and operation and answers the threshold questions a) Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation? And b) Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency? There are no quantitative (numerical) thresholds for an energy analysis.The project will comply with current State and City requirements for energy efficient building standards and Green building standards. Fuel efficiency for project-related construction equipment and project-related vehicular traffic is regulated at the State level. The project is required to comply with State and local regulations for energy efficiency. Impacts are considered to be less than signficant. No further analysis is warranted or required.

RESPONSE TO COMMENT 17

The project does not have significant environmental impacts. See response to comment 15.

RESPONSE TO COMMENT 18

The commenter asserts that the MND's energy analysis fails to investigate energy conservation measures and, therefore, violates CEQA. The commenter is incorrect. First, the MND adequately assesses whether the project would result in wasteful, inefficient, or unnecessary energy consumption. The analysis of that issue is not simply limited to whether a project incorporates energy conservation measures (none are suggested by the commenter), but collectively whether the project, based on its features, uses and design, would result in wasteful, inefficient, or unnecessary energy consumption. The MND considered those factors and concluded that the project would not unnecessarily use energy because (a) the project would comply with the requirements of the California Building Code, which includes robust energy efficient measures (including, now, solar mandates – a form of renewable energy), (b) state regulations related to industrial uses, and (c) whether the project would use energy in a manner inconsistent with expectations. As compared to similar projects, the project would not unnecessarily or wastefully use energy. Also, as discussed above, the current CBC includes more robust provisions to ensure energy efficiency (than were in existence at the time the CEQA analyses in cases cited by commenter were completed []. CBC Section 140.0 establishes both performance and prescriptive compliance approaches to energy efficient for non-residential buildings. Each approach, as outlined in the CBC, requires a project to demonstrate energy efficiency for proposed buildings. The prescriptive approach, for instance, identifies multiple requirements to ensure energy efficiency, such as solar reflectance, PV and battery storage requirements, skylights and daylighting requirements, space conditioning controls, and water heating and indoor lighting, among other things. Thus, the updated CBC includes many of the concepts identified by commenter, including solar facilities, passive energy efficient measures, and

building design considerations.[3] Moreover, with each iteration of the CBC (updated every three years), the CBC's mandates exponentially increase efficiency. The MND concluded that these measures ensure the project would not result in wasteful, inefficient, or unnecessary energy use, and also reflect the considerations identified in CEQA Guidelines Appendix F. Thus, no discussion of mitigation is required. (CEQA Guidelines § 15126.4(a)(1)(C) [measures shall be discussed "when relevant"].) The MND properly evaluates potential energy impacts and commenter presents no evidence that an energy impact may result.

RESPONSE TO COMMENT 19

See response to comment 18.

RESPONSE TO COMMENT 20

The project does not have significant environmental impacts. See response to comment 17.

RESPONSE TO COMMENT 21

See reponses to comments 17 through 20 above. No additional energy analyses are warranted or required.

RESPONSE TO COMMENT 22

See reponses to comments 17 through 20 above. No additional energy analyses are warranted or required.

RESPONSE TO COMMENT 23

The core point of this comment is that the IS/MND fails to fully mitigate the Project's significant VMT impact.

First, the comment claims that the IS/MND incorrectly reports the project-generated VMT as 16.4 VMT per worker. Appendix H of the traffic impact analysis for the project (IS/MND Appendix F) contains the SGVCOG VMT Evaluation Tool Report used to assess the project's VMT impacts in accordance with the City of South El Monte methodology. As shown on the SGVCOG VMT Evaluation Tool Report (page Apx-104), the proposed project is estimated to generate 16.4 VMT per worker. The comment claims that the correct project-generated VMT value should be 16.5; however, this is incorrectly based on the "without project" value.

Next the comment claims that the 4.0% VMT reduction associated with mitigation measure TRANS-1 (implementation of a commute trip reduction program) is unsupported because such measures *"would not apply to project workers during night shifts, resulting in lower reductions."* The supporting "Marshall Comments" letter claims that there will be some regular employees who work nighttime hours when transit and rideshare services are not available and who therefore should be excluded from the percentage of employees eligible for the commute trip reduction program. Mitigation measure TRANS-1 requires that the commute trip reduction program be provided to City of South El Monte Public Works Department prior to project occupancy. Depending on the tenant-specific needs, the Public Works Department may require the commute trip reduction program to include trip reduction measures that are applicable to nighttime workers, such as services or incentives that encourage walking, biking, and carpooling, all of which would be available even when transit services are not. Therefore, MM-TRANS-1 enables the City to ensure the voluntary commute trip reduction program includes components that are applicable to 100% of employees.

[3] The California Energy Commission's website for Title 24 explains that the Building Energy Efficiency Standards (part of the CBC) "serve to reduce wasteful, uneconomical, and unnecessary uses of energy for the state." See also https://www.energy.ca.gov/sites/default/files/2021-08/CEC_2022_EnergyCodeUpdateSummary_ADA.pdf.

Lastly, the comment claims that mitigation measure TRANS-1 insufficiently reduces the project-generated VMT to 15.84 VMT per worker, which still exceeds the threshold value of 15.8. This calculation is based on rounding precision that is not supported by the SGVCOG VMT Evaluation Tool. As shown on the SGVCOG VMT Evaluation Tool Report (page Apx-104), the project VMT is reported with a precision of one decimal point. Therefore, calculating the VMT reduction to two decimal points inappropriately adds a significant digit. Furthermore, the project-generated VMT value noted by the commenter appears to be calculated based on the incorrect baseline VMT value of 16.5 for "without project." As explained above, the correct project-generated VMT value is 16.4 VMT per worker. Therefore, VMT calculations have been verified to be correct and the project's VMT impact is fully mitigated as documented by the SGVCOG VMT Evaluation Tool Report provided in Appendix H of the traffic impact analysis for the project (IS/MND Appendix F).

RESPONSE TO COMMENT 24

The IS/MND does apply the correct noise standards in the municipal code. Although the City ordinance does not outright exempt construction noise from compliance with the numerical standards presented in Table 1 Exterior Noise Limits by Zone, it is quite clear that that a sound level limit of 55 dBA for construction activity would be unreasonable, as 55 dBA is half as loud as normal conversation (65 dBA). Further, the City Planning Manager, Gerado Marquez has provided the following clarification regarding the implementation of City Ordinance 8.20.020 and 8.20.030. The email correspondence is attached.

> *"The intent of the code is to regulate any type of construction noise during times that would not customarily have construction activities taking place. To clarify the code section 8.20.030(D) is meant to prohibit the omission of construction noises between 10:00 pm and 7:00 am. It was not the intent of the City to regulate construction noise outside of that time. With that said code enforcement officers would only respond to noise complaints based on the verbage of the municipal code that calls for prohibited acts. 8.20.030."*

The intent of the code is to regulate any type of construction noise during times that would not customarily have construction activities taking place. To clarify, the code section 8.20.030(D) is meant to prohibit the omission of construction noises between 10:00 PM and 7:00 AM and it was not the intent of the City to regulate construction noise outside of that time. It should also be noted that the City has consistently interpreted and applied section 8.20.030(D) as an exemption for construction noise from the noise standards applicable to other, non-construction sources (section 8.20.020). The approved Starlite Residential Development MND, for instance, recognized that section 8.20.030(D) exempted construction noise occurring during the hours specified.

This is not to say that construction noise impacts were not evaluated quantitatively, in absence of a City adopted quantitative noise threshold for construction noise that occurs during daytime hours, which are exempt from the Exterior Noise Standards in Table 1, construction noise was evaluated using widely accepted Federal Transit Administration (FTA) methodologies and significance thresholds found in the *Transit Noise and Vibration Impact Assessment Manual* (2018). Specifically, construction noise levels were modeled for all expected pieces of equipment by phase and the threshold applied was an eight-hour L_{eq} at residential land uses. Project construction noise levels were found to be less than significant. The same analysis (utilizing the FTA's noise standard) is regularly used by the City to evaluate potential construction noise impacts, including for the approved Starlite Residential Development MND. The FTA Manual notes that "[g]enerally local noise ordinances are not very useful for evaluating construction noise impact. They usually relate to nuisance and hours of allowed activity, and sometimes specify limits in terms of maximum levels, but are generally not practical for assessing the impact of a construction project." "While it is not the purpose of this manual to specify standardized criteria for construction noise impact, the following guidelines can be considered

reasonable criteria for assessment. If these criteria are exceeded, there may be adverse community reaction." Thus, the City's use of the FTA thresholds is reasonable and supported by substantial evidence. As stated in page 1 of the technical noise study prepared for the project,[4] even though project impacts would be less than significant the following Best Management Practices (BMPs) are included on project plans and will be adopted as Conditions of Approval.

1. All equipment, whether fixed or mobile, will be equipped with properly operating and maintained mufflers, consistent with manufacturer standards.

2. All stationary construction equipment will be placed so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

3. As applicable, all equipment shall be shut off and not left to idle when not in use.
4. To the degree possible, equipment staging will be located in areas that create the greatest distance between construction-related noise and vibration sources and existing sensitive receptors.

5. All other portable stationary noise sources will be directed away and shielded from existing residences in the vicinity of the project site. Either one-inch plywood or sound blankets can be utilized for this purpose. They should reach up from the ground and block the line of sight between equipment and existing residences. The shielding should be without holes and cracks.

6. No amplified music and/or voice will be allowed on the project site.

7. Haul truck deliveries will not occur outside of the hours presented as exempt for construction per City of South El Monte Municipal Code Section 8.20.030(D).

RESPONSE TO COMMENT 25

Regarding the argument that the magnitude of an increase was not considered: measured daytime noise levels in the project vicinity range between 54.1 and 72.3 dBA L_{eq} and modeled project operational noise is expected to range between 31 and 54 dBA L_{eq} without mitigation. When adding two of the same noise levels, the resulting 3 dBA increase is considered a barely perceptible increase (per Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol). Operational noise levels without mitigation would not exceed existing daytime ambient noise levels (see MND Appendix E – Noise Impact Analysis, Table 12); therefore, the project-related noise level change would not exceed a barely perceptible increase of 3 dBA and the project impact is less than significant. The project's daytime noise would be even less with proposed Mitigation Measure NOI-1. During the quietest nighttime hour, noise levels at the single-family residential south of the project site were measured at 44.4 dBA (see MND Appendix E – Noise Impact Analysis, Table 12) and mitigated project operational noise would not exceed 45 dBA at this receptor, well below the 50 dBA noise standard. Also, the project-related noise level change is considered barely perceptible at an approximately 3 dBA increase (which would also remain below the applicable 50 dBA standard) and the project impact is less than significant.

Notwithstanding the above, with mitigation, the MND concluded that operational noise would not result in a significant impact because it would not exceed applicable standards. California courts have upheld an analysis that is based in applicable standards. (Mount Shasta Bioregional Ecology Center v. County of Siskiyou (2012) 210 Cal.App.4th 184, 205-207.) The finding of a less than significant impact is supported by compliance with the applicable plans, policies and ordinances.

[4] Rosemead and Rush Industrial Project Noise Impact Analysis. Ganddini Group Inc., June 15, 2023.

Further, regarding the referenced case Keep our Mountains Quiet v. County of Santa Clara was decided in 2015. Revisions made to the California Environmental Quality Act (CEQA) Appendix G checklist questions that were made in 2018 revised the previously ambiguous CEQA checklist question as to what qualifies as a substantial increase in noise levels. The clarification that was added to the CEQA checklist question was to add the underlined text below.

"Would the project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Also, the commentor does not provide substantial evidence or make a fair argument that operational noise would result in substantial increases in noise levels under this threshold. The referenced case law determines that "Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence." (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928, 21 Cal.Rptr.3d 791.) "For example, an adjacent property owner may testify to traffic conditions based upon personal knowledge." (*Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 173, 217 Cal.Rptr. 893.). However, no relevant observations have been provided that would challenge the validity of the operational noise modeling.

Furthermore, the case that is referenced repeatedly and that other case law builds upon *(Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344, 111 Cal.Rptr.2d 598) does not apply to the proposed project. This case is in relation to the use of a 24-hour weighted noise standard (CNEL) for aircraft noise. Use of the weighted CNEL can easily mask relatively short noise events associated with aircraft flyovers that wake residents from sleep. However, the City applies shorter, more appropriate noise standards for stationary noise sources that may impact other nearby land uses. In this case, the City is applying appropriate criteria and additional criteria is not necessary.

To the extent the commenter is asserting that construction noise should have been assessed using an ambient increase standard, the commenter is incorrect. As discussed above, the FTA Manual's thresholds are reflective of the limited duration of temporary construction activities and the fact that construction is a common component of the urban environment. The City regularly issues building permits for construction within the City, which is mostly built-out with existing and new developments in close proximity. Thus, the use of the FTA thresholds accounts for reasonable expectations during daytime and nighttime hours and also include absolute noise levels that are intended to protect human health.

RESPONSE TO COMMENT 26

See response to comment 24 and 25.

RESPONSE TO COMMENT 27

These comments are related to public facilities. This comment does not contain any issues relating to the technical studies prepared by Ganddini Group.

RESPONSE TO COMMENT 28

These comments consist of conclusory text. This comment does not contain any issues relating to the technical studies prepared by Ganddini Group.

(EXHIBIT A – NORMAN MARSHALL LETTER)

RESPONSE TO COMMENT 29

This comment summarizes the findings of the review, including claims that the project trip generation and truck trip generation could be higher than assumed, the project VMT is incorrectly reported, and that the proposed mitigation measure is insufficient. These claims are refuted in response to the more specific comments below.

RESPONSE TO COMMENT 30

See Response to Comment 4. As noted in Response to Comment 4, comparison to high-cube warehouse trip generation rates is not applicable to the proposed project based on the ITE land use descriptions and data plots. Per the Applicant, there will not be any cold storage at this facility and the building is not designed as such; therefore, an analysis of the facility as a refrigerated warehouse and analysis of emissions from TRUs is not warranted or required. The project can be conditioned to prohibit cold storage, if required, by the City Planning Department.

RESPONSE TO COMMENT 31

This comment claims that the truck trip generate rate used in the MND is lower than the rates for some warehouse types and provides cold storage warehouse as an example; however, the cold storage warehouse example provided is based on rates for ITE Land Use Code 157 (High-Cube Cold Storage Warehouse). The comment claims that a toxic air contaminant analysis should be prepared since the project truck trip generation would exceed 100 trips per day for the cold storage warehouse use provided as an example.

As noted in Response to Comment 4, comparison to high-cube warehouse trip generation rates is not applicable to the proposed project based on the ITE land use descriptions and data plots.

As also noted in Response to Comment 4, per the Applicant, there will not be any cold storage at this facility and the building is not designed as such; therefore, an analysis of the facility as a refrigerated warehouse and analysis of emissions from TRUs is not warranted or required. The project can be conditioned to prohibit cold storage, if required, by the City Planning Department.

As also noted in Response to Comment 4, use of ITE Land Use Code 150 (Warehousing) as evaluated in the IS/MND provides the most conservative daily trip rate for trucks (0.6 daily truck trips per thousand square feet) when compared to other industrial ITE codes, except for high-cube cold-storage warehousing which is not proposed. Therefore, the project truck trip generation would not exceed 100 truck trips per day and TAC impacts would be less than significant.

RESPONSE TO COMMENT 32

The comment incorrectly claims there is a discrepancy between the MND and the VMT Evaluation Tool. Appendix H of the traffic impact analysis for the project (IS/MND Appendix F) contains the SGVCOG VMT Evaluation Tool Report used to assess the project's VMT impacts in accordance with the City of South El Monte methodology. As shown on the SGVCOG VMT Evaluation Tool Report (page Apx-104), the proposed project is estimated to generate 16.4 VMT per worker. The comment claims that the correct project-generated VMT value should be 16.5; however, this is incorrectly based on the "without project" value. Therefore, there is no discrepancy between the MND and VMT Evaluation Tool results.

RESPONSE TO COMMENT 33

The comment correctly notes a minor discrepancy on page 104 of the MND, which refers to implementation of a Commute Trip Reduction Marketing/Education Program, whereas the formal description of MM-TRANS-1 on page 105 of the MND requires implementation of a voluntary commute trip reduction program (CTR). The comment correctly notes that CAPCOA Measure T-7 is a component of CAPCOA Measure T-5 and the MND is proposing implementation of a voluntary commute trip reduction program consistent with CAPCOA Measure T-5.

RESPONSE TO COMMENT 34

The comment claims that a 4.0% VMT reduction associated with the proposed MM-TRANS-1 insufficiently reduces the project-generated VMT to 15.84 VMT per worker, which still exceeds the threshold value of 15.8. This calculation is based on rounding precision that is not supported by the SGVCOG VMT Evaluation Tool. As shown on the SGVCOG VMT Evaluation Tool Report (page Apx-104), the project VMT is reported with a precision of one decimal point. Therefore, calculating the VMT reduction to two decimal points inappropriately adds a significant digit. Furthermore, the project-generated VMT value noted by the commenter appears to be calculated based on the incorrect baseline VMT value of 16.5 for "without project." As explained above, the correct project-generated VMT value is 16.4 VMT per worker. Therefore, VMT calculations have been verified to be correct and the project's VMT impact is fully mitigated as documented by the SGVCOG VMT Evaluation Tool Report provided in Appendix H of the traffic impact analysis for the project (IS/MND Appendix F).

RESPONSE TO COMMENT 35

The comment claims that the 4.0% VMT reduction associated with MM-TRANS-1 is unsupported because there will be some regular employees who work nighttime hours when transit and rideshare services are not available and who therefore should be excluded from the percentage of employees eligible for the commute trip reduction program. MM-TRANS-1 requires that the commute trip reduction program be provided to City of South El Monte Public Works Department prior to project occupancy. Depending on the tenant-specific needs, the Public Works Department may require the commute trip reduction program to include trip reduction measures that are applicable to nighttime workers, such as services or incentives that encourage walking, biking, and carpooling, all of which would be available even when transit services are not. Therefore, MM-TRANS-1 enables the City to ensure the voluntary commute trip reduction program includes components that are applicable to 100% of employees.

RESPONSE TO COMMENT 36

The comment correctly notes that the CAPCOA Handbook precludes taking separate reductions for CAPCOA Measures T-5 and T-7. The comment incorrectly claims that CAPCOA Measure T-5 provides insufficient VMT mitigation and suggests implementation of CAPCOA Measure T-6 - Implement Commute Trip Reduction Program (Mandatory Implementation and Monitoring).

VMT reductions were calculated using the SGVCOG VMT Evaluation Tool in accordance with City of South El Monte guidelines and is the tool used by most, if not all, of the 27 jurisdictions within the San Gabriel Valley Council of Governments. While the tool adapts much of the guidance and supporting evidence from the CAPCOA Handbook, each reduction measure includes direct citations to source materials and the tool is not relegated to the CAPCOA Handbook.

Additionally, the project's VMT reduction calculation does not combine reduction credits for measures T-5 and T-7. As shown on the SGVCOG VMT Evaluation Tool Report (IS/MND Appendix F, page Apx-105 and Apx-106), the VMT reductions applied consist of SGVCOG VMT Evaluation Tool measures PK02 (Provide Bicycle Parking Facilities) and TP04 (CTR Marketing and Education). Measure PK02 was applied as a project design feature based on nine (9) bicycle parking spaces proposed. TP04 consists of commute trip reduction marketing/education, which is only one component of the more robust requirements in MM-TRANS-1. Therefore, the project's VMT impact is sufficiently mitigated with implementation of MM-TRANS-1; no additional mitigation is necessary to reduce the project's impact to a less than significant level.

RESPONSE TO COMMENT 37

This comment claims that the TDM program required for project VMT reduction should be prepared now and included in the EIR for public review to ensure the TDM measures will reduce VMT to less than significant levels. The comment also claims that the TDM program must go beyond CAPCOA Measure T-5.

This comment omits the full text of MM-TRANS-1 which specify additional requirements of the TDM program, including that the program must include the following elements:

- Employer-provided services, infrastructure, and incentives for alternative modes such as ridesharing, discounted transit, bicycling, vanpool, and guaranteed ride homes.
- Information, coordination, and marketing for said services, infrastructure, and incentives.

Therefore, MM-TRANS-1 sufficiently outlines requirements of the TDM program necessary to achieve the VMT reduction associated with a voluntary commute trip reduction program as supported by the guidance for Measure T-5 of the CAPCOA Handbook. To achieve maximum efficacy, the commute trip reduction program should be tailored to tenant-specific needs and characteristics. Thus, the TDM program is best-suited to be prepared prior to tenant occupancy at which time tenant-specific needs and characteristics can be taken into consideration. MM-TRANS-1 enables the Public Works Department to ensure the program sufficiently complies with the requirements of MM-TRANS-1.

The TDM program does not require additional measures beyond those specified in MM-TRANS-1 to sufficiently mitigate the project's VMT impact to less than significant levels; see Response to Comment 36.

CONCLUSION

We appreciate the opportunity to assist you on this project. Should you have any questions or if we can be of further assistance, please contact us at 714-795-3100.

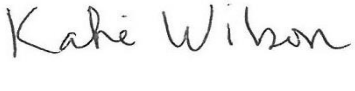
Respectfully submitted,
GANDDINI GROUP, INC.



Giancarlo Ganddini
Principal Traffic Engineer



Roma Stromberg, MS
Senior Noise Analyst



Katie Wilson, MS
Senior Air Quality Analyst

Kimley»Horn

RESPONSE TO COMMENT LETTER 3

Patricia Horsley, Environmental Planner, Facilities Planning Department, Los Angeles County Sanitation Districts, October 28, 2024.

3-1 This comment introduces the Los Angeles County Sanitation Districts' (Districts) response to the Project's Notice of Intent. This comment does not address the IS/MND's adequacy or raise a significant environmental issue. As such, no further response is necessary.

3-2 This comment notes that the wastewater flow originating from the proposed project would discharge to a local sewer line, which is not maintained by the Districts for conveyance to the Districts' Rush Street Trunk Sewer, located in Rush Street at Rosemead Boulevard. The Districts' 15-inch diameter trunk sewer has a capacity of 1.4 million gallons per day (mgd) and conveyed a peak flow of 1.0 mgd when last measured in 2013. This comment is acknowledged and does not address the IS/MND's adequacy or raise a significant environmental issue. As such, no further response is necessary.

3-3 This comment states that the expected average wastewater flow from the project is 8,066 gallons per day and provides a link to the District's average wastewater generation factors. The ISMND analyzed an average wastewater flow of 10,095 gallons per day for the project and concluded that sufficient capacity exists at existing facilities to treat the project's wastewater. This comment is acknowledged and does not address the IS/MND's adequacy or raise a significant environmental issue. As such, no further response is necessary.

3-4 This comment states that the wastewater generated by the proposed project will be treated at the Whittier Narrows Water Reclamation Plant (WRP) located near the City of South El Monte, which has a capacity of 15 mgd and currently processes an average recycled flow of 9 mgd, or at the Los Coyotes WRP located in the City of Cerritos, which has a capacity of 37.5 mgd and currently processes an average recycled flow of 19.1 mgd. This comment is acknowledged and does not change the IS/MND's analysis concerning adequate wastewater treatment capacity to serve the project's projected demand in addition to the provider's existing commitments and impacts would remain less than significant.

3-5 This comment provides information regarding the Districts' connection fees. This comment does not address the IS/MND's adequacy or raise a significant environmental issue. As such, no further response is necessary.

3-6 This comment provides background information concerning the Districts' wastewater treatment facility capacities. This comment does not address the IS/MND's adequacy or raise a significant environmental issue. As such, no further response is necessary.

RESPONSE TO COMMENT LETTER 4

Sam Wang, Program Supervisor, CEQA IGR, South Coast Air Quality Management District, October 30, 2024.

4-1 See Response to SCAQMD Letter Dated October 30, 2024 Regarding the IS/MND for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618)

4-2 See Response to SCAQMD Letter Dated October 30, 2024 Regarding the IS/MND for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618)

4-3 See Response to SCAQMD Letter Dated October 30, 2024 Regarding the IS/MND for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618)

4-4 See Response to SCAQMD Letter Dated October 30, 2024 Regarding the IS/MND for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618)

MEMORANDUM

TO: Dana Privett | KIMLEY-HORN & ASSOCIATES, INC.

FROM: Katie Wilson | GANDDINI GROUP, INC.

DATE: November 7, 2024

SUBJECT: Response to SCAQMD Letter Dated October 30, 2024 Regarding the IS/MND for the 2222 Rosemead Boulevard Warehouse Development
(GGI Project No. 19618)

The South Coast Air Quality Management District (SCAQMD) submitted a comment letter dated October 30, 2024, regarding the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed 2222 Rosemead Boulevard Warehouse Development project. This memorandum contains responses to the comments received from SCAQMD.

COMMENT 1

> *Warehouse Cold Storage Land Use and the Associated Emissions from Transport Refrigeration Units (TRU)*

The project description in the MND does not specify whether the Proposed Project includes allocating warehouse land for cold storage. Cold storage warehouses typically utilize more trucks and trailers equipped with TRUs compared to those without cold storage. Therefore, it is recommended that the Lead Agency revise the project description in the Final MND to clarify if cold storage would be a part of the Proposed Project, and additionally, the Final MND should provide an estimate for the number of TRU trucks and trailers that would be involved in the operation of the warehouses with cold storage. If TRUs are planned to be used, the Lead Agency should also update the emissions calculations in the Final MND to include the emissions from the TRUs in addition to the those from truck operation.

RESPONSE

Within Section 2.0 Project Description under the subheading Section 2.4 Project Characteristics of the IS/MND, it is stated that the project does not proposed refrigeration as part of the warehouse operations. Therefore, no additional emissions calculations or other revisions are needed regarding warehouse cold storage.

COMMENT 2

> *Rule 2305: Warehouse Indirect Source Rule - Warehouse Actions and Investments To Reduce Emissions (WAIRE) Program*

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and

particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of a 643,419 square foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation.[1] South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.[2]

RESPONSE

The project proposes to construct an approximately 156,877 square foot concrete tilt-up warehouse and 13 dock doors. Of the 156,877 square feet, the project would have 113,703 square feet of warehouse space, 7,879 square feet of retail use, 20,305 square feet of accessory warehouse office use, and 14,990 square feet of warehouse storage. As the project includes over 100,000 thousand square feet of warehouse use, it will be required to comply with Rule 2305 once occupied. As this comment is a recommendation, it is up to the project applicant to decide whether, at this time, they want to determine the potential WAIRE points and compliance obligations of the warehouse to identify any potential measures that can be implemented at this stage of the project in order to assist the future warehouse operators in meeting compliance with Rule 2305. Compliance with Rule 2305 is required and can be part of the City's Conditions of Approval for the project.

COMMENT 3

South Coast AQMD Air Permits and Role as a Responsible Agency

If the implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, spray booths, and etc., air permits from South Coast AQMD will be required and the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections15086, the Lead Agency is required to consult with South Coast AQMD. In addition, CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the Final MND should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project.

[1] South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf.

[2] South Coast AQMD WAIRE Program. Accessed at: http://www.aqmd.gov/waire.

The Final MND should also include calculations and analyses for construction and operation emissions for the new stationary and portable sources, as this information will also be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at: http://www.aqmd.gov/home/permits.

RESPONSE

Per the project Applicant, there are no back-up generators in the approved design. The project includes an electrical fire pump and would only be used on an as-needed (emergency) basis. As the fire pump is electrical, there would be no emissions of criteria pollutants or toxic air contaminants. Any increase in the energy use from the emergency use of the electrical fire pump would be negligible. No additional analysis is warranted or required.

CONCLUSION

We appreciate the opportunity to assist you on this project. Should you have any questions or if we can be of further assistance, please contact us at 714-795-3100.

Respectfully submitted,
GANDDINI GROUP, INC.

Katie Wilson

Katie Wilson, M.S.
Senior Air Quality Analyst

RESPONSE TO COMMENT LETTER 5

Anthony Higgins, Acting LDR Branch Chief, California Department of Transportation – District 7, November 5, 2024.

Comments 5-1 through 5-6: See Response to Caltrans Letter Dated November 5, 2024 Regarding the IS/MND for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618)

MEMORANDUM

TO: Dana Privett | KIMLEY-HORN & ASSOCIATES, INC.

FROM: Giancarlo Ganddini | GANDDINI GROUP, INC.

DATE: November 7, 2024

SUBJECT: Response to Caltrans Letter Dated November 5, 2024 Regarding the IS/MND for the 2222 Rosemead Boulevard Warehouse Development
(GGI Project No. 19618)

The California Department of Transportation (Caltrans) submitted a comment letter dated November 5, 2024, regarding the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed 2222 Rosemead Boulevard Warehouse Development project. This memorandum contains responses to the comments received from Caltrans.

COMMENT 1

Dear Gerardo Marquez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced environmental document. The Project would result in the construction of an approximately 156,877-square-foot (sf) concrete tilt-up warehouse with 13 dock doors. Of the 156,877 sf, the Project would have 113,703 sf of warehouse space, 7,879 sf of retail use, 20,305 sf of accessory warehouse office use, and 14,990 sf of warehouse storage. The proposed warehouse would be at a maximum height of 48 feet 10 inches and have a site coverage of approximately 55 percent with a Floor-Area Ratio of 0.7. Access to the site would be from two driveways on Rosemead Boulevard.

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

https://opr.ca.gov/ceqa/#guidelines-updates

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

RESPONSE

This comment consists of introductory text, the project description, and information regarding current CEQA provisions requiring the evaluation of VMT. This comment does not contain any issues relating to the technical studies prepared by Ganddini Group.

COMMENT 2

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, this project should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans encourages city planning that promotes complete streets and pedestrian safety through measures like road diets, recognized for enhancing safety and being cost-effective when combined with street resurfacing. City planning should focus on reducing single-occupancy vehicle trips, improving safety, lowering vehicle miles traveled (VMT), and cutting greenhouse gas emissions.

RESPONSE

This comment consists of general recommendations for the City's consideration with respect to multi-modal planning and reducing VMT. This comment does not contain any issues relating to the technical studies prepared by Ganddini Group; no additional response is necessary.

COMMENT 3

The project site is served by LA Metro Routes 266 and 287, with bus stops on both sides of Rosemead Boulevard, approximately 400 feet north of the site. Further transit access is available via the El Monte Station/San Bernardino Freeway Busway at 3501 Santa Anita Avenue, providing connections to Metrolink, regional transit, carpools, and vanpools. Sidewalks along Rosemead Boulevard will remain intact, preserving pedestrian access. There are no bicycle facilities adjacent to the project site. The project site will include bike racks to accommodate cyclists. Given the industrial nature of the proposed use, the project's VMT per worker (16.4) exceeds the city threshold of 15.83, necessitating MM TRANS-1, a Commute Trip Reduction Marketing/Education Program, to mitigate VMT impacts to a level of 15.80 VMT per worker, meeting the established criteria for significance.

MM TRANS-1 is a mitigation requirement that, before the first occupancy permit is issued, the Applicant submits a Transportation Demand Management (TDM) program to the City of South El Monte Public Works Department to reduce Vehicle Miles Traveled (VMT) and vehicle trips associated with the project. The program, implemented upon occupancy, includes a Commute Trip Reduction (CTR) strategy, which offers incentives and infrastructure to encourage alternative transportation methods like carpooling, transit, and biking, along with services such as ridesharing support, discounted transit, and guaranteed rides home for employees.

RESPONSE

This comment accurately summarizes the transit, pedestrian, and bicycle setting in the project vicinity and summarizes the project's VMT impact and proposed mitigation measure. This comment does not cite any issues/deficiencies with the technical studies prepared by Ganddini Group; no additional response is necessary.

COMMENT 4

Given the project's VMT of 15.8, which is very close to the city threshold of 15.83, a post-development VMT analysis is recommended to confirm project impacts and aid in future VMT threshold adjustments. If the analysis indicates any significant traffic impacts, additional mitigation measures should be implemented. The analysis, potentially

including surveys of project occupants, could capture data such as trip origins, timing, transportation modes, and mode selection reasons. This data would be valuable for validating existing thresholds, setting future VMT benchmarks, and identifying effective Transportation Demand Management (TDM) measures for future applications.

RESPONSE

This comment recommends post-development VMT analysis to "*confirm project impacts and aid in future VMT threshold adjustments*" since the project's mitigated VMT is close to the threshold. As documented by the IS/MND, the project VMT impact is sufficiently mitigated below the City-established threshold of significance with implementation of mitigation measure TRANS-1. Requiring preparation of a post-development VMT analysis would place an undue burden on the project with no nexus to a significant impact. While such data may be "*valuable for validating existing thresholds, setting future VMT benchmarks, and identifying effective Transportation Demand Management (TDM) measures for future applications,*" such information is beyond the scope of assessing the project's impacts. This comment does not cite any issues/deficiencies with the VMT analysis prepared by Ganddini Group; no revisions or additional analysis are necessary.

COMMENT 5

A sight distance analysis was performed, confirming that both the desired and minimum stopping sight distances will be met, assuming no landscape obstructions. To maintain these sightlines in accordance with the Highway Design Manual and California MUTCD standards, it is recommended that on-street parking be prohibited on both sides of the project driveways along Rosemead Boulevard (Route 164). This prohibition should extend six feet from the curb return to ensure adequate visibility for vehicles entering and exiting the driveways.

RESPONSE

This comment accurately summarizes the sight distance analysis and recommendations included in the traffic impact analysis prepared for the project (IS/MND Appendix F); no revisions or additional analysis are necessary.

COMMENT 6

Please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. Any modifications to State facilities must meet all mandatory design standard and specifications. A project (EA 39410) along Rosemead Boulevard (Route 164) is set to install a traffic signal at the intersection of Klingerman Street. It is essential to update the traffic impact assessment to incorporate this improvement when submitting the encroachment permit application.

As a reminder, any transportation of heavy construction equipment and/or materials which require use of oversized transport vehicles on State highways will need a Caltrans transportation permit. We recommend large-size truck trips be limited to off-peak commute periods. Truck drivers should cover construction trucks with tarpaulin to avoid debris spillage onto the State Highway.

RESPONSE

This comment includes general information regarding permits required to be obtained from Caltrans. This comment does not contain any issues relating to the technical studies prepared by Ganddini Group; no additional response is necessary.

Dana Privett
KIMLEY-HORN & ASSOCIATES, INC.
November 7, 2024

CONCLUSION

We appreciate the opportunity to assist you on this project. Should you have any questions or if we can be of further assistance, please contact us at 714-795-3100.

Respectfully submitted,

GANDDINI GROUP, INC.



Giancarlo Ganddini, PE, PTP
Principal

APPENDIX A

Comment Letters

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Via Email

October 29, 2024

Gerardo Marquez, Planning Manager
City of South El Monte
1415 Santa Anita Avenue
South El Monte, CA 91733
gmarquez@soelmonte.org

Re: Comment on the Initial Study/Mitigated Negative Declaration
2222 Rosemead Blvd. Warehouse Development Project

Dear Mr. Marquez:

1-1 I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") and its members in and around the City of South El Monte ("City") regarding the Initial Study and Mitigated Negative Declaration ("MND" or "IS/MND") prepared for the 2222 Rosemead Boulevard Warehouse Project ("Project").

After careful review of the IS/MND and its accompanying documents prepared by Kimley-Horn & Associates, Inc. ("KHA") and Phil Martin and Associates, Inc., SAFER believes that the MND is improper under the California Environmental Quality Act, and that an environmental impact report ("EIR") is required. As explained in more detail below, the MND fails to adequately analyze and review the Project's impacts. Further, there is substantial evidence of a fair argument that the Project may have adverse environmental impacts related to noise and air quality. SAFER's review of the MND was assisted by Jack Meighan of acoustical consulting firm Wilson Ihrig and Dr. James Clark of Clark & Associates Environmental Consulting, Inc. Wilson Ihrig and Dr. Clark's expert comments and CVs are attached as Exhibits A and B.

SAFER requests that the City not proceed with approving the MND and to instead prepare an EIR to ensure that potentially significant adverse impacts of this Project are fully disclosed, analyzed, and mitigated.

PROJECT DESCRIPTION

1-2 The Applicants propose to construct of a 156,877-square-foot (sf) concrete tilt-up warehouse with 13 dock doors, and is anticipated to operate 24 hours a day, seven days a week. The Project site is immediately adjacent to a residential neighborhood, where the closest resident is only 45 feet away. Of the 156,877 sf, the Project would have 113,703 sf of warehouse space,

1-2 7,879 sf of retail use, 20,305 sf of accessory warehouse office use, and 14,990 sf of warehouse storage. The building would be at a maximum height of 48 feet 10 inches and have a site coverage of approximately 55 percent with a Floor-Area Ratio of 0.7. Access to the site would be from two driveways on Rosemead Boulevard.

The 5.14-acre project site is in the City of South El Monte at 2200, 2212, 2218, and 2226 Rosemead Boulevard (Assessor Parcel Numbers 8102-039-029, 8102-039-030, 8102-039-031, 8102-039-035). The project site is accessed off Rosemead Boulevard (State Route 164 [SR-164]), which is located adjacent to the project site; SR-60, which is 0.9-mile south of the project site; and Interstate 10 (1-10), which is approximately 1.3 miles north of the project site.

LEGAL STANDARD

1-3 As the California Supreme Court has held "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320 [citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505].) "Significant environmental effect" is defined very broadly as "a substantial or potentially substantial adverse change in the environment." (Pub. Res. Code § 21068; *see also* 14 CCR § 15382.)

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

An EIR is required if "there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment." (PRC § 21080(d); see also *Pocket Protectors*, *supra*, 124 Cal.App.4th at 927.) An MND rather than an EIR is proper *only* if the project revisions would avoid or mitigate the potentially significant effects identified in the initial study "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." PRC §§ 21064.5 and 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331. In that context, "may" means a reasonable possibility of a significant effect on the environment. PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors*, 124

1-3 cont.

Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–05.

An EIR must be prepared rather than an MND "whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact." (*No Oil, Inc. v City of Los Angeles* (1974) 13 Cal.3d 68, 75.) Under the "fair argument" standard, an EIR is required if any substantial evidence in the record indicates that a project may have significant environmental impacts —even if contrary evidence exists to support the agency's decision. 14 CCR § 15064(f)(1); *Pocket Protectors,* 124 Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602. The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. *Pocket Protectors*, 124 Cal.App.4th at 928. The "fair argument" standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

> This 'fair argument' standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency's decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.
>
> Kostka & Zischke*, Practice Under CEQA*, §6.29, pp. 273–74.

The Courts have explained that "it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is de novo, with *a preference for resolving doubts in favor of environmental review*." *Pocket Protectors*, 124 Cal.App.4th at 928 (emphasis in original).

DISCUSSION

1-4

I. There is Substantial Evidence of a Fair Argument that the Project May Have Significant Noise Impacts.

An EIR is required because substantial evidence in the record indicates a fair argument that the Project may have significant noise impacts. Jack Meighan of Wilson Ihrig reviewed the Project, MND, and the Noise Impact Analysis prepared by Ganddini ("Ganddini Noise Report"). Wilson Ihrig concluded that the Project not only underestimates noise and vibration impacts, but that correcting these errors reveals the Project's potentially significant noise and vibration impacts that must be disclosed and mitigated.

1-4 cont.

For the following reasons set forth below, the City should not approve the MND and must instead prepare and circulate an EIR for the Project.

A. The MND Fails to Adequately Evaluate the Project's Noise Impacts.

1-5

The MND's noise analysis relies on the Ganddini Noise Report to conclude that the Project will not have significant noise impacts. However, the Ganddini Noise Report's analysis is misleading and inaccurate. Residents of a mobile home park abut the Project site. (MND, p. 87.) According to Footnote 3 of the Ganddini Noise Report's Construction Noise Model Worksheets, the Project site the "[d]istance to receptor [is] calculated from center of site. Construction noise projected from the center of the project site to nearest sensitive use (property line)." (Ganddini Noise Report, p. 109.) However, the Ganddini Noise Report conducts measurements of noise impacts from the acoustical center of the Project site and applies an incorrect usage factor, which underestimates the Project's noise impacts. As Wilson Ihrig explains, "[a] project site with large dimensions cannot be characterized in such a way since the noise source will be unrepresentatively far from the closest receivers." (Ex. A, p. 2.) "Since the threshold of the detailed assessment is used in the IS/MND, it stands to reason that the distance to each receiver should be used in the calculation. The document's approach of using the detailed assessment thresholds while utilizing part of the general assessment methodology significantly underestimates the potential impact of construction noise." (*Id*., p. 3.)

The Project site is 5.14 acres large, and so measuring noise levels from the center (over 200 feet away from the nearest sensitive receptor) would not provide an accurate representation of the noise levels on adjacent sensitive receptors – a residential neighborhood. Correcting the above errors, Wilson Ihrig concludes that when noise levels are more accurately calculated at 45 feet, which is the distance of the closest sensitive residential receptor, the noise levels would be 88.2 decibels (dBA). (*Id*.) This would exceed the daytime noise significance threshold cited in the Ganddini Noise Report of 80 dBA, as well as the nighttime threshold, which is lower. Therefore, a more accurate measurement of noise levels on sensitive receptors reveals potentially significant impacts that must be disclosed and mitigated in an EIR.

1-6

Furthermore, the Ganddini Noise Report relies on unrealistic assumptions when analyzing operational noise impacts. For instance, the Ganddini Noise Report assumes that ten 5-ton HVAC units will be included for Project operations (Ganddini Noise Report, p. 23.) However, as Wilson Ihrig identified, this severely underestimates the required amount that would be required to operate the warehouse:

> For warehouses, The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) minimum ventilation rate is 0.06 CFM per square foot, per person, which must be adjusted for occupancy rates, indoor air quality, and other factors. [citation] According to the IS/MND, the project will build 156,999 square feet of industrial warehouse space [citation. A simple calculation using a rule of thumb for industrial buildings (1 ton of cooling per 500-600 sq. ft. of commercial space) [citation] shows that a warehouse of this size would need 125 5-ton units (spread out across the roof) to properly ventilate the space. 63 5-ton units – or 13 25-ton units – would be

1-6 cont.

> required to cool the space. The current analysis uses ten 5-ton units, underestimating source noise. Typically, but not always, 25-ton units are used for warehouses for this reason. **Either way, the analysis assumes an unrealistically low amount of cooling power, and thus a low source noise level.** (emph. added.)

(Ex. A, p. 3.) Because of this underestimation of operational noise impacts, Wilson Ihrig suggests that the City revise the MND to better reflect the amount of HVAC units required for the Project to operate. Until and unless the MND properly evaluates the operational noise impacts, the City cannot proceed with the Project or approve the MND.

B. The MND's Selected Vibration Threshold Impermissibly Obscures the Project's Potentially Significant Impacts.

1-7

"[A] threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect [] might be significant." (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109.) Even when an accepted method and standards are used to assess a significant impact, the EIR's analysis can nevertheless be rejected if a reviewing court concludes its characterization of a significant impact does not provide information sufficient to give the public and decisionmakers a complete picture of its nature and scope. (See *Sierra Club v County of Fresno* (2018) 6 Cal.5th 502 [reliance on air pollution control district's standard of significance coupled with description of potential health impacts found inadequate]; *City of Long Beach v City of Los Angeles* (2018) 19 Cal.App.5th 465, 483 [use of industry-accepted protocol to assess project's air pollution impacts provided incomplete analysis of frequency and duration of excessive pollution]; *Berkeley Keep Jets Over the Bay Comm. v Board of Port Comm'rs* (2001) 91 Cal.App.4th 1344, 1372 [EIR's analysis of significance of aircraft noise impacts using standard industry methodology for measuring cumulative noise rejected because single event noise was not also considered].)

1-8

The City improperly fails to disclose and mitigate potentially significant vibration impacts. Specifically, the MND exclusively relies on the "severe" annoyance threshold of the Caltrans Transportation and Construction Vibration Guidance Manual ("FTA Manual") despite other thresholds that may offer additional analysis on the Project's impacts on human health and comfort. According to Wilson Ihrig, "[s]ince the purpose of CEQA is not only to prevent damage but also to improve quality of life, using a 'strongly perceptible' vibration threshold better aligns with CEQA's goals of minimizing adverse effects. A 'severe' threshold might only address more extreme cases of disturbance, overlooking smaller but still important quality-of-life issues." (Ex. A, p. 4.) For instance, Wilson Ihrig concluded that had the MND used the "strongly perceptible" threshold of 0.1 PPV for Continuous/Frequent Intermittent Sources from the FTA Manual, the measurements in the Ganddini Noise Report would exceed significance thresholds. (*Id*.) Because construction is anticipated to last one year, the Project's construction vibration levels would be continuous and frequent on nearby sensitive receptors. Therefore, the MND's reliance on the highest rung of the FTA Manual thresholds as the sole threshold for analyzing construction vibration levels violates CEQA because it forecloses the possibility of other vibration levels to be deemed as a significant impact, no matter how strong.

1-8 cont.

Measured vibration levels on nearby sensitive receptors will exceed the "strongly perceptible" thresholds under the FTA Manual. (*Id*.) This is a significant impact that the City must consider, disclose, and mitigate.

II. The MND's Proposed Mitigation Measures are Inadequate and Ineffective.

1-9

The Project's only proposed mitigation measures for vibration impacts are inadequate because they do not adequately analyze all vibration-producing machines that may be used for the Project. To reduce vibration impacts to a level below significance, the MND states that Mitigation Measure NOI-2 would be required. (MND, p. 97.) However, Wilson Ihrig notes that the MND and Ganddini Noise Report do not analyze the impacts and levels associated with the use of a pile driver, which may create vibration impacts that exceed significance thresholds. (Ex. A, p. 4.) There is nothing in the MND or Ganddini Noise Report to conclude that pile driving operations would not be used for the Project, and so "[a]s it stands now, pile driving would represent an undisclosed significant impact, as it would exceed all levels presented in Table 17." (*Id*.) If the Project requires pile-driving, such impacts must be disclosed and mitigated in the MND.

1-10

Even assuming that pile driving would be used, Mitigation Measure NOI-2 merely limits the use of impact-causing vibratory equipment. Specifically, the measure states that the City "shall verify that the Project plans and specifications include provisions prohibiting the use of vibratory rollers, or other similar vibratory equipment, within 15 feet – or large bulldozers within 8 feet - of the project site's north, south, and east boundary." (MND, p. 97.) However, there is no substantial evidence in the MND or Ganddini Noise Report to conclude that prohibiting the use of vibratory equipment to 15 feet from the boundary would effectively reduce vibration impacts to a level below significance. Mitigation Measure NOI-2 provides an express ban on vibratory rollers "or other similar vibratory equipment." (*Id*.) "[A] vibratory roller could generate up to 0.21 in/sec PPV at 25 feet and operation of a large bulldozer could generate up to 0.089 PPV at a distance of 25 feet (two of the most vibratory pieces of construction equipment)." (Ganddini Noise Report, p. 24.) In contrast, a pile driver could generate up to 1.518 in/sec PPV at 25 feet. (*Id*., p. 28.) This level is nearly eight times the vibration impact as that of vibratory roller. As such, pile drivers are unlike "other similar vibratory equipment" as suggested to be covered under Mitigation Measure NOI-2, and the City must adequately evaluate the vibration impacts for pile drivers.

Therefore, this potentially unanalyzed vibration impact renders Mitigation Measure NOI-2 inadequate. The MND must be revised to reflect this impact.

1-11

III. There is Substantial Evidence of a Fair Argument that the Project May Have Significant Air Quality Impacts.

An EIR is required because substantial evidence in the record indicates a fair argument that the Project may have significant air quality impacts. Dr. James Clark reviewed the Project, MND, and the Air Quality, Global Climate Change, HRA, and Energy Impact Analysis prepared by Ganddini ("Ganddini AQ Report"). Dr. Clark additionally reviewed a letter prepared by the Office of Environmental Health Hazard Assessment ("OEHHA") to the South Coast Air Quality Management District ("SCAQMD"), attached as Exhibit C. Dr. Clark concluded that the Project not only underestimates and fails to include analysis of air quality and health risk impacts, but that correcting these errors reveals the Project's potentially significant air quality impacts that must be disclosed and mitigated.

For the following reasons set forth below, the City should not approve the MND and must instead prepare and circulate an EIR for the Project.

A. The MND Fails to Adequately Evaluate the Project's Health Risk Impacts from Soil Contamination.

1-12

To support its conclusion that the Project will not have significant air quality impacts, the MND for the Project relies on emissions calculated from the California Emissions Estimator Model ("CalEEMod"). (MND, p. 37.) The model is used to generate a project's construction and operational emissions. Dr. Clark reviewed the Project's CalEEMod output files and found that the values input into the model was inadequate. According to the MND, the Project will require extensive remediation efforts due to historical contamination of the Project site and adjacent areas. (MND, pp. 64-68.) For instance, "[t]he site is located in an area known as "Area 1", which includes the South El Monte Operable Unit. Groundwater in the area is generally contaminated with volatile organic compounds (VOCs), in particular, Trichloroethylene (TCE), perchloroethylene (PCE), and carbon tetrachloride; perchlorate; 1,4-dioxane; and N-Nitrosodimethylamine (NDMA), many of which are cancer-causing chemicals. According to the Environmental Database Report (EDR), the site of the former occupant (PCD) and numerous surrounding properties and other properties in the vicinity listed on the CPS-SLIC and Well Investigation Program (WIP) databases are located in San Gabriel Valley Area 1 and listed as Potentially Responsible Parties (PRPs) for contributing to the groundwater contaminant plume that comprises an area of approximately 11 square miles. [footnote]." (MND, pp. 64-65.) As Dr. Clark explains, extensive work that must be performed will have significant health risk impacts to construction workers and outdoor workers. (Ex. B, p. 6.)

1-13

OEHHA found that the [cancer] risk to construction workers and outdoor workers at the Project Site were 3.4 in 1,000,000 and 23 in 1,000,000 respectively. The acute risk (represented as the Hazard Index (HI)) was 6.8 and 1.9, respectively. This means that construction workers are 6.8 times more likely to have an acute health impact and outdoor workers are nearly 2 times more likely to have an acute health impact due to the presence of the chemicals on site. The risk drivers were arsenic, Arochlor 1248 (a PCB),

1-13 tetrachloroethene (a chlorinated VOC), and naphthalene (a semi-VOC).

(*Id*., p. 5.)

Table 2: OEHHA's Partial Risk and Hazard Estimates

Exposure Scenarios	OEHHA risk	OEHHA HI
Construction Worker	3.4E-6	6.8
Outdoor Worker	2.3E-5	1.9

Table Notes: Risk estimates are presented in scientific notation. For example, a cancer risk of 1 in a million (0.000001) is written as 1E−6. HI is the estimated hazard index. The modifier "partial" is in the title to indicate that some COPCs were omitted due to lack of statistical analysis.

1-14 (Ex. C, p. 4.) According to the South Coast Air Quality Management District ("SCAQMD"), the significance thresholds for maximum incremental cancer risk is 10 in one million, and the threshold for chronic and acute hazard index is 1.0.[1] The Project would exceed both thresholds for construction workers outdoor workers, representing a significant impact that is not disclosed, analyzed, or mitigated. (Ex. C, p. 4.) Yet, the MND fails to disclose or analyze these impacts or related impacts associated with the required remediation efforts. (*Id*., p. 6.) This omission results in an inadequate MND document and fails to accurately represent the Project's emissions and health risks associated with remediating the Project site. As such, the MND's conclusion that the Project will not have health risk or air quality impacts, regardless of implementation of mitigation measures, is deficient. The City must revise and recirculate an updated document that accurately models the Project's emissions and considers the health risks and impacts associated with required remediation efforts.

1-15 Similarly, the MND fails to analyze the impacts of installing fire pump systems and a back-up generator (BUG) on the Project site. "In addition to the testing emissions the air quality analysis in the MND must include the substantial increase in operational emissions from BUGs in the Air Basin due to unscheduled events, including but not limited to Public Safety Power Shutoff (PSPS) events and extreme heat events. Nowhere in the City's analysis of the operational emissions of stationary equipment (i.e., fire pumps and or BUGs) or emissions from those sources included in the CalEEMOD analysis." (Ex. B, p. 7.) As such, the CalEEMod did not account for these additional emissions, which are required to comply with the California Fire Code and local fire authorities. (Id.)

1-16 The MND cannot conclusively state that the Project will have less than significant air quality and health impacts because it fails to adequate analyze, measure, and potentially mitigate health related impacts stemming from the Project. This is not surprising given the area's prevalence and increased activity surrounding heavy-duty trucks and warehouse operations. Therefore, the MND lacks substantial evidence to support a finding that the Project will not have significant impacts on human health. As such, an EIR is required.

[1] south-coast-aqmd-air-quality-significance-thresholds.pdf

B. The Project Will Have Significant Health Impacts from Unanalyzed Exposure to Toxic Air Contaminants.

1-17

Project construction will generate toxic air contaminants ("TAC") like diesel particulate matter ("DPM"), and nearby residences located on adjacent parcels will be exposed to these emissions. (Ex. B, p. 8.) As a cancer-causing agent of concern, DPM contains 40 toxic chemicals, including benzene, arsenic and lead.[2] DPM is listed separately by the State of California as a toxic air contaminant known to cause cancer in humans.[3] According to the US Environmental Protection Agency, "[e]xposure to diesel exhaust can lead to serious health conditions like asthma and respiratory illnesses and can worsen existing heart and lung disease, especially in children and the elderly. These conditions can result in increased numbers of emergency room visits, hospital admissions, absences from work and school, and premature deaths."[4]

Despite this potentially significant impact on human health, the MND failed to analyze health risks to nearby sensitive receptors only 45-feet away during Project construction as a result of DPM emissions. (Ex. B, p. 8.)



Figure 1: DPM concentrations during construction (red) (Ex. B, p. 13.)

1-18

Dr. Clark performed an analysis using the American Meteorological Society/Environmental Protection Agency Regulatory Model Improvement Committee's Dispersion Model ("AERMOD"). (Ex. B, p. 11.) According to Dr. Clark, the Project will cause a

[2] www.p65warnings.ca.gov/fact-sheets/diesel-engine-exhaust.
[3] https://oehha.ca.gov/media/downloads/proposition-65//p65chemicalslistsinglelisttable2021p.pdf.
[4] https://www.epa.gov/dera/learn-about-impacts-diesel-exhaust-and-diesel-emissions-reduction-act-dera.

1-18 cont.

cancer risk for infants of 16.4 per one million, which exceeds SCAQMD's threshold of significance of 10 per million. (Ex. B, p. 13.) "Using the maximum averaged concentrations modeled, the cumulative risk for exposure of infants during the 1.0 years of construction is 10.9 in 1,000,000, much greater than the 10 in 1,000,000 significance threshold outlined by SCAQMD, resulting in a significant impact." (*Id*.) Dr. Clark's comments are substantial evidence that the Project's construction will significantly impact human health. Since the City failed to analyze this impact, it lacks substantial evidence to conclude that the impact will be less than significant. The Project's analysis must be revised to analyze and mitigate this impact in an EIR**.**

CONCLUSION

1-19

For the reasons set forth above, SAFER respectfully requests that the City prepare and circulate an EIR for the Project prior to approval.

Sincerely,

Marjan R. Abubo
LOZEAU DRURY LLP

Exhibit A

WILSON IHRIG
ACOUSTICS, NOISE & VIBRATION

CALIFORNIA
WASHINGTON
NEW YORK

WI #24-001.20

November 21st, 2024

Marjan Kris Abubo
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

SUBJECT: 2222 Rosemead Blvd Warehouse IS/MND
South El Monte, California
Review and Comment on Noise Study

1-20

Dear Mr. Abubo,

Per your request, Wilson Ihrig has reviewed the information and noise impact analysis in the following documents:

2222 ROSEMEAD BOULEVARD WAREHOUSE DEVELOPMENT
Initial Study and Mitigation Negative Declaration (IS/MND)
October 2024

With Emphasis on Appendix E, The Noise Impact Analysis prepared by Gandini Group Inc.

The Proposed Project is a 150,000+ square foot warehouse, expected to operate 24 hours a day, seven days a week. The Project site is surrounded by noise sensitive uses, most notably single-family houses directly south of the property, and warehouse buildings that are against the adjoining property line.

Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 58 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Roadway Construction Noise Model (RCNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others.

1-20 cont.

Adverse Effects of Noise[1]

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

Noise-Induced Hearing Loss. If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

Speech Interference. Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result.

Sleep Disturbance. Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

Cardiovascular and Physiological Effects. Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

Impaired Cognitive Performance. Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes), and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classroom background noise levels and why offices and libraries are designed to provide quiet work environments.

1-21

Construction Noise Impacts are Underestimated

The Noise Memo in Appendix E errs at identifying significant impacts by focusing the analysis at the acoustical center of the project site. A project site with large dimensions cannot be characterized in such a way since the noise source will be unrepresentatively far from the closest receivers. The analysis also incorrectly applies the significance thresholds of the cited Federal Transit Administration (FTA) document.

[1] More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999. (https://www.who.int/publications/i/item/a68672)

1-21 cont.

Appendix E states that "Based on the FTA criteria, project construction noise would be considered significant if it exceeds 80 dBA Leq for an 8-hour period at residential and noise-sensitive outdoor areas" and that "as shown in Table 11, project construction noise levels would not exceed the FTA residential threshold" (Appendix E, Page 30).

Table 11 presents the results of this modeling, which is expanded upon in Appendix D. A footnote says "distance to receptor calculated from center of site. Construction noise projected from the center of the project site to nearest sensitive use" (Appendix E, Apx-58). Usage Factors - defined as the percentage of time during a construction noise operation that a piece of construction equipment is operating at full power - are presented as well.

However, it should be noted that the Federal Transit Administration advises using a usage factor of 1 when analyzing construction equipment from the acoustical center of a project site in the Transit Noise and Vibration Impact Assessment Manual (FTA manual, page 177)[2] in a **general** assessment. The usage factors are then utilized in the **detailed** assessment, where worst-case distances are considered between the construction source and the property line (FTA, page 178). Since the threshold of the detailed assessment is used in the IS/MND, it stands to reason that the distance to each receiver should be used in the calculation. The document's approach of using the detailed assessment thresholds while utilizing part of the general assessment methodology significantly underestimates the potential impact of construction noise.

This is particularly crucial given the large footprint of the project, where the nearest receiver is 219 feet away from the center of the proposed construction site. Distance correction factors are provided in Appendix D of Appendix E, where 12.8 decibels of reduction are calculated from the center of the construction site to the receivers to the south. The closest façade of the sensitive single-family receivers to the south is 45 feet away from the edge of the project site. Using a simple distance correction, a source that produces a level of 74.5 dBA at 219 feet – as presented in Appendix D of Appendix E in the IS/MND – adjusts to a new level of 88.2 dBA at 45 feet. This is above the significance threshold presented in the IS/MND and represents an undisclosed impact. As such, an EIR is required to study potential mitigation options, such as a temporary sound wall.

1-22

Operational Noise Impact Analysis Underestimates HVAC

The operational noise analysis includes ten 5-ton HVAC units (appendix E, page 23). For warehouses, The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) minimum ventilation rate is 0.06 CFM per square foot, per person, which must be adjusted for occupancy rates, indoor air quality, and other factors.[3] According to the IS/MND, the project will build 156,999 square feet of industrial warehouse space (Appendix E, page iii). A simple calculation using a rule of thumb for industrial buildings (1 ton of cooling per 500-600 sq. ft. of commercial space)[4] shows that a warehouse of this size would need 125 5-ton units (spread out across the roof) to properly ventilate the space.

[2] https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf
[3] https://www.ashrae.org/file%20library/technical%20resources/standards%20and%20guidelines/standards%20addenda/62_1_2013_p_20150707.pdf
[4] https://airfixture.com/resources/blog/ton-per-square-footage-commercial-hvac

1-22 cont.

$$156{,}999 \text{ sq. ft} \div 500 \text{ sq. ft. per ton} = \sim 314 \text{ ton load}$$
$$313 \text{ ton load} \div 5 \text{ tons per unit} = \sim 63 \text{ units}$$

63 5-ton units – or 13 25-ton units – would be required to cool the space. The current analysis uses ten 5-ton units, underestimating source noise. Typically, but not always, 25-ton units are used for warehouses for this reason. Either way, the analysis assumes an unrealistically low amount of cooling power, and thus a low source noise level. This should be corrected in an updated MND or in an EIR.

1-23

Not all Construction Vibration Sources Considered

In Table 10 of Appendix E, construction vibration source levels are presented. Among them is a Pile Driver, which creates the most intrusive vibration levels. However, Table 17, which presents the results of the analysis, does not include the use of a pile driver. This may be intentional – pile driving is not used on every project. However, there is no discussion of why this is or is not the case. As it stands now, pile driving would represent an undisclosed significant impact, as it would exceed all levels presented in Table 17. The MND should be updated to either expand mitigation measure VIB-1 to include distances where pile driving cannot be used, or a Project Design Feature should be included which explicitly bans the use of pile driving.

1-24

Construction Vibration May Use Improper Annoyance Threshold

The IS/MND states "Groundborne vibration levels generated by the project have the potential to cause severe annoyance to people living or working in nearby buildings by exceeding a PPV of 0.4 in/sec" (Appendix E, page 33). This is from the Caltrans Transportation and Construction Vibration Guidance Manual. However, several annoyance thresholds are presented, from 'severe' through 'strongly perceptible' and 'distinctly perceptible' to 'barely perceptible'.

CEQA aims to minimize significant environmental impacts, including those affecting human health and comfort. Since the purpose of CEQA is not only to prevent damage but also to improve quality of life, using a 'strongly perceptible' vibration threshold better aligns with CEQA's goals of minimizing adverse effects. A 'severe' threshold might only address more extreme cases of disturbance, overlooking smaller but still important quality-of-life issues.

If a 'strongly perceptible' threshold is used, the levels presented in Table 17 of Appendix E would be over the 'strongly perceptible' threshold of 0.1 PPV for Continuous/Frequent Intermittent Sources. As such, this would be considered a significant impact, and mitigation, such as a vibration control plan prepared by a qualified acoustic engineer, should be studied in an EIR.

1-25

Conclusion

The project may result in potentially significant noise construction impacts, and mitigation should be addressed. The construction noise analysis improperly uses FTA methodology, potentially underrepresents the HVAC noise source levels, and does not consider all equipment and proper thresholds in the construction vibration analysis. We believe these errors should be fixed in an Environmental Impact Report.

Please feel free to contact me with any questions regarding this information.

Very truly yours,
WILSON IHRIG



Jack Meighan
Associate

2222 rosemead blvd warehouse comments on noise analysis.docx



JACK MEIGHAN

Associate

Jack joined Wilson Ihrig in 2021 and works out of our Los Angeles office. He is an experienced acoustical engineer with expertise in projects involving rail transit systems, highways, CEQA analysis, environmental noise reduction, mechanical drawing reviews, and construction noise and vibration mitigation. He has hands-on experience with project management, including client coordination and presentations, as well as in designing, developing, and testing MATLAB code used in acoustics applications. His expertise includes field measurements, developing test plans and specifying, purchasing, setting up and repairing acoustic measurement equipment. He has experience in using Traffic Noise Model (TNM), CadnaA, EASE, Visual Basic, LabView, and CAD software.

Education

- B.S. in Mechanical Engineering, University of Southern California, Los Angeles, CA

Project Experience

LA Metro Regional Connector, Los Angeles CA
Planned, took, and processed measurements as part of a team to determine the effectiveness of floating slab trackwork for a new subway in downtown Los Angeles that travels below the Walt Disney Concert Hall and the Colburn School of Music.

Rodeo Credit Enterprise CEQA Analysis for New Construction, Palmdale, CA
Wrote an accepted proposal and executed it for a noise study project to determine noise mitigation requirements on a new housing development. Led all aspects of the project and managed the budget during all phases of project completion. Completed five separate projects of this type for this company.

Blackhall Studios, Santa Clarita, CA
Led the vibration measurement effort for a new soundstage directly adjacent to an existing freight and commuter rail line. Tested equipment, processed data, and analyzed results to determine the vibration propagation through the soil to the proposed soundstage locations, and was part of the team that developed mitigation techniques for the office spaces directly next to the rail line.

Octavia Residential Condos CEQA Study, San Francisco, CA
Calculated the STC ratings for the proposed windows to meet Title 24 requirements, modeled the acoustic performance of floor and ceiling structures, researched noise codes, helped with a mechanical design review, and wrote a report summarizing the results for a new Condominium project being developed in San Francisco.

ARRIVE San Diego Airport Terminal 1 Replacement, CA
Conducted interior noise and vibration measurements, analyzed measurement data to help determine project criteria, modeled the existing and future terminals in CadnaA, and was part of a team that did a complete HVAC analysis of the entire terminal, as part of a CEQA analysis where a new terminal for the airport is being designed.
Five Points Apartments Noise Study, Whittier, CA

Conducted measurements, researched sound data and solutions, and recommended mitigation for a new apartment complex that was located next to an existing car wash, as part of a CEQA review.

USC Ellison Vibration Survey, Los Angeles, CA
Conducted vibration measurements as part of a survey to determine the effectiveness of vibration isolation platforms that are used to insulate cell growth in a cancer research facility. Determined the effectiveness and presented this information to the client. Researched and recommended a permanent monitoring system so the client could view data in real time.

TEN50 Condos Noise Investigation, Los Angeles, CA
Was part of a team that investigated the noise source of an unwanted popping noise in luxury condominiums in Downtown Los Angeles. Helped isolate the noise source location with accelerometers to determine where vibrations were occurring first and used an acoustic camera to determine where in the condo the noise was coming from.

2000 University Mixed-Use Building, Berkely, CA
Wrote a construction noise monitoring plan based on environmental noise calculations, as required by CEQA, wrote a report summarizing the results, and attended a client meeting to discuss options.

Bay Area Rapid Transit (BART) On-Track, CA, San Francisco Bay Area, CA*
Day to day project manager, responsible for meetings, presentations, and coordination with the client for an ongoing noise study on the BART system. Developed MATLAB code to process measurements and determine areas where high corrugation was present, contributing to excessively high in-car noise levels. Performed noise measurements inside both the right of way and the vehicle cabin, in addition to rail corrugation measurements.

California I-605/SR-60 Interchange Improvement, Los Angeles, CA*
Developed a noise model of the area that predicted sound levels for abatement design, in addition to conducting noise measurements and analysis. Led the Team in use of the FHWA Traffic Noise Model Software for the project, involving three major highways and two busy interchanges extending over 17 miles in southern California.

Sound Transit On-Track, Seattle, WA*
Took measurements, fixed equipment, and developed software in MATLAB to process Corrugation Analysis Trolley measurements as part of an ongoing noise study on the Sound Transit Link system. Tested vibration data to determine the best measurement and processing techniques to store the data in an online database for in-car measurements.

LA Metro CRRC Railcar Testing, Los Angeles, CA*
Led the effort to plan the measurements, determine measurement locations and finalize the test plan. Formulated a method to capture speed data directly from legacy train vehicles. Executed noise and vibration specification measurements for new rail cars delivered by CRRC.

City of Los Angeles, Pershing Square Station Rehabilitation Noise Monitoring, CA*
Built noise models, wrote a construction noise plan, and assisted in on-site construction noise issues as they arose for a renovation of the Pershing Square metro station in downtown Los

** Work done prior to working for Wilson Ihrig*

Angeles. Trained construction personnel in techniques for noise reduction and how to conduct noise monitoring measurements to meet project specifications.

City of Orange Metrolink Parking Garage Construction Monitoring, CA*
Wrote an adaptive management vibration monitoring plan, set up equipment to monitor live vibration levels, and generated weekly reports as part of an effort to build a new parking garage. Designed, planned, and completed measurements to predict and mitigate pile driving construction impacts at three historic building locations adjacent to the construction site. Coordinated with the client whenever an on-site problem arose.

LA Metro Westside Subway Construction, Los Angeles, CA*
Planned, organized, and processed noise measurements for the Purple Line extension construction. Implemented both long term microphones to measure noise levels and accelerometers to measure vibration levels in existing subway tunnels. Oversaw noise monitoring at sensitive construction sites for the project and worked with the contractor to find ways to reduce construction noise levels by approximately 10dB.

Montreal Réseau Express Métropolitain, Canada*
Conducted vibration propagation measurements used to create models to predict operational vibration levels for an under-construction transit line. Managed equipment, solved problems in the field, and wrote parts of the report summarizing the findings of the acoustic study.

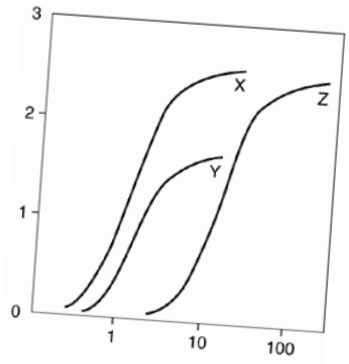
NCHRP Research Report 882 & 886, Multiple Locations (Dayton and Columbus, OH)
Took on-highway measurements and wrote, designed, developed, and tested MATLAB code to identify specific spectrograms to use for analyses for a project evaluating barrier reflected highway traffic noise differences in the presence of a single absorptive or reflective noise barrier.

Siemens Railcar Testing for Sound Transit, Seattle, WA*
Measured in-car noise and vibration for new rail cars delivered by Siemens. Developed new internal techniques for measurements based on the written specifications. Contributed to the team that helped identify issues that new cars had in meeting the Sound Transit specifications for noise and vibration. Participated in developing the test plan and specified then acquired new equipment for the measurement.

Toronto/Ontario Eglinton Crosstown Light Rail, Final Design, Canada*
Assisted in vibration propagation measurements, analysis, and recommendations for mitigation for a 12-mile light-rail line both on and under Eglinton Avenue. Set up and ran equipment for at-grade measurements with an impact hammer for underground measurements with an impact load cell that was used during pre-construction borehole drilling.

** Work done prior to working for Wilson Ihrig*

Exhibit B



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1-26

Ocotber 24, 2024

Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

Attn: Mr. Marjan Abubo

Subject: Comment Letter on Draft Initial Study/Mitigated Negative Declaration (IS/MND) For The 2222 Rosemead Boulevard Warehouse Project, City of El Monte, California

Dear Mr. Drury:

At the request of Lozeau Drury LLP (Lozeau Drury), Clark and Associates (Clark) has reviewed materials related to the above referenced project.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the IS/MND. If we do not comment on a specific item, this does not constitute acceptance of the item.

Project Description:

The Project would construct an approximately 156,877-sf concrete tilt-up warehouse and 13 dock doors. Of the 156,877 sf, the Project would have 113,703 sf of warehouse space, 7,879 sf of retail use, 20,305 sf of accessory warehouse office use, and 14,990 sf of warehouse storage. The building would have a maximum height of 48 feet 10 inches. The City of El Monte (the City) states that the retail and

1-26

warehouse end users are unknown at this time. The hours of operation would be determined by the lessee; however, at this time, the hours are proposed to be seven days a week and operate 24 hours a day. However, all on-site truck movement and loading and unloading activities at the proposed loading docks, which are located behind electronic gates, would be prohibited from 10:00 PM to 7:00 AM. The Project does not propose refrigeration as part of the warehouse operations. The Project proposes to install an 18,144-sf solar-ready zone on the roof.



Figure 1: Project Site Location

Project construction is anticipated to take approximately 12 months. For this environmental analysis, Project construction is estimated to begin in fall/winter 2024. Construction would occur in the following sequence:

- Site clearing (removal of existing vehicle storage and containers and trees);
- Site preparation;

1-26

- Grading. Approximately 11,951 cubic yards (cy) of cut and 14,561 cy of fill with 2,610 cy of net export, including on-site grading and installation of infrastructure within existing rights-of-way. All infrastructure (i.e., storm drain, water, wastewater, dry utilities, and street improvements) would be installed within the existing rights-of-way with connections to the project site;
- Building construction; and
- Paving, architectural coating, and landscaping.

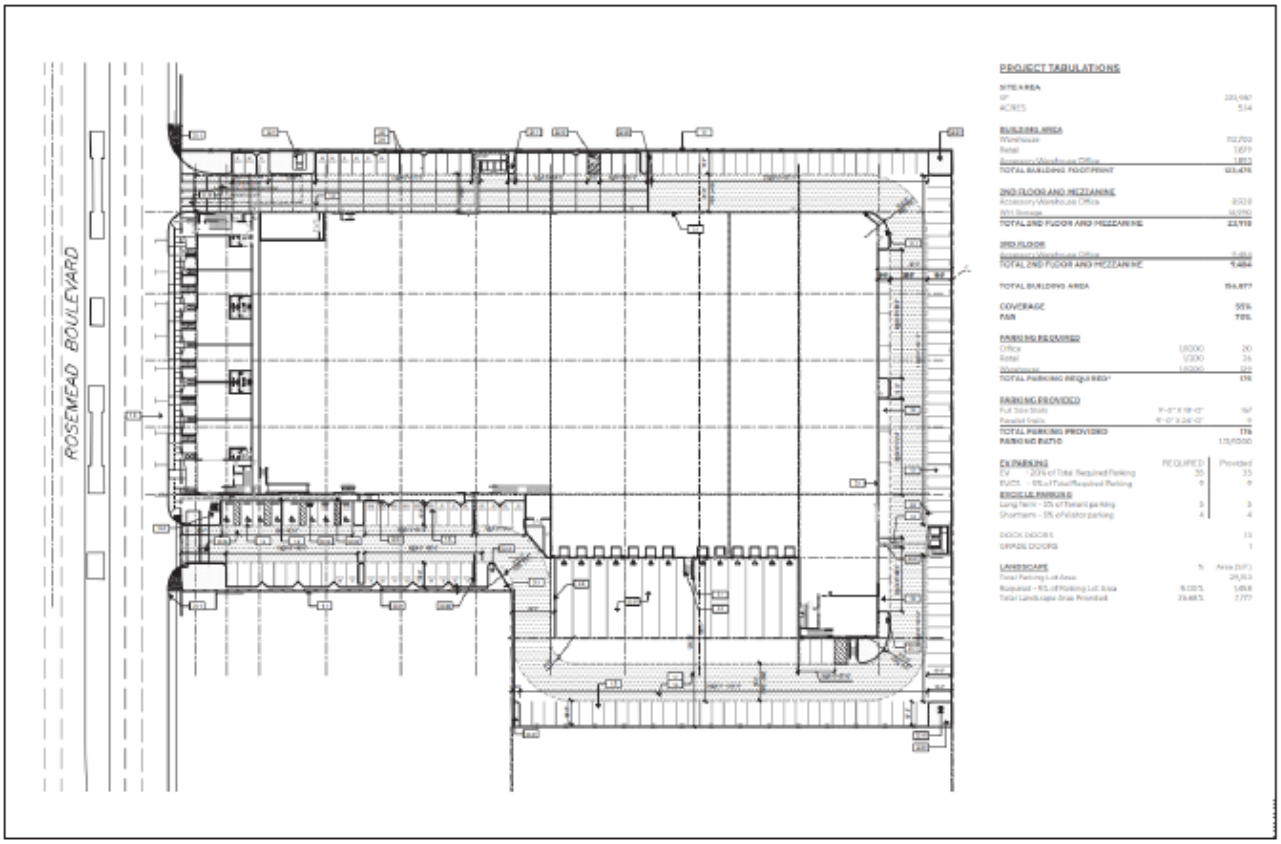


Figure 2: Conceptual Site Plan

The IS/MND concludes that no mitigation is required to prevent impacts from the project on air quality in the area and that there are no hazards from chemicals that would be significant with mitigation. This conclusion is in conflict with the facts provided within the IS/MND.

1-27

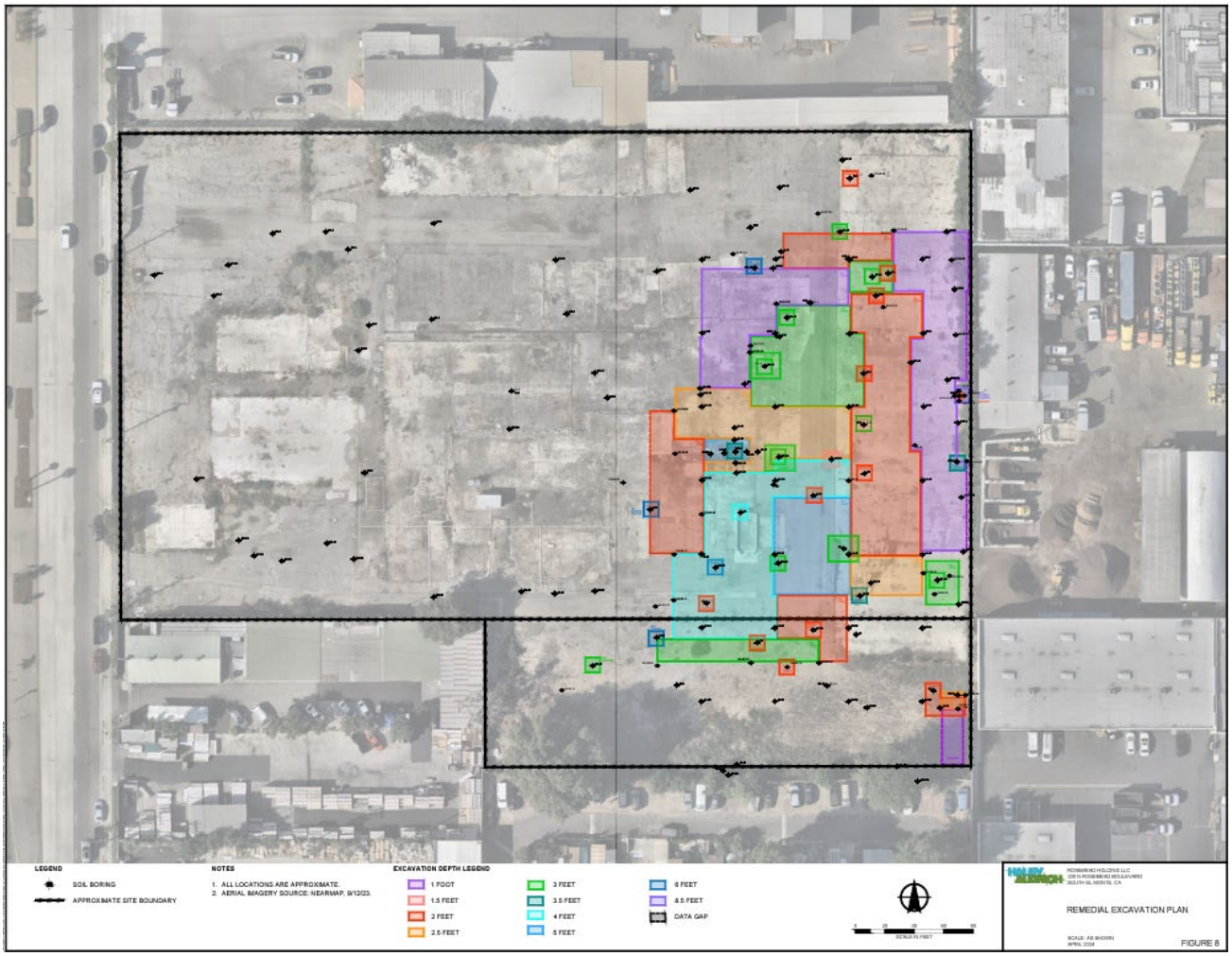
Specific Comments:

1. **The Site On Which The Project Will Be Constructed Is Currently Under Investigation By The Los Angeles Regional Water Quality Control Board (LA-RWQCB) And The Office Of Environmental Health And Hazard Assessment (OEHHA) For Hazardous Chemicals. The Site Requires Excavation of Impacted Soils And Long-Term Soil Vapor Extraction. These Necessary Steps Were Not Included In The Air Quality Analysis Of The Construction Phase Or Operational Phase Of The Project.**

According to Section 4.9 Hazards and Hazardous Materials of the IS/MND, the Project Site will require remediation prior to the development of the Site. Investigations of the Project Site determined that elevated concentrations of metals, Polychlorinated Biphenyl (PCBs), Volatile Organic Compounds (VOCs), total petroleum hydrocarbons (TPH), and toxic metals (including lead, arsenic, and hexavalent chromium) were present in soils to depths of 8.5 feet below ground surface (bgs) above regulatory health thresholds . VOCs have also been measured in soil vapor, which would migrate into structures above the vapor plume, above regulatory health thresholds. The IS/MND assumes that the with the implementation of a Limited Soil Remediation Work Plan Addendum (LSRWP Addendum) and a Vapor Intrusion Mitigation System (VIMS) the potential hazardous materials impacts would be reduced to less than significant.

The excavation plan will require the removal of 4,999 cubic yards of impacted soils, at varying depths to a maximum of 8.5 feet within the eastern portion of the project site, which is deeper than identified within previous reports. The areas to be excavated at included in the figure below. Soil impacted with lead, arsenic, hexavalent chromium, and TPH, 4,670 cubic yards will be managed under the oversight of the Los Angeles RWQCB and 329 cubic yards of PCB impacted soil will be managed through the TSCA Application for Risk-Based Cleanup Approval under the oversight of the U.S. EPA since PCBs are federally regulated. Approval of the LSRWP from the LA-RWQCB was received by the remediation consultant on October 2, 2024. The letter from LA-RWQCB requires the work to be completed and an investigation report be submitted to the agency by December 31, 2024.

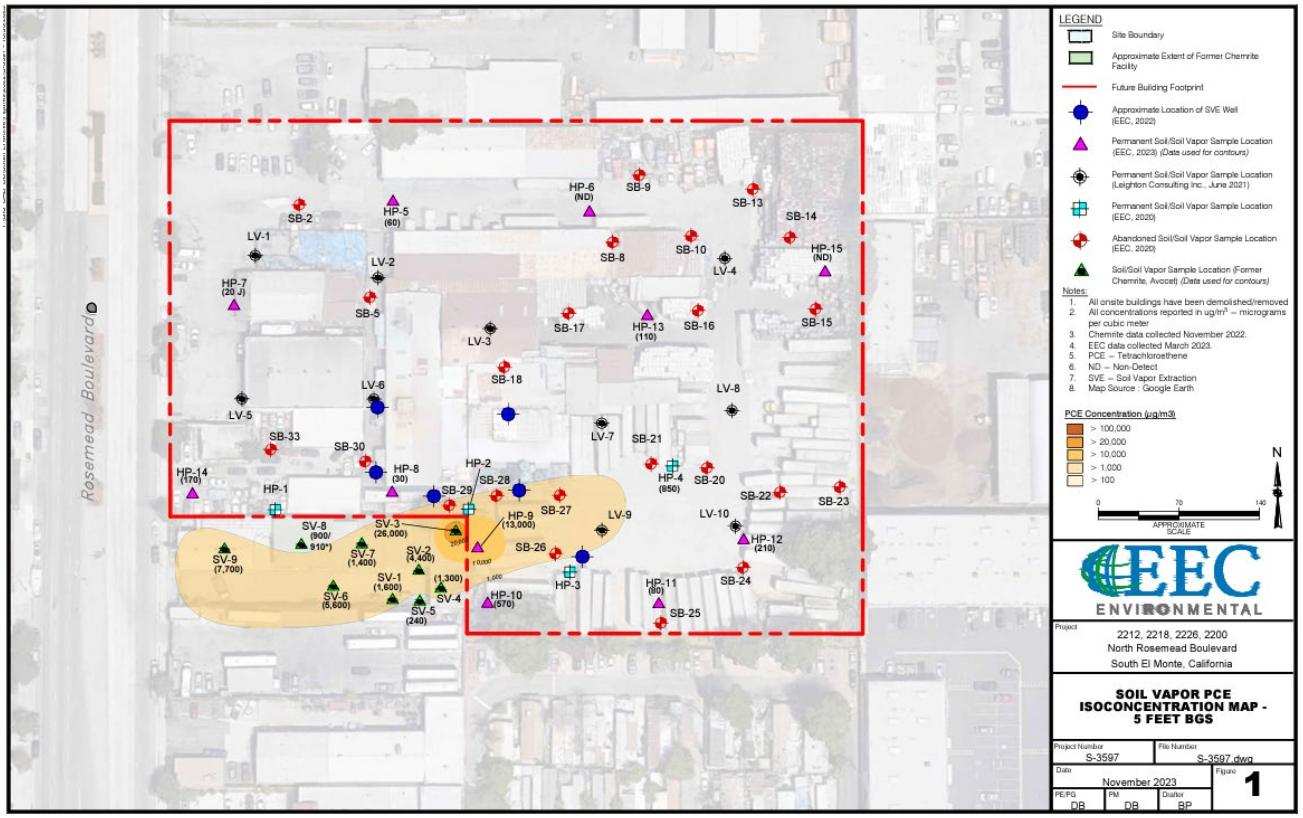
1-27



In a July 12, 2023 letter from OEHHA to LA-RWQCB, OEHHA found that the risk to construction workers and outdoor workers at the Project Site were 3.4 in 1,000,000 and 23 in 1,000,000 respectively. The acute risk (represented as the Hazard Index (HI)) was 6.8 and 1.9, respectively. This means that construction workers are 6.8 times more likely to have an acute health impact and outdoor workers are nearly 2 times more likely to have an acute health impact due to the presence of the chemicals on site. The risk drivers were arsenic, Arochlor 1248 (a PCB), tetrachloroethene (a chlorinated VOC), and naphthalene (a semi-VOC).

The workplan for the VIMS has yet been published. Currently consultants for the Project Site have stopped (discontinued in December 2022) due to the migration of VOCs from the adjacent Chemrite site. The figure below indicates the last isopleth from monitoring of soil vapor wells onsite and at the Chemrite site for the shallowest wells.

1-27



In order to control vapors across the site, the Proponent must include a vapor mitigation system. Whether the system is passive or active, the plan will require the construction of the system prior to the building phase of the Project.

A review of the Air Quality analysis for the Project shows five distinct phases of the Construction Schedule. No where in the schedule is there a specific analysis for the emissions from the soil remediation efforts or the installation of the vapor control system.

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Demolition	Demolition	11/1/2023	11/29/2023	5.00	20.0	—
Grading	Grading	11/30/2023	12/27/2023	5.00	20.0	—
Building Construction	Building Construction	12/28/2023	9/10/2024	5.00	184	—
Paving	Paving	9/5/2024	10/2/2024	5.00	20.0	—
Architectural Coating	Architectural Coating	9/29/2024	11/1/2024	5.00	25.0	—

The Air Quality analysis clearly is deficient, since it fails to include logically and statutorily required steps in the construction phase. The IS/MND must be replaced with an environmental impact report that details all of the required steps for the Project construction and operational phases.

1-28

2. The Air Quality Analysis Of The Operational Phase Of The Project Fails To Include Back-Up Generators And Fire Pumps In The Analysis.

To be compliant with the California Fire Code (CFC) and local fire authorities, the Project will be required to install fire pump systems and are likely to have a back-up generator (BUG) onsite. The fire pump and BUG will need to be tested and maintained annually. Under the California Air Resources Board (CARB) Airborne Toxic Control Measure (ATCM) for Stationary Compression Ignition Engines Guidance, the District may allow a new stationary emergency standby diesel-fueled Cl engine (> 50 hp) to operate up to 100 hours per year for maintenance and testing purposes on a site-specific basis, provided the diesel PM emission rate is less than or equal to 0.01 g/bhp-hr. In addition to the testing emissions the air quality analysis in the MND must include the substantial increase in operational emissions from BUGs in the Air Basin due to unscheduled events, including but not limited to Public Safety Power Shutoff (PSPS) events and extreme heat events. Nowhere in the City's analysis of the operational emissions of stationary equipment (i.e., fire pumps and or BUGs) or emissions from those sources included in the CalEEMOD analysis.

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor
			42~~1~~50			

19618 Rosemead and Rush Industrial Detailed Report, 4/18/2023

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

Figure 3: CalEEMOD Analysis Of Operational Emissions

This failure to include the emissions from the fire pumps and BUGS are a significant unaddressed emission source for the Project. The City's analysis is therefore incomplete and must be corrected in an EIRfor the Project.

1-29

3. The Air Quality Analysis Of The Project Fails To Perform A Health Risk Analysis Of The Toxic Air Contaminants (TACs) That Will Be Emitted From The Construction Phase Of The Project.

The Air Quality Analysis fails to perform a health risk analysis of the construction and the operational phases of the Project. The language in the MND and Air Quality is vague and there is not quantitative analysis of the potential health risks from TACs that will be emitted from the Project Site. Appendix A to the MND includes the February 16, 2024 revised Air Quality Analysis[1] for the Project regarding the Project. The report states in the Executive Summary that "Given the temporary and short-term construction schedule, the project would not result in a long-term (i.e., lifetime or 30-year) exposure to Toxic Air Contaminants (TACs) as a result of project construction. Furthermore, construction-based particulate matter (PM) emissions (including diesel exhaust emissions) do not exceed any local or regional thresholds. Therefore, impacts from TACs during construction would be less than significant."[2]

This qualitative assessment is meaningless since the potential for developing cancer from exposure to TACs must be quantitatively assessed. The City therefore lacks supporting evidence for its conclusion that the Project would not result in significant health effects. The City's failure to perform such an analysis is clearly a major flaw in the IS/MND and may be placing the residents of the adjacent structures at risk from the construction phase of the Project.

Diesel exhaust, in particular diesel particulate matter (DPM), is classified by the State of California as a TAC. TACs, including DPM, contribute to a host of respiratory impacts and may lead to the development of various cancers. Failing to quantify the carcinogenic and other health risk impacts places the community at risk for unwanted adverse health impacts. Even brief exposures to the TACs could lead to the development of adverse health impacts over the life of an individual.

Diesel exhaust contains nearly 40 toxic substances, including TACs, and may pose a serious public health risk for residents in the vicinity of the Project. TACs are airborne substances that are capable of causing short-term (acute) and/or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic

[1] Gandinni. 2024. Rosemead and Rush Industrial Project Air Quality, Global Climate Chanes, HRA, And Energy Impact Analysis from Ganddini Group, Inc. to the City of South El Monte. Pg iv.

[2] *Ibid.*

1-29 chemical substances. The current California list of TACs includes approximately 200 compounds, including particulate emissions from diesel-fueled engines.

Diesel exhaust has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death. Fine DPM is deposited deep in the lungs in the smallest airways and can result in increased respiratory symptoms and disease; decreased lung function, particularly in children and individuals with asthma; alterations in lung tissue and respiratory tract defense mechanisms; and premature death. Exposure to DPM increases the risk of lung cancer. It also causes non-cancer effects including chronic bronchitis, inflammation of lung tissue, thickening of the alveolar walls, immunological allergic reactions, and airway constriction. DPM is a TAC that is recognized by state and federal agencies as causing severe health risk because it contains toxic materials, unlike $PM_{2.5}$ and PM_{10}.

The inherent toxicity of TACs requires the City to first quantify the concentration released into the environment at each of the sensitive receptor locations through air dispersion modeling, calculate the dose of each TAC at that location, and quantify the cancer risk and hazard index for each of the chemicals of concern. Following that analysis, then the City can make a determination of the relative significance of the emissions. The City must assess the potential impacts from DPM in an EIR.

1-30 **4. Using The Data From The CalEEMOD Analysis Of The Construction Phase Of The Project, An Air Dispersion Model Of Potential Releases of DPM Shows The Annual Average Concentration Of DPM At The Nearest Receptor Would Exceed 0.067 ug/m^3 During The Construction Phase, Resulting In A Cancer Risk In Excess Of 10 in 1,000,000 At The Closest Residential Receptor(s).**

Using the CalEEMOD analysis supplied in Gandinni Air Quality Report[3] it is possible to calculate potential emissions of DPM at the nearest receptor to the Project site during the construction phase of the Project. In 2024, the CalEEMOD model calculated 42 work days in 2023 and 227 days in 2024. The duration of exposure for the residents living across from the construction site would therefore be approximately 1 year.

[3] *Ibid.*

1-30

Phase	Year	Daily DPM Emissions	Duration	Total DPM Emissions For Phase
		lbs/day	days	lbs
Demolition	2023	1.2	20	24
Grading	2023	0.94	20	18.8
Building Construction	2023	3.95	2	7.9
Building Construction	2024	0.59	182	107.38
Paving	2024	0.39	20	7.8
Architectural Coating	2024	0.03	25	0.75
Total			269	158.08

Using the emission rate calculated in the CalEEMOD model for each construction phase, the total amount of DPM emitted from off-road equipment would be equal to the number of work days multiplied by the emission rate calculated in the CalEEMOD model.

$$DPM\ (lbs) = \sum Emission\ Rate\ \left(\frac{lbs}{day}\right) * Number\ Of\ Work\ Days\ (days)$$

The total amount of emissions over the site was calculated to be 158.08 lbs of DPM. The total amount emitted, 158.08 lbs was converted to grams by multiplying the pounds of DPM emitted by 453.49 grams per pound.

$$DPM\ (g) = CF\ \left(\frac{453.59\ g}{lbs}\right) * DPM\ (lbs)$$

To calculate the daily emission rate of DPM for the construction period (259 days), the total mass of DPM emitted was divided by the area of the construction site (20,8000 square meters (m^2)) divided by the number of hours of construction (2,072 hours = 8 hours/day * 259 days) corrected to seconds (3,600 seconds per hour).

$$Emission\ Rate\ For\ Model\ \left(\frac{g}{\text{sec} * m^2}\right) = \frac{Emission\ (g)}{Duration\ (sec) * Area\ (m^2)}$$

Limiting the emissions to an 8-hour period during weekdays, the emission rate was calculated to be 3.67×10^{-6} lbs per hour of operation per square meter.

Assuming that emissions will be limited to an eight-hour period during weekdays, it is possible to calculate an averaged emissions over the whole construction site. Using AERMOD, the US EPA's

1-30 preferred air dispersion model, it is possible to calculate the concentrations of DPM from the construction area at the closest receptors near the construction site.

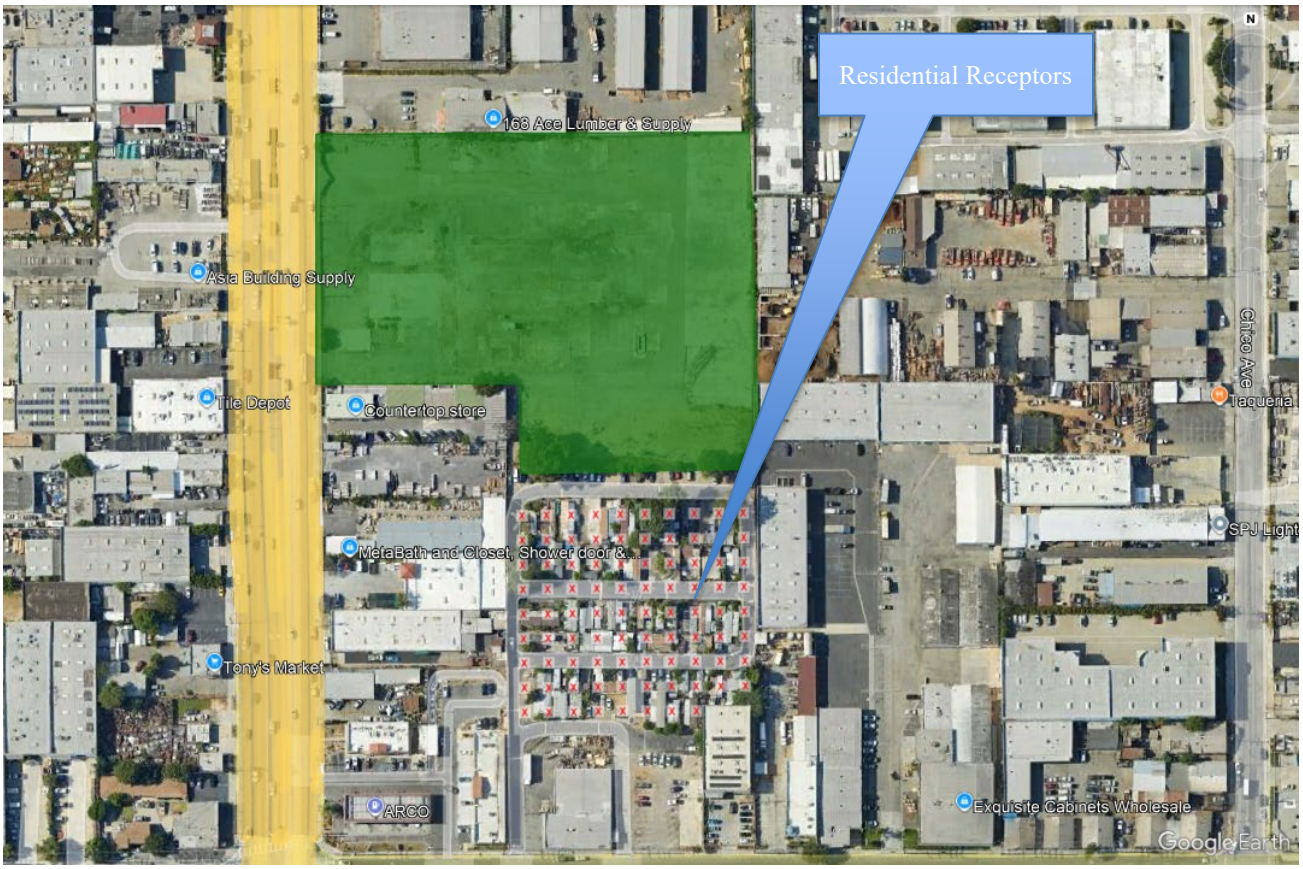


Figure 4: Receptors In Model

AERMOD is an acronym for the American Meteorological Society/Environmental Protection Agency Regulatory Model Improvement Committee's Dispersion Model. AERMOD contains the necessary algorithms to model air concentrations from a wide range of emission source types, including stack-based point sources, fugitive area sources, and volume sources. The modeling domain with the building around the Project site are indicated in the figure below. The green area is the source area of DPM from construction of the Project.

1-30



Figure 5: Model Domain

Using the meteorological data from SCAQMD for the Pico Rivera monitoring station (closest met station to the Project site), the digital elevation model for the El Monte region, limiting the emissions to an 8-hour period on weekdays, the concentrations at the residences immediate across the street from the Project site were calculated and are summarized below. The model results are included as an Exhibit to this letter.

Table 2: DPM Concentrations Modeled For Construction Phase

Receptor	1st Year of Met Data	2nd Year of Met Data	3rd Year of Met Data	4th Year of Met Data	5th Year of Met Data
	ug/m^3	ug/m^3	ug/m^3	ug/m^3	ug/m^3
Residences south of Project Site	5.41E-02	4.30E-02	6.53E-02	7.08E-02	1.00E-01

Based on the assumptions detailed above, the maximum concentration of DPM from the construction phase of the project is 0.0996 ug/m^3 and is received at a residential point directly across

1-30 from the Project Site. The maximum averaged concentration within the residential receptor points identified above is 0.067 ug/m^3.



Figure 6: Model output showing DPM concentrations During Construction Phase

Using the algorithm outlined in OEHHA's HARP 2 Standalone Risk software, the cancer risk to the most sensitive population, infants less than 3 years old was calculated. Using the maximum concentration modeled, the cumulative risk for exposure of infants during the 1.0 year of construction is 16.4 in 1,000,000, much greater than the 10 in 1,000,000 significance threshold outlined by SCAQMD, resulting in a significant impact. Using the maximum averaged concentrations modeled, the cumulative risk for exposure of infants during the 1.0 years of construction is 10.9 in 1,000,000, much greater than the 10 in 1,000,000 significance threshold outlined by SCAQMD, resulting in a significant impact. For adults the risk from exposure to DPM from the construction phase of the project (using the average and maximum concentrations) is 0.25 in 1,000,0000 to 1.1 in 1,000,000. The results of the air model and the health risk analysis are attached as an appendix to this letter. The City must quantify and disclose these significant impacts in an EIR for the Project.

1-31

Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant impacts if allowed to proceed. An EIR should be prepared to address these substantial concerns.

Sincerely,



NOTE: A link to access the output data for Dr. Clark's analysis can be accessed here: https://drive.google.com/file/d/1_JLQz1Zjjj-CakGvc1gTqMA7wu2ZlWdS/view?usp=drive_web

Risk Calculations For Diesel Exhaust

$Risk_{inh\text{-}res} = Dose_{air} * CPF * ASF * ED/AT$

$Dose_{air} = C_{air} * \{BR/BW\} * A * EF * 10^{-6}$

Variable	Description	Units	Value
$Risk_{inh\text{-}air}$	Residential inhalation cancer risk	Unitless	Calculated
$Dose_{air}$	Daily inhalation dose	mg/kg-day	Calculated
CPF	Inhalation cancer potency factor	$(mg/kg\text{-}day)^{-1}$	Chemical Specific
ASF	Age sensitivity factor for a specified age group	Unitless	Calculated
ED	Exposure duration (in years) for a specified age group	years	Calculated
AT	Averaging time for lifetime caner risk	years	70
FAH	Fraction of time spent at home	Unitless	Calculated

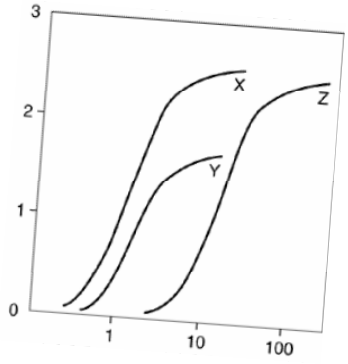
Variable	Description	Units	Value	
$Dose_{air}$	Daily inhalation dose	mg/kg-day	Calculated	
C_{air}	Concentration in air	ug/m^3	**0.066632806**	0.0666328
{BR/BW}	Daily Breathing rate normalized to body weight	L/kg body weight-day	Calculated	
A	Inhalation absorption fraction	Unitless	1	
EF	Exposure frequency (days/365 days)	Unitless	Calculated	
10^{-6}	migrograms to milligrams conversion, liters to cubic meters conversion	Unitless	Calculated	

0.00E+00

Residential Exposures

Age Group	Risk	Age Sensitivity	FAH	ED	CPF	Dose Air	Cair	BR/BW	A	EF
3rd Trimester	0.00E+00	10	1	0	1.1	2.31E-05	0.067	361	1	0.958904
0-1	1.09E-05	10	1	1	1.1	6.96E-05	0.067	1090	1	0.958904
1-2	0.00E+00	10	1	0	1.1	6.96E-05	0.067	1090	1	0.958904
2-3	0.00E+00	3	1	0	1.1	3.65E-05	0.067	572	1	0.958904
3-4	0.00E+00	3	1	0	1.1	3.65E-05	0.067	572	1	0.958904
2<9	0.00E+00	3	0.72	0	1.1	5.50E-05	0.067	861	1	0.958904
2<16	0.00E+00	3	0.72	0	1.1	4.76E-05	0.067	745	1	0.958904
16<30	2.46E-07	1	0.73	1	1.1	2.14E-05	0.067	335	1	0.958904
16-70	0.00E+00	1	0.73	0	1.1	1.85E-05	0.067	290	1	0.958904

3rd trimeseter to 4.	1.09E-05
3rd trimester to 30	0.00E+00
3rd trimester to 70	**1.12E-05**



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well recognized toxicologist, air modeler, and health scientist. He has 20 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: James Harold Caygle, et al, v. Drummond Company, Inc. Circuit Court for the Tenth Judicial Circuit, Jefferson County, Alabama. Civil Action. CV-2009

Client: Environmental Litgation Group, Birmingham, Alabama

Dr. Clark performed an air quality assessment of emissions from a coke factory located in Tarrant, Alabama. The assessment reviewed include a comprehensive review of air quality standards, measured concentrations of pollutants from factory, an inspection of the facility and detailed assessment of the impacts on the community. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Rose Roper V. Nissan North America, et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. NC041739

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to multiple chemicals, including benzene, who later developed a respiratory distress. A review of the individual's medical and occupational history was performed to prepare an exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to respiratory irritants. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: O'Neil V. Sherwin Williams, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to petroleum distillates who later developed a bladder cancer. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Summary judgment for defendants.

Case: Moore V., Shell Oil Company, et al. Superior Court of the State Of California for the County Of Los Angeles

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to chemicals while benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Raymond Saltonstall V. Fuller O'Brien, KILZ, and Zinsser, et al. United States District Court Central District of California

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to benzene who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a quantitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Richard Boyer and Elizabeth Boyer, husband and wife, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-7G.

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: JoAnne R. Cook, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-9R

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of an individual exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Patrick Allen And Susan Allen, husband and wife, and Andrew Allen, a minor, V. DESCO Corporation, et al. Circuit Court of Brooke County, West Virginia. Civil Action Number 04-C-W

Client: Frankovitch, Anetakis, Colantonio & Simon, Morgantown, West Virginia.

Dr. Clark performed a toxicological assessment of a family exposed to chlorinated solvents released from the defendant's facility into local drinking water supplies. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to chlorinated solvents. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Michael Fahey, Susan Fahey V. Atlantic Richfield Company, et al. United States District Court Central District of California Civil Action Number CV-06 7109 JCL.

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Settlement in favor of plaintiff.

Case: Constance Acevedo, et al., V. California Spray-Chemical Company, et al., Superior Court of the State Of California, County Of Santa Cruz. Case No. CV 146344

Dr. Clark performed a comprehensive exposure assessment of community members exposed to toxic metals from a former lead arsenate manufacturing facility. The former manufacturing site had undergone a DTSC mandated removal action/remediation for the presence of the toxic metals at the site. Opinions were presented regarding the elevated levels of arsenic and lead (in attic dust and soils) found throughout the community and the potential for harm to the plaintiffs in question.

Case Result: Settlement in favor of defendant.

Case: Michael Nawrocki V. The Coastal Corporation, Kurk Fuel Company, Pautler Oil Service, State of New York Supreme Court, County of Erie, Index Number I2001-11247

Client: Richard G. Berger Attorney At Law, Buffalo, New York

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to refined petroleum hydrocarbons who later developed a leukogenic disease. A review of the individual's medical and occupational history was performed to prepare a qualitative exposure assessment. The exposure assessment was evaluated against the

known outcomes in published literature to exposure to refined petroleum hydrocarbons. The results of the assessment and literature have been provided in a declaration to the court.

Case Result: Judgement in favor of defendant.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model will be used to estimate acute and chronic exposure concentrations to multiple contaminants and will be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client – Los Angeles Alliance for a New Economy (LAANE), Los Angeles, California

Dr. Clark is advising the LAANE on air quality issues related to current flight operations at the Los Angeles International Airport (LAX) operated by the Los Angeles World Airport (LAWA) Authority. He is working with the LAANE and LAX staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client – City of Santa Monica, Santa Monica, California

Dr. Clark is advising the City of Santa Monica on air quality issues related to current flight operations at the facility. He is working with the City staff to develop a comprehensive strategy for meeting local community concerns over emissions from flight operations and to engage federal agencies on the issue of local impacts of community airports.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client: Confidential, Minneapolis, Minnesota

Prepared human health risk assessment of workers exposed to VOCs from neighboring petroleum storage/transport facility. Reviewed the systems in place for distribution of petroleum hydrocarbons to identify chemicals of concern (COCs), prepared comprehensive toxicological summaries of COCs, and quantified potential risks from carcinogens and non-carcinogens to receptors at or adjacent to site. This evaluation was used in the support of litigation.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark is managing the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Immanent and Substantial Endangerment Order. Dr. Clark is assisting the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research

were presented to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment.*

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Confidential, San Francisco, California

Identified and analyzed fifty years of epidemiological literature on workplace exposures to heavy metals. This research resulted in a summary of the types of cancer and non-cancer diseases associated with occupational exposure to chromium as well as the mortality and morbidity rates.

Client: Confidential, San Francisco, California

Summarized major public health research in United States. Identified major public health research efforts within United States over last twenty years. Results were used as a briefing tool for non-public health professionals.

Client: Confidential, San Francisco, California

Quantified the potential multi-pathway dose received by humans from a pesticide applied indoors. Part of team that developed exposure model and evaluated exposure concentrations in a comprehensive report on the plausible range of doses received by a specific person. This evaluation was used in the support of litigation.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (M*t*BE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of M*t*BE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of M*t*BE, and is suspected to be the primary cause of M*t*BE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane

rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been were used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner

that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)
Association for Environmental Health and Sciences (AEHS)
American Chemical Society (ACS)
California Redevelopment Association (CRA)
International Society of Environmental Forensics (ISEF)
Society of Environmental Toxicology and Chemistry (SETAC)

Publications and Presentations:

Books and Book Chapters

Sullivan, P., **J.J. J. Clark,** F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.

Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.

Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.

Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions*. Trafford Publishing, Victoria B.C.

Clark, J.J.J. 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment.* Art Diaz, Ed.. Oxford University Press: New York.

Clark, J.J.J. 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment.* Edward Urbansky, Ed. Kluwer/Plenum: New York.

Clark, J.J.J. 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.

Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equialency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. Organohalogen Compounds, Volume 70 (2008) page 002254.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. Organohalogen Compounds, Volume 70 (2008) page 000527

Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research.* 105:194-199.

Rosenfeld, P.E., **Clark, J. J.,** Hensley, A.R., and Suffet, I.H. 2007. "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" Water Science & Technology. 55(5): 345-357.

Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 2006. "Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.

Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.

Clark, J.J.J. 2003. "Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophnoxyacetic Acid (2,4-D) in California Drinking Water Supplies." National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.

Rosenfeld, P. and **J.J.J. Clark**. 2003. "Understanding Historical Use, Chemical Properties, Toxicity, and Regulatory Guidance" National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Phoenix, AZ. February 21, 2003.

Clark, J.J.J., Brown A. 1999. Perchlorate Contamination: Fate in the Environment and Treatment Options. In Situ and On-Site Bioremediation, Fifth International Symposium. San Diego, CA, April, 1999.

Clark, J.J.J. 1998. Health Effects of Perchlorate and the New Reference Dose (RfD). Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.

Browne, T., **Clark, J.J.J.** 1998. Treatment Options For Perchlorate In Drinking Water. Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.

Clark, J.J.J., Brown, A., Rodriguez, R. 1998. The Public Health Implications of MtBE and Perchlorate in Water: Risk Management Decisions for Water Purveyors. Proceedings of the National Ground Water Association, Anaheim, CA, June 3-4, 1998.

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Exhibit C

1-32

MEMORANDUM

TO: Shervin Milani, Water Resource Control Engineer
Los Angeles Regional Water Quality Control Board
320 West 4th St., Suite 200
Los Angeles, CA 90013

FROM: Jim Carlisle, DVM, Staff Toxicologist
Air and Site Assessment and Climate Indicators Branch
Office of Environmental Health Hazard Assessment

DATE: July 12, 2023

SUBJECT: REVIEW OF LIMITED SOIL REMEDIATION WORK PLAN FOR THE EASTERN PORTION OF 2200 NORTH ROSEMEAD BOULEVARD, SOUTH EL MONTE, CALIFORNIA
SWRCB # R4-22-056 **OEHHA # 880660-00**

Document Reviewed

Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard, South El Monte, California 91733, dated April 25, 2023, prepared by Leighton Consulting, Inc.

Scope and Limitations of Review

The Office of Environmental Health Hazard Assessment (OEHHA) was requested to review the above document with specific attention to the use of the 95% upper confidence limit on the mean (UCL) as an exposure metric. OEHHA recommends the UCL as the workplace exposure metric for both baseline assessment and post-remediation verification. The lead target, originally 320 milligrams per kilogram (mg/kg), is changed to 500 mg/kg reflecting a change in the DTSC screening level) for lead.

OEHHA did not review threats to groundwater from soil contaminants nor classification, stockpiling, and disposal of excavated soils. Soil for re-use should be evaluated just as it would be in a baseline assessment and should be subject to post-remedial verification.

1-32 An accurate risk assessment depends on adequate site characterization. Since OEHHA was not involved in the characterization of this Site, we reviewed this report assuming the available data accurately reflect the conditions at the Site.

In this memo, risk estimates are presented in scientific notation. For example, a risk of 1 per million (0.000001) is written as 1E−6, and 1 in 10,000 (0.0001) is written as 1E−4.

Site Description and Background

The site is generally located north of Rush Street and east of Rosemead Boulevard in the City of South El Monte, California. The easternmost and most significant portion of the site was occupied by Ditty Container, Inc. Ditty subleased the property from Pacific Coast Drum Company (PCD) from 1996 and has left the site. Both PCD and Ditty cleaned, refurbished, and in some cases, repainted drums and refurbished plastic tote containers since the 1940s, primarily for the food industry. The northwestern-most portion of the site was formerly operated by BJ's Tire Spot and used for tire and truck tire repairs. The two buildings south of BJ's Tire Spot were occupied by DreamWorks Auto Center and were used for auto body repair. Some of the building office space was shared with both Ditty and DreamWorks Auto Center.

The recent soil investigation report indicates high levels of lead in shallow soil. Construction of a new warehouse is planned for this commercial site. There are mobile homes to the southern portion of the site. A soil vapor extraction system is currently operating.

Chemicals of Potential Concern (COPCs)

Environmental assessments indicated the presence of metals, polychlorinated biphenyls (PCBs), petroleum hydrocarbons (TPH) , and volatile organic compounds (VOCs) in soil. COPCs are organic compounds detected in soil at concentrations above laboratory reporting limits and inorganic compounds detected at concentrations exceeding both background levels and screening levels. OEHHA does not recommend comparisons with screening levels as a basis for exclusion of chemicals as COPCs.

The only elements selected in soil as COPCs were antimony, arsenic, hexavalent chromium (Cr+6), cobalt, lead, and molybdenum. In addition to these, barium, cadmium, chromium, copper, mercury, nickel, silver, and zinc also exceeded background levels and should be evaluated as COPCs.

Exposure Concentrations (EPCs)

For arsenic and molybdenum, all Arochlors, and TPH-g, the reported 95% upper confidence limits (UCLs) are less than the mean concentrations for detects.

1-32

Conceptual Site Model

Leighton evaluated soil exposure and associated risks and hazards to onsite outdoor workers and onsite construction workers. Soil gas exposure was not evaluated.

Soil Risk Assessment

Leighton

In their baseline soil risk assessment, Leighton used the UCL as the exposure concentration when it could be calculated, otherwise the maximum detected concentration. Exposure parameters were standard values from HHRA Note 1 (DTSC, 2019a) except that the exposure duration for the construction worker was 91 days rather than the usual 1 year, resulting in a four-fold reduction in risk. No site-specific basis for this departure from standard exposure parameters was provided. This

The calculated risk for outdoor workers exposed to contaminants in soil and dust through the ingestion, dermal, and inhalation pathways was 2E-5, exceeding the benchmark of 1E-5. The calculated risk for construction workers exposed to contaminants in soil and dust through these pathways was 1E-5, equaling the benchmark of 1E-5. The risk driver identified in soil was Cr+6. Although not widely dispersed throughout the site, Cr+6 contributed 97% and 67% of the estimated cancer risk for construction workers and outdoor workers, respectively. The hazard index (HI) for construction workers exceeded the benchmark of 1. The lead UCL was 1443 mg/kg, exceeding the DTSC screening level of 500 mg/kg.

Table 1: Leighton Risk and Hazard Estimates

Exposure Scenarios	Estimated Risk	Estimated HI
Construction Worker	1E-5	2
Outdoor Worker	2E-5	0.6

Table Notes: Risk estimates are presented in scientific notation. For example, a cancer risk of 1 in a million (0.000001) is written as 1E−6. HI is the estimated hazard index.

OEHHA

To calculate cumulative risk and hazard for chemicals in soil, OEHHA used the equations from DTSC's Preliminary Endangerment Assessment Manual (DTSC 2015, Section 2.5). Values for exposure parameters were taken from DTSC's HERO Note 1 (DTSC 2019a) and toxicity values were from Note 10 (DTSC 2019b). This was done for all metals detected, except lead. Exposure concentrations were the UCLs. OEHHA entered the petroleum hydrocarbon data as TPH gasoline, TPH diesel, and TPH motor oil, rather than converting these values to assumed fractions. OEHHA's results differed from Leighton's results, as shown in Table 2:

1-32

Table 2: OEHHA's Partial Risk and Hazard Estimates

Exposure Scenarios	OEHHA risk	OEHHA HI
Construction Worker	3.4E-6	6.8
Outdoor Worker	2.3E-5	1.9

Table Notes: Risk estimates are presented in scientific notation. For example, a cancer risk of 1 in a million (0.000001) is written as 1E−6. HI is the estimated hazard index. The modifier "partial" is in the title to indicate that some COPCs were omitted due to lack of statistical analysis.

OEHHA Both Leighton and OEHHA predicted construction worker risks below 1E-5 and outdoor worker risks exceeding 1E-5. Both Leighton and OEHHA predicted HIs above 1 for construction workers. OEHHA's HI for outdoor workers exceeded 1. Risk drivers were arsenic, Arochlor 1248, tetrachloroethene, and naphthalene. OEHHA did not assess the metals that were rejected as COPCs because no statistics were supplied for these metals. Risk and hazard estimates would be higher if all the metals that were detected above background were included.

Risk-based Concentrations (RBCs)

Leighton's Table 13 lists RBCs five metals five Arochlors, and six TPH ranges plus a background-based goal for arsenic. OEHHA has the following comments:

- OEHHA agrees that the RBCs for antimony, cobalt, hexavalent chromium, molybdenum, and the Arochlors yield risk estimates of 1E-5 or hazard quotients (HQs) of 1 when used as EPCs in a one-at-a-time forward calculation. But see comment below regarding additivity.
- The TPH RBCs yield HQs ranging from 0.41 to 1200. Only the RBC for TPH aliphatic high is less than 1.
- The construction worker risk estimates at the RBCs meet the target of 1E-5 only because of the shorter-than-usual exposure duration. If the standard exposure duration is used the RBC for hexavalent chromium would be 21 mg/kg..
- The Work Plan does not state what exposure metric (e.g. UCL or maximum) will be compared to the RBCs. This should be discussed with the Water Board.
- Since the RBC for arsenic (10.63 mg/kg) is based on the 95th percentile of background, the 95th percentile of current and post-remedial arsenic concentrations should be the metric to be compared to the clean-up goal for comparison, not the UCL.
- The RBCs should be applied in an additive manner, i.e., the ratios of the exposure concentrations to the respective RBCs for all carcinogens and other

1-32

chemicals that may act in an additive manner should be added and the total compared to 1 (unity). An example follows:

  - Risk index = EPCa/RBCa + EPCb/RBCb + EPCn/RBCn
  - Risk index should be less than or equal to 1.
  - Hazard index = EPCa/RBCa + EPCb/RBCb + EPCn/RBCn
  - Hazard index should be less than or equal to 1.

- Lead is considered separately; it may be compared directly to the DTSC (2022) screening level of 500 mg/kg.
- Verification of post-remedial risk and hazards should be conducted in a manner similar to baseline risk assessment, i.e., the assessment should include all chemicals remaining on-site, not just those that were COPCs. Risk should be the cumulative risk from remaining concentrations of all carcinogens. The hazard index should be the combined HQs of all compounds that have the same target organ or the same mechanism of action.

Risk Management

The request notes that the USEPA lead RSL for protection of groundwater is 14 mg/kg, lower than the San Francisco Bay Regional Water Quality Control Board's 320 mg/kg Environmental Screening Level (ESL, SFBRWQCB, 2019) for direct exposure to soil for protection of human health. OEHHA defers to the Los Angeles Regional Water Quality Control Board regarding protection of groundwater. Leighton proposes to remove contaminated soil until the lead UCL concentration is 500 mg/kg or less. OEHHA agrees with this approach.

Leighton discusses risk management in Section 7.0 of Appendix B. OEHHA defers to the Los Angeles Regional Water Quality Control Board regarding risk management.

Conclusions

- OEHHA cannot support Leighton's baseline risk assessment because it does not include all metals that were detected above background. Risk and hazard estimates would be higher if all the metals that were detected above background were included.
- RBCs will be needed for all metals detected above background. DTSC (2022) Note 3 screening levels may be used.
- Leighton should provide the basis for the reduced exposure duration for construction workers if this value is to be used in the verification assessment.
- OEHHA cannot support Leighton's RBCs for TPH.
- RBCs should be employed in an additive manner as noted above.
- Verification of post-remedial risk and hazards should include all remaining chemicals, not just those that were COPCs and should be based on cumulative risk and hazard indices.

Reviewed by

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Staff Toxicologist

Carmen Milanes, M.P.H.
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October 30, 2024

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Re: Preliminary Comments on the Initial Study/Mitigated Negative Declaration for the 2222 Rosemead Boulevard Warehouse Development Project (SCH No. 2024100046)

2-1

Dear Mr. Arreola and Ms. Marquez:

We are writing on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") to provide preliminary comments on the Initial Study/Mitigated Negative Declaration ("IS/MND") prepared by the City of South El Monte ("City") for the 2222 Rosemead Boulevard Warehouse Development Project (SCH No. 2024100046) ("Project"), proposed by Tait & Associates, Inc. ("Applicant").

The Project would construct an approximately 156,877 square foot ("SF") concrete tilt-up warehouse and 13 dock doors. Of the 156,877 SF, the Project would have 113,703 SF of warehouse space, 7,879 SF of retail use, 20,305 SF of accessory warehouse office use, and 14,990 SF of warehouse storage. The Project site is located at 2200, 2212, 2218, and 2226 Rosemead Boulevard in the northwestern portion of the City of South El Monte, Los Angeles County, California. The approximately 5.14-acre project site includes four parcels (Assessor Parcel Numbers 8102-039-029, 8102-039-030, 8102-039-031, and 8102-039-035).

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2-1 cont.

We reviewed the IS/MND with the assistance of transportation expert Norm Marshall.[1] The City must separately respond to these technical comments.

Based upon our review of the IS/MND and supporting documentation, the IS/MND's project description is inaccurate, preventing meaningful review of the Project's impacts. Further, substantial evidence supports a fair argument that the Project would have potentially significant public health, air quality, energy, GHG emissions, transportation, noise, and public utilities impacts that are not adequately mitigated by the mitigation proposed in the IS/MND. The City cannot approve the Project until the errors in the IS/MND are remedied by preparing an environmental impact report ("EIR") which fully discloses and mitigates the Project's potentially significant impacts.

We reserve the right to supplement these comments at later proceedings and hearings related to the Project.[2]

I. STATEMENT OF INTEREST

2-2

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association includes South El Monte residents Alejando Ayala and Jose Francis, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of South El Monte and Los Angeles County.

Individual members of CREED LA live in the City of South El Monte, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

[1] Mr. Marshall's comments and curricula vitae and are attached hereto as **Exhibit A** ("Marshall Comments").
[2] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield ("Bakersfield")* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

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2-2 cont.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

I. THE PROJECT DESCRIPTION IS INADEQUATE

2-3

The IS/MND does not meet CEQA's requirements because it fails to include an accurate and complete Project description, rendering the entire analysis inadequate. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[3] CEQA requires that a project be described with enough particularity that its impacts can be assessed.[4] Without a complete project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[5] Accordingly, a lead agency may not hide behind its failure to obtain a complete and accurate project description.[6]

CEQA Guidelines section 15378 defines "project" to mean "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."[7] "The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental

[3] *Stopthemillenniumhollywood.com v. City of Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* ("*CBE v. Richmond*") (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.
[4] 14 CCR § 15124; *see, Laurel Heights I, supra,* 47 Cal.3d 376, 192-193.
[5] *Id.*
[6] *Sundstrom v. County of Mendocino* ("*Sundstrom*") (1988) 202 Cal.App.3d 296, 311.
[7] CEQA Guidelines § 15378.

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2-3 cont.

agencies. The term project does not mean each separate governmental approval."[8] Courts have explained that a complete description of a project must "address not only the immediate environmental consequences of going forward with the project, but also all "*reasonably foreseeable* consequence[s] of the initial project."[9] "If a[n]…EIR…does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decision-making cannot occur under CEQA and the final EIR is inadequate as a matter of law."[10]

A. The IS/MND Fails to Analyze Reasonably Foreseeable Warehouse Uses

2-4

The MND explains that the Project is proposed as a speculative warehouse without specific end uses or tenants,[11] yet the IS/MND fails to describe or analyze the Project's reasonably foreseeable end uses, in violation of CEQA. The IS/MND explains that, of the Project's 156,877 SF, the Project would have 113,703 SF of warehouse space, 7,879 SF of retail use, 20,305 SF of accessory warehouse office use, and 14,990 SF of warehouse storage.[12] However, the IS/MND states that "the retail and warehouse end users are unknown at this time."[13] In the absence of more specific information or restrictions on the types of retail and warehouse uses that will occur after Project buildout, the City has a duty to analyze the impacts of *all* reasonably foreseeable uses of the Project site.[14] Instead, the IS/MND limits its analysis to the least intensive categories of warehouse use, thereby omitting an analysis of impacts from common warehouse uses that would result in more severe air quality, transportation, energy and noise impacts.

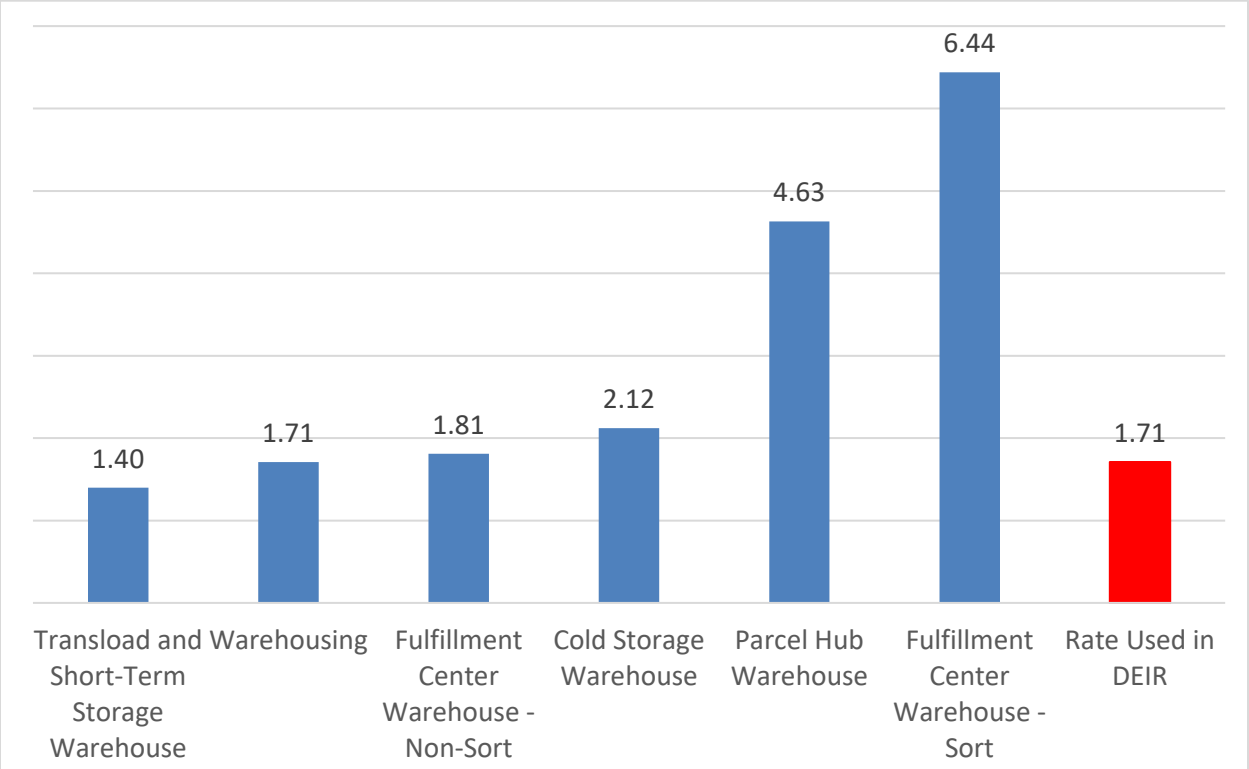
Transportation expert Norm Marshall explains that warehouse trip generation rates and air quality impacts vary greatly by type of warehouse.[15] In order to determine the trips generated by the proposed Project, the IS/MND utilizes statistics published in the Institute of Transportation Engineers ("ITE") Trip Generation Manual for the proposed Project's land uses.[16] The IS/MND

[8] *Id*., § 15378(c).
[9] *Laurel Heights I,* 47 Cal. 3d 376, 398 (emphasis added); *see also Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.
[10] *Riverwatch v. Olivenhain Municipal Water Dist*. (2009) 170 Cal. App. 4th 1186, 1201.
[11] IS/MND, pg. 5.
[12] *Id.*
[13] *Id*.
[14] *Sundstrom,* 202 Cal.App.3d at 311.
[15] Marshall Comments, pg. 2.
[16] IS/MND, Appendix A, Table 2, PDF pg. 5; Appendix F, pg. 18.

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2-4 cont.

characterizes this Project as ITE land use code 150 (Warehousing).[17] Mr. Marshall explains that this land use code is just one of many land use codes potentially applicable to the Project, and does not reflect all reasonably foreseeable uses of the Project.[18] The figure below shows other warehousing land use codes and compares trips generated by each land use.[19]



The IS/MND lacks evidence to support the City's assumption that the other warehouse land use codes shown above would be inapplicable to the Project. Rather, it the opposite. The IS/MND lacks sufficient information about the Project's end uses and configuration for the public and decisionmakers to exclude any of these end uses from its impact analysis. For example, the IS/MND states that "[t]he Project does not propose refrigeration as part of the warehouse operations," but the IS/MND does not identify any conditions of approval or mitigation measures preventing cold storage uses. Cold storage is therefore a reasonably foreseeable use of the Project site. Similarly, there is no restriction prohibiting subsequent parcel hub or fulfillment center uses. The Project could therefore be used as a parcel hub

[17] *Id.*
[18] Marshall Comments, pg. 4.
[19] *Id.* at 2.

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2-4 cont.

or fulfillment center warehouse – two highly common warehouse uses by large warehouse distributors such as Amazon, Walmart, and grocery chains – which would result in more intensive land uses and impacts than the "Warehouse" category analyzed in the IS/MND. Since the Project's future uses are broadly described as warehouse and retail, CEQA requires the City to analyze and mitigate the impacts associated with all reasonably foreseeable warehouse and retail uses, including high-intensity uses like those outlined by Mr. Marshall.

Courts have held in situations such as this that "the identity of a tenant is irrelevant to CEQA review."[20] The court in *Maintain Our Desert Environment v. Town of Apple Valley* explained that "land use entitlements such as conditional use permits and development approvals run with the land and do not belong to the permittee…. had [the developer] developed the Project and then held it out for sale to any interested buyer, no additional CEQA review would have been necessary for the new owner so long as the use was consistent with that that had already been approved."[21] Here, the project analyzed in the IS/MND is a Conditional Use Permit and Lot Merger to develop an 156,877 sf warehouse, which could be used for many potential warehousing end uses. Because the IS/MND fails to analyze the full range of uses that would be authorized under these entitlements, the IS/MND's project description is inadequate.

The defects in the project description affect the IS/MND's environmental impacts, as different types of warehousing have differing severities of environmental impacts. For example, Mr. Marshall explains that the land use code selected by the IS/MND would underestimate the number of car and truck trips generated by the Project. As shown above, the IS/MND applies a rate of 1.71 daily trips per 1000 sq. ft. of warehouse.[22] The daily trips would be significantly higher if the Project includes cold storage uses or is developed as a parcel hub or fulfillment center. Mr. Marshall explains that whereas the ITE Warehouse category used in the IS/MND results in an estimated 89 daily truck trips, the Cold Storage Warehouse rate is estimated to generate daily 111.6 truck trips.[23] By underestimating the overall trips generated by the Project, the IS/MND underestimates the Project's health risk, air quality, GHG, and VMT impacts.

[20] *Am. Canyon Cmty. United for Responsible Growth v. City of Am. Canyon* (2006) 145 Cal. App. 4th 1062, 1074 (citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430, 443–449)).
[21] *Maintain Our Desert Environment v. Town of Apple Valley, supra,* 124 Cal.App.4th at 444.
[22] Marshall Comments, pg. 2.
[23] Marshall Comments, pg. 3.

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2-4 cont.

The IS/MND's assumption that the Project will include no cold storage uses results in underestimation of health risk, air quality, energy, GHG, and noise impacts. Cold storage generates more trips per square foot and has higher energy impacts due to the low temperatures required by the facility's transport refrigeration units ("TRUs") and on-site storage. TRUs are refrigeration systems powered by integral diesel engines.[24] The refrigeration systems are used to control the environment of temperature-sensitive products transported in insulated trucks, trailers, shipping containers, or railcars. The California Air Resources Board ("CARB") states that TRUs emit diesel particulate matter ("DPM"), fine particulate matter ("PM2.5"), oxides of nitrogen ("NOx"), and GHGs while in transit and during stationary operation at refrigerated warehouses or distribution centers, grocery stores, seaport facilities, intermodal railyards, and other locations of operation. CARB explains that communities near facilities where TRUs operate bear a disproportionate health burden:

> PM2.5 pollution contributes to more fatalities than other air pollutants and can lodge deep in the lungs or pass through the lungs to enter the blood stream and affect the heart, brain, and other organs. Adverse health effects from long-term exposure to PM2.5 pollution include increased risk of heart attacks and heart disease, impaired lung development in children, the development and exacerbation of asthma, and premature death. NOx is a precursor to ozone, which can cause irritation and damage lung tissue, worsen asthma and chronic illnesses including obstructive pulmonary disease and reduce lung function.[25]

CARB also explains that TRUs' emissions of GHGs contribute towards climate change,[26] and that TRUs generate noise impacts: "TRU operations produce noise that can be problematic when deliveries that often occur late evening or early morning are near residential neighborhoods, hotels, hospitals, and elder care facilities… One study conducted by LSA Associates found that a diesel-powered TRU operating at high idle produces an A-weighted decibel (dBA) noise rating of 104 dBA, while a diesel truck at idle produces a noise rating of 96 dBA."[27]

In the California Attorney General's ("AG") guidance for warehouse projects, the AG recommends that, if the agency intends to prohibit cold storage, unless a developer adopts mitigation measures limiting cold storage impacts, the developer

[24] California Air Resources Board, 2022 TRU Technology Assessment, pg. 1, https://ww2.arb.ca.gov/sites/default/files/2022-10/CARB%202022%20TRU%20Technology%20Assessment%2010-14-22.pdf.
[25] California Air Resources Board, 2022 TRU Technology Assessment, pg. 10.
[26] California Air Resources Board, 2022 TRU Technology Assessment, pg. 10.
[27] California Air Resources Board, 2022 TRU Technology Assessment, pg. 17-18.

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2-4 cont.

should record a covenant on the title of the underlying property to ensuring that the property cannot be used to provide refrigerated warehouse space.[28] No such mitigation or land use covenants are described in the IS/MND. If the City intends to prohibit cold storage during Project operations, the City should include such title restrictions for this Project. Alternatively, the City must prepare an EIR that analyzes and mitigates impacts associated with reasonably foreseeable cold storage uses and all other reasonably foreseeable intensive warehousing uses at the Project site.

B. The IS/MND Is Unclear Regarding the Project's Hours of Operation

2-5

The IS/MND is internally inconsistent regarding whether truck movement, loading, and unloading activities would be authorized between the hours of 10:00 PM and 7:00 AM. The IS/MND states:

> The retail and warehouse end users are unknown at this time. The hours of operation would be determined by the lessee; however, at this time, the hours are proposed to be seven days a week and operate 24 hours a day. However, all on-site truck movement and loading and unloading activities at the proposed loading docks, which are located behind electronic gates, would be prohibited from 10:00 PM to 7:00 AM.[29]

This statement is contradicted by Mitigation Measure ("MM") NOI-1, which states that the nighttime prohibition of onsite truck activities is optional:

> Prior to issuance of any demolition or grading permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions that either: (1) require the installation of a 10-foot-high concrete masonry wall along the southern property line of the project site; or (2) prohibit truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM.[30]

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[28] *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022)*, pg. 9, available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf ("Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.").

[29] IS/MND, pg. 5; *see* pg. 6 ("As previously noted, the gates would be closed between 10:00 PM and 7:00 AM.").

[30] IS/MND, pg. 97.

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2-5 The IS/MND is internally inconsistent because it states that truck movement, loading, and unloading would be prohibited from 10:00 PM to 7:00 AM[31] while also stating that such activities would be authorized if a masonry wall is constructed. Clarity on whether nighttime truck activities are proposed by the Project is necessary because the noise study shows that nighttime operations would result in significant noise impacts unless mitigation is adopted.[32]

C. Use of Back-Up Generators is a Reasonably Foreseeable Consequence of the Project that the IS/MND Fails to Describe

2-6 The IS/MND fails to disclose that the Project would include back-up generators in its discussion of the Project's air quality and health risk impacts. The IS/MND's CalEEMod analysis of criteria air pollutants fails to include emissions from backup generators,[33] and the IS/MND's qualitative discussion of health risk impacts fails to disclose use of back-up generators.[34] The use of backup generators is a reasonably foreseeable activity during Project operation due to the prevalence of power safety shutoffs, extreme heat events, and other emergencies which lead to temporary losses of power.

In *East Oakland Stadium Alliance v. City of Oakland*,[35] the Court of Appeal upheld an EIR's analysis of emissions from backup generators. The EIR's analysis assumed that generators would operate for 50 hours of testing and maintenance annually, while allocating no time for actual emergency use. In discussing the lead agency's duty to analyze backup generator emissions, the Court stated that "if the annual need for emergency generator use is reasonably foreseeable, the EIR was not entitled to disregard such use merely because it would occur at unpredictable times."[36] The Court explained that use of a generator was reasonably foreseeable because, "[a]s noted in the EIR, some parts of the Bay Area are subject to predictable, sustained power outages undertaken to reduce the risk of fire."[37] Thus, "[t]he EIR was required to make neither a generally applicable nor a worst-case assumption; rather it was required to make a reasonable estimate of likely annual use of the generators at the project site."[38]

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[31] IS/MND, pg. 5.
[32] IS/MND, Appendix E, pg. iii, iv.
[33] IS/MND, Appendix A, PDF pg. 160.
[34] IS/MND, pg. 40-41; Appendix A, pg. 56.
[35] (2023) 889 Cal. App. 5th 1226.
[36] *Id.* at 1252.
[37] *Id.* at 1253.
[38] *Id.*

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2-6 cont.

Here, as in *East Oakland Stadium Alliance*, backup generator emissions are a reasonably foreseeable consequence of the Project due to increasingly common Public Safety Power Shutoff ("PSPS") events and extreme heat events ("EHE"). EHEs are defined as periods where in the temperatures throughout California exceed 100 degrees Fahrenheit.[39] From January 2019 through December 2019, Southern California Edison reported 158 of their circuits underwent a PSP event.[40] In Los Angeles County, two circuits had 4 PSPS events during that period, lasting an average of 35 to 38 hours. The total duration of the PSPS events lasted between 141 hours to 154 hours in 2019. According to the California Public Utilities Commission ("CPUC") de-energization report[41] in October 2019, there were almost 806 PSPS events that impacted almost 973,000 customers (~7.5% of households in California) of which ~854,000 of them were residential customers. The California Air Resources Board estimates that with 973,000 customers impacted by PSPS events in October 2019, approximately 125,000 back-up generators were used by customers to provide electricity during power outages.[42] The widespread use of back-up generators to adapt to PSPS and EHE events suggests that back-up generators are a reasonably foreseeable consequence of the Project. In addition to emergency use, any generators included in the Project would be operated for routine testing.

Generators can emit criteria air pollutants, greenhouse gases, and toxic air contaminants. This equipment commonly relies on fuels such as natural gas or diesel,[43] and thus can significantly impact public health through DPM emissions.[44]

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[39] Governor of California. 2021. Proclamation of a state of emergency. June 17, 2021.
[40] SCAQMD. 2020. Proposed Amendment To Rules (PARS) 1110.2, 1470, and 1472. Dated December 10, 2020. http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1110.2/1110-2_1470_1472/par1110-2_1470_wgm_121020.pdf?sfvrsn=6.
[41] https://www.cpuc.ca.gov/deenergization/ as cited in CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.
[42] California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), available at https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps.
[43] SCAQMD, Fact Sheet on Emergency Backup Generators, http://www.aqmd.gov/home/permits/emergency-generators ("Most of the existing emergency backup generators use diesel as fuel").
[44] California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), available at https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps (showing that generators commonly rely on gasoline or diesel, and that use of generators during power outages results in excess emissions); California Air Resources Board, Use of Back-up Engines for Electricity Generation During Public Safety Power Shutoff Events (October 25, 2019), available at https://ww2.arb.ca.gov/resources/documents/use-back-engines-electricity-generation-during-public-safety-power-shutoff ("When electric utilities de-energize their electric lines, the demand for back-up

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2-6 This equipment can emit significant amounts of NOx, sulfur dioxides ("SO2"), particulate matter ("PM10"), carbon dioxide ("CO2"), carbon monoxide ("CO"), volatile organic compounds ("VOC"), particulate matter less than 10 microns ("PM_{10}"), PM less than 2.5 microns ("$PM_{2.5}$"), and air toxins such as DPM.[45] the IS/MND's omission of an impact analysis for an onsite generator system thus results in an underestimation of the Project's air quality, greenhouse gas, and health risk impacts.[46]

II. THE CITY MUST PREPARE AN ENVIRONMENTAL IMPACT REPORT TO COMPLY WITH CEQA

2-7 CEQA requires that lead agencies analyze any project with potentially significant environmental impacts in an EIR.[47] "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."[48] 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."[49]

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power increases. This demand for reliable back-up power has health impacts of its own. Of particular concern are health effects related to emissions from diesel back-up engines. Diesel particulate matter (DPM) has been identified as a toxic air contaminant, composed of carbon particles and numerous organic compounds, including over forty known cancer-causing organic substances. The majority of DPM is small enough to be inhaled deep into the lungs and make them more susceptible to injury. Much of the back-up power produced during PSPS events is expected to come from engines regulated by CARB and California's 35 air pollution control and air quality management districts (air districts)").

[45] University of California, Riverside Bourns College of Engineering—Center for Environmental Research and Technology, Air Quality Implications Of Backup Generators In California, (March 2005), pg. 8, available at https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=84c8463118e4813a117db3d768151a8622c4bf6b; South Coast AQMD, Fact Sheet on Emergency Backup Generators ("Emissions of Nitrogen Oxides (NOx) from diesel-fired emergency engines are 200 to 600 times greater, per unit of electricity produced, than new or controlled existing central power plants fired on natural gas. Diesel-fired engines also produce significantly greater amounts of fine particulates and toxics emissions compared to natural gas fired equipment."), available at http://www.aqmd.gov/home/permits/emergency-generators#Fact2.

[46] Clark Comments, pg. 5.

[47] *See* Pub. Resources Code, § 21000; CEQA Guidelines, § 15002.

[48] *Citizens of Goleta Valley v. Bd. of Supervisors* ("*Goleta Valley*") (1990) 52 Cal.3d 553, 564, internal citations omitted.

[49] *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

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2-7 cont.

CEQA's purpose and goals must be met through the preparation of an EIR, except in certain limited circumstances.[50] CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the "fair argument" standard. Under that standard, a lead agency "shall" prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment.[51]

In contrast, a mitigated negative declaration may be prepared only when, after preparing an initial study, a lead agency determines that a project may have a significant effect on the environment, but:

> (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review *would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur*, and (2) there is *no substantial evidence* in light of the whole record before the public agency that the project, as revised, *may* have a significant effect on the environment.[52]

Courts have held that if "no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR."[53] The fair argument standard creates a "low threshold" favoring environmental review through an EIR, rather than through issuance of a negative declaration.[54] An agency's decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.[55]

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[50] *See* Pub. Resources Code, § 21100

[51] Pub. Resources Code, §§ 21080, subd. (d), 21082.2, subd. (d); CEQA Guidelines, §§ 15002, subd. (k)(3), 15064, subds. (f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* ("*Laurel Heights II*") (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* ("*Quail Botanical*") (1994) 29 Cal.App.4th 1597, 1601- 1602.

[52] Pub. Resources Code, § 21064.5 (emphasis added).

[53] *See, e.g., Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320.

[54] *Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754

[55] *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th, 1307, 1318; *see also Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002 ("*Friends of B Street*") ("If there was substantial evidence that the proposed project might have a significant environmental impact, evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a

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2-7 cont.

"Substantial evidence" required to support a fair argument is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[56] According to the CEQA Guidelines, when determining whether an EIR is required, the lead agency is required to apply the principles set forth in Section 15064, subdivision (f):

> [I]n marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.[57]

Furthermore, CEQA documents, including EIRs and MNDs, must mitigate significant impacts through measures that are "fully enforceable through permit conditions, agreements, or other legally binding instruments."[58] Deferring formulation of mitigation measures to post-approval studies is generally impermissible.[59] Mitigation measures adopted after Project approval deny the public the opportunity to comment on the Project as modified to mitigate impacts.[60] If identification of specific mitigation measures is impractical until a later stage in the Project, specific performance criteria must be articulated and further approvals must be made contingent upon meeting these performance criteria.[61] Courts have held that simply requiring a project applicant to obtain a future report and then comply with the report's recommendations is insufficient to meet the standard for properly deferred mitigation.[62]

2-8

With respect to this Project, the IS/MND fails to satisfy the basic purposes of CEQA. The IS/MND fails to adequately disclose, investigate, and analyze the Project's potentially significant impacts, and fails to provide substantial evidence to conclude that impacts will be mitigated to a less than significant level. Because the

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negative declaration, because it could be 'fairly argued' that the project might have a significant environmental impact").

[56] CEQA Guidelines, § 15384, subd. (a).

[57] Pub. Resources Code, § 21064.5.

[58] CEQA Guidelines, § 15126.4, subd. (a)(2).

[59] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309; Pub. Resources Code, § 21061.

[60] *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1393; *Quail Botanical*, *supra*, 29 Cal.App.4th at pg. 1604, fn. 5.

[61] *Id.*

[62] *Id.*

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2-8 cont.

IS/MND lacks basic information regarding the Project's potentially significant impacts, the IS/MND's conclusion that the Project will have a less than significant impact on the environment is unsupported.[63] Moreover, substantial evidence shows that the Project may result in potentially significant impacts that are not reduced to less than significant levels with the mitigation measures included in the IS/MND. Therefore, a fair argument can be made that the Project may cause significant impacts requiring the preparation of an EIR.

A. The IS/MND Fails to Disclose and Mitigate Significant Health Risk Impacts

2-9

Project construction and operation would generate DPM, a type of toxic air contaminant ("TAC").[64] DPM would be emitted during construction by heavy equipment and diesel trucks, and likely during operations by a diesel backup generator or other diesel-fueled stationary equipment.[65] DPM has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death. The Project's emissions of DPM would impact sensitive receptors near the Project site, including residents of a mobile home park directly south of the Project site. The IS/MND fails to analyze and mitigate health risk impacts from construction activities or evaluate the combined lifetime risk of exposure to both the Project's construction and operational TAC emissions.

CEQA requires analysis of human health impacts. CEQA Guidelines Section 15065(a)(4) provides that the City is required to find a project will have a significant impact on the environment and prepare an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings.[66] The Supreme Court has also explained that CEQA requires the lead agency to disclose the health consequences that result from exposure to a project's air emissions.[67] Courts have held that an environmental review document must disclose a project's potential health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health.[68]

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[63] Pub. Resources Code, § 21064.5.
[64] SCAQMD, Classification of Diesel PM as a Carcinogen, https://www.aqmd.gov/home/rules-compliance/compliance/toxic-hot-spots-ab-2588/iws-facilities/dice/dice-b2; OEHHA, Health Effects of Diesel Exhaust (May 21, 2001), https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf.
[65] *Id.*
[66] PRC § 21083(b)(3), (d).
[67] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 523.
[68] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

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2-9 cont.

In *Bakersfield Citizens for Local Control v. City of Bakersfield*, the court found that the EIR's description of health risks were insufficient and that after reading them, "the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."[69] Likewise, in *Sierra Club*, the California Supreme Court held that the EIR's discussion of health impacts associated with exposure to the named pollutants was too general and the failure of the EIR to indicate the concentrations at which each pollutant would trigger the identified symptoms rendered the report inadequate.[70] Some connection between air quality impacts and their direct, adverse effects on human health must be made. As the Court explained, "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[71] CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.[72]

For development projects like this one, the Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines also recommend a formal health risk analysis ("HRA") for short-term construction exposures to TACs lasting longer than 2 months and exposures from projects lasting more than 6 months should be evaluated for the duration of the project.[73] In an HRA, lead agencies must first quantify the concentration released into the environment at each of the sensitive receptor locations through air dispersion modeling, calculate the dose of each TAC at that location, and quantify the cancer risk and hazard index for each of the chemicals of concern.[74] Following that analysis, then the City can make a determination of the relative significance of the emissions. Here, the IS/MND states that exposure to TACs would be significant if it would result in an incremental cancer risk of 10 in one million or greater.[75]

Here, the IS/MND fails to quantify the magnitude of TACs that would be emitted by the Project's operations and construction. The IS/MND also fails to

[69] *Id.* at 1220.
[70] *Sierra Club*, at 521.
[71] *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.
[72] *Sierra Club*, 6 Cal.5th at 518–522.
[73] Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8-17/18; https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf; https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0.
[74] *Id.*
[75] IS/MND, Appendix A, pg. 25.

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2-9 cont.

quantify sensitive receptors' exposure to TACs and whether significance thresholds would be exceeded. As such, the MND fails to adequately connect the Project's emissions and their direct, adverse effects on human health.[76]

The IS/MND reasons that health risks from exposure to TACs emitted during operations would be less than significant because "[t]he most recent Health Risk Assessment for Proposed Land Use Projects prepared by CAPCOA (July 2009) recommends avoiding siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week)."[77] The IS/MND states that because the Project is estimated to generate 89 truck trips a day, "significant TAC impacts from the project-related operational DPM sources are not anticipated and no significant long-term operations-related TAC impacts from the proposed project to nearby sensitive receptors would occur."[78]

This reasoning is not supported by substantial evidence. First, as explained by Mr. Marshall, the Project could foreseeably generate more than 89 daily truck trips, depending on the warehouse's ultimate uses. As shown herein, the 89-truck trip estimate assumes that the Project would be used for a relatively low intensity warehousing use (ITE 150). Mr. Marshall shows that the Project's warehouse component could result in more than 100 daily truck trips if different ITE land use codes are applied.[79] And because there is no restriction on cold storage at the Project site, the Project may generate over 40 TRUs. Thus, the Project's criteria pollutant, TAC, and GHG emissions may be substantially higher than assumed in the IS/MND.

Second, the IS/MND's focus on daily truck trips ignores that the Project would foreseeably include other sources of TAC emissions. Emissions from a backup generator and fire pump would combine with truck trip emissions to result in potentially significant health risks to nearby sensitive receptors.

2-10

Third, the IS/MND fails to properly apply the California Air Pollution Control Officers Association ("CAPCOA") guidance cited in the IS/MND. CAPCOA's siting guidance states:

[76] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.
[77] IS/MND, Appendix A, pg. 43.
[78] IS/MND, Appendix A, pg. 43.
[79] Marshall Comments, pg. 2-3.

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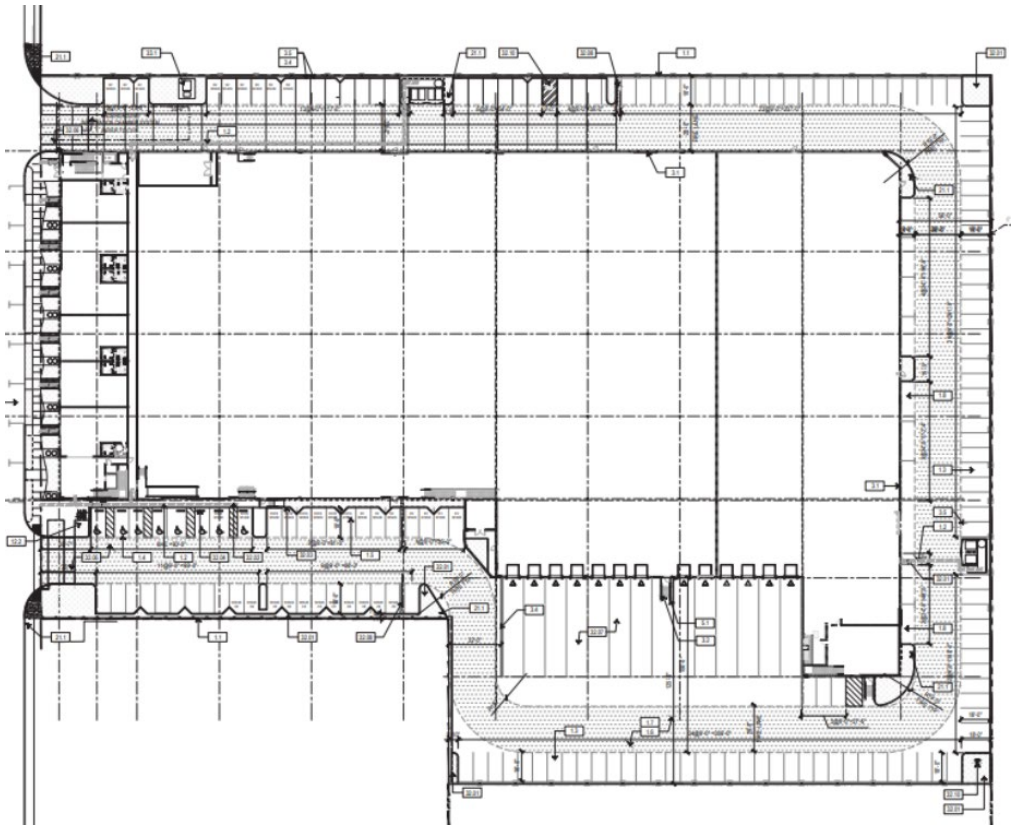
2-10 cont.

- Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week).
- Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.[80]

The IS/MND purports to follow the CAPCOA guidance, but fails to conduct the second half of the CAPCOA's recommended analysis by failing to take into account existing distribution centers. As will be discussed in more detail below, the IS/MND fails to identify cumulative projects or otherwise characterize the Project's combined effects with other industrial projects in the area. The IS/MD also fails to consider the location of the Project's entry and exit points in relation to sensitive receptors. As shown below, the Project's loading docks would be located near the southern border of the Project site.[81] Trucks would access these loading docks via a driveway along the southern property line. Directly across the southern border of the Project site are mobile homes.

[80] CAPCOA, Health Risk Assessments for Proposed Land Use Projects, Table 2, Recommendations on Siting New Sensitive Land Uses Such As Residences, Schools, Daycare Centers, Playgrounds, or Medical Facilities, available at https://ww2.valleyair.org/media/glsdzpx3/capcoa_hra_lu_guidelines_8-6-09.pdf.
[81] Excerpt of Figure 6, Site Plan, IS/MND, PDF pg. 24.

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2-10 cont.

By locating the loading docks and a driveway by the southern property line, emissions from truck idling and movement would be generated nearby residential sensitive receptors. Per the CAPCOA siting guidance, this Project's configuration would result in heightened health risk impacts. The Project's configuration is therefore a factor justifying preparation of an HRA pursuant to the guidance relied upon by the City.

Regarding exposure to construction TACs, the IS/MND states that "[g]iven the temporary and short-term construction schedule (approximately 12 months), the project would not result in a long-term (i.e., lifetime or 30-year) exposure as a result of project construction."[82] This reasoning ignores that OEHHA guidance explains that health risks from construction activities lasting for as little as two months can result in significant health risk impacts. The Project's one-year construction schedule exceeds OEHHA's two-month threshold for preparing an HRA. OEHHA's guidance explains that exposure to TACs is a function of the breathing rate, the exposure frequency, and the concentration of a substance in the air.[83] The exposure

[82] IS/MND, Appendix A, pg. 30.
[83] OEHHA, Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, pg. 5-23.

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2-10 cont.

frequency and concentration of TACs near sensitive receptors increase the closer construction activities occur to sensitive receptors.[84] Because emissions of TACs during construction would occur across the property line from residences, sensitive receptors' exposure to TACs is potentially significant.

2-11

The IS/MND states that Project construction-source emissions would not exceed applicable Localized Significance Thresholds ("LSTs").[85] But analysis of LSTs does not address DPM and other TACs that would be emitted by the Project.[86] LSTs are based on the number of pounds of emissions per day that can be generated by a project that would cause or contribute to adverse localized air quality impacts. But LSTs only apply to four criteria pollutants: NO_x, CO, PM_{10}, and $PM_{2.5}$. LSTs do not apply to DPM and other TACs, which contain carcinogenic compounds not found in criteria pollutants, and thus do not disclose the magnitude of the Project's health impacts from exposure to the Project's air emissions. Thus, the IS/MND's analysis of LSTs does not answer the question required by CEQA Appendix G as to whether the Project would "expose sensitive receptors to substantial pollutant concentrations"[87] and is no substitute for the IS/MND's failure to analyze health risk impacts from exposure to TACs.

2-12

The IS/MND thus fails to meet CEQA's information and analytical requirements, and the Project's health risk impacts remain potentially significant and unmitigated. These potentially significant impacts must be analyzed and mitigated in an EIR.

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

[84] *Id.* at 1-3 ("The process by which Districts identify priority facilities for risk assessment involves consideration of potency, toxicity, quantity of emissions, and proximity to sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences.").
[85] IS/MND, Appendix A, pg. iv.
[86] SCAQMD, Localized Significance Thresholds, http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds; SCAQMD, Final Localized Significance Threshold Methodology (June 2003, revised June 2008), available at www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2.
[87] CEQA Appendix G, III(d).

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2-13 An EIR must evaluate a cumulative impact if the project's incremental effect combined with the effects of other projects is "cumulatively considerable."[88] This determination is based on an assessment of the project's incremental impacts "viewed in connection with the effects of past project, the effects of other current projects, and the effects of probable future projects."[89] Proper cumulative impact analysis is vital because "the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact."[90]

1. The IS/MND's Cumulative Air Emissions Analysis Does Not Comply with CEQA or Attorney General Warehouse Guidance

2-14 The IS/MND fails to adequately analyze the significance of the Project's cumulative air quality emissions. The IS/MND asserts that, under South Coast Air Quality Management District ("SCAQMD") guidance, that a project would not have cumulatively-considerable impacts if its individual emissions of criteria air pollutant that fall below SCAQMD's threshold for individual projects.[91] Similarly, the IS/MND provides that projects' health risk impacts that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable, and vice versa.[92]

This reasoning contravenes CEQA because projects that do not have significant individual impacts may nonetheless create significant cumulative impacts.[93] In addition, a proper cumulative impact analysis considers whether a project has a cumulatively considerable impact in the context of a particular existing cumulative impact.[94]

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[88] CEQA Guidelines § 15130(a).
[89] *Id.*, §§ 15065(a)(3), 15355(b).
[90] *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 114.
[91] IS/MND, Appendix A, pg. 41.
[92] *Id.*
[93] *See Kings Cty. Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720.
[94] Cal. Code Regs., tit. 14, § 15065, subd. (a)(3). ("The project has possible environmental effects that are individually limited but cumulatively considerable. 'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.")

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2-14 cont.

In *People of the State of California v. City of Fontana,* the Attorney General's petition for writ of mandate challenged an MND that erroneously applied SCAQMD guidance in the same way as the instant IS/MND.[95] The petition explained:

> [T]he MND's cumulative air quality impact analysis does not account for—or even acknowledge—the multitude of other warehouses near the Project. Rather than consider the environmental setting within which the Project will be situated, the MND simply states that the Project will not result in a cumulatively considerable increase in emissions because the Project's individual air quality impacts will be less than significant. The MND even applies this reasoning to its analysis of health impacts from localized emissions, despite making no attempt to determine or disclose the severity of the existing health impacts from localized emissions in the community.[96]

The Attorney General further explained that merely citing to SCAQMD guidance does not justify a failure to analyze a Project's cumulative impacts:

> The MND cites Appendix D of an August 2003 white paper published by the South Coast Air Quality Management District ("SCAQMD") entitled "White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution" ("2003 SCAQMD White Paper"). **To the extent that the 2003 SCAQMD White Paper asserts that any project with less than significant individual air quality impacts also necessarily has less than significant cumulative air quality impacts, it is inconsistent with CEQA** for at least the reasons stated above. Moreover, the 2003 SCAQMD White Paper lacks substantial evidence to support such a contention, and thus the MND's reliance on it violates CEQA. (Cal. Code Regs., tit. 14, § 15064.7, subd. (c).) The MND further violated CEQA by failing to provide substantial evidence to support its reliance on the 2003 SCAQMD White Paper, Appendix D as "guidance." (Ibid.) Finally, even if the MND's reliance on the 2003 SCAQMD White Paper were proper and supported by substantial evidence, the MND did not consider other evidence—such as public comments and the existence of many other sources of pollution near the Project site—showing that the Project could have a

[95] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, available at https://climatecasechart.com/wp-content/uploads/case-documents/2021/20210723_docket-CIVSB2121829_petition-for-writ-of-mandate.pdf.
[96] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, pg. 9, paragraph 32.

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2-14 cont.

significant cumulative air quality impact. (See Cal. Code Regs., tit. 14, § 15064, subd. (b).) [emphasis added][97]

The Attorney General's litigation resulted in a settlement which requires compliance with an ordinance adopted on April 12, 2022, that establishes sustainability standards for warehouses in Fontana, including standards intended to address cumulative air quality impacts. For example, the standards include requirements that rooftop solar panels supply 100% of power for non-refrigerated portions of facilities with buildings over 400,000 square feet, trees in automobile parking areas, zero emission motorized operational equipment, other equipment electrification requirements, and solar-ready buildings roofs.[98] The City of Fontana's decision to suspend its erroneous reliance on SCAQMD's drop-in-the-bucket approach and to address the cumulative impacts of warehouse projects in the City as a component of its settlement with the Attorney General's office reflects an approach consistent with CEQA. The Fontana settlement also demonstrates that there is feasible mitigation available to reduce cumulative air quality impacts from warehouse projects, in compliance with CEQA.

Here, the IS/MND's analysis fails to account for health risks resulting from emissions of TACs from existing industrial development in the vicinity of the proposed Project site. The IS/MND acknowledges that there are multiple existing and proposed warehouses in the vicinity of the proposed Project site, but does not describe these projects or consider them in its analysis of the Project's cumulative impacts.[99] The IS/MND discloses the CalEnviroScreen scores for the census tract, which reflect the census tract's pollution burden compared to other census tracts in the state, but fails to account for this information in its cumulative impacts analysis. This census tract scores 78.4 for particulate matter and 91.6 for DPM.[100] These are high scores that demonstrate that the Project's emissions of air pollutants would contribute to cumulative impacts on nearby sensitive receptors.[101] The IS/MND's cumulative impacts analysis violates CEQA by failing to take this context into account.

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[97] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, pg. 13, paragraph 49.
[98] *Id.*, Stipulation For Entry Of Final Judgment On Consent, available at https://climatecasechart.com/wp-content/uploads/case-documents/2022/20220414_docket-CIVSB2121605-CIVSB2121829_stipulation.pdf.
[99] IS/MND, Appendix A, pg. 41 ("There are a number of cumulative projects in the project area that have not yet been built or are currently under construction").
[100] IS/MND, Appendix E, pg. PDF pg. 163-164.
[101] *Id.* (The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.).

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2-15 In addition to violating CEQA, the SCAQMD approach used in the IS/MND also directly conflicts with the recent Attorney General guidance document setting forth best practices for evaluating the environmental impacts of warehouse projects like this one under CEQA.[102] With respect to cumulative air quality and GHG emissions analysis, the Attorney General's guidance states that best practices include "[w]hen analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, *even if the project's individual impacts alone do not exceed the applicable significance threshold* [emphasis added]."[103]

2-16 The IS/MND also fails to note that SCAQMD's cumulative impacts significance thresholds, adopted in 2003, are being revised to reflect current conditions.[104] The updates are statedly being prepared in response to recent CEQA cases such as *People of the State of California v. City of Fontana.*[105] The updated cumulative impacts significance thresholds will reflect projects' existing background MATES cancer risk and additional criteria such as whether the project would generate a high volume of diesel-fueled trucks.[106]

In sum, the IS/MND's cumulative air quality impacts analysis does not comply with CEQA. The City must prepare an EIR that properly evaluates and mitigates such impacts.

2-17 **C. The IS/MND Fails to Include Sufficient Investigation into Energy Conservation Measures**

The IS/MND does not include sufficient investigation into energy conservation measures that might be available or appropriate for the Project. The IS/MND concludes that operational energy impacts of the Project would be less than significant because the buildings would be designed and constructed in accordance

[102] *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* (Updated September 2022), available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf .
[103] *Id.*, pg. 7.
[104] See e.g., http://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-3_20230124.pdf?sfvrsn=6.
[105] San Bernardino Superior Court, Case No. CIVSB2121829; SCAQMD Working Group Meeting # 4, Cumulative Impacts from Air Toxics for CEQA Projects (June 6, 2023) pg. 6
[106] SCAQMD Working Group Meeting # 4, Cumulative Impacts from Air Toxics for CEQA Projects (June 6, 2023) https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-4_20230602_final.pdf?sfvrsn=16; SCAQMD Working Group Meeting #5, Cumulative Impacts from Air Toxics for CEQA Projects (March 20, 2024) https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-5-20240320-final.pdf?sfvrsn=20.

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2-17 cont.

with the State's Title 24 guidelines and regulations.[107] However, compliance with Title 24 regulations alone does not support a conclusion that energy impacts are less than significant, and the IS/MND does not sufficiently consider energy conservation measures like solar facilities, use of alternate fuel sources, or passive energy efficiency measures to ensure the Project's energy consumption would not be wasteful, inefficient, or unnecessary. This lack of analysis violates CEQA.

2-18

CEQA requires an environmental document to discuss mitigation measures for significant environmental impacts, including "measures to reduce the wasteful, inefficient, and unnecessary consumption of energy."[108] The CEQA Guidelines require discussion of energy conservation measures when relevant, and provide examples in Appendix F:[109]

1) Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
2) The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid waste.
3) The potential for reducing peak energy demand.
4) Alternate fuels (particularly renewable ones) or energy systems.
5) Energy conservation which could result from recycling efforts.

Courts have rejected CEQA documents that fail to include adequate analysis investigation into energy conservation measures that might be available or appropriate for a project.[110] In *California Clean Energy Commission v. City of Woodland* ("*CCEC*"),[111] the Court of Appeal reviewed an EIR for a shopping center on undeveloped agricultural land. Similar to the IS/MND here, the EIR in *CCEC* concluded that, due to the proposed project's compliance with Title 24 guidelines and regulations, the project would be expected to have a less-than-significant impact regarding the wasteful, inefficient, or unnecessary consumption of energy. But the lead agency's EIR did not include discussion regarding the different renewable energy options that might be available or appropriate for the project. The Court held "the City's EIRs failed to comply with the requirements of

[107] IS/MND, pg. 50.
[108] Pub. Resources Code, § 21100(b)(3); *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 930.
[109] 14 Cal. Code Regs., § 15126.4(a)(1)(C) (stating "'Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant.").
[110] *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 CA4th 256; *Spring Valley Lake Ass'n v. City of Victorville* (2016) 248 CA4th 91.
[111] (2014) 225 CA4th 173.

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2-18 cont.

Appendix F to the Guidelines by not discussing or analyzing renewable energy options."[112] The lead agency argued that compliance with the Building Code sufficed to address energy impact concerns for the project.[113] But the Court explained:

> Although the Building Code addresses energy savings for components of a new commercial construction, it does not address many of the considerations required under Appendix F of the CEQA Guidelines… These considerations include whether a building should be constructed at all, how large it should be, where it should be located, whether it should incorporate renewable energy resources, or anything else external to the building's envelope. Here, a requirement that Gateway II comply with the Building Code does not, by itself, constitute an adequate assessment of mitigation measures that can be taken to address the energy impacts during construction and operation of the project.[114]

The Supreme Court of California agreed with the *CCEC* court's decision in *League to Save Lake Tahoe Mtn. Area Preservation Found. v County of Placer*, holding that even projects that find a less-than-significant energy impact must "discuss whether any renewable energy features could be incorporated into the project."[115] In *Save Lake Tahoe*, the Court considered an EIR for a land use specific plan and rezoning to permit residential and commercial development and preserve forest land near Truckee and Lake Tahoe. The EIR did not consider whether it was feasible to power the project on 100 percent renewable electrical energy or some lesser percentage, nor evaluate strategies for reducing reliance on fossil fuels, increasing reliance on renewable resources, reducing peak loads, and reducing the impacts of relying on remote generation facilities. The lead agency reasoned that this analysis was not required because energy impacts would be less than significant. Citing CEQA Guidelines Section 15126.2, subdivision (b) and the decision in *CCEC*, the Court held that when an EIR analyzes the project's energy use to determine if it creates significant effects, it should discuss whether any renewable energy features could be incorporated into the project. The Court found that the EIR violated CEQA for not discussing whether the project could increase its reliance on renewable energy sources to meet its energy demand.

2-19

Here, the IS/MND lacks basic analysis of energy consumption measures in violation of CEQA Guidelines Appendix F. The IS/MND fails to analyze the feasibility of onsite solar facilities, such as rooftop, parking lot, or ground-level solar

[112] *Id.* at 213.
[113] *Id.* at 210, 211.
[114] *CECC* (2014) 225 CA4th 173, 213.
[115] (2022) 75 CA5th 63, 167–68.

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2-19 cont. photovoltaics. This analysis must address considerations such as the technical and economic feasibility of installing solar facilities on the Project site, the potential size of the Project's solar zone, and the potential magnitude of mitigation provided by installing solar facilities.

2-20 The IS/MND also fails to evaluate the extent to which mobile source energy consumption could be reduced during Project operations through electric vehicle charging infrastructure (above what is required by existing regulations).

2-21 The IS/MND's discussion of construction energy conservation measures also violates CEQA Guidelines Appendix F. The IS/MND fails to evaluate the feasibility of utilizing existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.

2-22 In sum, the IS/MND's energy analysis fails adequately analyze measures to reduce the wasteful, inefficient, and unnecessary consumption of energy, and fails to meaningfully address Appendix F's considerations of whether a building should be constructed at all, how large it should be, where it should be located, whether it should incorporate renewable energy resources, or anything else external to the building's envelope.[116] This analysis must be provided in an EIR.

D. The IS/MND Fails to Fully Mitigate the Project's Significant VMT Impact

2-23 The IS/MND states that the Project is anticipated to generate 16.4 (actually 16.5)[117] VMT per worker, which exceeds the City-established threshold of 15.83 VMT per worker.[118] The IS/MND states that MM TRANS-1 would reduce the Project's VMT impact to a less than significant level (i.e., 15.80 VMT per worker).[119] MM TRANS-1 calls for implementation of a Commute Trip Reduction Program (which is measure T-5 in the CAPCOA Handbook).[120]

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[116] *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 CA4th 256, 264.
[117] Mr. Marshall explained that IS/MND Appendix F correctly shows that the San Gabriel Valley Council of Governments (SGVCOG) VMT Evaluation Tool shows that the project would result in 16.5 VMT per worker per day, but the number is incorrectly reported as 16.4 VMT per worker per day in the body of the MND. Marshall Comments, pg. 1.
[118] IS/MND, pg. 104.
[119] *Id.*
[120] CAPCOA) publication Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity: Designed for Local Governments, Communities, and Project Developers (Final Draft, December 2021).

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2-23 cont.

Mr. Marshall explains that this measure would not reduce VMT impacts to a less-than-significant level.[121] The CAPCOA Handbook states that Measure (T-5) can reduce employee commute VMT by up to 4.0%. However, the IS/MND's reliance on the maximum 4.0% reduction is unsupported because Measure (T-5) would not apply to Project workers during night shifts, resulting in lower reductions.[122] Moreover, even assuming the maximum reduction, Mr. Marshall shows that a 4.0% reduction reduces VMT to 15.84 per worker per day, which still exceeds the threshold value of 15.8.[123] Therefore, VMT remains significant and unmitigated. Additional mitigation must be proposed in an EIR to reduce the Project's VMT to less than significant levels.

E. The IS/MND Fails to Adequately Analyze and Mitigate Potentially Significant Noise Impacts

1. The IS/MND's Noise Significance Thresholds Are Unsupported by Substantial Evidence

2-24

Appendix G of the CEQA Guidelines provides that the Project would cause a significant noise impact if it would result in "[g]eneration of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies."[124] The IS/MND violates this requirement by failing to correctly apply the noise standards in the municipal code.

The IS/MND states that "[c]onstruction noise is regulated within City of South El Monte Municipal Code Section 8.20.030(D)."[125] Section 8.20.030(D) prohibits nighttime operation of construction equipment resulting in noise disturbances.[126] The IS/MND incorrectly states that this is the only limitation applicable to construction noise, but Section 8.20.020 of the Municipal Code sets forth standards applying to all sources of noise:

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[121] Marshall Comments, pg. 4.
[122] *Id.*
[123] *Id.*
[124] IS/MND, pg. 25.
[125] IS/MND, Appendix E, pg. 29.
[126] IS/MND, Appendix E, pg. 16 ("No person shall operate or cause or authorize the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between the hours of 10:00 PM and 7:00 AM, or at any time on weekends or holidays, such that the sound therefrom creates a noise disturbance across the real property line of an adjacent or nearby property developed entirely or partially for residential use.")

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2-24 cont.

> No person shall operate or cause to be operated any source of sound at any location within the city or allow the creation of any noise on property owned, leased or occupied or otherwise controlled by such person, which causes the noise level when measured on any other property to exceed:
>
> a. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 for a cumulative period of more than thirty minutes in any hour; or
> b. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus five dbA for a cumulative period of more than fifteen minutes in any hour; or
> c. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus ten dbA for a cumulative period of more than five minutes in any hour; or
> d. The exterior noise limit plus fifteen dbA for a cumulative period of more than one minute in any hour; or
> e. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus twenty dbA for any period of time.

The IS/MND states that these noise limits only apply to stationary noise,[127] but this interpretation conflicts with the plain language of the code. Section 8.20.020 does not include language limiting its provisions to stationary noise, and Section 8.20.030(D) does not contain language stating that it is the only limit on construction noise. The code is properly read as imposing a prohibition on nighttime construction resulting in noise disturbances, as well as imposing limits on noise generated by daytime construction activities. Because the IS/MND fails to compare the Project's construction noise impacts to the thresholds in Section 8.20.020, the IS/MND fails evaluate whether noise would exceed standards established in the local noise ordinance, as required by the CEQA Guidelines.

2-25

The IS/MND's reliance on Section 8.20.030 as a significant threshold also fails to meet CEQA's requirement that lead agencies analyze the increase in ambient noise levels in the vicinity of the project."[128] California courts have clearly held that "the lead agency should consider both the increase in noise level and the absolute noise level associated with a project".[129] The courts have held that reliance

[127] Appendix E, pg. 30 ("[a]s shown above, the project is exempt from the stationary noise ordinance standards presented in Tables 5 and 6 as long as it is in compliance with the hours outlined in Section 83.20.030(D).").
[128] *Id.*, Appendix E, pg. 30; Section 8.20.030(D).
[129] *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 733; see *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 894 (citing *Keep Our Mountains Quiet*).

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2-25 cont.

on a maximum noise level as the sole threshold of significance for noise impacts violates CEQA because it fails to consider whether the magnitude of changes in noise levels is significant.[130] In *Keep our Mountains Quiet v. County of Santa Clara*,[131] neighbors of a wedding venue sued over the County of Santa Clara's failure to prepare an EIR for a proposed project to allow use permits for wedding and other party events at a residential property abutting an open space preserve. Neighbors and their noise expert contended that previous events at the facility had caused significant noise impacts that reverberated in neighbors' homes and disrupted the use and enjoyment of their property.[132] Similar to the City's thresholds in this case, the County's EIR relied on the noise standards set forth in its noise ordinance as its thresholds for significant noise exposure from the project, deeming any increase to be insignificant so long as the absolute noise level did not exceed those standards.[133] The Court examined a long line of CEQA cases which have uniformly held that conformity with land use regulations is not conclusive of whether or not a project has significant noise impacts[134] in holding that the County's reliance on the project's compliance with noise regulations did not constitute substantial evidence supporting the County's finding of no significant impacts.[135]

In *King and Gardiner Farms, LLC v. County of Kern*,[136] the Court of Appeal cited *Keep our Mountains Quiet* and decisions cited therein when it rejected the use of a single "absolute noise level" threshold of significance (construction and operational noise impacts were only deemed significant if they exceeded 65 dBA CNEL) on the grounds that the sole use of such a threshold fails to consider the magnitude or severity of increases in noise levels attributable to the project in different environments. The Court explained the lead agency failed to "refer to evidence showing why the magnitude of an increase was irrelevant in determining the significance of a change in noise."[137]

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[130] *King & Gardiner Farms, LLC,* 45 Cal.App.5th at 865.
[131] *Keep our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714.
[132] *Id*. at 724.
[133] *Id.* at 732.
[134] *Id., citing Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1338; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 881–882; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1416 (project's effects can be significant even if "they are not greater than those deemed acceptable in a general plan"); *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354, ("CEQA nowhere calls for evaluation of the impacts of a proposed project on an existing general plan").
[135] *Id*. at 732-734; see also *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 893, as modified on denial of rehearing (Mar. 20, 2020).
[136] *King and Gardiner Farms, LLC, supra,* 45 Cal.App.5th 814.
[137] *Id.* at 894.

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2-25 cont.

Here, the IS/MND fails to meet CEQA's requirement that the lead agency consider the increase in noise level. As in *King and Gardiner Farms*, the IS/MND fails to refer to any evidence showing why the increase in noise over ambient levels is irrelevant to establishing the significance of a noise impact. Per *Keep our Mountains Quiet*, conformity with the City's noise ordinance and general plan is not conclusive of whether a project has significant noise impacts. An EIR must be prepared that applies legally adequate noise thresholds.

2. The Project's Construction Noise Would Be Potentially Significant

2-26

The Project's construction activities would generate noise in excess of standards in Section 8.20.020 of the Municipal Code, as well as result in a significant increase over ambient levels. In Table 12, shown below, the IS/MND applies the standards of Section 8.20.020 to the receptor land uses near the Project site.[138]

Table 12
Project Compliance with Stationary Noise Standards - Daytime

Project Site Property Line	Receptor # [1]	Receptor Land Use	Existing Daytime Measured Noise Levels (dBA Leq)[2]	Daytime Noise Standard (7:00AM-10:00 PM) (dBA, Leq)	Adjusted Noise Standard, Daytime[3] (dBA, Leq)	Operational Noise Levels[1]	Exceeds Adjusted **Daytime** Noise Standards (Yes/No)
West	1	Commercial	72	70	75	31	No
North	2	Commercial	60	70	70	47	No
East	3	Industrial	58	n/a	n/a	46	No
South	4	Single-family residential	54	55	55	54	No
South	5	Commercial	54	70	55	49	No

Notes:
(1) See Figure 6.
(2) See Table 1.
(3) Adjusted per City of South El Monte Municipal Code Section 8.20.020 Table 1 Exterior Noise Limits by Zone, note 2.

According to the table above, the daytime noise standard for the mobile home park (Receptor #4 in the table above) is 55 dBA. The table shows that the existing

[138] IS/MND, Appendix E, pg. 36.

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2-26 cont.

ambient noise level is 54 dBA. Table 11 in Appendix E of the IS/MND shows the noise levels generated by the Project's construction.[139]

Table 11
Construction Noise Levels (dBA L_{eq})

Phase	Receptor Location	Closest Measured Ambient Noise Location[2]	Existing Measured Noise Levels (dBA Leq)	Construction Noise Levels (dBA Leq)
Demolition	Residential to South (9427 Rush Street, South El Monte)	STNM4	54.1	74.0
	Residential to Southwest (9367 Rush Street, South El Monte)	STNM5	66.2	62.9
	Residential to West (2222 Troy Avenue, South El Monte)	STNM1	72.3	65.3
	Residential to Northwest (2326 Troy Avenue, South El Monte)	STNM1	72.3	63.5
Grading	Residential to South (9427 Rush Street, South El Monte)	STNM4	54.1	74.5
	Residential to Southwest (9367 Rush Street, South El Monte)	STNM5	66.2	63.4
	Residential to West (2222 Troy Avenue, South El Monte)	STNM1	72.3	65.8
	Residential to Northwest (2326 Troy Avenue, South El Monte)	STNM1	72.3	64.0
Building Construction	Residential to South (9427 Rush Street, South El Monte)	STNM4	54.1	74.1
	Residential to Southwest (9367 Rush Street, South El Monte)	STNM5	66.2	63.0
	Residential to West (2222 Troy Avenue, South El Monte)	STNM1	72.3	65.4
	Residential to Northwest (2326 Troy Avenue, South El Monte)	STNM1	72.3	63.6
Paving	Residential to South (9427 Rush Street, South El Monte)	STNM4	54.1	68.6
	Residential to Southwest (9367 Rush Street, South El Monte)	STNM5	66.2	57.5
	Residential to West (2222 Troy Avenue, South El Monte)	STNM1	72.3	59.9
	Residential to Northwest (2326 Troy Avenue, South El Monte)	STNM1	72.3	58.1
Architectural Coating	Residential to South (9427 Rush Street, South El Monte)	STNM4	54.1	61.2
	Residential to Southwest (9367 Rush Street, South El Monte)	STNM5	66.2	50.1
	Residential to West (2222 Troy Avenue, South El Monte)	STNM1	72.3	52.5
	Residential to Northwest (2326 Troy Avenue, South El Monte)	STNM1	72.3	50.7

As shown above, the noise levels generated by the Project's construction would exceed the 55 dBA threshold for the mobile home park. These exceedances would occur during each phase of the Project's construction. These exceedances of the standards in Section 8.20.020 are significant impacts requiring disclosure and mitigation in an EIR.

The noise levels shown in Table 11 would also result in a significant increase over ambient levels. The 54 dBA existing ambient would be exceeded by approximately 20 dBA during demolition, grading, and building construction, 14 dBA during paving, and 7 dBA during architectural coating. Increases of this magnitude would be significant impacts, as the FTA Manual states that "[o]n average, each A-weighted sound level increase of 10 dB corresponds to an

[139] *Id.* at 35.

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2-26 cont.

approximate doubling of subjective loudness."[140] Further, Figure 3-6 of the FTA Manual presents data from case studies showing that reactions to increases in noise between 5 to 10 dBA above existing levels vary from "widespread complaints" to "threats of legal action."[141] Increases in noise of 20 dBA over existing levels typically results in "vigorous action." An EIR must be prepared that acknowledges and mitigates this significant noise increase.

F. The Project May Result in Potentially Significant Public Utilities Impacts.

2-27

Under CEQA, a public utilities impact is considered significant if a project would "[r]equire or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects."[142] The IS/MND states that no off-site water line construction or upsizing of either the existing 6-inch or 10-inch water mains in Rosemead Boulevard and Rush Street would be required to provide water or fire protection service to the Project.[143] But this conclusion is not supported by substantial evidence because the IS/MND fails to analyze the Project's fire flow requirement or the ability of existing infrastructure to supply adequate fire flow. Without an evaluation of these factors, this public utility impact remains unanalyzed and potentially significant.

III. CONCLUSION

2-28

The City lacks substantial evidence to find that the Project will have less than significant impacts. Moreover, substantial evidence supports a fair argument that the Project's impacts may be significant and unmitigated. Due to the IS/MND's deficiencies, the City cannot conclude that the Project's impacts have been mitigated to a less than significant level.

The CEQA Guidelines require that an EIR be prepared if there is substantial evidence supporting a fair argument that any aspect of a project, either individually or cumulatively, may cause a significant effect on the environment, regardless of

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[140] Federal Transit Administration, Transit Noise And Vibration Impact Assessment Manual, September 2018, pg. 206, available at https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf.
[141] *Id.* at 18, Figure 3-6 (Community Reaction to New Noise, Relative to Existing Noise in a Residential Urban Environment)
[142] IS/MND, pg. 50.
[143] IS/MND, pg. 7, 112.

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2-28 cont.

whether the overall effect of the project is adverse or beneficial.[144] As discussed in detail above, there is a fair argument based on substantial evidence that the Project would result in significant adverse impacts not identified in the IS/MND.

We urge the City to fulfill its responsibilities under CEQA by withdrawing the IS/MND and preparing an EIR to address the issues raised in this preliminary comment letter. This is the only way the City and the public can ensure the Project's significant environmental impacts are mitigated to less than significant levels.

Sincerely,



Aidan P. Marshall

Attachment
APM:acp

[144] CEQA Guidelines § 15063(b)(1).

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EXHIBIT A

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October 28, 2024

Aidan P. Marshall
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: 2222 Rosemead Boulevard

Dear Mr. Marshall,

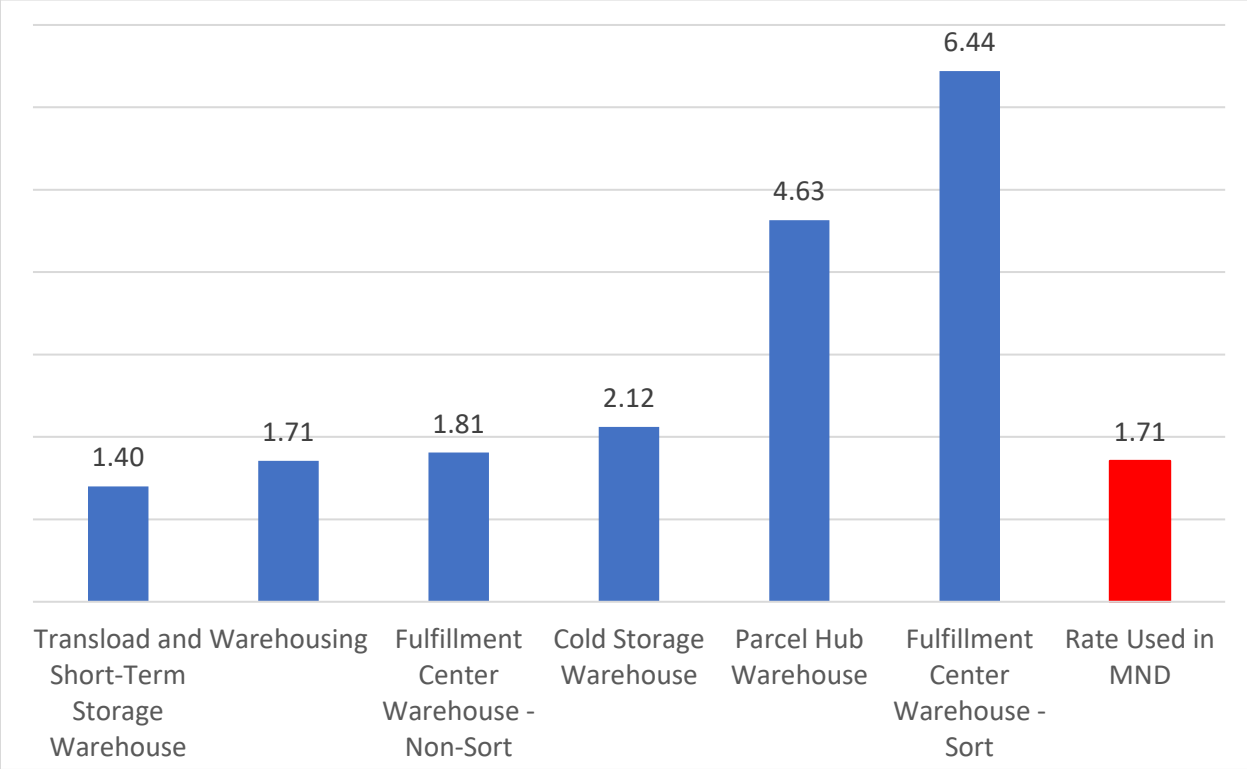
2-29

I have reviewed trip generation, vehicle miles traveled (VMT) impacts and greenhouse gas (GHG) impacts of the City of South El Monte Initial Study and Mitigated Negative Declaration for a proposed warehouse project at 2222 Rosemead Boulevard dated October 2024 ("MND"). I make the following findings:

1) Project trip generation could be significantly higher than assumed.
2) Truck trip generation also could be significantly higher than assumed. In particular, it may be higher than the 100 trucks per day threshold for toxic air contaminants ("TAC") analysis. Therefore, TAC analysis should either be done now, or prior to occupancy after more is known about the warehouse operations if necessary.
3) The MND states that the proposed project would result in a significant VMT impact without mitigation.
4) MND Appendix F correctly shows that the San Gabriel Valley Council of Governments (SGVCOG) VMT Evaluation Tool shows that the project would result in 16.5 VMT per worker per day, but the number is incorrectly reported as 16.4 VMT per worker per day in the body of the MND.
5) With the higher correct number, 16.5, the proposed VMT mitigation Measure T-5, Implement Commute Trip Reduction Program (Voluntary), is insufficient to reduce project VMT to the required threshold, and additional VMT mitigation is required.

2-30

Trip Generation – The MND states: "The retail and warehouse end users are unknown at this time." (MND, p. 5) Warehouse trip generation rates vary greatly by type of warehouse. The MND applies a rate of 1.71 daily trips per 1000 sq. ft. of warehouse. (MND, Appendix F, Table 2, p. 20). As shown in the figure below, this rate is considerably lower than some other warehouse trip generation rates published in the Institute of Transportation Engineers ("ITE") *Trip Generation* reference.



The MND states: "The Project does not propose refrigeration as part of the warehouse operations." (MND, p. 5) However, there do not appear to be any conditions that would prevent the ultimate tenant from cold storage operations.

Given the uncertainty in future operations, trip generation could be significantly higher than assumed in the MND.

2-31

Toxic Air Contaminant ("TAC") Emissions - The MND states:

> The Project is calculated to generate approximately 89 truck trips per day (non-PCE). Therefore, a quantitative health risk assessment for the Project is not warranted or required because the Project would generate less than 100 truck trips per day. Due to the low number of Project-related trucks (less than 100 per day), significant TAC impacts from the project-related operational diesel particulate matter (DPM) sources are not anticipated, and no significant long-term operations-related TAC impacts by the Project. (MND, p. 41)

2-31 cont.

The estimated 89 trucks per day uses the same ITE warehouse category that was used to estimate overall trip generation in the MND. This rate is 0.60 per 1000 sq. ft. per day, and the calculation of warehouse truck trips is:

> 0.60 x 148.764 = 89.3 truck trips per day

This truck trip generation rate is lower than the rates for some warehouse types. For example, the Cold Storage Warehouse rate is estimated to generate 0.75 truck trips per 1000 sq. ft. per day, and the corresponding equation for this project is:

> 0.75 x 148.764 = 111.6 truck trips per day

This exceeds the 100 truck trips per day threshold. Given the current uncertainty about operations, and the lack of conditions that would prevent the ultimate tenant from cold storage operations, toxic air contaminant analysis should be done now and included in an EIR for public and decision maker review.

2-32

Vehicle Miles Traveled ("VMT") – The MND states:

> The Project's VMT assessment was prepared using the San Gabriel Valley Council of Governments (SGVCOG) VMT Evaluation Tool based on screening criteria and thresholds adopted by the City. Because the proposed land use is predominantly industrial, VMT was calculated for home-based work VMT per employee. As established in the City's Transportation Study Guidelines, a project would result in a significant impact if the project's VMT exceeds 15 percent below the baseline SGVCOG average value of 18.62 VMT per worker, resulting in a threshold of 15.83 VMT per worker. The Project is anticipated to generate 16.4 VMT per worker, which exceeds the City-established threshold of 15.83 VMT per worker. (MND, p. 104)

There is a discrepancy between the MND and the VMT Evaluation Tool results included in MND Appendix F. In Appendix F (PDF p. 97 of 176), the Project is shown to generation 16.5 VMT per worker per day. This is higher than the value of 16.4 given in the MND. I applied the Tool and found that the Appendix value of 16.5 is correct.

2-33

The MND states:

> Therefore, MM TRANS-1, which requires the implementation of a Commute Trip Reduction Marketing/Education Program, is required to reduce the Project's VMT impact to a less than significant level (i.e., 15.80 VMT per worker). (MND, p. 104)

Commute Trip Reduction Marketing/Education Program is mitigation Measure T-7 as described in the California Air Pollution Control Officers Association (CAPCOA) publication *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity: Designed for Local Governments, Communities, and Project Developers (Final Draft, December 2021)*.

However, the MND also inconsistently describes mitigation measure MM-TRANS-1 as referring to CAPCOA measure T-5, Implement Commute Trip Reduction Program.

2-33 cont.

Regarding Measure T-5, Implement Commute Trip Reduction Program (Voluntary), the CAPCOA Handbook states:

> Voluntary CTR programs must include the following elements to apply the VMT reductions reported in literature.
>
> ▪ Employer-provided services, infrastructure, and incentives for alternative modes such as ridesharing (Measure T-8), discounted transit (Measure T-9), bicycling (Measure T-10), vanpool (Measure T-11), and guaranteed ride home.
>
> ▪ Information, coordination, and marketing for said services, infrastructure, and incentives (Measure T-7).

As the Handbook considers T-7 to be a component of T-5, I assume that the MND is proposing Measure T-5, with Measure T-7 included as part of Measure T-5

2-34

The Handbook states that Measure (T-5) can reduce employee commute VMT by up to 4.0%. A 4.0% reduction is not sufficient to reduce the VMT estimated in the Tool to the required threshold. A 4.0% reduction reduces VMT to 15.84 per worker per day, and this exceeds the threshold value of 15.8. Therefore additional mitigation is required.

2-35

In addition, it is unsupported to claim the maximum 4.0% reduction because the Measure would not apply to all workers. The Handbook requires that the reduction be reduced for:

> Employees who might not be able to participate could include those who work nighttime hours when transit and rideshare services are not available or employees who are required to drive to work as part of their job duties.

The MND does not disclose how many employees would be subject to this exception. However, the MND explains that the Project's hours are proposed to be "seven days a week and operate 24 hours a day." (MND, p. 5) There will therefore be some regular employees who work nighttime hours when transit and rideshare services are not available who should not be included in the reduction. The City must provide a more accurate estimate of the actual trip reductions that would result from Measure (T-5) given that not all Project employees will contribute to the reduction.

2-36

Moreover, the CAPCOA Handbook precludes taking separate reductions for measures T-5 and T-7. Re Measure T-5, the Handbook states:

> If this measure is selected, the user may not also take credit for Measures T-7 through T-11. Measure T-5 accounts for the combined GHG reductions achieved by each of these individual measures. To combine the GHG reductions from T-5 with any of these measures would be considered double counting. However, the user may take credit for Measures T-12 through T-13 within the larger CTR subcategory, so long as the combined VMT reduction does not exceed 45 percent, as noted above.

Measure T-5 is insufficient VMT mitigation. One way to meet the threshold requirement would be to substitute Handbook Measure T-6 Implement Commute Trip Reduction Program (Mandatory Implementation and Monitoring) for Measure T-5. This measure includes monitoring, reporting and

2-36 cont.

potential penalties. Another way to meet the threshold requirement is to include Measure T-12 Price Workplace Parking and/or Measure T-13 Implement Employee Parking Cash-Out.

2-37

The MND states:

> Prior to the issuance of the first occupancy permit, the Applicant shall submit to the City of South El Monte Public Works Department a transportation demand management (TDM) program the purpose of which is to reduce VMT and vehicular trips to the project site and project area. The TDM program shall be implemented with the occupancy of the Project. (p. 105)

This TDM program should be prepared now and included in an EIR for public review prior to Project approval to ensure that the TDM program will include adequate TDM measures to reduce VMT to less than significant levels. The TDM program must also go beyond Measure T-5 as proposed in the MND and achieve the VMT reduction required.

Sincerely,

Norman L. Marshall

Norman L. Marshall

Resume

NORMAN L. MARSHALL, PRESIDENT

nmarshall@smartmobility.com

EDUCATION:

Master of Science in Engineering Sciences, Dartmouth College, Hanover, NH, 1982
Bachelor of Science in Mathematics, Worcester Polytechnic Institute, Worcester, MA, 1977

PROFESSIONAL EXPERIENCE: (37 Years, 23 at Smart Mobility, Inc.)

Norm Marshall helped found Smart Mobility, Inc. in 2001. Prior to this, he was at RSG for 14 years where he developed a national practice in travel demand modeling. He specializes in analyzing the relationships between the built environment and travel behavior and doing planning that coordinates multi-modal transportation with land use and community needs.

Regional Land Use/Transportation Scenario Planning

Portland Area Comprehensive Transportation System (PACTS) – the Portland Maine Metropolitan Planning Organization. Updating regional travel demand model with new data (including AirSage), adding a truck model, and multiclass assignment including differentiation between cash toll and transponder payments.

Loudoun County Virginia Dynamic Traffic Assignment – Enhanced subarea travel demand model to include Dynamic Traffic Assignment (Cube). Model being used to better understand impacts of roadway expansion on induced travel.

Vermont Agency of Transportation-Enhanced statewide travel demand model to evaluate travel impacts of closures and delays resulting from severe storm events. Model uses innovate Monte Carlo simulations process to account for combinations of failures.

California Air Resources Board – Led team including the University of California in $250k project that reviewed the ability of the new generation of regional activity-based models and land use models to accurately account for greenhouse gas emissions from alternative scenarios including more compact walkable land use and roadway pricing. This work included hands-on testing of the most complex travel demand models in use in the U.S. today.

Climate Plan (California statewide) – Assisted large coalition of groups in reviewing and participating in the target setting process required by Senate Bill 375 and administered by the California Air Resources Board to reduce future greenhouse gas emissions through land use measures and other regional initiatives.

Chittenden County (2060 Land use and Transportation Vision Burlington Vermont region) – led extensive public visioning project as part of MPO's long-range transportation plan update.

Flagstaff Metropolitan Planning Organization – Implemented walk, transit and bike models within regional travel demand model. The bike model includes skimming bike networks including on-road and off-road bicycle facilities with a bike level of service established for each segment.

Chicago Metropolis Plan and Chicago Metropolis Freight Plan (6-county region)— developed alternative transportation scenarios, made enhancements in the regional travel demand model, and used the enhanced

model to evaluate alternative scenarios including development of alternative regional transit concepts. Developed multi-class assignment model and used it to analyze freight alternatives including congestion pricing and other peak shifting strategies.

Municipal Planning

City of Grand Rapids – Michigan Street Corridor – developed peak period subarea model including non-motorized trips based on urban form. Model is being used to develop traffic volumes for several alternatives that are being additional analyzed using the City's Synchro model

City of Omaha - Modified regional travel demand model to properly account for non-motorized trips, transit trips and shorter auto trips that would result from more compact mixed-use development. Scenarios with different roadway, transit, and land use alternatives were modeled.

City of Dublin (Columbus region) – Modified regional travel demand model to properly account for non-motorized trips and shorter auto trips that would result from more compact mixed-use development. The model was applied in analyses for a new downtown to be constructed in the Bridge Street corridor on both sides of an historic village center.

City of Portland, Maine – Implemented model improvements that better account for non-motorized trips and interactions between land use and transportation and applied the enhanced model to two subarea studies.

City of Honolulu – Kaka'ako Transit Oriented Development (TOD) – applied regional travel demand model in estimating impacts of proposed TOD including estimating internal trip capture.

City of Burlington (Vermont) Transportation Plan – Led team that developing Transportation Plan focused on supporting increased population and employment without increases in traffic by focusing investments and policies on transit, walking, biking and Transportation Demand Management.

Transit Planning

Regional Transportation Authority (Chicago) and Chicago Metropolis 2020 – evaluated alternative 2020 and 2030 system-wide transit scenarios including deterioration and enhance/expand under alternative land use and energy pricing assumptions in support of initiatives for increased public funding.

Capital Metropolitan Transportation Authority (Austin, TX) Transit Vision – analyzed the regional effects of implementing the transit vision in concert with an aggressive transit-oriented development plan developed by Calthorpe Associates. Transit vision includes commuter rail and BRT.

Bus Rapid Transit for Northern Virginia HOT Lanes (Breakthrough Technologies, Inc and Environmental Defense.) – analyzed alternative Bus Rapid Transit (BRT) strategies for proposed privately-developing High Occupancy Toll lanes on I-95 and I-495 (Capital Beltway) including different service alternatives (point-to-point services, trunk lines intersecting connecting routes at in-line stations, and hybrid).

Roadway Corridor Planning

I-30 Little Rock Arkansas – Developed enhanced version of regional travel demand model that integrates TransCAD with open source Dynamic Traffic Assignment (DTA) software, and used to model I-30 alternatives. Freeway bottlenecks are modeled much more accurately than in the base TransCAD model.

South Evacuation Lifeline (SELL) – In work for the South Carolina Coastal Conservation League, used Dynamic Travel Assignment (DTA) to estimate evaluation times with different transportation alternatives in coastal South Caroline including a new proposed freeway.

Hudson River Crossing Study (Capital District Transportation Committee and NYSDOT) – Analyzing long term capacity needs for Hudson River bridges which a special focus on the I-90 Patroon Island Bridge where a microsimulation VISSIM model was developed and applied.

PUBLICATIONS AND PRESENTATIONS (partial list)

DTA Love: Co-leader of workshop on Dynamic Traffic Assignment at the June 2019 Transportation Research Board Planning Applications Conference.

Forecasting the Impossible: The Status Quo of Estimating Traffic Flows with Static Traffic Assignment and the Future of Dynamic Traffic Assignment. *Research in Transportation Business and Management* 2018.

Assessing Freeway Expansion Projects with Regional Dynamic Traffic Assignment. Presented at the August 2018 Transportation Research Board Tools of the Trade Conference on Transportation Planning for Small and Medium Sized Communities.

Vermont Statewide Resilience Modeling. With Joseph Segale, James Sullivan and Roy Schiff. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

Assessing Freeway Expansion Projects with Regional Dynamic Traffic Assignment. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

Pre-Destination Choice Walk Mode Choice Modeling. Presented at the May 2017 Transportation Research Board Planning Applications Conference.

A Statistical Model of Regional Traffic Congestion in the United States, presented at the 2016 Annual Meeting of the Transportation Research Board.

MEMBERSHIPS/AFFILIATIONS

Associate Member, Transportation Research Board (TRB)

Member and Co-Leader Project for Transportation Modeling Reform, Congress for the New Urbanism (CNU)

LOS ANGELES COUNTY SANITATION DISTRICTS
Converting Waste Into Resources

Robert C. Ferrante
Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400
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(562) 699-7411 • www.lacsd.org

October 28, 2024

Ref. DOC 7334778

VIA EMAIL gmarquez@soelmonte.org

Mr. Gerardo Marquez, Planning Manager
City of South El Monte
1415 Santa Anita Avenue
South El Monte, CA 91733

Dear Mr. Marquez:

NOI Response to 2222 Rosemead Boulevard Warehouse Development

3-1 The Los Angeles County Sanitation Districts (Districts) received a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the subject project located in the City of South El Monte on October 2, 2024. The proposed project is located within the jurisdictional boundaries of District No. 15. We offer the following comments regarding sewerage service:

3-2 1. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' Rush Street Trunk Sewer, located in Rush Street at Rosemead Boulevard. The Districts' 15-inch diameter trunk sewer has a capacity of 1.4 million gallons per day (mgd) and conveyed a peak flow of 1.0 mgd when last measured in 2013.

3-3 2. The expected average wastewater flow from the project, described in the NOI as 128,693 square foot warehouse, 7,879 square foot retail, and 20,305 square foot office, is 8,066 gallons per day. For a copy of the District's average wastewater generation factors, click on the Table 1, Loadings for Each Class of Land Use link.

3-4 3. The wastewater generated by the proposed project will be treated at the Whittier Narrows Water Reclamation Plant (WRP) located near the City of South El Monte, which has a capacity of 15 mgd and currently processes an average recycled flow of 9 mgd, or at the Los Coyotes WRP located in the City of Cerritos, which has a capacity of 37.5 mgd and currently processes an average recycled flow of 19.1 mgd.

3-5 4. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, under Services, then Wastewater (Sewage) and select Rates & Fees. In determining the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family Home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, please contact the Districts' Wastewater Fee Public Counter at (562) 908-4288, extension 2727.

3-6

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

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

Very truly yours,

Patricia Horsley

Patricia Horsley
Environmental Planner
Facilities Planning Department

PLH:plh

cc: D. Hatch
A. Howard

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:
gmarquez@soelmonte.org
Gerardo Marquez, Planning Manager
J 1415 N. Santa Anita Ave.
South El Monte, CA 91733

October 30, 2024

Notice of Intent to Adopt a Mitigated Negative Declaration for the 2222 Rosemead Boulevard Warehouse Development (Proposed Project)

4-1

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

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

Based on the MND document, the Proposed Project consists of constructing a 156,877 square foot concrete tilt-up warehouse with 13 dock doors on 5.14 acres. The warehouse will consist of 113,703 square feet of warehouse space, 7,879 square feet of retail use, 20,305 square feet of accessory warehouse office use, and 14,990 square feet of warehouse storage. Based on a review of aerial photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., the existing residential/trailer park use) is located adjacent to the south of the Proposed Project site. Project construction is anticipated to take approximately 12 months and the construction is estimated to begin in fall/winter 2024. The project is located at 2200, 2212, 2218, and 2226 Rosemead Boulevard.

South Coast AQMD Staff's Comments

4-2

Warehouse Cold Storage Land Use and the Associated Emissions from Transport Refrigeration Units (TRU)

The project description in the MND does not specify whether the Proposed Project includes allocating warehouse land for cold storage. Cold storage warehouses typically utilize more trucks and trailers equipped with TRUs compared to those without cold storage. Therefore, it is recommended that the Lead Agency revise the project description in the Final MND to clarify if cold storage would be a part of the Proposed Project, and additionally, the Final MND should provide an estimate for the number of TRU trucks and trailers that would be involved in the operation of the warehouses with cold storage. If TRUs are planned to be used, the Lead Agency should also update the emissions calculations in the Final MND to include the emissions from the TRUs in addition to the those from truck operation.

4-3

Rule 2305: Warehouse Indirect Source Rule - Warehouse Actions and Investments To Reduce Emissions (WAIRE) Program

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of a 643,419 square foot warehouse, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation[1]. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.[2]

4-4

South Coast AQMD Air Permits and Role as a Responsible Agency

If the implementation of the Proposed Project would require the use of new stationary and portable sources, including but not limited to emergency generators, fire water pumps, boilers, spray booths, and etc., air permits from South Coast AQMD will be required and the role of South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections15086, the Lead Agency is required to consult with South Coast AQMD. In addition, CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of evaluating the applications for air permits. For these reasons, the Final MND should include a discussion about any new stationary and portable equipment requiring South Coast AQMD air permits and identify South Coast AQMD as a Responsible Agency for the Proposed Project.

[1] South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf.
[2] South Coast AQMD WAIRE Program. Accessed at: http://www.aqmd.gov/waire.

4-4 cont. The Final MND should also include calculations and analyses for construction and operation emissions for the new stationary and portable sources, as this information will also be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at: http://www.aqmd.gov/home/permits.

4-5 Conclusion

The Lead Agency is recommended to revise the CEQA analysis to address the aforementioned comments and provide the necessary evidence to sufficiently support the conclusions reached. If the requested information and analysis are not included in the final CEQA document, either the Final MND or other type of CEQA document, the Lead Agency should provide reasons for not doing so. Pursuant to California Public Resources Code Section 21092.5(b) and CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process and notify each public agency when any public hearings are scheduled. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. In addition, if the Lead Agency decides to adopt the Final MND, please provide South Coast AQMD with a notice of any scheduled public hearing(s).

4-7 Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Sahar Ghadimi, Air Quality Specialist, at sghadimi@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

SG:SW
LAC241002-06
Control Number

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

Making Conservation a California Way of Life

November 5, 2024

Gerardo Marquez
City of South El Monte
1415 Santa Anita Avenue
South El Monte, CA 91733

RE: 2222 Rosemead Boulevard Warehouse Development
SCH # 2024100046
Vic. LA-164/PM 4.236
GTS # LA-2024-04641-MND

5-1 Dear Gerardo Marquez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced environmental document. The Project would result in the construction of an approximately 156,877-square-foot (sf) concrete tilt-up warehouse with 13 dock doors. Of the 156,877 sf, the Project would have 113,703 sf of warehouse space, 7,879 sf of retail use, 20,305 sf of accessory warehouse office use, and 14,990 sf of warehouse storage. The proposed warehouse would be at a maximum height of 48 feet 10 inches and have a site coverage of approximately 55 percent with a Floor-Area Ratio of 0.7. Access to the site would be from two driveways on Rosemead Boulevard.

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

https://opr.ca.gov/ceqa/#guidelines-updates

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

5-2 Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, this project should incorporate multi-modal and complete streets transportation

5-2 cont.

elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans encourages city planning that promotes complete streets and pedestrian safety through measures like road diets, recognized for enhancing safety and being cost-effective when combined with street resurfacing. City planning should focus on reducing single-occupancy vehicle trips, improving safety, lowering vehicle miles traveled (VMT), and cutting greenhouse gas emissions.

5-3

The project site is served by LA Metro Routes 266 and 287, with bus stops on both sides of Rosemead Boulevard, approximately 400 feet north of the site. Further transit access is available via the El Monte Station/San Bernardino Freeway Busway at 3501 Santa Anita Avenue, providing connections to Metrolink, regional transit, carpools, and vanpools. Sidewalks along Rosemead Boulevard will remain intact, preserving pedestrian access. There are no bicycle facilities adjacent to the project site. The project site will include bike racks to accommodate cyclists. Given the industrial nature of the proposed use, the project's VMT per worker (16.4) exceeds the city threshold of 15.83, necessitating MM TRANS-1, a Commute Trip Reduction Marketing/Education Program, to mitigate VMT impacts to a level of 15.80 VMT per worker, meeting the established criteria for significance.

MM TRANS-1 is a mitigation requirement that, before the first occupancy permit is issued, the Applicant submits a Transportation Demand Management (TDM) program to the City of South El Monte Public Works Department to reduce Vehicle Miles Traveled (VMT) and vehicle trips associated with the project. The program, implemented upon occupancy, includes a Commute Trip Reduction (CTR) strategy, which offers incentives and infrastructure to encourage alternative transportation methods like carpooling, transit, and biking, along with services such as ridesharing support, discounted transit, and guaranteed rides home for employees.

5-4

Given the project's VMT of 15.8, which is very close to the city threshold of 15.83, a post-development VMT analysis is recommended to confirm project impacts and aid in future VMT threshold adjustments. If the analysis indicates any significant traffic impacts, additional mitigation measures should be implemented. The analysis, potentially including surveys of project occupants, could capture data such as trip origins, timing, transportation modes, and mode selection reasons. This data would be valuable for validating existing thresholds, setting future VMT benchmarks, and identifying effective Transportation Demand Management (TDM) measures for future applications.

5-5 A sight distance analysis was performed, confirming that both the desired and minimum stopping sight distances will be met, assuming no landscape obstructions. To maintain these sightlines in accordance with the Highway Design Manual and California MUTCD standards, it is recommended that on-street parking be prohibited on both sides of the project driveways along Rosemead Boulevard (Route 164). This prohibition should extend six feet from the curb return to ensure adequate visibility for vehicles entering and exiting the driveways.

5-5 Please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. Any modifications to State facilities must meet all mandatory design standard and specifications. A project (EA 39410) along Rosemead Boulevard (Route 164) is set to install a traffic signal at the intersection of Klingerman Street. It is essential to update the traffic impact assessment to incorporate this improvement when submitting the encroachment permit application.

As a reminder, any transportation of heavy construction equipment and/or materials which require use of oversized transport vehicles on State highways will need a Caltrans transportation permit. We recommend large-size truck trips be limited to off-peak commute periods. Truck drivers should cover construction trucks with tarpaulin to avoid debris spillage onto the State Highway.

If you have any questions, please feel free to contact Mr. Alan Lin, the project coordinator, at (213) 269-1124 and refer to GTS # LA-2024-04641-MND.

Sincerely,

Anthony Higgins

Anthony Higgins
Acting LDR Branch Chief

email: State Clearinghouse

APPENDIX B

Los Angeles Regional Water Quality Board Approvals

November 5, 2024

Mr. Wayne Wang
Rosemead Holding L.L.C.
221 N. Orange Avenue
City of Industry, CA 91744

Via E-mail Only

SUBJECT: APPROVAL OF SOIL MANAGEMENT PLAN

SITE: FORMER PACIFIC COAST DRUM COMPANY (ROSEMEAD HOLDING LLC), 2200-2226 N. ROSEMEAD BLVD, SOUTH EL MONTE, CALIFORNIA (WIP NO. 107.0266, SITE ID NO. 2040647)

Dear Mr. Wang:

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) staff has received and reviewed the *Soil Management Plan* (SMP), dated October 2024, that was submitted by your consultant, Haley & Aldrich, Inc. (Haley Aldrich) for the above-referenced site (Site). The SMP was submitted to propose procedures and protocols for managing excavated soils and other debris during the planned re-development of the Site.

SUMMARY OF SOIL MANAGEMENT PLAN

The primary objectives of the SMP are to:

- Appropriately manage risks to human health and the environment due to soil disturbance activities; and
- Provide a framework to evaluate and manage potentially impacted soil during disturbance activities.

Procedures associated with the implementation of a remedial excavation program are listed below:

- Completion of a subsurface utility review and USA DigAlert notification
- Acquisition of grading permits from the County of Los Angeles (if required)
- Environmental and Health and Safety monitoring/screening
- Excavation using an excavator, backhoe, or hand-held tools
- Open excavation areas will be backfilled and compacted according to geotechnical requirements

- Excavated material will be stockpiled or directly loaded into trucks or covered containers
- Stockpiled soil intended for onsite re-use will be sampled and screened using established criteria approved by the Los Angeles Water Board
- Stockpiled soil that exceeds the re-use criteria will be disposed at an appropriate offsite facility

If the excavation limits are not pre-defined or screening results indicate the pre-defined limits need to be modified, confirmation soil samples will be collected and analyzed. Confirmation sampling for polychlorinated biphenyl (PCB)-impacted soil will be completed in accordance with the Toxic Substances Control Act (TSCA) Cleanup Plan. Confirmation sampling for other constituents of concern (COC) will be completed in accordance with the approved Limited Soil Removal Workplan (LSRWP) (Leighton, 2023).

Confirmation soil samples, soil and concrete samples screened for re-use purposes, and waste characterization samples will be sent to a laboratory and analyzed for various analyses. COCs to be analyzed include:

- Volatile Organic Compounds (VOCs) United States Environmental Protection Agency (USEAP) Method 8260B
- Total Petroleum Hydrocarbons (TPH) (includes gas, diesel, and motor oil) USEPA Method 8015B
- Metals (includes arsenic, lead, and hexavalent chromium) USEPA Method 6010B and 7196A
- PCBs USEPA Method 8082

Maximum acceptable soil concentration and soil screening criteria for onsite re-use (for both soil and concrete) are provided below:

- Total PCBs : 1 milligrams per kilogram (mg/kg)
- Lead : 500 mg/kg (re-use criteria : 380 mg/kg)
- Arsenic : 11 mg/kg
- Hexavalent chromium : 6.2 mg/kg
- TPH as diesel (TPH-D) : 1,000 mg/kg
- TPH as gasoline (TPH-G) : 500 mg/kg
- TPH as motor oil (TPH-MO) : 5,100 mg/kg
- VOCs : San Francisco Bay Regional Water Quality Control Board SFBRWQCB Screening Levels (SLs)-protection of groundwater

Waste generated during the implementation of the SMP will be appropriately managed to ensure proper characterization, profiling, handling, transportation, and disposal.

LOS ANGELES WATER BOARD COMMENTS AND REQUIREMENTS

Based on our review of the SMP and other information in the case file for the Site, Los Angeles Water Board staff approves the SMP with the following comments and conditions:

1. Per the approved LSRWP, confirmation soil samples from bottom of the excavation shall be collected at a minimum, on a grid system every 25 feet. Sidewall samples shall be collected for each sidewall greater than 3 feet in height (as opposed to the 4 feet proposed in the SMP). The entire extent of the excavation requires the collection of confirmation soil samples to confirm impacted soils above criteria were removed and to establish the lateral and vertical extent of impacted soil left in place below criteria.

2. Confirmation soil samples and soils considered for re-use must be laboratory tested. Soil samples must be tested for all COC, including VOCs, TPH-(G,D,MO), Title 22 metals, hexavalent chromium, and PCBs.

3. Soils with COC concentrations above the USEPA Regional Screening Levels (RSLs) but below Remediation Action Goals (RAGs) and set aside for re-use shall be placed in the same location where they were excavated from so as not to spread impacted soils laterally throughout the Site.

4. All imported fill material must be from a clean source and test results must be provided to the Los Angeles Water Board.

5. Soil stockpiling protocols will be followed as outlined in the Technical Memorandum-Response to Comments on the “Limited Soil Remediation Workplan Addendum” dated August 16, 2024, that was approved by the Los Angeles Water Board in a letter dated October 2, 2024. Soil stockpiling sampling and analysis protocols for soil re-use will meet the statistical requirements set forth in EPA SW-846.

6. Haley Aldrich indicated that the vapor intrusion mitigation plan will be submitted in a separate document. Any vapor intrusion mitigation measure will be implemented during the construction of the proposed warehouse; therefore, construction of the warehouse cannot begin until the VIMS work plan has been approved by the Los Angeles Water Board.

7. During the SMP implementation, you must submit a brief weekly report on the following Monday of each week summarizing site activities performed during the previous week, regulatory inspections, issues identified, deviations from the SMP and Addendum, discovery of unidentified structures, dust monitoring exceedances, and other relevant updates together with pictures.

8. Notify Los Angeles Water Board staff of the field schedule at least 10 days in advance of the start of the excavation activities and the installation of the vapor barrier.

9. After the implementation of the Soil Management Plan, you must prepare and submit a technical report documenting implementation of the proposed plan. The technical report must, at a minimum, include the following:

   a) Description of the handling and management of excavated soil (outside the remediation zone) during removal activities;
   b) List and provide a description of sub-surface structures encountered during excavation activities;
   c) Description and analyses of imported fill used at the Site;
   d) Description of soil confirmation sampling activities;
   e) Description of offsite disposal;
   f) Tables summarizing analytical results for assessment and confirmation samples, volumes of excavated soil disposed offsite, etc;
   g) Copies of laboratory analytical results for samples collected and imported fill, waste manifests for investigation derived waste, offsite disposal of excavated soil and other debris, agency permits, etc;
   h) Photographs showing soil removal activities, handling and management of soil, confirmation soil sampling, and installation of vapor barrier.

   The technical report must be submitted to the Los Angeles Water Board via Geotracker **no later than ninety days** after construction activities have been completed.

10. As presented in State Water Resources Control Board Resolution 92-49, professionals should be qualified, licensed where applicable, and competent and proficient in the fields pertinent to the required activities. Moreover, all final reports submitted to the Los Angeles Water Board must be reviewed, signed, and stamped by a California registered geologist, or a California registered civil engineer with at least five years hydrogeologic experience. Furthermore, the California Business and Professions Code Sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of a registered geologist or registered civil engineer. A statement is requested in all final reports that the registered professional in responsible charge supervised or personally conducted all the work associated with all final reports.

11. The Los Angeles Water Board requires that you include a perjury statement in all reports submitted for Los Angeles Water Board review. The perjury statement should be signed by a senior authorized Rosemead Holding LLC representative. The perjury statement should be in the following format:

    I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system

designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you have any questions regarding this letter, please contact Ms. Jennifer Nobui, Engineering Geologist, at (213) 620-6363 or via email at jennifer.nobui@waterboards.ca.gov or Mr. Bizuayehu Ayele, Unit Supervisor, at (213) 576-6623 or via e-mail at bizuayehu.ayele@waterboards.ca.gov.

Sincerely,

_____
Jennifer Nobui, PG
Site Cleanup Unit V

cc (via e-mail):
Mr. Holly Arrigoni, EPA Region 9 (Arrigoni.Holly@epa.gov)
Mr. Chris Tsiatsios, Haley Aldrich (CTsiatsios@haleyaldrich.com)
Ms. Sylvia Tran, XBC Inc. (sylviat@xbcinc.com)
Ms. Shervin Milani, DTSC (Shervin.Milani@dtsc.ca.gov)
Mr. Randy Schoellerman, Water Quality Authority (Randy@wqa.com)
Mr. Dan Colby, Water Quality Authority (Dan@wqa.com)

October 2, 2024

Mr. Wayne Wang
Rosemead Holding L.L.C.
221 N. Orange Avenue
City of Industry, CA 91744

Via E-mail Only

SUBJECT: APPROVAL OF LIMITED SOIL REMEDIATION WORK PLAN, LIMITED SOIL REMEDIATION WORK PLAN ADDENDUM, AND TECHNICAL MEMORANDUM – RESPONSE TO COMMENTS ON THE "LIMITED SOIL REMEDIATION WORK PLAN ADDENDUM"

SITE: FORMER PACIFIC COAST DRUM COMPANY (ROSEMEAD HOLDING LLC), 2200-2226 N. ROSEMEAD BLVD, SOUTH EL MONTE, CALIFORNIA (WIP NO. 107.0266, SITE ID NO. 2040647)

Dear Mr. Wang:

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) staff has reviewed the *Limited Soil Remediation Workplan for the Eastern Portion of 2200 North Rosemead Boulevard, South El Monte, California* (Soil Remediation Workplan), dated April 25, 2023, that was submitted by Leighton Consulting, Inc. (Leighton), the *Limited Soil Remediation Work Plan Addendum* (Workplan Addendum), dated April 2024, and the *Technical Memorandum – Response to Comments on the Limited Soil Remediation Work Plan Addendum* (Tech Memo), dated August 16, 2024, that were submitted by your consultant, Haley & Aldrich, Inc. (Haley Aldrich) the above-referenced site (Site).

The Soil Remediation Workplan was revised to address the Los Angeles Water Board staff comments communicated to Leighton and Haley Aldrich via emails and during multiple rounds of discussion. The Workplan Addendum and the Tech Memo were submitted to address the Los Angeles Water Board staff comments. All three documents collectively propose a remedial soil excavation in the eastern portion of the Site for the planned site re-development at the Site.

SUMMARY OF SOIL REMEDIAL EXCAVATION IMPLEMENTATION PLAN

Historical subsurface investigations identified elevated concentrations of polychlorinated biphenyls (PCBs), lead, arsenic, hexavalent chromium, total petroleum hydrocarbons (TPH), and volatile organic compounds (VOCs) in shallow soils within the eastern portion of the Site. These concentrations were detected in excess of their San Francisco Bay

Regional Water Quality Control Board (SFBRWQCB) respective commercial Environmental Screening Levels (ESLs). As concluded in the human health risk assessment, current levels of these chemicals of concern (COCs) in soil required risk management prior to redevelopment of the Site for future commercial/industrial land use purposes. Impacted soil excavation and removal was the selected remedy to address the threat to human health and groundwater quality.

The proposed soil remediation will include excavation and removal of COC-impacted soils. PCB-impacted soils will be regulated by the United States Environmental Protection Agency (USEPA) 40 CFR 761 and will be managed with the USEPA as the lead agency in accordance with the Toxic Substances Control Act (TSCA) Cleanup Plan that was submitted to the USEPA. Other COCs are generally co-located with PCB shallow soil impacts and will be removed during the TSCA remedial excavation. Planned excavation locations for each COC that are within and outside of the proposed PCB excavation limits are provided on the attached figure.

The proposed soil remedial action goals (RAGs) will be used to identify areas of the Site where soil excavation is required to meet remedial action objectives (RAOs). The RAGs proposed for the COCs in soil were developed based on ambient-based (background) screening concentrations (ABSCs) or risk-based screening concentrations (RBSCs) developed in the human health risk evaluation.

The soil RAGs for this Site are summarized below:

- Total PCBs : 1 milligrams per kilogram (mg/kg)
- Lead : 500 mg/kg (re-use criteria : 380 mg/kg)
- Arsenic : 11 mg/kg
- Hexavalent chromium : 6.2 mg/kg
- TPH-D : 1,000 mg/kg
- TPH as gasoline (TPH-G) : 500 mg/kg
- TPH as motor oil (TPH-MO) : 5,100 mg/kg
- VOCs : SFBRWQCB ESLs (protection of groundwater)

These RAGS are a starting point for making risk management decisions and a tool for defining and guiding the extent and depths of soil remediation.

Approximately 5,000 cubic yards of COC-impacted soil will be excavated to a maximum depth of 8.5 feet below ground surface (bgs). The excavated soil will be segregated, stockpiled, sampled, profiled, and disposed at an appropriate waste disposal facility. Confirmation samples will be collected per the TSCA Cleanup Plan and will include the collection of soil samples from the side walls and floor of the excavation after excavation limits have been reached. Stockpiled soil that exceeds the RAGs will not be re-used onsite. If stockpiled soil sampling results indicate RAGs are not exceeded, the stockpiled soil may be re-used onsite. Soil stockpile sampling will adhere to the minimum number of samples necessary to meet the statistical requirements set forth in USEPA SW-846. If

import soil is required, the import soil will be from a clean source, and test results will be provided for the imported fill.

LOS ANGELES WATER BOARD COMMENTS AND REQUIREMENTS

Based on our review of the Soil Remediation Workplan, Workplan Addendum, Tech Memo, meetings held between Los Angeles Water Board and Haley Aldrich, and other information in the case file for the Site, the Los Angeles Water Board approves the Soil Remediation Workplan, the Workplan Addendum, and the Tech Memo with the following comments and conditions:

1. Soils with COC concentrations above the USEPA Regional Screening Levels (RSLs) but below RAGs and set aside for reuse shall be placed in the same location where they were excavated from.

2. Notify Los Angeles Water Board staff of the field schedule at least 10 days in advance of the start of the excavation activities and the installation of the vapor barrier.

3. After the implementation of the Soil Remediation Workplan and Workplan Addendum, you must prepare and submit a technical report documenting implementation of the proposed remediation. The technical report must, at a minimum, include the following:

    a) Description of the handling and management of excavated soil during removal activities;
    b) List and a provide a description of sub-surface structures encountered during excavation activities;
    c) Description and analyses of imported fill used at the Site;
    d) Description of soil confirmation sampling activities;
    e) Description of offsite disposal;
    f) Figures showing assessment and confirmation sampling locations, and soil excavation areas with cross-sections showing excavation depths and profiles;
    g) Tables summarizing analytical results for assessment and confirmation samples, volumes of excavated soil disposed offsite, etc;
    h) Copies of laboratory analytical results for samples collected and imported fill, waste manifests for investigation derived waste, offsite disposal of excavated soil and other debris, agency permits, etc;
    i) Photographs showing excavation, handling and management of soil, confirmation soil sampling, and installation of vapor barrier.

    The technical report must be submitted to the Los Angeles Water Board via Geotracker by **December 31, 2024**.

4. As presented in State Water Resources Control Board Resolution 92-49, professionals should be qualified, licensed where applicable, and competent and

proficient in the fields pertinent to the required activities. Moreover, all final reports submitted to the Los Angeles Water Board must be reviewed, signed, and stamped by a California registered geologist, or a California registered civil engineer with at least five years hydrogeologic experience. Furthermore, the California Business and Professions Code Sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of a registered geologist or registered civil engineer. A statement is requested in all final reports that the registered professional in responsible charge supervised or personally conducted all the work associated with all final reports.

5. The Los Angeles Water Board requires that you include a perjury statement in all reports submitted for Los Angeles Water Board review. The perjury statement should be signed by a senior authorized Rosemead Holding LLC representative. The perjury statement should be in the following format:

   I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you have any questions regarding this letter, please contact Ms. Jennifer Nobui, Engineering Geologist, at (213) 620-6363 or via email at jennifer.nobui@waterboards.ca.gov or Mr. Bizuayehu Ayele, Unit Supervisor, at (213) 576-6623 or via e-mail at bizuayehu.ayele@waterboards.ca.gov.

Sincerely,

_____
Jennifer Nobui, PG
Site Cleanup Unit V

cc (via e-mail):
Mr. Holly Arrigoni, EPA Region 9 (Arrigoni.Holly@epa.gov)
Mr. Chris Tsiatsios, Haley Aldrich (CTsiatsios@haleyaldrich.com)
Ms. Sylvia Tran, XBC Inc. (sylviat@xbcinc.com)
Ms. Shervin Milani, DTSC (Shervin.Milani@dtsc.ca.gov)
Mr. Randy Schoellerman, Water Quality Authority (Randy@wqa.com)
Mr. Dan Colby, Water Quality Authority (Dan@wqa.com)

LEGEND

- SOIL BORING
- APPROXIMATE SITE BOUNDARY

NOTES

1. ALL LOCATIONS ARE APPROXIMATE.
2. AERIAL IMAGERY SOURCE: NEARMAP, 9/12/23.

EXCAVATION DEPTH LEGEND

- 1 FOOT
- 1.5 FEET
- 2 FEET
- 2.5 FEET
- 3 FEET
- 3.5 FEET
- 4 FEET
- 5 FEET
- 6 FEET
- 8.5 FEET
- DATA GAP

N

0 20 40 60 80

SCALE IN FEET

HALEY ALDRICH

ROSEMEAD HOLDING LLC
220 N ROSEMEAD BOULEVARD
SOUTH EL MONTE, CA

REMEDIAL EXCAVATION PLAN

SCALE: AS SHOWN
APRIL 2024

FIGURE 8

Saved by: SBURNS
\\HALEYALDRICH.COM\SHARE\CP\PROJECTS\0209476\CAD\2024-0307-HA-SO-BASEPLAN- ALL -EXCAVATIONS.DWG
Printed: 3/11/2024 4:35 PM
Sheet: HA-FIG-EL

Kimley»Horn

February 19, 2025

Responses to the Appeal of Planning Commission Resolution No. 24-09, Adopting the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program, and Approving Conditional Use Permit No. 21-13 for the 2222 Rosemead Boulevard Warehouse Development Project

Introduction

Kimley-Horn and Associates, Inc. (Kimley-Horn) and Phil Martin and Associates prepared the Initial Study/Mitigated Negative Declaration (IS/MND) for the 2222 Rosemead Boulevard Warehouse Development Project (Project). The Draft IS/MND was released for public review and comment by the City of South El Monte (City) on October 1, 2024, for a 30-day public comment period ending on October 30, 2024. Adams Broadwell Joseph & Cardozo, on behalf of the Coalition for Responsible Equitable Economic Development ("CREED LA"; https://creedla.com/), submitted a comment letter dated October 30, 2024. Kimley-Horn and Ganddini Group, Inc. addressed comments raised in the October 30, 2024 letter, and the responses to comments were incorporated into the City's staff report and are contained within the administrative record; see **Attachment A**.

On November 18, 2024, CREED LA submitted another comment letter in response to the responses to comments. Due to the last-minute submittal of the November 18, 2024 comment letter, the Applicant and consultants provided oral responses at the November 19, 2024 Planning Commission meeting. On November 19, 2024, the Planning Commission approved Resolution No. 24-09, adopting the MND and Mitigation Monitoring and Reporting Program (MMRP), and approved CUP No. 21-13, as conditioned, for the Project.

On November 27, 2024, CREED LA filed an Appeal of Planning Commission Resolution No. 24-09, Adopting the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program and Approving Conditional Use Permit No. 21-13 for the 2222 Rosemead Boulevard Warehouse Development Project ("Appeal").

On behalf of the City, Kimley-Horn has reviewed the appeal letter and has prepared the following responses for the lead agency's review and consideration. It should be noted that a majority of the issues presented in both the comment letter dated November 18, 2024, and the appeal letter dated November 27, 2024, have been previously raised in the comment letter dated October 30, 2024, and have been addressed in prior written and oral responses. As noted above, the responses to comments were incorporated into the City's staff report and are contained in the administrative record.

For purposes of addressing the filed Appeal, this response letter addresses issues pertaining to the California Environmental Quality Act (CEQA) and the associated environmental issues. As explained in the attached responses, the IS/MND satisfies the environmental review requirements pursuant to CEQA (Public Resources Code §§21000-21189.3), the State CEQA Guidelines (California Code of Regulations Title

14, Chapter 3, 15000-15387), and the City of South El Monte's policies for implementing CEQA. The following are responses to the Appeal for the administrative record.

CEQA Requirements Regarding Comments and Responses

State CEQA Guidelines Section 15204(b) states that "persons and public agencies should focus on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should:

1. Identify the specific effect,
2. Explain why they believe the effect would occur, and
3. Explain why they believe the effect would be significant."

State CEQA Guidelines Section 15204(c) further advises, "Reviewers should explain the basis for their comments and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to State CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence." State CEQA Guidelines Section 15204(d) states, "Reviewing agencies or organizations should include with their comments the name of a contact person who would be available for later consultation if necessary. Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." State CEQA Guidelines Section 15204(e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

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SACRAMENTO, CA 95814-4721
TEL: (916) 444-6201
FAX: (916) 444-6209

November 18, 2024

VIA E-Mail and Overnight Mail

Planning Commission
c/o Renee Reyes
Community Development Department
City of South El Monte
1415 Santa Anita Avenue
South El Monte, CA 91733
rreyes@soelmonte.org

VIA E-Mail Only
Guillermo Arreola, Director
garreola@soelmonte.org

Gerardo Marquez, Planning Manager
gmarquez@soelmonte.org

Re: **Agenda Item No. 7.c.: 2222 Rosemead Boulevard Warehouse Development Project**

1 Dear Commissioners, Ms. Reyes, Mr. Arreola, and Mr. Marquez:

We write on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") regarding Agenda Item No. 7.c., which concerns the Mitigated Negative Declaration ("MND") (SCH No. 2024100046),[1] a Mitigation Monitoring and Reporting Program ("MMRP"), and proposed Conditional Use Permit (CUP No. 21-13) for the 2222 Rosemead Boulevard Warehouse Development Project ("Project") proposed by Tait & Associates, Inc. ("Applicant").

The City of South El Monte ("City") Community Development Department Staff ("Staff") recommends that the Planning Commission approve Resolution 24-09, adopt the MND and MMRP, and approve the CUP for a new 156,877 square foot warehousing building.[2] Staff's recommendation is premature and unsupported by

[1] City of South El Monte, 2222 Rosemead Boulevard Warehouse Development: Initial Study and Mitigated Negative Declaration (Oct. 2024) (hereinafter "IS/MND").
[2] City of South El Monte, Planning Commission Agenda Report: Agenda Item No. 7.c. re: Approval of Resolution No. 24-09 (Nov. 19, 2024) ("Staff Report") p. 5, *available at*

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1 the record because the City has not yet complied with the California Environmental Quality Act ("CEQA"). CEQA requires the City to prepare an environmental impact report ("EIR") when there is substantial evidence in the record supporting a fair argument that a project has potentially significant environmental or public health impacts that are not fully mitigated by a proposed MND, and where the MND does not contain the information required by law.

In this case, the IS/MND lacks information and analysis required by CEQA, and there is substantial evidence in the record supporting a fair argument that the proposed Project will result in potentially significant impacts on public health, air quality, greenhouse gas ("GHG") emissions, transportation, noise, and public utilities which are not adequately disclosed and mitigated by the measures proposed in the IS/MND. The City consultant's responses to CREED LA's comments included in the Staff Report ("Responses") ignore or fail to resolve most of these issues, and do not provide substantial evidence supporting Project approval. Consequently, the Planning Commission cannot adopt the MND or approve the Project's entitlements at this time.

In its Responses, the City asserts that the comments received on the IS/MND do not raise substantive environmental issues that would necessitate recirculation of the MND or preparation of an EIR.[3] The City further claims that the mitigation measures proposed in the MND require no modifications based on public comments.[4] These assertions lack merit and include precisely the type of disputes of fact that require preparation of an EIR under CEQA.

Under CEQA, any comments presenting a "fair argument" supported by substantial evidence, including facts or expert opinion, necessitate the preparation of an EIR, regardless of whether the City agrees with those comments.[5] As

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https://www.cityofsouthelmonte.org/DocumentCenter/View/5872/11-19-24-Planning-Commission-Regular-Meeting-Agenda-PDF.

[3] *Id.* at p. 5; see also Kimley Horn, Response to Comment Letter 2: Aidan P. Marshall, Adams Broadwell Joseph & Cardozo Attorneys at Law (on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ["CREED LA"]), October 30, 2024 (undated) (hereinafter "Kimley Horn Memorandum"); Memorandum to Dana Privitt, Kimley-Horn & Associates, Inc. from Roma Stromberg, Ganddini Group, Inc. re: Response to Adams Broadwell Joseph &Cardozo Comment Letter Dated October 30, 2024, Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) (Nov. 13, 2024) (hereinafter "Ganddini Memorandum").

[4] *Ibid.*

[5] Pub. Res. Code §§ 21080(d), 21082.2(d); CEQA Guidelines §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* ("*Laurel Heights II*") (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc.*

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1 demonstrated in CREED LA's preliminary comments on the IS/MND and detailed further below, the issues by CREED LA provide facts and expert evidence demonstrating that the Project has significant, unmitigated impacts that meet the fair argument standard.[6]

CREED LA respectfully urges the Planning Commission to continue this hearing and direct Staff to prepare an EIR for the Project before bringing the Project back for further consideration.

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association includes South El Monte residents Alejando Ayala and Jose Francis, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of South El Monte and Los Angeles County.

Individual members of CREED LA live in the City of South El Monte, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued

v. County of Stanislaus (1995) 33 Cal.App.4th 144, 150- 151; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* ("*Quail Botanical*") (1994) 29 Cal.App.4th 1597, 1601- 1602.

[6] Letter to Guillermo Arreola, City of South El Monte from Aidan P. Marshall, Adams Broadwell Joseph & Cardozo re: Preliminary Comments on the Initial Study/Mitigated Negative Declaration for the 2222 Rosemead Boulevard Warehouse Development Project (SCH No. 2024100046) (Oct. 30, 2024) (hereinafter "CREED LA Preliminary IS/MND Comments").

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1 environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

2 **II. AN EIR MUST BE PREPARED BEFORE THE PLANNING COMMISSION MAY APPROVE THE PROJECT**

In most cases, CEQA mandates that lead agencies prepare an EIR for projects that could have significant environmental effects.[7] The purpose of an EIR is to ensure that the public and decision-makers are fully informed about potential environmental consequences before decisions are made, thus promoting informed decision-making and protecting the environment.[8]

The "fair argument" standard underscores a preference for EIR preparation. Under this standard, an EIR must be prepared if there is substantial evidence in the record indicating a fair argument that the project could significantly impact the environment.[9] This standard sets a "low threshold" for triggering environmental review through an EIR, rather than through a mitigated negative declaration, which is only appropriate if all potentially significant effects of the project are avoided or reduced to insignificance.[10]

"Substantial evidence" under the fair argument standard means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[11] In cases where it's uncertain whether substantial

[7] Pub. Res. Code § 21000; 14 Cal. Code Regs. ("CEQA Guidelines") § 15002.
[8] *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564.
[9] Pub. Resources Code §§ 21080(d), 21082.2(d); CEQA Guidelines §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 1501-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.Appl.4th 1597, 1601-02.
[10] Pub. Res. Code § 21080(c)(2); CEQA Guidelines § 15070(b).
[11] CEQA Guidelines § 15384(a).

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2 evidence exists regarding a project's potential environmental effects, the lead agency must consider expert opinion and facts.[12] If there is disagreement among experts about the significance of an effect on the environment, the lead agency must treat the effect as significant and prepare an EIR.[13]

Here, substantial evidence supports a fair argument that the Project may cause significant public health, air quality, GHG emissions, transportation, noise, and public utilities. Therefore, the City must prepare an EIR that thoroughly discloses, analyzes, and mitigates these impacts, while also exploring less environmentally damaging alternatives, before it can approve the Project.

A. The IS/MND Project Description Remains Inadequate

A.1

1. *The City Fails to Acknowledge or Analyze Reasonably Foreseeable High Intensity Warehouse Uses*

CREED LA provided substantial evidence, supported by expert opinion, demonstrating that higher intensity warehouse uses, including high-cube warehouse operations, are reasonably foreseeable uses at the Project site under the proposed CUP.[14] In response, the City claims, without supporting evidence, that high-cube warehouse uses are not applicable to the proposed Project simply because it is less than 200,000 square feet in size.[15] This assertion ignores CREED LA's comments, which described the range of feasible high-intensity warehouse uses at the Project site.

The Project's operational characteristics and the severity of its environmental and public health impacts are not determined solely by size but by allowable uses. In the absence of binding restrictions – such as conditions of approval, a covenant on the title of the underlying property, or mitigation measures – which prohibit future high intensity retail, warehouse (and cold storage uses, as discussed below) at the Project site, there is no evidence supporting the City's assertion that these activities would not occur.

The City has a duty under CEQA to analyze the impacts of *all* reasonably foreseeable uses of the Project site.[16] High-cube warehouses are defined by their

[12] *Id.* § 15064(g).
[13] *Ibid.*
[14] CREED LA Preliminary IS/MND Comments at pp. 4-6. There is nothing in the General Plan or Municipal Code prohibiting high intensity or cold storage warehouse uses under the proposed CUP.
[15] Ganddini Memorandum at pp. 1-2.
[16] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.

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A.1

function, such as the storage and distribution of goods, often involving high levels of truck traffic, energy consumption, and GHG emissions. These characteristics can apply to warehouses smaller than 200,000 square feet, particularly if the facility is designed or intended to support logistics operations requiring frequent truck trips or intensive energy use. By focusing solely on square footage, the IS/MND failed to analyze the Project's impacts resulting from potential operation as a higher intensity warehouse. This oversight results in inadequate disclosure and mitigation of the Project's potential environmental impacts.

The City's unsupported dismissal of higher intensity uses is inconsistent with the allowable uses under the Project's proposed CUP, which do not restrict the type of warehouse operations that can occur at the Project site. CEQA's mandate is to analyze all reasonably foreseeable impacts of a Project. Given the feasibility of high intensity use at the Project site, and the substantial evidence in the record from CREED LA and its experts demonstrating that the impacts from high intensity use would be significant and unmitigated, the City's decision to ignore these uses is unsupported and contrary to law. There is substantial evidence supporting a fair argument that the Project may operate in a manner consistent with high-cube warehouse uses. An EIR is required to fully evaluate and mitigate these potentially significant impacts.

A.2

2. *The City Fails to Describe and Analyze Reasonably Foreseeable Cold Storage Warehouse Use*

CREED LA provided substantial evidence, supported by expert opinion, demonstrating that cold storage warehouse uses are reasonably foreseeable for the proposed Project and would result in significant, unmitigated impacts.[17] In response, the City asserts that the Project *can be* conditioned to prohibit cold storage.[18] However, this claim is misleading, as *none* of the Project's proposed conditions of approval explicitly prohibit cold storage.[19] Without an enforceable condition prohibiting this use, there is no guarantee that cold storage operations – which could significantly increase energy consumption, GHG emissions, and other environmental impacts – will not occur as part of the Project.

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[17] CREED LA Preliminary IS/MND Comments at pp. 5-8.
[18] Ganddini Memorandum at p. 2.
[19] See Staff Report, attach. A (Draft Resolution No. 24-09: A Resolution of the South El Monte Planning Commission Approving a Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program Prepared in Compliance with the California Environmental Quality Act; Approving Conditional Use Permit 21-13 to Allow for the Development of a New Approximately 156,877 Square Foot Warehouse Building Located at 2222 Rosemead Boulevard) (hereinafter "Draft Resolution No. 24-09").

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A.2 Under CEQA, a mitigation measure or condition of approval must be enforceable and clearly articulated to ensure that environmental impacts are adequately mitigated.[20] The Attorney General also recommends that, if an agency intends to prohibit cold storage at warehouse projects, the project must either adopt mitigation measures limiting cold storage impacts or record a covenant on the title of the underlying property to ensure that the property cannot be used to provide refrigerated warehouse space.[21] No such mitigation or land use covenants are included in the IS/MND or Responses.

The absence of a specific and enforceable prohibition against cold storage renders the City's response insufficient and undermines the credibility of the environmental review process. The potential for unmitigated impacts from cold storage operations further supports the need for a full EIR to analyze and disclose these potential impacts comprehensively.

B. The City Fails to Analyze Public Health Impacts Associated with Exposure to the Project's Emissions

B.1 CREED LA commented that the IS/MND failed to analyze public health impacts associated with toxic air contaminants ("TACs"), particularly diesel particulate matter ("DPM"), generated during Project construction and operation on nearby sensitive receptors, including residents of a mobile home park directly south of the Project site.[22] In response to comments, the City claims that it is not required to perform a quantitative health risk analysis ("HRA"), arguing that is a recommendation rather than a mandate by the Office of Environmental Health Hazard Assessment ("OEHHA"), the South Coast Air Quality Management District ("SCAQMD"), or the City itself.[23] In addition, the City asserts the SCAQMD did not request a construction or operational HRA.[24] However, these arguments overlook CEQA's core requirement to fully disclose and analyze significant environmental impacts, including those related to public health.[25] The California Supreme Court

[20] Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).
[21] *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022)*, pg. 9, available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf ("Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.").
[22] CREED LA Preliminary IS/MND Comments at pp. 14-19.
[23] Ganddini Memorandum at pp. 2-3.
[24] Ganddini Memorandum at p. 3.
[25] CEQA Guidelines § 15065(a)(4); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 523.

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B.1 has interpreted this requirement to include a specific duty to disclose the health effects posed by exposure to a project's air emissions.[26]

While preparation of an HRA may not be explicitly mandated by OEHHA or SCAQMD, CEQA requires that lead agencies evaluate whether a project has the potential for significant impacts, including health risks from exposure to TACs and DPM generated during construction and operation of the Project. To comply with CEQA, the City must assess whether exposure to the Project's TACs/DPM emissions would result in exceedances of appliable health-based CEQA significance thresholds. Here, the SCAQMD significance thresholds for TAC exposure include:

Maximum Incremental Cancer Risk ≥ 10 in 1 million
Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million)
Chronic & Acute Hazard Index ≥ 1.0 (project increment).[27]

A quantitative HRA is a standard methodology for assessing these risks and ensuring compliance with CEQA's requirement for a good-faith, evidence-based environmental analysis. The City failed to perform this analysis in the IS/MND.

The City's reliance on SCQAMD's lack of a project-specific request for an HRA is a red herring. CEQA does not allow the lead agency to delegate its responsibility for a comprehensive environmental review to other entities.[28] The City must independently evaluate the Project's health risks based on substantial evidence in the record.[29] By declining to perform an HRA, the City fails to provide the quantitative analysis necessary to compare exposure to Project emissions to applicable significance thresholds, or to assess whether additional mitigation measures are required to reduce those impacts.

B.2 The City also improperly relies on SCAQMD's localized significant thresholds ("LSTs").[30] LSTs are designed to prevent exceedances of federal or state air quality

[26] *Sierra Club v County of Fresno* (2018) 6 Cal.5th 502, 518–522.
[27] See South Coast AQMD Air Quality Significance Thresholds, available at https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf%3Fsfvrsn%3D25&ved=2ahUKEwj_2MnO-OaJAxWaMzQIHRAJNiwQFnoECAoQAQ&usg=AOvVaw07n1OZu8NvvtfqOAnstLMG (last visited Nov. 18, 2024).
[28] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308.
[29] Pub. Res. Code § 21082.2(a); CEQA Guidelines § 15091(a).
[30] Ganddini Memorandum at p. 3.

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B.2 standards, not to assess the health risks of TACs such as DPM.[31] Unlike criteria pollutants with established ambient air quality standards, DPM has no known safe exposure threshold. Therefore, the use of LSTs as a proxy for DPM impacts is not only scientifically inappropriate but also legally insufficient under CEQA.

B.3 Finally, public health impacts are often cumulative in nature, particularly in areas already burdened by poor air quality or high concentrations of diesel emissions. Indeed, the CalEnviroScreen scores for the Project's census tract are in the 78th percentile for particulate matter and the 92nd percentile for DPM.[32] Without an HRA, the City cannot adequately assess the cumulative health risks posed by this Project in conjunction with other existing and planned developments in the area. This failure leaves a critical gap in the environmental review, undermining the validity of the IS/MND.

To comply with CEQA, the City must prepare an EIR that includes a comprehensive HRA. This analysis is essential for disclosing the Project's potential health impacts, evaluating cumulative risks, and identifying feasible mitigation measures to protect public health.

C. Substantial Evidence Supports a Fair Argument the Project Would Result in Significant Noise Impacts

C.1 1. *The City Lacks Substantial Evidence to Support the Construction Noise Significance Threshold*

The City's reliance on an 80 dBA Leq threshold for construction noise, as derived from the Federal Transit Administration's *Transit Noise and Vibration Impact Assessment Manual* ("FTA Manual"), is inappropriate and constitutes a misapplication of the manual's guidance.[33] The FTA Manual emphasizes that construction noise impact assessments should consider several contextual factors, including existing noise environment, the absolute noise levels anticipated during construction activities, the duration and timing of construction, and the sensitivity of adjacent land uses.[34] By adopting a blanket 80 dBA Leq threshold without

[31] South Coast Air Quality Management District, Final Localized Significance Threshold Methodology (July 2008), *available at* http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2.
[32] IS/MND, appen. E, PDF pp. 163-64.
[33] Ganddini Memorandum at p. 7.
[34] Attachment A, Letter to Aidan P. Marshall, Adams Broadwell Joseph & Cardozo from Neil P. Shaw, Menlo Scientific Acoustics, Inc. re: 2222 Rosemead Boulevard Warehouse Development Initial Study and Mitigated Negative Declaration Acoustic Review (Nov. 15, 2024) pp. 2-3 (hereinafter "Shaw Comments").

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C.1 accounting for these critical factors, the City fails to ensure that its analysis reflects site-specific conditions and potential impacts as required under CEQA.

The FTA Manual does not prescribe the use of an 80 dBA Leq as a universal standard but instead recommends tailoring the threshold to the specific circumstances of a project.[35] CEQA similarly requires agencies to evaluate noise impacts in context, considering the significance of an impact in relation to the environment's baseline conditions and the characteristics of the affected receptors.[36] The City's rigid application of the FTA Manual's threshold without such contextual considerations undermines the adequacy of the noise analysis and fails to comply with CEQA's mandate for a thorough and accurate environmental review.

Furthermore, when contextual factors are appropriately considered, it is evident that the 80 dBA Leq threshold is inapplicable. As CREED LA's acoustical expert Neil Shaw explains, residential mobile trailers do not fall within Land Use Category 3, which is defined by the FTA Manual as a land use category subject to severe noise impact thresholds.[37] Residential mobile trailers are more acoustically sensitive and align more closely with Land Use Categories 1 and 2, which are afforded stricter noise thresholds under the FTA Manual.[38] These categories impose absolute limits of 65 dBA for moderate impact and 70 dBA for severe impact, reflecting the need for greater noise protection for sensitive receptors.[39]

The City's application of an 80 dBA Leq threshold fails to account for this critical distinction, effectively misclassifying residential mobile trailers under a land use category with inapplicable thresholds. This oversight not only disregards the heightened sensitivity of residential receptors, but also demonstrates a broader failure to align the noise analysis with the FTA Manual's guidance. By neglecting to apply the appropriate thresholds for more acoustically sensitive land uses, the City's analysis underestimates the potential noise impacts of construction activities, resulting in unsupported significance conclusions and further undermining compliance with CEQA's requirements for a thorough and accurate environmental review.

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[35] *Id.* at pp. 2-3.
[36] Pub. Res. Code § 21060.5; CEQA Guidelines § 15360, appen. G; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 884.
[37] Shaw Comments at p. 3.
[38] *Ibid.*
[39] *Ibid.*

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C.2

2. *The Project's Construction Noise Is Significant and Unmitigated*

CREED LA's preliminary comments and Mr. Shaw's expert opinion demonstrate that the Project's construction noise would exceed the applicable daytime noise standards in Section 8.20.020 of the Municipal Code, causing significant impacts that require mitigation.[40] These comments highlight that the construction noise levels would exceed the 55 dBA daytime standards set forth in Section 8.20.020 for the mobile homes located south of the Project site.[41] Specifically, Table 11 of Appendix E shows that construction noise impacts at the mobile homes would reach 74 dBA Leq during demolition, grading, and building construction, 68 dBA Leq during paving, and 61.2 dBA Leq during architectural coating, constituting a significant impact under CEQA.[42]

In addition to violating the quantitative standards, Mr. Shaw's comments demonstrate that the Project's construction activities would also violate Section 8.20.010's qualitative standards for "intrusive noise" causing a "noise disturbance."[43] "Intrusive noise" is defined as "noise which intrudes over and above the existing ambient noise at a given location."[44] "Noise disturbance" is defined as "any sound which (i) endangers or injures the safety or health of human beings or animals, or (ii) *annoys or disturbs reasonable persons of normal sensitivities*, or (iii) endangers or injures personal or real property or (iv) violates the limits set forth in Section 8.20.020."[45]

The Project's noise levels exceed ambient noise levels at the mobile homes by wide margins, qualifying as "intrusive noise" under the Municipal Code.[46] These noise levels also constitute a "noise disturbance" because, as illustrated in Figure 3 of Appendix E,[47] they are equivalent to a vacuum cleaner at 10 feet.[48] Such levels would undoubtedly annoy or disturb reasonable people of normal sensitivity.[49]

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[40] CREED LA Preliminary IS/MND Comments at pp. 30-32; Shaw Comments at pp. 4-5.
[41] *Ibid.*
[42] IS/MND, appen. E, p. 35; CREED LA Preliminary IS/MND Comments at pp. 30-32; Shaw Comments at pp. 4-5; *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 (exceedance of established significance threshold is a significant impact); *Endangered Habitats League v. Orange* (2005) 131 CA4th 777, 783-4; CEQA Guidelines § 15064.7.
[43] Shaw Comments at pp. 4-6.
[44] Municipal Code § 8.20.010(E).
[45] Municipal Code § 8.20.010 (emphasis added).
[46] Shaw Comments at p. 5.
[47] IS/MND, appen. E at p. 7.
[48] Shaw Comments at pp. 5-6.
[49] *Ibid.*

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CREED LA's preliminary comments cite Federal Transit Administration ("FTA") data showing that noise increases of 5 to 10 dBA typically result in "widespread complaints," and 10 dBA or more can provoke "threats of legal action."[50] The Project's construction noise, which exceeds ambient noise by as much as 20 dBA,[51] clearly supports a fair argument that the Project will result in significant noise impacts requiring analysis in an EIR.

Substantial evidence, including expert comments, demonstrates that the Project's construction noise would exceed both quantitative and qualitative noise thresholds, causing significant impacts under CEQA. These impacts must be disclosed, analyzed, and mitigated in an EIR. Without such analysis, the IS/MND is deficient and does not provide the Commission with substantial evidence to support approval findings.

C.3

3. *The IS/MND Fails to Adopt Enforceable Construction Noise Mitigation Measures*

In response to comments, the City asserts that certain best management practices ("BMPs") would be adopted as conditions of approval to reduce construction noise impacts.[52] However, none of these BMPs are explicitly included in the conditions of approval or referenced in a manner that ensures their enforceability.[53]

Under CEQA, mitigation measures must be specific, enforceable, and committed to by the lead agency.[54] CEQA Guidelines § 15126.4(a)(2) states that mitigation measures "must be fully enforceable through permit conditions, agreements, or other legally binding instruments." BMPs that are vaguely described or omitted entirely from the conditions of approval fail to meet this requirement.

The City's failure to incorporate the promised BMPs into the conditions of approval creates a significant gap in the environmental review process. Without enforceable conditions: (1) there is no assurance that the BMPs will be implemented during the Project's construction, (2) the purported benefits of these BMPs in reducing or avoiding significant environmental impacts cannot be credited in the

[50] CREED LA Preliminary Comments, pg. 32-33; Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018, pg. 18, Figure 3-6 (Community Reaction to New Noise, Relative to Existing Noise in a Residential Urban Environment)
[51] CREED LA Preliminary IS/MND Comments at pp. 31-32; Shaw Comments at p. 5.
[52] Ganddini Memorandum at p. 8.
[53] See Draft Resolution No. 24-09.
[54] Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).

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C.3 environmental analysis, and (3) the omission undermines the credibility of the City's claim that potential impacts have been adequately mitigated.

This omission is not merely procedural but has substantive implications for the adequacy of the IS/MND under CEQA. Without enforceable commitments to implement the BMPs, there is substantial evidence supporting a fair argument that the Project will result in significant environmental impacts that have not bene mitigated to a less than significant level. Courts have consistently held that vague or unenforceable mitigation measures cannot support the finding of less than significant impacts.[55]

The City's reliance on unenforceable BMPs to mitigate potentially significant impacts is a clear violation of CEQA. An EIR must be prepared to fully analyze the Project's impacts and include enforceable mitigation measures to address them.

C.4 4. *The IS/MND Underestimates Operational Noise Impacts*

The IS/MND fails to adequately analyze noise impacts generated by truck operations on the Projects site, including noise from driving, backing up, and idling. Although the IS/MND evaluates roadway noise and loading/unloading activities, it omits critical on-site noise sources associated with operational truck movements.[56] This omission is particularly significant given the Project's proximity to sensitive receptors, such as the residences immediately south of the property line, where noise from truck operations could exceed thresholds of significance and cause substantial impacts.

Studies by the California Air Resources Board highlight the severity of these potential impacts. Diesel trucks at idle generate noise levels of approximately 96 dBA, while diesel-powered TRUs operating at high idle produce 104 dBA.[57] Trucks accessing the loading docks via the southern driveway would expose nearby residences to these elevated noise levels. Without analysis or mitigation of these impacts, the IS/MND fails to disclose potentially significance noise effects as required under CEQA.

In addition, the IS/MND's discussion of loading/unloading noise is inconsistent and underestimates impacts. While the Appendix E claims to rely on a

[55] *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.
[56] Shaw Comments at p. 7.
[57] California Air Resources Board, 2022 Technology Assessment: Non-Truck Transport Refrigeration Units (TRU) (Oct. 2022) pp. 17-18, *available at* https://ww2.arb.ca.gov/sites/default/files/2022-10/CARB%202022%20TRU%20Technology%20Assessment%2010-14-22.pdf.

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C.4

70 dBA Leq reference level for these activities, the included SoundPLAN worksheet instead shows a 65 dBA reference level.[58] This discrepancy undermines the validity of the IS/MND's findings. Even if the 70 dBA reference level were used consistently, it still significantly underestimates potential impacts, given that truck idling noise levels range from 96 to 104 dBA. The failure to account for these higher, more realistic noise levels renders the IS/MND's conclusion that operational noise impacts are less than significance unsupported.

By omitting on-site truck noise from its analysis and underestimating loading/unloading noise impacts, the IS/MND fails to meet CEQA's requirement to disclose and evaluate all potentially significance environmental impacts. Given the proximity of sensitive receptors and the likelihood of noise levels significantly exceeding ambient thresholds, the Project could result in unmitigated significant noise impacts.

An EIR must be prepared to provide a comprehensive analysis of operational noise impacts from all on-site truck activities, including idling, driving, and backing up. Additionally, the EIR should identify and implement feasible mitigation measures, such as operational restrictions, noise barriers, or buffer zones, to ensure impacts are reduced to less than significant levels. Without this analysis and mitigation, the IS/MND does not satisfy CEQA's requirements for transparency and impact reduction.

C.5

5. *Mitigation Measure NOI-1 Lacks Substantial Evidence*

The IS/MND claims that a 10-foot concrete masonry wall along the southern property line of the Project site would reduce operational noise impacts to less than significant.[59] However, this conclusion is unsupported by substantial evidence due to significant inconsistencies in the analysis and description of Mitigation Measure ("MM") NOI-1.

Mr. Shaw identifies numerous inconsistencies in the IS/MND and Appendix E regarding the proposed barrier wall height.[60] These discrepancies create confusion and prevent meaningful analysis of whether the proposed mitigation is adequate to reduce noise impacts to a less-than-significant level. Critically, there is no evidence in the record to confirm that a 10-foot wall would provide sufficient noise reduction.[61] Without clarity on the height and configuration of the proposed

[58] Shaw Comments at p. 7.
[59] IS/MND at pp. 91, 97.
[60] Shaw Comments at pp. 7-8.
[61] *Id*. at p. 8.

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C.5

barrier, the City cannot demonstrate that the Project's significant operational noise impacts would be mitigated to a less than significant level.

The noise analysis in Appendix E fails to clarify which barrier height – 10 feet or 14 feet – was used in its calculations.[62] This lack of transparency undermines the reliability of Table 14, which purports to show mitigated daytime noise levels, and Table 15, which purports to show nighttime noise levels.[63] If the analysis relied on a 14-foot barrier, but the IS/MND ultimately proposes a 10-foot barrier, the mitigation is demonstrably insufficient.

Additionally, Figure 7 in Appendix E reflects operational noise levels mitigated by a 14-foot barrier, further casting doubt on whether a 10-foot barrier would meet stationary noise standards.[64] The City lacks substantial evidence to conclude that a 10-foot barrier is adequate to mitigate the Project's significant operational noise impacts.

Even assuming a 14-foot barrier, Mr. Shaw identifies critical design flaws in MM NOI-1 that would render the mitigation inadequate. Specifically, the proposed wall does not account for flanking, a phenomenon where sound travels around the edges of a barrier.[65] To address flanking, Mr. Shaw recommends extending the barrier northward by at least 30 feet at the east and west ends of the southern property line.[66] This configuration would help block sound from bypassing the wall and reduce noise impacts to sensitive receptors.[67] Simply specifying the height of the wall is insufficient to ensure the noise reduction estimates in Appendix E are achieved.[68]

The failure to resolve inconsistencies regarding the barrier's height and to account for critical design flaws violates CEQA's requirement for substantial evidence and enforceable mitigation measures.[69] Without a clear, accurate, and enforceable noise mitigation plan, the IS/MND cannot support its conclusion that operational noise impacts would be reduced to a less than significant level.

To comply with CEQA, the City must prepare an EIR to (1) resolve the inconsistencies regarding the barrier height, (2) re-evaluate the Project's

[62] *Id*. at pp. 7-8.
[63] *Ibid*.
[64] *Ibid*.
[65] *Id*. at p. 8.
[66] *Ibid*.
[67] *Ibid*.
[68] *Ibid*.
[69] CEQA Guidelines § 15126.4(a)(1).

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C.5 operational noise impacts based on realistic and enforceable mitigation measures, and (3) address flanking and other design flaws to ensure the mitigation measures are effective.

D.1 **D. Substantial Evidence Demonstrates that Vehicle Miles Traveled Mitigation Measures Are Insufficient to Reduce the Impact to a Less than Significant Level**

CREED LA commented that MM TRANS-1 fails to mitigate the Project's vehicle miles traveled ("VMT") impacts to less than significant levels.[70] This failure is due to the lack of substantial evidence supporting the assumed VMT reduction and the fact that, even with the maximum assumed reduction, the Project's VMT exceeds the threshold of significance.[71] The City's response to comments does not resolve these deficiencies.

The City asserts that the maximum assumed VMT reduction is appropriate because MM TRANS-1 includes components that are applicable to 100% of employees.[72] However, broad applicability does not inherently ensure that the measure will achieve the claimed reductions. CEQA requires that mitigation measures be supported by substantial evidence demonstrating their feasibility and actual effectiveness.[73] The City's response fails to provide any evidence that 100% applicability translates to achieving the assumed VMT reduction. Without such data, studies, or other substantial evidence to validate the effectiveness of MM TRANS-1, the mitigation measure remains speculative and legally inadequate.

The City also argues that calculating the VMT values to two decimal points introduces an inappropriate level of precision by adding a significant digit.[74] This argument is misplaced. Accurate and precise calculations are essential to properly evaluate whether the Project complies with the threshold of significance, particularly in cases where small variances could determine whether impacts are deemed significant. By dismissing the importance of precision, the City fails to substantively address CREED LA's concern that VMT impacts remain above the threshold, even under the maximum reduction assumptions.

In sum, MM TRANS-1 fails to adequately mitigate the Project's significant VMT impacts to less than significant levels, as required by CEQA. The lack of

[70] CREED LA Preliminary IS/MND Comments at pp. 26-27.
[71] *Id.* at p. 27.
[72] Ganddini Memorandum at p. 6.
[73] *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 866.
[74] Ganddini Memorandum at p. 7.

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D.1

substantial evidence supporting the assumed VMT reduction, combined with the Project's exceedance of the significance threshold, demonstrates the inadequacy of the mitigation measure. Furthermore, the City's responses to comments do not resolve these deficiencies. To comply with CEQA, the City must prepare an EIR that provides substantial evidence supporting the feasibility and effectiveness of proposed mitigation measures, identifies and evaluates additional feasible measures to reduce VMT impacts to less-than-significant levels, and ensures transparent and precise VMT calculations to accurately assess compliance with thresholds of significance.

E.1

E. The City Fails to Analyze Fire Flow Requirements and Public Utility Impacts

The IS/MND fails to adequately analyze potentially significant public utility impacts related to fire flow requirements.[75] Fire flow requirements, which refer to the volume and pressure needed to combat fires, are critical for public safety and ensuring that existing infrastructure can accommodate the increased demands of new development.

In response to CREED LA's comment, the City attempts to defer the evaluation of fire flow requirements and infrastructure capacity to the Los Angeles County Fire Department ("LACFD") Fire Prevention Division's site review.[76] However, deferring this analysis is inconsistent with CEQA's requirement that the environmental review document provide sufficient analysis to determine whether a project may result in significant impacts, including impacts on public utilities and infrastructure.[77] Deferral to another agency's technical review process fails to meet CEQA's requirement for a transparent and comprehensive analysis of environmental consequences.

Moreover, while LACFD is responsible for ensuring compliance with fire safety codes, its review is limited to regulatory and technical standards. LACFD's process does not encompass the broader environmental evaluation required by CEQA, such as analyzing whether the Project may overburden water supply systems or create cumulative impacts. Courts have consistently held that deferring environmental review to a later stage or another agency violates CEQA.[78]

---

[75] CREED LA Preliminary IS/MND Comments at p. 32.
[76] Kimley Horn Memorandum at pp. 4-5.
[77] CEQA Guidelines §§ 15063, 15070.
[78] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412.

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E.1 By failing to analyze the Project's fire flow requirements or the infrastructure's capacity to supply adequate fire flow, the IS/MND omits a crucial aspect of environmental review. To ensure compliance with CEQA and adequately address these concerns, the City must prepare an EIR that thoroughly evaluates, discloses and mitigates potential public utility impacts.

3 **III. CONCLUSION**

The City cannot approve the proposed Project without first addressing the numerous deficiencies in the IS/MND identified by CREED LA and members of the public. To comply with CEQA, the City must prepare a legally adequate EIR that thoroughly discloses, analyzes, and mitigates all potentially significant impacts.

Thank you for your careful consideration of these comments.

Sincerely,



Andrew J. Graf

Attachment
AJG:acp

7554-006acp

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MENLO SCIENTIFIC ACOUSTICS, INC.
Consultants in Acoustics and Communication Technologies

15 November 2024

Mr. Aidan P. Marshall
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080

Subject: **2222 Rosemead Boulevard Warehouse Development**
Initial Study and Mitigated Negative Declaration
Acoustic Review

Dear Mr. Marshall,

Menlo Scientific Acoustics, Inc., reviewed the 2222 Rosemead Boulevard Warehouse Development Initial Study/Mitigated Negative Declaration [a] (MND), Appendix E Noise Impact Analysis[b], and the City of South El Monte Municipal Code[c] (MC) in regards to the subject project, concerning the proposed development in the City of South El Monte of an approximately 156,877-sf concrete tilt-up warehouse with 13 dock doors. Sensitive receptors near the project site include a mobile home park located directly to the south of the proposed project. This report addresses deficiencies in the MND's analysis of impacts on the mobile home park during both the construction and operational phase.

Our review of these documents finds the following items of concern that call into question the findings contained in Appendix E and thus the findings in the Initial Study and Mitigated Negative Declaration (MND) of no significant impact.

CONSTRUCTION NOISE IMPACTS

AA.1

1) It is unclear whether a nighttime prohibition on truck movement is part of the unmitigated Project Description.

The IS/MND states that all on-site truck movement and loading and unloading activities at the proposed loading docks, which are located behind electronic gates, would be prohibited from 10:00 PM to 7:00 AM.[d] Appendix E MM NOI-1 states: "Install a 14-foot-high concrete masonry wall along the southern property line of the project site as shown in Figure 7." Yet MND MM NOI-1 states "…(1) require the installation of a 10-foot-high concrete masonry wall along the southern property line of the project site; ***or*** (2) prohibit

[a] Prepared by Kimley-Horn and Associates, Inc.
[b] Prepared by Ganddini Group Inc.
[c] http://southelmonte-ca.elaws.us/code/coor_title8
[d] IS/MND, page 6 ("As previously noted, the gates would be closed between 10:00 PM and 7:00 AM.").

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AA.1 truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM." *Italics* and **bold** for "or" added. Due to this inconsistency, it is unclear whether a nighttime prohibition on truck movement is part of the unmitigated project.

AA.2

2) **The 80 dBA Construction Noise Threshold Is Inapplicable to the Project**

Appendix E, Noise Impact Analysis, states that the project's construction noise has been analyzed using a maximum noise threshold contained in the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual ("FTA Manual").[e] Appendix E, on page 30, says "Based on the FTA criteria, project construction noise would be considered significant if it exceeds 80 dBA L_{eq} for an 8-hour period at residential and noise-sensitive outdoor areas." Appendix E concludes that since the calculated impacts would be below 80 dBA, and so the calculated impacts would be less than significant. However, this threshold is inapplicable to the subject project.

The FTA Manual prefaces its discussion of construction noise thresholds by cautioning that "criteria must be developed on a project-specific basis," and that "it is not the purpose of this manual to specify standardized criteria for construction noise impact."[f] The FTA Manual also cautions, "Project construction noise criteria should account for the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land use."[g] The MND misapplies the FTA Manual's guidance because it has not set a construction noise significance threshold with consideration of any of these factors. Careful application of recommendations in the FTA Manual demonstrates that a lower maximum noise threshold is appropriate for this Project and the nearby receptors.

The FTA manual section 4.1 Determine Noise Impact Criteria, starting on page 20, states "This section describes the procedure for determining the appropriate criteria for assessing project noise impact based on the type of project and project noise source."

Step I: Identify Project Type, on page 21, provides three types of projects:

Option A: Transit Project Only, Option B: Multimodal Project (Transit and Highway Noise), and Option C: Other Multimodal Projects.

The subject project does not include new transit rail and similar sources (Option A), does not include transit and highway sources (Option B), and does not include, on page 23, "components from other modes."

[e] Federal Transit Administration, Transit Noise And Vibration Impact Assessment Manual, September 2018.
[f] FTA Manual, pg. 179.
[g] *Id.*

AA.2

The manual then discusses Land Use Categories, on page 23, in Table 4-3, Table 4-3 Land Use Categories and Metrics for Transit Noise Impact Criteria. The table presets the land use category, land use type, the noise metric (dBA), and a description of land use category.

Land Use Category 2 in Table 4-3 is "Residential", the noise metric is "Outdoor L_{dn}," and the description is "This category is applicable all residential land use and buildings where people normally sleep, such as hotels and hospitals."

FTA manual Appendix C: Background for Transit Noise Impact Criteria, in section C.3: Equations for Noise Impact Criteria Curves, on page 220, states "**For land use category 1 and 2, the absolute limit is 65 dBA for moderate impact** and 70 dBA for severe impact. For land use category 3, the absolute limit is 75 dBA for moderate impact and 80 dBA for severe impact."

The residential mobile trailers are not in Land Use Category 3 with a severe impact.

The 80 dBA criteria used in the MND is inapplicable to the project as:

1) The project is not a transit project.

2) The project is not in Land Use Category Type 3, Institutional, per Table 4-3.

3) The project is in Land Use Category 2, Residential, per Table 4-3.

4) The calculated levels in the MND exceed the criteria in the South El Monte MC.

Now, $L_{eq(t)}$ is described in the FTA manual in section B.I.4.4, on page 210, the Equivalent Sound Level, and is described in the manual as follows:

> "The metric for cumulative noise exposure over a specific time interval is the equivalent sound level. It is a single decibel value that accounts for total sound energy from all sound levels over a specified time interval (or time period). The time period associated with the equivalent sound level metric can vary for different types of analyses. This metric is abbreviated as Leq(t), where "t" is the duration of the time period. Leq(t) represents a hypothetical constant sound level and contains the same overall sound energy as the actual varying sound energy during the time period "t". For most transit noise analyses, an A-weighted, hourly equivalent sound level is used, abbreviated here as $L_{eq(1hr)}$. $L_{eq(1hr)}$ is expressed in the unit, dBA."

Figure B-9, Typical Hourly $L_{eq(1\ Hr)}$'s, in the FTA manual, notes for non-transit sources, 80 dBA is the Hourly Noise Level (HNL) for an 8-Lane Highway – see figure below.

Figure B-9 - Typical Hourly $L_{eq(1\ Hr)}$'s

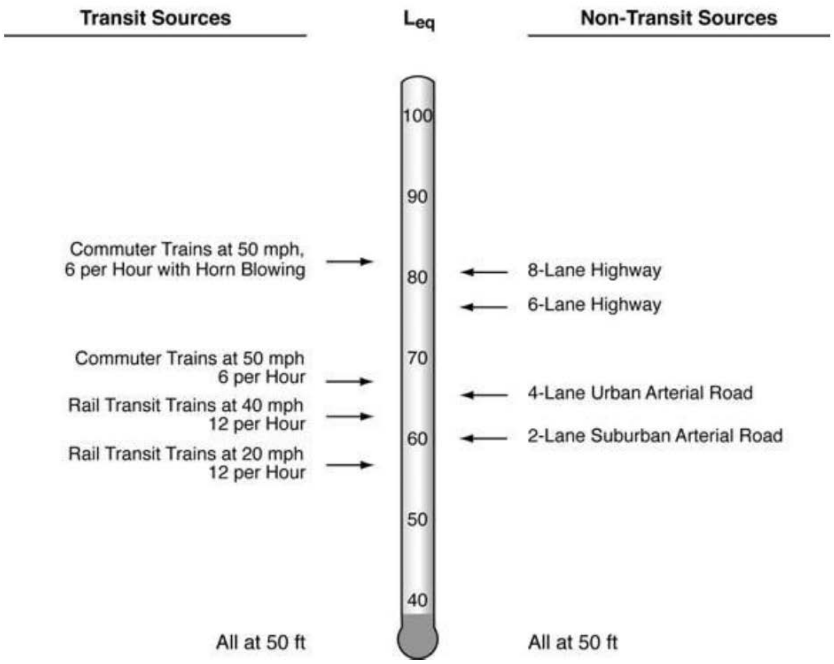


Figure B-9 Typical Hourly $L_{eq(1hr)}$'s

AA.3

3) Noise Impacts Below 80 dBA Would Exceed South El Monte Municipal Code Standards, Resulting in Significant Impacts on Residents

MC Section 8.20.020 A, Exterior Noise Limits, Maximum Permissible Sound Levels by Receiving Land Use, Table 1, Exterior Noise Limits by Zone, specifies noise limits for various land use or zones, shown below.

Table 1 Exterior Noise Limits by Zone

Table 1 Exterior Noise Limits by Zone		
Receiving Land Zoning Category	**Time Period**	**Noise Level Standard (dbA)**
One-or two-family residential zone	10 p.m. to 7 a.m.	45
	7 a.m. to 10 p.m.	55
Multiple dwelling residential zone, public zone	10 p.m. to 7 a.m.	50
	7 a.m. to 10 p.m.	60
Commercial zone or commercial-manufacturing zone	10 p.m. to 7 a.m.	55
	7 a.m. to 10 p.m.	60
Manufacturing zone	any time	70

AA.3

Further, 8.20.020 A states:

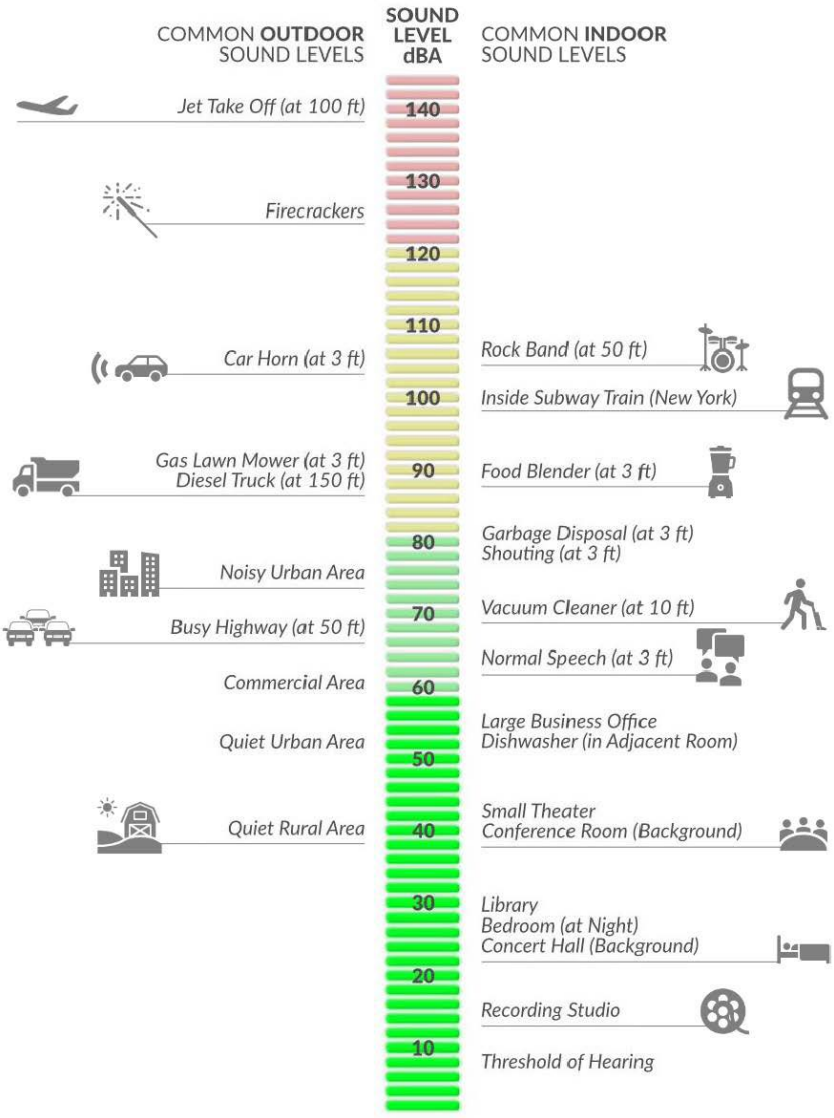
> 1. No person shall operate or cause to be operated any source of sound at any location within the city or allow the creation of any noise on property owned, leased or occupied or otherwise controlled by such person, which causes the noise level when measured on any other property to exceed:
>
> a. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 for a cumulative period of more than thirty minutes in any hour; or
>
> b. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus five dBA for a cumulative period of more than fifteen minutes in any hour; or
>
> c. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus ten dBA for a cumulative period of more than five minutes in any hour; or
>
> d. The exterior noise limit plus fifteen dBA for a cumulative period of more than one minute in any hour; or
>
> e. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus twenty dBA for any period of time.

The proposed 80 dBA FTA limits exceed all the criteria in 8.20.020 1. The calculated noise level in Appendix E, Table 11, Construction Noise Levels (dBA L_{eq}) for the residences south of the proposed project also exceed all the criteria in 8.20.020 1. This is a significant impact requiring mitigation.

The Project's construction noise levels would also be significant pursuant to MC 8.20.010 (defining "Intrusive noise" and "Noise disturbance"). Section 8.20.010 E provides that "'Intrusive noise' means noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or information content as well as the prevailing ambient noise level." And 8.20.010 provides that "'Noise disturbance' means any sound which (i) endangers or injures the safety or health of human beings or animals, or (ii) *annoys or disturbs reasonable persons of normal sensitivities*, or (iii) endangers or injures personal or real property or (iv) violates the limits set forth in Section 8.20.020." *Italics* added.

The Project's anticipated construction noise levels, as presented in Table 11 of Appendix E, would constitute intrusive noise and would cause a noise disturbance. For example, construction noise impacts at the mobile homes would reach 74 dBA L_{eq} during demolition, grading, and building construction, 68 dBA L_{eq} during paving, and 61.2 dBA during architectural coating. As shown in Appendix E Figure 3 (A-weighted Comparative Sound Levels), below, these noise levels are equivalent to noise sources shown below. These noise levels would annoy or disturb reasonable persons of normal sensitivities.

Figure 3 - A-weighted Comparative Sound Levels



AA.4

OPERATIONAL NOISE LIMITS

1) **Appendix E does not account for mobile noise sources on the proposed project site.**

Appendix E page 32, under Project Operational Mobile Noise Source, states:

> "Roadway noise levels were calculated for the following scenarios:
> ● Existing (without Project): This scenario refers to existing year traffic noise conditions.
> ●Existing Plus Project: This scenario refers to existing year plus project traffic noise conditions."

AA.4

But this analysis of roadway noise levels does not reflect noise generated by mobile sources on the Project site. A review of the Appendix E appendices does not find any worksheet or calculations for the truck traffic on the proposed project site nor the impact of

same on the mobile home residences to the south of the project. Appendix E does not discuss the impact of trucks entering and leaving the proposed project site on the residential property to the south (see MND Figure 3) to access the loading docks in the daytime or nighttime. Appendix E does not address the noise from trucks backing up to the docks, pulling away from the docks, nor the noise from the trucks idling while at the docks.

Appendix E's analysis of loading/unloading noise is internally inconsistent. Although Appendix E under Truck/Drive, on page 23, says "The proposed loading area was modeled using a SoundPLAN sound reference level for loading/unloading adjusted to be a sound level equivalent of 70 dBA L_{eq} at any point within the loading area," no worksheet was found in Appendix E's Appendix E, SoundPLAN Worksheets (pages aPx-62 to aPX- 66) that reflect a 70 dBA sound reference level. Rather, on page aPx-63, a SoundPLAN Worksheet shows that the reference level used for "Area Source - Loading/Unloading" is 65 dBA.

Appendix E's Appendix E, page aPx-63, Noise emissions of industry sources, mentions Area Source – Loading/Unloading, with entries that are HVAC equipment, but this noise level is very quiet compared to the HVAC units. There is no description of this loading/unloading activity.

AA.5

2) Appendix E is not consistent in regards to the height of the proposed barrier at the south property line of the proposed project.

The MND concludes that a 10-foot concrete masonry wall along the southern property line of the project site would bring the Project into compliance with stationary noise standards. This conclusion is not supported by the analysis in Appendix E, which inconsistently references both a 10-foot and 14-foot barrier.

MM NOI-1 is described inconsistently. In the executive summary of Appendix E, MM NOI-1 calls for a 14-foot-high concrete masonry wall along the southern property line of the project site (Appendix E, page iv). On page 31 of Appendix E, MM NOI-1 calls for a 10-foot-high wall. In the MND, MM NOI-1 calls for a 10-foot-high concrete masonry wall along the southern property line of the project site. Appendix E fails to provide worksheets, calculations, or spreadsheets resolving this inconsistency.

Tables and figures in Appendix E are internally inconsistent. Appendix E Table 14 is titled on page 38 as "Project Compliance with Stationary Noise Standards – Daytime With **10-foot Barrier**," but is titled in Appendix E's List of Tables as "Table 14. Project Compliance With Stationary Noise Standards – Daytime, With **14-Foot Barrier**" (page ii).

AA.5 There is no evidence in the record that Table 14 contains data reflecting a 10-foot wall. Table 14 itself shows, in the column titled "Operational Noise levels[1]" the number "45" for

Receptor 4. The superscript 1 in the column title refers to note 1 of the table, "(1) See Figure 6." The citation to Figure 6 is erroneous, as Figure 6 shows the unmitigated noise levels – there is no entry for a 10-foot fence under Signs and Symbols on Figure 6. Table 14 may have intended to refer to mitigated noise levels shown in Appendix E Figure 7. But Figure 7 also does not clearly reflect noise levels with a 10-foot wall – although Figure 7 has an entry for a 10-foot fence under Signs and Symbols, Figure 7 is titled: "Operational Noise Levels (dBA, CNEL) with **14-Foot Barrier**."

Appendix E states: "With construction of a ten-foot concrete barrier along the southern property line where the project site abuts single family land uses operational noise levels would be 45 dBA Leq and no nighttime standards would be exceeded (see Tables 14 and 15, and Figure 7)." There is no evidence in Appendix E supporting the adequacy of a 10-foot wall due to the inconsistent references to 10-foot and 14-foot walls. There is no information in Appendix E showing that Appendix E calculated noise reductions for a 10-foot wall, as are no worksheets, calculations, or spreadsheets for the noise levels noted in Table 14, Figure 6, or Figure 7.

AA.6 3) **The noise barrier must be conditioned to reduce noise flanking.**

The noise barrier proposed by MM NOI-1 needs to continue to the north for at least 30 feet at the east and west ends of the barrier to reduce flanking. Flanking refers to when a sound passes around a partition separating two spaces. Simply specifying the height of a wall between adjacent spaces fails to guarantee the noise reductions estimated in Appendix E.

AA.7 4) **Appendix E improperly compares noise metrics.**

The noise metric in Figure 6 is "Leq" but, according to the Figure 7 title, the noise metric in Figure 7 is "CNEL". MC 08.20.010 does not list CNEL and Appendix E, page 31, under "Mobile Source Noise" states "California courts have rejected use of what is effectively a single "absolute noise level" threshold of significance (e.g., exceed 65 dBA CNEL) on the grounds that the use of such a threshold fails to consider the magnitude or severity of increases in noise levels attributable to the project in different environments.

AA.8 **OTHER ISSUES**

1) Appendix E pages 37 and 39 appears to be from another project "8388 Beech Avenue Truck-Trailer Storage Facility Noise Impact Analysis 19581." Table 13 on page 37 and Table 15 on page 39 refer to a "Receptor R-4." Receptor R-4 is not found anywhere else in Appendix E.

CONCLUSION

Due to the errors in the analysis as described above, the conclusion that the project impact is less than significant is unsupported.

Sincerely,
MENLO SCIENTIFIC ACOUSTICS, INC.

Neil A. Shaw, FASA, FAES

NAS:sk

RESUME - NEIL A. SHAW

Education:

University of California, Los Angeles
B. S. Engineering, 1977, cum laude
M. S. Engineering, 1977

Cooper Union, New York, 1968 - 1970

Honors:

Kenward S. Oliphant Memorial Fellowship in Acoustical Engineering (awarded by Consulting Engineers Association of California)
Tau Beta Pi

Experience:

Menlo Scientific Acoustics, Inc., Topanga

Designer and manager for acoustic design projects including audio-visual systems, sound reinforcement systems, television and radio production systems, architectural room acoustics, electromagnetic compatibility system design and criteria development, electroacoustic and electronic signal processing equipment product performance criteria development, product design and development, environmental noise surveys and analysis, noise and vibrations control, sound isolation, and machine noise control.
1992 to present.
Principal.

University of Southern California, Thornton School of Music
2008 - 2010.

Southern California Institute of Architecture, Los Angeles
2003.

WEAL, Santa Monica

Design and construction services for sound reinforcement systems, television systems, A/V systems, paging systems, and masking noise systems for various production facilities, convention centers, airport terminals, auditoriums, places of worship, concert halls, athletic facilities, courtrooms, multipurpose rooms, gymnasiums, museums, banquet halls, lecture rooms and other facilities. Transportation ambient noise surveys and analysis, construction site noise measurements, and field STC and NIC measurements per ASTM E 336-84. Lead member of team to install, run and maintain database manager computer software for company projects and clients. Part of design, implementation and enhancement team for computer controlled laboratory data acquisition and processing for laboratory tests performed per ASTM E 90-85 and ASTM C 423-84a.
1975 to 1992.

Aero-acoustics Laboratory, UCLA

Responsibilities include computer programming, aero-acoustic measurements, acoustic measurements, database search and statistical processing, A/D anti-aliasing filter design and prototyping, multi-channel data acquisition and processing, post processing and display.
1978 to 1984.

Affiliations:

Fellow, Acoustical Society of America
- Chairman, Los Angeles Chapter, 1991 to 2001.
- Organizer and Co-Chair, Joint ASA/ASJ meeting 1996, Auralization Special Session.
- Organizer and Chair, ASA meeting, 1997, Engineering Acoustics Special Session.
- Organizer and Co-Chair, ASA meeting, 1999, Engineering Acoustics Special Session.
- Organizer and Co-Chair, ASA meeting, 2000, Student Loudspeaker Design Competition.
- Chairman, ASA meeting, 2001, Architectural Acoustics Modeling and Imaging Special Session.
- Organizer and Chair, ASA meeting, 2001, Architectural Acoustics Cruise Ship Acoustics Special Session.
- Tutorial on Architectural Acoustics, Joint ASA/ICA/MCA Cancun meeting, December 2002.
- Invited Paper, November 2003 ASA meeting, "Sound Quality and Loudspeakers," Special Session on Sound Quality - When Sound is the Essential Quality.
- Organizer and Co-Chair, ASA meeting, 2004, Special Session on the Bell Laboratories and Acoustics.
- Invited Paper, June 2004 ASA meeting, "Textbooks on Acoustics," On the Occasion of His 90th Birthday, To Honor the Contributions of Leo L. Beranek to Acoustics and Teaching Special Session sponsored by all the Technical Committees and ASA Committees.
- Chairman, June 2004 ASA meeting, General Topics in Architectural Acoustics
- Invited Paper, June 2005 ASA meeting, "Barnum Hall - The Continuing Renovation of a Streamline Moderne Theater," Special Session on Preserving Acoustical Integrity in the Course of Renovation.
- Invited Paper, Winter 2007 ASA meeting, "Sound Systems for Large Scale Venues," with John Monitto, Special session on Sound Systems in Large Rooms and Stadia
- Member, Technical Committee on Architectural Acoustics, 1996 - 2010
- Member, Technical Committee on Engineering Acoustics, 1998 - 2010
- Member, Technical Committee on Physical Acoustics, 2000 - 2010
- Member, Books+ Committee, 1996 - present

Fellow, Audio Engineering Society
- Member, Technical Committee on Acoustics and Sound Reinforcement, 1988 to 2005.
- Chairman, Large Array Systems Session and Special JAES issue, 1987
- Chairman, Workshop on Auralization, 1993
- Co-Chairman, Workshop on Weather-Related Issues in Outdoor Sound Reinforcement, 1998
- Tutorial on Loudness, Los Angeles Chapter, March 2003

Senior Member, Institute of Electrical and Electronic Engineers

Member, Society of Motion Picture and Television Engineers
- Member, Standards Community TC-20F Film, TC-20F-30 WG Film Audio, TC-20F-40 Theatrical Projection, ST-SG Theater B-chain 1990 to present.

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EIT, CA #37673

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December 2002.

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"Worship, Acoustics, and Architecture," Ettore Cirillo and Francesco Martellotta - Journal of the Audio Engineering Society, Journal of the Audio Engineering Society, Volume 55, No. 11, November 2007

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"Surround Sound Up and Running," Tomlinson Holman - Journal of the Audio Engineering Society, Volume 56, No. 9, September 2008

"Sound Reproduction Loudspeakers and Rooms," Floyd E. Toole - Journal of the Audio Engineering Society, Volume 57, No.½, January/February 2009

"Handbook for Sound Engineers," 4th Edition, Glenn Ballou - Journal of the Audio Engineering Society, Volume 57, No. 7/8, July/August 2009

"Acoustics and the Performance of Music Manual for Acousticians, Audio Engineers, Musicians, Architects and Musical Instrument Makers," 5th Edition Jürgen Meyer (translated by Uwe Hanson) - Journal of the Audio Engineering Society, Volume 58, No. 3, March 2010

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"Acoustics and Audio Technology," Mendel Kleiner - Journal of the Audio Engineering Society, to be published

"Grounds for Grounding," Elya B. Joffee and Kai-Sang Lock - Journal of the Audio Engineering Society, to be published

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Selected Product Development Projects - Neil A. Shaw

Aura Systems	1992 - 2005 Technical support for audio projects using inherently shielded neodymium speakers.
Peavey	1995 - 1997 Loudspeaker engineering for professional woofers and compression drivers, out-sourcing of electronics and speaker manufacturing, joint venture liaison.
Armstrong World Industries	1999 - 2002 Conception and product definition for active acoustic initiative. Product definition and development of ceiling tile speaker, and other projects.
Microsoft	1999 - 2000 Headset and headset element design for voice recognition product.
Cisco	1999 - 2000 Telephone and speaker-phone design for Internet telephone.
Intel	2000 Internet appliance sound system product
RPG	2001 - 2020 Technical and marketing support for this vendor of acoustical devices for architectural spaces.
Bohlender-Graebener	2001 - 2004 Technical support and loudspeaker engineering for planar diaphragm loudspeaker products.
Johns Manville	2002 Strategic product and market research and analysis.
Tri-path	2002 - 2006 Technical support and system engineering for digital audio power amplifiers.
Extron	2002 - 2003 Technical and material support for loudspeaker development and research.
Microsoft	2003 - 2006 Anechoic chamber design. Electroacoustic product testing protocol development.
University of Illinois	2008 - 2009 Transducer and power amplifier design and selection for food industry processing equipment.
Microsoft	2008 - 2009 Anechoic chamber design. Electroacoustic product testing protocol development.
KLA-Tencor	2010 Vibration isolation engineering for scanning electron microscope semiconductor wafer inspection equipment.
Microsoft	2011 Acoustic measurement and analysis for Kinect manufacturing end-of-line 100% test chamber.
ETC	2011 Noise analysis and noise control for electrically operated variable speed theater hoist equipment.

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Selected Projects - Neil A. Shaw:

Arcadia City Council Chambers	Arcadia, California
Grossmont Civic Auditorium	El Cajon, California
Center for Faith and Life, Luther College	Decorah, Iowa
Concert Hall, University of Kentucky	Lexington, Kentucky
Swimming Pool, University of Riyad	Riyad, Saudi Arabia
Oakland-Piedmont Municipal Courts	Oakland, California
2500 seat Auditorium, 700 seat Auditorium, 250 seat Library Hall, Mosque and Minaret, Gymnasium, Fine Arts Recital Hall, 100 seat Museum Hall, 500 seat Lecture Rooms, 250 seat Lecture Rooms, 1000 seat Banquet Hall, 200 seat Meeting Rooms, 100 seat Meeting Rooms, University of Riyad	Riyad, Saudi Arabia
Des Moines Civic Auditorium	Des Moines, Iowa
California School For the Blind	Hayward, California
South Coast Air Quality Management District Hearing Room	El Monte, California
First United Methodist Church	Santa Monica, California
George R. Moscone Convention Center	San Francisco, California
H. J. Kaiser Convention Center	Oakland, California
Carson Community Center	Carson, California
LAX Terminal One	Los Angeles, California
Crocker Bank Auditorium	Los Angeles, California
Wilshire Auditorium, Fullerton College	Fullerton, California
Salt Palace Convention Center Expansion	Salt Lake City, Utah
Metro Toronto Convention Center and Theater	Toronto, Ontario
Orpheum Theater Restoration	Davenport, Iowa
Athanaeum, Claremont College	Claremont, California
San Jose Federal Office Building	San Jose, California
Fairmont Hotel	San Jose, California
LAX Terminal Five	Los Angeles, California
First Presbyterian Church	Upland, California
Royal Saudi Air Force Hush Houses	Saudi Arabia
NCO Training Facility, March AFB	Riverside, California
Veterans Administration Out Patient Clinic	Los Angeles, California
Lied Center for the Performing Arts, University of Nebraska	Lincoln, Nebraska
MaMaison Hotel	Los Angeles, California
Escondido City Council Chambers	Escondido, California
Mercy Hospital	San Diego, California
Mercy Hospital	Sacramento, California
Jain Bhavan Worship Center	Santa Ana, California
Ojai Valley Inn	Ojai, California
Simon Wiesenthal Center and Holocaust Museum	Los Angeles, California
New Otani Hotel	Los Angeles, California
Oceanside City Council Chambers	Oceanside, California
Santa Monica Beach Hotel	Santa Monica, California
Greenwood Racetrack	Toronto, Ontario
Woodbine Racetrack	Toronto, Ontario
Mohawk Racetrack	Campbellville, Ontario
Toyota Training Center	Torrance, California
Fresno Art Center	Fresno, California
McLaren Children's Center	Los Angeles, California

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Lindbergh Field West Terminal Expansion	San Diego, California
Richard M. Nixon Presidential Library	Yorba Linda, California
Carnation Headquarters	Glendale, California
Los Angeles County Bar Association	Los Angeles, California
Los Angeles Federal Office Building	Los Angeles, California
Intercontinental Hotel	Los Angeles, California
Lake Avenue Congregational Church	Pasadena, California
Hewlett Packard Presentation Center	North Hollywood, California
Dance Recital Hall and Auditorium, California State University	Long Beach, California
Inyo County Superior Court	Independence, California
Adele Platt Conference Center, City of Hope Medical Center	Duarte, California
Los Angeles County Emergency Operation Center	Los Angeles, California
Antonio B Won Pat International Airport	Tamuning, Guam
Temple Adat Sholam	Westwood, California
Sound Stage 29/30, Paramount Pictures	Hollywood, California
Executive Screening Room, Theater, Dubbing Theater, Metro-Goldwyn-Mayer	Santa Monica, California
Lakeview Terrace Rehabilitation Facility, Phoenix House of Los Angeles	Lakeview Terrace, California
Physiological Acoustics Research Facility, UCLA Medical Center	Westwood, California
Performing Arts Center	Lancaster, California
Crystal Harmony, Crystal Cruise Lines	Los Angeles, California
Integrated Service Facility, NASA/Dryden Research Facility	Edwards, California
Theater, Metro-Goldwyn-Mayer	New York, New York
Santa Ana Theater	Santa Ana, California
Sammy Davis Jr. Festival Plaza	Las Vegas, Nevada
City Hall, Council Chamber	Santa Monica, California
Video Conference Facility, Sony Music	New York, New York
Legend of the Seas, Royal Caribbean Cruise Lines	Miami, Florida
Orange County Branch Library	Aliso Viejo, California
Screening Room, Warner Brothers Animation	Glendale, California
Screening Room, Turner Feature Animation	Glendale, California
Las Vegas Motor Speedway	North Las Vegas, Nevada
Large Screening Room, Metro-Goldwyn-Mayer	Santa Monica, California
Japanese American National Museum	Los Angeles, California
Carson City Courthouse	Carson City, Nevada
St. Mel Parish Center	Woodland Hills, California
Congregation Ner Tamid	Rancho Palos Verdes, California
Old Town Temecula Streetscape	Temecula, California
Grandeur of the Seas, Royal Caribbean Cruise Lines	Miami, Florida
Disney Magic, Disney Cruise Lines	Orlando, Florida
Coral Sky Amphitheater	West Palm Beach, Florida
First Chinese Baptist Church	Los Angeles, California
St. Mark Coptic Orthodox Church	Los Angeles, California
C-17 Assembly Facility, Douglas Aircraft Division, The Boeing Corporation	Long Beach, California
Crisci's Restaurant	Brooklyn, New York
JamSync Studios	Nashville, Tennessee
New Standard Post	Hollywood, California
Media Artists, Pty	Madras, India
The Lobster	Santa Monica, California

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International Rectifier	Tijuana, Baja California, Mexico
Antelope Valley Courthouse	Lancaster, California
Fe Bland Forum, Santa Barbara City College	Santa Barbara, California
Arizona Humane Society	Phoenix, Arizona
Cartoon Network	Glendale, California
Santa Monica High School	Santa Monica, California
Malibu High School	Malibu, California
Barnum Hall Auditorium	Santa Monica, California
Sobrato High School	Morgan Hill, California
Temple Beth El	Aliso Viejo, California
Sacramento East End Project	Sacramento, California
Gold Circle Films	Beverly Hills, California
Denver City Hall Extension	Denver, Colorado
Fullerton City Hall	Fullerton, California
Union Station Improvement	Los Angeles, California
Intimate Theater, California State University	Los Angeles, California
San Diego Convention Center, Sails Pavilion	San Diego, California
Temple Shir Ha-Ma'A Lot	Irvine, California
United States Courthouse	Fresno, California
Department of Education Office Complex, State of California	Sacramento, California
MGM Constellation Headquarters	Century City, California
Ketchum Advertising	Venice, California
Orange County Register	Santa Ana, California
28th Church of Christ, Scientist	Westwood, California
Temple Solel	Escondido, California
NT Audio Mixing and QC Rooms	Santa Monica, California
River Cats Restaurant	Sacramento, California
Caltrans District 7 Headquarters	Los Angeles, California
1221 Ocean Avenue	Santa Monica, California
Memorial Assembly Hall	Manhattan Beach, California
City of Manhattan Beach Annex	Manhattan Beach, California
Twohy Building	San Jose, California
Widget Post Production	Culver City, California
1st Church of Christ, Scientist	Beverly Hills, California
Sunrise Assisted Living	Pacific Palisades, California
Sunrise Assisted Living	Santa Monica, California
Sunrise Assisted Living	Woodland Hills, California
Academy of Motion Picture Arts and Sciences Boardroom	Beverly Hills, California
Getty Villa Outdoor Amphitheater	Los Angeles, California
Ressler Residence	Beverly Hills, California
American Honda	Torrance, California
Community Baptist Church	Manhattan Beach, California
Bernard Hodes Agency	Marina Del Ray, California
Houston's Restaurant	Santa Monica, California
Café R&D	Newport Beach, California
Getty Center Auditorium	Los Angeles, California
Mid-City Police Station	Los Angeles, California
College of Humanities, Arts, and Social Sciences Instruction and Research Facility, University of California	Riverside, California
Genomics Research Facility, University of California	Riverside, California
Panasonic Hollywood Laboratory	Universal City, California

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Sports Spectrum Club	Pacific Palisades, California
Sunrise Assisted Living	Simi Valley, California
Rose Bowl	Pasadena, California
First Presbyterian Church	Santa Monica, California
Los Angeles Fire Department Headquarters	Los Angeles, California
New York City Transit No. 7 Line Extension	New York, New York
Los Angeles County Metropolitan Transportation Authority Goldline	Los Angeles, California
South Lawn Project, University of Virginia	Charlottesville, Virginia
Shangri-La Hotel	Santa Monica, California
Pacific Star, Princess Cruise Lines	Santa Clarita, California
Allied Post	Santa Monica, California
Jet Propulsion Laboratory von Karman Auditorium	Pasadena, California
Self Realization Fellowship	Los Angeles, California
Temple Beth Am	Los Angeles, California
Broome Library, California State University, Channel Islands	Camarillo, California
California High-Speed Train Project	State of California
Morongo Band of Mission Indians Administrative Complex	Banning, California
The Buddy Group	Irvine, California
Café R&D	Santa Monica, California
Club 7969	West Hollywood, California
Brent's Deli	Westlake Village, California
Santa Cruz County Criminal Justice Complex	Nogales, Arizona
Porto's Bakery	Burbank, California
Microsoft Hardware Group Audio Test Laboratories	Redmond, Washington
University of California, Irvine, Arts Building	Irvine, California
Los Angeles Unified School District High School No. 9	South Gate, California
Notre Dame High School	Sherman Oaks, California
St. Mark Presbyterian Church	Newport Beach, California
Fame Academy Poly High School	Sun Valley, California
FAA Sonic Boom Simulator (with the Pennsylvania State University)	State College, Pennsylvania
Metropolitan Transit District Hearing Room	Los Angeles, California
St. Peter and St. Paul Coptic Church	Santa Monica, California
Lifehouse Properties	Pacific Palisades, California
Wilson Well No.2	San Gabriel, California
Habitat for Humanity Lynwood Housing	Lynwood, California
Whole Foods Plaza	Malibu, California
Habitat for Humanity Burbank Housing	Burbank, California
The Cork	Los Angeles, California
Cove Way Residence	Beverly Hills, California
Habitat for Humanity Lawndale Housing	Lawndale, California
Forest Lawn Chapel	Cypress, California
Rodney Bay and Gros Islet Villages	St. Lucia
Panasonic Avionics	Lake Forest, California
Capitol Records	Hollywood, California
Art of Living Foundation	Los Angeles, California
Conexant Corporation	Newport Beach, California
University of California, Santa Barbara Faculty Center	Santa Barbara, California
Bill and Melinda Gates Foundation	Seattle, Washington
J Restaurant and Lounge	Los Angeles, California
Newcom	Santa Monica, California

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American School in Vietnam	Hanoi, Vietnam
Apple Yellowstone Anechoic Chamber Facility	Cupertino, California
Barnum Hall Continuing Renovation	Santa Monica, California
Malibu High School Auditorium Renovation	Malibu, California
John Adams Middle School Auditorium Renovation	Santa Monica, California
Westminster Presbyterian Church	Newbury Park, California
American School in Bombay	Mumbai, India
Temple Judea	Tarzana, California
Holy Angel Church	San Marino, California
Kroc Institute for Peace and Justice University of San Diego	San Diego, California

7 June 2012

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RESPONSE TO COMMENT LETTER

Aidan P. Marshall, Adams Broadwell Joseph & Cardozo Attorneys at Law (on behalf of Coalition for Responsible Equitable Economic Development Los Angeles [“CREED LA”]), November 18, 2024.

1 This comment is introductory and generally alleges the IS/MND lacks information and analysis required by CEQA and there is substantial evidence in the record supporting a fair argument that the proposed Project will result in potentially significant impacts on public health, air quality, greenhouse gas (GHG) emissions, transportation, noise, and public utilities, which are not adequately disclosed and mitigated by the measures proposed in the IS/MND. This comment urges the Planning Commission to continue the hearing and direct City Staff to prepare an Environmental Impact Report (EIR) for the Project before bringing the Project back for further consideration and provides CREED LA's statement of interest.

Individual responses to the comments raised in the comment letter are provided in the responses below. As discussed below, none of the issues identified in the comment letter change the conclusions of the IS/MND, and therefore, an EIR is not required. Impacts remain less than significant with implementation of mitigation measures.

2 This comment provides background information concerning the "fair argument" standard and "substantial evidence" under the fair argument standard and alleges that substantial evidence supports a fair argument that the Project may cause significant public health, air quality, GHG emissions, transportation, noise, and public utilities. Therefore, the commentor asserts that the City must prepare an EIR that thoroughly discloses, analyzes, and mitigates these impacts, while also exploring less environmentally damaging alternatives, before it can approve the Project. Individual responses to the comments raised in the comment letter are provided in the responses below. As discussed below, none of the issues identified in the comment letter change the conclusions of the IS/MND, and therefore, an EIR is not required. Impacts remain less than significant with implementation of mitigation measures.

A. The IS/MND Project Description Remains Inadequate

A.1 The comment reasserts that the IS/MND failed to analyze the Project's impacts resulting from potential operation as a higher intensity warehouse. Specifically, the Appellant asserts that an EIR is required to fully evaluate and mitigate significant impacts associated with the argument that the Project could operate in a manner consistent with high-cube warehouse uses because in the absence of binding restrictions – such as conditions of approval, a covenant on the title of the underlying property, or mitigation measures – which prohibit future high intensity retail, warehouse (and cold storage uses) at the project site, there is no evidence supporting the City's assertion that these activities would not occur.

CEQA does not require analysis of a worst-case scenario, particularly when such analysis requires speculation, but rather requires a sufficient degree of analysis to provide decisionmakers with information that enables them to make a decision which intelligently takes account of environmental consequences of a project. As described in the IS/MND, the Project proposes a 156,877-square-foot (sf) building with 13 dock doors. However, of the 156,877 total square feet, only 113,703 sf is devoted to "warehouse" space. That alone supports the conclusion that the

Project is not a high-cube warehouse, which typically has at least 200,00 sf (per ITE and SCAQMD definitions). The 113,703 sf of warehouse spaces is approximately 55 percent of the square footage that reflects the smallest high-cube warehouse facilities. Also, the substantial retail component of the Project (7,879 sf) supports the characterization as a warehouse (ITE Code 150) rather than a high-cube warehouse because high-cube warehouses are used primarily for the storage and/or consolidation of manufactured goods prior to their distribution to retail locations or other warehouses. The existence of a retail component of the Project shows that the building would not be used solely for storage/consolidation and distribution of goods, but rather as a warehouse where goods can be stored and sold to customers, as reflected by the 176 vehicle parking stalls. Finally, the 20,305 sf of accessory warehouse office (approximately 13% of the building) also shows that the use would not be a high-cube warehouse because high-cube warehouses are typically highly mechanized and have limited employees. High-cube warehouse uses are not reasonably foreseeable.

As an attachment to the October 30, 2024 CREED LA comment letter, Norm Marshall of Smart Mobility, stated that the ITE land use code used in the IS/MND is "just one of many land use codes potentially applicable the Project, and does not reflect all reasonably foreseeable uses of the Project." Neither the Appellant nor Mr. Marshall provide substantial evidence supporting a fair argument that the Project does not meet the description of ITE Land Use Code 150. Rather, the Appellant only alleges that although the IS/MND states, "the Project does not propose refrigeration as part of the warehouse operations," cold storage is a reasonably foreseeable use of the project site. Please refer to Attachment A, Response to Comment No. 2-4, which states that the City may condition the project to prohibit cold storage. At Planning Commission on November 19, 2024, the following condition was added, "*Any future cold storage business shall be subject to a conditional use permit application.*"[1] Thereby providing evidence to support the City's assertion that these activities would not occur.

A.2 This comment states that without an enforceable condition prohibiting the use of cold storage, there is no guarantee that cold storage operations – which could significantly increase energy consumption, GHG emissions, and other environmental impacts – will not occur as part of the Project. As stated in Response A.1 above, at the November 19, 2024 Planning Commission meeting, the following condition was added, "*Any future cold storage business shall be subject to a conditional use permit application.*"[2] The condition is legally enforceable. Therefore, there is no potential for unmitigated impacts from cold storage operations as a result of the Project and an EIR is not warranted.

B. The City Fails to Analyze Public Health Impacts Associated with Exposure to the Project's Emissions

B.1 The comment states that the IS/MND should have conducted a construction and operational HRA to disclose potential toxic air contaminants (TACs) and diesel particulate matter (DPM). The City

[1] City of South El Monte Planning Commission Resolution No. 24-09.
[2] City of South El Monte Planning Commission Resolution No. 24-09.

relies on methodology established by South Coast Air Quality Management District (SCAQMD) for preparation of CEQA air quality analyses. SCAQMD shares responsibility with the California Air Resources Board (CARB) for ensuring that all State and federal ambient air quality standards are achieved and maintained throughout all of Los Angeles County and the urban portions of Orange, Riverside, and San Bernardino counties (Air Basin). SCAQMD has jurisdiction over an area of approximately 10,743 square miles. Although SCAQMD is responsible for regional air quality planning efforts, it does not have the authority to directly regulate the air quality issues associated with new development projects within the Air Basin, such as the Project. Instead, SCAQMD published the CEQA Air Quality Handbook in November 1993 to assist lead agencies, as well as consultants, project proponents, and other interested parties, in evaluating potential air quality impacts of projects proposed in the Air Basin. The SCAQMD CEQA Air Quality Handbook provides standards, methodologies, and procedures for conducting air quality analyses in environmental documents and was used extensively in the preparation of the air quality analysis for the Project.

The SCAQMD CEQA Handbook does not recommend analysis of TACs from short-term construction activities. The rationale for not requiring a health risk assessment for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of toxic air contaminants (TACs) over a 70-year lifetime will contract cancer based on the use of standard risk assessment methodology.

Given that the greatest potential for diesel particulate emissions would only occur during building construction (approximately 9 months) and other construction activities during the overall construction schedule of approximately 12 months would result in reduced use of heavy-duty diesel construction equipment in comparison to building construction activities, the Project would not result in a long-term (i.e., 70-year) source of TAC emissions. No residual construction TAC emissions and corresponding individual cancer risk are anticipated after the completion of construction. Because there is such a short-term exposure period (12 out of 840 months of a 70-year lifetime), further evaluation of construction TAC emissions in the IS/MND was not warranted. As such, the IS/MND correctly concluded that project-related TAC impacts during construction were less than significant.

From an operational standpoint, the IS/MND correctly identified that the primary sources of potential air toxics associated with Project operations include DPM from truck trips. However, the project-generated 89 truck trips would not generate substantial TAC emissions based on review of the air toxic sources listed in SCAQMD and CARB's guidelines. SCAQMD guidance, shown below, provides clarification as to when an HRA may be warranted:

> *SCAQMD published and adopted the Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning, which provides recommendations regarding the siting of new sensitive land uses near potential sources of air toxic*

emissions (e.g., freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities).[3]

SCAQMD recommends that HRAs be conducted for substantial sources of DPM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units).[4]

The Project is estimated to generate approximately 89 trucks per day (conservatively assumed to all be diesel trucks). Based on SCAQMD guidance, there was no quantitative analysis required for future cancer risk within the vicinity of the project site as the Project is consistent with the recommendations regarding the siting of new sensitive land uses near potential sources of TAC emissions provided in the SCAQMD *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Specifically, the Project is not considered to be a substantial source of DPM warranting a refined HRA since daily truck trips to the project site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units. Furthermore, CARB's recommendation is based on health studies and air quality modeling and monitoring studies (see pages 12-15 of the CARB 2005 *Air Quality and Land Use Handbook: A Community Health Perspective*). A project with less than 100 trucks would not exceed the 10 in a million threshold.

The commenter incorrectly characterizes an HRA as a mandatory component of a CEQA analysis. CEQA does not demand that an agency conduct all tests and analysis requested of commenters. Here, the commenter presents no evidence that the project would result in a potential health impact/exceed applicable SCAQMD standards (which were developed to implement the Toxic Hot Spots Program for evaluation of emissions from hazardous facilities). The project is not subject to the Hot Spots Program.

Also, the SCAQMD CEQA Air Quality Handbook[5] states that emissions of TACs are considered significant if an HRA shows that project emissions would result in an increased cancer risk of greater than 10 in 1 million. The California OEHHA's Air Toxic Hot Spots Program Risk Assessment Guidelines has determined that long-term exposure to diesel exhaust particulates poses the highest cancer risk of any TAC it has evaluated. As such, the TAC of concern would be DPM associated with the use of diesel engines during project construction. For health risk assessment procedures, the OEHHA specifies that the surrogate for whole diesel exhaust is DPM. HRA analyses typically use PM_{10} emissions to represent DPM emissions, consistent with OEHHA guidance. As shown in IS/MND Table 4.3-2, project construction would generate significantly less PM_{10} and $PM_{2.5}$ emissions that the SCAQMD regional thresholds. Also, project construction would generate emissions that do not exceed the SCAQMD's LST thresholds for PM, which reflect the

[3] SCAQMD, *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*, May 6, 2005.

[4] SCARB, *Air Quality and Land Use Handbook*, *Table 1-1*, April 2005.

[5] South Coast Air Quality Management District (South Coast AQMD). 2008. *Final Localized Significance Threshold Methodology*. http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2 (accessed October 2, 2024).

most conservative localized standards. Likewise, reflective of the minimal level of daily trips associated with the project, the IS/MND concluded that operational PM emissions associated with the project would be well below applicable standards (see Table 4.3-3.) Substantial evidence shows that there would be no significant health impact.

Based on the above information, the IS/MND correctly concluded that an operational HRA was not warranted.

B.2 The comment states that the City improperly relies on SCAQMD's localized significance thresholds (LSTs) to assess the health risk of TACs such as DPM. The comment further states that DPM has no known safe exposure threshold, although the commenter cites no evidence to support that assertion. SCAQMD has identified Maximum Incremental Cancer Risk significance thresholds for TAC exposure, including DPM (i.e., 10 in one million). As discussed in Response to Comment B.1, SCAQMD has determined a project with less than 100 trucks would not exceed the 10 in one million threshold. As the Project would generate 89 truck trips, the Project would not exceed the 10 in one million threshold.

Further, the IS/MND correctly applied LSTs to the Project's construction and operational emissions. Specifically, IS/MND Appendix A states, "In order to assess local air quality impacts the SCAQMD has developed Localized Significance Thresholds (LSTs) to assess the project-related air emissions in the project vicinity. The SCAQMD has also provided Final Localized Significance Threshold Methodology (LST Methodology), June 2003, which details the methodology to analyze local air emission impacts. The Localized Significance Threshold Methodology found that the primary emissions of concern are NO_2, CO, PM_{10}, and $PM_{2.5}$."[6]

B.3 The commenter notes the CalEnviroScreen scores for the area and requests an analysis of cumulative health risks. It is noted that the CalEnviroScreen scores are relative to other census tracts and are not an expression of health risk and do not provide quantitative information on increases in cumulative impacts for specific sites or projects. Further, as a comparative screening tool, the results do not provide a basis for determining when differences between scores are significant in relation to public health or the environment. OEHHA's Responses to Major Comments on the CalEnviroScreen 4.0 Public Review Draft explain that "CalEnviroScreen is not a health risk assessment" and, as "an indictor-based screening too, rather than an assessment of absolute impacts or risks," is not a proxy for a CEQA cumulative analysis. The SCAQMD considers projects that do not exceed the project-specific individual incremental threshold (i.e. 10 in a million threshold) to not be cumulatively significant.[7] Therefore, because the Project would result in less than 100 trucks, and therefore would not exceed the 10 in a million threshold, the Project would not result in a cumulatively significant impact.

[6] IS/MND Appendix A Page 25

[7] South Coast Air Quality Management District, *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, August 2003.

C. Substantial Evidence Supports a Fair Argument the Project Would Result in Significant Noise Impacts

C.1 The comment states the City lacks substantial evidence to support the construction noise significance threshold. Refer to Response AA.2, below.

C.2 The commenter claims the Project's construction noise is significant and unmitigated based on the City's Municipal Code standards. Refer to Response AA.3, below.

C.3 The comment states the IS/MND fails to adopt enforceable construction noise mitigation measures. Specifically, the commenter notes that the City determined best management practices (BMPs) would be adopted as conditions of approval to reduce construction noise impacts. The referenced BMPs are included in the IS/MND as Standard Condition N-2.

C.4 See *Response to Noise Comments from Adam Broadwell Joseph & Cardozo Comment Letter Dated November 18, 2024 Regarding the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618)* – Response to Comment 1. The noise analysis did include an analysis of potential operational impacts associated with trucks, including driving and loading/unloading and trucks accessing the loading and unloading docks along project site driveways. The commenter is referred to the referenced response regarding back-up noises.

C.5 See *Response to Noise Comments from Adam Broadwell Joseph & Cardozo Comment Letter Dated November 18, 2024 Regarding the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618)* – Response to Comment 1.

D. Substantial Evidence Demonstrates that Vehicle Miles Traveled Mitigation Measures Are Insufficient to Reduce the Impact to a Less than Significant Level

D.1 The Appellant reasserts that MM TRANS-1 fails to mitigate the Project's vehicle miles traveled (VMT) impacts to less than significant levels due to the lack of substantial evidence supporting the assumed VMT reduction and alleges that even with the maximum assumed reduction, the Project's VMT exceeds the threshold of significance. This issue was raised in the October 30, 2024, comment letter and is addressed as Response to Comment No. 2-23. The Appellant does not raise any new issues, nor do they provide any new substantial evidence to support their claim.

Evidence supporting the VMT reduction associated with MM TRANS-1 is contained in the Project's Transportation Impact Analysis (TIA) provided in Appendix F of the IS/MND. As noted on page 56 of the TIA, the VMT assessment was performed using the San Gabriel Valley Council of Governments (SGVCOG) VMT Evaluation Tool. This tool incorporates VMT reduction measures developed by the California Air Pollution Control Officers Association (CAPCOA). The SGVCOG VMT Evaluation Tool report as well as relevant excerpts from the CAPCOA *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (August 2021) ["Handbook"] are included in Appendix H of the project TIA. The CAPCOA Handbook is an industry standard resource *"prepared in collaboration with academia, agencies, community organizations and leaders, local governments, nongovernmental*

organizations, and technical experts." The CAPCOA Handbook further notes that the quantification methods, tools, and recommendations were developed based on the latest science and literature available at the time of publication.

For the voluntary commute trip reduction program required by MM TRANS-1, the CAPCOA Handbook specifically cites research by "*Boarnet, M., H Hsu, and S. Handy. 2014. Impacts of Employer-Based Trip Reduction Programs and Vanpools on Passenger Vehicle Use and Greenhouse Gas Emissions.*" (see TIA page Apx-109). Based on this research, the Handbook establishes the following formula for calculating VMT reduction:

A = B x C, where

A = percent reduction in GHG emissions / VMT

B = percent of employees eligible for the program

C = percent reduction in commute VMT from eligible employees (value = -4% per Boarnet et al.)

Accordingly, the SGVCOG VMT Evaluation Tool incorporates the VMT reduction methodology from the CAPCOA Handbook. Although the CAPCOA Handbook formula would result in a VMT reduction of 4% (A = 100% x -4%), the SGVCOG VMT Evaluation Tool reports a slightly more conservative reduction of 3.7% due to rounding convention (1 - (15.8 / 16.4) = 3.7% reduction).

As noted in the original response, MM-TRANS-1 enables the City to ensure the voluntary commute trip reduction program includes components that are applicable to 100% of employees. Therefore, the effectiveness of MM TRANS-1 is adequately supported by industry standard resources and the latest science and literature available at the time of publication of the CAPCOA Handbook.

The Appellant also asserts that calculating the VMT values to two decimal points is essential to properly evaluate whether the Project complies with the threshold of significance, particularly in cases where small variances could determine whether impacts are deemed significant.

The original response does not dismiss the importance of precision but rather clarifies the importance of significant digits (or significant figures). Significant digits are a fundamental concept in science and necessary for deciding the accuracy and precision of calculations. The original comment added a significant figure to the VMT reduction calculations, implying a false level of precision. Notwithstanding the above, the original response further noted that the correct unmitigated project VMT value is 16.4 VMT per worker, not 16.5 as claimed in the original comment. Regardless of significant digits, the project VMT impact is fully mitigated when starting from the correct unmitigated project VMT value.

E. The City Fails to Analyze Fire Flow Requirements and Public Utility Impacts

E.1 The Appellant reasserts that the IS/MND fails to adequately analyze potentially significant public utility impacts related to fire flow improvements. The Appellant alleges that the City attempts to defer the evaluation of fire flow requirements and infrastructure capacity to the Los Angeles

County Fire Department (LACFD) Fire Prevention Division's site review. However, as provided in Response to Comment No. 2-27, the LACFD has reviewed the proposed Project's site plan and has determined that the Project would meet City fire flow requirements. The Appellant states that LACFD's process does not encompass the broader environmental evaluation required by CEQA, such as analyzing whether the Project may overburden water supply systems or create cumulative impacts. However, as required by CEQA, the IS/MND evaluated if the Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years and concluded that impact would be less than significant with no mitigation required. The Appellant provides no substantial evidence supporting a fair argument that the Project's water supply analysis provided in the IS/MND is inadequate or provides any reason to believe that there would be inadequate infrastructure capacity to supply adequate fire flow. Therefore, the IS/MND adequately analyzes public utility impacts related to fire flow requirements and an EIR is not warranted.

Conclusion

3 This comment consists of conclusory text. No response is required.

ATTACHMENT A

AA.1 The comment identifies an inconsistency with nighttime truck movement. MM NOI-1 has been updated and incorporated into the IS/MND as follows:

MM NOI-1 Prior to issuance of ~~any demolition or grading~~ the first building permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions that ~~either~~: (1) require the installation of a 10-foot-high ~~concrete masonry~~ noise attenuation wall along the southern property line of the project site; and (2) prohibit truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM. The effectiveness of the 10-foot noise attenuation wall (temporary or permanent) shall be verified to confirm it reduces noise by a minimum of 10 dBA prior to tenant occupancy of the building. If the verification confirms the attenuation wall does not achieve the required 10 dBA reduction, the wall shall be modified to ensure it achieves such reduction.

AA.2 The commenter states that the 80 dBA construction noise threshold is not applicable to the Project. The commenter identifies portions of the FTA Manual's construction noise guidelines (bolded below) without providing the full summary:

> *No standardized criteria have been developed for assessing construction noise impact. Consequently,* ***criteria must be developed on a project-specific basis*** *unless local ordinances apply. As stated earlier in this section, local noise ordinances are typically not very useful in evaluating construction noise. They usually relate to nuisance and*

> *hours of allowed activity, and sometimes specify limits in terms of maximum levels, but are generally not practical for assessing the impact of a construction project.* ***Project construction noise criteria should account for the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land use****. While* ***it is not the purpose of this manual to specify standardized criteria for construction noise impact****, the following guidelines can be considered reasonable criteria for assessment. If these criteria are exceeded, there* ***may*** *be adverse community reaction.*[8]

As shown above, the FTA Manual states the "guidelines can be considered reasonable criteria for assessment". The IS/MND construction noise analysis considered the existing noise environment, absolute noise levels during construction activities, duration of construction, and adjacent land uses as required by the FTA Manual. The existing noise environment is summarized on IS/MND Appendix E pages 86 and 87; specifically refer to IS/MND Table 4.13-1: Short-Term Noise Measurement Summary (dBA). The IS/MND also models the absolute construction noise levels in Appendix E, Noise Impact Analysis, Table 11, Construction Noise Levels (dBA L_{eq}). Table 11 also accounts for the existing measured noise levels. The duration of construction is identified in IS/MND Section 2.6, Project Construction. Adjacent land uses are described in the Noise-Sensitive Receptors discussion on IS/MND page 87.

The commenter claims that the Project should have applied a lower threshold found in FTA Manual Section 4 and Appendix C. However, Section 4 and Appendix C apply to operational noise as the FTA Manual Section 4 specifically states, "assess construction noise and vibration according to Section 7". The Project's construction noise has been analyzed in accordance with FTA Manual Section 7.

The commenter also identifies typical hourly Leq (1-hr) noise levels associated with 80 dBA Leq (1-hr). However, the FTA Manual's construction noise threshold of 80 dBA Leq (8-hr) is analyzed over a duration of 8 hours. Therefore, the referenced typical hourly Leq (1-hr) noise levels cannot be compared to the FTA Manual's construction noise threshold as the units are not comparable.

AA.3 The commenter claims construction noise impacts below 80 dBA would exceed the City's Municipal Code standards. The commenter cites Municipal Code Section 8.20.020 exterior noise standards specifically, which outline the City's exterior noise standards generally applicable to stationary sources. The standards cited by commenter are not applicable to construction activities, which are separately regulated by the Municipal Code. It is well-settled that construction noise is a common component of the urban environment, especially in Southern California. Therefore, to assess potential noise impacts from construction, jurisdictions often use the FTA Manual to evaluate construction noise impacts, including the 80 dBA threshold. That

[8] Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, page 179, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed February 2025.

threshold reflects the noise level above which construction noise could cause an impact, and is more appropriate to assess construction noise than operational exterior noise limits of municipal codes, which govern operational nuisances. The FTA Manual notes that exceedances of the 80 dBA threshold may show an adverse community reaction. Here, the Project would not exceed the FTA threshold. The FTA Manual even notes, "*local noise ordinances are typically not very useful in evaluating construction noise. They usually relate to nuisance and hours of allowed activity, and sometimes specify limits in terms of maximum levels, but are generally not practical for assessing the impact of a construction project.*"[9] For that reason, the FTA thresholds are widely used to evaluate potential construction noise impacts.

Reflecting the fact that construction noise is a common component of the urban environment, the City has set allowable hours of construction in Municipal Code Section 8.20.030(D). Temporary construction noise is considered acceptable if it falls within the hours of 7:00 a.m. to 10:00 p.m. as identified in Municipal Code Section 8.20.030(D). Temporary elevated noise levels due to construction are typical of an urban environment and therefore are allowed under the Municipal Code. The Project is typical of urban construction and includes no unusual noise producing equipment. Regarding human health, the Occupational Safety and Health Administration identified 90 dBA as the permissible exposure limit over a duration of 8 hours.[10] The Project's construction noise would be periodic and temporary and would not be impactful to human health. To evaluate potential construction noise impacts, the IS/MND used the FTA's 80 dBA threshold, as discussed above.

The commenter further notes that construction would result in a maximum of 74 dBA at the nearest receptors. However, modeled construction noise levels conservatively do not account for noise reduction associated with Standard Condition (SC) N-2. SC N-2 would further minimize impacts from construction noise as it requires construction equipment to be equipped with properly operating and maintained mufflers and other State-required noise attenuation devices. Specifically, SC N-2 would reduce construction noise levels by a minimum of 10 dBA.[11] Therefore, the maximum construction noise level would be approximately 64 dBA which is equivalent to normal speech at 3 feet as shown in Comment Letter Figure 3, A-Weighted Comparative Sound Levels.

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[9] Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, page 172, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, accessed February 2025.

[10] Occupational Safety and Health Administration, *1910.95 – Occupational Noise Exposure*, https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.95#:~:text=Audiometric%20testing%20program.&text=The%20employer%20shall%20establish%20and,weighted%20average%20of%2085%20decibels.&text=The%20program%20shall%20be%20provided%20at%20no%20cost%20to%20employees.&text=Audiometric%20tests%20shall%20be%20performed,an%20audiologist%2C%20otolaryngologist%20or%20physician.&text=All%20audiograms%20obtained%20pursuant%20to,appendix%20C:%20Audiometric%20Measuring%20Instruments, accessed January 2025.

[11] Federal Highway Administration, *Special Report - Measurement, Prediction, and Mitigation*, Chapter 4 Mitigation, 2017.

AA.4 See *Response to Noise Comments from Adam Broadwell Joseph & Cardozo Comment Letter Dated November 18, 2024 Regarding the 2222 Rosemead Boulevard Warehouse Development (Ganddini letter February 19, 2025)* – Response to Comment 1.

AA.5 Please refer to the response to Comment AA.1 and see *Response to Noise Comments from Adam Broadwell Joseph & Cardozo Comment Letter Dated November 18, 2024 Regarding the 2222 Rosemead Boulevard Warehouse Development (Ganddini letter February 19, 2025)* – Response to Comment 2.

AA.6 See *Response to Noise Comments from Adam Broadwell Joseph & Cardozo Comment Letter Dated November 18, 2024 Regarding the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618)* – Response to Comment 2.

AA.7 See *Response to Noise Comments from Adam Broadwell Joseph & Cardozo Comment Letter Dated November 18, 2024 Regarding the 2222 Rosemead Boulevard Warehouse Development (Ganddini letter February 19, 2025)* – Response to Comment 1, Response to Comment 2, and Attachment B.

AA.8 See *Response to Noise Comments from Adam Broadwell Joseph & Cardozo Comment Letter Dated November 18, 2024 Regarding the 2222 Rosemead Boulevard Warehouse Development (Ganddini letter February 19, 2025)* – Response to Comment 3.

MEMORANDUM

TO: Dana Privitt | KIMLEY-HORN & ASSOCIATES, INC.

FROM: Roma Stromberg | GANDDINI GROUP, INC.

DATE: February 19, 2025

SUBJECT: Response to Noise Comments from Adams Broadwell Joseph & Cardozo Comment Letter Dated November 18, 2024 Regarding the 2222 Rosemead Boulevard Warehouse Development
(GGI Project No. 19618)

On behalf of Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA), the law firm of Adams Broadwell Joseph & Cardozo submitted a comment letter dated November 18, 2024 regarding environmental documentation for the proposed 2222 Rosemead Boulevard Warehouse Development project. This memorandum contains responses to comments relating to the Noise Impact Analysis prepared by Ganddini Group. The following comments begin on page 13 of the comment letter.

COMMENT 1

4. The IS/MND Underestimates Operational Noise Impacts

The IS/MND fails to adequately analyze noise impacts generated by truck operations on the Projects site, including noise from driving, backing up, and idling. Although the IS/MND evaluates roadway noise and loading/unloading activities, it omits critical on-site noise sources associated with operational truck movements.

RESPONSE

Operational noise was modeled using the SoundPLAN noise modeling software. Modeled noise sources included truck and vehicle on-site movements and parking, heating and ventilation, and loading/unloading activities as discussed in Section 5 of the technical noise study prepared for the project (Ganddini Group 2023). Truck and automobile movements were modeled by assigning peak hour trip generation to the internal circulation road with an assumed speed of 15 miles per hour. The original analysis utilized a very generous loading/unloading area source to include trucks backing up. The analysis assumed a noise reference level of 80 dBA per square meter (sound power[Lw]), not 65 dBA Lw per meter. The 70 dB reference in the report was a typo.

In response to the commenter's concern that the SoundPLAN analysis did not include truck idling, an idling truck was added to the SoundPLAN analysis event, although no TRUs will be allowed and it is unlikely that any trucks will be idling with only two truck trips per hour. The idling truck was assumed to idle for a five minute period because it is illegal for them to idle any longer than that. Any law enforcement department, including air districts and CARB, can fine a 10,000 pound or greater truck owner and driver up to $1,000 per day for illegal idling (13 CCR 2480 & 2485) which would be in excess of five minutes within 100 feet of sensitive receptors.

Ganddini Group followed the document reference trail and discovered that the noise reference levels provided by the commenter are sound power levels. The commenter references a CARB informational document which references a noise study prepared by LSA Associates, which references a noise study prepared by Epsilon Associates in 2007, which indicates that the levels are sound power levels. The truck was modeled using a sound power level of 96 dBA L_{eq} for five minutes of a one-hour period.

In response to the comment regarding the lack of truck movements in the model, the model was updated to not only model the truck movement around the facility but also backing up into the loading docks. This movement was previously modeled assuming a generous loading/unloading area instead of just focusing on the actual loading docks. It should be noted here that modeling loading/unloading at new loading docks at all is conservative because they are generally sealed and there is not much noise occurring outside of the warehouse. The SoundPLAN noise model was updated to include a loading/unloading area with a SoundPLAN noise reference level of 92 Lw (sound power) and reduced to a 20 foot depth to be concentrated where the loading and unloading will actually occur, and two truck movements per hour were added to be representative of trucks backing into a loading dock, again, this was to address the commenter's concern that truck movements were not adequately modeled. As shown in the attached figures, both truck back-up movements were modeled at the center of the loading area as the closest sensitive receptors (mobile home park to the south) are located south of the project site.

In addition, a backup alerter with a sound power level of 105 Lw was added to the peak hour analysis. The backup alerter was conservatively assumed to last for one minute during each truck's backup movement and backup movements were modeled with a speed of 5 miles per hour. Since the project does not propose cold-storage uses, refrigerated trucks will not be allowed onsite and idling of trucks is not anticipated. Drivers will back their trucks into the loading docks and turn off the engine while loading/unloading occurs.

The HVAC placement and orientation was updated per the current Roof Plan provided in Attachment D.

Regarding comments concerning applicable standards, the City's Municipal Code includes two tables with noise standards that apply to operational noise (see Attachment A, Table 1, Exterior Noise Levels by Zone, and Table 2, Exterior Noise Levels by Use, Municipal Code 8.20.020). Table 1 includes noise standards for both day and nighttime noise and Table 2 contains noise standards for nighttime noise only. Table 1 includes footnotes that provide additional criteria depending on the measured noise period, including what would be considered to be a maximum noise event (the criteria in Table 1 plus 20 dB). In both tables, daytime hours are defined as 7:00 AM to 10:00 PM and nighttime hours are defined as 10:00 PM to 7:00 AM.

As shown on Figure 6 in the revised Noise Study dated June 15, 2023 (Rev 2), the modeling results show that peak operational noise levels will range between 39 and 58 dBA L_{eq} without any barriers.

As discussed previously, the City's Ordinance contains two tables in Section 8.20.020, that regulate operational noise. Table 1 applies to the project in regards to how it affects other properties based on what zoning they have and Table 2 applies to the project in regards how it affects other properties during nighttime hours based on what the existing land use is. The property located just south of the project site that has an existing mobile home park zoned Commercial - Manufacturing and the existing use would be considered multiple family. Project operational noise will not exceed the City's operational daytime noise standard of 60 dBA L_{eq} which applies to the commercially zoned property that the mobile home park is located on. It could however, exceed the nighttime noise standard of 55 dBA L_{eq} for multi-family residential, if truck movements are allowed between the hours of 10:00 PM and 7:00 AM.

The City's operational noise standards that apply to the existing land use of mobile home park is presented in Table 6 (nighttime only). Per Table 2 of Ordinance 8.20.020, the nighttime noise standard of 50 dBA L_{eq}

applies to the mobile home park located south of the project site. If truck movements are allowed during nighttime hours, project operation has the potential to exceed this standard.

A barrier ten feet in height constructed along the southern property line would reduce nighttime operational noise levels to 45 dBA L_{eq} at the southern property line shared with the mobile home park, allowing nighttime truck movements without violation of either the commercial zoning nighttime noise ordinance of 55 dBA L_{eq} (see Table 15) or the multi-family residential nighttime noise ordinance standard of 50 dBA L_{eq} (see Table 15). In an abundance of caution, due to the fact that there is an existing mobile home park located on the property south of the project site which is zoned commercial, we also applied the 55 dBA L_{eq} noise standard to project operation and found that project operational noise would exceed that standard by 3 dBA Leq. The proposed mitigation below will reduce these noise levels to below the 55 dBA L_{eq} noise standard.

> Prior to issuance of any demolition or grading permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions that: (1) require the installation of a 10-foot-high noise attenuation wall along the southern property line of the project site; and (2) prohibit truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM. The effectiveness of the 10-foot noise attenuation wall (temporary or permanent) shall be verified to confirm it reduces noise by a minimum of 10 dBA prior to tenant occupancy of the building. If the verification confirms the attenuation wall does not achieve the required 10 dBA reduction, the wall shall be modified to ensure it achieves such reduction.

In order to respond to concerns about maximum noise events, the maximum noise level associated with truck backout alerters was calculated assuming a sound power level of 105 Lw. The sound may be audible at nearby properties at first but will quickly attenuate as trucks back up to the loading docks as the truck itself will block some of the noise from traveling south towards the existing mobile home park. The closest point where a truck back out alerter is expected to be operated is located at approximately 32 feet north of the southern project property line. The noise level at the southern property line would be 77 dBA L_{max} and therefore, would not violate the City's maximum daytime noise standard presented in Section 8.20.020 of 80 dBA L_{max} but may exceed the nighttime noise standard of 70 dBA L_{max} at the property line. Construction of the above recommended barrier will reduce maximum noise levels by at least ten dB (i.e., 67 dBA L_{max} or lower) and, therefore, project maximum noise events will not exceed the applicable day and nighttime maximum noise event standard of 70 dBA L_{max}.

COMMENT 2

5. Mitigation Measure NOI-1 Lacks Substantial Evidence

The IS/MND claims that a 10-foot concrete masonry wall along the southern property line of the Project site would reduce operational noise impacts to less than significant.[59] However, this conclusion is unsupported by substantial evidence due to significant inconsistencies in the analysis and description of Mitigation Measure ("MM") NOI-1.

RESPONSE

Please see response to Comment 4. The SoundPLAN operational noise analysis was revised in response to submittal of a roof plan and public comments, and the effectiveness of a ten-foot barrier was still shown to be sufficient to mitigate operational noise. As shown in Figure 7, with the ten-foot wall, peak hour operational noise levels will range between 39 and 55 dBA L_{eq}. Noise levels at the property boundary with the mobile home park to the south would be 45 dBA L_{eq}. Therefore, the proposed ten-foot noise barrier will sufficiently lower peak hour operational noise levels to avoid exceeding applicable noise ordinance standards. Maximum

noise events will also be mitigated to 67 dBA L_{max} or less at the southern property line with construction of the proposed wall.

Regarding flanking, Figure 7 shows that peak operational noise levels immediately east of the proposed barrier would reach 52 dBA L_{eq} and peak operational noise levels immediately west of the proposed barrier would reach 55 dBA L_{eq} and would not exceed the applicable day or nighttime noise standards. Municipal Code 8.20.020 Table 1 (see Attachment A) sets forth a daytime 60 dBA L_{eq} and nighttime 55 dBA L_{eq} thresholds for commercial land uses. The proposed wall is sufficient as proposed.

COMMENT 3

OTHER ISSUES

1) *Appendix E pages 37 and 39 appears to be from another project "8388 Beech Avenue Truck-Trailer Storage Facility Noise Impact Analysis 19581." Table 13 on page 37 and Table 15 o page 39 refer to a "Receptor R-4." Receptor R-4 is not found anywhere else in Appendix E.*

RESPONSE

The references to 8388 Beech Truck-Trailer Storage Facility are labeling errors found only in the footer of pages 37 and 39. The footer should have been updated to match the rest of the report. Similarly, "Receptor R-4 Single Family Residential South of the Project Site" is a labeling error that should have been updated to read "Multiple Family Residential (Mobile home park)". Both Tables 12 and 13 have been reviewed and corrected. These editorial errors did not change any findings.

CONCLUSION

The Noise Impact Analysis has been updated (Rosemead and Rush Industrial Project Noise Impact Analysis, June 15, 2023 – Rev 2) to incorporate the changes noted above.

We appreciate the opportunity to assist you on this project. Should you have any questions or if we can be of further assistance, please contact us at 714-795-3100.

Respectfully submitted,
GANDDINI GROUP, INC.



Roma Stromberg, INCE/MS
Senior Noise Analyst

Rosemead and Rush Industrial Project
Noise Impact Analysis
19618

ATTACHMENT A

City of South El Monte Ordinance 8.20

§ 8.20.020 Exterior noise limits. § 8.20.020

A. Maximum Permissible Sound Levels by Receiving Land Use.

1. No person shall operate or cause to be operated any source of sound at any location within the city or allow the creation of any noise on property owned, leased or occupied or otherwise controlled by such person, which causes the noise level when measured on any other property to exceed:

   a. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 for a cumulative period of more than thirty minutes in any hour; or

   b. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus five dbA for a cumulative period of more than fifteen minutes in any hour; or

   c. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus ten dbA for a cumulative period of more than five minutes in any hour; or

   d. The exterior noise limit plus fifteen dbA for a cumulative period of more than one minute in any hour; or

   e. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus twenty dbA for any period of time.

2. In the event the alleged offensive noise contains a steady, audible tone such as a whine, screech, or hum, or it is a repetitive noise such as a hammering or riveting, or contains music or speech conveying informational content, the exterior noise limits set forth in Tables 1 and 2 shall be reduced by five dbA.

3. If the measured ambient noise level exceeds that permissible within any of the first four noise limit categories above, the allowable noise limits set forth in Table 1 or 2 shall be adjusted in five dbA increments in each category as appropriate to encompass or reflect the ambient nose level. In the event the ambient noise level exceeds the fifth noise limit category, the exterior noise limit under the fifth category shall be increased to reflect the maximum ambient noise level.

4. Noise Measurement Procedure. The noise level shall be measured as a position or positions at any point on the receivers property utilizing the A-weighting scale of the sound level meter and the "slow" meter response for non-impulsive type noises and "fast" response for impulsive type sounds. When feasible, the microphone shall be located approximately four to five feet above the ground and ten feet or more from the nearest reflective surface. In those cases where the standard elevation is not feasible, the most closely approximate elevation possible shall be utilized. Calibration of the measurement equipment, utilizing an acoustical calibrator, shall be performed immediately prior to recording any noise data.

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Table 1 Exterior Noise Limits by Zone		
Receiving Land Zoning Category	**Time Period**	**Noise Level Standard (dbA)**
One-or two-family residential zone	10 p.m. to 7 a.m.	45
	7 a.m. to 10 p.m.	55
Multiple dwelling residential zone, public zone	10 p.m. to 7 a.m.	50
	7 a.m. to 10 p.m.	60
Commercial zone or commercial-manufacturing zone	10 p.m. to 7 a.m.	55
	7 a.m. to 10 p.m.	60
Manufacturing zone	any time	70

Table 2 Exterior Noise Limits by Use		
Receiving Land Zoning Category	**Time Period**	**Noise Level Standard (dbA)**
Property partially or entirely developed for one- or two-family residential uses	10 p.m. to 7 a.m.	45
Property partially or entirely developed for multifamily residential uses	10 p.m. to 7 a.m.	50

B. Vibration. No person shall operate or permit the operation of any device or machine that creates a vibration above the vibration perception threshold when measured at or beyond the property boundary of the source.

(Prior code §5-13-2; Ord. 742 §1, 1985)

§ 8.20.030. Prohibited acts.

A. No person shall offer for sale, sell, or advertise by shouting or outcry within any residential or commercially developed portion of the city. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses or other similar licensed public entertainment.

B. No person shall permit any animal owned or possessed by that person frequently or for extended periods of time to make any sound or sounds which create a noise disturbance across a residential or commercial real property line.

C. No person shall load, unload, open, close or handle boxes, crates, containers, building materials, metal, equipment or other objects or personal property between the hours of ten p.m. and seven a.m. in such manner as to cause a noise disturbance across the real property line of an adjacent or nearby property developed entirely or partially for residential use.

D. No person shall operate or cause or authorize the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of ten p.m. and seven a.m., or at any time on weekends or holidays, such that the sound therefrom creates a noise disturbance across the real property line of an adjacent or nearby property developed

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ATTACHMENT B

Figures A & B – Updated Operational Noise Levels



Signs and symbols

- Proposed Project
- Main building
- Receiver
- Road
- Point source (HVAC and Industrial Lifts)
- Area source (Rail Spur Loading/Unloading and Conveyror Belt and Drive Unit)
- Parking lot
- Noise Level Tables (dBA, Leq)

Figure A
Operational Noise Levels Without a Barrier



Signs and symbols

- Proposed Project
- 10-FT Wall
- Main building
- Receiver
- Road
- Point source (HVAC and Industrial Lifts)
- Area source (Rail Spur Loading/Unloading and Conveyror Belt and Drive Unit)
- Parking lot
- Noise Level Tables (dBA, Leq)

Figure B
Operational Noise Levels With A 10-FT Barrier

ATTACHMENT C

Updated SoundPLAN Inputs

Statio km	ADT Veh/24	Vehicles type	Traffic values Vehicle name	day Veh/h	evening Veh/h	night Veh/h	Speed km/h	Contr devic	Cons Spee km/h	Affec veh. %	Road surface	Gradie Min / M %
Internal Drive			Traffic direction: In entry direction									
0+00	24	Total	-	2	-	-	-	none	-	-	Average (of DGAC a	0.0
		Automobiles	-	-	-	-	24					
		Medium trucks	-	-	-	-	-					
		Heavy trucks	-	2	-	-	24					
		Buses	-	-	-	-	-					
		Motorcycles	-	-	-	-	-					
		Auxiliary vehicle	-	-	-	-	-					
0+39	288	Total	-	24	-	-	-	none	-	-	Average (of DGAC a	0.0
		Automobiles	-	22	-	-	24					
		Medium trucks	-	-	-	-	-					
		Heavy trucks	-	2	-	-	24					
		Buses	-	-	-	-	-					
		Motorcycles	-	-	-	-	-					
		Auxiliary vehicle	-	-	-	-	-					
0+00	288	Total	-	24	-	-	-	none	-	-	Average (of DGAC a	0.0
		Automobiles	-	22	-	-	24					
		Medium trucks	-	-	-	-	-					
		Heavy trucks	-	2	-	-	24					
		Buses	-	-	-	-	-					
		Motorcycles	-	-	-	-	-					
		Auxiliary vehicle	-	-	-	-	-					
Truck Movement to Load-Unload			Traffic direction: In entry direction									
0+00	24	Total	-	2	-	-	-	none	-	-	Average (of DGAC a	0.0
		Automobiles	-	-	-	-	-					
		Medium trucks	-	-	-	-	-					
		Heavy trucks	-	2	-	-	8					
		Buses	-	-	-	-	-					
		Motorcycles	-	-	-	-	-					
		Auxiliary vehicle	-	-	-	-	-					

Noise emissions of industry sources

Source name	Reference	Level		Frequency spectrum [dB(A)]										Corrections		
				31	63	125	250	500	1	2	4	8	16	Cwall	CI	CT
			dB(A)	Hz	Hz	Hz	Hz	Hz	kHz	kHz	kHz	kHz	kHz	dB	dB	dB
1	Lw/unit	Day	92.0	-	59.0	69.0	76.1	82.1	85.0	86.0	86.1	84.0	-	-	-	-
	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
2	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
3	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
4	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
5	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
6	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
7	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
8	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
9	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
10	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
11	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
12	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
13	Lw/unit	Day	78.7	42.5	46.5	59.5	64.5	58.5	69.5	71.5	70.5	72.5	72.5	-	-	-
Back up Alterter	Lw/unit	Day	88.2	-	55.3	65.3	72.3	78.3	81.3	82.3	82.3	80.3	-	-	-	-

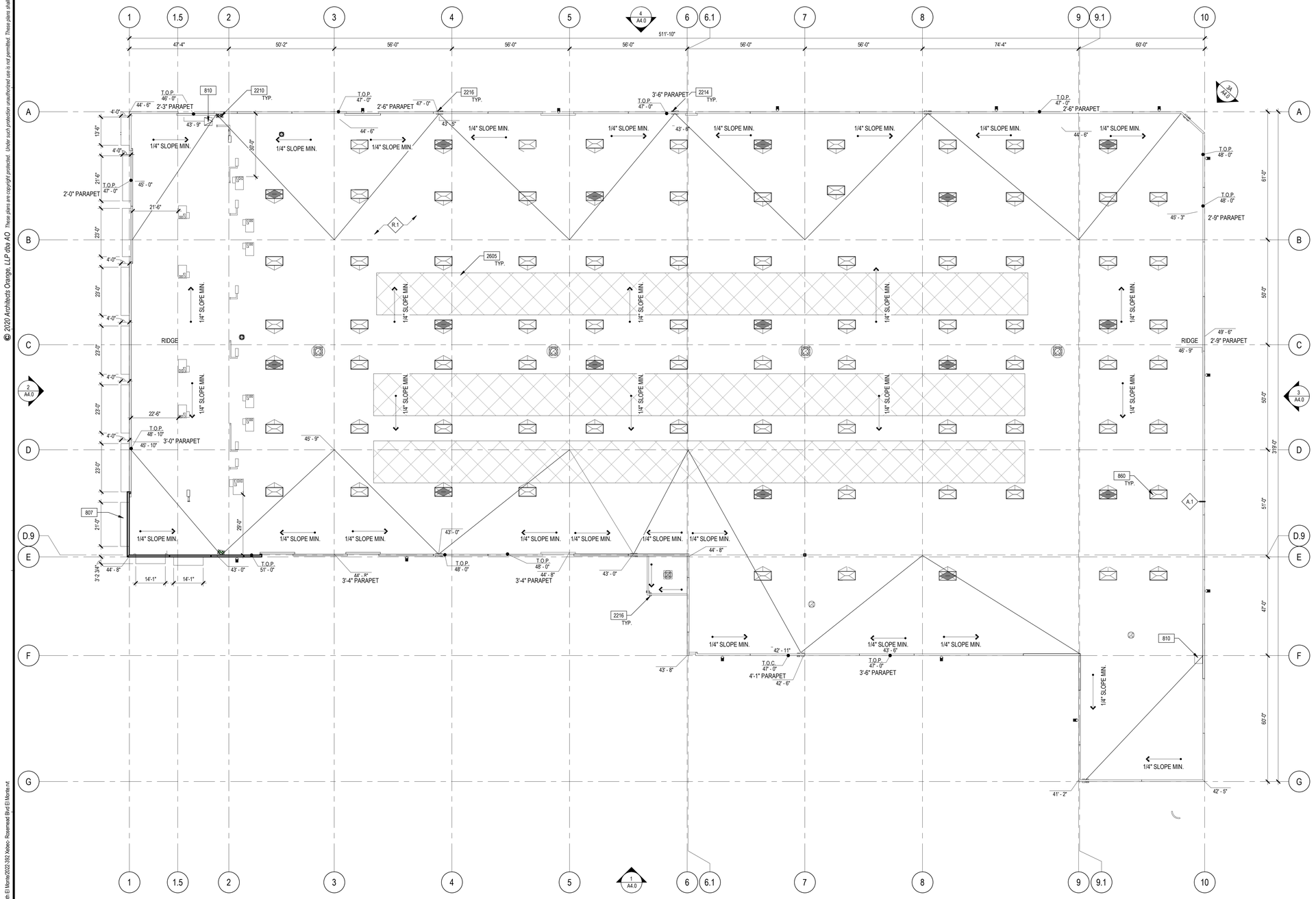
Noise emissions of parking lot traffic

Name	Parking lot type	Size	Movements per hour			Road surface	Separated method	Lw,ref
			Day	Evening	Night			dB(A)
1	Visitors and staff	10 Parking bays	0.400	0.000	0.000	Asphaltic driving lanes	no	73.0
2	Visitors and staff	41 Parking bays	0.400	0.000	0.000	Asphaltic driving lanes	no	82.9
3	Visitors and staff	41 Parking bays	0.400	0.000	0.000	Asphaltic driving lanes	no	82.9
4	Visitors and staff	34 Parking bays	0.400	0.000	0.000	Asphaltic driving lanes	no	81.8
5	Visitors and staff	22 Parking bays	0.400	0.000	0.000	Asphaltic driving lanes	no	79.2
6	Visitors and staff	22 Parking bays	0.400	0.000	0.000	Asphaltic driving lanes	no	79.2
7	Visitors and staff	2 Parking bays	0.400	0.000	0.000	Asphaltic driving lanes	no	66.0
8	Visitors and staff	8 Parking bays	0.400	0.000	0.000	Asphaltic driving lanes	no	72.0

ATTACHMENT D

Roof Plan

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ROOF GENERAL NOTES

1. CONTRACTOR SHALL VERIFY SIZES AND LOCATIONS OF ALL MECHANICAL EQUIPMENT PLATFORMS AND BASES, POWER, WATER AND DRAIN LOCATIONS AND INSTALLATION REQUIREMENTS WITH EQUIPMENT MANUFACTURERS PRIOR TO PROCEEDING WITH WORK. CHANGES TO ACCOMMODATE FIELD CONDITIONS OR MATERIAL SUBSTITUTIONS SHALL BE MADE WITHOUT ADDITIONAL CHARGE TO OWNER.
2. MECHANICAL AND PLUMBING EQUIPMENT PLATFORM DIMENSIONS SHALL BE A MINIMUM OF 8 INCHES ABOVE ADJACENT ROOF ELEVATION.
3. VENTS THROUGH THE ROOF SHALL BE INSTALLED 10'-0" FROM AND TERMINATED 3'-0" ABOVE ANY FRESH AIR INTAKES.
4. LEAD FLASHING TO BE USED AT ALL ROOF DRAIN AND OVERFLOW PENETRATIONS.
5. SEE PLUMBING DRAWINGS FOR ALL ROOF DRAIN SIZES.
6. ALL ROOF SURFACES SHALL SLOPE AT A MINIMUM OF 1/4 INCH PER FOOT IN ALL DIRECTIONS.CRICKETS SHALL BE USED ON THE HIGH SIDE OF ALL SKYLIGHTS, ROOF HATCH AND EQUIPMENT PLATFORMS.
7. SEE STRUCTURAL DRAWINGS FOR ROOF FRAMING.
8. SEE MECHANICAL DRAWINGS FOR HVAC EQUIPMENT, SHAFT, AND PENETRATION LOCATIONS.
9. ORIENT SKYLIGHT / SMOKE HATCH HINGES TOWARD THE PREVAILING WIND.
10. ALL INDIRECT WASTE PIPING ON ROOF SHALL BE TYPE "L" COPPER ATTACHED BY PIPE STRAPS NAILED TO 2 x 4 REDWOOD BLOCKING. BLOCKING SHALL BE SET IN MASTIC AT 6'-0" O.C. PIPING SHALL BE SLOPED AND TERMINATE IN AN APPROVED RECEPTOR. PIPING TO BE INSTALLED PARALLEL AND PERPENDICULAR TO BUILDING ELEVATIONS. SEE DETAIL 13/A6.2.
11. ALL ROOFING SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH LOCAL CITY AGENCY WIND DESIGN ACCORDANCES.
12. REFER TO STRUCTURAL DRAWINGS TO CONFIRM ROOF ELEVATIONS.
13. ALL ROOF ELEVATIONS INDICATE BOTTOM OF SHEATHING FROM FINISHED FLOOR, DATUM ELEVATION 0'-0". (FLOOR SLOPES) SEE STRUCTURAL DRAWINGS.
14. ROOFING: UL CLASS A- FIRE RETARDANT RATING AS MANUFACTURE BY GAF, MANVILLE OR EQUAL.
15. OVERFLOW SCUPPERS SHALL BE 3 TIMES THE AREA OF THE ROOF DRAIN INLET, LOCATED 3" ABOVE THE LOW POINT OF THE ADJACENT. FINISHED ROOF PER CBC SEC.1506.3.
16. LEAD FLASHING TO BE USED AT ALL ROOF VENT PENETRATIONS. SEE DETAIL 11,12 & 21/A6.1.
17. FOR ROOF PENETRATIONS, - SEE DETAILS 2, 5, 11, 12, AND 21/A6.1.

— XX ASSEMBLIES

*** SEE SHEETS A7.5 FOR COMPLETE ASSEMBLY INFORMATION AND DETAILS. ** SEE RCP FOR WALL TYPES THAT OCCUR ABOVE THE CEILINGS.**

A.1 N.R. EXTERIOR CONC. WALL: 9 1/4" STEEL REINFORCED TILT UP CONCRETE WALL. PER STRUCTURAL .

R.1 N.R. 20 YEAR TPO ROOF: JOHN MANVILLE (OR APPROVED EQUAL) UL 790 LISTED MIN. 60 MIL. FULLY ADHERED TPO MEMBRANE ROOFING OVER MIN. 1/4" DENSDECK OVER PLYWOOD ROOF DECK. PROVIDE MIN. ROOFING SYSTEM TO BE UL CLASS A AND MEET FM-190 WIND UPLIFT RESISTANCE REQUIREMENTS PER OWNER SPECS. TOP CAP OF ROOF SYSTEM TO HAVE LEED SOLAR REFLECTIVE INDEX OF 82 OR GREATER.

KEYNOTES

807 PREFABRICATED METAL AWNING, REFER TO ELEVATIONS FOR COLOR AND PLACEMENT. 19/A6.3

810 ROOF ACCESS HATCH PER DOOR SCHEDULE

860 SKYLIGHTS SEE LEGEND AND DETAIL 8/A6.2

2210 INTERNAL ROOF DRAIN AND ROOF OVERFLOW DRAIN WITH SEPARATE PIPING SYSTEM. INSTALL PER ROOFING MANUFACTURER WARRANTY REQUIREMENTS AND INSTALLATION RECOMMENDATIONS. SEE DETAIL 17/A6.1 AND 18 WHERE OCCURS ON SITE.

2214 ROOF OVERFLOW DRAIN TO DISCHARGE AT THE FACE OF BUILDING.

2216 EXTERIOR DOWNSPOUT AND OVERFLOW SCUPPER. SEE DETAIL 19,20, 25 /A6.1

2605 SOLAR ZONE: AREA DEDICATED FOR FUTURE SOLAR PANEL INSTILLATION. INVERTERS, METERING EQUIPMENT, AND CONDUIT ROUTING TO BE COMPLETED AS PART OF FUTURE IMPROVEMENTS UNDER A SEPARATE PERMIT.

ROOF PLAN LEGEND

- 4'x8' FIXED SKYLIGHT TO BE FIBERGLASS SINGLE DOME, IMPACT AND HIGH WIND. TO INCLUDE BURGLAR BARS RESISTANT AS BISTOLITE DAYLIGHTING SYSTEM (KINGSPAN)/ SUNOPTICS SEE DETAIL 8/A6.2
- 4'x8' FIXED SKYLIGHT WITH SMOKE AND HEAT VENTS WITH UL 793 LISTING BY BRISOLITE DAYLIGHTING SYSTEMS (KINGSPAN)/ SUNOPTICS). TO BE FIBERGLASS SINGLE DOME, IMPACT AND HIGH WIND. TO INCLUDE BURGLAR BARS. SEE DETAIL 8/A6.2.
- CURB MOUNTED MECHANICAL UNIT - REFER TO MECHANICAL, PLUMBING, AND ELECTRICAL PLANS
- 24" X 30" CURB MOUNTED ROOF HATCH WITH LADDER EXTENSION POST - BILCO, MODEL: S-20 OR APPROVED EQUAL.
- FABRICATED, 22 GA., G.I. SCUPPER, RAIN CONDUCTOR, AND DOWNSPOUT
- INDICATES "SOLAR READY" ZONE ON ROOF AS CALCULATED
- T.S. = 39'-1" — INDICATES TOP OF SHEATHING ELEVATION AS TAKEN FROM FINISH FLOOR DIRECTLY BELOW REFERENCE POINT, SEE STRUCTURAL PLANS
- T.PARAPET = 41'-9" — INDICATES TOP OF PARAPET ELEVATION, SEE EXTERIOR ELEVATIONS AND STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION

SMOKE VENT CALCULATION

WAREHOUSE S.F. X CLEAR HEIGHT = x/9000 = S.F. OF VENTING / 32 S.F. VENT HATCH SIZE

112,377 S.F. X 40 FT. CLEAR = 4,495,080/9000 = 499.45 OR 500 S.F./32 S.F. = 15.625 OR 16 VENTS

North

ROOF PLAN Scale: 1" = 20'-0" (1)

Architecture. Design. Relationships.

SEAL

LICENSED ARCHITECT — REGISTERED PROFESSIONAL — C-23757 RENEW. 8.31.25 — STATE OF CALIFORNIA

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2222 ROSEMEAD BLVD
SOUTH EL MONTE, CA 91733

ROOF PLAN

Project Number:	2022-392
Plan Check Number:	Permit Number
2023-05-12	50% PROGRESS
2023-06-12	1st CITY SUBMITTAL
	2nd CITY SUBMITTAL
2024-05-07	LA CO. FIRE SUBMITTAL
2023-10-13	1 PCC1

SHEET
A3.0

Sheet Plotted: 5/6/2024 8:40:38 AM
Drawing File Name: Autodesk Docs://2022-392 Xebec - Rosemead Blvd - South El Monte/2022-392 Xebec - Rosemead Blvd El Monte.rvt

Kimley»Horn

Response to the Coalition for Responsible Equitable Economic Development Los Angeles (CREED LA) Letter dated January 27, 2025, for the 2222 Rosemead Boulevard Warehouse Development Project

RESPONSE TO COMMENT LETTER

Aidan P. Marshall, Adams Broadwell Joseph & Cardozo Attorneys at Law (on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ["CREED LA"]), January 27, 2025.

II.A The commenter claims that the IS/MND fails to adequately analyze and mitigate potential public health impacts to on-site construction workers. Specifically, the commenter states that the IS/MND mitigation measures do not guarantee that post-remediation contamination will be sufficiently reduced to safe levels for on-site construction workers. However, IS/MND mitigation measure HAZ-1 states the following, "The SMP shall Identify and implement accident prevention and control measures for soil disturbance and remediation activities, and for ongoing operations that are protective of the health and safety of the public (i.e., vapor intrusion mitigation system [VIMS]), and construction workers including a routine inspection program to ensure that such measures are being implemented during construction. At a minimum, such measures shall include compliance with applicable federal, State, and local laws and regulations." Regarding federal and State regulations, the responsible agencies for the project site's remediation activities are the Los Angeles RWQCB and the U.S. EPA. These agencies prohibit redevelopment activities until remediation activities have been completed and approved, ensuing the project site is protective of human health.[1] Therefore, the IS/MND adequately analyzed and mitigated potential public health impacts to on-site construction workers.

II.B Please refer to the *2222 Rosemead Boulevard Warehouse Development - Supplemental Soil Remediation Analysis for Transportation, Noise, Air Quality/Greenhouse Gas and Energy.*

II.C Please refer to the *2222 Rosemead Boulevard Warehouse Development - Supplemental Soil Remediation Analysis for Transportation, Noise, Air Quality/Greenhouse Gas and Energy*

[1] Haley & Aldrich, Limited Soil Remediation Work Plan Addendum (April 2024), Appendix A (Haley & Aldrich, Response to LARWQCB Comments (March 2024) p. 1.

MEMORANDUM

TO: Dana Privitt | KIMLEY-HORN & ASSOCIATES, INC.

FROM: Giancarlo Ganddini, Roma Stromberg, Katie Wilson | GANDDINI GROUP, INC.

DATE: March 31, 2025

SUBJECT: 2222 Rosemead Boulevard Warehouse Development - Supplemental Soil Remediation Analysis for Transportation, Noise, Air Quality/Greenhouse Gas and Energy (GGI Project No. 19618)

Ganddini Group, Inc. is pleased to provide this supplemental technical analysis to evaluate the potential for impacts associated with soil remediation for the 2222 Rosemead Boulevard Warehouse Development project. This analysis supplements the technical studies appended to the *2222 Rosemead Boulevard Warehouse Development Initial Study/Mitigated Negative Declaration* (Appendix A - Air Quality, Global Climate Change, HRA, and Energy Impact Analysis [AQR], Appendix E - Noise Impact Analysis [NIA], and Appendix F - Transportation Impact Analysis [TIA]).

PURPOSE/BACKGROUND

While the technical analysis of the project's construction phase accounted for 1,400 cubic yards of soil import known at the time of preparation of the technical studies, a Limited Soil Remediation Work Plan Addendum (LSRWP) later identified the need for approximately 4,999 cubic yards of contaminated soil to be excavated and exported from the project site.

This technical memorandum analysis was conducted in order to respond to the January 27, 2025 comment letter from Adams, Broadwell, Joseph and Cardozo, on behalf of CREED LA. Specifically, Comment B notes that according to a Limited Soil Remediation Work Plan Addendum, approximately 4,999 cubic yards ("cy") of contaminated soil will be excavated from the eastern portion of the Project site.[1] This includes 4,670 cy of soil contaminated with PCB, 164 cy with lead, 122 cy with arsenic, and 7 yards with total petroleum hydrocarbons diesel.[2] The soil will then be segregated, stockpiled, sampled, profiled, and transported to an appropriate waste disposal facility.[3] These remediation activities are anticipated to last approximately 45 days.[4] As the data pertaining to soil remediation was available after the original AQR was completed, this analysis was performed to ensure all project-related emissions have been accounted for in the analyses.

SOIL REMEDIATION DATA

The data and assumptions used for this supplemental analysis are shown in Table 1 below.

[1] LSRWPA, Table 8 (Soil Remedial Excavation Volumes).

[2] LSRWPA, Table 9 (Soil Remedial Excavation Volumes by [Contaminant of Concern]).

[3] LSRWPA at pp. 17-20.

[4] LSRWPA at p. 20.

Table 1. Assumptions for Soil Remediation Phase

Facility	Distance (miles)	Comments	Estimated Soil Volume (cubic yards)	% of Soil Disposal	Estimated Truck Loads[1]	Estimated Truck Trips (2-Way)[2]
Azusa Land Reclamation	14	Non-hazardous waste	200	4%	13	26
Waste Management Simi Valley Landfill and Recycling Center	55	Non-hazardous waste	4200	84%	263	526
Clean Harbors Buttonwillow Landfill Facility	146	Non-RCRA Hazardous Waste (< 50 mg/kg PCBs)	500	10%	32	64
US Ecology Beatty Facility	279	TSCA Hazardous Waste (> 50 mg/kg PCBs)	100	2%	7	14
TOTAL					**315**	**630**
Soil Remediation Phase Length (days)[3]					45	
Average Truck Loads Per Day					7 loads (14 two-way trips)	
Weighted Average Trip Length (miles)					66.94	

Notes:
1. Based on 16 cubic yards per truck load.
2. One unloaded inbound trip and one loaded outbound trip per truck load.
3. LSRWP at p.20

Construction equipment used on-site for the soil remediation include: 2 excavators, a backhoe, a wheel loader and a water truck. All on-site hazardous material excavation and handling activities would be conducted in accordance with SCAQMD Rules 402, 403, 1166, and 1466. Hazardous soils would be stockpiled, profiled, treated and if required, transported and disposed of off the site in accordance with federal regulations under TSCA, RCRA, and HWCL regulations. Per SCAQMD requirements for hazardous soils, material handling excavation activities and fugitive dust control methods will include at a minimum: watering the site 3 times a day, watering unpaved construction roads, limiting the vehicle speeds on unpaved roads, and sweeping paved roads at least once a day to limit track out of material. These dust control methods required by SCAQMD are shown as mitigation in the CalEEMod output.

The soil remediation activities are expected to begin on April 7, 2025 and last approximately 45 days. The soil remediation activities will occur in-between the demolition phase and the grading phase that were analyzed previously in the original AQR. Therefore, the emissions from the soil remediation phase will not overlap with any of the other construction phases analyzed in the original AQR.

AIR QUALITY IMPACTS

Sensitive Receptors in Project Vicinity

Those who are sensitive to air pollution include children, the elderly, and persons with preexisting respiratory or cardiovascular illness. For purposes of CEQA, the SCAQMD considers a sensitive receptor to be a location where a sensitive individual could remain for 24 hours, such as residences, hospitals, or convalescent facilities (South Coast Air Quality Management District 2008). Commercial and industrial facilities are not included in the definition because employees do not typically remain on-site for 24 hours. Furthermore, as stated in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans (2005), the following land uses are considered to be areas where sensitive receptors are typically located: schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, hospitals, retirement homes, and residences.

The nearest sensitive receptors to the project site include: the existing residential/trailer park use located adjacent to the south; the multi-family residential uses located as close as approximately 547 feet (~166 meters) to the southwest (along the northern side of Rush Street); and the single-family residential uses located as close as approximately 297 feet (~91 meters) to the west (along the eastern side of Troy Avenue), 372 feet (~114 meters) to the northwest (along the eastern side of Troy Avenue) and 743 feet (~226 meters) to the southwest (along the southern side of Rush Street) of the project site. Other air quality sensitive land uses are located further from the project site and would experience lower impacts.

Table 2 shows the SCAQMD Air Quality Significance Thresholds.

Table 2
SCAQMD Air Quality Significance Thresholds

Mass Daily Thresholds[1]		
Pollutant	Construction (lbs/day)	Operation (lbs/day)
NOx	100	55
VOC	75	55
PM10	150	150
PM2.5	55	55
SOx	150	150
CO	550	550
Lead	3	3
Toxic Air Contaminants (TACs), Odor and GHG Thresholds		
TACs (including carginogens and non-carcinogens)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Chronic & Acute Hazard Index > 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to South Coast AQMD Rule 402	
GHG	10,000 MT/yr CO2e for industrial facilities	
Ambient Air Quality Standards for Criteria Pollutants[2]		
NO_2	South Coast AQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards:	
1-hour average	0.18 ppm (state)	
annual arithmetic mean	0.03 ppm (state) & 0.0534 ppm (federal)	
PM10		
24-hour average	10.4 µg/m^3 (construction)[3] & 2.5 µg/m^3 (operation)	
annual average	1.0 µg/m^3	
PM2.5		
24-hour average	10.4 µg/m^3 (construction)[3] & 2.5 µg/m^3 (operation)	
SO_2		
1-hour average	0.25 ppm (state) & 0.075 ppm (federal – 99th percentile)	
24-hour average	0.04 ppm (state)	
Sulfate		
24-hour average	25 µg/m^3 (state)	
CO	South Coast AQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards:	
1-hour average	20 ppm (state) & 35 ppm (federal)	
8-hour average	9 ppm (state/federal)	
Lead		
30-day average	1.5 µg/m^3 (state)	
Rolling 3-month average	0.15 µg/m^3 (federal)	

Notes:
Source: http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook
(1) Source: South Coast AQMD CEQA Handbook (South Coast AQMD, 1993)
(2) Ambient air quality thresholds for criteria pollutants based on South Coast AQMD Rule 1303, Table A-2 unless otherwise stated.
(3) Ambient air quality threshold based on South Coast AQMD Rule 403.

Short-Term Air Quality Impacts

An analysis of the potential short-term air quality impacts due to regional air quality and local air quality impacts from the soil remediation activities during construction is provided. The emissions were calculated using CalEEMod 2022.1.1.29. CalEEMod output is shown in Appendix A.

Soil Remediation Construction-Related Regional Air Quality Impacts

The maximum criteria pollutant emissions from the proposed project's soil remediation-related criteria pollutant emissions are shown below in Table 3. Compliance with SCAQMD Rules 403 and 1466 is included. Table 3 shows that none of the project's emissions will exceed regional thresholds. Therefore, a less than significant regional air quality impact would occur from soil remediation phase of the project. Impacts remain less than significant and do not change the significance findings as reported in the original AQR.

Soil Remediation Construction-Related Local Air Quality Impacts

Emissions from the soil remediation phase of construction may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the South Coast Air Basin. The proposed project has been analyzed for the potential local air quality impacts created from: soil remediation-related fugitive dust and diesel emissions.

Based on the SCAQMD's *Fact Sheet for Applying CalEEMod to Localized Significance Thresholds* (the same methoddology used in the original AQR), the soil remediation phase of the project would disturb one acre per day[5] and the emission thresholds were calculated based on the South San Gabriel Valley source receptor area (SRA) 11 and a disturbance value of one acre per day. According to LST Methodology, any receptor located closer than 25 meters (82 feet) shall be based on the 25-meter thresholds. The nearest sensitive receptors to the project site are the existing residential/trailer park use located adjacent to the south, the multi-family residential land uses located approximately 547 feet (~166 meters) to the southwest, and the single-family residential land uses located approximately 297 feet (~91 meters) to the west, 372 feet (~114 meters) to the northwest and 743 feet (~226 meters) to the southwest of the project site; therefore, the SCAQMD Look-up Tables for 25 meters was used. Table 4 shows the on-site emissions from the CalEEMod model for the soil remediation phase and the LST emissions thresholds.

The data provided in Table 4 shows that none of the analyzed criteria pollutants would exceed the local emissions thresholds at the nearest sensitive receptors. Therefore, a less than significant local air quality impact would occur from soil remediation phase of the proposed project. Impacts remain less than significant and do not change the significance findings as reported in the original AQR.

[5] Source: https://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/caleemod-guidance.pdf?sfvrsn=98641d61_2; 0.5 acres for a crawler tractor plus 0.5 acres for a rubber tired dozer.

Table 3
Construction-Related Regional Pollutant Emissions

Activity	Pollutant Emissions (pounds/day)					
	ROG	NOx	CO	SO_2	PM10	PM2.5
Maximum Daily Emissions[1]	0.59	7.89	8.98	0.03	5.00	0.85
SCAQMD Thresholds	75	100	550	150	150	55
Exceeds Thresholds?	No	No	No	No	No	No

Notes:

Source: CalEEMod Version 2022.1.1.29

(1) Includes both on-site and off-site emissions. On-site site preparation PM-10 and PM-2.5 emissions show compliance with SCAQMD Rule 403 for fugitive dust and Rule 1466 Control of Particulate Emissions from Soils with Toxic Air Contaminants.

Table 4
Local Construction Emissions at the Nearest Receptors

Activity[1]	On-Site Pollutant Emissions (pounds/day)			
	NOx	CO	PM10	PM2.5
Site Preparation	4.33	7.08	3.96	0.54
SCAQMD Thresholds[2]	83	673	5	4
Exceeds Threshold?	No	No	No	No

Source: Calculated from CalEEMod and SCAQMD's Mass Rate Look-up Tables for 1 acre at a distance of 25 meters in SRA 11 South San Gabriel Valley.

Notes:

1. The soil remediation will disturb a maximum of 1.0 acre a day.
2. The nearest sensitive receptors are the existing residential/trailer park use located adjacent to the south, the multi-family residential land uses located approximately 547 feet (~166 meters) to the southwest, and the single-family residential land uses located approximately 297 feet (~91 meters) to the west, 372 feet (~114 meters) to the northwest and 743 feet (~226 meters) to the southwest of the project site; therefore, the 25 meter threshold was used.

GREENHOUSE GAS IMPACTS

Greenhouse Gas Emissions

Construction-related GHG emissions from the soil remediation phase were included in the analysis and were based on a 30-year amortization rate as recommended in the SCAQMD GHG Working Group meeting on November 19, 2009. The proposed project's construction related GHG emissions have been calculated with the CalEEMod model based on the parameters detailed above. A summary of the results is shown below in Table 5 and CalEEMod model run for the proposed project is provided in Appendix A.

The data provided in Table 5 shows that soil remediation phase would generate a total of 3.13 $MTCO_2e$ per year. When added into the total emissions from the original AQR, total project GHG emissions would be 2,720 MTCO2e/year.

The project's total emissions, including the soil remediation phase, do not exceed the SCAQMD draft GHG emissions threshold of 3,000 $MTCO_2e$ per year for all land uses; therefore, the impacts from GHGs are considered to be less than significant. Impacts remain less than significant and do not change the significance findings as reported in the original AQR.

Greenhouse Gas Plan Consistency

As shown the original AQR, the project is consistent with CARB Scoping Plans and the SCAG's 2020-2045 RTP/SCS, and would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

As the addition of the soil remediation phase during construction of the project does not change the conclusions in the original AQR, and does not add a significant amount of GHG emissions to the total project, it is concluded that the project's incremental contribution to greenhouse gas emissions and their effects on climate change would not be cumulatively considerable. The addition of the soil remediation phase does not create any additional impacts beyond those already disclosed in the original AQR.

Table 5
Project-Related Greenhouse Gas Emissions

Category	Greenhouse Gas Emissions (Metric Tons/Year)					
	Bio-CO2	NonBio-CO_2	CO_2	CH_4	N_2O	CO_2e
Construction[1]	0.00	3.01	3.01	0.00	0.00	3.13
Total Emissions	0.00	3.01	3.01	0.00	0.00	3.13
SCAQMD Draft Screening Threshold						3,000
Exceeds Threshold?						No

Notes:

Source: CalEEMod Version 2022.1.1.29

(1) Construction GHG emissions CO2e based on a 30-year amortization rate.

PROJECT ENERGY DEMANDS AND ENERGY EFFICIENCY MEASURES

Construction Energy Demands

The soil remediation phase of construction is anticipated to occur between demolition and grading and start April 7, 2025. The approximately 45-day schedule is short, and the estimated area of disturbance during the soil remediation phase of construction is approximately one (1) acre.

Construction Equipment Fuel Estimates

Fuel consumed by construction equipment would be the primary energy resource expended over the course of soil remediation phase. Fuel consumed by construction equipment was evaluated with the following assumptions:

- Soil remediation phase of 45 days
- All construction equipment was assumed to run on diesel fuel.
- Typical daily use of 8 hours.
- Aggregate fuel consumption rate for all equipment was estimated at 18.5 hp-hr/gallon (from CARB's 2017 Emissions Factors Tables and fuel consumption rate factors as shown in Table D-21 of the Moyer Guidelines: (https://www.arb.ca.gov/msprog/moyer/guidelines/2017gl/2017_gl_appendix_d.pdf).
- Diesel fuel would be the responsibility of the equipment operators/contractors and would be sources within the region.
- Project construction/soil remediation represents a "single-event" for diesel fuel demand and would not require on-going or permanent commitment of diesel fuel resources during long term operation.

Using the CalEEMod data input for the air quality and greenhouse gas memorandum analyses, the project's soil remediation phase would consume fossil fuels as a single energy demand, that is, once the soil remediation phase of construction is completed, their use would cease. CARB's 2017 Emissions Factors Tables show that on average aggregate fuel consumption (gasoline and diesel fuel) would be approximately 18.5 hp-hr-gal. Table 6 shows the results of the analysis of construction equipment.

As presented in Table 6, project construction activities during soil remediation would consume an estimated 2,188 gallons of diesel fuel. As stated previously, project construction/soil remediation would represent a "single-event" diesel fuel demand and would not require on-going or permanent commitment of diesel fuel resources for this purpose.

Table 6
Construction Equipment Fuel Consumption Estimates

Phase[1]	Number of Days	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor	HP hrs/day	Total Fuel Consumption (gal diesel fuel)[2]
Site Preparation	45	Rubber Tired Loaders	1	8	150	0.36	432	1,051
	45	Tractors/Loaders/Backhoes	1	8	84	0.37	249	605
	45	Excavators	2	8	36	0.38	219	532
CONSTRUCTION FUEL DEMAND (gallons of diesel fuel)								2,188

Notes:

(1) Soil remediation phase is anticpated to occur after demolition and before grading.

(2) Using Carl Moyer Guidelines Table D-21 Fuel consumption rate factors (bhp-hr/gal) for engines less than 750 hp. (Source: https://www.arb.ca.gov/msprog/moyer/guidelines/2017gl/2017_gl_appendix_d.pdf)

Construction Worker Fuel Estimates

It is assumed that construction worker trips are from light duty autos (LDA), light duty truck 1 (LDT1), and light duty truck 2 (LDT2) at a mix of 25 percent/50 percent/25 percent, respectively, along area roadways.[6] With respect to estimated VMT, the soil remediation-based construction worker trips would generate an estimated 8,325 VMT. Data regarding project related construction worker trips were based on CalEEMod 2022.1.1.29 model defaults.

Vehicle fuel efficiencies for construction workers were estimated in the air quality and greenhouse gas analyses using information generated using CARB's 2021 EMFAC model. An aggregate fuel efficiency of 26.585 miles per gallon (mpg) was used to calculate vehicle miles traveled for construction worker trips. Table 7 shows that an estimated 313 gallons of fuel would be consumed for construction worker trips. When added to the construction worker fuel estimates from the original AQR, the total for the entire project would be 9,915 gallons.

Onsite Truck and Hauling Fuel Estimates

Table 8 and Table 9 show the estimated fuel consumption for the use of an onsite water truck and hauling during the soil remediation phase of construction. With respect to estimated VMT, the onsite truck and hauling trips would generate an estimated 42,631 VMT. Data regarding project-related construction worker trips were based on CalEEMod 2022.1.1.29 model defaults.

The onsite water truck would be a medium to heavy duty vehicle with an average fuel consumption of 7.87 mpg for medium heavy-duty trucks and 6.15 mpg for heavy heavy-duty trucks (see Appendix A for details).[7] Table 8 and Table 9 show that an estimated 6,923 gallons of fuel would be consumed for the onsite water truck and hauling trips. When added to the hauling and vendor fuel estimates from the original AQR, the total for the entire project would be 15,494 gallons.

Construction Energy Efficiency/Conservation Measures

Construction equipment used over the approximately 45-day soil remediation phase would conform to CARB regulations and California emissions standards and is evidence of related fuel efficiencies. There are no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities; or equipment that would not conform to current emissions standards (and related fuel efficiencies). Equipment employed in the construction of the project would therefore not result in inefficient wasteful, or unnecessary consumption of fuel.

The project would utilize construction contractors which practice compliance with applicable CARB regulation regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Additionally, CARB has adopted the Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other Toxic Air Contaminants. Compliance with these measures would result in a more efficient use of construction-related energy and would minimize or eliminate wasteful or unnecessary consumption of energy. Idling restrictions and the use of newer engines and equipment would result in less fuel combustion and energy consumption.

[6] CalEEMod User's Guide Appendix C (April 2022) states that construction work trips are made by a fleet consisting of 25 percent light-duty auto (or passenger car), 50 percent light-duty truck type 1 (LDT1), and 25 percent light duty truck type 2 (LDT2).

[7] CalEEMod User's Guide Appendix C (April 2022) states that vendor trips are made by a fleet consisting of 50 percent medium trucks (MHDT) and 50 percent heavy trucks (HHDT) and that hauling and onsite truck trips are made by a fleet consisting of 100 percent HHDT.

Table 7
Construction Worker Fuel Consumption Estimates

Phase	Number of Days	Worker Trips/Day	Trip Length (miles)	Vehicle Miles Traveled	Average Vehicle Fuel Economy (mpg)	Estimated Fuel Consumption (gallons)
Site Preparation	45	10	18.5	8,325	26.6	313
Total Construction Worker Fuel Consumption						313

Notes:

(1) Assumptions for the worker trip length and vehicle miles traveled are consistent with CalEEMod 2022.1.1.29 defaults.

(2) Per CalEEMod User's Guide Appendix C (April 2022), CalEEMod assumes that construction work trips are made by a fleet consisting of 25 percent light-duty auto (or passenger car), 50 percent light-duty truck type 1 (LDT1), and 25 percent light duty truck type 2 (LDT2).

Table 8
Onsite Truck Fuel Consumption Estimates (MHD & HHD Trucks)

Phase	Number of Days	Vendor Trips/Day	Trip Length (miles)	Vehicle Miles Traveled	Average Vehicle Fuel Economy (mpg)	Estimated Fuel Consumption (gallons)
Site Preparation	45	1	10.2	459	7.01	65
Total Construction Vendor Fuel Consumption						65

Notes:

(1) Assumptions for the onsite truck trip length and vehicle miles traveled are consistent with CalEEMod 2022.1.1.29 defaults.

(2) Per CalEEMod User's Guide Appendix C (April 2022), CalEEMod assumes vendor trips are made by a fleet consisting of 50 percent medium trucks (MHDT) and 50 percent heavy trucks (HHDT).

Table 9
Construction Hauling Fuel Consumption Estimates (HHD Trucks)

Phase	Number of Days	Hauling Trips/Day	Trip Length (miles)	Vehicle Miles Traveled	Average Vehicle Fuel Economy (mpg)	Estimated Fuel Consumption (gallons)
Site Preparation	45	14	66.94	42,172	6.15	6,857
Total Construction Hauling Fuel Consumption						6,857

Notes:

(1) Assumptions for the hauling trip length are based on the information presented in Table 1.

Additionally, as required by California Code of Regulations Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than five minutes, thereby minimizing or eliminating unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Enforcement of idling limitations is realized through periodic site inspections conducted by City building officials, and/or in response to citizen complaints.

When added to the total fuel consumption for construction equipment from the original AQR, the total fuel consumption for the project's construction equipment would be 33,289 gallons, including the soil remediation phase. Therefore, as the soil remediation phase is required to comply with CARB regulations and does not include the need of construction processes that would require the use of equipment that is more energy efficient, the proposed project soil remediation phase-related fuel consumption would not be considered significant when added to the total fuel consumption for the project.

Renewable Energy and Energy Efficiency Plan Consistency

Regarding federal transportation regulations, the project site is located in an already developed area. Access to/from the project site is from existing roads. These roads are already in place so the project would not interfere with, nor otherwise obstruct intermodal transportation plans or projects that may be proposed pursuant to the ISTEA.

Regarding Pavley (AB 1493) regulations, an individual project does not have the ability to comply or conflict with these regulations because they are intended for agencies and their adoption of procedures and protocols for reporting and certifying GHG emission reductions from mobile sources. The on-road vehicles associated with the soil remediation phase of construction would be required to comply with federal and state fuel efficiency standards. Therefore, the soil remediation phase of the project's construction will not conflict with the goals of AB 1493.

As stated above, and shown in the original AQR, the overall project would be consistent with the measures identified in the CARB Scoping Plan and SCAG's 2020-2045 RTP/SCS. As it is part of the project's overall construction, the addition of the soil remediation phase would not conflict with the goals of the CARB Scoping Plan or the 2020-2045 RTP/SCS.

Energy Conclusions

As supported by the preceding analyses, the soil remediation phase of construction would not result in the inefficient, wasteful or unnecessary consumption of energy. The soil remediation phase does not include any unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities. The energy demands of the soil remediation phase are anticipated to be accommodated within the context of available resources and energy delivery systems. The soil remediation phase of the project would therefore not cause or result in the need for additional energy producing or transmission facilities. The soil remediation phase would not engage in wasteful or inefficient uses of energy and aims to achieve energy conservations goals within the State of California. Notwithstanding, the soil remediation phase will not have any long-term effects on an energy provider's future energy development or future energy conservation strategies. This conclusion is the same as that presented in the original AQR. Impacts remain less than significant.

NOISE IMPACTS

Construction Noise

Construction noise is regulated within City of South El Monte Municipal Code Section 8.20.030(D) (see Regulatory Setting section of the NIA). Accordingly, the project would result in a significant impact if:

- Project construction occurs outside the hours of 7:00 AM to 10:00 PM or at any time on weekends or holidays.

Project construction, including soil remediation, will not occur outside of the hours outlined in Section 8.20.030(D) of the City's Municipal Code. Therefore, the soil remediation phase of project construction would not exceed City-established standards relating to construction noise. The project impact is less than significant; no mitigation is required.

Notwithstanding the above, to fully disclose potential noise impacts, construction noise was analyzed in light of Federal Transit Administration (FTA) construction noise criteria.[8] The FTA construction noise methodology incorporates key construction parameters, including: distance to each sensitive receiver, equipment usage, percent usage factor, and baseline parameters for the project site. The equipment used during the soil remediation phase for construction noise modeling is consistent with the assumptions used for the California Emissions Estimator Model (CalEEMod) modeling provided in the Air Quality analysis, as incorporated into this memorandum. For analysis purposes, the distance measured from the project site to sensitive receptors was assumed to be the acoustical center of the project site to the property line of residential properties with existing residential buildings. Based on the FTA criteria, project construction noise would be considered significant if it exceeds 80 dBA Leq for an 8-hour period at residential and noise-sensitive outdoor areas.

Anticipated noise levels during the soil remediation phase of construction are presented in Table 10. As shown in Table 10, the maximum noise level at a sensitive receptor during the soil remediation phase of project construction is estimated at 71.4 dBA Leq, which would not exceed the FTA residential threshold of 80 dBA Leq. Construction noise worksheets are provided in Attachment B.

In conclusion, the project shall comply with construction hours outlined in Section 83.20.030(D) of the City's Municipal Code and modeled noise levels during the soil remediation phase are below the FTA residential threshold of 80 dBA Leq; therefore, the project's construction noise impact during the soil remediation phase is less than significant, and no mitigation is required. This conclusion is the same as that presented in the original Noise Impact Analysis; impacts remain less than significant.

[8] Federal Transit Administration *Transit Noise and Vibration Impact Assessment Manual* (September 2018).

Table 10. Construction Noise Levels during Soil Remediation Phase

Phase	Receptor Location	Existing Measured Noise Levels (dBA Leq)	Construction Noise Levels (dBA Leq)
Soil Remediation	Residential to South (9427 Rush Street)	54.1	71.4
	Residential to Southwest (9367 Rush Street)	66.2	60.3
	Residential to West (2222 Troy Avenue)	72.3	62.7
	Residential to Northwest (2326 Troy Avenue)	72.3	60.9

Source: Construction noise worksheets; see Attachment B.

Construction Generated Vehicle Trips

Construction truck trips would occur throughout the construction period. Haul trucks will have access to/from State Route 60 and Interstate 10 via State Route 164 (Rosemead Boulevard), which is classified as an Arterial Highway in the City's circulation element and provides direct project site access. No local residential streets will be used for hauling routes between the project site and SR-60 / I-10 freeways.

Rosemead Boulevard currently handles between approximately 31,650 to 33,400 average daily vehicle trips in the vicinity of the project site.[9] As noted herein, soil remediation is expected to generate an average of 14 truck trips per day. Vehicle traffic generated during project construction is nominal relative to existing roadway volumes and would not result in the doubling of traffic volume necessary to increase noise levels by 3 dBA. Noise impacts associated with truck hauling traffic during the soil remediation phase would result in less than significant; no mitigation is required.

[9] Existing average daily traffic volumes were calculated from the PM peak hour intersection traffic counts provided in the Rosemead and Rush Industrial Project Transportation Impact Analysis, Ganddini Group Inc. (April 28, 2023).

TRANSPORTATION IMPACTS

Level of Service

CEQA Guidelines expressly state that a project's effect on automobile delay, as measured by Level of Service (LOS) and other similar metrics, shall not constitute a significant environmental impact under CEQA.[10] Notwithstanding this consideration, the Transportation Impact Analysis for the project evaluated the potential for impacts to Level of Service on the surrounding roadway system based on a daily trip generation estimate of 392 daily passenger car equivalent (PCE)[11] trips associated with post-construction, long-term operations of the project and found that the project would cause no substantial deficiencies based on the City-established standards. After application of a PCE factor of 3.0 for soil export trucks, the soil remediation phase is estimated to generate an average of 42 daily PCE trips.

Since the soil remediation phase is expected to generate substantially fewer daily trips compared to the post-construction operations, it can be concluded that the soil remediation phase would not result in any new Level of Service impacts compared to those evaluated in the project's Transportation Impact Analysis.

Vehicle Miles Traveled (VMT)

VMT associated with the soil remediation phase would be temporary in nature and thus would not conflict with the intent of CEQA to reduce long-term transportation emissions. Additionally, CEQA Guidelines Section 15064.3, subdivision (a), states, *"For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project."* Guidance provided in the *Technical Advisory on Evaluating Transportation Impacts in CEQA*[12] ("OPR Technical Advisory) clarifies that the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks. While the OPR Technical Advisory notes that it could be included in calculations for modeling convenience, heavy-duty truck VMT is not considered significant with respect to transportation impacts under CEQA. The effect of heavy trucks is considered in other technical areas, such as air quality/greenhouse gas emissions and noise, with respect to impacts under CEQA.

Notwithstanding the above, soil exports are estimated to generate an average of 14 trips per day (two-way), which is far below the OPR screening recommendation of 110 trips per day. Therefore, the project's soil remediation phase would not result in any additional VMT impacts compared to those evaluated and disclosed in the project's Transportation Impact Analysis based on available State guidance with respect to transportation impacts under CEQA.

CONCLUSIONS

The inclusion of the soil remediation phase during project construction does not create any additional impacts beyond those already disclosed in the original technical studies appended to the IS/MND addressing air quality, greenhouse gas, energy, noise, and transportation; no additional mitigation measures are required and impacts remain less than significant.

[10] Public Resources Code, § 21099, subdivision (b)(3).

[11] PCE trips are considered in Level of Service analysis to account for the effect of heavy vehicles on roadway capacity.

[12] *Technical Advisory on Evaluating Transportation Impacts in CEQA* (State of California, Office of Planning and Research, December 2018).

March 31, 2025

Should you have any questions or if we can be of further assistance, please contact us at (714) 795-3100.

Respectfully submitted,
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ATTACHMENT A

PROJECT CONSTRUCTION CALEEMOD DETAILED REPORT AND EMFAC DATA

19618 Rosemead and Rush Soil Remediation Detailed Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	19618 Rosemead and Rush Soil Remediation
Construction Start Date	4/7/2025
Lead Agency	City of South El Monte
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	0.50
Precipitation (days)	18.2
Location	2222 Rosemead Blvd, South El Monte, CA 91733, USA
County	Los Angeles-South Coast
City	South El Monte
Air District	South Coast AQMD
Air Basin	South Coast
TAZ	4179
EDFZ	7
Electric Utility	Southern California Edison
Gas Utility	Southern California Gas
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Other Non-Asphalt Surfaces	5.14	Acre	5.14	0.00	0.00	—	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

Sector	#	Measure Title
Construction	C-10-C	Water Unpaved Construction Roads
Construction	C-11	Limit Vehicle Speeds on Unpaved Roads
Construction	C-12	Sweep Paved Roads

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.59	7.89	8.98	0.03	0.22	16.0	16.2	0.20	1.77	1.97	—	4,435	4,435	0.20	0.52	8.13	4,603
Mit.	0.59	7.89	8.98	0.03	0.22	4.78	5.00	0.20	0.65	0.85	—	4,435	4,435	0.20	0.52	8.13	4,603
% Reduced	—	—	—	—	—	70%	69%	—	63%	57%	—	—	—	—	—	—	—
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.07	1.00	1.10	< 0.005	0.03	1.88	1.91	0.02	0.21	0.23	—	546	546	0.03	0.06	0.43	566
Mit.	0.07	1.00	1.10	< 0.005	0.03	0.57	0.59	0.02	0.08	0.10	—	546	546	0.03	0.06	0.43	566
% Reduced	—	—	—	—	—	70%	69%	—	63%	56%	—	—	—	—	—	—	—
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	0.01	0.18	0.20	< 0.005	< 0.005	0.34	0.35	< 0.005	0.04	0.04	—	90.4	90.4	< 0.005	0.01	0.07	93.8
Mit.	0.01	0.18	0.20	< 0.005	< 0.005	0.10	0.11	< 0.005	0.01	0.02	—	90.4	90.4	< 0.005	0.01	0.07	93.8

% Reduced	—	—	—	—	—	70%	69%	—	63%	56%	—	—	—	—	—	—	—

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.59	7.89	8.98	0.03	0.22	16.0	16.2	0.20	1.77	1.97	—	4,435	4,435	0.20	0.52	8.13	4,603
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.07	1.00	1.10	< 0.005	0.03	1.88	1.91	0.02	0.21	0.23	—	546	546	0.03	0.06	0.43	566
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.01	0.18	0.20	< 0.005	< 0.005	0.34	0.35	< 0.005	0.04	0.04	—	90.4	90.4	< 0.005	0.01	0.07	93.8

2.3. Construction Emissions by Year, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.59	7.89	8.98	0.03	0.22	4.78	5.00	0.20	0.65	0.85	—	4,435	4,435	0.20	0.52	8.13	4,603
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.07	1.00	1.10	< 0.005	0.03	0.57	0.59	0.02	0.08	0.10	—	546	546	0.03	0.06	0.43	566

Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.01	0.18	0.20	< 0.005	< 0.005	0.10	0.11	< 0.005	0.01	0.02	—	90.4	90.4	< 0.005	0.01	0.07	93.8

3. Construction Emissions Details

3.1. Site Preparation (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.52	4.29	7.07	0.01	0.17	—	0.17	0.16	—	0.16	—	1,075	1,075	0.04	0.01	—	1,079
Dust From Material Movement	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	< 0.005	0.04	0.02	< 0.005	< 0.005	15.0	15.0	< 0.005	1.50	1.50	—	31.7	31.7	< 0.005	< 0.005	0.09	33.2
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.06	0.53	0.87	< 0.005	0.02	—	0.02	0.02	—	0.02	—	133	133	0.01	< 0.005	—	133
Dust From Material Movement	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.76	1.76	< 0.005	0.18	0.18	—	3.91	3.91	< 0.005	< 0.005	< 0.005	4.08
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Off-Road Equipment	0.01	0.10	0.16	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	21.9	21.9	< 0.005	< 0.005	—	22.0
Dust From Material Movement	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.32	0.32	< 0.005	0.03	0.03	—	0.65	0.65	< 0.005	< 0.005	< 0.005	0.68
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.04	0.04	0.70	0.00	0.00	0.13	0.13	0.00	0.03	0.03	—	138	138	0.01	< 0.005	0.51	140
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.03	3.52	1.20	0.02	0.04	0.87	0.91	0.04	0.24	0.28	—	3,190	3,190	0.15	0.50	7.53	3,351
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.08	0.00	0.00	0.02	0.02	0.00	< 0.005	< 0.005	—	16.4	16.4	< 0.005	< 0.005	0.03	16.6
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.46	0.15	< 0.005	0.01	0.11	0.11	0.01	0.03	0.03	—	393	393	0.02	0.06	0.40	413
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	2.71	2.71	< 0.005	< 0.005	< 0.005	2.75
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.08	0.03	< 0.005	< 0.005	0.02	0.02	< 0.005	0.01	0.01	—	65.1	65.1	< 0.005	0.01	0.07	68.3

3.2. Site Preparation (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Onsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.52	4.29	7.07	0.01	0.17	—	0.17	0.16	—	0.16	—	1,075	1,075	0.04	0.01	—	1,079
Dust From Material Movement	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	< 0.005	0.04	0.02	< 0.005	< 0.005	3.78	3.79	< 0.005	0.38	0.38	—	31.7	31.7	< 0.005	< 0.005	0.09	33.2
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.06	0.53	0.87	< 0.005	0.02	—	0.02	0.02	—	0.02	—	133	133	0.01	< 0.005	—	133
Dust From Material Movement	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.44	0.44	< 0.005	0.04	0.04	—	3.91	3.91	< 0.005	< 0.005	< 0.005	4.08
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.10	0.16	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	—	21.9	21.9	< 0.005	< 0.005	—	22.0
Dust From Material Movement	—	—	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—	—	—	—	—	—	—
Onsite truck	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.08	0.08	< 0.005	0.01	0.01	—	0.65	0.65	< 0.005	< 0.005	< 0.005	0.68
Offsite	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Worker	0.04	0.04	0.70	0.00	0.00	0.13	0.13	0.00	0.03	0.03	—	138	138	0.01	< 0.005	0.51	140
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.03	3.52	1.20	0.02	0.04	0.87	0.91	0.04	0.24	0.28	—	3,190	3,190	0.15	0.50	7.53	3,351
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.08	0.00	0.00	0.02	0.02	0.00	< 0.005	< 0.005	—	16.4	16.4	< 0.005	< 0.005	0.03	16.6
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.46	0.15	< 0.005	0.01	0.11	0.11	0.01	0.03	0.03	—	393	393	0.02	0.06	0.40	413
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.01	0.00	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	—	2.71	2.71	< 0.005	< 0.005	< 0.005	2.75
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.08	0.03	< 0.005	< 0.005	0.02	0.02	< 0.005	0.01	0.01	—	65.1	65.1	< 0.005	0.01	0.07	68.3

4. Operations Emissions Details

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.4. Soil Carbon Accumulation By Vegetation Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.5. Above and Belowground Carbon Accumulation by Land Use Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.6. Avoided and Sequestered Emissions by Species - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Site Preparation	Site Preparation	4/7/2025	6/6/2025	5.00	45.0	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Site Preparation	Tractors/Loaders/Backhoes	Diesel	Average	1.00	8.00	84.0	0.37
Site Preparation	Excavators	Diesel	Average	2.00	8.00	36.0	0.38
Site Preparation	Rubber Tired Loaders	Diesel	Average	1.00	8.00	150	0.36

5.2.2. Mitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Site Preparation	Tractors/Loaders/Backhoes	Diesel	Average	1.00	8.00	84.0	0.37
Site Preparation	Excavators	Diesel	Average	2.00	8.00	36.0	0.38
Site Preparation	Rubber Tired Loaders	Diesel	Average	1.00	8.00	150	0.36

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Site Preparation	—	—	—	—
Site Preparation	Worker	10.0	18.5	LDA,LDT1,LDT2

Site Preparation	Vendor	—	10.2	HHDT,MHDT
Site Preparation	Hauling	14.0	66.9	HHDT
Site Preparation	Onsite truck	1.00	10.2	HHDT,MHDT

5.3.2. Mitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Site Preparation	—	—	—	—
Site Preparation	Worker	10.0	18.5	LDA,LDT1,LDT2
Site Preparation	Vendor	—	10.2	HHDT,MHDT
Site Preparation	Hauling	14.0	66.9	HHDT
Site Preparation	Onsite truck	1.00	10.2	HHDT,MHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (Cubic Yards)	Material Exported (Cubic Yards)	Acres Graded (acres)	Material Demolished (sq. ft.)	Acres Paved (acres)
Site Preparation	—	4,999	0.00	0.00	—

5.6.2. Construction Earthmoving Control Strategies

Control Strategies Applied	Frequency (per day)	PM10 Reduction	PM2.5 Reduction
Water Exposed Area	3	74%	74%

5.7. Construction Paving

Land Use	Area Paved (acres)	% Asphalt
Other Non-Asphalt Surfaces	5.14	0%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2025	0.00	532	0.03	< 0.005

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

5.18.2.2. Mitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	16.2	annual days of extreme heat
Extreme Precipitation	5.55	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.
Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters

Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	2	0	0	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	2	1	1	3
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	1	1	1	2
Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.
The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.
The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	71.7
AQ-PM	78.4
AQ-DPM	91.6
Drinking Water	95.3
Lead Risk Housing	97.5
Pesticides	12.2
Toxic Releases	81.1
Traffic	51.9
Effect Indicators	—
CleanUp Sites	81.4
Groundwater	99.1
Haz Waste Facilities/Generators	78.8
Impaired Water Bodies	43.8
Solid Waste	63.7
Sensitive Population	—
Asthma	75.2

Cardio-vascular	74.8
Low Birth Weights	66.8
Socioeconomic Factor Indicators	—
Education	97.4
Housing	94.2
Linguistic	96.1
Poverty	92.4
Unemployment	93.1

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	4.170409342
Employed	15.11612986
Median HI	3.349159502
Education	—
Bachelor's or higher	0.551777236
High school enrollment	11.8311305
Preschool enrollment	63.42871808
Transportation	—
Auto Access	12.8576928
Active commuting	81.66303093
Social	—
2-parent households	14.19222379
Voting	9.277556782
Neighborhood	—
Alcohol availability	44.38598742

Park access	52.73963814
Retail density	60.45168741
Supermarket access	73.64301296
Tree canopy	22.4560503
Housing	—
Homeownership	7.878865649
Housing habitability	22.08392147
Low-inc homeowner severe housing cost burden	99.12742205
Low-inc renter severe housing cost burden	60.32336712
Uncrowded housing	4.337225715
Health Outcomes	—
Insured adults	0.71859361
Arthritis	0.0
Asthma ER Admissions	37.3
High Blood Pressure	0.0
Cancer (excluding skin)	0.0
Asthma	0.0
Coronary Heart Disease	0.0
Chronic Obstructive Pulmonary Disease	0.0
Diagnosed Diabetes	0.0
Life Expectancy at Birth	66.9
Cognitively Disabled	50.3
Physically Disabled	43.7
Heart Attack ER Admissions	38.2
Mental Health Not Good	0.0
Chronic Kidney Disease	0.0
Obesity	0.0
Pedestrian Injuries	97.6

Physical Health Not Good	0.0
Stroke	0.0
Health Risk Behaviors	—
Binge Drinking	0.0
Current Smoker	0.0
No Leisure Time for Physical Activity	0.0
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	0.0
Children	20.9
Elderly	70.8
English Speaking	2.6
Foreign-born	95.2
Outdoor Workers	9.0
Climate Change Adaptive Capacity	—
Impervious Surface Cover	2.8
Traffic Density	62.5
Traffic Access	71.6
Other Indices	—
Hardship	94.4
Other Decision Support	—
2016 Voting	15.4

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	100
Healthy Places Index Score for Project Location (b)	5.00
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	Yes

Project Located in a Low-Income Community (Assembly Bill 1550)	Yes
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Construction: Construction Phases	Area of site for soil remediation. Start for soil remediation is 4/7/2025. Activities are expected to last 45 working days.
Construction: Off-Road Equipment	Equipment list provided by remediation contractor
Construction: Trips and VMT	Hauling of contaminated soil will have 14 one-way haul trucks trips per day at a weighted average distance of 66.94 miles to the disposal sites. One on-site truck added to account for emissions from 4K International water truck.

Source: EMFAC2021 (v1.0.1) Emissions Inventory
Region Type: Air Basin
Region: South Coast
Calendar Year: 2025
Season: Annual
Vehicle Classification: EMFAC2007 Categories
Units: miles/day for CVMT and EVMT, trips/day for Trips, kWh/day for Energy Consumption, tons/day for Emissions, 1000 gallons/day for Fuel Consumption

Region	Calendar Year	Vehicle Category	Model Year	Speed	Fuel	Population	Trips	Energy Consumption	Fuel Consumption	Fuel Consumption	Total Fuel Consumptior	Total VMT	Total VMT	Miles Per Gallon	Vehicle Class
South Coast	2025	HHDT	Aggregate	Aggregate	Gasoline	54.83401411	1097.118954	0	0.915660885	915.6608849	2033428.223	3783.739566	12499201.56	**6.15**	**HHDT**
South Coast	2025	HHDT	Aggregate	Aggregate	Diesel	95337.36817	1459640.636	0	1919.938673	1919938.673		11745346.31			
South Coast	2025	HHDT	Aggregate	Aggregate	Electricity	647.565363	8586.113967	125035.0292	0	0		69780.1703			
South Coast	2025	HHDT	Aggregate	Aggregate	Natural Gas	10701.05249	68656.35135	0	112.5738892	112573.8892		680291.3416			
South Coast	2025	LDA	Aggregate	Aggregate	Gasoline	5244723.652	24385315.28	0	7108.358927	7108358.927	7245907.135	210339700.5	233546247.7	**32.23**	**LDA**
South Coast	2025	LDA	Aggregate	Aggregate	Diesel	13504.15254	56096.65324	0	9.832104986	9832.104986		408222.3366			
South Coast	2025	LDA	Aggregate	Aggregate	Electricity	314906.6469	1568075.372	5911352.826	0	0		15311111.74			
South Coast	2025	LDA	Aggregate	Aggregate	Plug-in Hybrid	159860.278	661022.2496	1174382.35	127.7161032	127716.1032		7487213.196			
South Coast	2025	LDT1	Aggregate	Aggregate	Gasoline	483367.514	2127610.282	0	708.9359688	708935.9688	709884.4736	17503198.77	17626287.18	**24.83**	**LDT1**
South Coast	2025	LDT1	Aggregate	Aggregate	Diesel	161.5260868	453.3891137	0	0.127085477	127.0854768		2967.035899			
South Coast	2025	LDT1	Aggregate	Aggregate	Electricity	1505.26458	7236.189381	25889.93818	0	0		67058.04036			
South Coast	2025	LDT1	Aggregate	Aggregate	Plug-in Hybrid	1033.948372	4275.376518	9086.363765	0.821419376	821.4193759		53063.32883			
South Coast	2025	LDT2	Aggregate	Aggregate	Gasoline	2528171.942	11891190.15	0	4341.426391	4341426.391	4373117.135	104543301.5	106927231	**24.45**	**LDT2**
South Coast	2025	LDT2	Aggregate	Aggregate	Diesel	8518.978579	40955.39339	0	11.53683826	11536.83826		366939.3838			
South Coast	2025	LDT2	Aggregate	Aggregate	Electricity	21565.05505	109850.7805	300027.449	0	0		777107.023			
South Coast	2025	LDT2	Aggregate	Aggregate	Plug-in Hybrid	25221.81395	104292.2007	204751.9727	20.15390552	20153.90552		1239883.058			
South Coast	2025	LHDT1	Aggregate	Aggregate	Gasoline	199655.4178	2974568.238	0	565.7929114	565792.9114	785253.6339	7899242.311	12579982.86	**16.02**	**LHDT1**
South Coast	2025	LHDT1	Aggregate	Aggregate	Diesel	107539.0383	1352705.817	0	219.4607225	219460.7225		4531936.528			
South Coast	2025	LHDT1	Aggregate	Aggregate	Electricity	2131.529069	29802.51665	83294.25907	0	0		148804.02			
South Coast	2025	LHDT2	Aggregate	Aggregate	Gasoline	30849.1838	459606.8733	0	93.96299335	93962.99335	208962.5987	1145449.689	3183322.084	**15.23**	**LHDT2**
South Coast	2025	LHDT2	Aggregate	Aggregate	Diesel	48016.98656	603993.2855	0	114.9996053	114999.6053		2001431.485			
South Coast	2025	LHDT2	Aggregate	Aggregate	Electricity	549.452873	7286.296511	20413.74678	0	0		36440.90994			
South Coast	2025	MCY	Aggregate	Aggregate	Gasoline	246317.3152	492634.6304	0	37.82728892	37827.28892	37827.28892	1575969.655	1575969.655	**41.66**	**MCY**
South Coast	2025	MDV	Aggregate	Aggregate	Gasoline	1582911.671	7327873.919	0	3124.528435	3124528.435	3169334.086	61244218.19	63579746.09	**20.06**	**MDV**
South Coast	2025	MDV	Aggregate	Aggregate	Diesel	19966.30161	93386.67778	0	32.96063764	32960.63764		783550.3632			
South Coast	2025	MDV	Aggregate	Aggregate	Electricity	23405.95686	119202.2123	325389.6809	0	0		842798.2408			
South Coast	2025	MDV	Aggregate	Aggregate	Plug-in Hybrid	15515.87163	64158.1292	115605.1765	11.8450132	11845.0132		709179.3041			
South Coast	2025	MH	Aggregate	Aggregate	Gasoline	28222.75742	2823.404652	0	55.89330175	55893.30175	67478.95091	271714.048	388622.5468	**5.76**	**MH**
South Coast	2025	MH	Aggregate	Aggregate	Diesel	11853.97154	1185.397154	0	11.58564916	11585.64916		116908.4988			
South Coast	2025	MHDT	Aggregate	Aggregate	Gasoline	24266.37368	485521.6046	0	246.6220886	246622.0886	803911.5702	1285729.87	6330495.207	**7.87**	**MHDT**
South Coast	2025	MHDT	Aggregate	Aggregate	Diesel	117076.634	1440705.231	0	548.3413637	548341.3637		4914316.485			
South Coast	2025	MHDT	Aggregate	Aggregate	Electricity	1030.710845	13697.48889	58527.95377	0	0		55891.50984			
South Coast	2025	MHDT	Aggregate	Aggregate	Natural Gas	1586.964447	14102.34275	0	8.94811801	8948.11801		74557.34189			
South Coast	2025	OBUS	Aggregate	Aggregate	Gasoline	5130.782804	102656.7023	0	38.98709136	38987.09136	75404.10956	199581.2481	465625.8692	**6.18**	**OBUS**
South Coast	2025	OBUS	Aggregate	Aggregate	Diesel	3078.572652	39272.27543	0	33.03961652	33039.61652		233905.0145			
South Coast	2025	OBUS	Aggregate	Aggregate	Electricity	29.09533983	582.1395594	2258.641236	0	0		2147.933443			
South Coast	2025	OBUS	Aggregate	Aggregate	Natural Gas	505.1478218	4495.815614	0	3.377401677	3377.401677		29991.67319			
South Coast	2025	SBUS	Aggregate	Aggregate	Gasoline	2812.998756	11251.99503	0	13.81627409	13816.27409	41147.02398	123623.802	268314.9981	**6.52**	**SBUS**
South Coast	2025	SBUS	Aggregate	Aggregate	Diesel	3181.542446	46068.73461	0	8.734797087	8734.797087		64276.54474			
South Coast	2025	SBUS	Aggregate	Aggregate	Electricity	47.38132065	537.5923668	1681.228052	0	0		1453.97051			
South Coast	2025	SBUS	Aggregate	Aggregate	Natural Gas	3209.535885	46474.07961	0	18.59595281	18595.95281		78960.68088			
South Coast	2025	UBUS	Aggregate	Aggregate	Gasoline	892.063682	3568.254728	0	13.80114714	13801.14714	198998.2045	96751.77026	697627.2588	**3.51**	**UBUS**
South Coast	2025	UBUS	Aggregate	Aggregate	Diesel	11.19759793	44.79039173	0	0.207460052	207.4600516		1417.05095			
South Coast	2025	UBUS	Aggregate	Aggregate	Electricity	163.9010308	655.6041234	34521.6162	0	0		16501.94536			
South Coast	2025	UBUS	Aggregate	Aggregate	Natural Gas	4881.393278	19525.57311	0	184.9895973	184989.5973		582956.4922			

ATTACHMENT B

CONSTRUCTION NOISE WORKSHEETS FOR SOIL REMEDIATION PHASE

Receptor - Residential to South (9427 Rush Street, South El Monte)

Construction Phase Equipment Item	# of Items	Item Lmax at 50 feet, dBA[1]	Distance to Receptor[3]	Item Usage Percent	Usage Factor	Dist. Correction dB	Usage Adj. dB	Receptor Item Lmax, dBA	Receptor Item Leq, dBA
Demolition									
Tractors/Loaders/Backhoes	1	84	219	40	0.4	-12.8	-4.0	71.2	67.2
Excavators	2	81	219	40	0.8	-12.8	-1.0	68.2	67.2
Rubber Tired Dozers	1	82	219	40	0.40	-12.8	-4.0	69.2	65.2
								Log Sum	71.4

Notes:

(1) Source: Referenced noise levels from the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual (September 2018) and the FHWA Roadway Construction Noise Model User's Guide (January 2006)

(2) Distance to receptor calculated from center of site. Construction noise projected from the center of the project site to nearest sensitive use (property line).

Receptor - Residential to Southwest (9367 Rush Street, South El Monte)

Construction Phase Equipment Item	# of Items	Item Lmax at 50 feet, dBA[1]	Distance to Receptor[3]	Item Usage Percent	Usage Factor	Dist. Correction dB	Usage Adj. dB	Receptor Item Lmax, dBA	Receptor Item Leq, dBA
Demolition									
Tractors/Loaders/Backhoes	1	84	786	40	0.4	-23.9	-4.0	60.1	56.1
Excavators	2	81	786	40	0.8	-23.9	-1.0	57.1	56.1
Rubber Tired Dozers	1	82	786	40	0.40	-23.9	-4.0	58.1	54.1
								Log Sum	60.3

Notes:

(1) Source: Referenced noise levels from the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual (September 2018) and the FHWA Roadway Construction Noise Model User's Guide (January 2006)

(2) Distance to receptor calculated from center of site. Construction noise projected from the center of the project site to nearest sensitive use (property line).

Receptor - Residential to West (2222 Troy Avenue, South El Monte)

Construction Phase Equipment Item	# of Items	Item Lmax at 50 feet, dBA[1]	Distance to Receptor[3]	Item Usage Percent	Usage Factor	Dist. Correction dB	Usage Adj. dB	Receptor Item Lmax, dBA	Receptor Item Leq, dBA
Demolition									
Tractors/Loaders/Backhoes	1	84	596	40	0.4	-21.5	-4.0	62.5	58.5
Excavators	2	81	596	40	0.8	-21.5	-1.0	59.5	58.5
Rubber Tired Dozers	1	82	596	40	0.40	-21.5	-4.0	60.5	56.5
								Log Sum	62.7

Notes:

(1) Source: Referenced noise levels from the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual (September 2018) and the FHWA Roadway Construction Noise Model User's Guide (January 2006)

(2) Distance to receptor calculated from center of site. Construction noise projected from the center of the project site to nearest sensitive use (property line).

Receptor - Residential to Northwest (2326 Troy Avenue, South El Monte)

Construction Phase Equipment Item	# of Items	Item Lmax at 50 feet, dBA[1]	Distance to Receptor[3]	Item Usage Percent	Usage Factor	Dist. Correction dB	Usage Adj. dB	Receptor Item Lmax, dBA	Receptor Item Leq, dBA
Demolition									
Tractors/Loaders/Backhoes	1	84	734	40	0.4	-23.3	-4.0	60.7	56.7
Excavators	2	81	734	40	0.8	-23.3	-1.0	57.7	56.7
Rubber Tired Dozers	1	82	734	40	0.40	-23.3	-4.0	58.7	54.7
								Log Sum	60.9

Notes:

(1) Source: Referenced noise levels from the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual (September 2018) and the FHWA Roadway Construction Noise Model User's Guide (January 2006)

(2) Distance to receptor calculated from center of site. Construction noise projected from the center of the project site to nearest sensitive use (property line).

Kimley»Horn

To: Gerardo Marquez, Interim Director of Community Development, City of South El Monte

From: Dana C. Privitt, AICP, Project Manager, Kimley-Horn and Associates, Inc.

Date: April 10, 2025

Subject: Clarifications regarding the Response to Comments prepared for the 2222 Rosemead Boulevard Warehouse Development Project

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NOTE TO STAFF

1. A typographical error was identified in the *Response to Noise Comments from Adams Broadwell Joseph & Cardozo Comment letter Dated November 18, 2024 Regarding the 2222 Rosemead Boulevard Warehouse Development Memorandum* prepared by Ganddini Group, Inc. dated February 19, 2025 ("February 2025 Ganddini Memo"), which is included as an attachment to the *Responses to the Appeal of Planning Commission Resolution No. 24-09, Adopting the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program, and Approving Conditional Use Permit No. 21-13 for the 2222 Rosemead Boulevard Warehouse Development Project.* Comment 2 of the February 2025 Ganddini Memo incorrectly refers the reader to Comment 4. This is only a typographical error; the reader should instead refer to Comment 1 in the memo.

2. Comment 9 in the *Response to Adams Broadwell Joseph & Cardozo Comment letter Dated October 30, 2024 Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development Memorandum* prepared by Ganddini Group, Inc. dated November 13, 2024 ("November 2024 Ganddini Memo") states, "SCAQMD LST thresholds were created to ensure that local sources of emissions don't create localized adverse air quality impacts. The project-specific LST analysis analyzes both PM_{10} and $PM_{2.5}$ emissions emitted on-site. Diesel particulate matter (DPM) exhaust is a component of PM_{10} and $PM_{2.5}$. As the project's emissions do not exceed the SCAQMD LST thresholds, which are screening thresholds and are, per SCAQMD, conservative by design, that is, the predicted impacts tend to overestimate the actual impacts, the DPM component of PM_{10} and $PM_{2.5}$ would also not cause any impacts and SCAQMD MICR thresholds would also not be exceeded during construction or operation."

   Because the November 2024 Ganddini Memo did not provide information about where this analysis is located in the IS/MND, this Note to Staff clarifies the location of this information.

   Construction- and operational-related emissions are discussed starting on IS/MND page 37. *Table 4.3-2: Construction-Related Regional Pollutant Emissions* on IS/MND page 37 shows that the proposed Project's construction emissions would not exceed SCAQMD thresholds for all criteria pollutants. *Table 4.3-3: Regional Operational Pollutant Emissions* on IS/MND page 38 shows the maximum daily pollutant emissions generated by the Project' long-term operations and demonstrates the Project's long-term operational emissions would not exceed any SCAQMD thresholds. In addition, Table 11 in IS/MND Appendix A shows the on-site emissions from the

CalEEMod model that includes natural gas usage, landscape maintenance equipment, and vehicles operating on-site and the calculated emissions thresholds. The data provided in Table 11 shows that the ongoing operations of the proposed Project would not exceed SCAQMD local operational thresholds of significance.

ATTACHMENT H

PLANNING COMMISSION

RESOLUTION NO. 24-09

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING A MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM PREPARED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; APPROVING CONDITIONAL USE PERMIT 21-13 TO ALLOW FOR THE DEVELOPMENT OF A NEW APPROXIMATELY 156,877 SQUARE FOOT WAREHOUSE BUILDING LOCATED AT 2222 ROSEMEAD BOULEVARD

WHEREAS, Rosemead Holding LLC ("Applicant" filed an application for a Conditional Use Permit ("CUP") for the development of a new 156,877 square foot warehouse building located at 2222 Rosemead Boulevard ("Project"); and

WHEREAS, pursuant to South El Monte Municipal Code ("SEMMC") Section 17.03.060, the Project requires Planning Commission review and approval because the Project consists of request for a CUP; and

WHEREAS, a public hearing was held before the Planning Commission on November 19, 2024, to consider the application. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination.

THE PLANNING COMMISSION OF THE CITY OF SOUTH EL MONTE HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1: The Planning Commission hereby adopts an Initial Environmental Study, Mitigated Negative Declaration, and Mitigation and Monitoring Reporting Program that was prepared for the project in compliance with the California Environmental Quality Act ("CEQA") and was made available for public review and comment October 1, 2024 to October 30, 2024. The study concluded that there will be less than significant impacts with project mitigation. Therefore, a Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program has been prepared. The documents and other material, which constitute the record on which this decision is based, are located in the Department of Community Development and are in the custody of the Director of Community Development.

SECTION 2: A record of the public hearing indicates the following:

A. Pursuant to SEMMC Section 17.03.060, an application for a CUP requires that the Planning Commission find that the proposed Project shall not be detrimental to persons or properties in the immediate vicinity nor to the City in general. State law requires that the Project be compatible with surrounding uses.

B. The General Plan Land Use designation for the Property is "Commercial Manufacturing." The Zoning Code designation is "CM" (Commercial Manufacturing).

C. The proposed Project promotes the City's goals and objectives stated in the General Plan. No goal or policy will be impaired.

D. The construction and operation of the warehouse, office, and retail building is not anticipated to become a nuisance to surrounding properties.

SECTION 3: Based on the record of the hearing, including all information presented at the hearing, including the Staff Report dated November 19, 2024, which is hereby incorporated into this Resolution 24-09 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project meets the requirements of SEMMC Section 17.03.060 and will not be detrimental to the public health, safety, or welfare, nor will it adversely affect property values or the present or future development of the surrounding areas. The conditions that are included in this resolution, as well as the fact that many of the surrounding parcels are industrial uses, ensures that this will hold true in the future.

B. Pursuant to SEMMC Section 17.03.060, the approval of the CUP will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. This is because the Project, as conditioned, will be required to operate in a way that does not negatively impact the area through conditions imposed. as well as many of the surrounding parcels being utilized as industrial and provide similar types of uses in nature.

C. As conditioned, the Project represents a quality establishment that will be compatible with surrounding commercial and manufacturing uses, the surrounding area, and the goals of the City. The proposed Project will contribute to the general well-being of the City in that the Project benefits neighboring uses and will be an asset to the surrounding area, as well as to the rest of the City. Previously, the site was occupied by multiple vehicular repair and sales establishments. The proposed use shall provide a new enclosed facility that will operate entirely within the building. There shall be no outdoor storage or operation of any kind. As a result, approving this application will not adversely affect the General Plan or the Zoning Ordinance.

D. As conditioned, the proposed Project is consistent with the City's General Plan. The proposed Project is compatible with the objectives, policies, general land uses, economic development and programs specified in the General Plan which includes, but is not limited to, the following goals:

Land Use Element

Policy 1.5: *Continue to provide opportunities for establishment and expansion of a broad range of industrial businesses within those areas of the City designated for industrial.* This Project will serve the area by creating a single location for storage, wholesale, and retail operations for new businesses to establish their operations within the area. This new development along with the newly adopted zoning code will allow new businesses to flourish in the City.

Goal 2: *Focus new revenue-generating development in those areas of the City with high visibility.* The proposed Project will in-fill a vacant parcel and provide a new warehouse/wholesale and commercial mixed-use type of development to complement the existing adjacent sites along the already established Rosemead Boulevard.

Goal 3.0: *Accommodate new development that is compatible with and complements existing land uses* by allowing for the establishment of a warehouse, office, wholesale and retail that fits with the surrounding uses. Adjacent to north, south, and west of the Project site similar uses and types of buildings are already established. Previously, the site was occupied by multiple vehicular repair and sales establishments. The proposed use shall provide a new enclosed facility that will operate entirely within the building. There shall be no outdoor storage or operation of any kind.

Goal 6.0: *Provide for the revitalization of deteriorating land uses and properties.* The new development will not only provide a new 156,877 square foot building on a property that has remained vacant for many years, but will also provide off-site improvements by restoring existing street pavement along the length of the property frontage to the centerline of the street on Rosemead Boulevard and new sidewalk, curb ramps, curb and gutter, and driveways would be newly constructed as well.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby approves a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program (Exhibit A), and CUP (No 21-13) to construct a new approximately 156,877 square foot warehouse, and office building with ancillary retail subject to the following conditions:

General Conditions

1. The Applicant and the business entity allowed for hereunder shall indemnify, defend, and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, lawsuits, or actions arising from the granting of, or the exercise of, the rights permitted by this approval, and from any and all claims or losses occurring or resulting to any person, firm, corporation, or property for damage, injury, or death arising out of, or connected in anyway, with the performance of the use permitted hereby. The Applicant's obligation to indemnify, defend, and hold harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits, or actions, and any award of damages or attorney's fees in any such lawsuit or action.

2. The Applicant and the business entity allowed for hereunder shall execute an Affidavit of Acceptance of these conditions in the presence of a Notary Public and return the Affidavit to the Director of Community Development within ten calendar days of the date of the Planning Commission's approval.

3. The approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within two years from the date of this approval.

4. Applicant and its employees, agents and contractors shall comply with all State, Federal, and Municipal Code provisions.

Planning Conditions

5. All buildings and walls must be finished with graffiti resistant materials. Any graffiti painted or marked upon the Property or on any adjacent area under the control of the Applicant shall be removed or painted over within 48 hours of discovery or notice from the City.

6. The Property shall be maintained in a safe and clean condition and the Applicant shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way. At the end of each business day, the Applicant shall pick up any and all litter including but not limited to large, discarded items that may have collected in the Property's parking area and public right-of-way.

7. The Applicant shall maintain all required permits and licenses in good standing.

8. The Applicant understands that any violation of the foregoing conditions shall be grounds for the suspension or revocation of the CUP.

9. The construction site shall always be kept in a clean manner prior, during, and after construction.

10. The Applicant shall develop the Property as shown in the site plan and landscaping plan approved by the Planning Commission.

11. The Applicant shall provide a detailed landscape and irrigation plan, prepared by a registered Landscape Architect to the Community Development Director for review and approval prior to submitting the plans to the Building Division.

12. The Applicant shall install drought tolerant landscaping in strict compliance with a landscape plan prepared by a Landscape Architect drawn at a minimum scale of 1" = 10' which will include all proposed softscape elements (included areas of ornamental plantings and turf areas), with the perimeter planting design for the exterior of building. The Applicant shall incorporate the following into the landscape plan:

    a. Enclose all planters within parking lot areas with raised six-inch P.C.C. curbs, except at sidewalks.
    b. Provide an automated underground irrigation system for all landscaped areas.
    c. Provide adequate landscaping to completely screen all ground mounted mechanical equipment.

13. All exterior doors shall be lit with a minimum of one-foot candle power of intensity and constructed of tamper-resistant fixtures.

14. The Applicant shall have no outside storage of material or equipment during or after hours in the required parking lot areas or near the front entrance of the Property visible from Rush Street.

15. There shall be no loading or unloading of materials on the public right of way (Rush Street).

16. There shall be no queuing or parking of vehicles on or along Rush Street as a result of this development.

17. At no time shall the site store inoperable freight trucks or vehicles in its parking areas either within the vehicle spaces or the freight truck spaces.

18. No repair of vehicles or freight trucks shall occur at any time.

19. All exterior lights on the property shall be LED and shall be directed, positioned, and/or shielded such that they do not illuminate surrounding properties and/or the public right of way.

20. For security purposes, lighting shall be place in such a way as to illuminate the area surrounding the trash enclosure(s), transformer, and all vehicle parking spaces. This lighting shall be un-switched and photo sensor controlled.

21. Any bollards on the site visible from the public right of way shall be decorative in nature and shall be approved by the Director of Community Development or designee.

22. Noise generated from the site shall comply with the South El Monte Municipal Code Chapter 8.20.

23. The applicant must incorporate a copy of these conditions of approval into the approved set of building plans.

24. The consolidation of parcels shall be finalized and recorded prior to the issuance of building permits.

25. Any future cold storage business shall be subject to a conditional use permit application.

26. Any future use operating times shall be consistent with the South El Monte Municipal Code unless the use requires a conditional use permit.

Public Works Conditions

PW1. The second sheet of building plans, grading plans and/or offsite improvement plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.

PW2. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:

a) Observation of cleared areas and benches prepared to receive fill;
b) Observation of the removal of all unsuitable soils and other materials;
c) The approval of soils to be used as fill material;
d) Inspection of compaction and placement of fill;
e) The testing of compacted fills; and
f) The inspection of review of drainage devices.

PW3. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.

PW4. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.

PW5. Low Impact Development (LID) review shall be completed prior submitting grading plans for plan review. Grading plans shall be submitted including the proof of approval of LID or exemption of LID.

PW6. Install new driveway approach in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.

PW7. Remove and replace broken and off grade sidewalk in accordance with SPPWC standard plan 113-2, and as directed by the City Engineer or his/her designee.

PW8. Install an irrigation system and landscape the designated parkway area, and as directed by the City Engineer and/or his/her designee.

PW9. Protect and maintain existing street tree through the duration of the project. Existing street tree must be maintained in healthy condition through the duration of any planning and construction. Trees should be deemed healthy and in good condition upon the conclusion of any construction in order for the project to be accepted as completed by the Public Works Department.

PW10. Remove and replace broken and off grade curb and gutter in accordance with SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee.

PW11. Relocate water meter from the sidewalk as directed by the City Engineer or his/her designee.

PW12. Rehabilitate existing AC street pavement along the length of the property frontage to the centerline of the street, and as directed by the City Engineer or his/her designee,

PW13. Underground all utility services to the property.

PW14. Protect existing tree(s).

PW15. Sewer Study shall be reviewed and approved by the City Engineer or his/her designee, prior to the issuance of permits. If sewer is found to be inadequate, sewer improvement plans shall be submitted to the City for approval and required improvements shall be made at the sole cost to the property owner/developer.

PW16. Project shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of permits. Any necessary public improvements determined by Traffic Engineering, shall be made at the sole cost to the property owner/developer.

Building Division Conditions

B3. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.

B4. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.

B5. The building shall be addressed as 2222 Rosemead Blvd., and an application to assign unit numbers shall be filed with City prior to plan check submittal.

B6. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.

B7. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.

B8. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:

a) Observation of cleared areas and benches prepared to receive fill;

b) Observation of the removal of all unsuitable soils and other materials;

c) The approval of soils to be used as fill material;

d) Inspection of compaction and placement of fill;
e) The testing of compacted fills; and
f) The inspection of review of drainage devices.

B9. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.

B10. A grading and drainage plan shall be approved by Engineering Division prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.

B11. Prior submitting grading plans to Engineering Department, LID review shall be completed and approved.

B12. Mechanical ventilation in accordance with Los Angeles County Building Code is required for the enclosed parking garage.

B13. Mezzanine design shall comply with Section 505 of the California Building Code. Each mezzanine area shall also comply with the applicable means of egress requirements of Chapter 10. The aggregate area of all mezzanines within the room shall be not greater than one-third of the floor area of that room or space in which they are located.

B14. Interior exit stairway shall discharge directly to the exterior of the building per Section 1023.3 and 1028 of California Building, unless Exceptions 1 and 2 under Section 1028 are satisfied.

B15. All State of California disability access regulations for accessibility shall be complied with.

B16. The retaining/garden wall design along the property line fronting Rosemead Boulevard shall be designed in such way to provide an accessible route from the public street sidewalks to the accessible building or facility entrance they serve per Section 11B-206.2.1 pf the California Building Code.

B17. The number of accessible parking spaces provided on the site shall be calculated according to the number of spaces required for each parking facility per Section 11B-208.2 of the California Building Code. Surface parking and underground parking garage are separate parking facilities. Accessible parking spaces shall only be permitted to be located in different parking facilities if Exception 2 under Section 11B-208.3.1 is satisfied.

B18. The number of accessible electrical vehicle charging station (EVCS) provided on the site shall be calculated according to the number required for each parking facility per Section 11B-228.3.2 of the California Building Code. Surface parking and underground parking garage are separate parking facilities. Ambulatory accessible EVCS shall be provided if more than 25 EVCS are provided per Table 11B-228.3.2.1.

B19. The following plan checks are required:

a. Electrical plan check
b. Mechanical plan check
c. Plumbing plan check

B20. Plumbing fixtures shall be provided as required by the Chapter 4 of the California Plumbing Code.

B21. Project shall comply with the CalGreen Non-Residential mandatory requirements.

B22. No form work or other construction materials will be permitted to encroach into adjacent property without written approval of the affected property owner.

B23. Demolition permit is required for any existing buildings which are to be demolished.

B24. Separate plan review and building permit is required for the proposed signs.

B25. All fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.

B26. Separate permit is required for Fire Sprinklers.

B27. The building permit will not be issued until the property has been surveyed and the boundaries marked by a land surveyor licensed by the State of California.

B28. Foundation inspection will not be made until the excavation has been surveyed and the depth of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.

B29. Foundation inspection will not be made until setback on all sides of the proposed building has been surveyed and the location of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.

B30. Prior to the issuance of building permit, a written consent shall be obtained from the current easement holder(s) for any proposed development encroaching into existing easement(s).

B31. City records indicate the proposed site is a combination of lots under common ownership. A parcel merger by document shall be processed prior to issuance of the building permit.

B32. Proposed lot line adjustment involving another adjacent parcel shall be executed in such way that the adjusted fire separation distance to any existing buildings as a result shall not impose additional fire-resistance rating requirements to their existing exterior wall or openings in accordance with the current building code requirements.

B33. Building permits shall not be issued until lots merger have been processed to the satisfaction of the Building Official.

Los Angeles County Fire Department Conditions

1. Submitted plans shall correspond with the plans approved by the County of Los Angeles Fire Department Fire Prevention Division Land Development Unit.

County of Los Angeles Sheriff's Department Conditions

1. Installation of security cameras and building lights with motion sensors shall be placed around the proposed development where feasible to reduce opportunities of criminal activities. Cameras and lighting shall be placed in such a way where law enforcement can adequately identify vehicle license plates upon entry/exit to the site.

2. Height of hedge-type plants shall be limited to allow visibility from the street. Landscaping shall not block building addresses from street patrol car line of sight.

3. Provide numerical addresses in a font size on the corner of the building that can be easily viewed and read from the street.

4. During construction of the project emergency access shall be maintained at all times.

SECTION 5: Exhibit "A" hereto is incorporated herein by reference.

SECTION 6: Any interested party may appeal this decision to the City Council pursuant to Section 17.03.060 of the South El Monte Municipal Code.

PASSED, APPROVED AND ADOPTED this 19th day of November 2024.

Chairman

ATTEST:

Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH EL MONTE)

I, Renee Reyes, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 24-09 was duly passed and adopted by the Planning Commission of the City of South El Monte at a regular meeting of said Commission held on the 19th day of November 2024.

AYES: Commissioner(s): Barrera, Lares, Vice Chair Ortiz and Chair Rodriguez
NOES:

ABSENT:
ABSTAIN:

Secretary

EXHIBIT "A"

MITIGATION MONITORING AND REPORTING PROGRAM

2222 ROSEMEAD BOULEVARD WAREHOUSE DEVELOPMENT PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Prepared for	City of South El Monte 1415 Santa Anita Avenue South El Monte, California 91733
Prepared by	Kimley-Horn and Associates, Inc. 1100 W Town and Country Road, Suite 700 Orange, California 92868

Date: November 2024

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor standard conditions (SCs) and mitigation measures (MMs) identified in the 2222 Rosemead Boulevard Warehouse Development Project (Project) Initial Study/Mitigated Negative Declaration (IS/MND). This MMRP has been prepared in conformance with Public Resources Code Section 21081.6. Specifically, Public Resources Code Section 21081.6 states:

(a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:

(1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.

(2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

(b) A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or incase of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.

(c) Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit the authority of the responsible agency or an agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during Project implementation. The City of South El Monte (City) is the Lead Agency for the Project and is therefore responsible for ensuring the implementation of the MMRP. The MMRP has been drafted as a fully enforceable monitoring program to meet Public Resources Code Section 21081.6 requirements.

The MMRP is comprised includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each MM:

- **Definition of Mitigation.** The MM contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.

- **Responsible Party or Designated Representative.** Unless otherwise indicated, an applicant would be the responsible party for implementing the mitigation, and the City or its designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the designated representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.

- **Time Frame.** In each case, a time frame is provided for the performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

The MM numbering system in the table corresponds with the MM numbering system in the IS/MND. The MMRP table's last column will be used by the parties responsible for documenting when MM implementation has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City. The completed MMRP and supplemental documents will be kept on file at the Community Development Department, Planning Division.

2222 ROSEMEAD BOULEVARD WAREHOUSE DEVELOPMENT PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Cultural Resources					
MM CUL-1: Prior to the issuance of the first grading permit or permit for ground disturbance activities, the Applicant shall provide evidence to the City of South El Monte that a qualified archaeologist has been retained. The selection of the qualified archaeologist shall be subject to approval by the City. The archaeologist shall train project construction workers on the types of archaeological resources that could be found in site soils. The archaeologist shall periodically monitor ground-disturbing activities. If cultural resources are inadvertently unearthed during excavation and grading activities of any future development project, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery (the distance shall be determined by the archaeologist) and the archaeologist shall be contacted to evaluate the significance of the find. Work can continue beyond the find. For finds that are not significant, work may resume immediately after the find is documented and removed at the direction of the archaeologist. If a find is significant, a mitigation plan shall be developed and approved by the City of South El Monte Planning Manager and all required mitigation completed prior to ground disturbance activity continuing within the established buffer radius.	Prior to first Grading Permit Issuance or permit for ground disturbance activities During excavation and grading activities	Verify Retention of a Qualified Professional If cultural resources are unearthed, evaluate significance of findings If a find is significant, a mitigation plan is required	Community Development Department, Planning Division; Building & Safety Division Qualified Archaeologist		
Geology and Soils					
MM GEO-1: Prior to the issuance of grading permits, the City of South El Monte Building and Safety Division shall review all Project plans for grading, foundation, structural, infrastructure, and all other relevant construction permits to ensure compliance with the applicable recommendations from the Geotechnical Investigation.	Prior to Grading Permit issuance	Verify compliance on project plans	Community Development Department, Building & Safety Division		
MM GEO-2: Prior to the issuance of the first grading permit for ground-disturbing activities, the Applicant shall provide	Prior to Grading Permit issuance	Verify retention of a qualified Paleontologist	Community Development Department,		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
evidence to the City of South El Monte Building and Safety Division that a qualified paleontologist has been retained. The selection of the qualified paleontologist shall be subject to the acceptance of the City. If paleontological resources are encountered, the contractor shall immediately cease all earth-moving activities within a 100-foot radius of the area of discovery. The qualified paleontologist shall be contacted to evaluate the significance of the finding and determine an appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements under State CEQA Guidelines Section 15064.5 shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.		If paleontological resources are unearthed; evaluate significance of findings	Planning Division; Building & Safety Division Qualified Paleontologist		
Hazards and Hazardous Materials					
MM HAZ-1: Prior to the issuance of a grading permit, the Applicant shall submit a Soil Management Plan (or equivalent document) for approval by the Los Angeles Regional Water Quality Control Board (Los Angeles RWQCB). The Soil Management Plan (SMP) (or equivalent document) shall specify the details regarding the handling, stockpiling, sampling, and reuse or disposal of soil with concentrations of Chemicals of Potential Concern (COPC) in excess of their respective site-specific remedial action goals (RAGs) or re-use criteria that were established as part of a Human Health Risk Assessment (HHRA) and integrated into the SMP. Once approved, the SMP (or equivalent document) shall be kept on site by the general contractor throughout construction and distributed to the grading contractor and other contractors that may be trenching or boring on the site.	Prior to Grading Permit issuance	Verify Soil Management Plan (or equivalent document) has been approved	Los Angeles RWQCB Community Development Department, Building & Safety Division		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
▪ The SMP shall Identify and implement accident prevention and control measures for soil disturbance and remediation activities, and for ongoing operations that are protective of the health and safety of the public (i.e., vapor intrusion mitigation system [VIMS]), and construction workers including a routine inspection program to ensure that such measures are being implemented during construction. At a minimum, such measures shall include compliance with applicable federal, State, and local laws and regulations.					
MM HAZ-2: Prior to the issuance of a grading permit by the City of South El Monte, the Applicant shall in accordance with the Soil Vapor Assessment Report (EEC Environmental, 2023), Limited Soil Remediation Work Plan (Leighton, 2023), Limited Soil Remediation Work Plan Addendum (Haley & Aldrich, 2024a), and TSCA Application for Risk-Based Clean-up (Haley & Aldrich, 2024b) (included as Appendix C to the Initial Study): ▪ Remove the existing soil vapor extraction system (SVE) system and properly abandon the associated extraction wells in accordance with Los Angeles Regional Water Quality Control Board; and ▪ Perform limited shallow soil excavation in the eastern portion of the site in coordination with the Los Angeles RWQCB and U.S. EPA.	Prior to Grading Permit issuance	Verify compliance on grading plans Verify SVE system removal and associated extraction well abandonment Verify soil excavation	Community Development Department, Building & Safety Division Los Angeles RWQCB Los Angeles RWQCB and U.S. EPA		
MM HAZ-3: Prior to grading permit issuance, the Applicant shall demonstrate to the City of South El Monte Building and Safety Division implementation of the Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard and Limited Soil Remediation Work Plan Addendum for 2200-2226 N.	Prior to Grading Permit issuance	Verify implementation of the Limited Soil Remediation Work Plan	Community Development Department, Building & Safety Division Los Angeles RWQCB and U.S. EPA		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Rosemead Boulevard as approved by the Los Angeles Regional Water Quality Control Board, and the TSCA Application for Risk-Based Clean-up as approved by the U.S. EPA. The Los Angeles Regional Water Quality Control Board and U.S. EPA shall provide oversight for the implementation of soil remediation and mitigation activities performed.					
MM HAZ-4: Prior to the issuance of a grading permit, the City of South El Monte Building and Safety Division shall review the building plans to verify that a vapor intrusion mitigation system (VIMS) is included in the Project design in accordance with the Limited Soil Remediation Work Plan Addendum for 2200-2226 N. Rosemead Boulevard to minimize vapor intrusion risks from VOC impacted soil and soil vapor on the project site. A construction quality assurance program shall be developed and implemented during VIMS construction that includes a pre-construction meeting and routine meetings during construction of the system, observations of construction and testing activities, and pre-occupancy (post-construction) system inspection and performance monitoring. The construction quality assurance program shall be summarized on the final VIMS design drawings and detailed in a Construction Quality Assurance Plan (CQAP). A VIMS Construction Completion Summary Report shall also be prepared and submitted to the Los Angeles RWQCB within 60 days of VIMS construction completion. The VIMS Construction Completion Summary Report shall include a summary of the construction quality assurance program and VIMS installation activities, as-built drawings, and VIMS Engineer certification that the VIMS was installed	Prior to Grading Permit issuance During VIMS construction Within 60 days of VIMS construction completion	Verify vapor intrusion mitigation system (VIMS) is included in the Project design Verify Construction Quality Assurance Program on final VIMS design drawing and CQAP Monitor during construction Verify submittal of VIMS Construction Completion Summary Report	Community Development Department, Building & Safety Division Building & Safety Division Community Development Department, Building & Safety Division Los Angeles RWCQB		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
in general accordance with the design. The City of South El Monte Building and Safety Division shall have oversight/sign-off responsibility for the vapor barrier.					
MM HAZ-5: In accordance with Los Angeles Regional Water Quality Control Board Comment No. 6 and requirements dated August 17, 2022, prior to the issuance of the first occupancy permit, baseline indoor air sampling involving at least two rounds of sampling shall be performed to account for seasonal fluctuation of contaminants in the indoor air. Air sampling results shall be submitted to and approved by the Los Angeles Regional Water Quality Control Board.	Prior to First Occupancy Permit issuance	Submit two rounds of Air Sampling data for approval to the Los Angeles RWQCB	Community Development Department, Building & Safety Division Los Angeles RWQCB		
Noise					
MM NOI-1: Prior to issuance of any demolition or grading permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions that either: (1) require the installation of a 10-foot-high concrete masonry wall along the southern property line of the project site; or (2) prohibit truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM.	Prior to Demolition or Grading Permit issuance	Verify compliance on project plans	Community Development Department, Planning Division Public Works Department		
MM NOI-2: Prior to issuance of any demolition or grading permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions prohibiting the use of vibratory rollers, or other similar vibratory equipment, within 15 feet – or large bulldozers within 8 feet of the project site's north, south, and east boundary.	Prior to Demolition or Grading Permit issuance	Verify compliance on project plans Monitor during grading and construction	Public Works Department		
Transportation					
MM TRANS-1: Prior to the issuance of the first occupancy permit, the Applicant	Prior to First Occupancy	Verify Submittal of TDM Program	Public Works Department		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
shall submit to the City of South El Monte Public Works Department a transportation demand management (TDM) program the purpose of which is to reduce VMT and vehicular trips to the project site and project area. The TDM program shall be implemented with the occupancy of the Project. The TDM program shall include the following strategy: ▪ [T-5] Implement Commute Trip Reduction Program: Implement a voluntary commute trip reduction (CTR) program to discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking, thereby reducing VMT and GHG emissions. The voluntary CTR program must include the following elements: o Employer-provided services, infrastructure, and incentives for alternative modes such as ridesharing, discounted transit, bicycling, vanpool, and guaranteed ride homes. o Information, coordination, and marketing for said services, infrastructure, and incentives.	Permit issuance Annually After Project Occupancy	Verify implementation of Commute Trip Reduction Program			
Tribal Cultural Resources					
MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities. A. The Applicant shall retain a Native American monitor from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the "Kizh" or the "Tribe") - the direct lineal descendants of the project location. The monitor shall be	Prior to ground disturbing activities Monitoring during grading	Retention of an approved Native American Monitor; Executed Monitoring Agreement Monitoring during ground disturbance activities	Community Development Department, Planning Division Community Development Department, Building &		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
retained prior to the commencement of any "ground-disturbing activity" for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. A copy of the executed monitoring agreement shall be provided to the City of South El Monte prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity. C. The Applicant shall provide the Tribe with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project. D. The Applicant shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe will inform and educate the project's construction and managerial crew and staff members		Pre-Construction Sensitivity/Educational Meeting Daily Tribal Monitoring Logs	Safety Division Kizh Monitor and/or Kizh Archaeologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
(including any project subcontractors and consultants) about the tribal cultural resources ("TCR") mitigation measures and compliance obligations, as well as places of significance located on the project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project's compliance with the TCR mitigation measures. E. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc. (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the City upon written request. F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribe that all ground-disturbing activities and all phases that may involve ground-disturbing activities on					

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
the project site and at any off-site project location are complete; or (2) written notice by the Tribe to the Applicant and City that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the project site and at any off-site project location possesses the potential to impact TCRs.					
MM TCR-2: Discovery of TCRs, Human Remains, and/or Grave Goods A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh monitor and/or Kizh archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe has completed its assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area. B. The Tribe will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate in its sole discretion, and for any purpose the Tribe deems appropriate, including but not limited to, educational, cultural and/or historic purposes.	During construction, if human remains are found	Kizh Monitor and/or Kizh Archaeologist assigned and on site, if remains are found	Community Development Department, Planning Division; Building & Safety Division Kizh Monitor and/or Kizh Archaeologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
C. If Native American human remains and/or grave goods are discovered or recognized on the project site or at any off-site project location, then all construction activities shall immediately cease. Native American "human remains" are defined to include "an inhumation or cremation, and in any state of decomposition or skeletal completeness." (Public Resources Code [PRC] §5097.98 (d)(1).) Funerary objects, referred to as "associated grave goods," shall be treated in the same manner and with the same dignity and respect as human remains. (PRC §5097.98 (a), d)(1) and (2)). D. Any discoveries of human skeletal material or human remains shall be immediately reported to the County Coroner (Health & Safety Code §7050.5(c); 14 Cal. Code Regs. §15064.5(e)(1)(B)), and all ground-disturbing project ground-disturbing activities on site and in any other area where the presence of human remains and/or grave goods are suspected to be present, shall immediately halt and remain halted until the coroner has determined the nature of the remains. (14 Cal. Code Regs. §15064.5(e).) If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, within 24 hours, the Native American Heritage Commission, and Public					

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Resources Code Section 5097.98 shall be followed. E. Thereafter, construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribe determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Tribal monitor and/or archaeologist deems necessary). (14 Cal. Code Regs. §15064.5(f).) F. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods. G. Any historic archaeological material that is not Native American in origin (non-TCRs) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. H. Any discovery of human remains and/or grave goods discovered and/or recovered shall be kept confidential to prevent further disturbance.					

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
MM TCR-3: Procedures for Burials, Funerary Remains, and Grave Goods A. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains. B. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created. C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated "grave goods" (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials. D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be	During construction, if remains are found	Compliance with Koo-nas-gna Burial Policy	Community Development Department, Planning Division; Building & Safety Division Kizh Monitor and/or Kizh Archaeologist		

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.					
E. In the event preservation in place is not possible despite good faith efforts by the Applicant and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner, and shall be protected in perpetuity.					
F. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery.					
G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully,					

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.					

Standard Conditions (SCs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
Biological Resources					
SC BIO-1: Nesting Migratory Birds. During construction, grubbing, brushing, or tree removal shall be conducted outside of the state identified nesting season for migratory birds (i.e., typically March 15 through September 1), if possible. If construction activities cannot be conducted outside of nesting season, a Pre-Construction Nesting Bird Survey within and adjacent to the project site shall be conducted by a qualified biologist within three days prior to initiating construction activities. If active nests are found during the Pre-Construction Nesting Bird Survey, a Nesting Bird Plan (NBP) shall be prepared by a qualified biologist and implemented during construction. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, monitoring, and reporting. The	Three days prior to first site disturbance, if during migratory bird nesting season	Verify requirements included on grading and construction plans Verify pre-construction nesting bird survey conducted and nesting bird plan prepared, if required	Community Development Department, Planning Division; Building & Safety Division Qualified Biologist		

Standard Conditions (SCs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
size and location of all buffer zones, if required, shall be based on the nesting species, nesting sage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity.					
Cultural Resources					
SC CUL 1: California Health and Safety Code Section 7050.5 through 7055, and Public Resources Code Sections 5097.98 and 5097.99 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.	In the event of an accidental discovery of human remains	Verify Requirements on Construction Plans; Verify Coroner Investigation, if required	Community Development Department, Planning Division; Building & Safety Division Los Angeles County Coroner Native American Heritage Commission, if remains are Native American		
Noise					
SC N-1: All construction activities should be limited to the hours between the hours of 7:00 AM and 10:00 PM on weekdays, or any time on weekends or holidays per City of South El Monte Municipal Code Chapter 8.20.	During grading and construction	Verify requirements on construction plans Conduct Site Inspections	Community Development Department, Planning Division; Building & Safety Division		

Standard Conditions (SCs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
SC N-2: The Applicant shall ensure through contract specifications that construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading or building permit (whichever is issued first). The construction BMPs shall include the following: • All equipment, whether fixed or mobile, will be equipped with properly operating and maintained mufflers, consistent with manufacturer standards. • All stationary construction equipment will be placed so that emitted noise is directed away from the noise-sensitive receptors nearest the project site. • As applicable, all equipment shall be shut off and not left idle when not in use. • To the degree possible, equipment staging will be located in areas that create the greatest distance between construction-related noise and vibration sources and existing sensitive receptors. • Jackhammers, pneumatic equipment, and all other portable stationary noise sources will be directed away and shielded from existing residences in the vicinity of the project site. Either one-inch plywood or sound blankets can be utilized for this purpose. They should reach up from the ground and block the line of sight between equipment and existing residences. The shielding should be without holes and cracks. • No amplified music and/or voice will be allowed on the project site. • Haul truck deliveries will not occur outside the hours presented as	Prior to Grading or Building Permit issuance, whichever issued first	Verify requirements on construction plans Conduct Site Inspections	Community Development Department, Planning Division; Building & Safety Division		

Standard Conditions (SCs)	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification	
				Date	Initials
exempt for construction per City of South El Monte Municipal Code Section 8.20.030(D).					

ATTACHMENT I

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October 18, 2024

Via U.S. Mail and Email

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Sabrina A. Muhne, Interim City Clerk
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South El Monte, CA 91733
Email: smuhne@soelmonte.org

Via Email Only

Gerardo Marquez, Planning Manager
Email: gmarquez@soelmonte.org

Re: Request for Mailed Notice of Actions and Hearings – 2222 Rosemead Boulevard Warehouse Development Project (SCH No. 2024100046)

Dear Mr. Arreola, Ms. Muhne, and Ms. Marquez:

We are writing on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") to request mailed notice of the availability of any environmental review document, prepared pursuant to the California Environmental Quality Act, related to the 2222 Rosemead Boulevard Warehouse Development Project (SCH No. 2024100046) ("Project"), proposed by Tait & Associates, Inc. ("Applicant"), as well as a copy of the environmental review document when it is made available for public review.

The Project would construct an approximately 156,877 square foot (SF) concrete tilt-up warehouse and 13 dock doors. Of the 156,877 SF, the Project would have 113,703 SF of warehouse space, 7,879 SF of retail use, 20,305 SF of accessory warehouse office use, and 14,990 SF of warehouse storage. The Project site is located at 2200, 2212, 2218, and 2226 Rosemead Boulevard in the northwestern portion of the City of South El Monte, Los Angeles County, California. The approximately 5.14-acre project site includes four parcels (Assessor Parcel Numbers 8102-039-029, 8102-039-030, 8102-039-031, and 8102-039-035).

We also request mailed notice of any and all hearings and/or actions related to the Project. These requests are made pursuant to Public Resources Code Sections

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21092.2, 21080.4, 21083.9, 21092, 21108, 21152 and 21167(f) and Government Code Section 65092, which require local 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.

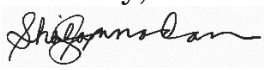
Please send the above requested items by email and U.S. Mail to our San Francisco office as follows:

U.S. Mail
Sheila M. Sannadan
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037

Email
ssannadan@adamsbroadwell.com

Please call me at (650) 589-1660 if you have any questions. Thank you for your assistance with this matter.

Sincerely,



Sheila M. Sannadan
Legal Assistant

SMS:acp

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November 18, 2024

VIA E-Mail and Overnight Mail

Planning Commission
c/o Renee Reyes
Community Development Department
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rreyes@soelmonte.org

VIA E-Mail Only
Guillermo Arreola, Director
garreola@soelmonte.org

Gerardo Marquez, Planning Manager
gmarquez@soelmonte.org

Re: **Agenda Item No. 7.c.: 2222 Rosemead Boulevard Warehouse Development Project**

Dear Commissioners, Ms. Reyes, Mr. Arreola, and Mr. Marquez:

We write on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") regarding Agenda Item No. 7.c., which concerns the Mitigated Negative Declaration ("MND") (SCH No. 2024100046),[1] a Mitigation Monitoring and Reporting Program ("MMRP"), and proposed Conditional Use Permit (CUP No. 21-13) for the 2222 Rosemead Boulevard Warehouse Development Project ("Project") proposed by Tait & Associates, Inc. ("Applicant").

The City of South El Monte ("City") Community Development Department Staff ("Staff") recommends that the Planning Commission approve Resolution 24-09, adopt the MND and MMRP, and approve the CUP for a new 156,877 square foot warehousing building.[2] Staff's recommendation is premature and unsupported by

[1] City of South El Monte, 2222 Rosemead Boulevard Warehouse Development: Initial Study and Mitigated Negative Declaration (Oct. 2024) (hereinafter "IS/MND").
[2] City of South El Monte, Planning Commission Agenda Report: Agenda Item No. 7.c. re: Approval of Resolution No. 24-09 (Nov. 19, 2024) ("Staff Report") p. 5, *available at*

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the record because the City has not yet complied with the California Environmental Quality Act ("CEQA"). CEQA requires the City to prepare an environmental impact report ("EIR") when there is substantial evidence in the record supporting a fair argument that a project has potentially significant environmental or public health impacts that are not fully mitigated by a proposed MND, and where the MND does not contain the information required by law.

In this case, the IS/MND lacks information and analysis required by CEQA, and there is substantial evidence in the record supporting a fair argument that the proposed Project will result in potentially significant impacts on public health, air quality, greenhouse gas ("GHG") emissions, transportation, noise, and public utilities which are not adequately disclosed and mitigated by the measures proposed in the IS/MND. The City consultant's responses to CREED LA's comments included in the Staff Report ("Responses") ignore or fail to resolve most of these issues, and do not provide substantial evidence supporting Project approval. Consequently, the Planning Commission cannot adopt the MND or approve the Project's entitlements at this time.

In its Responses, the City asserts that the comments received on the IS/MND do not raise substantive environmental issues that would necessitate recirculation of the MND or preparation of an EIR.[3] The City further claims that the mitigation measures proposed in the MND require no modifications based on public comments.[4] These assertions lack merit and include precisely the type of disputes of fact that require preparation of an EIR under CEQA.

Under CEQA, any comments presenting a "fair argument" supported by substantial evidence, including facts or expert opinion, necessitate the preparation of an EIR, regardless of whether the City agrees with those comments.[5] As

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https://www.cityofsouthelmonte.org/DocumentCenter/View/5872/11-19-24-Planning-Commission-Regular-Meeting-Agenda-PDF.

[3] *Id*. at p. 5; see also Kimley Horn, Response to Comment Letter 2: Aidan P. Marshall, Adams Broadwell Joseph & Cardozo Attorneys at Law (on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ["CREED LA"]), October 30, 2024 (undated) (hereinafter "Kimley Horn Memorandum"); Memorandum to Dana Privitt, Kimley-Horn & Associates, Inc. from Roma Stromberg, Ganddini Group, Inc. re: Response to Adams Broadwell Joseph &Cardozo Comment Letter Dated October 30, 2024, Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) (Nov. 13, 2024) (hereinafter "Ganddini Memorandum").

[4] *Ibid*.

[5] Pub. Res. Code §§ 21080(d), 21082.2(d); CEQA Guidelines §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* ("*Laurel Heights II*") (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc.*

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demonstrated in CREED LA's preliminary comments on the IS/MND and detailed further below, the issues by CREED LA provide facts and expert evidence demonstrating that the Project has significant, unmitigated impacts that meet the fair argument standard.[6]

CREED LA respectfully urges the Planning Commission to continue this hearing and direct Staff to prepare an EIR for the Project before bringing the Project back for further consideration.

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association includes South El Monte residents Alejando Ayala and Jose Francis, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of South El Monte and Los Angeles County.

Individual members of CREED LA live in the City of South El Monte, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued

v. County of Stanislaus (1995) 33 Cal.App.4th 144, 150- 151; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* ("*Quail Botanical*") (1994) 29 Cal.App.4th 1597, 1601- 1602.

[6] Letter to Guillermo Arreola, City of South El Monte from Aidan P. Marshall, Adams Broadwell Joseph & Cardozo re: Preliminary Comments on the Initial Study/Mitigated Negative Declaration for the 2222 Rosemead Boulevard Warehouse Development Project (SCH No. 2024100046) (Oct. 30, 2024) (hereinafter "CREED LA Preliminary IS/MND Comments").

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environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

II. AN EIR MUST BE PREPARED BEFORE THE PLANNING COMMISSION MAY APPROVE THE PROJECT

In most cases, CEQA mandates that lead agencies prepare an EIR for projects that could have significant environmental effects.[7] The purpose of an EIR is to ensure that the public and decision-makers are fully informed about potential environmental consequences before decisions are made, thus promoting informed decision-making and protecting the environment.[8]

The "fair argument" standard underscores a preference for EIR preparation. Under this standard, an EIR must be prepared if there is substantial evidence in the record indicating a fair argument that the project could significantly impact the environment.[9] This standard sets a "low threshold" for triggering environmental review through an EIR, rather than through a mitigated negative declaration, which is only appropriate if all potentially significant effects of the project are avoided or reduced to insignificance.[10]

"Substantial evidence" under the fair argument standard means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[11] In cases where it's uncertain whether substantial

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[7] Pub. Res. Code § 21000; 14 Cal. Code Regs. ("CEQA Guidelines") § 15002.
[8] *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564.
[9] Pub. Resources Code §§ 21080(d), 21082.2(d); CEQA Guidelines §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 1501-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.Appl.4th 1597, 1601-02.
[10] Pub. Res. Code § 21080(c)(2); CEQA Guidelines § 15070(b).
[11] CEQA Guidelines § 15384(a).

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evidence exists regarding a project's potential environmental effects, the lead agency must consider expert opinion and facts.[12] If there is disagreement among experts about the significance of an effect on the environment, the lead agency must treat the effect as significant and prepare an EIR.[13]

Here, substantial evidence supports a fair argument that the Project may cause significant public health, air quality, GHG emissions, transportation, noise, and public utilities. Therefore, the City must prepare an EIR that thoroughly discloses, analyzes, and mitigates these impacts, while also exploring less environmentally damaging alternatives, before it can approve the Project.

A. The IS/MND Project Description Remains Inadequate

1. *The City Fails to Acknowledge or Analyze Reasonably Foreseeable High Intensity Warehouse Uses*

CREED LA provided substantial evidence, supported by expert opinion, demonstrating that higher intensity warehouse uses, including high-cube warehouse operations, are reasonably foreseeable uses at the Project site under the proposed CUP.[14] In response, the City claims, without supporting evidence, that high-cube warehouse uses are not applicable to the proposed Project simply because it is less than 200,000 square feet in size.[15] This assertion ignores CREED LA's comments, which described the range of feasible high-intensity warehouse uses at the Project site.

The Project's operational characteristics and the severity of its environmental and public health impacts are not determined solely by size but by allowable uses. In the absence of binding restrictions – such as conditions of approval, a covenant on the title of the underlying property, or mitigation measures – which prohibit future high intensity retail, warehouse (and cold storage uses, as discussed below) at the Project site, there is no evidence supporting the City's assertion that these activities would not occur.

The City has a duty under CEQA to analyze the impacts of *all* reasonably foreseeable uses of the Project site.[16] High-cube warehouses are defined by their

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[12] *Id.* § 15064(g).
[13] *Ibid.*
[14] CREED LA Preliminary IS/MND Comments at pp. 4-6. There is nothing in the General Plan or Municipal Code prohibiting high intensity or cold storage warehouse uses under the proposed CUP.
[15] Ganddini Memorandum at pp. 1-2.
[16] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.

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function, such as the storage and distribution of goods, often involving high levels of truck traffic, energy consumption, and GHG emissions. These characteristics can apply to warehouses smaller than 200,000 square feet, particularly if the facility is designed or intended to support logistics operations requiring frequent truck trips or intensive energy use. By focusing solely on square footage, the IS/MND failed to analyze the Project's impacts resulting from potential operation as a higher intensity warehouse. This oversight results in inadequate disclosure and mitigation of the Project's potential environmental impacts.

The City's unsupported dismissal of higher intensity uses is inconsistent with the allowable uses under the Project's proposed CUP, which do not restrict the type of warehouse operations that can occur at the Project site. CEQA's mandate is to analyze all reasonably foreseeable impacts of a Project. Given the feasibility of high intensity use at the Project site, and the substantial evidence in the record from CREED LA and its experts demonstrating that the impacts from high intensity use would be significant and unmitigated, the City's decision to ignore these uses is unsupported and contrary to law. There is substantial evidence supporting a fair argument that the Project may operate in a manner consistent with high-cube warehouse uses. An EIR is required to fully evaluate and mitigate these potentially significant impacts.

2. *The City Fails to Describe and Analyze Reasonably Foreseeable Cold Storage Warehouse Use*

CREED LA provided substantial evidence, supported by expert opinion, demonstrating that cold storage warehouse uses are reasonably foreseeable for the proposed Project and would result in significant, unmitigated impacts.[17] In response, the City asserts that the Project *can be* conditioned to prohibit cold storage.[18] However, this claim is misleading, as *none* of the Project's proposed conditions of approval explicitly prohibit cold storage.[19] Without an enforceable condition prohibiting this use, there is no guarantee that cold storage operations – which could significantly increase energy consumption, GHG emissions, and other environmental impacts – will not occur as part of the Project.

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[17] CREED LA Preliminary IS/MND Comments at pp. 5-8.
[18] Ganddini Memorandum at p. 2.
[19] See Staff Report, attach. A (Draft Resolution No. 24-09: A Resolution of the South El Monte Planning Commission Approving a Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program Prepared in Compliance with the California Environmental Quality Act; Approving Conditional Use Permit 21-13 to Allow for the Development of a New Approximately 156,877 Square Foot Warehouse Building Located at 2222 Rosemead Boulevard) (hereinafter "Draft Resolution No. 24-09").

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Under CEQA, a mitigation measure or condition of approval must be enforceable and clearly articulated to ensure that environmental impacts are adequately mitigated.[20] The Attorney General also recommends that, if an agency intends to prohibit cold storage at warehouse projects, the project must either adopt mitigation measures limiting cold storage impacts or record a covenant on the title of the underlying property to ensure that the property cannot be used to provide refrigerated warehouse space.[21] No such mitigation or land use covenants are included in the IS/MND or Responses.

The absence of a specific and enforceable prohibition against cold storage renders the City's response insufficient and undermines the credibility of the environmental review process. The potential for unmitigated impacts from cold storage operations further supports the need for a full EIR to analyze and disclose these potential impacts comprehensively.

B. The City Fails to Analyze Public Health Impacts Associated with Exposure to the Project's Emissions

CREED LA commented that the IS/MND failed to analyze public health impacts associated with toxic air contaminants ("TACs"), particularly diesel particulate matter ("DPM"), generated during Project construction and operation on nearby sensitive receptors, including residents of a mobile home park directly south of the Project site.[22] In response to comments, the City claims that it is not required to perform a quantitative health risk analysis ("HRA"), arguing that is a recommendation rather than a mandate by the Office of Environmental Health Hazard Assessment ("OEHHA"), the South Coast Air Quality Management District ("SCAQMD"), or the City itself.[23] In addition, the City asserts the SCAQMD did not request a construction or operational HRA.[24] However, these arguments overlook CEQA's core requirement to fully disclose and analyze significant environmental impacts, including those related to public health.[25] The California Supreme Court

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[20] Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).
[21] *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022)*, pg. 9, available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf ("Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.").
[22] CREED LA Preliminary IS/MND Comments at pp. 14-19.
[23] Ganddini Memorandum at pp. 2-3.
[24] Ganddini Memorandum at p. 3.
[25] CEQA Guidelines § 15065(a)(4); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 523.

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has interpreted this requirement to include a specific duty to disclose the health effects posed by exposure to a project's air emissions.[26]

While preparation of an HRA may not be explicitly mandated by OEHHA or SCAQMD, CEQA requires that lead agencies evaluate whether a project has the potential for significant impacts, including health risks from exposure to TACs and DPM generated during construction and operation of the Project. To comply with CEQA, the City must assess whether exposure to the Project's TACs/DPM emissions would result in exceedances of appliable health-based CEQA significance thresholds. Here, the SCAQMD significance thresholds for TAC exposure include:

> **Maximum Incremental Cancer Risk ≥ 10 in 1 million**
> Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million)
> Chronic & Acute Hazard Index ≥ 1.0 (project increment).[27]

A quantitative HRA is a standard methodology for assessing these risks and ensuring compliance with CEQA's requirement for a good-faith, evidence-based environmental analysis. The City failed to perform this analysis in the IS/MND.

The City's reliance on SCQAMD's lack of a project-specific request for an HRA is a red herring. CEQA does not allow the lead agency to delegate its responsibility for a comprehensive environmental review to other entities.[28] The City must independently evaluate the Project's health risks based on substantial evidence in the record.[29] By declining to perform an HRA, the City fails to provide the quantitative analysis necessary to compare exposure to Project emissions to applicable significance thresholds, or to assess whether additional mitigation measures are required to reduce those impacts.

The City also improperly relies on SCAQMD's localized significant thresholds ("LSTs").[30] LSTs are designed to prevent exceedances of federal or state air quality

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[26] *Sierra Club v County of Fresno* (2018) 6 Cal.5th 502, 518–522.
[27] See South Coast AQMD Air Quality Significance Thresholds, available at https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf%3Fsfvrsn%3D25&ved=2ahUKEwj_2MnO-OaJAxWaMzQIHRAJNiwQFnoECAoQAQ&usg=AOvVaw07n1OZu8NvvtfqOAnstLMG (last visited Nov. 18, 2024).
[28] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308.
[29] Pub. Res. Code § 21082.2(a); CEQA Guidelines § 15091(a).
[30] Ganddini Memorandum at p. 3.

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standards, not to assess the health risks of TACs such as DPM.[31] Unlike criteria pollutants with established ambient air quality standards, DPM has no known safe exposure threshold. Therefore, the use of LSTs as a proxy for DPM impacts is not only scientifically inappropriate but also legally insufficient under CEQA.

Finally, public health impacts are often cumulative in nature, particularly in areas already burdened by poor air quality or high concentrations of diesel emissions. Indeed, the CalEnviroScreen scores for the Project's census tract are in the 78th percentile for particulate matter and the 92nd percentile for DPM.[32] Without an HRA, the City cannot adequately assess the cumulative health risks posed by this Project in conjunction with other existing and planned developments in the area. This failure leaves a critical gap in the environmental review, undermining the validity of the IS/MND.

To comply with CEQA, the City must prepare an EIR that includes a comprehensive HRA. This analysis is essential for disclosing the Project's potential health impacts, evaluating cumulative risks, and identifying feasible mitigation measures to protect public health.

C. Substantial Evidence Supports a Fair Argument the Project Would Result in Significant Noise Impacts

1. *The City Lacks Substantial Evidence to Support the Construction Noise Significance Threshold*

The City's reliance on an 80 dBA Leq threshold for construction noise, as derived from the Federal Transit Administration's *Transit Noise and Vibration Impact Assessment Manual* ("FTA Manual"), is inappropriate and constitutes a misapplication of the manual's guidance.[33] The FTA Manual emphasizes that construction noise impact assessments should consider several contextual factors, including existing noise environment, the absolute noise levels anticipated during construction activities, the duration and timing of construction, and the sensitivity of adjacent land uses.[34] By adopting a blanket 80 dBA Leq threshold without

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[31] South Coast Air Quality Management District, Final Localized Significance Threshold Methodology (July 2008), *available at* http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2.
[32] IS/MND, appen. E, PDF pp. 163-64.
[33] Ganddini Memorandum at p. 7.
[34] Attachment A, Letter to Aidan P. Marshall, Adams Broadwell Joseph & Cardozo from Neil P. Shaw, Menlo Scientific Acoustics, Inc. re: 2222 Rosemead Boulevard Warehouse Development Initial Study and Mitigated Negative Declaration Acoustic Review (Nov. 15, 2024) pp. 2-3 (hereinafter "Shaw Comments").

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accounting for these critical factors, the City fails to ensure that its analysis reflects site-specific conditions and potential impacts as required under CEQA.

The FTA Manual does not prescribe the use of an 80 dBA Leq as a universal standard but instead recommends tailoring the threshold to the specific circumstances of a project.[35] CEQA similarly requires agencies to evaluate noise impacts in context, considering the significance of an impact in relation to the environment's baseline conditions and the characteristics of the affected receptors.[36] The City's rigid application of the FTA Manual's threshold without such contextual considerations undermines the adequacy of the noise analysis and fails to comply with CEQA's mandate for a thorough and accurate environmental review.

Furthermore, when contextual factors are appropriately considered, it is evident that the 80 dBA Leq threshold is inapplicable. As CREED LA's acoustical expert Neil Shaw explains, residential mobile trailers do not fall within Land Use Category 3, which is defined by the FTA Manual as a land use category subject to severe noise impact thresholds.[37] Residential mobile trailers are more acoustically sensitive and align more closely with Land Use Categories 1 and 2, which are afforded stricter noise thresholds under the FTA Manual.[38] These categories impose absolute limits of 65 dBA for moderate impact and 70 dBA for severe impact, reflecting the need for greater noise protection for sensitive receptors.[39]

The City's application of an 80 dBA Leq threshold fails to account for this critical distinction, effectively misclassifying residential mobile trailers under a land use category with inapplicable thresholds. This oversight not only disregards the heightened sensitivity of residential receptors, but also demonstrates a broader failure to align the noise analysis with the FTA Manual's guidance. By neglecting to apply the appropriate thresholds for more acoustically sensitive land uses, the City's analysis underestimates the potential noise impacts of construction activities, resulting in unsupported significance conclusions and further undermining compliance with CEQA's requirements for a thorough and accurate environmental review.

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[35] *Id*. at pp. 2-3.
[36] Pub. Res. Code § 21060.5; CEQA Guidelines § 15360, appen. G; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 884.
[37] Shaw Comments at p. 3.
[38] *Ibid*.
[39] *Ibid*.

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2. *The Project's Construction Noise Is Significant and Unmitigated*

CREED LA's preliminary comments and Mr. Shaw's expert opinion demonstrate that the Project's construction noise would exceed the applicable daytime noise standards in Section 8.20.020 of the Municipal Code, causing significant impacts that require mitigation.[40] These comments highlight that the construction noise levels would exceed the 55 dBA daytime standards set forth in Section 8.20.020 for the mobile homes located south of the Project site.[41] Specifically, Table 11 of Appendix E shows that construction noise impacts at the mobile homes would reach 74 dBA Leq during demolition, grading, and building construction, 68 dBA Leq during paving, and 61.2 dBA Leq during architectural coating, constituting a significant impact under CEQA.[42]

In addition to violating the quantitative standards, Mr. Shaw's comments demonstrate that the Project's construction activities would also violate Section 8.20.010's qualitative standards for "intrusive noise" causing a "noise disturbance."[43] "Intrusive noise" is defined as "noise which intrudes over and above the existing ambient noise at a given location."[44] "Noise disturbance" is defined as "any sound which (i) endangers or injures the safety or health of human beings or animals, or (ii) *annoys or disturbs reasonable persons of normal sensitivities*, or (iii) endangers or injures personal or real property or (iv) violates the limits set forth in Section 8.20.020."[45]

The Project's noise levels exceed ambient noise levels at the mobile homes by wide margins, qualifying as "intrusive noise" under the Municipal Code.[46] These noise levels also constitute a "noise disturbance" because, as illustrated in Figure 3 of Appendix E,[47] they are equivalent to a vacuum cleaner at 10 feet.[48] Such levels would undoubtedly annoy or disturb reasonable people of normal sensitivity.[49]

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[40] CREED LA Preliminary IS/MND Comments at pp. 30-32; Shaw Comments at pp. 4-5.
[41] *Ibid.*
[42] IS/MND, appen. E, p. 35; CREED LA Preliminary IS/MND Comments at pp. 30-32; Shaw Comments at pp. 4-5; *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 (exceedance of established significance threshold is a significant impact); *Endangered Habitats League v. Orange* (2005) 131 CA4th 777, 783-4; CEQA Guidelines § 15064.7.
[43] Shaw Comments at pp. 4-6.
[44] Municipal Code § 8.20.010(E).
[45] Municipal Code § 8.20.010 (emphasis added).
[46] Shaw Comments at p. 5.
[47] IS/MND, appen. E at p. 7.
[48] Shaw Comments at pp. 5-6.
[49] *Ibid.*

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CREED LA's preliminary comments cite Federal Transit Administration ("FTA") data showing that noise increases of 5 to 10 dBA typically result in "widespread complaints," and 10 dBA or more can provoke "threats of legal action."[50] The Project's construction noise, which exceeds ambient noise by as much as 20 dBA,[51] clearly supports a fair argument that the Project will result in significant noise impacts requiring analysis in an EIR.

Substantial evidence, including expert comments, demonstrates that the Project's construction noise would exceed both quantitative and qualitative noise thresholds, causing significant impacts under CEQA. These impacts must be disclosed, analyzed, and mitigated in an EIR. Without such analysis, the IS/MND is deficient and does not provide the Commission with substantial evidence to support approval findings.

3. *The IS/MND Fails to Adopt Enforceable Construction Noise Mitigation Measures*

In response to comments, the City asserts that certain best management practices ("BMPs") would be adopted as conditions of approval to reduce construction noise impacts.[52] However, none of these BMPs are explicitly included in the conditions of approval or referenced in a manner that ensures their enforceability.[53]

Under CEQA, mitigation measures must be specific, enforceable, and committed to by the lead agency.[54] CEQA Guidelines § 15126.4(a)(2) states that mitigation measures "must be fully enforceable through permit conditions, agreements, or other legally binding instruments." BMPs that are vaguely described or omitted entirely from the conditions of approval fail to meet this requirement.

The City's failure to incorporate the promised BMPs into the conditions of approval creates a significant gap in the environmental review process. Without enforceable conditions: (1) there is no assurance that the BMPs will be implemented during the Project's construction, (2) the purported benefits of these BMPs in reducing or avoiding significant environmental impacts cannot be credited in the

[50] CREED LA Preliminary Comments, pg. 32-33; Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018, pg. 18, Figure 3-6 (Community Reaction to New Noise, Relative to Existing Noise in a Residential Urban Environment)
[51] CREED LA Preliminary IS/MND Comments at pp. 31-32; Shaw Comments at p. 5.
[52] Ganddini Memorandum at p. 8.
[53] See Draft Resolution No. 24-09.
[54] Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).

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environmental analysis, and (3) the omission undermines the credibility of the City's claim that potential impacts have been adequately mitigated.

This omission is not merely procedural but has substantive implications for the adequacy of the IS/MND under CEQA. Without enforceable commitments to implement the BMPs, there is substantial evidence supporting a fair argument that the Project will result in significant environmental impacts that have not bene mitigated to a less than significant level. Courts have consistently held that vague or unenforceable mitigation measures cannot support the finding of less than significant impacts.[55]

The City's reliance on unenforceable BMPs to mitigate potentially significant impacts is a clear violation of CEQA. An EIR must be prepared to fully analyze the Project's impacts and include enforceable mitigation measures to address them.

4. *The IS/MND Underestimates Operational Noise Impacts*

The IS/MND fails to adequately analyze noise impacts generated by truck operations on the Projects site, including noise from driving, backing up, and idling. Although the IS/MND evaluates roadway noise and loading/unloading activities, it omits critical on-site noise sources associated with operational truck movements.[56] This omission is particularly significant given the Project's proximity to sensitive receptors, such as the residences immediately south of the property line, where noise from truck operations could exceed thresholds of significance and cause substantial impacts.

Studies by the California Air Resources Board highlight the severity of these potential impacts. Diesel trucks at idle generate noise levels of approximately 96 dBA, while diesel-powered TRUs operating at high idle produce 104 dBA.[57] Trucks accessing the loading docks via the southern driveway would expose nearby residences to these elevated noise levels. Without analysis or mitigation of these impacts, the IS/MND fails to disclose potentially significance noise effects as required under CEQA.

In addition, the IS/MND's discussion of loading/unloading noise is inconsistent and underestimates impacts. While the Appendix E claims to rely on a

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[55] *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.
[56] Shaw Comments at p. 7.
[57] California Air Resources Board, 2022 Technology Assessment: Non-Truck Transport Refrigeration Units (TRU) (Oct. 2022) pp. 17-18, *available at* https://ww2.arb.ca.gov/sites/default/files/2022-10/CARB%202022%20TRU%20Technology%20Assessment%2010-14-22.pdf.

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70 dBA Leq reference level for these activities, the included SoundPLAN worksheet instead shows a 65 dBA reference level.[58] This discrepancy undermines the validity of the IS/MND's findings. Even if the 70 dBA reference level were used consistently, it still significantly underestimates potential impacts, given that truck idling noise levels range from 96 to 104 dBA. The failure to account for these higher, more realistic noise levels renders the IS/MND's conclusion that operational noise impacts are less than significance unsupported.

By omitting on-site truck noise from its analysis and underestimating loading/unloading noise impacts, the IS/MND fails to meet CEQA's requirement to disclose and evaluate all potentially significance environmental impacts. Given the proximity of sensitive receptors and the likelihood of noise levels significantly exceeding ambient thresholds, the Project could result in unmitigated significant noise impacts.

An EIR must be prepared to provide a comprehensive analysis of operational noise impacts from all on-site truck activities, including idling, driving, and backing up. Additionally, the EIR should identify and implement feasible mitigation measures, such as operational restrictions, noise barriers, or buffer zones, to ensure impacts are reduced to less than significant levels. Without this analysis and mitigation, the IS/MND does not satisfy CEQA's requirements for transparency and impact reduction.

5. *Mitigation Measure NOI-1 Lacks Substantial Evidence*

The IS/MND claims that a 10-foot concrete masonry wall along the southern property line of the Project site would reduce operational noise impacts to less than significant.[59] However, this conclusion is unsupported by substantial evidence due to significant inconsistencies in the analysis and description of Mitigation Measure ("MM") NOI-1.

Mr. Shaw identifies numerous inconsistencies in the IS/MND and Appendix E regarding the proposed barrier wall height.[60] These discrepancies create confusion and prevent meaningful analysis of whether the proposed mitigation is adequate to reduce noise impacts to a less-than-significant level. Critically, there is no evidence in the record to confirm that a 10-foot wall would provide sufficient noise reduction.[61] Without clarity on the height and configuration of the proposed

[58] Shaw Comments at p. 7.
[59] IS/MND at pp. 91, 97.
[60] Shaw Comments at pp. 7-8.
[61] *Id*. at p. 8.

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barrier, the City cannot demonstrate that the Project's significant operational noise impacts would be mitigated to a less than significant level.

The noise analysis in Appendix E fails to clarify which barrier height – 10 feet or 14 feet – was used in its calculations.[62] This lack of transparency undermines the reliability of Table 14, which purports to show mitigated daytime noise levels, and Table 15, which purports to show nighttime noise levels.[63] If the analysis relied on a 14-foot barrier, but the IS/MND ultimately proposes a 10-foot barrier, the mitigation is demonstrably insufficient.

Additionally, Figure 7 in Appendix E reflects operational noise levels mitigated by a 14-foot barrier, further casting doubt on whether a 10-foot barrier would meet stationary noise standards.[64] The City lacks substantial evidence to conclude that a 10-foot barrier is adequate to mitigate the Project's significant operational noise impacts.

Even assuming a 14-foot barrier, Mr. Shaw identifies critical design flaws in MM NOI-1 that would render the mitigation inadequate. Specifically, the proposed wall does not account for flanking, a phenomenon where sound travels around the edges of a barrier.[65] To address flanking, Mr. Shaw recommends extending the barrier northward by at least 30 feet at the east and west ends of the southern property line.[66] This configuration would help block sound from bypassing the wall and reduce noise impacts to sensitive receptors.[67] Simply specifying the height of the wall is insufficient to ensure the noise reduction estimates in Appendix E are achieved.[68]

The failure to resolve inconsistencies regarding the barrier's height and to account for critical design flaws violates CEQA's requirement for substantial evidence and enforceable mitigation measures.[69] Without a clear, accurate, and enforceable noise mitigation plan, the IS/MND cannot support its conclusion that operational noise impacts would be reduced to a less than significant level.

To comply with CEQA, the City must prepare an EIR to (1) resolve the inconsistencies regarding the barrier height, (2) re-evaluate the Project's

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[62] *Id*. at pp. 7-8.
[63] *Ibid*.
[64] *Ibid*.
[65] *Id*. at p. 8.
[66] *Ibid*.
[67] *Ibid*.
[68] *Ibid*.
[69] CEQA Guidelines § 15126.4(a)(1).

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operational noise impacts based on realistic and enforceable mitigation measures, and (3) address flanking and other design flaws to ensure the mitigation measures are effective.

D. Substantial Evidence Demonstrates that Vehicle Miles Traveled Mitigation Measures Are Insufficient to Reduce the Impact to a Less than Significant Level

CREED LA commented that MM TRANS-1 fails to mitigate the Project's vehicle miles traveled ("VMT") impacts to less than significant levels.[70] This failure is due to the lack of substantial evidence supporting the assumed VMT reduction and the fact that, even with the maximum assumed reduction, the Project's VMT exceeds the threshold of significance.[71] The City's response to comments does not resolve these deficiencies.

The City asserts that the maximum assumed VMT reduction is appropriate because MM TRANS-1 includes components that are applicable to 100% of employees.[72] However, broad applicability does not inherently ensure that the measure will achieve the claimed reductions. CEQA requires that mitigation measures be supported by substantial evidence demonstrating their feasibility and actual effectiveness.[73] The City's response fails to provide any evidence that 100% applicability translates to achieving the assumed VMT reduction. Without such data, studies, or other substantial evidence to validate the effectiveness of MM TRANS-1, the mitigation measure remains speculative and legally inadequate.

The City also argues that calculating the VMT values to two decimal points introduces an inappropriate level of precision by adding a significant digit.[74] This argument is misplaced. Accurate and precise calculations are essential to properly evaluate whether the Project complies with the threshold of significance, particularly in cases where small variances could determine whether impacts are deemed significant. By dismissing the importance of precision, the City fails to substantively address CREED LA's concern that VMT impacts remain above the threshold, even under the maximum reduction assumptions.

In sum, MM TRANS-1 fails to adequately mitigate the Project's significant VMT impacts to less than significant levels, as required by CEQA. The lack of

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[70] CREED LA Preliminary IS/MND Comments at pp. 26-27.
[71] *Id*. at p. 27.
[72] Ganddini Memorandum at p. 6.
[73] *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 866.
[74] Ganddini Memorandum at p. 7.

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substantial evidence supporting the assumed VMT reduction, combined with the Project's exceedance of the significance threshold, demonstrates the inadequacy of the mitigation measure. Furthermore, the City's responses to comments do not resolve these deficiencies. To comply with CEQA, the City must prepare an EIR that provides substantial evidence supporting the feasibility and effectiveness of proposed mitigation measures, identifies and evaluates additional feasible measures to reduce VMT impacts to less-than-significant levels, and ensures transparent and precise VMT calculations to accurately assess compliance with thresholds of significance.

E. The City Fails to Analyze Fire Flow Requirements and Public Utility Impacts

The IS/MND fails to adequately analyze potentially significant public utility impacts related to fire flow requirements.[75] Fire flow requirements, which refer to the volume and pressure needed to combat fires, are critical for public safety and ensuring that existing infrastructure can accommodate the increased demands of new development.

In response to CREED LA's comment, the City attempts to defer the evaluation of fire flow requirements and infrastructure capacity to the Los Angeles County Fire Department ("LACFD") Fire Prevention Division's site review.[76] However, deferring this analysis is inconsistent with CEQA's requirement that the environmental review document provide sufficient analysis to determine whether a project may result in significant impacts, including impacts on public utilities and infrastructure.[77] Deferral to another agency's technical review process fails to meet CEQA's requirement for a transparent and comprehensive analysis of environmental consequences.

Moreover, while LACFD is responsible for ensuring compliance with fire safety codes, its review is limited to regulatory and technical standards. LACFD's process does not encompass the broader environmental evaluation required by CEQA, such as analyzing whether the Project may overburden water supply systems or create cumulative impacts. Courts have consistently held that deferring environmental review to a later stage or another agency violates CEQA.[78]

---

[75] CREED LA Preliminary IS/MND Comments at p. 32.
[76] Kimley Horn Memorandum at pp. 4-5.
[77] CEQA Guidelines §§ 15063, 15070.
[78] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412.

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By failing to analyze the Project's fire flow requirements or the infrastructure's capacity to supply adequate fire flow, the IS/MND omits a crucial aspect of environmental review. To ensure compliance with CEQA and adequately address these concerns, the City must prepare an EIR that thoroughly evaluates, discloses and mitigates potential public utility impacts.

III. CONCLUSION

The City cannot approve the proposed Project without first addressing the numerous deficiencies in the IS/MND identified by CREED LA and members of the public. To comply with CEQA, the City must prepare a legally adequate EIR that thoroughly discloses, analyzes, and mitigates all potentially significant impacts.

Thank you for your careful consideration of these comments.

Sincerely,

Andrew J. Graf

Attachment
AJG:acp

7554-006acp

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ATTACHMENT A

MENLO SCIENTIFIC ACOUSTICS, INC.
Consultants in Acoustics and Communication Technologies

15 November 2024

Mr. Aidan P. Marshall
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080

Subject: **2222 Rosemead Boulevard Warehouse Development**
Initial Study and Mitigated Negative Declaration
Acoustic Review

Dear Mr. Marshall,

Menlo Scientific Acoustics, Inc., reviewed the 2222 Rosemead Boulevard Warehouse Development Initial Study/Mitigated Negative Declaration [a] (MND), Appendix E Noise Impact Analysis[b], and the City of South El Monte Municipal Code[c] (MC) in regards to the subject project, concerning the proposed development in the City of South El Monte of an approximately 156,877-sf concrete tilt-up warehouse with 13 dock doors. Sensitive receptors near the project site include a mobile home park located directly to the south of the proposed project. This report addresses deficiencies in the MND's analysis of impacts on the mobile home park during both the construction and operational phase.

Our review of these documents finds the following items of concern that call into question the findings contained in Appendix E and thus the findings in the Initial Study and Mitigated Negative Declaration (MND) of no significant impact.

CONSTRUCTION NOISE IMPACTS

1) **It is unclear whether a nighttime prohibition on truck movement is part of the unmitigated Project Description.**

The IS/MND states that all on-site truck movement and loading and unloading activities at the proposed loading docks, which are located behind electronic gates, would be prohibited from 10:00 PM to 7:00 AM.[d] Appendix E MM NOI-1 states: "Install a 14-foot-high concrete masonry wall along the southern property line of the project site as shown in Figure 7." Yet MND MM NOI-1 states "…(1) require the installation of a 10-foot-high concrete masonry wall along the southern property line of the project site; ***or*** (2) prohibit

[a] Prepared by Kimley-Horn and Associates, Inc.
[b] Prepared by Ganddini Group Inc.
[c] http://southelmonte-ca.elaws.us/code/coor_title8
[d] IS/MND, page 6 ("As previously noted, the gates would be closed between 10:00 PM and 7:00 AM.").

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truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM." *Italics* and **bold** for "or" added. Due to this inconsistency, it is unclear whether a nighttime prohibition on truck movement is part of the unmitigated project.

2) **The 80 dBA Construction Noise Threshold Is Inapplicable to the Project**

Appendix E, Noise Impact Analysis, states that the project's construction noise has been analyzed using a maximum noise threshold contained in the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual ("FTA Manual").[e] Appendix E, on page 30, says "Based on the FTA criteria, project construction noise would be considered significant if it exceeds 80 dBA L_{eq} for an 8-hour period at residential and noise-sensitive outdoor areas." Appendix E concludes that since the calculated impacts would be below 80 dBA, and so the calculated impacts would be less than significant. However, this threshold is inapplicable to the subject project.

The FTA Manual prefaces its discussion of construction noise thresholds by cautioning that "criteria must be developed on a project-specific basis," and that "it is not the purpose of this manual to specify standardized criteria for construction noise impact."[f] The FTA Manual also cautions, "Project construction noise criteria should account for the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land use."[g] The MND misapplies the FTA Manual's guidance because it has not set a construction noise significance threshold with consideration of any of these factors. Careful application of recommendations in the FTA Manual demonstrates that a lower maximum noise threshold is appropriate for this Project and the nearby receptors.

The FTA manual section 4.1 Determine Noise Impact Criteria, starting on page 20, states "This section describes the procedure for determining the appropriate criteria for assessing project noise impact based on the type of project and project noise source."

Step I: Identify Project Type, on page 21, provides three types of projects:

Option A: Transit Project Only, Option B: Multimodal Project (Transit and Highway Noise), and Option C: Other Multimodal Projects.

The subject project does not include new transit rail and similar sources (Option A), does not include transit and highway sources (Option B), and does not include, on page 23, "components from other modes."

[e] Federal Transit Administration, Transit Noise And Vibration Impact Assessment Manual, September 2018.
[f] FTA Manual, pg. 179.
[g] *Id.*

The manual then discusses Land Use Categories, on page 23, in Table 4-3, Table 4-3 Land Use Categories and Metrics for Transit Noise Impact Criteria. The table presets the land use category, land use type, the noise metric (dBA), and a description of land use category.

Land Use Category 2 in Table 4-3 is "Residential", the noise metric is "Outdoor L_{dn}," and the description is "This category is applicable all residential land use and buildings where people normally sleep, such as hotels and hospitals."

FTA manual Appendix C: Background for Transit Noise Impact Criteria, in section C.3: Equations for Noise Impact Criteria Curves, on page 220, states "**For land use category 1 and 2, the absolute limit is 65 dBA for moderate impact** and 70 dBA for severe impact. For land use category 3, the absolute limit is 75 dBA for moderate impact and 80 dBA for severe impact."

The residential mobile trailers are not in Land Use Category 3 with a severe impact.

The 80 dBA criteria used in the MND is inapplicable to the project as:

1) The project is not a transit project.

2) The project is not in Land Use Category Type 3, Institutional, per Table 4-3.

3) The project is in Land Use Category 2, Residential, per Table 4-3.

4) The calculated levels in the MND exceed the criteria in the South El Monte MC.

Now, $L_{eq(t)}$ is described in the FTA manual in section B.I.4.4, on page 210, the Equivalent Sound Level, and is described in the manual as follows:

> "The metric for cumulative noise exposure over a specific time interval is the equivalent sound level. It is a single decibel value that accounts for total sound energy from all sound levels over a specified time interval (or time period). The time period associated with the equivalent sound level metric can vary for different types of analyses. This metric is abbreviated as Leq(t), where "t" is the duration of the time period. Leq(t) represents a hypothetical constant sound level and contains the same overall sound energy as the actual varying sound energy during the time period "t". For most transit noise analyses, an A-weighted, hourly equivalent sound level is used, abbreviated here as $L_{eq(1hr)}$. $L_{eq(1hr)}$ is expressed in the unit, dBA."

Figure B-9, Typical Hourly $L_{eq(1\ Hr)}$'s, in the FTA manual, notes for non-transit sources, 80 dBA is the Hourly Noise Level (HNL) for an 8-Lane Highway – see figure below.

Figure B-9 - Typical Hourly $L_{eq(1\ Hr)}$'s

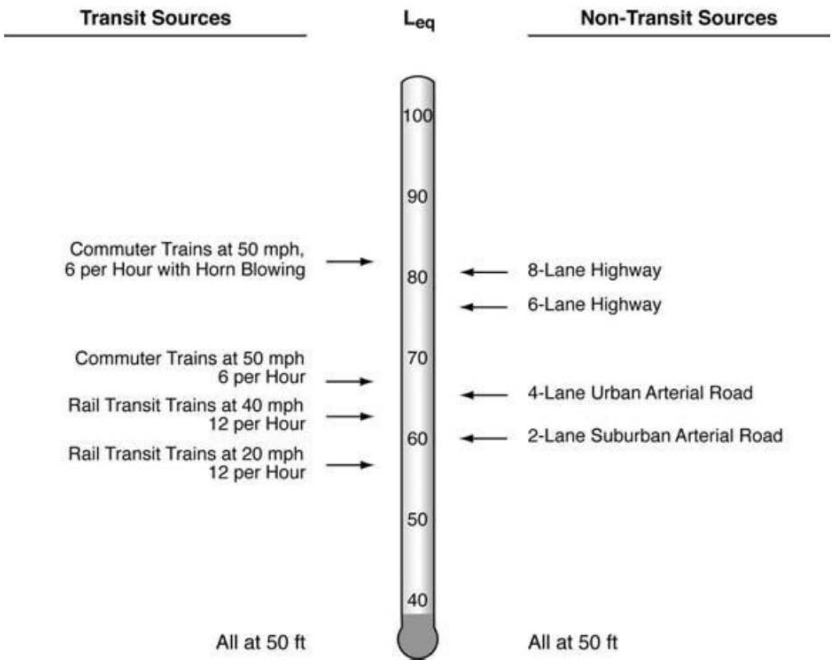


Figure B-9 Typical Hourly $L_{eq(1hr)}$'s

3) Noise Impacts Below 80 dBA Would Exceed South El Monte Municipal Code Standards, Resulting in Significant Impacts on Residents

MC Section 8.20.020 A, Exterior Noise Limits, Maximum Permissible Sound Levels by Receiving Land Use, Table 1, Exterior Noise Limits by Zone, specifies noise limits for various land use or zones, shown below.

Table 1 Exterior Noise Limits by Zone

Table 1 Exterior Noise Limits by Zone		
Receiving Land Zoning Category	**Time Period**	**Noise Level Standard (dbA)**
One-or two-family residential zone	10 p.m. to 7 a.m.	45
	7 a.m. to 10 p.m.	55
Multiple dwelling residential zone, public zone	10 p.m. to 7 a.m.	50
	7 a.m. to 10 p.m.	60
Commercial zone or commercial-manufacturing zone	10 p.m. to 7 a.m.	55
	7 a.m. to 10 p.m.	60
Manufacturing zone	any time	70

Further, 8.20.020 A states:

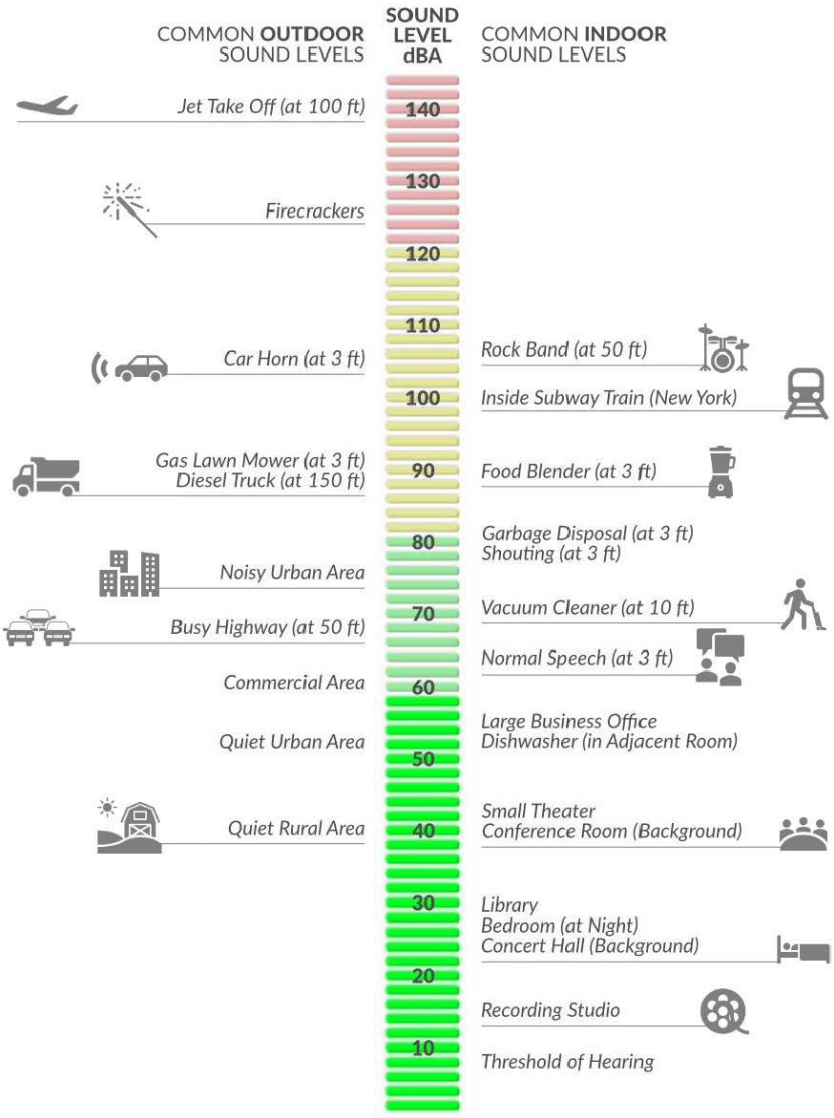
> 1. No person shall operate or cause to be operated any source of sound at any location within the city or allow the creation of any noise on property owned, leased or occupied or otherwise controlled by such person, which causes the noise level when measured on any other property to exceed:
>
> a. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 for a cumulative period of more than thirty minutes in any hour; or
>
> b. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus five dBA for a cumulative period of more than fifteen minutes in any hour; or
>
> c. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus ten dBA for a cumulative period of more than five minutes in any hour; or
>
> d. The exterior noise limit plus fifteen dBA for a cumulative period of more than one minute in any hour; or
>
> e. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus twenty dBA for any period of time.

The proposed 80 dBA FTA limits exceed all the criteria in 8.20.020 1. The calculated noise level in Appendix E, Table 11, Construction Noise Levels (dBA L_{eq}) for the residences south of the proposed project also exceed all the criteria in 8.20.020 1. This is a significant impact requiring mitigation.

The Project's construction noise levels would also be significant pursuant to MC 8.20.010 (defining "Intrusive noise" and "Noise disturbance"). Section 8.20.010 E provides that "'Intrusive noise' means noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or information content as well as the prevailing ambient noise level." And 8.20.010 provides that "'Noise disturbance' means any sound which (i) endangers or injures the safety or health of human beings or animals, or (ii) *annoys or disturbs reasonable persons of normal sensitivities*, or (iii) endangers or injures personal or real property or (iv) violates the limits set forth in Section 8.20.020." *Italics* added.

The Project's anticipated construction noise levels, as presented in Table 11 of Appendix E, would constitute intrusive noise and would cause a noise disturbance. For example, construction noise impacts at the mobile homes would reach 74 dBA L_{eq} during demolition, grading, and building construction, 68 dBA L_{eq} during paving, and 61.2 dBA during architectural coating. As shown in Appendix E Figure 3 (A-weighted Comparative Sound Levels), below, these noise levels are equivalent to noise sources shown below. These noise levels would annoy or disturb reasonable persons of normal sensitivities.

Figure 3 - A-weighted Comparative Sound Levels



OPERATIONAL NOISE LIMITS

1) **Appendix E does not account for mobile noise sources on the proposed project site.**

Appendix E page 32, under Project Operational Mobile Noise Source, states:

> "Roadway noise levels were calculated for the following scenarios:
> ● Existing (without Project): This scenario refers to existing year traffic noise conditions.
> ●Existing Plus Project: This scenario refers to existing year plus project traffic noise conditions."

But this analysis of roadway noise levels does not reflect noise generated by mobile sources on the Project site. A review of the Appendix E appendices does not find any worksheet or calculations for the truck traffic on the proposed project site nor the impact of

same on the mobile home residences to the south of the project. Appendix E does not discuss the impact of trucks entering and leaving the proposed project site on the residential property to the south (see MND Figure 3) to access the loading docks in the daytime or nighttime. Appendix E does not address the noise from trucks backing up to the docks, pulling away from the docks, nor the noise from the trucks idling while at the docks.

Appendix E's analysis of loading/unloading noise is internally inconsistent. Although Appendix E under Truck/Drive, on page 23, says "The proposed loading area was modeled using a SoundPLAN sound reference level for loading/unloading adjusted to be a sound level equivalent of 70 dBA L_{eq} at any point within the loading area," no worksheet was found in Appendix E's Appendix E, SoundPLAN Worksheets (pages aPx-62 to aPX- 66) that reflect a 70 dBA sound reference level. Rather, on page aPx-63, a SoundPLAN Worksheet shows that the reference level used for "Area Source - Loading/Unloading" is 65 dBA.

Appendix E's Appendix E, page aPx-63, Noise emissions of industry sources, mentions Area Source – Loading/Unloading, with entries that are HVAC equipment, but this noise level is very quiet compared to the HVAC units. There is no description of this loading/unloading activity.

2) Appendix E is not consistent in regards to the height of the proposed barrier at the south property line of the proposed project.

The MND concludes that a 10-foot concrete masonry wall along the southern property line of the project site would bring the Project into compliance with stationary noise standards. This conclusion is not supported by the analysis in Appendix E, which inconsistently references both a 10-foot and 14-foot barrier.

MM NOI-1 is described inconsistently. In the executive summary of Appendix E, MM NOI-1 calls for a 14-foot-high concrete masonry wall along the southern property line of the project site (Appendix E, page iv). On page 31 of Appendix E, MM NOI-1 calls for a 10-foot-high wall. In the MND, MM NOI-1 calls for a 10-foot-high concrete masonry wall along the southern property line of the project site. Appendix E fails to provide worksheets, calculations, or spreadsheets resolving this inconsistency.

Tables and figures in Appendix E are internally inconsistent. Appendix E Table 14 is titled on page 38 as "Project Compliance with Stationary Noise Standards – Daytime With **10-foot Barrier**," but is titled in Appendix E's List of Tables as "Table 14. Project Compliance With Stationary Noise Standards – Daytime, With **14-Foot Barrier**" (page ii).

There is no evidence in the record that Table 14 contains data reflecting a 10-foot wall. Table 14 itself shows, in the column titled "Operational Noise levels[1]" the number "45" for

Receptor 4. The superscript 1 in the column title refers to note 1 of the table, "(1) See Figure 6." The citation to Figure 6 is erroneous, as Figure 6 shows the unmitigated noise levels – there is no entry for a 10-foot fence under Signs and Symbols on Figure 6. Table 14 may have intended to refer to mitigated noise levels shown in Appendix E Figure 7. But Figure 7 also does not clearly reflect noise levels with a 10-foot wall – although Figure 7 has an entry for a 10-foot fence under Signs and Symbols, Figure 7 is titled: "Operational Noise Levels (dBA, CNEL) with **14-Foot Barrier**."

Appendix E states: "With construction of a ten-foot concrete barrier along the southern property line where the project site abuts single family land uses operational noise levels would be 45 dBA Leq and no nighttime standards would be exceeded (see Tables 14 and 15, and Figure 7)." There is no evidence in Appendix E supporting the adequacy of a 10-foot wall due to the inconsistent references to 10-foot and 14-foot walls. There is no information in Appendix E showing that Appendix E calculated noise reductions for a 10-foot wall, as are no worksheets, calculations, or spreadsheets for the noise levels noted in Table 14, Figure 6, or Figure 7.

3) **The noise barrier must be conditioned to reduce noise flanking.**

The noise barrier proposed by MM NOI-1 needs to continue to the north for at least 30 feet at the east and west ends of the barrier to reduce flanking. Flanking refers to when a sound passes around a partition separating two spaces. Simply specifying the height of a wall between adjacent spaces fails to guarantee the noise reductions estimated in Appendix E.

4) **Appendix E improperly compares noise metrics.**

The noise metric in Figure 6 is "Leq" but, according to the Figure 7 title, the noise metric in Figure 7 is "CNEL". MC 08.20.010 does not list CNEL and Appendix E, page 31, under "Mobile Source Noise" states "California courts have rejected use of what is effectively a single "absolute noise level" threshold of significance (e.g., exceed 65 dBA CNEL) on the grounds that the use of such a threshold fails to consider the magnitude or severity of increases in noise levels attributable to the project in different environments.

OTHER ISSUES

1) Appendix E pages 37 and 39 appears to be from another project "8388 Beech Avenue Truck-Trailer Storage Facility Noise Impact Analysis 19581." Table 13 on page 37 and Table 15 on page 39 refer to a "Receptor R-4." Receptor R-4 is not found anywhere else in Appendix E.

CONCLUSION

Due to the errors in the analysis as described above, the conclusion that the project impact is less than significant is unsupported.

Sincerely,
MENLO SCIENTIFIC ACOUSTICS, INC.

Neil A. Shaw, FASA, FAES

NAS:sk

RESUME - NEIL A. SHAW

Education:

University of California, Los Angeles
B. S. Engineering, 1977, cum laude
M. S. Engineering, 1977

Cooper Union, New York, 1968 - 1970

Honors:

Kenward S. Oliphant Memorial Fellowship in Acoustical Engineering (awarded by Consulting Engineers Association of California)
Tau Beta Pi

Experience:

Menlo Scientific Acoustics, Inc., Topanga

Designer and manager for acoustic design projects including audio-visual systems, sound reinforcement systems, television and radio production systems, architectural room acoustics, electromagnetic compatibility system design and criteria development, electroacoustic and electronic signal processing equipment product performance criteria development, product design and development, environmental noise surveys and analysis, noise and vibrations control, sound isolation, and machine noise control.
1992 to present.
Principal.

University of Southern California, Thornton School of Music
2008 - 2010.

Southern California Institute of Architecture, Los Angeles
2003.

WEAL, Santa Monica

Design and construction services for sound reinforcement systems, television systems, A/V systems, paging systems, and masking noise systems for various production facilities, convention centers, airport terminals, auditoriums, places of worship, concert halls, athletic facilities, courtrooms, multipurpose rooms, gymnasiums, museums, banquet halls, lecture rooms and other facilities. Transportation ambient noise surveys and analysis, construction site noise measurements, and field STC and NIC measurements per ASTM E 336-84. Lead member of team to install, run and maintain database manager computer software for company projects and clients. Part of design, implementation and enhancement team for computer controlled laboratory data acquisition and processing for laboratory tests performed per ASTM E 90-85 and ASTM C 423-84a.
1975 to 1992.

Aero-acoustics Laboratory, UCLA

Responsibilities include computer programming, aero-acoustic measurements, acoustic measurements, database search and statistical processing, A/D anti-aliasing filter design and prototyping, multi-channel data acquisition and processing, post processing and display.
1978 to 1984.

Affiliations:

Fellow, Acoustical Society of America
- Chairman, Los Angeles Chapter, 1991 to 2001.
- Organizer and Co-Chair, Joint ASA/ASJ meeting 1996, Auralization Special Session.
- Organizer and Chair, ASA meeting, 1997, Engineering Acoustics Special Session.
- Organizer and Co-Chair, ASA meeting, 1999, Engineering Acoustics Special Session.
- Organizer and Co-Chair, ASA meeting, 2000, Student Loudspeaker Design Competition.
- Chairman, ASA meeting, 2001, Architectural Acoustics Modeling and Imaging Special Session.
- Organizer and Chair, ASA meeting, 2001, Architectural Acoustics Cruise Ship Acoustics Special Session.
- Tutorial on Architectural Acoustics, Joint ASA/ICA/MCA Cancun meeting, December 2002.
- Invited Paper, November 2003 ASA meeting, "Sound Quality and Loudspeakers," Special Session on Sound Quality - When Sound is the Essential Quality.
- Organizer and Co-Chair, ASA meeting, 2004, Special Session on the Bell Laboratories and Acoustics.
- Invited Paper, June 2004 ASA meeting, "Textbooks on Acoustics," On the Occasion of His 90th Birthday, To Honor the Contributions of Leo L. Beranek to Acoustics and Teaching Special Session sponsored by all the Technical Committees and ASA Committees.
- Chairman, June 2004 ASA meeting, General Topics in Architectural Acoustics
- Invited Paper, June 2005 ASA meeting, "Barnum Hall - The Continuing Renovation of a Streamline Moderne Theater," Special Session on Preserving Acoustical Integrity in the Course of Renovation.
- Invited Paper, Winter 2007 ASA meeting, "Sound Systems for Large Scale Venues," with John Monitto, Special session on Sound Systems in Large Rooms and Stadia
- Member, Technical Committee on Architectural Acoustics, 1996 - 2010
- Member, Technical Committee on Engineering Acoustics, 1998 - 2010
- Member, Technical Committee on Physical Acoustics, 2000 - 2010
- Member, Books+ Committee, 1996 - present

Fellow, Audio Engineering Society
- Member, Technical Committee on Acoustics and Sound Reinforcement, 1988 to 2005.
- Chairman, Large Array Systems Session and Special JAES issue, 1987
- Chairman, Workshop on Auralization, 1993
- Co-Chairman, Workshop on Weather-Related Issues in Outdoor Sound Reinforcement, 1998
- Tutorial on Loudness, Los Angeles Chapter, March 2003

Senior Member, Institute of Electrical and Electronic Engineers

Member, Society of Motion Picture and Television Engineers
- Member, Standards Community TC-20F Film, TC-20F-30 WG Film Audio, TC-20F-40 Theatrical Projection, ST-SG Theater B-chain 1990 to present.

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December 2002.

"Pro Audio Reference," Dennis Bohn - Journal of the Audio Engineering Society, Vol. 51, No. 7/8, July/August 2003.

"Concert Halls and Opera Houses - Music, Acoustics, and Architecture," Leo L. Beranek - Journal of the Audio Engineering Society, Vol. 52, No. 5, May 2004

"Acoustic Absorbers and Diffusers - Theory, Design and Application," Trevor J. Cox and Peter D'Antonio - Journal of the Audio Engineering Society, Volume 53, No. 10, October 2005

"Formulas of Acoustics," F. P. Mechel - Journal of the Audio Engineering Society, Volume 53, No. 12, December 2005

"Communication Acoustics," Jens Blauert (editor) - Journal of the Audio Engineering Society, Volume 54, No.½, January/February 2006

"Acoustics and Psychoacoustics," David M. Howard and Jamie Angus - Journal of the Audio Engineering Society, Volume 54, No. 11, November 2006

"Pro Audio Reference," Second Edition, Dennis Bohn, Journal of the Audio Engineering Society - Journal of the Audio Engineering Society, Volume 54, No. 4, April 2007

"Worship, Acoustics, and Architecture," Ettore Cirillo and Francesco Martellotta - Journal of the Audio Engineering Society, Journal of the Audio Engineering Society, Volume 55, No. 11, November 2007

"Sound FX Unlocking the Creative Potential of Recording Studio Effects," Alexander U. Case - Journal of the Audio Engineering Society, Volume 55, No. 12, December 2007

"Surround Sound Up and Running," Tomlinson Holman - Journal of the Audio Engineering Society, Volume 56, No. 9, September 2008

"Sound Reproduction Loudspeakers and Rooms," Floyd E. Toole - Journal of the Audio Engineering Society, Volume 57, No.½, January/February 2009

"Handbook for Sound Engineers," 4th Edition, Glenn Ballou - Journal of the Audio Engineering Society, Volume 57, No. 7/8, July/August 2009

"Acoustics and the Performance of Music Manual for Acousticians, Audio Engineers, Musicians, Architects and Musical Instrument Makers," 5th Edition Jürgen Meyer (translated by Uwe Hanson) - Journal of the Audio Engineering Society, Volume 58, No. 3, March 2010

"Sound for Film and Television" 3rd Edition, Tomlinson Holman - Journal of the Audio Engineering Society, Volume 58, No. 11, November 2010

"The Acoustics of Performance Halls Spaces for Music from Carnegie Hall to the Hollywood Bowl," J. Christopher Jaffe - Journal of the Audio Engineering Society, Volume 59, No. 4, April 2011

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"Acoustics and Audio Technology," Mendel Kleiner - Journal of the Audio Engineering Society, to be published

"Grounds for Grounding," Elya B. Joffee and Kai-Sang Lock - Journal of the Audio Engineering Society, to be published

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Selected Product Development Projects - Neil A. Shaw

Aura Systems	1992 - 2005 Technical support for audio projects using inherently shielded neodymium speakers.
Peavey	1995 - 1997 Loudspeaker engineering for professional woofers and compression drivers, out-sourcing of electronics and speaker manufacturing, joint venture liaison.
Armstrong World Industries	1999 - 2002 Conception and product definition for active acoustic initiative. Product definition and development of ceiling tile speaker, and other projects.
Microsoft	1999 - 2000 Headset and headset element design for voice recognition product.
Cisco	1999 - 2000 Telephone and speaker-phone design for Internet telephone.
Intel	2000 Internet appliance sound system product
RPG	2001 - 2020 Technical and marketing support for this vendor of acoustical devices for architectural spaces.
Bohlender-Graebener	2001 - 2004 Technical support and loudspeaker engineering for planar diaphragm loudspeaker products.
Johns Manville	2002 Strategic product and market research and analysis.
Tri-path	2002 - 2006 Technical support and system engineering for digital audio power amplifiers.
Extron	2002 - 2003 Technical and material support for loudspeaker development and research.
Microsoft	2003 - 2006 Anechoic chamber design. Electroacoustic product testing protocol development.
University of Illinois	2008 - 2009 Transducer and power amplifier design and selection for food industry processing equipment.
Microsoft	2008 - 2009 Anechoic chamber design. Electroacoustic product testing protocol development.
KLA-Tencor	2010 Vibration isolation engineering for scanning electron microscope semiconductor wafer inspection equipment.
Microsoft	2011 Acoustic measurement and analysis for Kinect manufacturing end-of-line 100% test chamber.
ETC	2011 Noise analysis and noise control for electrically operated variable speed theater hoist equipment.

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Selected Projects - Neil A. Shaw:

Arcadia City Council Chambers	Arcadia, California
Grossmont Civic Auditorium	El Cajon, California
Center for Faith and Life, Luther College	Decorah, Iowa
Concert Hall, University of Kentucky	Lexington, Kentucky
Swimming Pool, University of Riyad	Riyad, Saudi Arabia
Oakland-Piedmont Municipal Courts	Oakland, California
2500 seat Auditorium, 700 seat Auditorium, 250 seat Library Hall, Mosque and Minaret, Gymnasium, Fine Arts Recital Hall, 100 seat Museum Hall, 500 seat Lecture Rooms, 250 seat Lecture Rooms, 1000 seat Banquet Hall, 200 seat Meeting Rooms, 100 seat Meeting Rooms, University of Riyad	Riyad, Saudi Arabia
Des Moines Civic Auditorium	Des Moines, Iowa
California School For the Blind	Hayward, California
South Coast Air Quality Management District Hearing Room	El Monte, California
First United Methodist Church	Santa Monica, California
George R. Moscone Convention Center	San Francisco, California
H. J. Kaiser Convention Center	Oakland, California
Carson Community Center	Carson, California
LAX Terminal One	Los Angeles, California
Crocker Bank Auditorium	Los Angeles, California
Wilshire Auditorium, Fullerton College	Fullerton, California
Salt Palace Convention Center Expansion	Salt Lake City, Utah
Metro Toronto Convention Center and Theater	Toronto, Ontario
Orpheum Theater Restoration	Davenport, Iowa
Athanaeum, Claremont College	Claremont, California
San Jose Federal Office Building	San Jose, California
Fairmont Hotel	San Jose, California
LAX Terminal Five	Los Angeles, California
First Presbyterian Church	Upland, California
Royal Saudi Air Force Hush Houses	Saudi Arabia
NCO Training Facility, March AFB	Riverside, California
Veterans Administration Out Patient Clinic	Los Angeles, California
Lied Center for the Performing Arts, University of Nebraska	Lincoln, Nebraska
MaMaison Hotel	Los Angeles, California
Escondido City Council Chambers	Escondido, California
Mercy Hospital	San Diego, California
Mercy Hospital	Sacramento, California
Jain Bhavan Worship Center	Santa Ana, California
Ojai Valley Inn	Ojai, California
Simon Wiesenthal Center and Holocaust Museum	Los Angeles, California
New Otani Hotel	Los Angeles, California
Oceanside City Council Chambers	Oceanside, California
Santa Monica Beach Hotel	Santa Monica, California
Greenwood Racetrack	Toronto, Ontario
Woodbine Racetrack	Toronto, Ontario
Mohawk Racetrack	Campbellville, Ontario
Toyota Training Center	Torrance, California
Fresno Art Center	Fresno, California
McLaren Children's Center	Los Angeles, California

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Lindbergh Field West Terminal Expansion	San Diego, California
Richard M. Nixon Presidential Library	Yorba Linda, California
Carnation Headquarters	Glendale, California
Los Angeles County Bar Association	Los Angeles, California
Los Angeles Federal Office Building	Los Angeles, California
Intercontinental Hotel	Los Angeles, California
Lake Avenue Congregational Church	Pasadena, California
Hewlett Packard Presentation Center	North Hollywood, California
Dance Recital Hall and Auditorium, California State University	Long Beach, California
Inyo County Superior Court	Independence, California
Adele Platt Conference Center, City of Hope Medical Center	Duarte, California
Los Angeles County Emergency Operation Center	Los Angeles, California
Antonio B Won Pat International Airport	Tamuning, Guam
Temple Adat Sholam	Westwood, California
Sound Stage 29/30, Paramount Pictures	Hollywood, California
Executive Screening Room, Theater, Dubbing Theater, Metro-Goldwyn-Mayer	Santa Monica, California
Lakeview Terrace Rehabilitation Facility, Phoenix House of Los Angeles	Lakeview Terrace, California
Physiological Acoustics Research Facility, UCLA Medical Center	Westwood, California
Performing Arts Center	Lancaster, California
Crystal Harmony, Crystal Cruise Lines	Los Angeles, California
Integrated Service Facility, NASA/Dryden Research Facility	Edwards, California
Theater, Metro-Goldwyn-Mayer	New York, New York
Santa Ana Theater	Santa Ana, California
Sammy Davis Jr. Festival Plaza	Las Vegas, Nevada
City Hall, Council Chamber	Santa Monica, California
Video Conference Facility, Sony Music	New York, New York
Legend of the Seas, Royal Caribbean Cruise Lines	Miami, Florida
Orange County Branch Library	Aliso Viejo, California
Screening Room, Warner Brothers Animation	Glendale, California
Screening Room, Turner Feature Animation	Glendale, California
Las Vegas Motor Speedway	North Las Vegas, Nevada
Large Screening Room, Metro-Goldwyn-Mayer	Santa Monica, California
Japanese American National Museum	Los Angeles, California
Carson City Courthouse	Carson City, Nevada
St. Mel Parish Center	Woodland Hills, California
Congregation Ner Tamid	Rancho Palos Verdes, California
Old Town Temecula Streetscape	Temecula, California
Grandeur of the Seas, Royal Caribbean Cruise Lines	Miami, Florida
Disney Magic, Disney Cruise Lines	Orlando, Florida
Coral Sky Amphitheater	West Palm Beach, Florida
First Chinese Baptist Church	Los Angeles, California
St. Mark Coptic Orthodox Church	Los Angeles, California
C-17 Assembly Facility, Douglas Aircraft Division, The Boeing Corporation	Long Beach, California
Crisci's Restaurant	Brooklyn, New York
JamSync Studios	Nashville, Tennessee
New Standard Post	Hollywood, California
Media Artists, Pty	Madras, India
The Lobster	Santa Monica, California

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International Rectifier	Tijuana, Baja California, Mexico
Antelope Valley Courthouse	Lancaster, California
Fe Bland Forum, Santa Barbara City College	Santa Barbara, California
Arizona Humane Society	Phoenix, Arizona
Cartoon Network	Glendale, California
Santa Monica High School	Santa Monica, California
Malibu High School	Malibu, California
Barnum Hall Auditorium	Santa Monica, California
Sobrato High School	Morgan Hill, California
Temple Beth El	Aliso Viejo, California
Sacramento East End Project	Sacramento, California
Gold Circle Films	Beverly Hills, California
Denver City Hall Extension	Denver, Colorado
Fullerton City Hall	Fullerton, California
Union Station Improvement	Los Angeles, California
Intimate Theater, California State University	Los Angeles, California
San Diego Convention Center, Sails Pavilion	San Diego, California
Temple Shir Ha-Ma'A Lot	Irvine, California
United States Courthouse	Fresno, California
Department of Education Office Complex, State of California	Sacramento, California
MGM Constellation Headquarters	Century City, California
Ketchum Advertising	Venice, California
Orange County Register	Santa Ana, California
28th Church of Christ, Scientist	Westwood, California
Temple Solel	Escondido, California
NT Audio Mixing and QC Rooms	Santa Monica, California
River Cats Restaurant	Sacramento, California
Caltrans District 7 Headquarters	Los Angeles, California
1221 Ocean Avenue	Santa Monica, California
Memorial Assembly Hall	Manhattan Beach, California
City of Manhattan Beach Annex	Manhattan Beach, California
Twohy Building	San Jose, California
Widget Post Production	Culver City, California
1st Church of Christ, Scientist	Beverly Hills, California
Sunrise Assisted Living	Pacific Palisades, California
Sunrise Assisted Living	Santa Monica, California
Sunrise Assisted Living	Woodland Hills, California
Academy of Motion Picture Arts and Sciences Boardroom	Beverly Hills, California
Getty Villa Outdoor Amphitheater	Los Angeles, California
Ressler Residence	Beverly Hills, California
American Honda	Torrance, California
Community Baptist Church	Manhattan Beach, California
Bernard Hodes Agency	Marina Del Ray, California
Houston's Restaurant	Santa Monica, California
Café R&D	Newport Beach, California
Getty Center Auditorium	Los Angeles, California
Mid-City Police Station	Los Angeles, California
College of Humanities, Arts, and Social Sciences Instruction and Research Facility, University of California	Riverside, California
Genomics Research Facility, University of California	Riverside, California
Panasonic Hollywood Laboratory	Universal City, California

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Sports Spectrum Club	Pacific Palisades, California
Sunrise Assisted Living	Simi Valley, California
Rose Bowl	Pasadena, California
First Presbyterian Church	Santa Monica, California
Los Angeles Fire Department Headquarters	Los Angeles, California
New York City Transit No. 7 Line Extension	New York, New York
Los Angeles County Metropolitan Transportation Authority Goldline	Los Angeles, California
South Lawn Project, University of Virginia	Charlottesville, Virginia
Shangri-La Hotel	Santa Monica, California
Pacific Star, Princess Cruise Lines	Santa Clarita, California
Allied Post	Santa Monica, California
Jet Propulsion Laboratory von Karman Auditorium	Pasadena, California
Self Realization Fellowship	Los Angeles, California
Temple Beth Am	Los Angeles, California
Broome Library, California State University, Channel Islands	Camarillo, California
California High-Speed Train Project	State of California
Morongo Band of Mission Indians Administrative Complex	Banning, California
The Buddy Group	Irvine, California
Café R&D	Santa Monica, California
Club 7969	West Hollywood, California
Brent's Deli	Westlake Village, California
Santa Cruz County Criminal Justice Complex	Nogales, Arizona
Porto's Bakery	Burbank, California
Microsoft Hardware Group Audio Test Laboratories	Redmond, Washington
University of California, Irvine, Arts Building	Irvine, California
Los Angeles Unified School District High School No. 9	South Gate, California
Notre Dame High School	Sherman Oaks, California
St. Mark Presbyterian Church	Newport Beach, California
Fame Academy Poly High School	Sun Valley, California
FAA Sonic Boom Simulator (with the Pennsylvania State University)	State College, Pennsylvania
Metropolitan Transit District Hearing Room	Los Angeles, California
St. Peter and St. Paul Coptic Church	Santa Monica, California
Lifehouse Properties	Pacific Palisades, California
Wilson Well No.2	San Gabriel, California
Habitat for Humanity Lynwood Housing	Lynwood, California
Whole Foods Plaza	Malibu, California
Habitat for Humanity Burbank Housing	Burbank, California
The Cork	Los Angeles, California
Cove Way Residence	Beverly Hills, California
Habitat for Humanity Lawndale Housing	Lawndale, California
Forest Lawn Chapel	Cypress, California
Rodney Bay and Gros Islet Villages	St. Lucia
Panasonic Avionics	Lake Forest, California
Capitol Records	Hollywood, California
Art of Living Foundation	Los Angeles, California
Conexant Corporation	Newport Beach, California
University of California, Santa Barbara Faculty Center	Santa Barbara, California
Bill and Melinda Gates Foundation	Seattle, Washington
J Restaurant and Lounge	Los Angeles, California
Newcom	Santa Monica, California

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American School in Vietnam	Hanoi, Vietnam
Apple Yellowstone Anechoic Chamber Facility	Cupertino, California
Barnum Hall Continuing Renovation	Santa Monica, California
Malibu High School Auditorium Renovation	Malibu, California
John Adams Middle School Auditorium Renovation	Santa Monica, California
Westminster Presbyterian Church	Newbury Park, California
American School in Bombay	Mumbai, India
Temple Judea	Tarzana, California
Holy Angel Church	San Marino, California
Kroc Institute for Peace and Justice University of San Diego	San Diego, California

7 June 2012

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November 27, 2024

VIA E-Mail Submission & Overnight Mail

City Council
c/o Adrian Garcia
City Clerk
City of South El Monte
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South El Monte, CA 91733
sem.cityclerk@soelmonte.org
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Via E-Mail Only

Guillermo Arreola, Director
garreola@soelmonte.org

Gerardo Marquez, Planning Manager
gmarquez@soelmonte.org

Re: **Appeal of Planning Commission Resolution No. 24-09, Adopting the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program, and Approving Conditional Use Permit No. 21-13 for the 2222 Rosemead Boulevard Warehouse Development Project**

Dear City Council, Mr. Garcia, Mr. Arreola, and Mr. Marquez:

We write on behalf of the Coalition of Responsible Equitable Economic Development Los Angeles ("CREED LA") pursuant to South El Monte Municipal Code § 17.03.060 and § 17.03.130 to appeal the City of South El Monte ("City") Planning Commission's November 19, 2024 land use and environmental approvals for the 2222 Rosemead Boulevard Warehouse Development Project (State Clearinghouse No. 2024100046; Conditional Use Permit No. 21-13) ("Project") as set forth in Resolution No. 24-09.[1] The Project is proposed by Tait & Associates ("Applicant").

[1] **Exhibit A**, City of South El Monte, Planning Commission, Resolution No. 24-09: A Resolution of the South El Monte Planning Commission Approving the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program Prepared in Compliance with the California

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This appeal is timely filed within ten days of the Planning Commission's decision and is accompanied by the required appeal fee of $750.[2]

CREED LA respectfully requests that the City Council vacate all Planning Commission approvals, including Resolution 24-09 as amended, adoption of the Mitigated Negative Declaration ("MND") and Mitigation and Monitoring Reporting Program ("MMRP"), and approval of Conditional Use Permit ("CUP") No. 21-13, and all other related approvals and findings, and remand this matter City staff to prepare an environmental impact report ("EIR") that accurately describes the Project and fully disclose, analyzes, and mitigates the Project's significant air quality, greenhouse gas ("GHG"), public health, energy, noise, transportation, and public utilities impacts before bringing the Project back for a further hearing.

I. STANDING TO APPEAL

Pursuant to South El Monte Municipal Code § 17.03.060, any person aggrieved by the Planning Commission's decision may appeal to the City Council. CREED LA and its members are aggrieved persons who would be adversely affected by the Planning Commission's land use and environmental approvals.

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association includes South El Monte residents Alejando Ayala and Jose Francis, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of South El Monte and Los Angeles County.

Individual members of CREED LA live in the City of South El Monte, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and

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Environmental Quality Act; Approving Conditional Use Permit 21-13 to Allow for the Development of a New Approximately 156,877 Square Foot Warehouse Building Located at 2222 Rosemead Boulevard (Nov. 19, 2024).

[2] City of South El Monte, General Fee Schedule (Sept. 1, 2023), *available at* https://www.cityofsouthelmonte.org/DocumentCenter/View/4365/General-Fee-Schedule-Effective-Sept-1-2023-PDF-?bidId=.

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health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

CREED LA presented written and oral comments to the City and to the Planning Commission identifying errors and omissions in the City's environmental and land use review of the Project which were not resolved prior to Project approval. CREED LA and its experts also presented substantial evidence supporting a fair argument that the Project has significant, unmitigated impacts on air quality, public health, climate change, noise, energy, transportation and public utilities that the MND fails to accurately disclose or mitigate below levels of significance.

II. DECISIONS BEING APPEALED

On November 19, 2024, the Planning Commission approved Resolution No. 24-09, as modified in its oral motion following a public hearing. The resolution adopts the MND and MMRP, and approved CUP No. 21-13, as conditioned, for the Project. Pursuant to South El Monte Municipal Code § 17.03.130, CREED LA appeals Resolution No. 24-09 as condition and modified.

III. ERRORS IN THE DECISION AND EXTENUATING CIRCUMSTANCES WARRANTING REVERSAL

Pursuant to South El Monte Municipal Code § 17.03.130.C., the written appeal must indicate in what ways the appellant feels the Planning Commission's decision was incorrect or must provide extenuating circumstances which the appellant feels would justify reversal or modification of the Commission's decision. CREED LA's October 30, 2024 comment letter and accompanying expert report prepared by transportation expert, Norm Marshall, as well as CREED LA's November 18, 2024 comment letter and accompanying expert report prepared by

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Neil Shaw, detail the basis for the instant appeal.[3] These documents are attached as exhibits to this appeal letter and incorporated by reference as if fully set forth herein.

In sum, the City improperly concluded that there is no substantial evidence in the record demonstrating that the Project will not have a significant effect on the environment. Contrary to this finding, CREED LA and other members of the public presented substantial evidence supporting a fair argument that the Project will result in potentially significant impacts on public health, air quality, GHG, energy, noise, transportation and public utilities.[4] These impacts are neither adequately disclosed nor mitigated by the measures proposed in the MND. The City must prepare an EIR to comply with the California Environmental Quality Act ("CEQA") and lawfully approve the Project's entitlements.[5]

The City consultant's written and oral responses to CREED LA's comments ignore or fail to resolve many critical issues and do not constitute substantial evidence supporting Project approval. Consequently, the Planning Commission violated CEQA by adopting the MND and MMRP, and approving the CUP for the Project.

IV. REQUEST TO VACATE APPROVALS, REMAND TO PLANNING COMMISSION, AND DIRECT STAFF TO PREPARE AN EIR

The record demonstrates that the Planning Commission abused its discretion by finding that the environmental impacts of the proposed Project would be reduced to less than significant levels with mitigation because it ignored substantial evidence supporting a fair argument that the Project's environmental impacts are significant and unmitigated.

CREED LA urges the City Council to vacate the Planning Commission's approval of Resolution No. 24-09, remand this matter to the Planning Commission,[6] and direct City staff to prepare an EIR that fully discloses, analyzes, and mitigates

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[3] **Exhibit B**, Letter to Guillermo Arreola, City of South El Monte from Aidan P. Marshall, Adams Broadwell Joseph & Cardozo re: Preliminary Comments on the Initial Study/Mitigated Negative Declaration for the 2222 Rosemead Boulevard Warehouse Development Project (SCH No. 2024100046) (Oct. 30, 2024); **Exhibit C**, Letter to Planning Commission, City of South El Monte from Andrew J. Graf, Adams Broadwell Joseph & Cardozo re: Agenda Item No. 7.c.: 2222 Rosemead Boulevard Warehouse Development Project (Nov. 19, 2024).

[4] *See generally* Exhibit B, Exhibit C.

[5] Public Resources Code § 21000 *et seq*.

[6] *See* South El Monte Municipal Code § 17.03.130 (City Council may remand the matter to the Planning Commission).

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the Project's significant public health, air quality, GHG, energy, noise, transportation and public utilities impacts.

Thank you for your consideration of this appeal.

Sincerely,

Andrew J. Graf

Attachments
AJG:acp

7554-007acp

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EXHIBIT A

PLANNING COMMISSION

RESOLUTION NO. 24-09

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING A MITIGATED NEGATIVE DECLARATION AND MITIGATION AND MONITORING REPORTING PROGRAM PREPARED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; APPROVING CONDITIONAL USE PERMIT 21-13 TO ALLOW FOR THE DEVELOPMENT OF A NEW APPROXIMATELY 156,877 SQUARE FOOT WAREHOUSE BUILDING LOCATED AT 2222 ROSEMEAD BOULEVARD

WHEREAS, Rosemead Holding LLC ("Applicant" filed an application for a Conditional Use Permit ("CUP") for the development of a new 156,877 square foot warehouse building located at 2222 Rosemead Boulevard ("Project"); and

WHEREAS, pursuant to South El Monte Municipal Code ("SEMMC") Section 17.03.060, the Project requires Planning Commission review and approval because the Project consists of request for a CUP; and

WHEREAS, a public hearing was held before the Planning Commission on November 19, 2024, to consider the application. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination.

THE PLANNING COMMISSION OF THE CITY OF SOUTH EL MONTE HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1: The Planning Commission hereby adopts an Initial Environmental Study, Mitigated Negative Declaration, and Mitigation and Monitoring Reporting Program that was prepared for the project in compliance with the California Environmental Quality Act ("CEQA") and was made available for public review and comment October 1, 2024 to October 30, 2024. The study concluded that there will be less than significant impacts with project mitigation. Therefore, a Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program has been prepared. The documents and other material, which constitute the record on which this decision is based, are located in the Department of Community Development and are in the custody of the Director of Community Development.

SECTION 2: A record of the public hearing indicates the following:

A. Pursuant to SEMMC Section 17.03.060, an application for a CUP requires that the Planning Commission find that the proposed Project shall not be detrimental to persons or properties in the immediate vicinity nor to the City in general. State law requires that the Project be compatible with surrounding uses.

B. The General Plan Land Use designation for the Property is "Commercial Manufacturing." The Zoning Code designation is "CM" (Commercial Manufacturing).

C. The proposed Project promotes the City's goals and objectives stated in the General Plan. No goal or policy will be impaired.

D. The construction and operation of the warehouse, office, and retail building is not anticipated to become a nuisance to surrounding properties.

SECTION 3: Based on the record of the hearing, including all information presented at the hearing, including the Staff Report dated November 19, 2024, which is hereby incorporated into this Resolution 24-09 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project meets the requirements of SEMMC Section 17.03.060 and will not be detrimental to the public health, safety, or welfare, nor will it adversely affect property values or the present or future development of the surrounding areas. The conditions that are included in this resolution, as well as the fact that many of the surrounding parcels are industrial uses, ensures that this will hold true in the future.

B. Pursuant to SEMMC Section 17.03.060, the approval of the CUP will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. This is because the Project, as conditioned, will be required to operate in a way that does not negatively impact the area through conditions imposed. as well as many of the surrounding parcels being utilized as industrial and provide similar types of uses in nature.

C. As conditioned, the Project represents a quality establishment that will be compatible with surrounding commercial and manufacturing uses, the surrounding area, and the goals of the City. The proposed Project will contribute to the general well-being of the City in that the Project benefits neighboring uses and will be an asset to the surrounding area, as well as to the rest of the City. Previously, the site was occupied by multiple vehicular repair and sales establishments. The proposed use shall provide a new enclosed facility that will operate entirely within the building. There shall be no outdoor storage or operation of any kind. As a result, approving this application will not adversely affect the General Plan or the Zoning Ordinance.

D. As conditioned, the proposed Project is consistent with the City's General Plan. The proposed Project is compatible with the objectives, policies, general land uses, economic development and programs specified in the General Plan which includes, but is not limited to, the following goals:

Land Use Element

Policy 1.5: *Continue to provide opportunities for establishment and expansion of a broad range of industrial businesses within those areas of the City designated for industrial.* This Project will serve the area by creating a single location for storage, wholesale, and retail operations for new businesses to establish their operations within the area. This new development along with the newly adopted zoning code will allow new businesses to flourish in the City.

Goal 2: *Focus new revenue-generating development in those areas of the City with high visibility*. The proposed Project will in-fill a vacant parcel and provide a new warehouse/wholesale and commercial mixed-use type of development to complement the existing adjacent sites along the already established Rosemead Boulevard.

Goal 3.0: *Accommodate new development that is compatible with and complements existing land uses* by allowing for the establishment of a warehouse, office, wholesale and retail that fits with the surrounding uses. Adjacent to north, south, and west of the Project site similar uses and types of buildings are already established. Previously, the site was occupied by multiple vehicular repair and sales establishments. The proposed use shall provide a new enclosed facility that will operate entirely within the building. There shall be no outdoor storage or operation of any kind.

Goal 6.0: *Provide for the revitalization of deteriorating land uses and properties.* The new development will not only provide a new 156,877 square foot building on a property that has remained vacant for many years, but will also provide off-site improvements by restoring existing street pavement along the length of the property frontage to the centerline of the street on Rosemead Boulevard and new sidewalk, curb ramps, curb and gutter, and driveways would be newly constructed as well.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby approves a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program (Exhibit A), and CUP (No 21-13) to construct a new approximately 156,877 square foot warehouse, and office building with ancillary retail subject to the following conditions:

General Conditions

1. The Applicant and the business entity allowed for hereunder shall indemnify, defend, and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, lawsuits, or actions arising from the granting of, or the exercise of, the rights permitted by this approval, and from any and all claims or losses occurring or resulting to any person, firm, corporation, or property for damage, injury, or death arising out of, or connected in anyway, with the performance of the use permitted hereby. The Applicant's obligation to indemnify, defend, and hold harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits, or actions, and any award of damages or attorney's fees in any such lawsuit or action.

2. The Applicant and the business entity allowed for hereunder shall execute an Affidavit of Acceptance of these conditions in the presence of a Notary Public and return the Affidavit to the Director of Community Development within ten calendar days of the date of the Planning Commission's approval.

3. The approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within two years from the date of this approval.

4. Applicant and its employees, agents and contractors shall comply with all State, Federal, and Municipal Code provisions.

Planning Conditions

5. All buildings and walls must be finished with graffiti resistant materials. Any graffiti painted or marked upon the Property or on any adjacent area under the control of the Applicant shall be removed or painted over within 48 hours of discovery or notice from the City.

6. The Property shall be maintained in a safe and clean condition and the Applicant shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way. At the end of each business day, the Applicant shall pick up any and all litter including but not limited to large, discarded items that may have collected in the Property's parking area and public right-of-way.

7. The Applicant shall maintain all required permits and licenses in good standing.

8. The Applicant understands that any violation of the foregoing conditions shall be grounds for the suspension or revocation of the CUP.

9. The construction site shall always be kept in a clean manner prior, during, and after construction.

10. The Applicant shall develop the Property as shown in the site plan and landscaping plan approved by the Planning Commission.

11. The Applicant shall provide a detailed landscape and irrigation plan, prepared by a registered Landscape Architect to the Community Development Director for review and approval prior to submitting the plans to the Building Division.

12. The Applicant shall install drought tolerant landscaping in strict compliance with a landscape plan prepared by a Landscape Architect drawn at a minimum scale of 1" = 10' which will include all proposed softscape elements (included areas of ornamental plantings and turf areas), with the perimeter planting design for the exterior of building. The Applicant shall incorporate the following into the landscape plan:

    a. Enclose all planters within parking lot areas with raised six-inch P.C.C. curbs, except at sidewalks.
    b. Provide an automated underground irrigation system for all landscaped areas.
    c. Provide adequate landscaping to completely screen all ground mounted mechanical equipment.

13. All exterior doors shall be lit with a minimum of one-foot candle power of intensity and constructed of tamper-resistant fixtures.

14. The Applicant shall have no outside storage of material or equipment during or after hours in the required parking lot areas or near the front entrance of the Property visible from Rush Street.

15. There shall be no loading or unloading of materials on the public right of way (Rush Street).

16. There shall be no queuing or parking of vehicles on or along Rush Street as a result of this development.

17. At no time shall the site store inoperable freight trucks or vehicles in its parking areas either within the vehicle spaces or the freight truck spaces.

18. No repair of vehicles or freight trucks shall occur at any time.

19. All exterior lights on the property shall be LED and shall be directed, positioned, and/or shielded such that they do not illuminate surrounding properties and/or the public right of way.

20. For security purposes, lighting shall be place in such a way as to illuminate the area surrounding the trash enclosure(s), transformer, and all vehicle parking spaces. This lighting shall be un-switched and photo sensor controlled.

21. Any bollards on the site visible from the public right of way shall be decorative in nature and shall be approved by the Director of Community Development or designee.

22. Noise generated from the site shall comply with the South El Monte Municipal Code Chapter 8.20.

23. The applicant must incorporate a copy of these conditions of approval into the approved set of building plans.

24. The consolidation of parcels shall be finalized and recorded prior to the issuance of building permits.

Public Works Conditions

PW1. The second sheet of building plans, grading plans and/or offsite improvement plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.

PW2. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:

a) Observation of cleared areas and benches prepared to receive fill;
b) Observation of the removal of all unsuitable soils and other materials;
c) The approval of soils to be used as fill material;
d) Inspection of compaction and placement of fill;
e) The testing of compacted fills; and
f) The inspection of review of drainage devices.

PW3. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.

PW4. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.

PW5. Low Impact Development (LID) review shall be completed prior submitting grading plans for plan review. Grading plans shall be submitted including the proof of approval of LID or exemption of LID.

PW6. Install new driveway approach in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.

PW7. Remove and replace broken and off grade sidewalk in accordance with SPPWC standard plan 113-2, and as directed by the City Engineer or his/her designee.

PW8. Install an irrigation system and landscape the designated parkway area, and as directed by the City Engineer and/or his/her designee.

PW9. Protect and maintain existing street tree through the duration of the project. Existing street tree must be maintained in healthy condition through the duration of any planning and construction. Trees should be deemed healthy and in good condition upon the conclusion of any construction in order for the project to be accepted as completed by the Public Works Department.

PW10. Remove and replace broken and off grade curb and gutter in accordance with SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee.

PW11. Relocate water meter from the sidewalk as directed by the City Engineer or his/her designee.

PW12. Rehabilitate existing AC street pavement along the length of the property frontage to the centerline of the street, and as directed by the City Engineer or his/her designee,

PW13. Underground all utility services to the property.

PW14. Protect existing tree(s).

PW15. Sewer Study shall be reviewed and approved by the City Engineer or his/her designee, prior to the issuance of permits. If sewer is found to be inadequate, sewer improvement plans shall be submitted to the City for approval and required improvements shall be made at the sole cost to the property owner/developer.

PW16. Project shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of permits. Any necessary public improvements determined by Traffic Engineering, shall be made at the sole cost to the property owner/developer.

Building Division Conditions

B3. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.

B4. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.

B5. The building shall be addressed as 2222 Rosemead Blvd., and an application to assign unit numbers shall be filed with City prior to plan check submittal.

B6. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.

B7. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.

B8. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:

a) Observation of cleared areas and benches prepared to receive fill;
b) Observation of the removal of all unsuitable soils and other materials;
c) The approval of soils to be used as fill material;
d) Inspection of compaction and placement of fill;
e) The testing of compacted fills; and

f) The inspection of review of drainage devices.

B9. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.

B10. A grading and drainage plan shall be approved by Engineering Division prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.

B11. Prior submitting grading plans to Engineering Department, LID review shall be completed and approved.

B12. Mechanical ventilation in accordance with Los Angeles County Building Code is required for the enclosed parking garage.

B13. Mezzanine design shall comply with Section 505 of the California Building Code. Each mezzanine area shall also comply with the applicable means of egress requirements of Chapter 10. The aggregate area of all mezzanines within the room shall be not greater than one-third of the floor area of that room or space in which they are located.

B14. Interior exit stairway shall discharge directly to the exterior of the building per Section 1023.3 and 1028 of California Building, unless Exceptions 1 and 2 under Section 1028 are satisfied.

B15. All State of California disability access regulations for accessibility shall be complied with.

B16. The retaining/garden wall design along the property line fronting Rosemead Boulevard shall be designed in such way to provide an accessible route from the public street sidewalks to the accessible building or facility entrance they serve per Section 11B-206.2.1 pf the California Building Code.

B17. The number of accessible parking spaces provided on the site shall be calculated according to the number of spaces required for each parking facility per Section 11B-208.2 of the California Building Code. Surface parking and underground parking garage are separate parking facilities. Accessible parking spaces shall only be permitted to be located in different parking facilities if Exception 2 under Section 11B-208.3.1 is satisfied.

B18. The number of accessible electrical vehicle charging station (EVCS) provided on the site shall be calculated according to the number required for each parking facility per Section 11B-228.3.2 of the California Building Code. Surface parking and underground parking garage are separate parking facilities. Ambulatory accessible EVCS shall be provided if more than 25 EVCS are provided per Table 11B-228.3.2.1.

B19. The following plan checks are required:

a. Electrical plan check

b. Mechanical plan check
c. Plumbing plan check

B20. Plumbing fixtures shall be provided as required by the Chapter 4 of the California Plumbing Code.

B21. Project shall comply with the CalGreen Non-Residential mandatory requirements.

B22. No form work or other construction materials will be permitted to encroach into adjacent property without written approval of the affected property owner.

B23. Demolition permit is required for any existing buildings which are to be demolished.

B24. Separate plan review and building permit is required for the proposed signs.

B25. All fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.

B26. Separate permit is required for Fire Sprinklers.

B27. The building permit will not be issued until the property has been surveyed and the boundaries marked by a land surveyor licensed by the State of California.

B28. Foundation inspection will not be made until the excavation has been surveyed and the depth of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.

B29. Foundation inspection will not be made until setback on all sides of the proposed building has been surveyed and the location of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.

B30. Prior to the issuance of building permit, a written consent shall be obtained from the current easement holder(s) for any proposed development encroaching into existing easement(s).

B31. City records indicate the proposed site is a combination of lots under common ownership. A parcel merger by document shall be processed prior to issuance of the building permit.

B32. Proposed lot line adjustment involving another adjacent parcel shall be executed in such way that the adjusted fire separation distance to any existing buildings as a result shall not impose additional fire-resistance rating requirements to their existing exterior wall or openings in accordance with the current building code requirements.

B33. Building permits shall not be issued until lots merger have been processed to the satisfaction of the Building Official.

Los Angeles County Fire Department Conditions

1. Submitted plans shall correspond with the plans approved by the County of Los Angeles Fire Department Fire Prevention Division Land Development Unit.

County of Los Angeles Sheriff's Department Conditions

1. Installation of security cameras and building lights with motion sensors shall be placed around the proposed development where feasible to reduce opportunities of criminal activities. Cameras and lighting shall be placed in such a way where law enforcement can adequately identify vehicle license plates upon entry/exit to the site.

2. Height of hedge-type plants shall be limited to allow visibility from the street. Landscaping shall not block building addresses from street patrol car line of sight.

3. Provide numerical addresses in a font size on the corner of the building that can be easily viewed and read from the street.

4. During construction of the project emergency access shall be maintained at all times.

SECTION 5: Exhibit "A" hereto is incorporated herein by reference.

SECTION 6: Any interested party may appeal this decision to the City Council pursuant to Section 17.03.060 of the South El Monte Municipal Code.

PASSED, APPROVED AND ADOPTED this 19th day of November 2024.

_____
Chairman

ATTEST:

_____
_____
Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH EL MONTE)

I, Renee Reyes, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 24-09 was duly passed and adopted by the Planning Commission of the City of South El Monte at a regular meeting of said Commission held on the 19th day of November 2024.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Secretary

EXHIBIT B

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Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

October 30, 2024

Via Email and Overnight Mail
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Via Email Only
Gerardo Marquez, Planning Manager
Email: gmarquez@soelmonte.org

Re: Preliminary Comments on the Initial Study/Mitigated Negative Declaration for the 2222 Rosemead Boulevard Warehouse Development Project (SCH No. 2024100046)

Dear Mr. Arreola and Ms. Marquez:

We are writing on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") to provide preliminary comments on the Initial Study/Mitigated Negative Declaration ("IS/MND") prepared by the City of South El Monte ("City") for the 2222 Rosemead Boulevard Warehouse Development Project (SCH No. 2024100046) ("Project"), proposed by Tait & Associates, Inc. ("Applicant").

The Project would construct an approximately 156,877 square foot ("SF") concrete tilt-up warehouse and 13 dock doors. Of the 156,877 SF, the Project would have 113,703 SF of warehouse space, 7,879 SF of retail use, 20,305 SF of accessory warehouse office use, and 14,990 SF of warehouse storage. The Project site is located at 2200, 2212, 2218, and 2226 Rosemead Boulevard in the northwestern portion of the City of South El Monte, Los Angeles County, California. The approximately 5.14-acre project site includes four parcels (Assessor Parcel Numbers 8102-039-029, 8102-039-030, 8102-039-031, and 8102-039-035).

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We reviewed the IS/MND with the assistance of transportation expert Norm Marshall.[1] The City must separately respond to these technical comments.

Based upon our review of the IS/MND and supporting documentation, the IS/MND's project description is inaccurate, preventing meaningful review of the Project's impacts. Further, substantial evidence supports a fair argument that the Project would have potentially significant public health, air quality, energy, GHG emissions, transportation, noise, and public utilities impacts that are not adequately mitigated by the mitigation proposed in the IS/MND. The City cannot approve the Project until the errors in the IS/MND are remedied by preparing an environmental impact report ("EIR") which fully discloses and mitigates the Project's potentially significant impacts.

We reserve the right to supplement these comments at later proceedings and hearings related to the Project.[2]

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association includes South El Monte residents Alejando Ayala and Jose Francis, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of South El Monte and Los Angeles County.

Individual members of CREED LA live in the City of South El Monte, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

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[1] Mr. Marshall's comments and curricula vitae and are attached hereto as **Exhibit A** ("Marshall Comments").

[2] Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield ("Bakersfield")* (2004) 124 Cal. App. 4th 1184, 1199-1203; *see Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

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CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

I. THE PROJECT DESCRIPTION IS INADEQUATE

The IS/MND does not meet CEQA's requirements because it fails to include an accurate and complete Project description, rendering the entire analysis inadequate. California courts have repeatedly held that "an accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[3] CEQA requires that a project be described with enough particularity that its impacts can be assessed.[4] Without a complete project description, the environmental analysis under CEQA is impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[5] Accordingly, a lead agency may not hide behind its failure to obtain a complete and accurate project description.[6]

CEQA Guidelines section 15378 defines "project" to mean "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."[7] "The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental

[3] *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 17; *Communities for a Better Environment v. City of Richmond* ("*CBE v. Richmond*") (2010) 184 Cal.App.4th 70, 85–89; *County of Inyo v. City of Los Angeles* (3d Dist. 1977) 71 Cal.App.3d 185, 193.
[4] 14 CCR § 15124; *see, Laurel Heights I, supra,* 47 Cal.3d 376, 192-193.
[5] *Id.*
[6] *Sundstrom v. County of Mendocino* ("*Sundstrom*") (1988) 202 Cal.App.3d 296, 311.
[7] CEQA Guidelines § 15378.

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agencies. The term project does not mean each separate governmental approval."[8] Courts have explained that a complete description of a project must "address not only the immediate environmental consequences of going forward with the project, but also all "*reasonably foreseeable* consequence[s] of the initial project."[9] "If a[n]…EIR…does not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project, informed decision-making cannot occur under CEQA and the final EIR is inadequate as a matter of law."[10]

A. The IS/MND Fails to Analyze Reasonably Foreseeable Warehouse Uses

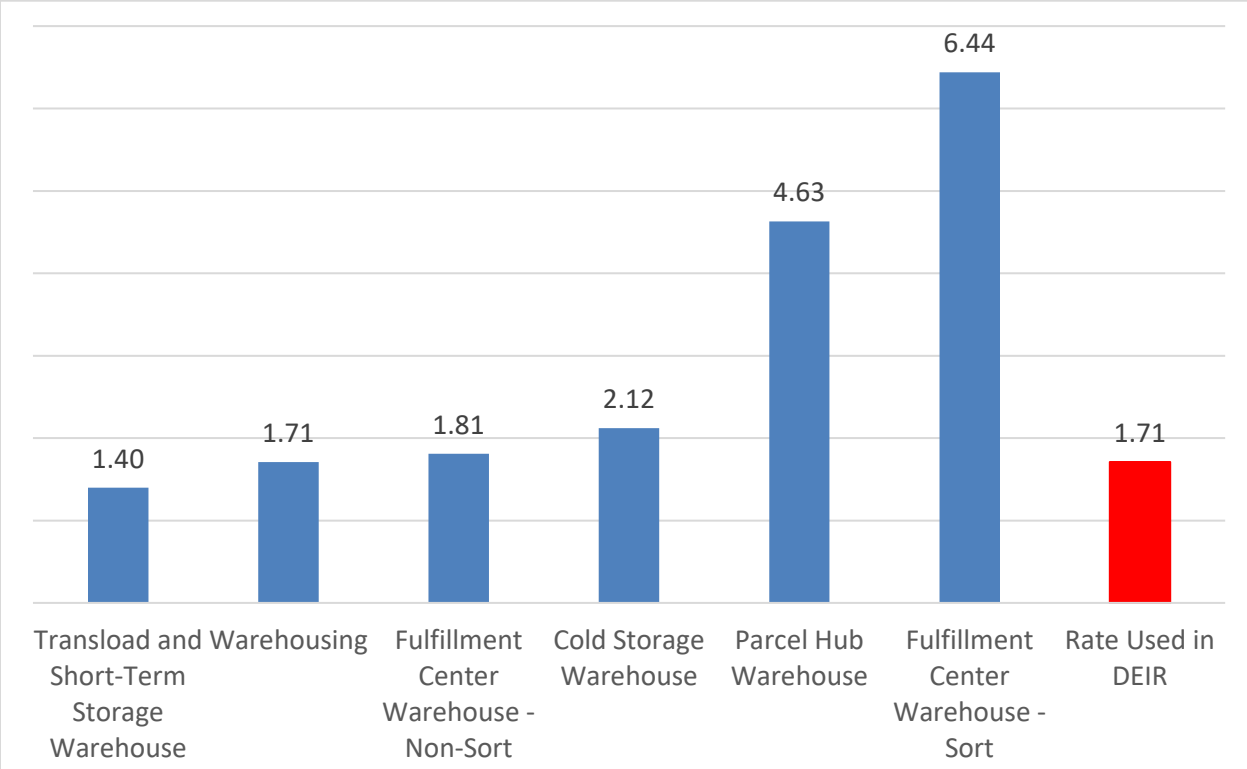
The MND explains that the Project is proposed as a speculative warehouse without specific end uses or tenants,[11] yet the IS/MND fails to describe or analyze the Project's reasonably foreseeable end uses, in violation of CEQA. The IS/MND explains that, of the Project's 156,877 SF, the Project would have 113,703 SF of warehouse space, 7,879 SF of retail use, 20,305 SF of accessory warehouse office use, and 14,990 SF of warehouse storage.[12] However, the IS/MND states that "the retail and warehouse end users are unknown at this time."[13] In the absence of more specific information or restrictions on the types of retail and warehouse uses that will occur after Project buildout, the City has a duty to analyze the impacts of *all* reasonably foreseeable uses of the Project site.[14] Instead, the IS/MND limits its analysis to the least intensive categories of warehouse use, thereby omitting an analysis of impacts from common warehouse uses that would result in more severe air quality, transportation, energy and noise impacts.

Transportation expert Norm Marshall explains that warehouse trip generation rates and air quality impacts vary greatly by type of warehouse.[15] In order to determine the trips generated by the proposed Project, the IS/MND utilizes statistics published in the Institute of Transportation Engineers ("ITE") Trip Generation Manual for the proposed Project's land uses.[16] The IS/MND

[8] *Id*., § 15378(c).
[9] *Laurel Heights I,* 47 Cal. 3d 376, 398 (emphasis added); *see also Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449-50.
[10] *Riverwatch v. Olivenhain Municipal Water Dist*. (2009) 170 Cal. App. 4th 1186, 1201.
[11] IS/MND, pg. 5.
[12] *Id.*
[13] *Id*.
[14] *Sundstrom,* 202 Cal.App.3d at 311.
[15] Marshall Comments, pg. 2.
[16] IS/MND, Appendix A, Table 2, PDF pg. 5; Appendix F, pg. 18.

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characterizes this Project as ITE land use code 150 (Warehousing).[17] Mr. Marshall explains that this land use code is just one of many land use codes potentially applicable to the Project, and does not reflect all reasonably foreseeable uses of the Project.[18] The figure below shows other warehousing land use codes and compares trips generated by each land use.[19]



The IS/MND lacks evidence to support the City's assumption that the other warehouse land use codes shown above would be inapplicable to the Project. Rather, it the opposite. The IS/MND lacks sufficient information about the Project's end uses and configuration for the public and decisionmakers to exclude any of these end uses from its impact analysis. For example, the IS/MND states that "[t]he Project does not propose refrigeration as part of the warehouse operations," but the IS/MND does not identify any conditions of approval or mitigation measures preventing cold storage uses. Cold storage is therefore a reasonably foreseeable use of the Project site. Similarly, there is no restriction prohibiting subsequent parcel hub or fulfillment center uses. The Project could therefore be used as a parcel hub

[17] *Id.*
[18] Marshall Comments, pg. 4.
[19] *Id.* at 2.

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or fulfillment center warehouse – two highly common warehouse uses by large warehouse distributors such as Amazon, Walmart, and grocery chains – which would result in more intensive land uses and impacts than the "Warehouse" category analyzed in the IS/MND. Since the Project's future uses are broadly described as warehouse and retail, CEQA requires the City to analyze and mitigate the impacts associated with all reasonably foreseeable warehouse and retail uses, including high-intensity uses like those outlined by Mr. Marshall.

Courts have held in situations such as this that "the identity of a tenant is irrelevant to CEQA review."[20] The court in *Maintain Our Desert Environment v. Town of Apple Valley* explained that "land use entitlements such as conditional use permits and development approvals run with the land and do not belong to the permittee…. had [the developer] developed the Project and then held it out for sale to any interested buyer, no additional CEQA review would have been necessary for the new owner so long as the use was consistent with that that had already been approved."[21] Here, the project analyzed in the IS/MND is a Conditional Use Permit and Lot Merger to develop an 156,877 sf warehouse, which could be used for many potential warehousing end uses. Because the IS/MND fails to analyze the full range of uses that would be authorized under these entitlements, the IS/MND's project description is inadequate.

The defects in the project description affect the IS/MND's environmental impacts, as different types of warehousing have differing severities of environmental impacts. For example, Mr. Marshall explains that the land use code selected by the IS/MND would underestimate the number of car and truck trips generated by the Project. As shown above, the IS/MND applies a rate of 1.71 daily trips per 1000 sq. ft. of warehouse.[22] The daily trips would be significantly higher if the Project includes cold storage uses or is developed as a parcel hub or fulfillment center. Mr. Marshall explains that whereas the ITE Warehouse category used in the IS/MND results in an estimated 89 daily truck trips, the Cold Storage Warehouse rate is estimated to generate daily 111.6 truck trips.[23] By underestimating the overall trips generated by the Project, the IS/MND underestimates the Project's health risk, air quality, GHG, and VMT impacts.

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[20] *Am. Canyon Cmty. United for Responsible Growth v. City of Am. Canyon* (2006) 145 Cal. App. 4th 1062, 1074 (citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430, 443–449)).
[21] *Maintain Our Desert Environment v. Town of Apple Valley, supra,* 124 Cal.App.4th at 444.
[22] Marshall Comments, pg. 2.
[23] Marshall Comments, pg. 3.

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The IS/MND's assumption that the Project will include no cold storage uses results in underestimation of health risk, air quality, energy, GHG, and noise impacts. Cold storage generates more trips per square foot and has higher energy impacts due to the low temperatures required by the facility's transport refrigeration units ("TRUs") and on-site storage. TRUs are refrigeration systems powered by integral diesel engines.[24] The refrigeration systems are used to control the environment of temperature-sensitive products transported in insulated trucks, trailers, shipping containers, or railcars. The California Air Resources Board ("CARB") states that TRUs emit diesel particulate matter ("DPM"), fine particulate matter ("PM2.5"), oxides of nitrogen ("NOx"), and GHGs while in transit and during stationary operation at refrigerated warehouses or distribution centers, grocery stores, seaport facilities, intermodal railyards, and other locations of operation. CARB explains that communities near facilities where TRUs operate bear a disproportionate health burden:

> PM2.5 pollution contributes to more fatalities than other air pollutants and can lodge deep in the lungs or pass through the lungs to enter the blood stream and affect the heart, brain, and other organs. Adverse health effects from long-term exposure to PM2.5 pollution include increased risk of heart attacks and heart disease, impaired lung development in children, the development and exacerbation of asthma, and premature death. NOx is a precursor to ozone, which can cause irritation and damage lung tissue, worsen asthma and chronic illnesses including obstructive pulmonary disease and reduce lung function.[25]

CARB also explains that TRUs' emissions of GHGs contribute towards climate change,[26] and that TRUs generate noise impacts: "TRU operations produce noise that can be problematic when deliveries that often occur late evening or early morning are near residential neighborhoods, hotels, hospitals, and elder care facilities… One study conducted by LSA Associates found that a diesel-powered TRU operating at high idle produces an A-weighted decibel (dBA) noise rating of 104 dBA, while a diesel truck at idle produces a noise rating of 96 dBA."[27]

In the California Attorney General's ("AG") guidance for warehouse projects, the AG recommends that, if the agency intends to prohibit cold storage, unless a developer adopts mitigation measures limiting cold storage impacts, the developer

[24] California Air Resources Board, 2022 TRU Technology Assessment, pg. 1, https://ww2.arb.ca.gov/sites/default/files/2022-10/CARB%202022%20TRU%20Technology%20Assessment%2010-14-22.pdf.
[25] California Air Resources Board, 2022 TRU Technology Assessment, pg. 10.
[26] California Air Resources Board, 2022 TRU Technology Assessment, pg. 10.
[27] California Air Resources Board, 2022 TRU Technology Assessment, pg. 17-18.

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should record a covenant on the title of the underlying property to ensuring that the property cannot be used to provide refrigerated warehouse space.[28] No such mitigation or land use covenants are described in the IS/MND. If the City intends to prohibit cold storage during Project operations, the City should include such title restrictions for this Project. Alternatively, the City must prepare an EIR that analyzes and mitigates impacts associated with reasonably foreseeable cold storage uses and all other reasonably foreseeable intensive warehousing uses at the Project site.

B. The IS/MND Is Unclear Regarding the Project's Hours of Operation

The IS/MND is internally inconsistent regarding whether truck movement, loading, and unloading activities would be authorized between the hours of 10:00 PM and 7:00 AM. The IS/MND states:

> The retail and warehouse end users are unknown at this time. The hours of operation would be determined by the lessee; however, at this time, the hours are proposed to be seven days a week and operate 24 hours a day. However, all on-site truck movement and loading and unloading activities at the proposed loading docks, which are located behind electronic gates, would be prohibited from 10:00 PM to 7:00 AM.[29]

This statement is contradicted by Mitigation Measure ("MM") NOI-1, which states that the nighttime prohibition of onsite truck activities is optional:

> Prior to issuance of any demolition or grading permit, the City of South El Monte Public Works Department shall verify that the Project plans and specifications include provisions that either: (1) require the installation of a 10-foot-high concrete masonry wall along the southern property line of the project site; or (2) prohibit truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM.[30]

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[28] *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022)*, pg. 9, available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf ("Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.").
[29] IS/MND, pg. 5; *see* pg. 6 ("As previously noted, the gates would be closed between 10:00 PM and 7:00 AM.").
[30] IS/MND, pg. 97.

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The IS/MND is internally inconsistent because it states that truck movement, loading, and unloading would be prohibited from 10:00 PM to 7:00 AM[31] while also stating that such activities would be authorized if a masonry wall is constructed. Clarity on whether nighttime truck activities are proposed by the Project is necessary because the noise study shows that nighttime operations would result in significant noise impacts unless mitigation is adopted.[32]

C. Use of Back-Up Generators is a Reasonably Foreseeable Consequence of the Project that the IS/MND Fails to Describe

The IS/MND fails to disclose that the Project would include back-up generators in its discussion of the Project's air quality and health risk impacts. The IS/MND's CalEEMod analysis of criteria air pollutants fails to include emissions from backup generators,[33] and the IS/MND's qualitative discussion of health risk impacts fails to disclose use of back-up generators.[34] The use of backup generators is a reasonably foreseeable activity during Project operation due to the prevalence of power safety shutoffs, extreme heat events, and other emergencies which lead to temporary losses of power.

In *East Oakland Stadium Alliance v. City of Oakland*,[35] the Court of Appeal upheld an EIR's analysis of emissions from backup generators. The EIR's analysis assumed that generators would operate for 50 hours of testing and maintenance annually, while allocating no time for actual emergency use. In discussing the lead agency's duty to analyze backup generator emissions, the Court stated that "if the annual need for emergency generator use is reasonably foreseeable, the EIR was not entitled to disregard such use merely because it would occur at unpredictable times."[36] The Court explained that use of a generator was reasonably foreseeable because, "[a]s noted in the EIR, some parts of the Bay Area are subject to predictable, sustained power outages undertaken to reduce the risk of fire."[37] Thus, "[t]he EIR was required to make neither a generally applicable nor a worst-case assumption; rather it was required to make a reasonable estimate of likely annual use of the generators at the project site."[38]

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[31] IS/MND, pg. 5.
[32] IS/MND, Appendix E, pg. iii, iv.
[33] IS/MND, Appendix A, PDF pg. 160.
[34] IS/MND, pg. 40-41; Appendix A, pg. 56.
[35] (2023) 889 Cal. App. 5th 1226.
[36] *Id.* at 1252.
[37] *Id.* at 1253.
[38] *Id.*

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Here, as in *East Oakland Stadium Alliance*, backup generator emissions are a reasonably foreseeable consequence of the Project due to increasingly common Public Safety Power Shutoff ("PSPS") events and extreme heat events ("EHE"). EHEs are defined as periods where in the temperatures throughout California exceed 100 degrees Fahrenheit.[39] From January 2019 through December 2019, Southern California Edison reported 158 of their circuits underwent a PSP event.[40] In Los Angeles County, two circuits had 4 PSPS events during that period, lasting an average of 35 to 38 hours. The total duration of the PSPS events lasted between 141 hours to 154 hours in 2019. According to the California Public Utilities Commission ("CPUC") de-energization report[41] in October 2019, there were almost 806 PSPS events that impacted almost 973,000 customers (~7.5% of households in California) of which ~854,000 of them were residential customers. The California Air Resources Board estimates that with 973,000 customers impacted by PSPS events in October 2019, approximately 125,000 back-up generators were used by customers to provide electricity during power outages.[42] The widespread use of back-up generators to adapt to PSPS and EHE events suggests that back-up generators are a reasonably foreseeable consequence of the Project. In addition to emergency use, any generators included in the Project would be operated for routine testing.

Generators can emit criteria air pollutants, greenhouse gases, and toxic air contaminants. This equipment commonly relies on fuels such as natural gas or diesel,[43] and thus can significantly impact public health through DPM emissions.[44]

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[39] Governor of California. 2021. Proclamation of a state of emergency. June 17, 2021.
[40] SCAQMD. 2020. Proposed Amendment To Rules (PARS) 1110.2, 1470, and 1472. Dated December 10, 2020. http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1110.2/1110-2_1470_1472/par1110-2_1470_wgm_121020.pdf?sfvrsn=6.
[41] https://www.cpuc.ca.gov/deenergization/ as cited in CARB, 2020. Potential Emission Impact of Public Safety Power Shutoff (PSPS), Emission Impact: Additional Generator Usage associated With Power Outage.
[42] California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), available at https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps.
[43] SCAQMD, Fact Sheet on Emergency Backup Generators, http://www.aqmd.gov/home/permits/emergency-generators ("Most of the existing emergency backup generators use diesel as fuel").
[44] California Air Resources Board, Emission Impact: Additional Generator Usage Associated with Power Outage (January 30, 2020), available at https://ww2.arb.ca.gov/resources/documents/emissions-impact-generator-usage-during-psps (showing that generators commonly rely on gasoline or diesel, and that use of generators during power outages results in excess emissions); California Air Resources Board, Use of Back-up Engines for Electricity Generation During Public Safety Power Shutoff Events (October 25, 2019), available at https://ww2.arb.ca.gov/resources/documents/use-back-engines-electricity-generation-during-public-safety-power-shutoff ("When electric utilities de-energize their electric lines, the demand for back-up

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This equipment can emit significant amounts of NOx, sulfur dioxides ("SO2"), particulate matter ("PM10"), carbon dioxide ("CO2"), carbon monoxide ("CO"), volatile organic compounds ("VOC"), particulate matter less than 10 microns ("PM_{10}"), PM less than 2.5 microns ("$PM_{2.5}$"), and air toxins such as DPM.[45] the IS/MND's omission of an impact analysis for an onsite generator system thus results in an underestimation of the Project's air quality, greenhouse gas, and health risk impacts.[46]

II. THE CITY MUST PREPARE AN ENVIRONMENTAL IMPACT REPORT TO COMPLY WITH CEQA

CEQA requires that lead agencies analyze any project with potentially significant environmental impacts in an EIR.[47] "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."[48] 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."[49]

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power increases. This demand for reliable back-up power has health impacts of its own. Of particular concern are health effects related to emissions from diesel back-up engines. Diesel particulate matter (DPM) has been identified as a toxic air contaminant, composed of carbon particles and numerous organic compounds, including over forty known cancer-causing organic substances. The majority of DPM is small enough to be inhaled deep into the lungs and make them more susceptible to injury. Much of the back-up power produced during PSPS events is expected to come from engines regulated by CARB and California's 35 air pollution control and air quality management districts (air districts)").

[45] University of California, Riverside Bourns College of Engineering—Center for Environmental Research and Technology, Air Quality Implications Of Backup Generators In California, (March 2005), pg. 8, available at https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=84c8463118e4813a117db3d768151a8622c4bf6b; South Coast AQMD, Fact Sheet on Emergency Backup Generators ("Emissions of Nitrogen Oxides (NOx) from diesel-fired emergency engines are 200 to 600 times greater, per unit of electricity produced, than new or controlled existing central power plants fired on natural gas. Diesel-fired engines also produce significantly greater amounts of fine particulates and toxics emissions compared to natural gas fired equipment."), available at http://www.aqmd.gov/home/permits/emergency-generators#Fact2.

[46] Clark Comments, pg. 5.

[47] *See* Pub. Resources Code, § 21000; CEQA Guidelines, § 15002.

[48] *Citizens of Goleta Valley v. Bd. of Supervisors* ("*Goleta Valley*") (1990) 52 Cal.3d 553, 564, internal citations omitted.

[49] *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

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CEQA's purpose and goals must be met through the preparation of an EIR, except in certain limited circumstances.[50] CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the "fair argument" standard. Under that standard, a lead agency "shall" prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment.[51]

In contrast, a mitigated negative declaration may be prepared only when, after preparing an initial study, a lead agency determines that a project may have a significant effect on the environment, but:

> (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review *would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur*, and (2) there is *no substantial evidence* in light of the whole record before the public agency that the project, as revised, *may* have a significant effect on the environment.[52]

Courts have held that if "no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR."[53] The fair argument standard creates a "low threshold" favoring environmental review through an EIR, rather than through issuance of a negative declaration.[54] An agency's decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.[55]

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[50] *See* Pub. Resources Code, § 21100

[51] Pub. Resources Code, §§ 21080, subd. (d), 21082.2, subd. (d); CEQA Guidelines, §§ 15002, subd. (k)(3), 15064, subds. (f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* ("*Laurel Heights II*") (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* ("*Quail Botanical*") (1994) 29 Cal.App.4th 1597, 1601- 1602.

[52] Pub. Resources Code, § 21064.5 (emphasis added).

[53] *See, e.g., Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320.

[54] *Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754

[55] *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th, 1307, 1318; *see also Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002 ("*Friends of B Street*") ("If there was substantial evidence that the proposed project might have a significant environmental impact, evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a

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"Substantial evidence" required to support a fair argument is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[56] According to the CEQA Guidelines, when determining whether an EIR is required, the lead agency is required to apply the principles set forth in Section 15064, subdivision (f):

> [I]n marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.[57]

Furthermore, CEQA documents, including EIRs and MNDs, must mitigate significant impacts through measures that are "fully enforceable through permit conditions, agreements, or other legally binding instruments."[58] Deferring formulation of mitigation measures to post-approval studies is generally impermissible.[59] Mitigation measures adopted after Project approval deny the public the opportunity to comment on the Project as modified to mitigate impacts.[60] If identification of specific mitigation measures is impractical until a later stage in the Project, specific performance criteria must be articulated and further approvals must be made contingent upon meeting these performance criteria.[61] Courts have held that simply requiring a project applicant to obtain a future report and then comply with the report's recommendations is insufficient to meet the standard for properly deferred mitigation.[62]

With respect to this Project, the IS/MND fails to satisfy the basic purposes of CEQA. The IS/MND fails to adequately disclose, investigate, and analyze the Project's potentially significant impacts, and fails to provide substantial evidence to conclude that impacts will be mitigated to a less than significant level. Because the

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negative declaration, because it could be 'fairly argued' that the project might have a significant environmental impact").

[56] CEQA Guidelines, § 15384, subd. (a).

[57] Pub. Resources Code, § 21064.5.

[58] CEQA Guidelines, § 15126.4, subd. (a)(2).

[59] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309; Pub. Resources Code, § 21061.

[60] *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1393; *Quail Botanical*, *supra*, 29 Cal.App.4th at pg. 1604, fn. 5.

[61] *Id.*

[62] *Id.*

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IS/MND lacks basic information regarding the Project's potentially significant impacts, the IS/MND's conclusion that the Project will have a less than significant impact on the environment is unsupported.[63] Moreover, substantial evidence shows that the Project may result in potentially significant impacts that are not reduced to less than significant levels with the mitigation measures included in the IS/MND. Therefore, a fair argument can be made that the Project may cause significant impacts requiring the preparation of an EIR.

A. The IS/MND Fails to Disclose and Mitigate Significant Health Risk Impacts

Project construction and operation would generate DPM, a type of toxic air contaminant ("TAC").[64] DPM would be emitted during construction by heavy equipment and diesel trucks, and likely during operations by a diesel backup generator or other diesel-fueled stationary equipment.[65] DPM has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death. The Project's emissions of DPM would impact sensitive receptors near the Project site, including residents of a mobile home park directly south of the Project site. The IS/MND fails to analyze and mitigate health risk impacts from construction activities or evaluate the combined lifetime risk of exposure to both the Project's construction and operational TAC emissions.

CEQA requires analysis of human health impacts. CEQA Guidelines Section 15065(a)(4) provides that the City is required to find a project will have a significant impact on the environment and prepare an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings.[66] The Supreme Court has also explained that CEQA requires the lead agency to disclose the health consequences that result from exposure to a project's air emissions.[67] Courts have held that an environmental review document must disclose a project's potential health risks to a degree of specificity that would allow the public to make the correlation between the project's impacts and adverse effects to human health.[68]

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[63] Pub. Resources Code, § 21064.5.
[64] SCAQMD, Classification of Diesel PM as a Carcinogen, https://www.aqmd.gov/home/rules-compliance/compliance/toxic-hot-spots-ab-2588/iws-facilities/dice/dice-b2; OEHHA, Health Effects of Diesel Exhaust (May 21, 2001), https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf.
[65] *Id.*
[66] PRC § 21083(b)(3), (d).
[67] *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 523.
[68] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.

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In *Bakersfield Citizens for Local Control v. City of Bakersfield*, the court found that the EIR's description of health risks were insufficient and that after reading them, "the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."[69] Likewise, in *Sierra Club*, the California Supreme Court held that the EIR's discussion of health impacts associated with exposure to the named pollutants was too general and the failure of the EIR to indicate the concentrations at which each pollutant would trigger the identified symptoms rendered the report inadequate.[70] Some connection between air quality impacts and their direct, adverse effects on human health must be made. As the Court explained, "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."[71] CEQA mandates discussion, supported by substantial evidence, of the nature and magnitude of impacts of air pollution on public health.[72]

For development projects like this one, the Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines also recommend a formal health risk analysis ("HRA") for short-term construction exposures to TACs lasting longer than 2 months and exposures from projects lasting more than 6 months should be evaluated for the duration of the project.[73] In an HRA, lead agencies must first quantify the concentration released into the environment at each of the sensitive receptor locations through air dispersion modeling, calculate the dose of each TAC at that location, and quantify the cancer risk and hazard index for each of the chemicals of concern.[74] Following that analysis, then the City can make a determination of the relative significance of the emissions. Here, the IS/MND states that exposure to TACs would be significant if it would result in an incremental cancer risk of 10 in one million or greater.[75]

Here, the IS/MND fails to quantify the magnitude of TACs that would be emitted by the Project's operations and construction. The IS/MND also fails to

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[69] *Id*. at 1220.
[70] *Sierra Club*, at 521.
[71] *Id*. at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.
[72] *Sierra Club*, 6 Cal.5th at 518–522.
[73] Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8-17/18; https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf; https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0.
[74] *Id.*
[75] IS/MND, Appendix A, pg. 25.

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quantify sensitive receptors' exposure to TACs and whether significance thresholds would be exceeded. As such, the MND fails to adequately connect the Project's emissions and their direct, adverse effects on human health.[76]

The IS/MND reasons that health risks from exposure to TACs emitted during operations would be less than significant because "[t]he most recent Health Risk Assessment for Proposed Land Use Projects prepared by CAPCOA (July 2009) recommends avoiding siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week)."[77] The IS/MND states that because the Project is estimated to generate 89 truck trips a day, "significant TAC impacts from the project-related operational DPM sources are not anticipated and no significant long-term operations-related TAC impacts from the proposed project to nearby sensitive receptors would occur."[78]

This reasoning is not supported by substantial evidence. First, as explained by Mr. Marshall, the Project could foreseeably generate more than 89 daily truck trips, depending on the warehouse's ultimate uses. As shown herein, the 89-truck trip estimate assumes that the Project would be used for a relatively low intensity warehousing use (ITE 150). Mr. Marshall shows that the Project's warehouse component could result in more than 100 daily truck trips if different ITE land use codes are applied.[79] And because there is no restriction on cold storage at the Project site, the Project may generate over 40 TRUs. Thus, the Project's criteria pollutant, TAC, and GHG emissions may be substantially higher than assumed in the IS/MND.

Second, the IS/MND's focus on daily truck trips ignores that the Project would foreseeably include other sources of TAC emissions. Emissions from a backup generator and fire pump would combine with truck trip emissions to result in potentially significant health risks to nearby sensitive receptors.

Third, the IS/MND fails to properly apply the California Air Pollution Control Officers Association ("CAPCOA") guidance cited in the IS/MND. CAPCOA's siting guidance states:

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[76] *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184.
[77] IS/MND, Appendix A, pg. 43.
[78] IS/MND, Appendix A, pg. 43.
[79] Marshall Comments, pg. 2-3.

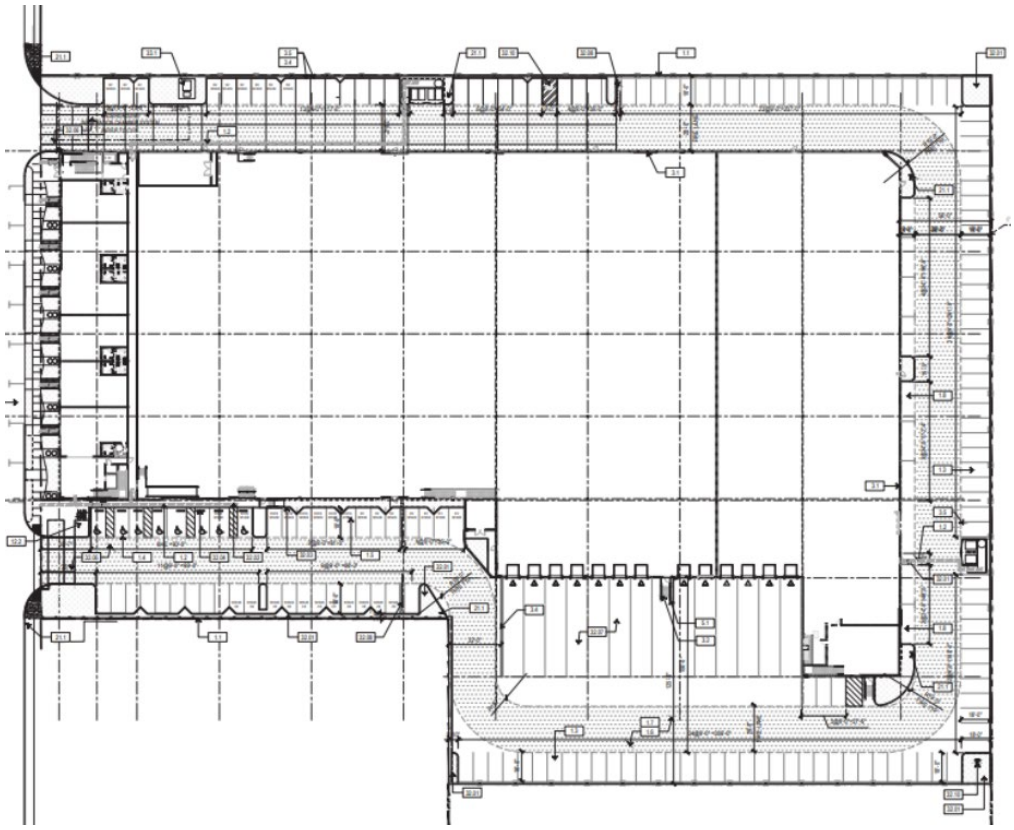
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- Avoid siting new sensitive land uses within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week).
- Take into account the configuration of existing distribution centers and avoid locating residences and other new sensitive land uses near entry and exit points.[80]

The IS/MND purports to follow the CAPCOA guidance, but fails to conduct the second half of the CAPCOA's recommended analysis by failing to take into account existing distribution centers. As will be discussed in more detail below, the IS/MND fails to identify cumulative projects or otherwise characterize the Project's combined effects with other industrial projects in the area. The IS/MD also fails to consider the location of the Project's entry and exit points in relation to sensitive receptors. As shown below, the Project's loading docks would be located near the southern border of the Project site.[81] Trucks would access these loading docks via a driveway along the southern property line. Directly across the southern border of the Project site are mobile homes.

[80] CAPCOA, Health Risk Assessments for Proposed Land Use Projects, Table 2, Recommendations on Siting New Sensitive Land Uses Such As Residences, Schools, Daycare Centers, Playgrounds, or Medical Facilities, available at https://ww2.valleyair.org/media/glsdzpx3/capcoa_hra_lu_guidelines_8-6-09.pdf.
[81] Excerpt of Figure 6, Site Plan, IS/MND, PDF pg. 24.

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By locating the loading docks and a driveway by the southern property line, emissions from truck idling and movement would be generated nearby residential sensitive receptors. Per the CAPCOA siting guidance, this Project's configuration would result in heightened health risk impacts. The Project's configuration is therefore a factor justifying preparation of an HRA pursuant to the guidance relied upon by the City.

Regarding exposure to construction TACs, the IS/MND states that "[g]iven the temporary and short-term construction schedule (approximately 12 months), the project would not result in a long-term (i.e., lifetime or 30-year) exposure as a result of project construction."[82] This reasoning ignores that OEHHA guidance explains that health risks from construction activities lasting for as little as two months can result in significant health risk impacts. The Project's one-year construction schedule exceeds OEHHA's two-month threshold for preparing an HRA. OEHHA's guidance explains that exposure to TACs is a function of the breathing rate, the exposure frequency, and the concentration of a substance in the air.[83] The exposure

[82] IS/MND, Appendix A, pg. 30.
[83] OEHHA, Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, pg. 5-23.

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frequency and concentration of TACs near sensitive receptors increase the closer construction activities occur to sensitive receptors.[84] Because emissions of TACs during construction would occur across the property line from residences, sensitive receptors' exposure to TACs is potentially significant.

The IS/MND states that Project construction-source emissions would not exceed applicable Localized Significance Thresholds ("LSTs").[85] But analysis of LSTs does not address DPM and other TACs that would be emitted by the Project.[86] LSTs are based on the number of pounds of emissions per day that can be generated by a project that would cause or contribute to adverse localized air quality impacts. But LSTs only apply to four criteria pollutants: NO_x, CO, PM_{10}, and $PM_{2.5}$. LSTs do not apply to DPM and other TACs, which contain carcinogenic compounds not found in criteria pollutants, and thus do not disclose the magnitude of the Project's health impacts from exposure to the Project's air emissions. Thus, the IS/MND's analysis of LSTs does not answer the question required by CEQA Appendix G as to whether the Project would "expose sensitive receptors to substantial pollutant concentrations"[87] and is no substitute for the IS/MND's failure to analyze health risk impacts from exposure to TACs.

The IS/MND thus fails to meet CEQA's information and analytical requirements, and the Project's health risk impacts remain potentially significant and unmitigated. These potentially significant impacts must be analyzed and mitigated in an EIR.

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

[84] *Id.* at 1-3 ("The process by which Districts identify priority facilities for risk assessment involves consideration of potency, toxicity, quantity of emissions, and proximity to sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences.").
[85] IS/MND, Appendix A, pg. iv.
[86] SCAQMD, Localized Significance Thresholds, http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds; SCAQMD, Final Localized Significance Threshold Methodology (June 2003, revised June 2008), available at www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2.
[87] CEQA Appendix G, III(d).

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An EIR must evaluate a cumulative impact if the project's incremental effect combined with the effects of other projects is "cumulatively considerable."[88] This determination is based on an assessment of the project's incremental impacts "viewed in connection with the effects of past project, the effects of other current projects, and the effects of probable future projects."[89] Proper cumulative impact analysis is vital because "the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact."[90]

1. The IS/MND's Cumulative Air Emissions Analysis Does Not Comply with CEQA or Attorney General Warehouse Guidance

The IS/MND fails to adequately analyze the significance of the Project's cumulative air quality emissions. The IS/MND asserts that, under South Coast Air Quality Management District ("SCAQMD") guidance, that a project would not have cumulatively-considerable impacts if its individual emissions of criteria air pollutant that fall below SCAQMD's threshold for individual projects.[91] Similarly, the IS/MND provides that projects' health risk impacts that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable, and vice versa.[92]

This reasoning contravenes CEQA because projects that do not have significant individual impacts may nonetheless create significant cumulative impacts.[93] In addition, a proper cumulative impact analysis considers whether a project has a cumulatively considerable impact in the context of a particular existing cumulative impact.[94]

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[88] CEQA Guidelines § 15130(a).
[89] *Id.,* §§ 15065(a)(3), 15355(b).
[90] *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 114.
[91] IS/MND, Appendix A, pg. 41.
[92] *Id.*
[93] *See Kings Cty. Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720.
[94] Cal. Code Regs., tit. 14, § 15065, subd. (a)(3). ("The project has possible environmental effects that are individually limited but cumulatively considerable. 'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.")

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In *People of the State of California v. City of Fontana,* the Attorney General's petition for writ of mandate challenged an MND that erroneously applied SCAQMD guidance in the same way as the instant IS/MND.[95] The petition explained:

> [T]he MND's cumulative air quality impact analysis does not account for—or even acknowledge—the multitude of other warehouses near the Project. Rather than consider the environmental setting within which the Project will be situated, the MND simply states that the Project will not result in a cumulatively considerable increase in emissions because the Project's individual air quality impacts will be less than significant. The MND even applies this reasoning to its analysis of health impacts from localized emissions, despite making no attempt to determine or disclose the severity of the existing health impacts from localized emissions in the community.[96]

The Attorney General further explained that merely citing to SCAQMD guidance does not justify a failure to analyze a Project's cumulative impacts:

> The MND cites Appendix D of an August 2003 white paper published by the South Coast Air Quality Management District ("SCAQMD") entitled "White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution" ("2003 SCAQMD White Paper"). **To the extent that the 2003 SCAQMD White Paper asserts that any project with less than significant individual air quality impacts also necessarily has less than significant cumulative air quality impacts, it is inconsistent with CEQA** for at least the reasons stated above. Moreover, the 2003 SCAQMD White Paper lacks substantial evidence to support such a contention, and thus the MND's reliance on it violates CEQA. (Cal. Code Regs., tit. 14, § 15064.7, subd. (c).) The MND further violated CEQA by failing to provide substantial evidence to support its reliance on the 2003 SCAQMD White Paper, Appendix D as "guidance." (Ibid.) Finally, even if the MND's reliance on the 2003 SCAQMD White Paper were proper and supported by substantial evidence, the MND did not consider other evidence—such as public comments and the existence of many other sources of pollution near the Project site—showing that the Project could have a

[95] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, available at https://climatecasechart.com/wp-content/uploads/case-documents/2021/20210723_docket-CIVSB2121829_petition-for-writ-of-mandate.pdf.
[96] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, pg. 9, paragraph 32.

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> significant cumulative air quality impact. (See Cal. Code Regs., tit. 14, § 15064, subd. (b).) [emphasis added][97]

The Attorney General's litigation resulted in a settlement which requires compliance with an ordinance adopted on April 12, 2022, that establishes sustainability standards for warehouses in Fontana, including standards intended to address cumulative air quality impacts. For example, the standards include requirements that rooftop solar panels supply 100% of power for non-refrigerated portions of facilities with buildings over 400,000 square feet, trees in automobile parking areas, zero emission motorized operational equipment, other equipment electrification requirements, and solar-ready buildings roofs.[98] The City of Fontana's decision to suspend its erroneous reliance on SCAQMD's drop-in-the-bucket approach and to address the cumulative impacts of warehouse projects in the City as a component of its settlement with the Attorney General's office reflects an approach consistent with CEQA. The Fontana settlement also demonstrates that there is feasible mitigation available to reduce cumulative air quality impacts from warehouse projects, in compliance with CEQA.

Here, the IS/MND's analysis fails to account for health risks resulting from emissions of TACs from existing industrial development in the vicinity of the proposed Project site. The IS/MND acknowledges that there are multiple existing and proposed warehouses in the vicinity of the proposed Project site, but does not describe these projects or consider them in its analysis of the Project's cumulative impacts.[99] The IS/MND discloses the CalEnviroScreen scores for the census tract, which reflect the census tract's pollution burden compared to other census tracts in the state, but fails to account for this information in its cumulative impacts analysis. This census tract scores 78.4 for particulate matter and 91.6 for DPM.[100] These are high scores that demonstrate that the Project's emissions of air pollutants would contribute to cumulative impacts on nearby sensitive receptors.[101] The IS/MND's cumulative impacts analysis violates CEQA by failing to take this context into account.

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[97] *People of the State of California v. City of Fontana,* Case No. CIVSB2121829, Petition for Writ of Mandate, pg. 13, paragraph 49.
[98] *Id.*, Stipulation For Entry Of Final Judgment On Consent, available at https://climatecasechart.com/wp-content/uploads/case-documents/2022/20220414_docket-CIVSB2121605-CIVSB2121829_stipulation.pdf.
[99] IS/MND, Appendix A, pg. 41 ("There are a number of cumulative projects in the project area that have not yet been built or are currently under construction").
[100] IS/MND, Appendix E, pg. PDF pg. 163-164.
[101] *Id.* (The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.).

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In addition to violating CEQA, the SCAQMD approach used in the IS/MND also directly conflicts with the recent Attorney General guidance document setting forth best practices for evaluating the environmental impacts of warehouse projects like this one under CEQA.[102] With respect to cumulative air quality and GHG emissions analysis, the Attorney General's guidance states that best practices include "[w]hen analyzing cumulative impacts, thoroughly considering the project's incremental impact in combination with past, present, and reasonably foreseeable future projects, *even if the project's individual impacts alone do not exceed the applicable significance threshold* [emphasis added]."[103]

The IS/MND also fails to note that SCAQMD's cumulative impacts significance thresholds, adopted in 2003, are being revised to reflect current conditions.[104] The updates are statedly being prepared in response to recent CEQA cases such as *People of the State of California v. City of Fontana.*[105] The updated cumulative impacts significance thresholds will reflect projects' existing background MATES cancer risk and additional criteria such as whether the project would generate a high volume of diesel-fueled trucks.[106]

In sum, the IS/MND's cumulative air quality impacts analysis does not comply with CEQA. The City must prepare an EIR that properly evaluates and mitigates such impacts.

C. The IS/MND Fails to Include Sufficient Investigation into Energy Conservation Measures

The IS/MND does not include sufficient investigation into energy conservation measures that might be available or appropriate for the Project. The IS/MND concludes that operational energy impacts of the Project would be less than significant because the buildings would be designed and constructed in accordance

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[102] *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act* (Updated September 2022), available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf .
[103] *Id.*, pg. 7.
[104] See e.g., http://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-3_20230124.pdf?sfvrsn=6.
[105] San Bernardino Superior Court, Case No. CIVSB2121829; SCAQMD Working Group Meeting # 4, Cumulative Impacts from Air Toxics for CEQA Projects (June 6, 2023) pg. 6
[106] SCAQMD Working Group Meeting # 4, Cumulative Impacts from Air Toxics for CEQA Projects (June 6, 2023) https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-4_20230602_final.pdf?sfvrsn=16; SCAQMD Working Group Meeting #5, Cumulative Impacts from Air Toxics for CEQA Projects (March 20, 2024) https://www.aqmd.gov/docs/default-source/ceqa/documents/wgm-5-20240320-final.pdf?sfvrsn=20.

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with the State's Title 24 guidelines and regulations.[107] However, compliance with Title 24 regulations alone does not support a conclusion that energy impacts are less than significant, and the IS/MND does not sufficiently consider energy conservation measures like solar facilities, use of alternate fuel sources, or passive energy efficiency measures to ensure the Project's energy consumption would not be wasteful, inefficient, or unnecessary. This lack of analysis violates CEQA.

CEQA requires an environmental document to discuss mitigation measures for significant environmental impacts, including "measures to reduce the wasteful, inefficient, and unnecessary consumption of energy."[108] The CEQA Guidelines require discussion of energy conservation measures when relevant, and provide examples in Appendix F:[109]

1) Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
2) The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid waste.
3) The potential for reducing peak energy demand.
4) Alternate fuels (particularly renewable ones) or energy systems.
5) Energy conservation which could result from recycling efforts.

Courts have rejected CEQA documents that fail to include adequate analysis investigation into energy conservation measures that might be available or appropriate for a project.[110] In *California Clean Energy Commission v. City of Woodland* ("*CCEC*"),[111] the Court of Appeal reviewed an EIR for a shopping center on undeveloped agricultural land. Similar to the IS/MND here, the EIR in *CCEC* concluded that, due to the proposed project's compliance with Title 24 guidelines and regulations, the project would be expected to have a less-than-significant impact regarding the wasteful, inefficient, or unnecessary consumption of energy. But the lead agency's EIR did not include discussion regarding the different renewable energy options that might be available or appropriate for the project. The Court held "the City's EIRs failed to comply with the requirements of

[107] IS/MND, pg. 50.
[108] Pub. Resources Code, § 21100(b)(3); *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 930.
[109] 14 Cal. Code Regs., § 15126.4(a)(1)(C) (stating "'Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant.").
[110] *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 CA4th 256; *Spring Valley Lake Ass'n v. City of Victorville* (2016) 248 CA4th 91.
[111] (2014) 225 CA4th 173.

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Appendix F to the Guidelines by not discussing or analyzing renewable energy options."[112] The lead agency argued that compliance with the Building Code sufficed to address energy impact concerns for the project.[113] But the Court explained:

> Although the Building Code addresses energy savings for components of a new commercial construction, it does not address many of the considerations required under Appendix F of the CEQA Guidelines… These considerations include whether a building should be constructed at all, how large it should be, where it should be located, whether it should incorporate renewable energy resources, or anything else external to the building's envelope. Here, a requirement that Gateway II comply with the Building Code does not, by itself, constitute an adequate assessment of mitigation measures that can be taken to address the energy impacts during construction and operation of the project.[114]

The Supreme Court of California agreed with the *CCEC* court's decision in *League to Save Lake Tahoe Mtn. Area Preservation Found. v County of Placer*, holding that even projects that find a less-than-significant energy impact must "discuss whether any renewable energy features could be incorporated into the project."[115] In *Save Lake Tahoe*, the Court considered an EIR for a land use specific plan and rezoning to permit residential and commercial development and preserve forest land near Truckee and Lake Tahoe. The EIR did not consider whether it was feasible to power the project on 100 percent renewable electrical energy or some lesser percentage, nor evaluate strategies for reducing reliance on fossil fuels, increasing reliance on renewable resources, reducing peak loads, and reducing the impacts of relying on remote generation facilities. The lead agency reasoned that this analysis was not required because energy impacts would be less than significant. Citing CEQA Guidelines Section 15126.2, subdivision (b) and the decision in *CCEC*, the Court held that when an EIR analyzes the project's energy use to determine if it creates significant effects, it should discuss whether any renewable energy features could be incorporated into the project. The Court found that the EIR violated CEQA for not discussing whether the project could increase its reliance on renewable energy sources to meet its energy demand.

Here, the IS/MND lacks basic analysis of energy consumption measures in violation of CEQA Guidelines Appendix F. The IS/MND fails to analyze the feasibility of onsite solar facilities, such as rooftop, parking lot, or ground-level solar

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[112] *Id.* at 213.
[113] *Id.* at 210, 211.
[114] *CECC* (2014) 225 CA4th 173, 213.
[115] (2022) 75 CA5th 63, 167–68.

photovoltaics. This analysis must address considerations such as the technical and economic feasibility of installing solar facilities on the Project site, the potential size of the Project's solar zone, and the potential magnitude of mitigation provided by installing solar facilities.

The IS/MND also fails to evaluate the extent to which mobile source energy consumption could be reduced during Project operations through electric vehicle charging infrastructure (above what is required by existing regulations).

The IS/MND's discussion of construction energy conservation measures also violates CEQA Guidelines Appendix F. The IS/MND fails to evaluate the feasibility of utilizing existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.

In sum, the IS/MND's energy analysis fails adequately analyze measures to reduce the wasteful, inefficient, and unnecessary consumption of energy, and fails to meaningfully address Appendix F's considerations of whether a building should be constructed at all, how large it should be, where it should be located, whether it should incorporate renewable energy resources, or anything else external to the building's envelope.[116] This analysis must be provided in an EIR.

D. The IS/MND Fails to Fully Mitigate the Project's Significant VMT Impact

The IS/MND states that the Project is anticipated to generate 16.4 (actually 16.5)[117] VMT per worker, which exceeds the City-established threshold of 15.83 VMT per worker.[118] The IS/MND states that MM TRANS-1 would reduce the Project's VMT impact to a less than significant level (i.e., 15.80 VMT per worker).[119] MM TRANS-1 calls for implementation of a Commute Trip Reduction Program (which is measure T-5 in the CAPCOA Handbook).[120]

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[116] *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 CA4th 256, 264.
[117] Mr. Marshall explained that IS/MND Appendix F correctly shows that the San Gabriel Valley Council of Governments (SGVCOG) VMT Evaluation Tool shows that the project would result in 16.5 VMT per worker per day, but the number is incorrectly reported as 16.4 VMT per worker per day in the body of the MND. Marshall Comments, pg. 1.
[118] IS/MND, pg. 104.
[119] *Id.*
[120] CAPCOA) publication Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity: Designed for Local Governments, Communities, and Project Developers (Final Draft, December 2021).

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Mr. Marshall explains that this measure would not reduce VMT impacts to a less-than-significant level.[121] The CAPCOA Handbook states that Measure (T-5) can reduce employee commute VMT by up to 4.0%. However, the IS/MND's reliance on the maximum 4.0% reduction is unsupported because Measure (T-5) would not apply to Project workers during night shifts, resulting in lower reductions.[122] Moreover, even assuming the maximum reduction, Mr. Marshall shows that a 4.0% reduction reduces VMT to 15.84 per worker per day, which still exceeds the threshold value of 15.8.[123] Therefore, VMT remains significant and unmitigated. Additional mitigation must be proposed in an EIR to reduce the Project's VMT to less than significant levels.

E. The IS/MND Fails to Adequately Analyze and Mitigate Potentially Significant Noise Impacts

1. The IS/MND's Noise Significance Thresholds Are Unsupported by Substantial Evidence

Appendix G of the CEQA Guidelines provides that the Project would cause a significant noise impact if it would result in "[g]eneration of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies."[124] The IS/MND violates this requirement by failing to correctly apply the noise standards in the municipal code.

The IS/MND states that "[c]onstruction noise is regulated within City of South El Monte Municipal Code Section 8.20.030(D)."[125] Section 8.20.030(D) prohibits nighttime operation of construction equipment resulting in noise disturbances.[126] The IS/MND incorrectly states that this is the only limitation applicable to construction noise, but Section 8.20.020 of the Municipal Code sets forth standards applying to all sources of noise:

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[121] Marshall Comments, pg. 4.
[122] *Id.*
[123] *Id.*
[124] IS/MND, pg. 25.
[125] IS/MND, Appendix E, pg. 29.
[126] IS/MND, Appendix E, pg. 16 ("No person shall operate or cause or authorize the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work between the hours of 10:00 PM and 7:00 AM, or at any time on weekends or holidays, such that the sound therefrom creates a noise disturbance across the real property line of an adjacent or nearby property developed entirely or partially for residential use.")

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> No person shall operate or cause to be operated any source of sound at any location within the city or allow the creation of any noise on property owned, leased or occupied or otherwise controlled by such person, which causes the noise level when measured on any other property to exceed:
>
> a. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 for a cumulative period of more than thirty minutes in any hour; or
> b. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus five dbA for a cumulative period of more than fifteen minutes in any hour; or
> c. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus ten dbA for a cumulative period of more than five minutes in any hour; or
> d. The exterior noise limit plus fifteen dbA for a cumulative period of more than one minute in any hour; or
> e. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus twenty dbA for any period of time.

The IS/MND states that these noise limits only apply to stationary noise,[127] but this interpretation conflicts with the plain language of the code. Section 8.20.020 does not include language limiting its provisions to stationary noise, and Section 8.20.030(D) does not contain language stating that it is the only limit on construction noise. The code is properly read as imposing a prohibition on nighttime construction resulting in noise disturbances, as well as imposing limits on noise generated by daytime construction activities. Because the IS/MND fails to compare the Project's construction noise impacts to the thresholds in Section 8.20.020, the IS/MND fails evaluate whether noise would exceed standards established in the local noise ordinance, as required by the CEQA Guidelines.

The IS/MND's reliance on Section 8.20.030 as a significant threshold also fails to meet CEQA's requirement that lead agencies analyze the increase in ambient noise levels in the vicinity of the project."[128] California courts have clearly held that "the lead agency should consider both the increase in noise level and the absolute noise level associated with a project".[129] The courts have held that reliance

[127] Appendix E, pg. 30 ("[a]s shown above, the project is exempt from the stationary noise ordinance standards presented in Tables 5 and 6 as long as it is in compliance with the hours outlined in Section 83.20.030(D).").
[128] *Id.*, Appendix E, pg. 30; Section 8.20.030(D).
[129] *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 733; see *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 894 (citing *Keep Our Mountains Quiet*).

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on a maximum noise level as the sole threshold of significance for noise impacts violates CEQA because it fails to consider whether the magnitude of changes in noise levels is significant.[130] In *Keep our Mountains Quiet v. County of Santa Clara*,[131] neighbors of a wedding venue sued over the County of Santa Clara's failure to prepare an EIR for a proposed project to allow use permits for wedding and other party events at a residential property abutting an open space preserve. Neighbors and their noise expert contended that previous events at the facility had caused significant noise impacts that reverberated in neighbors' homes and disrupted the use and enjoyment of their property.[132] Similar to the City's thresholds in this case, the County's EIR relied on the noise standards set forth in its noise ordinance as its thresholds for significant noise exposure from the project, deeming any increase to be insignificant so long as the absolute noise level did not exceed those standards.[133] The Court examined a long line of CEQA cases which have uniformly held that conformity with land use regulations is not conclusive of whether or not a project has significant noise impacts[134] in holding that the County's reliance on the project's compliance with noise regulations did not constitute substantial evidence supporting the County's finding of no significant impacts.[135]

In *King and Gardiner Farms, LLC v. County of Kern*,[136] the Court of Appeal cited *Keep our Mountains Quiet* and decisions cited therein when it rejected the use of a single "absolute noise level" threshold of significance (construction and operational noise impacts were only deemed significant if they exceeded 65 dBA CNEL) on the grounds that the sole use of such a threshold fails to consider the magnitude or severity of increases in noise levels attributable to the project in different environments. The Court explained the lead agency failed to "refer to evidence showing why the magnitude of an increase was irrelevant in determining the significance of a change in noise."[137]

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[130] *King & Gardiner Farms, LLC,* 45 Cal.App.5th at 865.
[131] *Keep our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714.
[132] *Id*. at 724.
[133] *Id.* at 732.
[134] *Id., citing Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1338; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 881–882; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1416 (project's effects can be significant even if "they are not greater than those deemed acceptable in a general plan"); *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 354, ("CEQA nowhere calls for evaluation of the impacts of a proposed project on an existing general plan").
[135] *Id*. at 732-734; see also *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 893, as modified on denial of rehearing (Mar. 20, 2020).
[136] *King and Gardiner Farms, LLC, supra,* 45 Cal.App.5th 814.
[137] *Id.* at 894.

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Here, the IS/MND fails to meet CEQA's requirement that the lead agency consider the increase in noise level. As in *King and Gardiner Farms*, the IS/MND fails to refer to any evidence showing why the increase in noise over ambient levels is irrelevant to establishing the significance of a noise impact. Per *Keep our Mountains Quiet*, conformity with the City's noise ordinance and general plan is not conclusive of whether a project has significant noise impacts. An EIR must be prepared that applies legally adequate noise thresholds.

2. The Project's Construction Noise Would Be Potentially Significant

The Project's construction activities would generate noise in excess of standards in Section 8.20.020 of the Municipal Code, as well as result in a significant increase over ambient levels. In Table 12, shown below, the IS/MND applies the standards of Section 8.20.020 to the receptor land uses near the Project site.[138]

Table 12
Project Compliance with Stationary Noise Standards - Daytime

Project Site Property Line	Receptor # [1]	Receptor Land Use	Existing Daytime Measured Noise Levels (dBA Leq)[2]	Daytime Noise Standard (7:00AM-10:00 PM) (dBA, Leq)	Adjusted Noise Standard, Daytime[3] (dBA, Leq)	Operational Noise Levels[1]	Exceeds Adjusted **Daytime** Noise Standards (Yes/No)
West	1	Commercial	72	70	75	31	No
North	2	Commercial	60	70	70	47	No
East	3	Industrial	58	n/a	n/a	46	No
South	4	Single-family residential	54	55	55	54	No
South	5	Commercial	54	70	55	49	No

Notes:
(1) See Figure 6.
(2) See Table 1.
(3) Adjusted per City of South El Monte Municipal Code Section 8.20.020 Table 1 Exterior Noise Limits by Zone, note 2.

According to the table above, the daytime noise standard for the mobile home park (Receptor #4 in the table above) is 55 dBA. The table shows that the existing

[138] IS/MND, Appendix E, pg. 36.

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ambient noise level is 54 dBA. Table 11 in Appendix E of the IS/MND shows the noise levels generated by the Project's construction.[139]

Table 11
Construction Noise Levels (dBA L_{eq})

Phase	Receptor Location	Closest Measured Ambient Noise Location[2]	Existing Measured Noise Levels (dBA Leq)	Construction Noise Levels (dBA Leq)
Demolition	Residential to South (9427 Rush Street, South El Monte)	STNM4	54.1	74.0
	Residential to Southwest (9367 Rush Street, South El Monte)	STNM5	66.2	62.9
	Residential to West (2222 Troy Avenue, South El Monte)	STNM1	72.3	65.3
	Residential to Northwest (2326 Troy Avenue, South El Monte)	STNM1	72.3	63.5
Grading	Residential to South (9427 Rush Street, South El Monte)	STNM4	54.1	74.5
	Residential to Southwest (9367 Rush Street, South El Monte)	STNM5	66.2	63.4
	Residential to West (2222 Troy Avenue, South El Monte)	STNM1	72.3	65.8
	Residential to Northwest (2326 Troy Avenue, South El Monte)	STNM1	72.3	64.0
Building Construction	Residential to South (9427 Rush Street, South El Monte)	STNM4	54.1	74.1
	Residential to Southwest (9367 Rush Street, South El Monte)	STNM5	66.2	63.0
	Residential to West (2222 Troy Avenue, South El Monte)	STNM1	72.3	65.4
	Residential to Northwest (2326 Troy Avenue, South El Monte)	STNM1	72.3	63.6
Paving	Residential to South (9427 Rush Street, South El Monte)	STNM4	54.1	68.6
	Residential to Southwest (9367 Rush Street, South El Monte)	STNM5	66.2	57.5
	Residential to West (2222 Troy Avenue, South El Monte)	STNM1	72.3	59.9
	Residential to Northwest (2326 Troy Avenue, South El Monte)	STNM1	72.3	58.1
Architectural Coating	Residential to South (9427 Rush Street, South El Monte)	STNM4	54.1	61.2
	Residential to Southwest (9367 Rush Street, South El Monte)	STNM5	66.2	50.1
	Residential to West (2222 Troy Avenue, South El Monte)	STNM1	72.3	52.5
	Residential to Northwest (2326 Troy Avenue, South El Monte)	STNM1	72.3	50.7

As shown above, the noise levels generated by the Project's construction would exceed the 55 dBA threshold for the mobile home park. These exceedances would occur during each phase of the Project's construction. These exceedances of the standards in Section 8.20.020 are significant impacts requiring disclosure and mitigation in an EIR.

The noise levels shown in Table 11 would also result in a significant increase over ambient levels. The 54 dBA existing ambient would be exceeded by approximately 20 dBA during demolition, grading, and building construction, 14 dBA during paving, and 7 dBA during architectural coating. Increases of this magnitude would be significant impacts, as the FTA Manual states that "[o]n average, each A-weighted sound level increase of 10 dB corresponds to an

[139] *Id.* at 35.

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approximate doubling of subjective loudness."[140] Further, Figure 3-6 of the FTA Manual presents data from case studies showing that reactions to increases in noise between 5 to 10 dBA above existing levels vary from "widespread complaints" to "threats of legal action."[141] Increases in noise of 20 dBA over existing levels typically results in "vigorous action." An EIR must be prepared that acknowledges and mitigates this significant noise increase.

F. The Project May Result in Potentially Significant Public Utilities Impacts.

Under CEQA, a public utilities impact is considered significant if a project would "[r]equire or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects."[142] The IS/MND states that no off-site water line construction or upsizing of either the existing 6-inch or 10-inch water mains in Rosemead Boulevard and Rush Street would be required to provide water or fire protection service to the Project.[143] But this conclusion is not supported by substantial evidence because the IS/MND fails to analyze the Project's fire flow requirement or the ability of existing infrastructure to supply adequate fire flow. Without an evaluation of these factors, this public utility impact remains unanalyzed and potentially significant.

III. CONCLUSION

The City lacks substantial evidence to find that the Project will have less than significant impacts. Moreover, substantial evidence supports a fair argument that the Project's impacts may be significant and unmitigated. Due to the IS/MND's deficiencies, the City cannot conclude that the Project's impacts have been mitigated to a less than significant level.

The CEQA Guidelines require that an EIR be prepared if there is substantial evidence supporting a fair argument that any aspect of a project, either individually or cumulatively, may cause a significant effect on the environment, regardless of

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[140] Federal Transit Administration, Transit Noise And Vibration Impact Assessment Manual, September 2018, pg. 206, available at https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf.
[141] *Id.* at 18, Figure 3-6 (Community Reaction to New Noise, Relative to Existing Noise in a Residential Urban Environment)
[142] IS/MND, pg. 50.
[143] IS/MND, pg. 7, 112.

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whether the overall effect of the project is adverse or beneficial.[144] As discussed in detail above, there is a fair argument based on substantial evidence that the Project would result in significant adverse impacts not identified in the IS/MND.

We urge the City to fulfill its responsibilities under CEQA by withdrawing the IS/MND and preparing an EIR to address the issues raised in this preliminary comment letter. This is the only way the City and the public can ensure the Project's significant environmental impacts are mitigated to less than significant levels.

Sincerely,



Aidan P. Marshall

Attachment
APM:acp

[144] CEQA Guidelines § 15063(b)(1).

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EXHIBIT C

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VIA E-Mail and Overnight Mail

Planning Commission
c/o Renee Reyes
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VIA E-Mail Only
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Re: **Agenda Item No. 7.c.: 2222 Rosemead Boulevard Warehouse Development Project**

Dear Commissioners, Ms. Reyes, Mr. Arreola, and Mr. Marquez:

We write on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") regarding Agenda Item No. 7.c., which concerns the Mitigated Negative Declaration ("MND") (SCH No. 2024100046),[1] a Mitigation Monitoring and Reporting Program ("MMRP"), and proposed Conditional Use Permit (CUP No. 21-13) for the 2222 Rosemead Boulevard Warehouse Development Project ("Project") proposed by Tait & Associates, Inc. ("Applicant").

The City of South El Monte ("City") Community Development Department Staff ("Staff") recommends that the Planning Commission approve Resolution 24-09, adopt the MND and MMRP, and approve the CUP for a new 156,877 square foot warehousing building.[2] Staff's recommendation is premature and unsupported by

[1] City of South El Monte, 2222 Rosemead Boulevard Warehouse Development: Initial Study and Mitigated Negative Declaration (Oct. 2024) (hereinafter "IS/MND").
[2] City of South El Monte, Planning Commission Agenda Report: Agenda Item No. 7.c. re: Approval of Resolution No. 24-09 (Nov. 19, 2024) ("Staff Report") p. 5, *available at*

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the record because the City has not yet complied with the California Environmental Quality Act ("CEQA"). CEQA requires the City to prepare an environmental impact report ("EIR") when there is substantial evidence in the record supporting a fair argument that a project has potentially significant environmental or public health impacts that are not fully mitigated by a proposed MND, and where the MND does not contain the information required by law.

In this case, the IS/MND lacks information and analysis required by CEQA, and there is substantial evidence in the record supporting a fair argument that the proposed Project will result in potentially significant impacts on public health, air quality, greenhouse gas ("GHG") emissions, transportation, noise, and public utilities which are not adequately disclosed and mitigated by the measures proposed in the IS/MND. The City consultant's responses to CREED LA's comments included in the Staff Report ("Responses") ignore or fail to resolve most of these issues, and do not provide substantial evidence supporting Project approval. Consequently, the Planning Commission cannot adopt the MND or approve the Project's entitlements at this time.

In its Responses, the City asserts that the comments received on the IS/MND do not raise substantive environmental issues that would necessitate recirculation of the MND or preparation of an EIR.[3] The City further claims that the mitigation measures proposed in the MND require no modifications based on public comments.[4] These assertions lack merit and include precisely the type of disputes of fact that require preparation of an EIR under CEQA.

Under CEQA, any comments presenting a "fair argument" supported by substantial evidence, including facts or expert opinion, necessitate the preparation of an EIR, regardless of whether the City agrees with those comments.[5] As

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https://www.cityofsouthelmonte.org/DocumentCenter/View/5872/11-19-24-Planning-Commission-Regular-Meeting-Agenda-PDF.

[3] *Id*. at p. 5; see also Kimley Horn, Response to Comment Letter 2: Aidan P. Marshall, Adams Broadwell Joseph & Cardozo Attorneys at Law (on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ["CREED LA"]), October 30, 2024 (undated) (hereinafter "Kimley Horn Memorandum"); Memorandum to Dana Privitt, Kimley-Horn & Associates, Inc. from Roma Stromberg, Ganddini Group, Inc. re: Response to Adams Broadwell Joseph &Cardozo Comment Letter Dated October 30, 2024, Regarding IS/MND Technical Studies for the 2222 Rosemead Boulevard Warehouse Development (GGI Project No. 19618) (Nov. 13, 2024) (hereinafter "Ganddini Memorandum").

[4] *Ibid*.

[5] Pub. Res. Code §§ 21080(d), 21082.2(d); CEQA Guidelines §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* ("*Laurel Heights II*") (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc.*

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demonstrated in CREED LA's preliminary comments on the IS/MND and detailed further below, the issues by CREED LA provide facts and expert evidence demonstrating that the Project has significant, unmitigated impacts that meet the fair argument standard.[6]

CREED LA respectfully urges the Planning Commission to continue this hearing and direct Staff to prepare an EIR for the Project before bringing the Project back for further consideration.

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association includes South El Monte residents Alejando Ayala and Jose Francis, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of South El Monte and Los Angeles County.

Individual members of CREED LA live in the City of South El Monte, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued

v. County of Stanislaus (1995) 33 Cal.App.4th 144, 150- 151; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* ("*Quail Botanical*") (1994) 29 Cal.App.4th 1597, 1601- 1602.

[6] Letter to Guillermo Arreola, City of South El Monte from Aidan P. Marshall, Adams Broadwell Joseph & Cardozo re: Preliminary Comments on the Initial Study/Mitigated Negative Declaration for the 2222 Rosemead Boulevard Warehouse Development Project (SCH No. 2024100046) (Oct. 30, 2024) (hereinafter "CREED LA Preliminary IS/MND Comments").

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environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

II. AN EIR MUST BE PREPARED BEFORE THE PLANNING COMMISSION MAY APPROVE THE PROJECT

In most cases, CEQA mandates that lead agencies prepare an EIR for projects that could have significant environmental effects.[7] The purpose of an EIR is to ensure that the public and decision-makers are fully informed about potential environmental consequences before decisions are made, thus promoting informed decision-making and protecting the environment.[8]

The "fair argument" standard underscores a preference for EIR preparation. Under this standard, an EIR must be prepared if there is substantial evidence in the record indicating a fair argument that the project could significantly impact the environment.[9] This standard sets a "low threshold" for triggering environmental review through an EIR, rather than through a mitigated negative declaration, which is only appropriate if all potentially significant effects of the project are avoided or reduced to insignificance.[10]

"Substantial evidence" under the fair argument standard means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."[11] In cases where it's uncertain whether substantial

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[7] Pub. Res. Code § 21000; 14 Cal. Code Regs. ("CEQA Guidelines") § 15002.
[8] *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564.
[9] Pub. Resources Code §§ 21080(d), 21082.2(d); CEQA Guidelines §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 1501-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.Appl.4th 1597, 1601-02.
[10] Pub. Res. Code § 21080(c)(2); CEQA Guidelines § 15070(b).
[11] CEQA Guidelines § 15384(a).

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evidence exists regarding a project's potential environmental effects, the lead agency must consider expert opinion and facts.[12] If there is disagreement among experts about the significance of an effect on the environment, the lead agency must treat the effect as significant and prepare an EIR.[13]

Here, substantial evidence supports a fair argument that the Project may cause significant public health, air quality, GHG emissions, transportation, noise, and public utilities. Therefore, the City must prepare an EIR that thoroughly discloses, analyzes, and mitigates these impacts, while also exploring less environmentally damaging alternatives, before it can approve the Project.

A. The IS/MND Project Description Remains Inadequate

1. *The City Fails to Acknowledge or Analyze Reasonably Foreseeable High Intensity Warehouse Uses*

CREED LA provided substantial evidence, supported by expert opinion, demonstrating that higher intensity warehouse uses, including high-cube warehouse operations, are reasonably foreseeable uses at the Project site under the proposed CUP.[14] In response, the City claims, without supporting evidence, that high-cube warehouse uses are not applicable to the proposed Project simply because it is less than 200,000 square feet in size.[15] This assertion ignores CREED LA's comments, which described the range of feasible high-intensity warehouse uses at the Project site.

The Project's operational characteristics and the severity of its environmental and public health impacts are not determined solely by size but by allowable uses. In the absence of binding restrictions – such as conditions of approval, a covenant on the title of the underlying property, or mitigation measures – which prohibit future high intensity retail, warehouse (and cold storage uses, as discussed below) at the Project site, there is no evidence supporting the City's assertion that these activities would not occur.

The City has a duty under CEQA to analyze the impacts of *all* reasonably foreseeable uses of the Project site.[16] High-cube warehouses are defined by their

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[12] *Id.* § 15064(g).
[13] *Ibid.*
[14] CREED LA Preliminary IS/MND Comments at pp. 4-6. There is nothing in the General Plan or Municipal Code prohibiting high intensity or cold storage warehouse uses under the proposed CUP.
[15] Ganddini Memorandum at pp. 1-2.
[16] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.

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function, such as the storage and distribution of goods, often involving high levels of truck traffic, energy consumption, and GHG emissions. These characteristics can apply to warehouses smaller than 200,000 square feet, particularly if the facility is designed or intended to support logistics operations requiring frequent truck trips or intensive energy use. By focusing solely on square footage, the IS/MND failed to analyze the Project's impacts resulting from potential operation as a higher intensity warehouse. This oversight results in inadequate disclosure and mitigation of the Project's potential environmental impacts.

The City's unsupported dismissal of higher intensity uses is inconsistent with the allowable uses under the Project's proposed CUP, which do not restrict the type of warehouse operations that can occur at the Project site. CEQA's mandate is to analyze all reasonably foreseeable impacts of a Project. Given the feasibility of high intensity use at the Project site, and the substantial evidence in the record from CREED LA and its experts demonstrating that the impacts from high intensity use would be significant and unmitigated, the City's decision to ignore these uses is unsupported and contrary to law. There is substantial evidence supporting a fair argument that the Project may operate in a manner consistent with high-cube warehouse uses. An EIR is required to fully evaluate and mitigate these potentially significant impacts.

2. *The City Fails to Describe and Analyze Reasonably Foreseeable Cold Storage Warehouse Use*

CREED LA provided substantial evidence, supported by expert opinion, demonstrating that cold storage warehouse uses are reasonably foreseeable for the proposed Project and would result in significant, unmitigated impacts.[17] In response, the City asserts that the Project *can be* conditioned to prohibit cold storage.[18] However, this claim is misleading, as *none* of the Project's proposed conditions of approval explicitly prohibit cold storage.[19] Without an enforceable condition prohibiting this use, there is no guarantee that cold storage operations – which could significantly increase energy consumption, GHG emissions, and other environmental impacts – will not occur as part of the Project.

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[17] CREED LA Preliminary IS/MND Comments at pp. 5-8.
[18] Ganddini Memorandum at p. 2.
[19] See Staff Report, attach. A (Draft Resolution No. 24-09: A Resolution of the South El Monte Planning Commission Approving a Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program Prepared in Compliance with the California Environmental Quality Act; Approving Conditional Use Permit 21-13 to Allow for the Development of a New Approximately 156,877 Square Foot Warehouse Building Located at 2222 Rosemead Boulevard) (hereinafter "Draft Resolution No. 24-09").

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Under CEQA, a mitigation measure or condition of approval must be enforceable and clearly articulated to ensure that environmental impacts are adequately mitigated.[20] The Attorney General also recommends that, if an agency intends to prohibit cold storage at warehouse projects, the project must either adopt mitigation measures limiting cold storage impacts or record a covenant on the title of the underlying property to ensure that the property cannot be used to provide refrigerated warehouse space.[21] No such mitigation or land use covenants are included in the IS/MND or Responses.

The absence of a specific and enforceable prohibition against cold storage renders the City's response insufficient and undermines the credibility of the environmental review process. The potential for unmitigated impacts from cold storage operations further supports the need for a full EIR to analyze and disclose these potential impacts comprehensively.

B. The City Fails to Analyze Public Health Impacts Associated with Exposure to the Project's Emissions

CREED LA commented that the IS/MND failed to analyze public health impacts associated with toxic air contaminants ("TACs"), particularly diesel particulate matter ("DPM"), generated during Project construction and operation on nearby sensitive receptors, including residents of a mobile home park directly south of the Project site.[22] In response to comments, the City claims that it is not required to perform a quantitative health risk analysis ("HRA"), arguing that is a recommendation rather than a mandate by the Office of Environmental Health Hazard Assessment ("OEHHA"), the South Coast Air Quality Management District ("SCAQMD"), or the City itself.[23] In addition, the City asserts the SCAQMD did not request a construction or operational HRA.[24] However, these arguments overlook CEQA's core requirement to fully disclose and analyze significant environmental impacts, including those related to public health.[25] The California Supreme Court

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[20] Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).
[21] *Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Updated September 2022)*, pg. 9, available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf ("Unless the owner of the facility records a covenant on the title of the underlying property ensuring that the property cannot be used to provide refrigerated warehouse space, constructing electric plugs for electric transport refrigeration units at every dock door and requiring truck operators with transport refrigeration units to use the electric plugs when at loading docks.").
[22] CREED LA Preliminary IS/MND Comments at pp. 14-19.
[23] Ganddini Memorandum at pp. 2-3.
[24] Ganddini Memorandum at p. 3.
[25] CEQA Guidelines § 15065(a)(4); *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 523.

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has interpreted this requirement to include a specific duty to disclose the health effects posed by exposure to a project's air emissions.[26]

While preparation of an HRA may not be explicitly mandated by OEHHA or SCAQMD, CEQA requires that lead agencies evaluate whether a project has the potential for significant impacts, including health risks from exposure to TACs and DPM generated during construction and operation of the Project. To comply with CEQA, the City must assess whether exposure to the Project's TACs/DPM emissions would result in exceedances of appliable health-based CEQA significance thresholds. Here, the SCAQMD significance thresholds for TAC exposure include:

> **Maximum Incremental Cancer Risk ≥ 10 in 1 million**
> Cancer Burden > 0.5 excess cancer cases (in areas ≥ 1 in 1 million)
> Chronic & Acute Hazard Index ≥ 1.0 (project increment).[27]

A quantitative HRA is a standard methodology for assessing these risks and ensuring compliance with CEQA's requirement for a good-faith, evidence-based environmental analysis. The City failed to perform this analysis in the IS/MND.

The City's reliance on SCQAMD's lack of a project-specific request for an HRA is a red herring. CEQA does not allow the lead agency to delegate its responsibility for a comprehensive environmental review to other entities.[28] The City must independently evaluate the Project's health risks based on substantial evidence in the record.[29] By declining to perform an HRA, the City fails to provide the quantitative analysis necessary to compare exposure to Project emissions to applicable significance thresholds, or to assess whether additional mitigation measures are required to reduce those impacts.

The City also improperly relies on SCAQMD's localized significant thresholds ("LSTs").[30] LSTs are designed to prevent exceedances of federal or state air quality

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[26] *Sierra Club v County of Fresno* (2018) 6 Cal.5th 502, 518–522.
[27] See South Coast AQMD Air Quality Significance Thresholds, available at https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.aqmd.gov/docs/default-source/ceqa/handbook/south-coast-aqmd-air-quality-significance-thresholds.pdf%3Fsfvrsn%3D25&ved=2ahUKEwj_2MnO-OaJAxWaMzQIHRAJNiwQFnoECAoQAQ&usg=AOvVaw07n1OZu8NvvtfqOAnstLMG (last visited Nov. 18, 2024).
[28] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308.
[29] Pub. Res. Code § 21082.2(a); CEQA Guidelines § 15091(a).
[30] Ganddini Memorandum at p. 3.

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standards, not to assess the health risks of TACs such as DPM.[31] Unlike criteria pollutants with established ambient air quality standards, DPM has no known safe exposure threshold. Therefore, the use of LSTs as a proxy for DPM impacts is not only scientifically inappropriate but also legally insufficient under CEQA.

Finally, public health impacts are often cumulative in nature, particularly in areas already burdened by poor air quality or high concentrations of diesel emissions. Indeed, the CalEnviroScreen scores for the Project's census tract are in the 78th percentile for particulate matter and the 92nd percentile for DPM.[32] Without an HRA, the City cannot adequately assess the cumulative health risks posed by this Project in conjunction with other existing and planned developments in the area. This failure leaves a critical gap in the environmental review, undermining the validity of the IS/MND.

To comply with CEQA, the City must prepare an EIR that includes a comprehensive HRA. This analysis is essential for disclosing the Project's potential health impacts, evaluating cumulative risks, and identifying feasible mitigation measures to protect public health.

C. Substantial Evidence Supports a Fair Argument the Project Would Result in Significant Noise Impacts

1. *The City Lacks Substantial Evidence to Support the Construction Noise Significance Threshold*

The City's reliance on an 80 dBA Leq threshold for construction noise, as derived from the Federal Transit Administration's *Transit Noise and Vibration Impact Assessment Manual* ("FTA Manual"), is inappropriate and constitutes a misapplication of the manual's guidance.[33] The FTA Manual emphasizes that construction noise impact assessments should consider several contextual factors, including existing noise environment, the absolute noise levels anticipated during construction activities, the duration and timing of construction, and the sensitivity of adjacent land uses.[34] By adopting a blanket 80 dBA Leq threshold without

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[31] South Coast Air Quality Management District, Final Localized Significance Threshold Methodology (July 2008), *available at* http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2.
[32] IS/MND, appen. E, PDF pp. 163-64.
[33] Ganddini Memorandum at p. 7.
[34] Attachment A, Letter to Aidan P. Marshall, Adams Broadwell Joseph & Cardozo from Neil P. Shaw, Menlo Scientific Acoustics, Inc. re: 2222 Rosemead Boulevard Warehouse Development Initial Study and Mitigated Negative Declaration Acoustic Review (Nov. 15, 2024) pp. 2-3 (hereinafter "Shaw Comments").

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accounting for these critical factors, the City fails to ensure that its analysis reflects site-specific conditions and potential impacts as required under CEQA.

The FTA Manual does not prescribe the use of an 80 dBA Leq as a universal standard but instead recommends tailoring the threshold to the specific circumstances of a project.[35] CEQA similarly requires agencies to evaluate noise impacts in context, considering the significance of an impact in relation to the environment's baseline conditions and the characteristics of the affected receptors.[36] The City's rigid application of the FTA Manual's threshold without such contextual considerations undermines the adequacy of the noise analysis and fails to comply with CEQA's mandate for a thorough and accurate environmental review.

Furthermore, when contextual factors are appropriately considered, it is evident that the 80 dBA Leq threshold is inapplicable. As CREED LA's acoustical expert Neil Shaw explains, residential mobile trailers do not fall within Land Use Category 3, which is defined by the FTA Manual as a land use category subject to severe noise impact thresholds.[37] Residential mobile trailers are more acoustically sensitive and align more closely with Land Use Categories 1 and 2, which are afforded stricter noise thresholds under the FTA Manual.[38] These categories impose absolute limits of 65 dBA for moderate impact and 70 dBA for severe impact, reflecting the need for greater noise protection for sensitive receptors.[39]

The City's application of an 80 dBA Leq threshold fails to account for this critical distinction, effectively misclassifying residential mobile trailers under a land use category with inapplicable thresholds. This oversight not only disregards the heightened sensitivity of residential receptors, but also demonstrates a broader failure to align the noise analysis with the FTA Manual's guidance. By neglecting to apply the appropriate thresholds for more acoustically sensitive land uses, the City's analysis underestimates the potential noise impacts of construction activities, resulting in unsupported significance conclusions and further undermining compliance with CEQA's requirements for a thorough and accurate environmental review.

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[35] *Id*. at pp. 2-3.
[36] Pub. Res. Code § 21060.5; CEQA Guidelines § 15360, appen. G; *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 884.
[37] Shaw Comments at p. 3.
[38] *Ibid*.
[39] *Ibid*.

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2. *The Project's Construction Noise Is Significant and Unmitigated*

CREED LA's preliminary comments and Mr. Shaw's expert opinion demonstrate that the Project's construction noise would exceed the applicable daytime noise standards in Section 8.20.020 of the Municipal Code, causing significant impacts that require mitigation.[40] These comments highlight that the construction noise levels would exceed the 55 dBA daytime standards set forth in Section 8.20.020 for the mobile homes located south of the Project site.[41] Specifically, Table 11 of Appendix E shows that construction noise impacts at the mobile homes would reach 74 dBA Leq during demolition, grading, and building construction, 68 dBA Leq during paving, and 61.2 dBA Leq during architectural coating, constituting a significant impact under CEQA.[42]

In addition to violating the quantitative standards, Mr. Shaw's comments demonstrate that the Project's construction activities would also violate Section 8.20.010's qualitative standards for "intrusive noise" causing a "noise disturbance."[43] "Intrusive noise" is defined as "noise which intrudes over and above the existing ambient noise at a given location."[44] "Noise disturbance" is defined as "any sound which (i) endangers or injures the safety or health of human beings or animals, or (ii) *annoys or disturbs reasonable persons of normal sensitivities*, or (iii) endangers or injures personal or real property or (iv) violates the limits set forth in Section 8.20.020."[45]

The Project's noise levels exceed ambient noise levels at the mobile homes by wide margins, qualifying as "intrusive noise" under the Municipal Code.[46] These noise levels also constitute a "noise disturbance" because, as illustrated in Figure 3 of Appendix E,[47] they are equivalent to a vacuum cleaner at 10 feet.[48] Such levels would undoubtedly annoy or disturb reasonable people of normal sensitivity.[49]

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[40] CREED LA Preliminary IS/MND Comments at pp. 30-32; Shaw Comments at pp. 4-5.
[41] *Ibid.*
[42] IS/MND, appen. E, p. 35; CREED LA Preliminary IS/MND Comments at pp. 30-32; Shaw Comments at pp. 4-5; *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 (exceedance of established significance threshold is a significant impact); *Endangered Habitats League v. Orange* (2005) 131 CA4th 777, 783-4; CEQA Guidelines § 15064.7.
[43] Shaw Comments at pp. 4-6.
[44] Municipal Code § 8.20.010(E).
[45] Municipal Code § 8.20.010 (emphasis added).
[46] Shaw Comments at p. 5.
[47] IS/MND, appen. E at p. 7.
[48] Shaw Comments at pp. 5-6.
[49] *Ibid.*

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CREED LA's preliminary comments cite Federal Transit Administration ("FTA") data showing that noise increases of 5 to 10 dBA typically result in "widespread complaints," and 10 dBA or more can provoke "threats of legal action."[50] The Project's construction noise, which exceeds ambient noise by as much as 20 dBA,[51] clearly supports a fair argument that the Project will result in significant noise impacts requiring analysis in an EIR.

Substantial evidence, including expert comments, demonstrates that the Project's construction noise would exceed both quantitative and qualitative noise thresholds, causing significant impacts under CEQA. These impacts must be disclosed, analyzed, and mitigated in an EIR. Without such analysis, the IS/MND is deficient and does not provide the Commission with substantial evidence to support approval findings.

3. *The IS/MND Fails to Adopt Enforceable Construction Noise Mitigation Measures*

In response to comments, the City asserts that certain best management practices ("BMPs") would be adopted as conditions of approval to reduce construction noise impacts.[52] However, none of these BMPs are explicitly included in the conditions of approval or referenced in a manner that ensures their enforceability.[53]

Under CEQA, mitigation measures must be specific, enforceable, and committed to by the lead agency.[54] CEQA Guidelines § 15126.4(a)(2) states that mitigation measures "must be fully enforceable through permit conditions, agreements, or other legally binding instruments." BMPs that are vaguely described or omitted entirely from the conditions of approval fail to meet this requirement.

The City's failure to incorporate the promised BMPs into the conditions of approval creates a significant gap in the environmental review process. Without enforceable conditions: (1) there is no assurance that the BMPs will be implemented during the Project's construction, (2) the purported benefits of these BMPs in reducing or avoiding significant environmental impacts cannot be credited in the

[50] CREED LA Preliminary Comments, pg. 32-33; Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018, pg. 18, Figure 3-6 (Community Reaction to New Noise, Relative to Existing Noise in a Residential Urban Environment)
[51] CREED LA Preliminary IS/MND Comments at pp. 31-32; Shaw Comments at p. 5.
[52] Ganddini Memorandum at p. 8.
[53] See Draft Resolution No. 24-09.
[54] Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2).

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environmental analysis, and (3) the omission undermines the credibility of the City's claim that potential impacts have been adequately mitigated.

This omission is not merely procedural but has substantive implications for the adequacy of the IS/MND under CEQA. Without enforceable commitments to implement the BMPs, there is substantial evidence supporting a fair argument that the Project will result in significant environmental impacts that have not bene mitigated to a less than significant level. Courts have consistently held that vague or unenforceable mitigation measures cannot support the finding of less than significant impacts.[55]

The City's reliance on unenforceable BMPs to mitigate potentially significant impacts is a clear violation of CEQA. An EIR must be prepared to fully analyze the Project's impacts and include enforceable mitigation measures to address them.

4. *The IS/MND Underestimates Operational Noise Impacts*

The IS/MND fails to adequately analyze noise impacts generated by truck operations on the Projects site, including noise from driving, backing up, and idling. Although the IS/MND evaluates roadway noise and loading/unloading activities, it omits critical on-site noise sources associated with operational truck movements.[56] This omission is particularly significant given the Project's proximity to sensitive receptors, such as the residences immediately south of the property line, where noise from truck operations could exceed thresholds of significance and cause substantial impacts.

Studies by the California Air Resources Board highlight the severity of these potential impacts. Diesel trucks at idle generate noise levels of approximately 96 dBA, while diesel-powered TRUs operating at high idle produce 104 dBA.[57] Trucks accessing the loading docks via the southern driveway would expose nearby residences to these elevated noise levels. Without analysis or mitigation of these impacts, the IS/MND fails to disclose potentially significance noise effects as required under CEQA.

In addition, the IS/MND's discussion of loading/unloading noise is inconsistent and underestimates impacts. While the Appendix E claims to rely on a

[55] *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.
[56] Shaw Comments at p. 7.
[57] California Air Resources Board, 2022 Technology Assessment: Non-Truck Transport Refrigeration Units (TRU) (Oct. 2022) pp. 17-18, *available at* https://ww2.arb.ca.gov/sites/default/files/2022-10/CARB%202022%20TRU%20Technology%20Assessment%2010-14-22.pdf.

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70 dBA Leq reference level for these activities, the included SoundPLAN worksheet instead shows a 65 dBA reference level.[58] This discrepancy undermines the validity of the IS/MND's findings. Even if the 70 dBA reference level were used consistently, it still significantly underestimates potential impacts, given that truck idling noise levels range from 96 to 104 dBA. The failure to account for these higher, more realistic noise levels renders the IS/MND's conclusion that operational noise impacts are less than significance unsupported.

By omitting on-site truck noise from its analysis and underestimating loading/unloading noise impacts, the IS/MND fails to meet CEQA's requirement to disclose and evaluate all potentially significance environmental impacts. Given the proximity of sensitive receptors and the likelihood of noise levels significantly exceeding ambient thresholds, the Project could result in unmitigated significant noise impacts.

An EIR must be prepared to provide a comprehensive analysis of operational noise impacts from all on-site truck activities, including idling, driving, and backing up. Additionally, the EIR should identify and implement feasible mitigation measures, such as operational restrictions, noise barriers, or buffer zones, to ensure impacts are reduced to less than significant levels. Without this analysis and mitigation, the IS/MND does not satisfy CEQA's requirements for transparency and impact reduction.

5. *Mitigation Measure NOI-1 Lacks Substantial Evidence*

The IS/MND claims that a 10-foot concrete masonry wall along the southern property line of the Project site would reduce operational noise impacts to less than significant.[59] However, this conclusion is unsupported by substantial evidence due to significant inconsistencies in the analysis and description of Mitigation Measure ("MM") NOI-1.

Mr. Shaw identifies numerous inconsistencies in the IS/MND and Appendix E regarding the proposed barrier wall height.[60] These discrepancies create confusion and prevent meaningful analysis of whether the proposed mitigation is adequate to reduce noise impacts to a less-than-significant level. Critically, there is no evidence in the record to confirm that a 10-foot wall would provide sufficient noise reduction.[61] Without clarity on the height and configuration of the proposed

[58] Shaw Comments at p. 7.
[59] IS/MND at pp. 91, 97.
[60] Shaw Comments at pp. 7-8.
[61] *Id*. at p. 8.

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barrier, the City cannot demonstrate that the Project's significant operational noise impacts would be mitigated to a less than significant level.

The noise analysis in Appendix E fails to clarify which barrier height – 10 feet or 14 feet – was used in its calculations.[62] This lack of transparency undermines the reliability of Table 14, which purports to show mitigated daytime noise levels, and Table 15, which purports to show nighttime noise levels.[63] If the analysis relied on a 14-foot barrier, but the IS/MND ultimately proposes a 10-foot barrier, the mitigation is demonstrably insufficient.

Additionally, Figure 7 in Appendix E reflects operational noise levels mitigated by a 14-foot barrier, further casting doubt on whether a 10-foot barrier would meet stationary noise standards.[64] The City lacks substantial evidence to conclude that a 10-foot barrier is adequate to mitigate the Project's significant operational noise impacts.

Even assuming a 14-foot barrier, Mr. Shaw identifies critical design flaws in MM NOI-1 that would render the mitigation inadequate. Specifically, the proposed wall does not account for flanking, a phenomenon where sound travels around the edges of a barrier.[65] To address flanking, Mr. Shaw recommends extending the barrier northward by at least 30 feet at the east and west ends of the southern property line.[66] This configuration would help block sound from bypassing the wall and reduce noise impacts to sensitive receptors.[67] Simply specifying the height of the wall is insufficient to ensure the noise reduction estimates in Appendix E are achieved.[68]

The failure to resolve inconsistencies regarding the barrier's height and to account for critical design flaws violates CEQA's requirement for substantial evidence and enforceable mitigation measures.[69] Without a clear, accurate, and enforceable noise mitigation plan, the IS/MND cannot support its conclusion that operational noise impacts would be reduced to a less than significant level.

To comply with CEQA, the City must prepare an EIR to (1) resolve the inconsistencies regarding the barrier height, (2) re-evaluate the Project's

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[62] *Id*. at pp. 7-8.
[63] *Ibid*.
[64] *Ibid*.
[65] *Id*. at p. 8.
[66] *Ibid*.
[67] *Ibid*.
[68] *Ibid*.
[69] CEQA Guidelines § 15126.4(a)(1).

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operational noise impacts based on realistic and enforceable mitigation measures, and (3) address flanking and other design flaws to ensure the mitigation measures are effective.

D. Substantial Evidence Demonstrates that Vehicle Miles Traveled Mitigation Measures Are Insufficient to Reduce the Impact to a Less than Significant Level

CREED LA commented that MM TRANS-1 fails to mitigate the Project's vehicle miles traveled ("VMT") impacts to less than significant levels.[70] This failure is due to the lack of substantial evidence supporting the assumed VMT reduction and the fact that, even with the maximum assumed reduction, the Project's VMT exceeds the threshold of significance.[71] The City's response to comments does not resolve these deficiencies.

The City asserts that the maximum assumed VMT reduction is appropriate because MM TRANS-1 includes components that are applicable to 100% of employees.[72] However, broad applicability does not inherently ensure that the measure will achieve the claimed reductions. CEQA requires that mitigation measures be supported by substantial evidence demonstrating their feasibility and actual effectiveness.[73] The City's response fails to provide any evidence that 100% applicability translates to achieving the assumed VMT reduction. Without such data, studies, or other substantial evidence to validate the effectiveness of MM TRANS-1, the mitigation measure remains speculative and legally inadequate.

The City also argues that calculating the VMT values to two decimal points introduces an inappropriate level of precision by adding a significant digit.[74] This argument is misplaced. Accurate and precise calculations are essential to properly evaluate whether the Project complies with the threshold of significance, particularly in cases where small variances could determine whether impacts are deemed significant. By dismissing the importance of precision, the City fails to substantively address CREED LA's concern that VMT impacts remain above the threshold, even under the maximum reduction assumptions.

In sum, MM TRANS-1 fails to adequately mitigate the Project's significant VMT impacts to less than significant levels, as required by CEQA. The lack of

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[70] CREED LA Preliminary IS/MND Comments at pp. 26-27.
[71] *Id*. at p. 27.
[72] Ganddini Memorandum at p. 6.
[73] *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 866.
[74] Ganddini Memorandum at p. 7.

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substantial evidence supporting the assumed VMT reduction, combined with the Project's exceedance of the significance threshold, demonstrates the inadequacy of the mitigation measure. Furthermore, the City's responses to comments do not resolve these deficiencies. To comply with CEQA, the City must prepare an EIR that provides substantial evidence supporting the feasibility and effectiveness of proposed mitigation measures, identifies and evaluates additional feasible measures to reduce VMT impacts to less-than-significant levels, and ensures transparent and precise VMT calculations to accurately assess compliance with thresholds of significance.

E. The City Fails to Analyze Fire Flow Requirements and Public Utility Impacts

The IS/MND fails to adequately analyze potentially significant public utility impacts related to fire flow requirements.[75] Fire flow requirements, which refer to the volume and pressure needed to combat fires, are critical for public safety and ensuring that existing infrastructure can accommodate the increased demands of new development.

In response to CREED LA's comment, the City attempts to defer the evaluation of fire flow requirements and infrastructure capacity to the Los Angeles County Fire Department ("LACFD") Fire Prevention Division's site review.[76] However, deferring this analysis is inconsistent with CEQA's requirement that the environmental review document provide sufficient analysis to determine whether a project may result in significant impacts, including impacts on public utilities and infrastructure.[77] Deferral to another agency's technical review process fails to meet CEQA's requirement for a transparent and comprehensive analysis of environmental consequences.

Moreover, while LACFD is responsible for ensuring compliance with fire safety codes, its review is limited to regulatory and technical standards. LACFD's process does not encompass the broader environmental evaluation required by CEQA, such as analyzing whether the Project may overburden water supply systems or create cumulative impacts. Courts have consistently held that deferring environmental review to a later stage or another agency violates CEQA.[78]

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[75] CREED LA Preliminary IS/MND Comments at p. 32.
[76] Kimley Horn Memorandum at pp. 4-5.
[77] CEQA Guidelines §§ 15063, 15070.
[78] *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296; *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412.

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By failing to analyze the Project's fire flow requirements or the infrastructure's capacity to supply adequate fire flow, the IS/MND omits a crucial aspect of environmental review. To ensure compliance with CEQA and adequately address these concerns, the City must prepare an EIR that thoroughly evaluates, discloses and mitigates potential public utility impacts.

III. CONCLUSION

The City cannot approve the proposed Project without first addressing the numerous deficiencies in the IS/MND identified by CREED LA and members of the public. To comply with CEQA, the City must prepare a legally adequate EIR that thoroughly discloses, analyzes, and mitigates all potentially significant impacts.

Thank you for your careful consideration of these comments.

Sincerely,



Andrew J. Graf

Attachment
AJG:acp

7554-006acp

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ATTACHMENT A

MENLO SCIENTIFIC ACOUSTICS, INC.
Consultants in Acoustics and Communication Technologies

15 November 2024

Mr. Aidan P. Marshall
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080

Subject: **2222 Rosemead Boulevard Warehouse Development**
Initial Study and Mitigated Negative Declaration
Acoustic Review

Dear Mr. Marshall,

Menlo Scientific Acoustics, Inc., reviewed the 2222 Rosemead Boulevard Warehouse Development Initial Study/Mitigated Negative Declaration [a] (MND), Appendix E Noise Impact Analysis[b], and the City of South El Monte Municipal Code[c] (MC) in regards to the subject project, concerning the proposed development in the City of South El Monte of an approximately 156,877-sf concrete tilt-up warehouse with 13 dock doors. Sensitive receptors near the project site include a mobile home park located directly to the south of the proposed project. This report addresses deficiencies in the MND's analysis of impacts on the mobile home park during both the construction and operational phase.

Our review of these documents finds the following items of concern that call into question the findings contained in Appendix E and thus the findings in the Initial Study and Mitigated Negative Declaration (MND) of no significant impact.

CONSTRUCTION NOISE IMPACTS

1) **It is unclear whether a nighttime prohibition on truck movement is part of the unmitigated Project Description.**

The IS/MND states that all on-site truck movement and loading and unloading activities at the proposed loading docks, which are located behind electronic gates, would be prohibited from 10:00 PM to 7:00 AM.[d] Appendix E MM NOI-1 states: "Install a 14-foot-high concrete masonry wall along the southern property line of the project site as shown in Figure 7." Yet MND MM NOI-1 states "…(1) require the installation of a 10-foot-high concrete masonry wall along the southern property line of the project site; ***or*** (2) prohibit

[a] Prepared by Kimley-Horn and Associates, Inc.
[b] Prepared by Ganddini Group Inc.
[c] http://southelmonte-ca.elaws.us/code/coor_title8
[d] IS/MND, page 6 ("As previously noted, the gates would be closed between 10:00 PM and 7:00 AM.").

POT OFFICE BOX1610, TOPANGA, CALIFORNIA 90290 TEL: 310-455-2221

truck movement and loading and unloading between the hours of 10:00 PM and 7:00 AM." *Italics* and **bold** for "or" added. Due to this inconsistency, it is unclear whether a nighttime prohibition on truck movement is part of the unmitigated project.

2) **The 80 dBA Construction Noise Threshold Is Inapplicable to the Project**

Appendix E, Noise Impact Analysis, states that the project's construction noise has been analyzed using a maximum noise threshold contained in the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual ("FTA Manual").[e] Appendix E, on page 30, says "Based on the FTA criteria, project construction noise would be considered significant if it exceeds 80 dBA L_{eq} for an 8-hour period at residential and noise-sensitive outdoor areas." Appendix E concludes that since the calculated impacts would be below 80 dBA, and so the calculated impacts would be less than significant. However, this threshold is inapplicable to the subject project.

The FTA Manual prefaces its discussion of construction noise thresholds by cautioning that "criteria must be developed on a project-specific basis," and that "it is not the purpose of this manual to specify standardized criteria for construction noise impact."[f] The FTA Manual also cautions, "Project construction noise criteria should account for the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land use."[g] The MND misapplies the FTA Manual's guidance because it has not set a construction noise significance threshold with consideration of any of these factors. Careful application of recommendations in the FTA Manual demonstrates that a lower maximum noise threshold is appropriate for this Project and the nearby receptors.

The FTA manual section 4.1 Determine Noise Impact Criteria, starting on page 20, states "This section describes the procedure for determining the appropriate criteria for assessing project noise impact based on the type of project and project noise source."

Step I: Identify Project Type, on page 21, provides three types of projects:

Option A: Transit Project Only, Option B: Multimodal Project (Transit and Highway Noise), and Option C: Other Multimodal Projects.

The subject project does not include new transit rail and similar sources (Option A), does not include transit and highway sources (Option B), and does not include, on page 23, "components from other modes."

[e] Federal Transit Administration, Transit Noise And Vibration Impact Assessment Manual, September 2018.
[f] FTA Manual, pg. 179.
[g] *Id.*

The manual then discusses Land Use Categories, on page 23, in Table 4-3, Table 4-3 Land Use Categories and Metrics for Transit Noise Impact Criteria. The table presets the land use category, land use type, the noise metric (dBA), and a description of land use category.

Land Use Category 2 in Table 4-3 is "Residential", the noise metric is "Outdoor L_{dn}," and the description is "This category is applicable all residential land use and buildings where people normally sleep, such as hotels and hospitals."

FTA manual Appendix C: Background for Transit Noise Impact Criteria, in section C.3: Equations for Noise Impact Criteria Curves, on page 220, states "**For land use category 1 and 2, the absolute limit is 65 dBA for moderate impact** and 70 dBA for severe impact. For land use category 3, the absolute limit is 75 dBA for moderate impact and 80 dBA for severe impact."

The residential mobile trailers are not in Land Use Category 3 with a severe impact.

The 80 dBA criteria used in the MND is inapplicable to the project as:

1) The project is not a transit project.

2) The project is not in Land Use Category Type 3, Institutional, per Table 4-3.

3) The project is in Land Use Category 2, Residential, per Table 4-3.

4) The calculated levels in the MND exceed the criteria in the South El Monte MC.

Now, $L_{eq(t)}$ is described in the FTA manual in section B.I.4.4, on page 210, the Equivalent Sound Level, and is described in the manual as follows:

> "The metric for cumulative noise exposure over a specific time interval is the equivalent sound level. It is a single decibel value that accounts for total sound energy from all sound levels over a specified time interval (or time period). The time period associated with the equivalent sound level metric can vary for different types of analyses. This metric is abbreviated as Leq(t), where "t" is the duration of the time period. Leq(t) represents a hypothetical constant sound level and contains the same overall sound energy as the actual varying sound energy during the time period "t". For most transit noise analyses, an A-weighted, hourly equivalent sound level is used, abbreviated here as $L_{eq(1hr)}$. $L_{eq(1hr)}$ is expressed in the unit, dBA."

Figure B-9, Typical Hourly $L_{eq(1\ Hr)}$'s, in the FTA manual, notes for non-transit sources, 80 dBA is the Hourly Noise Level (HNL) for an 8-Lane Highway – see figure below.

Figure B-9 - Typical Hourly $L_{eq(1\ Hr)}$'s

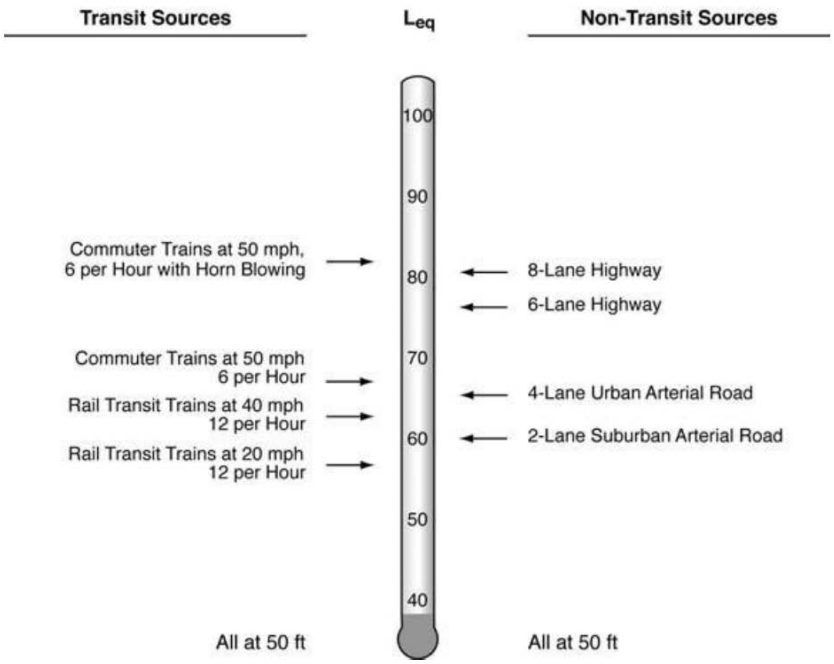


Figure B-9 Typical Hourly $L_{eq(1hr)}$'s

3) Noise Impacts Below 80 dBA Would Exceed South El Monte Municipal Code Standards, Resulting in Significant Impacts on Residents

MC Section 8.20.020 A, Exterior Noise Limits, Maximum Permissible Sound Levels by Receiving Land Use, Table 1, Exterior Noise Limits by Zone, specifies noise limits for various land use or zones, shown below.

Table 1 Exterior Noise Limits by Zone

Table 1 Exterior Noise Limits by Zone		
Receiving Land Zoning Category	**Time Period**	**Noise Level Standard (dbA)**
One-or two-family residential zone	10 p.m. to 7 a.m.	45
	7 a.m. to 10 p.m.	55
Multiple dwelling residential zone, public zone	10 p.m. to 7 a.m.	50
	7 a.m. to 10 p.m.	60
Commercial zone or commercial-manufacturing zone	10 p.m. to 7 a.m.	55
	7 a.m. to 10 p.m.	60
Manufacturing zone	any time	70

Further, 8.20.020 A states:

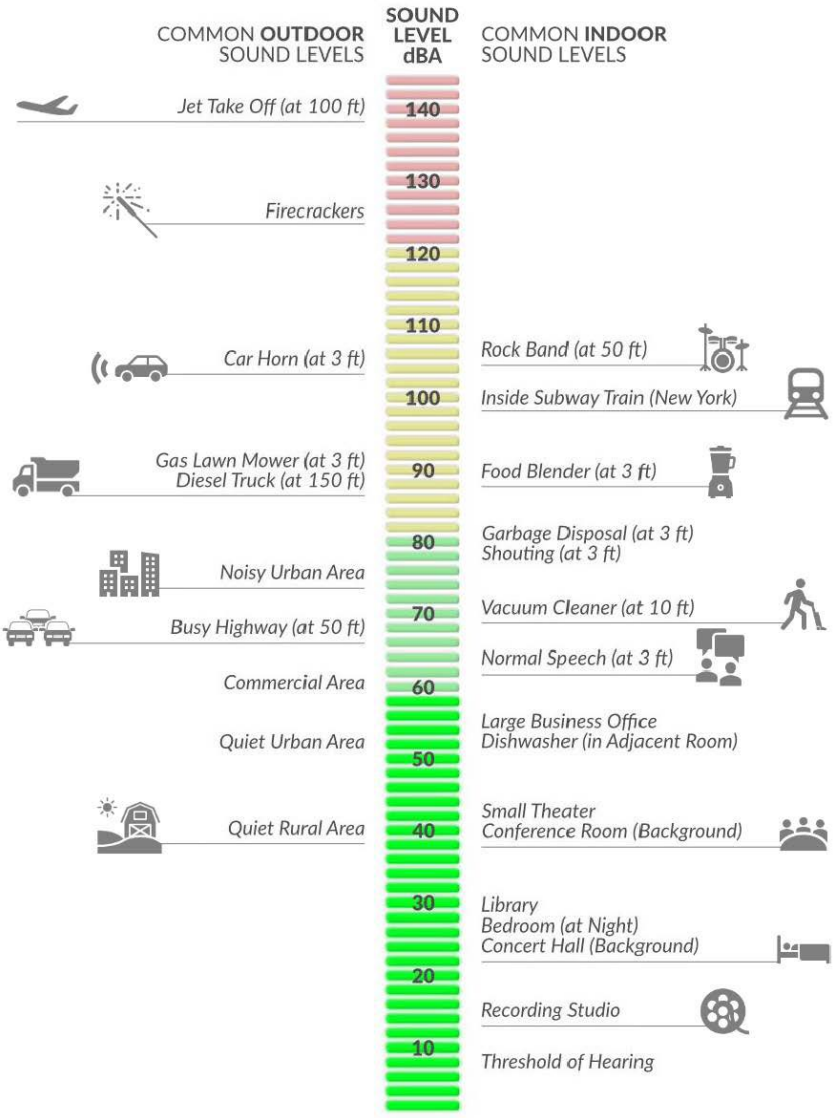
> 1. No person shall operate or cause to be operated any source of sound at any location within the city or allow the creation of any noise on property owned, leased or occupied or otherwise controlled by such person, which causes the noise level when measured on any other property to exceed:
>
> a. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 for a cumulative period of more than thirty minutes in any hour; or
>
> b. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus five dBA for a cumulative period of more than fifteen minutes in any hour; or
>
> c. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus ten dBA for a cumulative period of more than five minutes in any hour; or
>
> d. The exterior noise limit plus fifteen dBA for a cumulative period of more than one minute in any hour; or
>
> e. The exterior noise limit for that land use or zone as specified in Table 1 or Table 2 plus twenty dBA for any period of time.

The proposed 80 dBA FTA limits exceed all the criteria in 8.20.020 1. The calculated noise level in Appendix E, Table 11, Construction Noise Levels (dBA L_{eq}) for the residences south of the proposed project also exceed all the criteria in 8.20.020 1. This is a significant impact requiring mitigation.

The Project's construction noise levels would also be significant pursuant to MC 8.20.010 (defining "Intrusive noise" and "Noise disturbance"). Section 8.20.010 E provides that "'Intrusive noise' means noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or information content as well as the prevailing ambient noise level." And 8.20.010 provides that "'Noise disturbance' means any sound which (i) endangers or injures the safety or health of human beings or animals, or (ii) *annoys or disturbs reasonable persons of normal sensitivities*, or (iii) endangers or injures personal or real property or (iv) violates the limits set forth in Section 8.20.020." *Italics* added.

The Project's anticipated construction noise levels, as presented in Table 11 of Appendix E, would constitute intrusive noise and would cause a noise disturbance. For example, construction noise impacts at the mobile homes would reach 74 dBA L_{eq} during demolition, grading, and building construction, 68 dBA L_{eq} during paving, and 61.2 dBA during architectural coating. As shown in Appendix E Figure 3 (A-weighted Comparative Sound Levels), below, these noise levels are equivalent to noise sources shown below. These noise levels would annoy or disturb reasonable persons of normal sensitivities.

Figure 3 - A-weighted Comparative Sound Levels



OPERATIONAL NOISE LIMITS

1) **Appendix E does not account for mobile noise sources on the proposed project site.**

Appendix E page 32, under Project Operational Mobile Noise Source, states:

> "Roadway noise levels were calculated for the following scenarios:
> ● Existing (without Project): This scenario refers to existing year traffic noise conditions.
> ●Existing Plus Project: This scenario refers to existing year plus project traffic noise conditions."

But this analysis of roadway noise levels does not reflect noise generated by mobile sources on the Project site. A review of the Appendix E appendices does not find any worksheet or calculations for the truck traffic on the proposed project site nor the impact of

same on the mobile home residences to the south of the project. Appendix E does not discuss the impact of trucks entering and leaving the proposed project site on the residential property to the south (see MND Figure 3) to access the loading docks in the daytime or nighttime. Appendix E does not address the noise from trucks backing up to the docks, pulling away from the docks, nor the noise from the trucks idling while at the docks.

Appendix E's analysis of loading/unloading noise is internally inconsistent. Although Appendix E under Truck/Drive, on page 23, says "The proposed loading area was modeled using a SoundPLAN sound reference level for loading/unloading adjusted to be a sound level equivalent of 70 dBA L_{eq} at any point within the loading area," no worksheet was found in Appendix E's Appendix E, SoundPLAN Worksheets (pages aPx-62 to aPX- 66) that reflect a 70 dBA sound reference level. Rather, on page aPx-63, a SoundPLAN Worksheet shows that the reference level used for "Area Source - Loading/Unloading" is 65 dBA.

Appendix E's Appendix E, page aPx-63, Noise emissions of industry sources, mentions Area Source – Loading/Unloading, with entries that are HVAC equipment, but this noise level is very quiet compared to the HVAC units. There is no description of this loading/unloading activity.

2) Appendix E is not consistent in regards to the height of the proposed barrier at the south property line of the proposed project.

The MND concludes that a 10-foot concrete masonry wall along the southern property line of the project site would bring the Project into compliance with stationary noise standards. This conclusion is not supported by the analysis in Appendix E, which inconsistently references both a 10-foot and 14-foot barrier.

MM NOI-1 is described inconsistently. In the executive summary of Appendix E, MM NOI-1 calls for a 14-foot-high concrete masonry wall along the southern property line of the project site (Appendix E, page iv). On page 31 of Appendix E, MM NOI-1 calls for a 10-foot-high wall. In the MND, MM NOI-1 calls for a 10-foot-high concrete masonry wall along the southern property line of the project site. Appendix E fails to provide worksheets, calculations, or spreadsheets resolving this inconsistency.

Tables and figures in Appendix E are internally inconsistent. Appendix E Table 14 is titled on page 38 as "Project Compliance with Stationary Noise Standards – Daytime With **10-foot Barrier**," but is titled in Appendix E's List of Tables as "Table 14. Project Compliance With Stationary Noise Standards – Daytime, With **14-Foot Barrier**" (page ii).

There is no evidence in the record that Table 14 contains data reflecting a 10-foot wall. Table 14 itself shows, in the column titled "Operational Noise levels[1]" the number "45" for

Receptor 4. The superscript 1 in the column title refers to note 1 of the table, "(1) See Figure 6." The citation to Figure 6 is erroneous, as Figure 6 shows the unmitigated noise levels – there is no entry for a 10-foot fence under Signs and Symbols on Figure 6. Table 14 may have intended to refer to mitigated noise levels shown in Appendix E Figure 7. But Figure 7 also does not clearly reflect noise levels with a 10-foot wall – although Figure 7 has an entry for a 10-foot fence under Signs and Symbols, Figure 7 is titled: "Operational Noise Levels (dBA, CNEL) with **14-Foot Barrier**."

Appendix E states: "With construction of a ten-foot concrete barrier along the southern property line where the project site abuts single family land uses operational noise levels would be 45 dBA Leq and no nighttime standards would be exceeded (see Tables 14 and 15, and Figure 7)." There is no evidence in Appendix E supporting the adequacy of a 10-foot wall due to the inconsistent references to 10-foot and 14-foot walls. There is no information in Appendix E showing that Appendix E calculated noise reductions for a 10-foot wall, as are no worksheets, calculations, or spreadsheets for the noise levels noted in Table 14, Figure 6, or Figure 7.

3) **The noise barrier must be conditioned to reduce noise flanking.**

The noise barrier proposed by MM NOI-1 needs to continue to the north for at least 30 feet at the east and west ends of the barrier to reduce flanking. Flanking refers to when a sound passes around a partition separating two spaces. Simply specifying the height of a wall between adjacent spaces fails to guarantee the noise reductions estimated in Appendix E.

4) **Appendix E improperly compares noise metrics.**

The noise metric in Figure 6 is "Leq" but, according to the Figure 7 title, the noise metric in Figure 7 is "CNEL". MC 08.20.010 does not list CNEL and Appendix E, page 31, under "Mobile Source Noise" states "California courts have rejected use of what is effectively a single "absolute noise level" threshold of significance (e.g., exceed 65 dBA CNEL) on the grounds that the use of such a threshold fails to consider the magnitude or severity of increases in noise levels attributable to the project in different environments.

OTHER ISSUES

1) Appendix E pages 37 and 39 appears to be from another project "8388 Beech Avenue Truck-Trailer Storage Facility Noise Impact Analysis 19581." Table 13 on page 37 and Table 15 on page 39 refer to a "Receptor R-4." Receptor R-4 is not found anywhere else in Appendix E.

CONCLUSION

Due to the errors in the analysis as described above, the conclusion that the project impact is less than significant is unsupported.

Sincerely,
MENLO SCIENTIFIC ACOUSTICS, INC.

Neil A. Shaw, FASA, FAES

NAS:sk

RESUME - NEIL A. SHAW

Education:

University of California, Los Angeles
B. S. Engineering, 1977, cum laude
M. S. Engineering, 1977

Cooper Union, New York, 1968 - 1970

Honors:

Kenward S. Oliphant Memorial Fellowship in Acoustical Engineering (awarded by Consulting Engineers Association of California)
Tau Beta Pi

Experience:

Menlo Scientific Acoustics, Inc., Topanga

Designer and manager for acoustic design projects including audio-visual systems, sound reinforcement systems, television and radio production systems, architectural room acoustics, electromagnetic compatibility system design and criteria development, electroacoustic and electronic signal processing equipment product performance criteria development, product design and development, environmental noise surveys and analysis, noise and vibrations control, sound isolation, and machine noise control.
1992 to present.
Principal.

University of Southern California, Thornton School of Music
2008 - 2010.

Southern California Institute of Architecture, Los Angeles
2003.

WEAL, Santa Monica

Design and construction services for sound reinforcement systems, television systems, A/V systems, paging systems, and masking noise systems for various production facilities, convention centers, airport terminals, auditoriums, places of worship, concert halls, athletic facilities, courtrooms, multipurpose rooms, gymnasiums, museums, banquet halls, lecture rooms and other facilities. Transportation ambient noise surveys and analysis, construction site noise measurements, and field STC and NIC measurements per ASTM E 336-84. Lead member of team to install, run and maintain database manager computer software for company projects and clients. Part of design, implementation and enhancement team for computer controlled laboratory data acquisition and processing for laboratory tests performed per ASTM E 90-85 and ASTM C 423-84a.
1975 to 1992.

Aero-acoustics Laboratory, UCLA

Responsibilities include computer programming, aero-acoustic measurements, acoustic measurements, database search and statistical processing, A/D anti-aliasing filter design and prototyping, multi-channel data acquisition and processing, post processing and display.
1978 to 1984.

Affiliations:

Fellow, Acoustical Society of America
- Chairman, Los Angeles Chapter, 1991 to 2001.
- Organizer and Co-Chair, Joint ASA/ASJ meeting 1996, Auralization Special Session.
- Organizer and Chair, ASA meeting, 1997, Engineering Acoustics Special Session.
- Organizer and Co-Chair, ASA meeting, 1999, Engineering Acoustics Special Session.
- Organizer and Co-Chair, ASA meeting, 2000, Student Loudspeaker Design Competition.
- Chairman, ASA meeting, 2001, Architectural Acoustics Modeling and Imaging Special Session.
- Organizer and Chair, ASA meeting, 2001, Architectural Acoustics Cruise Ship Acoustics Special Session.
- Tutorial on Architectural Acoustics, Joint ASA/ICA/MCA Cancun meeting, December 2002.
- Invited Paper, November 2003 ASA meeting, "Sound Quality and Loudspeakers," Special Session on Sound Quality - When Sound is the Essential Quality.
- Organizer and Co-Chair, ASA meeting, 2004, Special Session on the Bell Laboratories and Acoustics.
- Invited Paper, June 2004 ASA meeting, "Textbooks on Acoustics," On the Occasion of His 90th Birthday, To Honor the Contributions of Leo L. Beranek to Acoustics and Teaching Special Session sponsored by all the Technical Committees and ASA Committees.
- Chairman, June 2004 ASA meeting, General Topics in Architectural Acoustics
- Invited Paper, June 2005 ASA meeting, "Barnum Hall - The Continuing Renovation of a Streamline Moderne Theater," Special Session on Preserving Acoustical Integrity in the Course of Renovation.
- Invited Paper, Winter 2007 ASA meeting, "Sound Systems for Large Scale Venues," with John Monitto, Special session on Sound Systems in Large Rooms and Stadia
- Member, Technical Committee on Architectural Acoustics, 1996 - 2010
- Member, Technical Committee on Engineering Acoustics, 1998 - 2010
- Member, Technical Committee on Physical Acoustics, 2000 - 2010
- Member, Books+ Committee, 1996 - present

Fellow, Audio Engineering Society
- Member, Technical Committee on Acoustics and Sound Reinforcement, 1988 to 2005.
- Chairman, Large Array Systems Session and Special JAES issue, 1987
- Chairman, Workshop on Auralization, 1993
- Co-Chairman, Workshop on Weather-Related Issues in Outdoor Sound Reinforcement, 1998
- Tutorial on Loudness, Los Angeles Chapter, March 2003

Senior Member, Institute of Electrical and Electronic Engineers

Member, Society of Motion Picture and Television Engineers
- Member, Standards Community TC-20F Film, TC-20F-30 WG Film Audio, TC-20F-40 Theatrical Projection, ST-SG Theater B-chain 1990 to present.

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EIT, CA #37673

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"Worship, Acoustics, and Architecture," Ettore Cirillo and Francesco Martellotta - Journal of the Audio Engineering Society, Journal of the Audio Engineering Society, Volume 55, No. 11, November 2007

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"The Acoustics of Performance Halls Spaces for Music from Carnegie Hall to the Hollywood Bowl," J. Christopher Jaffe - Journal of the Audio Engineering Society, Volume 59, No. 4, April 2011

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Selected Product Development Projects - Neil A. Shaw

Aura Systems	1992 - 2005 Technical support for audio projects using inherently shielded neodymium speakers.
Peavey	1995 - 1997 Loudspeaker engineering for professional woofers and compression drivers, out-sourcing of electronics and speaker manufacturing, joint venture liaison.
Armstrong World Industries	1999 - 2002 Conception and product definition for active acoustic initiative. Product definition and development of ceiling tile speaker, and other projects.
Microsoft	1999 - 2000 Headset and headset element design for voice recognition product.
Cisco	1999 - 2000 Telephone and speaker-phone design for Internet telephone.
Intel	2000 Internet appliance sound system product
RPG	2001 - 2020 Technical and marketing support for this vendor of acoustical devices for architectural spaces.
Bohlender-Graebener	2001 - 2004 Technical support and loudspeaker engineering for planar diaphragm loudspeaker products.
Johns Manville	2002 Strategic product and market research and analysis.
Tri-path	2002 - 2006 Technical support and system engineering for digital audio power amplifiers.
Extron	2002 - 2003 Technical and material support for loudspeaker development and research.
Microsoft	2003 - 2006 Anechoic chamber design. Electroacoustic product testing protocol development.
University of Illinois	2008 - 2009 Transducer and power amplifier design and selection for food industry processing equipment.
Microsoft	2008 - 2009 Anechoic chamber design. Electroacoustic product testing protocol development.
KLA-Tencor	2010 Vibration isolation engineering for scanning electron microscope semiconductor wafer inspection equipment.
Microsoft	2011 Acoustic measurement and analysis for Kinect manufacturing end-of-line 100% test chamber.
ETC	2011 Noise analysis and noise control for electrically operated variable speed theater hoist equipment.

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Selected Projects - Neil A. Shaw:

Arcadia City Council Chambers	Arcadia, California
Grossmont Civic Auditorium	El Cajon, California
Center for Faith and Life, Luther College	Decorah, Iowa
Concert Hall, University of Kentucky	Lexington, Kentucky
Swimming Pool, University of Riyad	Riyad, Saudi Arabia
Oakland-Piedmont Municipal Courts	Oakland, California
2500 seat Auditorium, 700 seat Auditorium, 250 seat Library Hall, Mosque and Minaret, Gymnasium, Fine Arts Recital Hall, 100 seat Museum Hall, 500 seat Lecture Rooms, 250 seat Lecture Rooms, 1000 seat Banquet Hall, 200 seat Meeting Rooms, 100 seat Meeting Rooms, University of Riyad	Riyad, Saudi Arabia
Des Moines Civic Auditorium	Des Moines, Iowa
California School For the Blind	Hayward, California
South Coast Air Quality Management District Hearing Room	El Monte, California
First United Methodist Church	Santa Monica, California
George R. Moscone Convention Center	San Francisco, California
H. J. Kaiser Convention Center	Oakland, California
Carson Community Center	Carson, California
LAX Terminal One	Los Angeles, California
Crocker Bank Auditorium	Los Angeles, California
Wilshire Auditorium, Fullerton College	Fullerton, California
Salt Palace Convention Center Expansion	Salt Lake City, Utah
Metro Toronto Convention Center and Theater	Toronto, Ontario
Orpheum Theater Restoration	Davenport, Iowa
Athanaeum, Claremont College	Claremont, California
San Jose Federal Office Building	San Jose, California
Fairmont Hotel	San Jose, California
LAX Terminal Five	Los Angeles, California
First Presbyterian Church	Upland, California
Royal Saudi Air Force Hush Houses	Saudi Arabia
NCO Training Facility, March AFB	Riverside, California
Veterans Administration Out Patient Clinic	Los Angeles, California
Lied Center for the Performing Arts, University of Nebraska	Lincoln, Nebraska
MaMaison Hotel	Los Angeles, California
Escondido City Council Chambers	Escondido, California
Mercy Hospital	San Diego, California
Mercy Hospital	Sacramento, California
Jain Bhavan Worship Center	Santa Ana, California
Ojai Valley Inn	Ojai, California
Simon Wiesenthal Center and Holocaust Museum	Los Angeles, California
New Otani Hotel	Los Angeles, California
Oceanside City Council Chambers	Oceanside, California
Santa Monica Beach Hotel	Santa Monica, California
Greenwood Racetrack	Toronto, Ontario
Woodbine Racetrack	Toronto, Ontario
Mohawk Racetrack	Campbellville, Ontario
Toyota Training Center	Torrance, California
Fresno Art Center	Fresno, California
McLaren Children's Center	Los Angeles, California

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Lindbergh Field West Terminal Expansion	San Diego, California
Richard M. Nixon Presidential Library	Yorba Linda, California
Carnation Headquarters	Glendale, California
Los Angeles County Bar Association	Los Angeles, California
Los Angeles Federal Office Building	Los Angeles, California
Intercontinental Hotel	Los Angeles, California
Lake Avenue Congregational Church	Pasadena, California
Hewlett Packard Presentation Center	North Hollywood, California
Dance Recital Hall and Auditorium, California State University	Long Beach, California
Inyo County Superior Court	Independence, California
Adele Platt Conference Center, City of Hope Medical Center	Duarte, California
Los Angeles County Emergency Operation Center	Los Angeles, California
Antonio B Won Pat International Airport	Tamuning, Guam
Temple Adat Sholam	Westwood, California
Sound Stage 29/30, Paramount Pictures	Hollywood, California
Executive Screening Room, Theater, Dubbing Theater, Metro-Goldwyn-Mayer	Santa Monica, California
Lakeview Terrace Rehabilitation Facility, Phoenix House of Los Angeles	Lakeview Terrace, California
Physiological Acoustics Research Facility, UCLA Medical Center	Westwood, California
Performing Arts Center	Lancaster, California
Crystal Harmony, Crystal Cruise Lines	Los Angeles, California
Integrated Service Facility, NASA/Dryden Research Facility	Edwards, California
Theater, Metro-Goldwyn-Mayer	New York, New York
Santa Ana Theater	Santa Ana, California
Sammy Davis Jr. Festival Plaza	Las Vegas, Nevada
City Hall, Council Chamber	Santa Monica, California
Video Conference Facility, Sony Music	New York, New York
Legend of the Seas, Royal Caribbean Cruise Lines	Miami, Florida
Orange County Branch Library	Aliso Viejo, California
Screening Room, Warner Brothers Animation	Glendale, California
Screening Room, Turner Feature Animation	Glendale, California
Las Vegas Motor Speedway	North Las Vegas, Nevada
Large Screening Room, Metro-Goldwyn-Mayer	Santa Monica, California
Japanese American National Museum	Los Angeles, California
Carson City Courthouse	Carson City, Nevada
St. Mel Parish Center	Woodland Hills, California
Congregation Ner Tamid	Rancho Palos Verdes, California
Old Town Temecula Streetscape	Temecula, California
Grandeur of the Seas, Royal Caribbean Cruise Lines	Miami, Florida
Disney Magic, Disney Cruise Lines	Orlando, Florida
Coral Sky Amphitheater	West Palm Beach, Florida
First Chinese Baptist Church	Los Angeles, California
St. Mark Coptic Orthodox Church	Los Angeles, California
C-17 Assembly Facility, Douglas Aircraft Division, The Boeing Corporation	Long Beach, California
Crisci's Restaurant	Brooklyn, New York
JamSync Studios	Nashville, Tennessee
New Standard Post	Hollywood, California
Media Artists, Pty	Madras, India
The Lobster	Santa Monica, California

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International Rectifier	Tijuana, Baja California, Mexico
Antelope Valley Courthouse	Lancaster, California
Fe Bland Forum, Santa Barbara City College	Santa Barbara, California
Arizona Humane Society	Phoenix, Arizona
Cartoon Network	Glendale, California
Santa Monica High School	Santa Monica, California
Malibu High School	Malibu, California
Barnum Hall Auditorium	Santa Monica, California
Sobrato High School	Morgan Hill, California
Temple Beth El	Aliso Viejo, California
Sacramento East End Project	Sacramento, California
Gold Circle Films	Beverly Hills, California
Denver City Hall Extension	Denver, Colorado
Fullerton City Hall	Fullerton, California
Union Station Improvement	Los Angeles, California
Intimate Theater, California State University	Los Angeles, California
San Diego Convention Center, Sails Pavilion	San Diego, California
Temple Shir Ha-Ma'A Lot	Irvine, California
United States Courthouse	Fresno, California
Department of Education Office Complex, State of California	Sacramento, California
MGM Constellation Headquarters	Century City, California
Ketchum Advertising	Venice, California
Orange County Register	Santa Ana, California
28th Church of Christ, Scientist	Westwood, California
Temple Solel	Escondido, California
NT Audio Mixing and QC Rooms	Santa Monica, California
River Cats Restaurant	Sacramento, California
Caltrans District 7 Headquarters	Los Angeles, California
1221 Ocean Avenue	Santa Monica, California
Memorial Assembly Hall	Manhattan Beach, California
City of Manhattan Beach Annex	Manhattan Beach, California
Twohy Building	San Jose, California
Widget Post Production	Culver City, California
1st Church of Christ, Scientist	Beverly Hills, California
Sunrise Assisted Living	Pacific Palisades, California
Sunrise Assisted Living	Santa Monica, California
Sunrise Assisted Living	Woodland Hills, California
Academy of Motion Picture Arts and Sciences Boardroom	Beverly Hills, California
Getty Villa Outdoor Amphitheater	Los Angeles, California
Ressler Residence	Beverly Hills, California
American Honda	Torrance, California
Community Baptist Church	Manhattan Beach, California
Bernard Hodes Agency	Marina Del Ray, California
Houston's Restaurant	Santa Monica, California
Café R&D	Newport Beach, California
Getty Center Auditorium	Los Angeles, California
Mid-City Police Station	Los Angeles, California
College of Humanities, Arts, and Social Sciences Instruction and Research Facility, University of California	Riverside, California
Genomics Research Facility, University of California	Riverside, California
Panasonic Hollywood Laboratory	Universal City, California

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Sports Spectrum Club	Pacific Palisades, California
Sunrise Assisted Living	Simi Valley, California
Rose Bowl	Pasadena, California
First Presbyterian Church	Santa Monica, California
Los Angeles Fire Department Headquarters	Los Angeles, California
New York City Transit No. 7 Line Extension	New York, New York
Los Angeles County Metropolitan Transportation Authority Goldline	Los Angeles, California
South Lawn Project, University of Virginia	Charlottesville, Virginia
Shangri-La Hotel	Santa Monica, California
Pacific Star, Princess Cruise Lines	Santa Clarita, California
Allied Post	Santa Monica, California
Jet Propulsion Laboratory von Karman Auditorium	Pasadena, California
Self Realization Fellowship	Los Angeles, California
Temple Beth Am	Los Angeles, California
Broome Library, California State University, Channel Islands	Camarillo, California
California High-Speed Train Project	State of California
Morongo Band of Mission Indians Administrative Complex	Banning, California
The Buddy Group	Irvine, California
Café R&D	Santa Monica, California
Club 7969	West Hollywood, California
Brent's Deli	Westlake Village, California
Santa Cruz County Criminal Justice Complex	Nogales, Arizona
Porto's Bakery	Burbank, California
Microsoft Hardware Group Audio Test Laboratories	Redmond, Washington
University of California, Irvine, Arts Building	Irvine, California
Los Angeles Unified School District High School No. 9	South Gate, California
Notre Dame High School	Sherman Oaks, California
St. Mark Presbyterian Church	Newport Beach, California
Fame Academy Poly High School	Sun Valley, California
FAA Sonic Boom Simulator (with the Pennsylvania State University)	State College, Pennsylvania
Metropolitan Transit District Hearing Room	Los Angeles, California
St. Peter and St. Paul Coptic Church	Santa Monica, California
Lifehouse Properties	Pacific Palisades, California
Wilson Well No.2	San Gabriel, California
Habitat for Humanity Lynwood Housing	Lynwood, California
Whole Foods Plaza	Malibu, California
Habitat for Humanity Burbank Housing	Burbank, California
The Cork	Los Angeles, California
Cove Way Residence	Beverly Hills, California
Habitat for Humanity Lawndale Housing	Lawndale, California
Forest Lawn Chapel	Cypress, California
Rodney Bay and Gros Islet Villages	St. Lucia
Panasonic Avionics	Lake Forest, California
Capitol Records	Hollywood, California
Art of Living Foundation	Los Angeles, California
Conexant Corporation	Newport Beach, California
University of California, Santa Barbara Faculty Center	Santa Barbara, California
Bill and Melinda Gates Foundation	Seattle, Washington
J Restaurant and Lounge	Los Angeles, California
Newcom	Santa Monica, California

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American School in Vietnam	Hanoi, Vietnam
Apple Yellowstone Anechoic Chamber Facility	Cupertino, California
Barnum Hall Continuing Renovation	Santa Monica, California
Malibu High School Auditorium Renovation	Malibu, California
John Adams Middle School Auditorium Renovation	Santa Monica, California
Westminster Presbyterian Church	Newbury Park, California
American School in Bombay	Mumbai, India
Temple Judea	Tarzana, California
Holy Angel Church	San Marino, California
Kroc Institute for Peace and Justice University of San Diego	San Diego, California

7 June 2012

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January 27, 2025

VIA E-Mail and U.S. Mail
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Re: **Agenda Item No. 8.a: Appeal of Planning Commission Approval of 2222 Rosemead Boulevard**

Dear Mayor Olmos, Mayor Pro Tem Delgado, Mr. Acosta, Mr. Bojorquez, Mr. Rodriguez, and Mr. Garcia:

We write on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") regarding Agenda Item No. 8.a., which concerns CREED LA's appeal of the City of South El Monte ("City") Planning Commission's November 19, 2024 land use and environmental approvals for the 2222 Rosemead Boulevard Warehouse Development Project (State Clearinghouse No. 2024100046; Conditional Use Permit No. 21-13) ("Project") proposed by Tait & Associates, Inc. ("Applicant") as set forth in Resolution No. 24-09.

According to the Staff Report, the appeal hearing will be continued to February 18, 2025, pursuant to Government Code Section 54955.1.[1] The Staff

[1] Memorandum to Honorable Mayor and Members of City Council, South El Monte from Guillermo Arreola, Director of Community Development, South El Monte re: Appeal of Planning Commission Resolution No. 24-09, Adopting a Mitigated Negative Declaration and Approval of Conditional Use Permit No. CUP 21-13 to Allow for the Development of a New 156,877 Square Foot Warehouse Building to be Located at 2222 Rosemead Boulevard (Jan. 28, 2025) (hereinafter "City Council

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Report does not contain any substantive responses or new analysis in response to CREED LA's appeal, and the City still has not prepared an environmental impact report ("EIR") for the Project. CREED LA supports a continuance but asks that the City Council further extend the date for the continued hearing to allow sufficient time for the City to prepare and circulate an EIR for the Project and bring its actions into compliance with the California Environmental Quality Act ("CEQA") and land use laws before any further hearings are conducted.[2]

In the alternative, if the City Council chooses to act on the appeal at this time, CREED LA respectfully requests that the City Council uphold the appeal and vacate all Planning Commission approvals. This includes vacating Resolution 24-09, adoption of the Initial Study / Mitigated Negative Declaration[3] ("IS/MND") and Mitigation and Monitoring Reporting Program ("MMRP"), the approval of Conditional Use Permit No. 21-13, and all other related approvals and findings. In upholding the appeal, the City Council should also remand the Project to City staff to prepare and circulate a legally adequate EIR.

As detailed in CREED LA's appeal, the IS/MND is fundamentally flawed and fails to meet the requirements of CEQA.[4] Specifically, the IS/MND fails to adequately analyze and mitigate the Project's impacts related to air quality, greenhouse gas ("GHG") emissions, public health, energy, noise, transportation, and public utilities. There is substantial evidence in the record supporting a fair argument that these impacts are significant and unmitigated. These unresolved issues demonstrate that an EIR is required for the Project and that the City's environmental review failed to comply with CEQA.

In addition to the deficiencies outlined in CREED LA's appeal, the IS/MND's deficient disclosure and mitigation of impacts associated with remediation of the Project's site-specific soil contamination impacts require the preparation of an EIR. Specifically, the IS/MND fails to adequately disclose and mitigate potentially

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Agenda Report"), *available at* https://southelmonteca.portal.civicclerk.com/event/372/files/report/1709.

[2] Letter to City Council, City of South El Monte from Andrew J. Graf, Adams Broadwell Joseph & Cardozo re: Appeal of Planning Commission Resolution No. 24-09, Adopting the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program, and Approving Conditional Use Permit No. 21-13 for the 2222 Rosemead Boulevard Warehouse Development Project (Nov. 27, 2024) (hereinafter "CREED LA Appeal").

[3] City of South El Monte, 2222 Rosemead Boulevard Warehouse Development: Initial Study and Mitigated Negative Declaration (Oct. 2024) (hereinafter "IS/MND"), *available at* https://files.ceqanet.opr.ca.gov/306909-1/attachment/NNeca6u-dkBdc7O_85UzriOH1-jlPl91DSP4H9aBaRjycZ4HV9N7ItQHuOv4VAi_XOKsW6nMv_V3J16H0.

[4] *See generally* CREED LA Appeal.

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significant hazard risks to construction workers, fails to analyze construction impacts associated with reasonably foreseeable soil remediation activities that are required for the Project to proceed, and fails to analyze compliance with South Coast Air Quality Management District's ("SCAQMD") Indirect Source Rule. These omissions represent critical gaps in the environmental review process.

We urge the City Council to take meaningful action to ensure compliance with CEQA by vacating the Project's approvals and requiring the preparation of a comprehensive EIR that addresses these deficiencies.

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations formed to ensure that the construction of major urban projects in the Los Angeles region proceeds in a manner that minimizes public and worker health and safety risks, avoids or mitigates environmental and public service impacts, and fosters long-term sustainable construction and development opportunities. The association includes South El Monte residents Alejando Ayala and Jose Francis, the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of South El Monte and Los Angeles County.

Individual members of CREED LA live in the City of South El Monte, and work, recreate, and raise their families in the City and surrounding communities. Accordingly, they would be directly affected by the Project's environmental and health, and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist on site.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

CREED LA supports the development of commercial, mixed use, and medical office projects where properly analyzed and carefully planned to minimize impacts

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on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

II. THE CITY'S HAZARDOUS MATERIALS AND CONSTRUCTION IMPACT ANALYSES FAIL TO COMPLY WITH CEQA

The IS/MND acknowledges that the Project site has a decades-long history of significant soil and groundwater contamination, which has prompted cleanup orders from both the Los Angeles Regional Water Quality Control Board ("Los Angeles RWQCB") and U.S. Environmental Protection Agency. Environmental investigations at the Project site have identified concentrations of hazardous compounds in soil, soil vapor, and groundwater samples that exceed current regulatory thresholds, including high levels of polychlorinated biphenyl ("PCB"), lead, arsenic and hexavalent chromium.[5] These contaminants are the result of prior on-site operations, including a steel drum reconditioning facility and various autobody shops, as well as off-site sources of contamination migrating onto the site.[6]

While the IS/MND notes that some contamination has been remediated, substantial contamination remains. The residual contamination exceeds commercial environmental screening levels and poses significant risks to public health, particularly to on-site workers and surrounding communities. The IS/MND states that site contamination must be addressed before the grading phase of Project construction commences and requires preparation and implementation of a Soil Remediation Work Plan ("SRWP") and Soil Management Plan ("SMP") as mitigation measures. Therefore, remediation activities are an integral component of the Project.

However, the IS/MND fails to analyze the direct and indirect environmental impacts associated with the site cleanup, including but not limited to construction-related air quality impacts from dust and emissions, noise from remediation equipment, and transportation impacts from hauling contaminated soil off-site. CEQA requires that all phases of a project, including activities necessary for site preparation and remediation or those required by mitigation, be analyzed for potential significant impacts.[7] CEQA also requires an analysis of impacts that are

[5] *See generally* IS/MND at pp. 64-70, appen. C.
[6] *Ibid*.
[7] CEQA Guidelines §§ 15064(d), 15126.4(a)(1)(D).

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exacerbated by the project, even if the contamination is not directly caused by the project.[8]

The City's own record provides substantial evidence supporting a fair argument that contamination impacts and associated cleanup efforts are potentially significant. Despite this evidence, the IS/MND fails to adequately disclose the extent of these impacts or provide sufficient mitigation measures to address them. An EIR is required to fully evaluate and mitigate the potential impacts of contamination and the proposed cleanup efforts.

A. The IS/MND Fails to Adequately Analyze and Mitigate Potential Public Health Impacts to On-Site Construction Workers from Exposure to Hazardous Materials

The IS/MND acknowledges the presence of significant soil and groundwater contamination at the Project site but concludes that construction impacts would be less than significant with mitigation.[9] However, the IS/MND fails to adequately disclose the severity of potential health risks to on-site construction workers or provide effective mitigation measures to address these risks.

The human health risk assessment ("HHRA") prepared by the City's consultant reveals that the cumulative incremental lifetime excess cancer risk ("ILECR") is $4x10^{-5}$, four times OEHHA's benchmark cancer risk level of $1x10^{-5}$.[10] This elevated risk is predominantly attributable to inhalation of hexavalent chromium (83%),which can cause cancer and damage the respiratory system, liver, skin, and eyes.[11] Additionally, the non-cancer hazard index ("HI") is 17, far exceeding the acceptable threshold of 1, primarily due to arsenic (41%) and Aroclor-1242 (31%).[12] These findings indicate that construction workers face significant health risks during Project implementation, which the IS/MND fails to disclose or mitigate effectively.

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[8] *See California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.
[9] IS/MND at pp. 64-73; *see also id.*, appen. C.
[10] IS/MND, appen C., Haley & Aldrich, Limited Soil Remediation Work Plan Addendum (Apr. 2024), appen. F (Haley & Aldrich, Report on Updated Risk Evaluation for South El Monte Site 2200-2226 North Rosemead Boulevard South El Monte, California (Apr. 2024) p. 20.
[11] *Ibid.*
[12] *Ibid.*
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While the IS/MND includes mitigation measures (MM HAZ-1 through MM HAZ-5) aimed at addressing contamination,[13] these measures are insufficient to protect on-site workers during construction activities. MM HAZ-2 and MM HAZ-3 require the implementation of existing remediation work plans and post-remediation risk evaluations to confirm whether remedial action goals have been achieved.[14] However, the IS/MND does not expressly prohibit non-remediation construction activities until the Los Angeles RWQCB and U.S. EPA confirmed that site is safe for on-site construction workers.

While the mitigation measures require specific cleanup activities to be completed prior to the grading phase, there is no guarantee that post-remediation evaluations will demonstrate that contamination has been sufficiently reduced to safe levels, and the IS/MND's mitigation measures do not restrict issuance of grading permits on that basis. If residual contamination remains after initial cleanup efforts are completed as required under MM HAZ-2 and MM HAZ-3, construction workers and nearby communities may still be exposed to hazardous conditions. By allowing construction to proceed without certainty that risks have been eliminated, the IS/MND improperly shifts the burden of risk to construction workers and fails to ensure their health and safety are adequately protected.

This lack of disclosure and inadequate mitigation violates CEQA's informational and procedural requirements, preventing the public and decision-makers from fully understanding the Project's health impacts. Therefore, the IS/MND lacks substantial evidence to conclude hazard impacts are less than significant. An EIR must be prepared to comprehensively analyze construction-phase health risks and enforceable mitigation measures to ensure worker safety.

B. The IS/MND Underestimates Air Quality Impacts by Excluding Soil Remediation Activities from Emission Estimates

According to a Limited Soil Remediation Work Plan Addendum, approximately 4,999 cubic yards ("cy") of contaminated soil will be excavated from the eastern portion of the Project site.[15] This includes 4,670 cy of soil contaminated with PCB, 164 cy with lead, 122 cy with arsenic, and 7 yards with total petroleum hydrocarbons diesel.[16] The soil will then be segregated, stockpiled, sampled, profiled, and transported to an appropriate waste disposal facility.[17] These

[13] IS/MND at pp. 75-77.
[14] *Id*. at p. 76.
[15] LSRWPA, Table 8 (Soil Remedial Excavation Volumes).
[16] LSRWPA, Table 9 (Soil Remedial Excavation Volumes by [Contaminant of Concern]).
[17] LSRWPA at pp. 17-20.
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remediation activities are anticipated to last approximately 45 days.[18] Despite acknowledging the need for such extensive remediation, the IS/MND fails to analyze the associated air quality impacts, resulting in an incomplete and inadequate environmental review.

Under CEQA, lead agencies are required to use good faith and best efforts to analyze reasonably foreseeable environmental impacts. This includes evaluating the scope, types, and duration of remediation activities and quantifying the associated emissions. These emissions must then be incorporated into the Project's construction emissions profile and evaluated against the selected significance thresholds. By omitting an analysis of emissions from soil remediation activities, the IS/MND violates CEQA's fundamental requirement for a thorough and accurate environmental review.

Soil remediation activities associated with the Project will require the use of heavy-duty, diesel-fueled equipment to excavate and transport contaminated soils, as well as vehicle trips by workers conducting cleanup operations. These activities will generate substantial emissions, including criteria air pollutants and toxic air contaminants, due to truck hauling and excavation-related operations. Despite these foreseeable impacts, the CalEEMod output files provided in the IS/MND fail to account for remediation activities. Specifically, the construction schedule used in the air quality analysis omits a remediation phase, even though such activities are clearly planned (and possibly even underway)[19] and would result in significant emissions.

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[18] LSRWPA at p. 20.

[19] See Email to Jennifer Nobui, Los Angeles Regional Water Quality Control Board from Chris Tsiatsios, Haley & Aldrich, Inc. re: Rosemead Holding – South El Monte – Pacific Coast Drum – Soil Remediation Completion Report Schedule Extension (Jan. 10, 2025), *available at* https://documents.geotracker.waterboards.ca.gov/esi/uploads/geo_report/2819116532/SL603798723.PDF; Letter to Wayne Wang, Rosemead Holding L.L.C. from Jennifer Nobui, Los Angeles Regional Water Quality Control Board re: Approval of Soil Management Plan (Nov. 5, 2024), *available at* https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9613248527/SCP5_JN_Pacific%20Coast%20Drum_Appr%20Letter%20of%20SMP%2010152024%20(1).pdf; Letter to Wayne Wange, Rosemead Holding L.L.C from Jennfer Nobui, Los Angeles Regional Water Quality Control Board re: Approval of Limited Soil Remediation Work Plan, Limited Soil Remediation Work Plan Addendum, and Technical Memorandum – Response to Comments on the "Limited Soil Remediation Work Plan Addendum" (Oct. 2, 2024), *available at* https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/2461286246/SCP5_JN_Pacific%20Coast%20Drum_Appr%20of%20Soil%20Rem%20WP%20Addm_10-02-24%20Final.pdf.

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For example, the IS/MND assumes that demolition and grading activities for the entire Project site will require only 40 days,[20] yet the 45-day estimate for remediation activities for only a portion of the site exceeds this timeframe.[21] This inconsistency demonstrates that the IS/MND underestimates both the duration and intensity of construction-related emissions. By failing to include a remediation phase, the IS/MND overlooks a significant source of construction-related air quality impacts in violation of CEQA.

Additionally, the IS/MND underestimates emissions associated with haul truck trips. The CalEEMod output files indicate that the City used a default one-way trip length of 20 miles to quantify emissions for hauling construction materials and importing or exporting soil.[22] However, no soil export is included in the analysis despite the clear need to remove and dispose of contaminated soil as part of the remediation process.

This omission is particularly problematic given the longer trip lengths required to transport soil to appropriate disposal facilities. For example, the nearest landfill accepting non-hazardous soil is the Bradley Municipal Landfill, located approximately 27 miles from the Project site.[23] For RCRA and non-RCRA hazardous soil, the nearest permitted hazardous waste facility is the Clean Harbors Buttonwillow facility, located approximately 146 miles away from the Project site.[24] Additionally, the Waste Management Kettleman Hills facility, approximately 188 miles away from the Project site, is the only facility in California that accepts Toxic Substances Control Act-regulated PCB waste for disposal.[25]

Given that most of the contaminated soil (~4,670 cy) contains PCB,[26] the need to transport this material to Kettleman Hills significantly increases haul truck trip lengths and associated emissions. These significantly longer one-way trip

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[20] IS/MND, appen. A, Memorandum to City of South El Monte from Giancarlo Ganddini, Ganddini Group re: Rosemead and Rush Industrial Project – Updated Plan Set and Transportation, Noise, and Air Quality/Greenhouse Gas/ Energy Impact Studies (Aug. 15, 2024), appen. B (CalEEMod Model Detailed Report & EMFAC Data) p. 36.
[21] LSRWPA at p. 20.
[22] CalEEMod Model Detailed Report & EMFAC Data at pp. 37-38.
[23] IS/MND, appen. C (Leighton Consulting Inc., Limited Soil Remediation Work Plan for the Eastern Portion of 2200 North Rosemead Boulevard South El Monte, California 91733 (Apr. 25, 2023) (hereinafter "LSRWP") p. 25.
[24] *Ibid*.
[25] *Ibid*.; *see also* Department of Toxic Substances Control, Kettleman Hills Facility, https://dtsc.ca.gov/kettleman-hills-facility/ (last visited Jan. 27, 2025).
[26] LSRWPA, Table 9 (Soil Remedial Excavation Volumes by [Contaminant of Concern]).
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distances must be accurately reflected in the emissions analysis to ensure a complete and accurate evaluation of air quality impacts.

The failure to analyze emissions from soil remediation activities and associated haul truck trips undermines the IS/MND's conclusions regarding the Project's air quality impacts. These emissions are likely significant, particularly given the volume of soil to be excavated and the potential trip distances to appropriate disposal facilities.

To comply with CEQA, the City must prepare an EIR which includes a detailed and accurate analysis of air quality impacts from soil remediation activities. This analysis must quantify emissions from heavy-duty equipment, worker trips, and haul truck trips using appropriate one-way trip lengths to disposal facilities. The emissions from remediation activities must also be integrated into the Project's overall construction emissions profile. Without this revised analysis, the IS/MND fails to meet CEQA's good faith disclosure requirements.

C. The IS/MND Fails to Evaluate Compliance with SCAQMD Rule 2305

On May 7, 2021, SCAQMD adopted Rule 2305, also known as the Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions ("WAIRE") Program, along with Rule 316 – Fees for Rule 2305.[27] Rule 2305 is designed to reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM, which are associated with warehouse operations and mobile sources such as trucks that service these facilities. These reductions are essential for helping the region attain federal and state ambient air quality standards. Rule 316 establishes a fee schedule to allow SCAQMD to recover costs associated with compliance activities under Rule 2305.[28]

Rule 2305 applies to owners and operators of warehouses that exceed 100,000 square feet.[29] Operators are subject to an annual WAIRE Points Compliance Obligation, calculated based on the number of truck trips to the warehouse each

[27] *See* South Coast Air Quality Management District, WAIRE Program, https://www.aqmd.gov/home/rules-compliance/compliance/waire-program (last visited Jan. 27, 2025).
[28] South Coast Air Quality Management District, Rule 316. Fees for Rule 2305 (May 3, 2024), *available at* https://www.aqmd.gov/docs/default-source/rule-book/reg-iii/r316.pdf?sfvrsn=15.
[29] South Coast Air Quality Management District, Rule 2305. Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program (May 7, 2021), *available at* https://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf?sfvrsn=15.
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year.[30] WAIRE Points can be earned by implementing actions from a prescribed menu, developing a custom site-specific plan, or paying a mitigation fee.[31] Warehouse owners are only required to submit limited information reports but can opt to earn WAIRE Points on behalf of their tenants by implementing measures during the development phase, such as installing solar panels or electric vehicle charging infrastructure.[32]

The proposed Project includes a 156,877-square-foot warehouse consisting of 113,703 square feet of warehouse space, 7,879 square feet of retail use, 20,305 square feet of accessory warehouse office space, and 14,990 square feet of warehouse storage space.[33] Because the Proposed Project exceeds the 100,000-square-foot threshold, its owners and operators will be subject to Rule 2305 requirements once the warehouse is occupied.

Despite this, the IS/MND fails to analyze the Project's compliance with Rule 2305. Specifically, the IS/MND does not evaluate the potential WAIRE Points Compliance Obligation for future warehouse operators. Nor does it consider whether additional measures or project requirements could be incorporated into the Project to help future operators meet their compliance obligations under Rule 2305.

For example, implementing measures during the development phase – such as installing solar panels, EV charging infrastructure, or other emissions-reducing infrastructure – could reduce the future compliance burden for warehouse operators while also enhancing the Project's environmental performance. By failing to evaluate compliance with Rule 2305, the IS/MND overlooks an important regulatory requirement that could result in unaddressed environmental impacts and missed opportunities for mitigation.

To comply with CEQA, the lead agency must revise the IS/MND to include an analysis of Rule 2305 compliance. This analysis should estimate the WAIRE Points Compliance Obligation based on the projected number of truck trips to the proposed Project, identify feasible measures that could be implemented during the development phase to facilitate compliance, and evaluate whether such measures should be incorporated as project requirements or CEQA mitigation measures. Without this analysis, the IS/MND does not provide sufficient information to fully

[30] South Coast Air Quality Management District, WAIRE Implementation Guidelines (June 2021) p. 2, *available at* https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/waire-implementation-guidelines.pdf?sfvrsn=12.
[31] *Ibid.*
[32] *Ibid.*
[33] IS/MND at p. 5.
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evaluate the Proposed project's environmental impacts and compliance with applicable regulations.

III. CONCLUSION

The record demonstrates that the Planning Commission abused its discretion by finding that the environmental impacts of the proposed Project would be reduced to less than significant levels with mitigation because it ignored substantial evidence supporting a fair argument that the Project's environmental impacts are significant and unmitigated. CREED LA urges the City Council to uphold the appeal, vacate the Planning Commission's approval of Resolution No. 24-09, remand this matter to the Planning Commission,[34] and direct City staff to prepare an EIR that fully discloses, analyzes, and mitigates the Project's significant public health, air quality, GHG, energy, noise, transportation, public utilities, and hazards impacts.

Thank you for your consideration of these comments.

Sincerely,

Andrew J. Graf
Attorney

AJG:acp

[34] *See* South El Monte Municipal Code § 17.03.130 (City Council may remand the matter to the Planning Commission).

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City Council Agenda Report
Agenda Item No. 9.a.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Gerardo Marquez, Interim Director of Community Development

SUBJECT: CONSIDERATION AND APPROVAL OF RESOLUTION NO. 25-036, APPROVING A REVISED SITE PLAN FOR THE PREVIOUSLY APPROVED MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF SOUTH EL MONTE AND MAGELLAN VALUE PARTNERS (MVP) SOUTH EL MONTE I, LLC FOR A PROPOSED DEVELOPMENT OF PROPERTY LOCATED AT 825 LEXINGTON-GALLATIN ROAD ("PROPERTY").

SUMMARY: A change to the site plan proposed under the previously approved Memorandum of Understanding, dated June 26, 2023 ("MOU"), authorized under Resolution No. 23-27 regarding the proposed development of property located at 825 Lexington-Gallatin Road ("Property")

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 25-036, approving the First Amendment to the MOU to replace a revised site plan for the MOU with MVP South El Monte I, LLC ("MVP") for Property.

FISCAL/FINANCIAL IMPACT: The revised site plan will not change the fiscal impact of the project.

DISCUSSION: On March 28, 2023, the City Council adopted Resolution No. 23-27, approving the MOU between the City of South El Monte ("City") and MVP for a proposed development of property located at 825 Lexington-Gallatin Road. The site is vacant and measures approximately 21 acres. Development of the Property includes developing approximately ten acres (10.45) with an approximate 222,000 square foot industrial building, and dedicating 10.72 acres, with limited site preparation, to the City for future recreational uses. The entire project will be designed in accordance with Army Corps and Los Angeles County Flood Control stormwater storage requirements.

The 10.72 acre area to be controlled by the City (approximately 11 acres) will include limited site preparation for future recreational uses, to be owned, managed, and operated by the City. The conceptual site plan included in the March 28, 2023 MOU included one

soccer field and a meandering walkway with no on-site parking. Since then, the applicant has worked with staff, while at the same time, addressing the U.S. Army Corp of Engineers (USACE) concern regarding the accommodation of stormwater storage improvements. The site includes a USACE easement across the Property to "overflow, flood and submerge" all or a portion of the Property in connection with the easement. As the applicant proceeded with the project, the site plan required revisions. In particular, the site plan has now been designed to accommodate two soccer fields, parking, and landscaping requirements. A trapezoid channel will traverse the park in a south-north manner between the soccer fields to relay the stormwater from the warehouse to the ultimate discharge point, a 90-inch storm pipe north of the park.

A new development agreement between the City and MVP is forthcoming and will supersede the existing agreement.

ATTACHMENT(S):

A. Resolution No. 25-036
B. MVP South El Monte - MOU for 825 Lexington-Gallatin
C. Original Site Plan
D. Revised Site Plan

ATTACHMENT A

RESOLUTION NO. 25-036

A RESOLUTION OF THE SOUTH EL MONTE CITY COUNCIL APPROVING A REVISION TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND MVP SOUTH EL MONTE I, LLC FOR DEVELOPMENT AND DEDICATION OF PROPERTY LOCATED AT 825 LEXINGTON-GALLATIN ROAD

WHEREAS, the City of South El Monte ("City") and MVP South El Monte I, LLC ("Owner") have been in discussions about the property located at 835 Lexington-Gallatin Road ("Property") and development related to the same; and

WHEREAS, the Owner owns the Property and desires to construct an industrial building (approximately 210,00 square feet) on 10.3 acres of the Property and dedicate the remaining 11 acres to the City for use as public open space; and

WHEREAS, the Property is subject to a flowage easement specific to regulations and oversight by the Army Corp of Engineers, among other state and federal standards, regulations and restrictions (collectively the "Stormwater Flowage Improvements"); and

WHEREAS, the applicant has revised the site plan in order to better accommodate the Stormwater Flowage Improvements; and

WHEREAS, the parties desire to memorialize the intention of the parties in a First Amendment to the Memorandum of Understanding that updates and revises the site plan of the previously approved MOU.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South El Monte as follows:

Section 1. The City Council hereby authorizes the City Manager to execute the proposed First Amendment to the Memorandum of Understanding ("First Amendment"), in substantially the form attached hereto and as approved as to form by the City Attorney's office.

Section 2. The City Council further directs the City Manager or designee to take all actions necessary to effectuate the agreement.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 15th day of April, 2025.

_____
Gloria Olmos, Mayor

_____
Adrian Garcia, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF SOUTH EL MONTE)

I, Adrian Garcia, City Clerk of the City of South El Monte, hereby certifies that the foregoing Resolution, being Resolution No. 25-036, was duly passed and approved by the City Council of the City of South El Monte at a regular meeting of said Council held on the 15th day of April 2025, and that said Resolution was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Adrian Garcia, MMC, City Clerk

ATTACHMENT B

RESOLUTION NO. 23-27

A RESOLUTION OF THE SOUTH EL MONTE CITY COUNCIL APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND MVP SOUTH EL MONTE I, LLC FOR DEVELOPMENT AND DEDICATION OF PROPERTY LOCATED AT 825 LEXINGTON-GALLATIN ROAD

WHEREAS, the City of South El Monte ("City") and MVP South El Monte I, LLC ("Owner") have been in discussions about the property located at 835 Lexington-Gallatin Road ("Property") and development related to the same; and

WHEREAS, the Owner owns the Property and desires to construct an industrial building (approximately 223,000 square feet) on 10.3 acres of the Property and dedicate the reaming 11 acres to the City for use as public open space; and

WHEREAS, the Property is subject to a flowage easement specific to regulations and oversight by the Army Corp of Engineers, among other state and federal standards, regulations and restrictions; and

WHEREAS, the parties desire to memorialize the intention parties in an memorandum of understanding ("MOU").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of South El Monte as follows:

Section 1. The City Council hereby authorizes the City Manager to execute the proposed Memorandum of Understanding ("MOU"), in substantially the form attached here to and as approved as to form by the City Attorney's office.

Section 2. The City Council further directs the City Manager or designee to take all actions necessary to execute the agreement.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 28th day of March, 2023.

Gloria Olmos, Mayor

ATTEST:

Donna G. Schwartz, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF SOUTH EL MONTE)

I, Donna G. Schwartz, City Clerk of the City of South El Monte, hereby certify that the foregoing Resolution, being Resolution No. 23-27, was duly passed and approved by the City Council of the City of South El Monte at a regular meeting of said Council held on the 28th day of March 2023, and that said Resolution was adopted by the following vote:

AYES: Councilmember(s): Acosta, Bojorquez, Mayor Pro Tem Angel, and Mayor Olmos
NOES: Councilmember(s): None
ABSENT: Councilmember(s): Delgado

Donna G. Schwartz, City Clerk

MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF SOUTH EL MONTE AND MVP SOUTH EL MONTE I, LLC
REGARDING THE DEVELOPMENT OF PROPERTY LOCATED AT
825 LEXINGTON-GALLATIN ROAD, SOUTH EL MONTE, CA 91733

This Memorandum of Understanding ("Agreement") regarding the proposed development of the property located at 825 Lexington-Gallatin Road ("Property"), zoned Commercial (C), is entered into on this 26th day of June 2023, by and between the City of South El Monte ("City"), a municipal organization located at 1415 Santa Anita Avenue, South El Monte CA 91733, and MVP South El Monte I, LLC, a Delaware limited liability company ("Owner"). The City and Owner may be referred to, individually or collectively, as "Party" or "Parties."

RECITALS

A. The City Council approved the form of this Agreement on March 28, 2023 pursuant to City Council Resolution No. 23-17, which authorizes the City Manager to execute this Agreement in substantially the form approved by the City Council and as approved as to form by the City Attorney's office. This Agreement is in substantially the form approved by the City Council and as approved as to form by the City Attorney's office.

B. Owner is the sole owner of the Property, which is more particularly described in the legal description attached hereto as Exhibit "A".

C. Rather than developing the entirety of the Property, Owner proposes to provide over half of the Property for community use and enjoyment.

D. Owner proposes to develop the Property with (i) an approximately eleven (11) acre public open space area, to be transferred by Owner to City upon completion of limited site preparation (further described below) and thereafter developed, owned, and managed and operated by City ("Public Open Space") and (ii) an approximately 223,000 square foot industrial building on approximately ten (10) acres fronting Lexington-Gallatin Road ("Industrial Building"), as schematically depicted on Exhibit "B" attached hereto.

E. The Public Open Space will provide community benefits to the City, in part because of its size and proximity to existing public parks and recreational facilities, and the Industrial Building will provide community benefits to the City, in part because of newly created (i) employment opportunities during construction and occupancy and (ii) property and sales and use tax revenues.

F. The Industrial Building and Public Open Space will be designed to accommodate Detention Basin Improvements (defined below at paragraph 3.A.i). The Industrial Building, Public Open Space, and Detention Basin Improvements are collectively referred to herein as the "Project."

G. Among other easements, the United States Army Corps of Engineers ("USACE") has an easement across the Property to "overflow, flood and submerge" all or a portion of the Property in connection with the Whittier Flood Control Basin project ("USACE Easement")

pursuant to the covenants and conditions provided in an order and judgement entered on September 8, 1955 in an action by the United States of America in Case No. 9103, recorded October 9, 1958 in Book M131, Page 58, Official Records ("Order"). The Order requires written consent from the USACE for the "the type and location of any structure and/or appurtenance thereto" in the USACE Easement.

H. The USACE has determined that approval of the Project will be required pursuant to the USACE Section 408 Program ("Section 408 Permit"). The purpose of the Section 408 Program, which is codified at 33 U.S.C. § 408, is to verify that changes to an authorized USACE Civil Works project will not be injurious to the public interest and will not impair the usefulness of the USACE project.

I. Section 214 of the Water Resources Development Act of 2000, as amended (33 U.S.C. § 2352), authorizes the USACE to accept funds from non-federal public entities to provide priority review of Section 408 Permit applications pursuant to a Section 214 Agreement.

J. City desires to facilitate Owner's efforts to obtain a Section 408 Permit and Section 214 Agreement.

K. The Project will necessitate environmental review pursuant to the California Environmental Act ("CEQA Project Environmental Review"), for which the City will act as the Lead CEQA Agency, and the National Environmental Protection Act ("NEPA Project Environmental Review"), for which the USACE is anticipated to act as the Lead NEPA Agency (together, "Project Environmental Review").

L. The Project will necessitate the following City approvals, subject to CEQA Project Environmental Review: (i) adoption or certification, as applicable, of the CEQA Project Environmental Review document; (ii) General Plan Land Use Map amendments; (iii) Zoning Map amendments; (iv) Site Permit review and approval; (v) Conditional Use Permit approval; and (vi) if City desires to accept dedication of the Public Open Space to City by Owner, City approval of all required documentation and agreement(s) for City satisfaction of the Public Open Space Dedication Requirements (defined below) (vii) any other applicable City approval (collectively, "City Project Approvals"). The Parties desire to consolidate the City Project Approvals at the City Council level after a recommendation from the City Planning Commission, as applicable, at the City Council's discretion.

M. The Project could also necessitate approval from third parties including (i) the Los Angeles County ("County") Flood Control District, for a gravity storm drain connection to an existing County Flood Control District facility along the northern Property line; (ii) the El Monte Union High School District, for an easement across the South El Monte High School property if required for secondary emergency access in the event of flooding at the intersection of Santa Anita Avenue and Lexington-Gallatin Road; and (iii) other local, state or regional government entities (collectively, "Other Local/State Project Approvals").

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the Parties agree as follows:

1. Definitions. The definitions in the Recitals above are incorporated herein by reference. In addition, the following definitions apply for purposes of this Agreement:

A. "Federal Project Approvals" means, subject to completion of NEPA Project Environmental Review: (i) adoption or issuance, as applicable, of the NEPA Project Environmental Review document; (ii) the USACE Section 408 Permit approval, which allows another party, such as a local government, company, or individual, to alter a USACE Civil Works project; and (iii) any other approvals required by other federal government agencies in connection with the Project.

B. "Project Approvals" means City Project Approvals, Other Local/State Project Approvals and Federal Project Approvals.

C. "Final Project Approvals" means the later of (i) the expiration of the time periods for filing an administrative appeal or other administrative challenge to the City Project Approvals; (ii) the favorable resolution of any administrative appeal(s) or other challenge(s) to the City Project Approvals, meaning that the City Project Approvals are upheld; (iii) the expiration of the applicable statute of limitations periods for the filing of a lawsuit related to the City Project Approvals and Other Local/State Project Approvals; (iv) the expiration of the voter referendum period for the applicable City Project Approvals; and (v) the favorable resolution of any lawsuit(s) or voter referendum related to the City Project Approvals and Other Local/State Project Approvals, meaning that the City Project Approvals and Other Local/State Project Approvals are upheld. Notwithstanding the foregoing, "Final Project Approvals" shall not be deemed to have occurred if any lawsuit(s) related to the Federal Project Approvals is filed prior to the otherwise applicable "Final Project Approvals" date under this Section 1.C unless and until there is a favorable resolution of any such lawsuit(s).

2. Purpose.

A. This Agreement sets forth the responsibilities of the Parties for processing the Project Approvals.

B. The Parties acknowledge that the City will not issue any City Project Approvals until after the City has completed the City's obligations with respect to the CEQA Project Environmental Review.

C. The Parties acknowledge that the City's actions in connection with the issuance of the Section 408 Permit by the USACE are not, and shall not be deemed, to commit the City to issuing any City Project Approvals, to constrain in any manner the City's discretion in conducting the CEQA Project Environmental Review, or to accept the dedication of the Public Open Space.

3. Owner Responsibilities.

A. Project Design and Construction.

i. Detention Basin Improvements. Owner shall, at its sole cost and expense, design and construct storage and drainage for the required volume of potential flood waters from the Whittier Flood Control Basin, as determined by the USACE as part of the Section 408 Permit process. Among other requirements and conditions to be determined by USACE, it is currently anticipated that the "Detention Basin Improvements" will include (a) installation of a new detention basin approximately five (5) to eight (8) feet deep along Santa Anita Avenue and (b) installation of a new gravity storm drain connection for the detention basin, which will connect to an existing County Flood Control District facility along the northern Property line. In the event Owner learns of or anticipates any change in the Detention Basin Improvements, as described herein, Owner shall promptly notify the City.

ii. Industrial Building. The Parties acknowledge that the Industrial Building will be located in an area currently susceptible to flood waters from the Whittier Flood Control Basin and, therefore, the design of the Industrial Building will also be subject to review and approval by the USACE as part of the Section 408 Permit process. Owner shall, at its sole cost and expense, design and construct the Industrial Building on the Property and any related surface parking.

iii. Public Open Space. The Parties acknowledge that the Detention Basin Improvements will be located in and under the Public Open Space and, therefore, the design of the Public Open Space will also be subject to review and approval by the USACE as part of the Section 408 Permit process. Pursuant to subsection (i) above, Owner shall, at its sole cost and expense, be responsible for designing the Detention Basin Improvements in the Public Open Space pursuant to USACE requirements. Owner shall also conduct limited site preparation (e.g. rough grading) for the Public Open Space. However, pursuant to Section 4(D)(i) below, City shall be responsible for designing and constructing any further improvements to the Public Open Space.

B. Public Open Space Dedication. Owner shall transfer the Public Open Space to City, subject to Final Project Approvals and City satisfaction of the Public Open Space Dedication Requirements (defined below).

C. Section 408 Permit. Owner shall prepare all required Section 408 Permit application materials and supplemental materials required by the USACE for the Section 408 Permit.

D. Section 214 Agreement. If authorized by the USACE, Owner shall prepare the Section 214 Agreement, which allows the Corps to accept funds from non-federal public entities, natural gas companies, or public-utility companies to provide priority review of their permit applications, with the USACE in coordination with City and the USACE.

4. City Responsibilities.

A. Application Review. City shall conduct preliminary review and provide any comments on Owner's applications for City Project Approvals within forty-five (45) sixty (60) calendar days of receipt of completed applications.

B. Section 408 Permit. City shall act as the Non-Federal Sponsor for purposes of seeking issuance of a Section 408 Permit from the USACE to authorize the construction of the Project, including but not limited to the Detention Basin Improvements. Owner shall reimburse City for costs and expenditures related to the USACE Section 408 Permit process, pursuant to Section 5, below.

C. Section 214 Agreement. If authorized by the USACE, City shall enter into a Section 214 Agreement with the USACE to expedite the Section 408 Permit approval process. Owner shall reimburse City for related costs and expenditures, pursuant to Section 5, below.

D. Public Open Space.

i. Design. City shall, at its sole cost and expense, design any proposed above-ground improvements to the Public Open Space and coordinate with Owner and the USACE on the design to ensure that Section 408 Permit requirements will be met with respect thereto, including but not limited to any restrictions on the installation of impervious surfaces in the Public Open Space.

ii. Timing. City shall use best efforts to provide all plans and specifications required by the USACE for any proposed above-ground improvements to the Public Open Space within thirty (30) calendar days of Owner submittal of an otherwise complete Section 408 Permit application to City.

iii. Transfer. Prior to the transfer of the Public Open Space to City by Owner, City shall (a) cooperate with Owner on a tax efficient transfer of the Public Open Space; (b) if authorized by the USACE, enter into an assignment and assumption agreement with Owner for the satisfaction of all conditions of Section 408 Permit approval that apply to the Public Open Space, including but not limited to operation and maintenance requirements for Detention Basin Improvements in the Public Open Space; and (c) complete all required documentation for transfer of the Public Open Space to City by Owner, including but not limited to a community benefits agreement (or similar) by and between Owner and City for the transfer of the Public Open Space to City by Owner, if deemed by the Parties to be necessary and/or desirable (together, the "Public Open Space Dedication Requirements").

iv. Construction and Operation and Maintenance. City shall, at its sole cost and expense, be responsible for constructing or installing, as applicable, any and all proposed above-ground improvements to the Public Open Space and, thereafter, for operation and maintenance of the Public Open Space, in all instances in compliance with USACE conditions of Section 408 Permit approval, other USACE requirements, and all applicable laws.

E. Project Environmental Review. City shall be the Lead Agency for purposes of the CEQA Project Environmental Review and shall use best efforts to provide any related requested documentation to the USACE for purposes of NEPA Project Environmental Review.

F. Timing of Consideration of City Project Approvals. The City shall use best efforts to process the applications for City Project Approvals concurrent with CEQA Project Environmental Review to allow for concurrent consideration of all such approvals by the City Planning Commission and City Council, as applicable ("City Hearings"). The City shall use best efforts to (i) provide required public notice for and hold the City Hearings within ninety (90) calendar days of publication of the CEQA Project Environmental Review document and (ii) if any of the City Hearings are continued, to hold the applicable City Hearing(s) within sixty (60) calendar days thereafter. The City Hearings shall be held prior to issuance of the Section 408 Permit for the Project, if approved by the USACE, which the Parties acknowledge will, as currently proposed by the USACE, occur after City Project Approvals, if any.

5. Reimbursement.

A. Invoices. Each month, City shall furnish to Owner an original invoice for all work performed and costs and expenses incurred during the preceding month in a form approved by City's Director of Finance. The invoice shall contain all information specified herein and shall detail charges for all necessary and actual expenses by the following categories: (i) the USACE Section 408 Permit application fees; (ii) financial contributions pursuant to the Section 214 Agreement with the USACE; (iii) the USACE staff time and materials related to the Section 408 Permit and Section 214 Agreement, if billed to City; and (v) City staff time and materials related to the Section 408 Permit and Section 214 Agreement. (Staff time shall include time spent by the City Attorney's office.)

B. Owner Review of Invoices. Owner shall independently review each invoice submitted by City to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. In the event any charges or expenses are disputed by Owner, the original invoice shall be returned by Owner to City for correction and resubmission.

C. Payment of Invoices. Except as to any charges for work performed or expenses incurred by City which are disputed by Owner, Owner shall use commercially reasonable efforts to cause City to be paid within thirty (30) calendar days of receipt of City's correct and undisputed invoice. Review and payment by Owner of any invoice provided by City shall not constitute a waiver of any rights or remedies provided herein or any applicable law.

D. Survival. This section 5 shall be binding on successors and assigns of Owner and shall survive termination or expiration of this Agreement and applies even if the Project Milestone under section 9 below is not met or the Project is otherwise discontinued.

6. Indemnification.

A. To the full extent permitted by law, Owner agrees to indemnify, defend and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all actions, either judicial,

administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, fines, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity (including but not limited to the USACE) which the City may suffer or incur as a consequence of Owner's Project including but not limited to any CEQA challenges, other than an administrative appeal, and/or arising out of or in connection with any negligent performance of the work, operations or activities provided herein of Owner, its officers, employees, agents, subcontractors, invitees, or any individual or entity for which Owner is legally liable ("Indemnitors"), or arising from Owner's or Indemnitors' reckless or willful misconduct, or arising from Owner's or Indemnitors' negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, except claims or liabilities occurring as a result of City's sole negligence or willful acts or omissions. For purposes of this Section 6(A), the Public Open Space component of Owner's Project means Owner's design of the Public Open Space to accommodate Detention Basin Improvements and limited site preparation (e.g., rough grading) of the Public Open Space, pursuant to Section 3(A)(iii) above, prior to transfer of the Public Open Space by Owner to City. Pursuant to Section 4(D)(i) above, City shall be responsible for designing and constructing any further improvements to the Public Open Space.

B. In the event that the Owner (MVP South El Monte I, LLC) is unable to satisfy its indemnity obligations required herein, then its Sole Member, MVP South El Monte Lexington, LLC, shall be responsible for satisfaction of the indemnity obligations. The indemnity obligation shall be binding on successors and assigns of Owner and shall survive termination or expiration of this Agreement.

7. Cooperation. The Parties agree to cooperate with each other in the preparation and submission of all permits and approvals required by federal, state, regional, or local governmental agencies for the construction of the Project and to provide preliminary designs and specifications sufficient for permitting and Project Environmental Review purposes.

8. Effective Date. The term of this Agreement shall commence upon execution of this Agreement by both Parties ("Effective Date"). This Agreement shall remain in full force and effect until all Final Project Approvals are obtained, if any, unless terminated earlier pursuant to Section 9, below.

9. Termination. Either Party may terminate this Agreement (i) upon the finding by such Party of a material deviation from the terms hereof, which deviation would, in such Party's reasonable discretion, result in the imposition of a substantial additional burden or the deprivation of a substantial benefit with regard to such Party's performance hereunder, or (ii) if Owner determines in good faith that the Project will not proceed to the point of obtaining all Final Project Approvals within forty-eight (48) months of the Effective Date ("Project Milestone"); or (iii) the City can terminate this Agreement if a lawsuit (including but not limited to a petition for writ of mandate, a complaint for damages or both) is filed in any court naming the City as a party concerning the Project, for which indemnity and defenses by Owner is required under Section 6 (Indemnification) above, and the Owner declines to defend and indemnify the City in that lawsuit, as provided in Section 6 above.

10. Interpretation; Headings. In the event of a dispute between the Parties hereto over the meaning of this Agreement, both Parties shall be deemed to have been the drafter hereof, and any applicable law that states that contracts are construed against the drafter shall not apply. The headings in this Agreement are inserted for convenience purposes only and shall not affect the interpretation of this Agreement.

11. Severability. If any provision of this Agreement or the application thereof to any person or circumstance is or shall be deemed illegal, invalid or unenforceable, the remaining provisions hereof shall remain in full force and effect and this Agreement shall be interpreted as if such legal, invalid or unenforceable provision did not exist herein.

12. Governing Law. This Agreement shall be governed in accordance with the laws of the State of California.

13. Miscellaneous Provisions.

A. No change, amendment, alteration, or revision of this Agreement shall be valid unless evidenced by a written agreement approved and executed by both City and Owner.

B. Owner represents that as of the Effective Date hereof, it is the sole owner of the Property and that it has the authority to enter into this Agreement and that as of the Effective Date hereof, this Agreement is a binding valid obligation of Owner.

C. City represents that as of the Effective Date hereof, it has the authority to enter into this Agreement and that, once authorized and in effect, this Agreement is a binding valid obligation of City.

D. It is understood that there are no oral agreements between the Parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the Parties, and none shall be used to interpret this Agreement.

E. The exhibits attached hereto are incorporated herein by this reference.

F. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which in the aggregate shall constitute one and the same instrument, and the Parties agree that signatures on this Agreement shall be sufficient to bind the Parties.

14. Notices. All notices and other communications given pursuant to this Agreement shall be in writing and shall be deemed properly served if delivered in person to the party to whom it is addressed or three (3) days after mailing, if mailed by first class mail. For purposes of notice, the address of the Parties shall be as follows:

City: City of South El Monte, Attn: City Manager, 1415 Santa Anita Avenue, South El Monte CA, 91733

Copy to: Aleshire & Wynder, LLP, Attn: South El Monte City Attorney, at the address on file with the City.

Owner: Magellan Value Partners, Attn: Rick Martinez, Managing Director, 1900 Avenue of the Stars, Suite 2470, Los Angeles, CA 90067

Copy to: Allen Matkins, Attn: Caroline Chase and Barry Epstein, Three Embarcadero Center, 13th Floor, San Francisco, CA 94111

Copy to: Allen Matkins, Attn: Stephen Etheredge, 865 South Figueroa Street, Suite 2800, Los Angeles, CA 90017

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

"**Owner**":
By: MVP South El Monte I, LLC, a Delaware limited liability company

By: MVP South El Monte Lexington, LLC, a Delaware limited liability company
Its: Sole Member

By: MVP South El Monte Lexington Partners, LP, a Delaware limited partnership
Its: Operating Member

By: Magellan Value Partners, LLC, a Delaware limited liability company
Its: General Partner

By:_____
Martin E. Slusser
Managing Member

"**City**":

CITY OF SOUTH EL MONTE

_____
Rene Salas, City Manager

APPROVED AS TO FORM:

_____
Anthony R. Taylor, City Attorney

ATTEST:

_____
Donna Schwartz, City Clerk

Exhibit A

Legal Description of Property

The Land referred to herein below is situated in the City of South El Monte, County of Los Angeles, State of California, and is described as follows:

A PARCEL OF LAND IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, INCLUDING PORTIONS OF LOTS 110 AND 120 OF TRACT NO. 621, AS SHOWN ON THE MAP RECORDED IN BOOK 15, PAGE 182 OF MAPS, A PORTION OF THE RANCHO POTRERO GRANDE AS DESCRIBED IN THE PATENT RECORDED IN BOOK 1, PAGE 3 OF PATENTS AND PORTIONS OF LOTS 1 AND 2 IN BLOCK "K" OF SUBDIVISIONS OF THE RANCHO POTRERO DE FELIPE LUGO AS SHOWN ON THE MAP RECORDED IN BOOK 43, PAGE 43 ET SEQ. OF MISCELLANEOUS RECORDS, ALL IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF SAID LOT 1 IN BLOCK "K" THAT IS DISTANT THEREON SOUTH 45° 02' 49" WEST 1080.64 FEET FROM THE MOST EASTERLY CORNER OF SAID LOT 1; THENCE NORTH 25° 33' 24" WEST 710 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 64° 26' 36" WEST 1200 FEET, MORE OR LESS, TO A POINT IN THE WESTERLY LINE OF SAID LOT 120 THAT IS DISTANT SOUTH 0° 17' 11" EAST 1180.57 FEET FROM THE NORTHWEST CORNER OF LOT 111 OF SAID TRACT NO 621; THENCE SOUTH 25° 33' 24" EAST 710 FEET; THENCE NORTH 64° 26' 36" EAST 454.17 FEET TO A LINE AT RIGHT ANGLES TO THE SOUTHEASTERLY LINE OF SAID LOT 2 IN BLOCK "K" WHICH PASSES THROUGH A POINT IN SAID SOUTHEASTERLY LINE THAT IS DISTANT SOUTH 450 02' 49" WEST 703.50 FEET FROM THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT ANGLE LINE SOUTH 44° 57' 11" EAST 247.69 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 2; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 2 AND 1 IN SAID BLOCK "K" NORTH 45° 02' 49" EAST TO THE INTERSECTION OF THAT CERTAIN LINE IN THE SIDELINE OF THE POMONA FREEWAY AS DESCRIBED IN THAT CERTAIN EASEMENT DOCUMENT TO THE STATE OF CALIFORNIA RECORDED ON AUGUST 27, 1963 AS INSTRUMENT NO. 1546 IN BOOK D2159, PAGE 922 ET SEQ. OF OFFICIAL RECORDS OF SAID COUNTY, SAID CERTAIN LINE DESCRIBED THEREON AS HAVING A BEARING AND LENGTH OF "NORTH 80° 22' 48" WEST 692.44 FEET"; THENCE ALONG SAID CERTAIN LINE NORTH 800 22' 48" WEST TO THE NORTHWESTERLY TERMINUS OF SAID LINE AND THE BEGINNING OF A TANGENT CURVE THEREIN CONCAVE SOUTHERLY AND HAVING A RADIUS OF 250.00 FEET; THENCE WESTERLY ALONG SAID TANGENT CURVE TO THE NORTHWEST LINE OF SAID LOT 1; THENCE SOUTHWEST ALONG SAID NORTHWEST LINE TO SAID LINE HAVING A BEARING OF NORTH 25° 33' 24" WEST AND WHICH PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE NORTH 25° 33' 24" WEST 14.55 FEET TO THE TRUE POINT OF BEGINNING-.

EXCEPT THEREFROM THAT PORTION LYING NORTHEASTERLY OF THAT CERTAIN LINE AND ITS NORTHWESTERLY AND SOUTHEASTERLY PROLONGATIONS THEREOF DESCRIBED ABOVE AS "NORTH 25' 33' 24" EAST 710 FEET".

ALSO EXCEPT THEREFROM THAT PORTION LYING NORTHWESTERLY AND WESTERLY OF THE SOUTHEASTERLY AND EASTERLY LINE OF THE 80 FOOT STRIP OF LAND KNOWN AS SANTA ANITA AVENUE AND DESCRIBED IN PARCEL 16-4 OF FINAL ORDER OF CONDEMNATION OF SUPERIOR COURT CASE NO. 908.498, A CERTIFIED COPY OF WHICH WAS RECORDED IN BOOK D3995, PAGE 73 ON MAY 07, 1968 AS INSTRUMENT NO. 3953 OF OFFICIAL RECORDS OF SAID COUNTY,

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND DESCRIBED IN PARCELS 16-4D-I, 164S.1 AND 164S.2 OF FINAL ORDER OF CONDEMNATION OF SUPERIOR COURT CASE NO. 908.498, A CERTIFIED COPY OF WHICH WAS RECORDED IN BOOK D3995, PAGE 73 ON MAY 07, 1968 AS INSTRUMENT NO. 3953 OF OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPTING FROM THE PORTION OF SAID LOT 120 OF TRACT NO. 621 INCLUDED N THE ABOVE DESCRIBED LAND, ONE-HALF OF ALL OIL RIGHTS IN AND UNDER SAID LAND, AS RESERVED BY JOE CAGLIERO AND WIFE AND GEORGE VISSIO AND HIS WIFE IN THE DEED RECORDED IN BOOK 18263, PAGE 169 OF OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPTING FROM THE PORTION OF SAID LAND WHICH WAS FORMERLY REGISTERED LAND, ONE-HALF OF ALL THE OIL, GAS AND OTHER HYDROCARBON SUBSTANCES IN OR THEREUNDER, AS RESERVED IN THE DEED FROM THOMAS W. BELL, FILED APRIL 08, 1942, IN THE OFFICE OF THE REGISTRAR OF LAND TITLES AS INSTRUMENT NO. 5621-K.

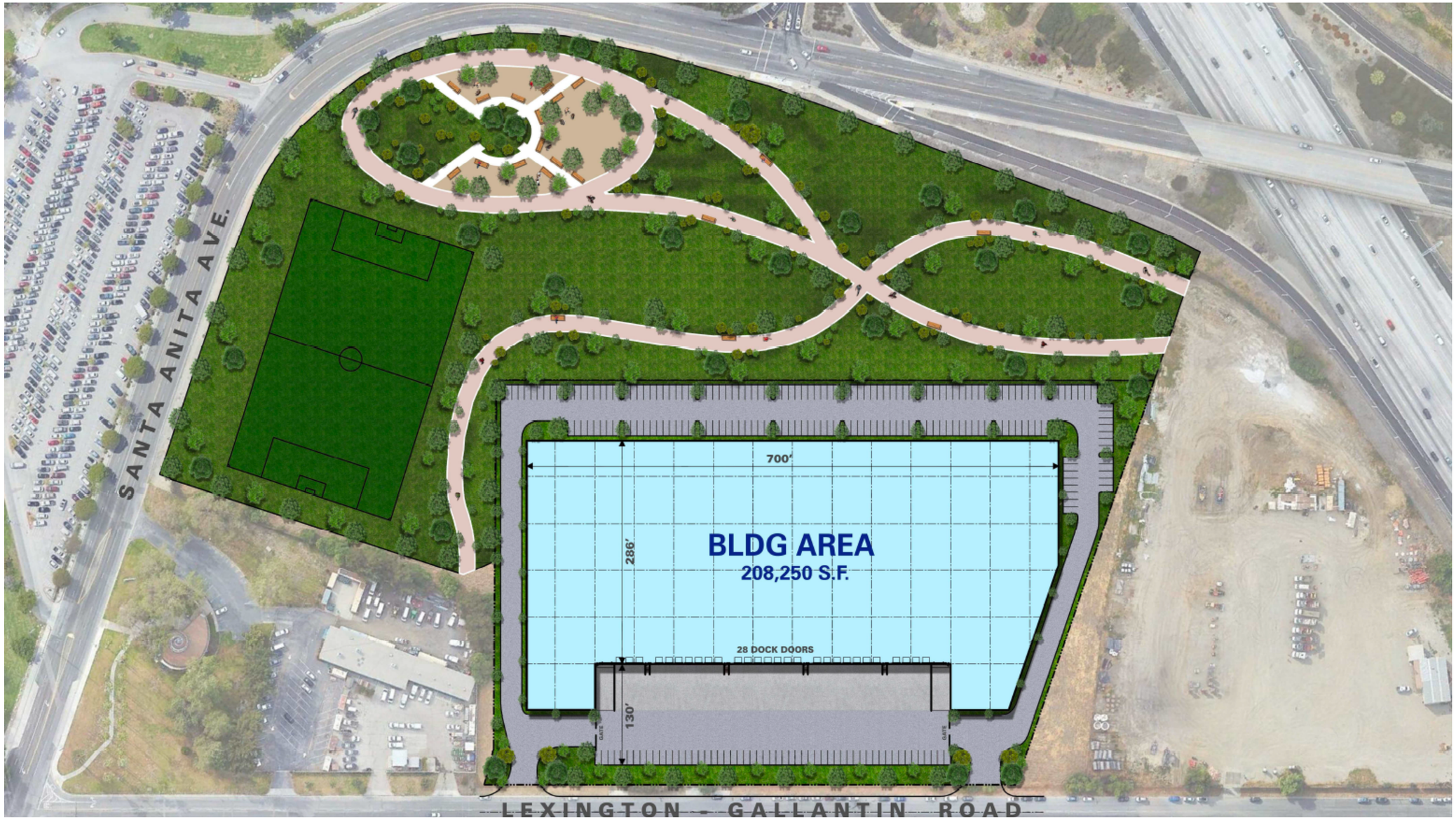
Exhibit B

Schematic Depiction of Project Development



Site Plan

ATTACHMENT C



ATTACHMENT D



Kimley»Horn

© 2024 KIMLEY-HORN AND ASSOCIATES, INC.
1100 W TOWN AND COUNTRY ROAD, SUITE 700, ORANGE, CA 92868
PHONE: 714-939-1030 FAX: 714-938-9488

City Council Agenda Report
Agenda Item No. 9.b.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Danilo Batson, Interim Director of Public Works

SUBJECT: CONSIDERATION AND APROVAL OF RESOLUTION NO. 25-037, APPROVING AWARD OF CONSTRUCTION CONTRACT TO PTM GENERAL ENGINEERING SERVICES, INC. FOR SYSTEMIC SAFETY IMPROVEMENTS AT SIGNALIZED INTERSECTIONS, HSIPL-5352(025), CITY PROJECT NO. 607

SUMMARY: On January 29, 2025, the Engineering Department solicited bids for the Systemic Safety Improvements at Signalized Intersections Project. The work involves installation of raised pavement markers, striping, pedestrian crosswalks, and traffic signal adjustments (implementation of leading pedestrian interval (LPI)) at twenty one (21) signalized intersections citywide. The lowest responsive bid was submitted by PTM General Engineering Services, Inc. in the total bid amount of $327,027.00.

RECOMMENDED ACTION: Staff recommends City Council:

1. Adopt and approve the plans and specifications for the Systemic Safety Improvements at Signalized Intersections Project;
2. Approve Resolution No. 25-037, awarding the Systemic Safety Improvements at Signalized Intersections Project contract to the lowest responsible bidder in an amount of $327,027.00 to PTM General Engineering Services, Inc. and authorize the City Manager to execute the contract;
3. Authorize fifteen percent (15%) of the total contract amount as contingency allowance to be used if necessary for unforeseen conditions at the City Manager's discretion.

FISCAL/FINANCIAL IMPACT: The established budget is as follows:

Contract Award Amount	$327,027.00
Construction Contingency (15% of contract amount)	$49,054.05
Total Construction Budget	**$376,081.05**

The Project will be funded by the following sources.

HSIP Cycle 11 (State Funds)	$338,472.94
Measure R Local (Required Local Match)	$37,608.11
Total Budget	**$376,081.05**

DISCUSSION: The work involves installation of raised pavement markers, striping, pedestrian crosswalks, and traffic signal adjustments (implementation of leading pedestrian interval (LPI)) at twenty one (21) signalized intersections citywide. The construction is anticipated to start in Summer 2025 and will be completed within 160 working days.

The construction portion of the project was initially advertised on November 13, 2024. The City only received one bid at the Bid Opening held on December 11, 2024, at 11:00 AM. Staff reviewed the received bid, and identified a discrepancy on the submitted bid.

On January 28, 2025, the City Council rejected the bid due to the reported discrepancy, and authorized staff to re-advertise the project.

On January 29, 2025, the project was re-advertised. The following four (4) bids were received by the City and opened at the Bid Opening held on March 5, 2025, at 11:00 AM. Below is the list of Bidders and Bid Amounts:

Bidder Name (from low to high)	**Total Bid Amount**
PTM General Engineering Services, Inc.	$327,027.00
Elecnor Belco Electric, Inc.	$344,888.00
Alfaro Communications Construction, Inc.	$347,777.00
Servitek Electric, Inc.	$461,580.00

The lowest bid was submitted by PTM General Engineering Services, Inc. for the total bid amount of $327,027.00.

Staff conducted a bid analysis and verified the contractor’s licensing, Department of Industrial Relations (DIR) registration, state and federal debarment files and references for PTM General Engineering Services, Inc. Per the bid analysis, the Bid submitted by PTM General Engineering Services, Inc. was determined to be the lowest responsive bid. The Bid submitted by PTM General Engineering Services, Inc. and the bid analysis completed by staff is attached as reference.

ATTACHMENT(S):

A. Resolution No. 25-037
B. Submitted Bid
C. Bid Analysis
D. Contract

ATTACHMENT A

RESOLUTION NO. 25-037

A RESOLUTION OF THE SOUTH EL MONTE CITY COUNCIL AWARDING CONSTRUCTION CONTRACT TO PTM GENERAL ENGINEERING SERVICES, INC. FOR SYSTEMIC SAFETY IMPROVEMENTS AT SIGNALIZED INTERSECTIONS, HSIPL-5352(025), CITY PROJECT NO. 607

WHEREAS, the City of South El Monte desires to construct raised pavement markers, striping, pedestrian crosswalks, and traffic signal adjustments (implementation of leading pedestrian interval (LPI)) at twenty-one (21) signalized intersections citywide; and

WHEREAS, the City solicited bids for the Systemic Safety Improvements at Signalized Intersections Project ("Project") on November 13, 2024 and the City received one (1) bid for the Project on December 11, 2024; and

WHEREAS, the City Council rejected the bid due to the reported discrepancy on the bid and authorized staff to re-advertise the Project on January 28, 2025; and

WHEREAS, the City re-advertised bids for the Systemic Safety Improvements at Signalized Intersections Project on January 29, 2025, and the City received four (4) bids for the Project on March 5, 2025; and

WHEREAS, City staff evaluated all bids and determined PTM General Engineering Services, Inc. has submitted the lowest responsive bid for the Project.

NOW, THEREFORE, THE SOUTH EL MONTE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated by reference.

SECTION 2. The City Council of South El Monte ("City") hereby adopts and approves the plans and specifications for the Systemic Safety Improvements at Signalized Intersections Project, with respect to design and criteria. Copies of the plans and specifications are on file in the City's Engineering Department.

SECTION 3. Upon reviewing the bids submitted for the work to be performed pursuant to contract and the plans and specifications, the City Council hereby finds that PTM General Engineering Services, Inc. has submitted the lowest responsive bid for the Project, in the amount of $327,027.00.

SECTION 4. The City Council hereby authorizes and directs the City Manager to execute a construction agreement with PTM General Engineering Services, Inc. for the project, subject to review and approval as to form by the City Attorney. The Council further directs the City Manager to take all actions necessary to effectuate the agreement.

SECTION 5: The City Clerk shall certify to the passage and adoption of this resolution.

PASSED, APPROVED and ADOPTED this 15th day of April 2025.

_____
Gloria Olmos, Mayor

ATTEST:

_____
Adrian Garcia, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF SOUTH EL MONTE)

I, Adrian Garcia, City Clerk of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 25-037, was passed and approved by the City Council of the City of South El Monte at a Regular meeting of said Council held on the 15th day of April 2025, and that said Resolution was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Adrian Garcia, City Clerk

CHECKLIST FOR BIDDERS

The following information is required of all Bidders at the time of Bid submission:

- ✓ Completed and Signed Bid Cover Form (Page B-2 and B-3)
- ✓ Completed and Signed Bid Sheets (Page B-4 and B-5)
- ✓ Completed, Signed and Notarized Questionnaire (Page B-6 thru B-9)
- ✓ Completed References Form (Page B-10 thru B-13)
- ✓ Resume of General Construction Superintendent/On-Site Construction Manager (Page B-14)
- ✓ Completed Subcontractor Designation Form (Page B-15)
- ✓ Completed and Signed Industrial Safety Record Form (Page B-16)
- ✓ Completed, Signed and Notarized Bid Bond or Other Security Form (Page B-17 and B-18)
- ✓ Signed and Notarized Noncollusion Declaration Form (Page B-19)
- ✓ Evidence satisfactory to the City indicating the capacity of the person(s) signing the Bid to bind the Bidder

Failure of the Bidder to provide all required information in a complete and accurate manner may cause the Bid to be considered non-responsive.

BID

CITY OF SOUTH EL MONTE

SYSTEMIC SAFETY IMPROVEMENTS AT SIGNALIZED INTERSECTIONS

Caltrans Project No.: HSIPL-5352(025)
City Project No.: 607

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF SOUTH EL MONTE:

The undersigned, as Bidder, declares that: (1) this Bid is made without collusion with any other person and that the only persons or parties interested as principals are those named herein; (2) the undersigned has carefully examined the Contract Documents (including all Addenda) and the Project site; and (3) the undersigned has investigated and is satisfied as to the conditions to be encountered, the character, quality and quantities of Work to be performed, and the materials to be furnished. Furthermore, the undersigned agrees that submission of this Bid shall be conclusive evidence that such examination and investigation have been made and agrees, in the event the Contract be awarded to it, to execute the Contract with the City of South El Monte to perform the Project in accordance with the Contract Documents in the time and manner therein prescribed, and to furnish or provide all materials, labor, tools, equipment, apparatus and other means necessary so to do, except as may otherwise be furnished or provided under the terms of the Contract Documents, for the following stated unit prices or lump-sum price as submitted on the Bid herein.

Bidder acknowledges receipt of all addenda, as follows:

Addendum No. _____ Date: _____

Addendum No. _____ Date: _____

Addendum No. _____ Date: _____

Addendum No. _____ Date: _____

The undersigned submits as part of this Bid a completed copy of its Industrial Safety Record. This Safety Record includes all construction Work undertaken in California by the undersigned and any partnership, joint venture or corporation that any principal of the undersigned participated in as a principal or owner for the last five (5) calendar years and the current calendar year before the date of Bid submittal. Separate information is being submitted for each such partnership, joint venture, or corporate or individual Bidder. The undersigned may attach any additional information or explanation of data that it would like to be taken into consideration in evaluating the Safety Record. An explanation of the circumstances surrounding any and all fatalities is attached.

Accompanying this Bid is cash, a cashier's check, a certified check or a Bid Bond in an amount equal to at least ten percent (10%) of the total aggregate Bid price based on the quantities shown and the unit prices quoted. The undersigned further agrees that, should it be awarded the Contract and thereafter fail or refuse to execute the Contract and provide the required evidence of insurance and Bonds within fifteen (15) Days after delivery of the Contract to the undersigned, then the cash, check or Bid Bond shall be forfeited to the City to the extent permitted by law.

The undersigned certifies to have a minimum of three (3) consecutive years of current experience in the type of Work related to the Project and that this experience is in actual operation of the firm with permanent employees performing a part of the Work as distinct from a firm operating entirely by subcontracting all phases of the Work. The undersigned also certifies to be properly licensed by the State as a contractor to perform this type of Work. The undersigned possesses California Contractor's License Number 891265, Class A / C10, which expires on 2.28.27.

Bidder's Name: PTM General Engineering Services Inc.

Signature: Elizabeth H. Mendoza Title: President / CFO Date: 3.4.25

Signature: Brian Mendoza Title: Vice President / Secretary Date: 3.4.25

CITY OF SOUTH EL MONTE

BID SHEETS FOR

SYSTEMIC SAFETY IMPROVEMENTS AT SIGNALIZED INTERSECTIONS

Bidder's Name: PTM General Engineering Services Inc.

To the Honorable Mayor and Members of the City Council:

In compliance with the Notice Inviting Bids, the undersigned hereby agrees to execute the Contract to furnish all labor, materials, equipment and supplies for the Project in accordance with the Contract Documents to the satisfaction and under the direction of the City Engineer, at the following prices:

1	Mobilization	1	LS	$ 20,327.00	$ 20,327.00
2	Traffic Control	1	LS	$ 24,000.00	$ 24,000.00
3	Temporary Traffic and Electrical Systems	1	LS	$,2,500.00	$ 2,500.00
4	Signal Turn On	1	LS	$ 4,000.00	$ 4,000.00
5	Remove and Salvage Existing Controller from Existing Controller Cabinet. Furnish and Install New 2070 Controller with Latest D4 Software or City Approved Equal in Existing Controller Cabinet	12	EA	$ 13,000.00	$ 156,000.00
6	Install LPI Timing Sheets	21	EA	$ 2,000.00	$ 42,000.00
7	Install White Ladder Xwalk	6500	SF	$ 5.00	$ 32,500.00
8	Install Yellow Ladder Xwalk	900	SF	$ 5.00	$ 4,500.00
9	Remove Existing Striping	12	PER INT.	$ 2,500.00	$ 30,000.00
10	Install Detail 40	200	LF	$ 3.20	$ 640.00
11	Install Detail 41	3300	LF	$ 3.20	$ 10,560.00
TOTAL BID AMOUNT IN NUMBERS					$ 327,027.00

TOTAL BASE BID PRICE IN WORDS: Three Hundred Twenty Seven Thousand Twenty Seven Dollars Only.

City of South El Monte **City Project No.: 607**

Signature: _____ Elizabeth H. Mendoza Title: President / CFO Date: 3.4.25

Signature: _____ Brian Mendoza Title: VP / Secretary Date: 3.4.25

Schedule of Values (SOV). Within 10 days of execution of this contract, the Contractor shall submit for the City's review and approval an SOV for the lump sum Bid items of the Work. The Schedule of Values will: a. Subdivide the Work into its respective parts, b. Include values for all items comprising the Work, and c. Serve as the basis for monthly progress payments made to the Contractor throughout the Work. The City shall be the sole judge of acceptable numbers, details, and description of values established. If, in the opinion of the City, a greater number of SOV items than proposed by the Contractor are necessary, the Contractor shall add the additional items so identified by the City. When requested by City, the Contractor shall provide substantiating data in support of scheduled values. Monthly progress payment amounts for Lump Sum items shall be determined from the monthly updates of the Schedule activities.
In the case of discrepancies in the amount of bid, unit prices shall govern over extended amounts, and words shall govern over figures.
The bid prices shall include any and all costs, including labor, materials, appurtenant expenses, taxes, royalties and any and all other incidental costs to complete the project, in compliance with the Bid and Contract Documents and all applicable codes and standards.
All other work items not specifically listed in the bid schedule, but necessary to complete the work per bid and contract documents and all applicable codes and standards are assumed to be included in the bid prices.
The City reserves the right to add, delete, increase or decrease the amount of any quantity shown and to delete any item from the contract and pay the contractor at the bid unit prices so long as the total amount of change does not exceed 25% (plus or minus) of the total bid amount for the entire project. If the change exceeds 25%, a change order may be negotiated to adjust unit bid prices.
A bid is required for the entire work, that the quantities set forth in the Bid Schedule are to calculate total bid amount, and that final compensation under the contract will be based upon the actual quantities of work satisfactorily completed.

QUESTIONNAIRE FORM

Fill out all of the following information. Attach additional sheets if necessary.

(1) Bidder's Name: PTM General Engineering Services Inc.

(2) If the Bidder's name is a fictitious name, who or what is the full name of the registered owner? If the Bidder's name is not a fictitious name, write "N/A" in the response to this question. If you are doing business under a fictitious name, provide a copy of the filed valid Fictitious Business Name Statement.

(3) Business Address: 5942 Acorn St, Riverside, CA 92504

(4) Telephone: 951.710.1000 Facsimile: 951.710.1006

(5) Type of Firm – Individual, Partnership, LLC or Corporation: Corporation

(6) Corporation organized under the laws of the State of: California

(7) California State Contractor's License Number and Class: 891265 ; Class A / C10

Original Date Issued: 10.06.06 Expiration Date: 2.28.27

(8) DIR Contractor Registration Number: 1000001433

(9) The Bidder declares that he/she has carefully read and examined the plans, specifications, bid documents, and he/she has made a personal examination of the site (indicate name of the person, representing the bidder, who inspected the site and date below) and that he/she understands the exact scope of the Project WITHOUT QUESTION.

Name of Person who inspected the site: Brian Mendoza

Date of Inspection: 3.1.25

(10) Number of years' experience the company has as a contractor in construction work: 18 years under PTM and 35 years in the industry.

(11) List the names, titles, addresses and telephone numbers of all individuals, firm members, partners, joint venturers, and company or corporate officers having a principal interest in this Bid:

Elizabeth H. Mendoza President / CFO 15525 Via Barranca, Perris, CA 92570 951.722.5678

Brian Mendoza VP / Secretary 11080 Kay Jay St. Riverside Ca, 92503 951.710.1000

(12) List all current and prior D.B.A.'s, aliases, and fictitious business names for any principal having interest in this Bid:

Jade Electric CSLB 684572 – Inactive Elizabeth Mendoza Sole Owner
Freeway Electric CSLB 684572 – Inactive Brian Mendoza Sole Owner

Freeway Electric CSLB 947816
Cancelled and formerly Brian Mendoza President/CFO Elizabeth Mendoza VP/Secretary

(13) List the dates of any voluntary or involuntary bankruptcy judgments against any principal having an interest in this Bid:

None

(14) For all arbitrations, lawsuits, settlements and the like (in or out of court) that the company or any principal having an interest in this Bid has been involved with in the past five (5) years:

a. List the names, addresses and telephone numbers of contact persons for the parties:

None

b. Briefly summarize the parties' claims and defenses:

None

c. State the tribunal (e.g., Superior Court, American Arbitration Association, etc.), the matter number, and the outcome:

None

(15) Has the company or any principal having an interest in this Bid ever had a contract terminated by the owner or agency? If yes, explain.

No

(16) Has the company or any principal having an interest in this Bid ever failed to complete a project? If yes, explain.

No

(17) Has the company or any principal having an interest in this Bid ever been terminated for cause, even if it was converted to a "termination of convenience"? If yes, explain.

No

(18) For projects that the company or any principal having an interest in this Bid has been involved with in the last five (5) years, did you have any claims or actions:

a. By you against the owner? Circle one: Yes (No)

b. By the owner against you? Circle one: Yes (No)

c. By any outside agency or individual for labor compliance? Circle one: Yes (No)

d. By Subcontractors? Circle one: Yes (No)

e. Are any of these claims or actions unresolved or outstanding? Circle one: Yes (No)

If your answer is "yes" to any part or parts of this question, explain.

N/A

(19) List the last three (3) projects you have worked on or are currently working on for the City of South El Monte:

Upon request of the City, the Bidder shall furnish evidence showing a notarized financial statement, financial data, construction experience, or other additional information.

Failure to provide truthful answers to the questions above or in the following References Form may result in the Bid being deemed non-responsive.

The Bidder certifies under penalty of perjury under the laws of the State of California that the information provided above is true and correct.

Notary Public

Subscribed and sworn to me: _____

_____

Signature:_____

This ____ day of _____, 20_____

Title: _____

Signature: _____

(SEAL)

Company PTM General Engineering Services, Inc.

Signature: _____

Title: Elizabeth H. Mendoza, President/CFO

Date: 02.26.25

Signature: _____

Title: Brian Mendoza, Vice President/Secretary

Date: 02.26.25

See Attached

See Attached

CLEAR

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Riverside)

On 2·26·25 before me, Yee Ping Leung, Notary Public

Date *Here Insert Name and Title of the Officer*

Personally appeared Elizabeth H. Mendoza

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

YEE PING LEUNG
COMM # 2416239
RIVERSIDE County
California Notary Public
Comm Exp Sept. 16, 2026

Signature Yee Ping Leung

Signature of Notary Public

Place Notary Seal Above

---------- ***OPTIONAL*** ----------

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document _____ Document Date _____

Number of Pages _____ Signer(s) Other Than Named Above _____

Capacity(ies) Claimed by Signer(s)

Signer's Name _____	Signer's Name _____
☐ Corporate Officer—Title(s) _____	☐ Corporate Officer—Title(s) _____
☐ Partner ☐ Limited ☐ General	☐ Partner ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other _____	☐ Other _____
Signer Is Representing _____	Signer Is Representing _____

CLEAR

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Riverside)

On 2.26.25 before me, Yee Ping Leung, Notary Public

Date *Here Insert Name and Title of the Officer*

Personally appeared Brian Mendoza

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Yee Ping Leung

Signature of Notary Public

YEE PING LEUNG
COMM # 2416239
RIVERSIDE County
California Notary Public
Comm Exp Sept. 16, 2026

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document _____ Document Date _____

Number of Pages _____ Signer(s) Other Than Named Above _____

Capacity(ies) Claimed by Signer(s)

Signer's Name _____	Signer's Name _____
☐ Corporate Officer—Title(s) _____	☐ Corporate Officer—Title(s) _____
☐ Partner ☐ Limited ☐ General	☐ Partner ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other _____	☐ Other _____
Signer Is Representing _____	Signer Is Representing _____

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REFERENCES FORM

For all public agency projects in excess of $15,000 that you are currently working on or have worked on in the past two (2) years, provide the following information:

Project 1 Name/Number PO# 20230801

Project Description Traffic Signal Imprv at Covina Blvd & Barranca Ave

Approximate Construction Dates From: 06/2023 To: 03/2024

Agency Name: City of Covina

Contact Person: Mr. Rafael Fajardo PE Telephone: 626.384.5490

Address: 125 E.College St, Covina, CA 91723

Original Contract Amount: $ 541,041.00 Final Contract Amount: $ 577,411.75

If final amount is different from original amount, please explain (change orders, extra work, etc.).

Electrical, concrete, and striping changes and final quantities

Did you or any Subcontractor, file any claims against the Agency? Circle one: Yes (No)

Did the Agency file any claims against you? Circle one: Yes (No)

If you answered yes to either of the above two questions, please explain and indicate outcome of claims.

Project 2 Name/Number HSIP5250(029)

Project Description HSIP Cycle 9 T/S Imp at the Intersection of Atlantic Ave & Carlin

Approximate Construction Date From: 03/2023 To: 05/2024

Agency Name: City of Lynwood

Contact Person: Mr. Mir Fattahi PE Telephone: 949.351.6505

Address: 11330 Bullis Rd, Lynwood, CA 90262

Original Contract Amount: $ 474,047.00 Final Contract Amount: $ 502,193.00

If final amount is different from original amount, please explain (change orders, extra work, etc.).

Electrical and concrete changes

Did you or any Subcontractor, file any claims against the Agency? Circle one: Yes (No)

Did the Agency file any claims against you? Circle one: Yes (No)

If you answered yes to either of the above two questions, please explain and indicate outcome of claims.

Project 3 Name/Number HSIP-5250(031)

Project Description Traffic Signal Imp at Imperial & Atlantic

Approximate Construction Dates From: 03/2023 To: 05/2024

Agency Name: City of Lynwood

Contact Person: Mr. Mir Fattahi PE Telephone: 949.351.6505

Address: 11330 Bullis Rd, Lynwood, CA 90262

Original Contract Amount: $ 429,029.00 Final Contract Amount: $ 435,045.00

If final amount is different from original amount, please explain (change orders, extra work, etc.).

Electrical and concrete changes

Did you or any Subcontractor, file any claims against the Agency? Circle one: Yes (No)

Did the Agency file any claims against you? Circle one: Yes (No)

If you answered yes to either of the above two questions, please explain and indicate outcome of claims.

Project 4 Name/Number HSIP Cycle 7

Project Description Traffic Signal Improvements

Approximate Construction Dates From: 03/2022 To: 01/2024

Agency Name: City of Monterey Park

Contact Person: Mr. Okan Demirci Telephone: 714.319.6137

Address: 320 W. Newmark Ave, Monterey Park, CA 91754

Original Contract Amount: $ 1,035,500.00 Final Contract Amount: $ 1,133,048.00

If final amount is different from original amount, please explain (change orders, extra work, etc.).

Electrical, striping, and minor concrete changes

Did you or any Subcontractor, file any claims against the Agency? Circle one: Yes (No)

Did the Agency file any claims against you? Circle one: Yes (No)

If you answered yes to either of the above two questions, please explain and indicate outcome of claims.

Project 5 Name/Number CDOT 12A2034

Project Description Modify Signal & Ltg and Signing & Striping

Approximate Construction Dates From: 03/2024 To: 05/2024

Agency Name: Caltrans

Contact Person: Mr. Moussa Essayli PE Telephone: 949.279.8816

Address: 1727 30th St MS65, Sacramento, CA 95816

Original Contract Amount: $ 259,059.00 Final Contract Amount: $ 262,374.00

If final amount is different from original amount, please explain (change orders, extra work, etc.).

Electrical and striping changes

Did you or any Subcontractor, file any claims against the Agency? Circle one: Yes (No)

Did the Agency file any claims against you? Circle one: Yes (No)

If you answered yes to either of the above two questions, please explain and indicate outcome of claims.

_____

_____

Project 6 Name/Number City of Huntington Beach

Project Description Utica Ave Bicycle Blvd TS Installation

Approximate Construction Dates From: 06/2023 To: 02/2024

Agency Name: City of Huntington Beach

Contact Person: Mr. William Janusz Telephone: _____

Address: 2000 Main St, Huntington Beach, Ca 92648

Original Contract Amount: $ 493,589.00 Final Contract Amount: $ 509,297.00

If final amount is different from original amount, please explain (change orders, extra work, etc.).

Elecrical and concrete changes

_____

Did you or any Subcontractor, file any claims against the Agency? Circle one: Yes (No)

Did the Agency file any claims against you? Circle one: Yes (No)

If you answered yes to either of the above two questions, please explain and indicate outcome of claims.

_____

_____

RESUME

Attach to this Bid the experience resume of the person who will be designated as General Construction Superintendent or on-site Construction Manager for the Project.

Brian Mendoza
P.O.B ox 7745 Riverside CA, 92513-7745
Email:brian@ptm-eng.com Cell 951.722.5755

Chief Estimator and Supervisor of Outside Operations

Supervisor of Outside operations with over 18 years of experience electrician with over 20 years of experience An effective communicator and team leader, experienced in coordinating and executing large and fast paced projects.

CAREER EXPERIENCE

Freeway Electric/ PTM Engineering Services, Inc. Riverside CA
06/2006 to Date

Chief Estimator/Supervisor of Outside Operations

In charge of managing the estimating department and finalizing bid packages: coordinating the beginning phase of an awarded project between the company and agency. Project submittals, contract review Coordinated and manage crews California region: handled various sized projects ranging in size from $1,000 to $4.5 million dealing with dry utilities, wet utilities, traffic signals, and road improvements, maintained coordination Freeway Electric / PTM General Engineering and subcontractor, and project owners. In charge of handling project's administrative work: monthly gross estimates, project progress schedule, materials requisitions, contract change order negotiations and equipment purchase and rental.

High Light Electric Inc. / Pete & Sons Construction Inc. Riverside, CA
10/1995 to 06/2006

Chief Estimator

In charge of managing the estimating department and finalizing bid packages Coordinating the beginning phase of an awarded project between the company and agency or prime contractor that include project submittals, contract review. Successfully bid on projects totaling $12 million with an average spread 6%.

Area Supervisor

Coordinated and manage 10 crews consisting of 6 members per team in the southern California region: handled various sized projects ranging in size from $1,000 to $4.5 million dealing with dry utilities, wet utilities, traffic signal, and road improvements. Maintained coordination between High Light Electric Inc. and subcontractor, general contractor and project owners In charge of handling project's administrative work; monthly gross estimates, project progress schedule, materials requisitions, contract change order negotiations and equipment purchase and rentals.

CAREER EXPERIENCE CONTINUED

MBE Electric, Inc. in Riverside, CA
10/1989 TO 10/1995
Vice President and Head of Outside Operations

Manage outside operations for all projects ranging in size from & 1,000 to 2.5 million. Headed an around the clock electric crew and coordinated with CC Meyers to repair the I-10 Santa Monica Freeway after it collapsed during the 1994 Northridge Earthquake to complete the fast paced project in 66 days. Maintain coordination between MBB Electric and subcontractors, general contractor and project owners: implemented and enforced safety guidelines. Handled administrative work: monthly progress estimates, material requisitions, contract change order negotiations.

Vasco Corporation in San Fernando, CA
10/1987 to 06/1989
Foreman (Part Time)

Managed day to day operations of work crews and various project ranging in size from $1,000 to $5,000 in Eastern Los Angeles County: traffic signals, street lighting, signal interconnect.

Raymore Electric in Rosemead, CA
06/1986 to 10/1987
Crew Lender (Part Time)

In charge of working crews on projects that ranging from $25,000 to 250,000 throughout Los Angeles County.

WORKING SKILLS

- Capable of operating heavy equipment such as skip loaders, cranes, and backhoes
- Hands-on experience with hand tools and power tools
- Capable of overseeing fast-paced and high profile project
- An effective communicator and leader

EDUCATION

- International Brotherhood of Electrical Workers
- Completed training course (1988-1989) in street lighting and traffic signal installations, code enforcement and blue print reading.
- South Gate High School
- Received High School Diploma in 1988

CONTINUED

LANGUAGES

- English (Native)
- Spanish (Fluent)

AWARD RECEIVED

- Recipient of the U.S. Small Business "Young Entrepreneur of the year" Award in 1996, nationally.
- Recipient of the Certificate of Recognition by the City lo Los Angeles for "Small Business" in 1997.
- Recipient of the Certificate of Recognition by the State Assembly, Assemblyman Mr. Rod Pacheco, for the "Top 500 Inland Empire Small Business" in 1997.
- Ranked among the "Top 500 Inland Empire Hispanic Owned Companies" Since 1997.
- Certification of Appreciation for our participation and maximization in the " Century Freeway Affirmative Action" by CFAAC

PROFESSIONAL AND PERSONAL REFERNCES

Caltrans project#071224U4 (Electrical contract amount $4.5 million)

Description of project: Installation of traffic signals, ramp metering, sing illumination, Highway Lighting, Fiber option communication and electrical irrigation along the I-10 Freeway in Los Angeles County.

- Doug Dawson – Project Manager for prime contractor, Balfour Beatty Cell (949) 232-3276 and Office (909) 397-8040.
- Patty Galvan – Resident Engineer, Office (909) 594-4270
- Veronica Ross – Electrical Inspector, Cell (714) 606-6311

REFERNCES CONTINUED

City of Redlands Contract #208300-72304/41008 (Electrical contract amount is $218,800) project Completed in 2003
Description of project: Installation of traffic signals, modification of ramp metering, lighting and sign illumination.

- Bill Hensley – Senior Civil Engineer – Office (909) 798-7586 ext.2
- Juan Olvera – Project Manager for general contractor, H&H Construction – Cell (951) 453-7712 and Office (909) 473-7331.

Caltrans project #08-4567V4) Electrical contract amount is $ 938,238) project completed in 2005 Description of project: Installation of lighting system along the I-15 Freeway in San Bernardino County.

- Gary Vogel – Project Manager for prime contractor, Granite Construction Cell: (661) 549-3953 and Office (661) 726-4447.

Sandbag Projects, Segment 1, 2, 3 early segment 9, and alder Ave. (Total electrical contract amount was $3.2 million) Project completed in 2004.
Description of Projects: Installation of traffic signals, ramp metering, sign illumination, highway lighting, fiber optic communication, and electrical irrigation along the I-10 Freeway in San Bernardino County.

- Harold Lantis – Sandbag Contract Manager – Cell: (760) 802-7730 and Office (909) 875-8029 ext.213.
- Tim Hanable – Caltrans Inspector – Cell: (951) 712-0021
- Al Ortega – Project Manager for prime contractor, Yeager Skanska – Cell: (714) 240-5333.

City of Indio Project#ST0137 (Electrical contract amount was $1.4 million) project completed in 2005.
Description of project: Installation of street lighting system, traffic signals, electrical irrigation, and dry Utilities.

- Gary Bexter – Area Manager for prime contractor, Yeager Skanska Construction Cell: (909) 721-9749 and Office (760) 343-5472.
- Tommy Young – Project Manager for prime contractor – Cell: (951) 232-6618 and Office (760) 343-5472.
- Mehran Sepehri – City Engineer – Cell: (760) 250-2201

Additional Professional References:

- Zale Harris – Caltrans Inspector – Cell: (951) 289-0047
- Ray Robles – Caltrans area supervisor – Cell: (909) 799-0646

DESIGNATION OF SUBCONTRACTORS
[Public Contract Code Section 4104]

List all Subcontractors who will perform Work or labor or render service to the Contractor in or about the construction of the Work or improvement, or a Subcontractor licensed by the State of California who, under subcontract to the Contractor, specially fabricates and installs a portion of the Work or improvement according to detailed drawings contained in the Plans and Specifications, in an amount in excess of one-half percent (0.5%) of the Contractor's total Bid or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half percent (0.5%) of the Contractor's total Bid or $10,000, whichever is greater. If all Subcontractors do not fit on this page, attach another page listing all information for all other Subcontractors.

Name under which Subcontractor is Licensed and Registered	CSLB License Number(s) and Class(es)	DIR Contractor Registration Number	Address and Phone Number E.M	Type of Work (e.g., Electrical) E.M	Percentage of Total Bid (e.g., 10%)*
Cal Stripe	685387 Class A	1000001100	2040 E. Steel colton, CA 92324	Striping	23 %

* The percentage of the total Bid shall represent the "portion of the work" for the purposes of Public Contract Code Section 4104(b).

Contractor shall perform, with its own organization (rather than with Subcontractors), Work amounting to at least fifty one percent (51%) of the Contract Price.

INDUSTRIAL SAFETY RECORD FORM

Bidder's Name PTM General Engineering Services Inc.

	Current Year of Record	2023	2022	2021	2020	2019	Total
Number of contracts	12	6	37	17	17	5	94
Total dollar amount of contracts (in thousands of dollars)	17.8M	8.2M	15.5M	23.6M	6.3M	11.8M	83.2M
Number of fatalities	0	0	0	0	0	0	0
Number of lost workday cases	0	0	0	0	0	0	0
Number of lost workday cases involving permanent transfer to another job or termination of employment	0	0	0	0	0	0	0

The above information was compiled from the records that are available to me at this time and I declare under penalty of perjury under the laws of the State of California that the information is true and accurate within the limitations of those records.

Signature: Elizabeth H. Mendoza
Title: President / CFO
Date: 3.4.25

Signature: Brian Mendoza
Title: VP / Secretary
Date: 3.4.25

Bond No. BBSU

BID BOND

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of South El Monte ("City"), has issued an invitation for Bids for the Work described as follows: SYSTEMIC SAFETY IMPROVEMENTS AT SIGNALIZED INTERSECTIONS, CALTRANS PROJECT NO. HSIPL-5352(025) CITY PROJECT NO. 607

WHEREAS PTM GENERAL ENGINEERING SERVICES, INC. - 5942 ACORN ST. RIVERSIDE, CA 92504
(Name and address of Bidder)

("Principal"), desires to submit a Bid to City for the Work.

WHEREAS, Bidders are required to furnish a form of Bidder's security with their Bids.

NOW, THEREFORE, we, the undersigned Principal, and

NATIONWIDE MUTUAL INSURANCE COMPANY - ONE WEST NATIONWIDE BLVD. 1-14-30, COLUMBUS, OH 43215-2220
(Name and address of Surety)

("Surety"), a duly admitted surety insurer under the laws of the State of California, as Surety, are held and firmly bound unto the City in the penal sum of

TEN PERCENT OF AMOUNT BID

Dollars ($10% OF BID), being not less than ten percent (10%) of the total Bid price, in lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if the hereby bounded Principal is awarded the Contract for the Work by the City and, within the time and in the manner required by the bidding specifications, enters into the written form of Contract included with the bidding specifications, furnishes the required Bonds (one to guarantee faithful performance and the other to guarantee payment for labor and materials), and furnishes the required insurance coverage, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

In case suit is brought upon this instrument, Surety further agrees to pay all court costs incurred by the City in the suit and reasonable attorneys' fees in an amount fixed by the court. Surety hereby waives the provisions of Civil Code Section 2845.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each corporate party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: FEBRUARY 26TH, 2025

"Principal"	"Surety"
PTM GENERAL ENGINEERING SERVICES, INC.	NATIONWIDE MUTUAL INSURANCE COMPANY
By:	By:
Its: Elizabeth H. Mendoza President / CFO	Its: BRITTON CHRISTIANSEN, ATTORNEY-in-FACT
By:	By:
Its: Brian Mendoza Vice President / Secretary	Its:

Note: This Bond must be dated, all signatures must be notarized, and evidence of the authority of any person signing as attorney-in-fact must be attached.

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:

BRITTON CHRISTIANSEN; KEVIN VEGA; PHILIP E VEGA;

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

UNLIMITED

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 1st day of April, 2024.

Antonio C. Albanese, **Vice President** of Nationwide Mutual Insurance Company

ACKNOWLEDGMENT

SEAL

STATE OF NEW YORK COUNTY OF KINGS: ss
On this 1st day of April, 2024, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

Sharon Laburda
Notary Public, State of New York
No. 01LA6427697
Qualified in Kings County
Commission Expires January 3, 2026

Notary Public
My Commission Expires
January 3, 2026

CERTIFICATE

I, Lezlie F. Chimienti, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 26th day of FEBRUARY, 2025.

Assistant Secretary

BDJ 1(04-24)00

NL-33

№ 3201

STATE OF CALIFORNIA

DEPARTMENT OF INSURANCE

SAN FRANCISCO

AMENDED

Certificate of Authority

THIS IS TO CERTIFY, *That, pursuant to the Insurance Code of the State of California,*

NATIONWIDE MUTUAL INSURANCE COMPANY

of COLUMBUS, OHIO *, organized under the laws of* OHIO *, subject to its Articles of Incorporation or other fundamental organizational documents, is hereby authorized to transact within this State, subject to all provisions of this Certificate, the following classes of insurance:* FIRE, MARINE, SURETY, DISABILITY, PLATE GLASS, LIABILITY, WORKMEN'S COMPENSATION, COMMON CARRIER LIABILITY, BOILER AND MACHINERY, BURGLARY, SPRINKLER, TEAM AND VEHICLE, AUTOMOBILE, AIRCRAFT and MISCELLANEOUS insurance, *as such classes are now or may hereafter be defined in the Insurance Laws of the State of California.*

THIS CERTIFICATE *is expressly conditioned upon the holder hereof now and hereafter being in full compliance with all, and not in violation of any, of the applicable laws and lawful requirements made under authority of the laws of the State of California as long as such laws or requirements are in effect and applicable, and as such laws and requirements now are, or may hereafter be changed or amended.*

IN WITNESS WHEREOF, *effective as of the* 18TH *day of* APRIL, 1972, *I have hereunto set my hand and caused my official seal to be affixed this* 18TH *day of* APRIL, 1972.

RICHARDS D. BARGER
Insurance Commissioner

By John J. Faber
JOHN J. FABER *Deputy*

NOTICE:
Qualification with the Secretary of State must be accomplished as required by the California Corporations Code promptly after issuance of this Certificate of Authority. Failure to do so will be a violation of Ins. Code Sec. 701 and will be grounds for revoking this Certificate of Authority pursuant to the covenants made in the application therefor and the conditions contained herein.

FORM CB-3

41021-503 3-70 500 DUP ⓘ OSP

CLEAR

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Riverside)

On 2·27·25 before me, Yee Ping Leung, Notary Public

Date *Here Insert Name and Title of the Officer*

Personally appeared Elizabeth H. Mendoza

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Yee Ping Leung

Signature of Notary Public

YEE PING LEUNG
COMM # 2416239
RIVERSIDE County
California Notary Public
Comm Exp Sept. 16, 2026

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document _____ Document Date _____

Number of Pages _____ Signer(s) Other Than Named Above _____

Capacity(ies) Claimed by Signer(s)

Signer's Name _____	Signer's Name _____
☐ Corporate Officer—Title(s) _____	☐ Corporate Officer—Title(s) _____
☐ Partner ☐ Limited ☐ General	☐ Partner ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other _____	☐ Other _____
Signer Is Representing _____	Signer Is Representing _____

CLEAR

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

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State of California)

County of Riverside)

On 2.27.25 before me, Yee Ping Leung, Notary Public

Date *Here Insert Name and Title of the Officer*

Personally appeared Brian Mendoza

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

YEE PING LEUNG
COMM # 2416239
RIVERSIDE County
California Notary Public
Comm Exp Sept. 16, 2026

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Yee Ping Leung
Signature of Notary Public

Place Notary Seal Above

---------- ***OPTIONAL*** ----------

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Signer's Name _____	Signer's Name _____
☐ Corporate Officer—Title(s) _____	☐ Corporate Officer—Title(s) _____
☐ Partner ☐ Limited ☐ General	☐ Partner ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other _____	☐ Other _____
Signer Is Representing _____	Signer Is Representing _____

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of SAN LUIS OBISPO)

On FEB 2 6 2025 *Date* before me, McKENZIE SALAZAR, NOTARY PUBLIC *Here Insert Name and Title of the Officer*,

personally appeared BRITTON CHRISTIANSEN *Name(s) of Signer(s)*,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

MCKENZIE SALAZAR
Notary Public - California
San Luis Obispo County
Commission # 2459004
My Comm. Expires Aug 13, 2027

Signature _____ *Signature of Notary Public*

Place Notary Seal Above

OPTIONAL

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Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____

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NONCOLLUSION DECLARATION FORM
TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID
[Public Contract Code Section 7106]

The undersigned declares:

I am the President / CFO of PTM General Engineering Services Inc., the party making the foregoing Bid.

The Bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The Bid is genuine and not collusive or sham. The Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham Bid. The Bidder has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham Bid, or to refrain from bidding. The Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Bid price of the Bidder or any other Bidder, or to fix any overhead, profit, or cost element of the Bid price, or of that of any other Bidder. All statements contained in the Bid are true. The Bidder has not, directly or indirectly, submitted his or her Bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, Bid depository, or to any member or agent thereof, to effectuate a collusive or sham Bid, and has not paid, and will not pay, any Person or entity for such purpose.

Any person executing this declaration on behalf of a Bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the Bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on 3.4.25 [date], at Riverside [city], California [state].

Signature:	Signature:
Printed Name: Elizabeth H. Mendoza President / CFO	Printed Name: Brian Mendoza VP / Secretary
Date: 3.4.25	Date: 3.4.25

This form must be notarized.

CLEAR

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Riverside)

On 3.4.25 before me, Yee Ping Leung, Notary Public

Date *Here Insert Name and Title of the Officer*

Personally appeared Elizabeth H. Mendoza

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Yee Ping Leung

Signature of Notary Public

YEE PING LEUNG
COMM # 2416239
RIVERSIDE County
California Notary Public
Comm Exp Sept. 16, 2026

Place Notary Seal Above

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☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other _____	☐ Other _____
Signer Is Representing _____	Signer Is Representing _____

CLEAR

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

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State of California)

County of Riverside)

On 3.4.25 before me, Yee Ping Leung, Notary Public

Date *Here Insert Name and Title of the Officer*

Personally appeared Brian Mendoza

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Yee Ping Leung

Signature of Notary Public

YEE PING LEUNG
COMM # 2416239
RIVERSIDE County
California Notary Public
Comm Exp Sept. 16, 2026

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Signer's Name _____	Signer's Name _____
☐ Corporate Officer—Title(s) _____	☐ Corporate Officer—Title(s) _____
☐ Partner ☐ Limited ☐ General	☐ Partner ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
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☐ Other _____	☐ Other _____
Signer Is Representing _____	Signer Is Representing _____

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PTM General Engineering Services, Inc.

Resolution to Negotiate Contract(s)

RESOLVED, that the President of this Corporation does hereby authorize and empower the Corporate President/CFO and/or Vice President/Secretary to enter into a contract, in the name of and in behalf of this Corporation, upon such terms and conditions as may be agreed upon, at the sole discretion of the President/CFO and/or Vice President/Secretary.

The undersigned hereby certifies that he/she is the duly elected and qualified Secretary and the custodian of the books and records and seal of PTM General Engineering Services Inc., a corporation duly formed pursuant to the laws of the state of California and that the foregoing is a true record of a resolution duly adopted at a meeting of the Corporation and that said meeting was held in accordance with state law and the Bylaws of the above-named Corporation on February 26, 2025, and that said resolution is now in full force and effect without modification or rescission.

IN WITNESS WHEREOF, I have executed my name as Secretary and have hereunto affixed the corporate seal of the above-named Corporation this 26th of February 2025.

Brian Mendoza

Corporate Secretary

Corporate Seal

Brian Mendoza

Vice President

Elizabeth H. Mendoza

President/ CFO

Certificate of Incumbency

PTM General Engineering Services, Inc.
5942 Acorn St.
Riverside, CA 92504

I Brian Mendoza as the Secretary of PTM General Engineering Services, Inc, a corporation duly incorporated under the existing laws of the State of California, hereby certify the following:

1. *That I am the duly elected acting Secretary of the Corporation and it is my duty to maintain its records, minutes, and seal.*
2. *That pursuant to the Corporation's By Laws as amended; I have the power and authority to execute this certificate on behalf of the Corporation.*
3. *That either one of the corporate officers below have the full authority to sign & execute all & any bidding and/or contractual documents on behalf of the Corporation.*

Name	**Title**	**Signature**
Elizabeth H. Mendoza	*President/CFO*	
Brian Mendoza	*Vice President/Secretary*	

IN WITNESS WHERE OF I, as Secretary of the Corporation, hereby execute this Certificate under the Seal of the Corporation on this 26thth day of February 2025.

_____**(Seal)**
Brian Mendoza

ATTACHMENT C

1. BID TABULATION

PROJECT NAME:SYSTEMIC SAFETY IMPROVEMENTS AT SIGNALIZED INTERSECTIONS,
CITY PROJECT NO.: 607, CALTRANS PROJECT NO.: HSIPL-5352(025)

BID TABULATION				Apparent Low Bidder 1 PTM General Engineering Services, Inc.		Apparent Low Bidder 2 Elecnor Belco Electric, Inc.		Apparent Low Bidder 3 Alfaro Communications Construction, Inc.		Apparent Low Bidder 4 Servitek Elektrik, Inc.		AVERAGE BID VALUES		LOWEST UNIT BID PRICE	HIGHEST UNIT BID PRICE
Bid Item and Description		Qty	Unit	*Unit Price*	Total Price	*Unit Price*	Total Price	*Unit Price*	Total Price	*Unit Price*	Total Price	*Unit Price*	Total Price		
1	Mobilization	1	LS	$20,327.00	$20,327.00	$22,545.00	$22,545.00	$51,451.00	$51,451.00	$21,000.00	$21,000.00	*$28,830.75*	*$28,830.75*	*$20,327.00*	*$51,451.00*
2	Traffic Control	1	LS	$24,000.00	$24,000.00	$32,545.00	$32,545.00	$27,924.00	$27,924.00	$21,000.00	$21,000.00	*$26,367.25*	*$26,367.25*	*$21,000.00*	*$32,545.00*
3	Temporary Traffic and Electrical Systems	1	LS	$2,500.00	$2,500.00	$18,300.00	$18,300.00	$21,294.00	$21,294.00	$24,000.00	$24,000.00	*$16,523.50*	*$16,523.50*	*$2,500.00*	*$24,000.00*
4	Signal Turn On	1	LS	$4,000.00	$4,000.00	$21,000.00	$21,000.00	$14,196.00	$14,196.00	$12,000.00	$12,000.00	*$12,799.00*	*$12,799.00*	*$4,000.00*	*$21,000.00*
5	Remove and salvage existing controller from existing controller cabinet. Furnish and install new 2070 controller with latest D4 software or City approved equal in existing controller cabinet	12	EA	$13,000.00	$156,000.00	$9,532.00	$114,384.00	$11,192.25	$134,307.00	$11,000.00	$132,000.00	*$11,181.06*	*$134,172.75*	*$9,532.00*	*$13,000.00*
6	Install LPI Timing Sheets	21	EA	$2,000.00	$42,000.00	$400.00	$8,400.00	$650.00	$13,650.00	$2,000.00	$42,000.00	*$1,262.50*	*$26,512.50*	*$400.00*	*$2,000.00*
7	Install White Ladder Xwalk	6,500	SF	$5.00	$32,500.00	$5.65	$36,725.00	$5.20	$33,800.00	$14.00	$91,000.00	*$7.46*	*$48,506.25*	*$5.00*	*$14.00*
8	Install Yellow Ladder Xwalk	900	SF	$5.00	$4,500.00	$5.65	$5,085.00	$5.20	$4,680.00	$14.00	$12,600.00	*$7.46*	*$6,716.25*	*$5.00*	*$14.00*
9	Remove existing striping	12	PER INT.	$2,500.00	$30,000.00	$5,992.00	$71,904.00	$2,925.00	$35,100.00	$4,165.00	$49,980.00	*$3,895.50*	*$46,746.00*	*$2,500.00*	*$5,992.00*
10	Install Detail 40	200	LF	$3.20	$640.00	$4.00	$800.00	$3.25	$650.00	$16.00	$3,200.00	*$6.61*	*$1,322.50*	*$3.20*	*$16.00*
11	Install Detail 41	3,300	LF	$3.20	$10,560.00	$4.00	$13,200.00	$3.25	$10,725.00	$16.00	$52,800.00	*$6.61*	*$21,821.25*	*$3.20*	*$16.00*
BID RANKING					**Apparent Low Bidder 1**		**Apparent Low Bidder 2**		**Apparent Low Bidder 3**		**Apparent Low Bidder 4**				
TOTAL BASE BID AMOUNT CALCULATED BASED ON UNIT PRICES					**$327,027.00**		**$344,888.00**		**$347,777.00**		**$461,580.00**				
TOTAL BASE BID AMOUNT INDICATED BY BIDDER					**$327,027.00**		**$344,888.00**		**$347,777.00**		**$461,580.00**				
CALCULATION CORRECTIONS TO BASE BID AMOUNT SUBMITTED BY CONTRACTOR BASED ON CALCULATED BID AMOUNT					**$0.00**		**$0.00**		**$0.00**		**$0.00**				
IS THE BIDDER QUALIFIED BASED ON REFERENCE PROJECTS															
SUBCONTRACTOR % AND AMOUNT SHOWN IN THE BID				23.00%		42.00%		18.80%		31.13%					
SUBCONTRACTORS				Cal Stripe	23.00%	Superior Pavement Markings	42.00%	Cal Stripe	18.80%	Chrisp Company	31.13%				
				TOTAL	**23.00%**	**TOTAL**	**42.00%**	**TOTAL**	**18.80%**	**TOTAL**	**31.13%**				

2. REVIEW OF APPARENT LOW BID

APPARENT LOW BID SUBMITTED BY:		PTM General Engineering Services, Inc.			APPARENT LOW BID AMOUNT:	$327,027.00
ITEM REVIEWED/CHECKED		**REVIEW RESULT**	**BY**	**DATE**	**REMARKS**	
BID STAMPED AS RECEIVED PRIOR BID TIME:		YES	CITY CLERK	3/5/25		
BID BOND IN PROPER AMOUNT:		YES	OD	3/5/25		
ADDENDA ACKNOWLEDGEMENT:		N/A	OD	3/5/25		
ANY APPARENT DISCREPANCY IN THE SUBMITTAL:		NO	OD	3/5/25		
TOTAL BID PRICES CALCULATED CORRECTLY:		YES	OD	3/5/25		
SUBCONTRACTOR AMOUNT:		23.00%	OD	3/5/25		
MIN PRIME CONTRACTOR % REQUIREMENT FOR WORK PER SPECIFICATIONS:		51.00%	OD	3/5/25		
PRIME CONTRACTOR % CALCULATED PER BID SUBMITTAL (THIS % MUST BE EQUAL OR MORE THAN ABOVE %):		77.00%	OD	3/5/25		
BIDDER COMPLIES WITH MIN PRIME CONTRACTOR % REQUIREMENT:		YES	OD	3/5/25		
MAX ALLOWABLE SUBCONTRACTOR PERCENT PER SPECIFICATIONS:		49.00%	OD	3/5/25		
SUB CONTRACTOR % CALCULATED PER BID SUBMITTAL (THIS % MUST BE EQUAL OR LESS THAN ABOVE %):		23.00%	OD	3/5/25		
BIDDER COMPLIES WITH MAX. SUB CONTRACTOR % REQUIREMENT:		YES	OD	3/5/25		
PRIME CONTRACTOR LICENSE STATUS:	PTM General Engineering Services, Inc.	891265	OD	3/5/25	Print-out from CLSB Web Page attached (http://www.cslb.ca.gov/)	
PRIME CONTRACTOR DIR REGISTRATION STATUS:	PTM General Engineering Services, Inc.	1000004133	OD	3/5/25	Print-out from DIR Web Page attached (https://cadir.my.salesforce-sites.com/ContractorSearch?)	
SUB CONTRACTOR LICENSE STATUS:	Cal Stripe	685387	OD	3/5/25	Print-out from CLSB Web Page attached (http://www.cslb.ca.gov/)	
SUB CONTRACTOR DIR REGISTRATION STATUS:	Cal Stripe	1000001100	OD	3/5/25	Print-out from DIR Web Page attached (https://cadir.my.salesforce-sites.com/ContractorSearch?)	
PRIME CONTRACTOR DEBARMENT STATUS FROM STATE CONTRACTS:	PTM General Engineering Services, Inc.	NOT ON STATE DEBARRED LIST	OD	3/5/25	Print-out from DIR Web Page attached (http://www.dir.ca.gov/dlse/debar.html)	
PRIME CONTRACTOR DEBARMENT STATUS FROM FEDERAL CONTRACTS:	PTM General Engineering Services, Inc.	NOT ON FEDERAL DEBARRED LIST	OD	3/5/25	Print-out from SAM Web Page attached (https://www.sam.gov/SAM/)	
SUB CONTRACTOR DEBARMENT STATUS FROM STATE CONTRACTS:	Cal Stripe	NOT ON STATE DEBARRED LIST	OD	3/5/25	Print-out from DIR Web Page attached (http://www.dir.ca.gov/dlse/debar.html)	
SUB CONTRACTOR DEBARMENT STATUS FROM FEDERAL CONTRACTS:	Cal Stripe	NOT ON FEDERAL DEBARRED LIST	OD	3/5/25	Print-out from SAM Web Page attached (https://www.sam.gov/SAM/)	
REFERENCE CHECK ACCEPTABLE:					See Reference Check	

CONTRACTORS STATE LICENSE BOARD

Contractor's License Detail for License # 891265

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure click on link that will appear below for more information. Click here for a definition of disclosable actions.
- Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17).
- Arbitrations are not listed unless the contractor fails to comply with the terms.
- Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 3/5/2025 8:54:35 PM

Business Information

P T M GENERAL ENGINEERING SERVICES INC
5942 ACORN ST
RIVERSIDE, CA 92504
Business Phone Number:(951) 710-1000

Entity Corporation
Issue Date 02/20/2007
Expire Date **02/28/2027**

License Status

This license is current and active.

All information below should be reviewed.

Classifications

- A - GENERAL ENGINEERING
- C10 - ELECTRICAL
- C31 - CONSTRUCTION ZONE TRAFFIC CONTROL
- C27 - LANDSCAPING
- C32 - PARKING AND HIGHWAY IMPROVEMENT
- B - GENERAL BUILDING
- C-61 / D42 - NON-ELECTRICAL SIGN INSTALLATION
- C-7 - LOW VOLTAGE SYSTEMS
- C13 - FENCING
- C-61 / D09 - DRILLING, BLASTING AND OIL FIELD WORK
- C-8 - CONCRETE

Certifications

- HAZ - HAZARDOUS SUBSTANCES REMOVAL

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with HARCO NATIONAL INSURANCE COMPANY.
Bond Number: 0568087
Bond Amount: $25,000
Effective Date: 01/01/2023
Contractor's Bond History

Bond of Qualifying Individual

- The qualifying individual ELIZABETH HERNANDEZ MENDOZA certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.
  Effective Date: 08/01/2011
  BQI's Bond History

- The qualifying individual BRIAN HERNANDEZ MENDOZA certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.
  Effective Date: 09/20/2017
  BQI's Bond History

Workers' Compensation

An employee service group holds the workers compensation insurance.
Policy Number:C58817569
Effective Date: 08/01/2024
Expire Date: 08/01/2025
Workers' Compensation History

Workers' compensation classification code(s):
5140 - Electrical Wiring-high wage
8810 - Clerical Office Employees
5606 - Contractors-executive level supervisors

For a description of the workers' compensation classification code(s) listed for this licensee, contact the licensee's insurance carrier. Contact information for the licensee's insurer is available by clicking the insurer link above. Classification codes are also available on the Workers' Compensation Insurance Rating Bureau's classification search page.

The board does not verify or investigate the accuracy of classification codes displayed.

Other

- Personnel listed on this license (current or disassociated) are listed on other licenses.

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CONTRACTORS STATE LICENSE BOARD

Contractor's License Detail for License # 685387

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- CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure click on link that will appear below for more information. Click here for a definition of disclosable actions.
- Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17).
- Arbitrations are not listed unless the contractor fails to comply with the terms.
- Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 3/5/2025 8:55:21 PM

Business Information

CAL STRIPE INC
2040 EAST STEEL ROAD
COLTON, CA 92324
Business Phone Number:(909) 884-7170

Entity Corporation
Issue Date 03/16/1994
Reissue Date 01/02/2008
Expire Date **01/31/2026**

License Status

This license is current and active.

All information below should be reviewed.

Classifications

A - GENERAL ENGINEERING

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with SAFECO INSURANCE COMPANY OF AMERICA.
Bond Number: 24042335
Bond Amount: $25,000
Effective Date: 01/01/2023
Contractor's Bond History

Bond of Qualifying Individual

The qualifying individual RUDOLPH CHRISTOPHER ZAVALANI certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.
Effective Date: 01/02/2008

Workers' Compensation

This license has workers compensation insurance with the FEDERAL INSURANCE COMPANY
Policy Number:54309727
Effective Date: 07/01/2018
Expire Date: 07/01/2025
Workers' Compensation History

Miscellaneous Information

- 01/02/2008 - LICENSE REISSUED TO ANOTHER ENTITY

- Personnel listed on this license (current or disassociated) are listed on other licenses.

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PTM GENERAL ENGINEERING SERVICES INC.

Customer Account Lookup

Name

PTM GENERAL ENGINEERING SERVICES INC.

Customer Account

PTM GENERAL ENGINEERING SERVICES INC.

Type

Contractor

Website

(empty)

Email

indira@ptm-eng.com

Address 1

5942 Acorn St

Address_2

City

Riverside

State

California

Zip

92504

Contractor Status

DIR Approved

CSLB

891265

Legal Name

PTM General Engineering Services, Inc

Business Structure

Corporation - S corp

Business Phone

951-710-1000

Registration Number

President

Elizabeth H Mendoza

PWCR

1000001433

Registration Start Date

2024-07-01

Registration End Date

2026-06-30

Doing Business As (DBA)

PTM GENERAL ENGINEERING SERVICES INC

Crafts

Operating Engineer | Laborer and Related Classifications | Electrician

Legacy Registration Date

2023-07-01

Legacy Registration Expiration

2024-06-30

Related Lists

Historical Registration Dates (1)

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Cal Stripe, Inc.

Customer Account Lookup

Name

Cal Stripe, Inc.

Customer Account

Cal Stripe, Inc.

Type

Contractor

Website

(empty)

Email

janetoothman@yahoo.com

Address 1

2040 E. Steel Rd

Address_2

City

COLTON

State

CA

Zip

92324-4008

Contractor Status

DIR Approved

CSLB

Legal Name

Cal Stripe, Inc.

Business Structure

-- None --

Business Phone

909-8847170

Registration Number

President

Rudy Zavalani

PWCR

1000001100

Registration Start Date

2023-07-01

Registration End Date

2025-06-30

Doing Business As (DBA)

CAL STRIPE, INC.

Crafts

Parking/Highway/Improvement

Legacy Registration Date

2023-07-01

Legacy Registration Expiration

2025-06-30

Related Lists

Historical Registration Dates (1)

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DLSE Debarments

The following is a list of contractors barred from bidding on, accepting, or performing any public works contracts, either as a contractor or subcontractor. Please refer to the "Period of Debarment" for status of debarment period as noted below:

As part of your due diligence, we suggest that you also check:

- Contractor status at the Contractors State License Board (CSLB)
- The Federal debarment list at the Excluded Parties List System

Name of contractor	Period of debarment
MICHAEL FLOORING, INC.; **BENNY MICHAEL** CSLB License Number: 874947	**9/13/24 through 9/13/27** Decision SC 7278 The debarment order is currently stayed by order of the Kern County Superior Court
TOBO CONSTRUCTION, INC.; **JIMI WAN CHAE; MONICA SHIUN OH;** **KYUNG JIN YOON,** CSLB License Number: 758012	**5/10/2023 through 5/10/2026** Decision SC 7250
G M Climate Control, Inc. CSLB License Number: 967267	**3/2/2023 through 9/2/2024** Decision 40-71536-603
MINAKO AMERICA CORPORATION DBA MINCO CONSTRUCTION; **AND REFAAT HILMAY MINA,** CSLB License Number: 612429	**9/27/2021 through 9/26/2022** Decision LB 6333
GRFCO, INC. DBA ONSITE KRUSHING; **GARCIA JUAREZ CONSTRUCTION, INC.;** **GEORGE ROBERT FROST; AND JAMES CRAIG JACKSON** CSLB License Number: 291013 and 84801	**5/21/2021 through 5/20/2024** Decision LB 6629
ECS CONTRACTORS, INC. dba ECS ELECTRIC, INC.; UMAR KHALID RANA, an indvidual and CEO/RMO of ECS CONTRACTORS, INC.; and KANWAL SAJJAD RANA, an indvidual and RMO of ECS CONTRACTORS, INC. CSLB License Number: 975222	**3/1/2020 through 3/1/2023** Decision LB 5590
Avi Shechter, Individually **DBA Avi Shechter** CSLB Number: 908891 and 1018353	**5/6/2019 through 5/5/2022** Decision LB 6328
Patrick Kim, Individually **DBA Ritecon Plumbing** CSLB Number: 991018	**8/21/2018 through 8/20/2019** Decision LB 6762
Bighorn Construction, Inc. CSLB Number: 597866	**5/5/2018 through 5/4/2021** Decision LB 6658
Doug Parks, Individually dba **Doug Parks and Son Plumbing** CSLB Number: 411825	**10/11/2017 through 10/10/2019** Decision SC 5807
Worthington Construction, Inc.; **Dale Worthington, an individual and CEO/RMO of Worthington Construction, Inc.; and,** **Holi Jeanne Worthington, an individual and Officer of Worthington Construction** CSLB Number: 714836	**6/15/2018 through 9/16/2019** Decision LB 5267

RMV Construction, Inc., A California Corporation; and Robert Michael Vasil II a.k.a. Robert Michael Vasil a.k.a. Mike Vasil, an Individual and CEO/RMO President of RMV Construction, Inc. CSLB Number: 892389	**4/1/2017 through 8/18/2018** Decision LB 5266
Gewargis Youkhanis Narso, an individual dba GEHVAC and Technologies, a sole proprietorship, And GEHVAC Co., a sole proprietorship CSLB Number: 899312 and 1013848	**2/1/2017 through 1/31/2020** Decision 40-48480-516
Joseph Brothers Enterprise, Inc.; Ken Joseph Individually and as CEO CSLB Number: 849169	**4/3/2018 through 10/3/2019** Decision SC 6390
Dave Cook Concrete Construction, Inc., and David William Cook 34231 Camino Capistrano #102 Capistrano Beach, CA 92624-1189 CSLB Number: 461897	**3/1/2017 through 2/29/2020** Decision LB 6207
Bannaoun Engineers Constructors Corporation; Omar Maloof, An Individual P.O. Box 16599 Beverly Hills, CA 90209-2599 CSLB Number: 827829	**05/12/17 through 05/11/20** Decision SC 5517
Evans Roofing Co., Inc. 2020 South Yale Street Santa Ana, CA 92706 CSLB Number: 610549	**10/31/16 through 10/30/19** Decision LB 6270
Guillermo Ibaibarriaga dba Sierra Nevada Stucco and 2K Roofing Sierra Nevada Stucco P.O. Box 8472 Reno, NV 89502 CSLB Number: 915812 2K Roofing 820 Kuenzli Street Reno, NV 89502 CSLB Number: 954551	**05/14/17 through 05/13/20** Decision SC 6037
Del Norte Construction, And Trinidad Manuel Canales, an Individual PO Box 5101 Oxnard, CA 93030 5020 Wooley Rd. Oxnard, CA 93030 CSLB Number: #945723	**6/01/16 through 5/31/17** Decision LB 5533
Diversified Building & Electric Company, Inc. 409 Tennant Station Morgan Hill, CA 95037 **Denis Andrew Maris**, Individually and Doing Business as **Diversified Electric Company** CSLB Number: #765312	**2/15/16 through 8/15/17** Decision SC 5714
Fast Demolition, Inc. 601-C East Palomar Street #123 Chula Vista, CA 91911 CSLB Number: #792729 **Rogelio Medina Vazquez.**, an individual and in his capacity as Responsible Managing Officer of **FAST DEMOLITION, INC**.	**4/1/44 through 3/31/47** Decision LB5742 **4/1/41 through 3/31/44** Decision LB5665 **4/1/36 through 3/31/39** Decision LB5740 **4/1/33 through 3/31/37** Decision LB5651 **4/1/33 through 3/31/37** Decision LB5739

	4/1/24 through 3/31/27 Decision LB5741 **4/1/30 through 3/31/33** Decision LB5743 **4/1/27 through 3/31/30** Decision LB5666 **4/1/21 through 3/31/24** Decision LB5667 **4/1/18 through 3/31/21** Decision LB5668 **4/01/15 through 3/31/18** Decision LB5345
Amerivet Plumbing, Inc.; Walter Edward Jacob Kuhlmann III, Individually And dba Amerivet Plumbing Services CSLB Number: #969048 and #919761	**8/6/15 through 8/5/18** Decision SC 5756
Ultimate Inc., And, Enrique Vera, an Individual PO Box 571117 Tarzana, CA 91356-1117 CSLB Number: #949229	**12/1/15 through 11/30/18** Decision LB 5655 & LBS659
Travioli Construction, Inc. PO Box 231 Visalia, CA 93274 CSLB Number: #936832	**9/11/15 through 3/10/17** Decision SC 5800
Integrity Sheet Metal, Inc. 319 McArthur Way Upland, CA 91786 CSLB #726770 **William Ben Hicks**, an individual; **Margaret Mary Hicks**, an individual	**2/01/15 through 1/31/18** Decision LB 5596
L A Builders, Inc., a California Corporation 15635 Saticoy Street, #H Van Nuys, CA 91406 CSLB #748591 **Alon Gamliel**, an individual	**2/01/15 through 1/31/18** Decision LB5 171
USA Wall Systems, Inc. 8309 Sunshine Lane Riverside, CA 92508 CSLB #929610 **Edward Eugene Brammer**, an individual and in his capacity as President/CEO/RMO	**4/01/15 through 3/31/18** Decision LB 5323
Daughter Construction **formerly dba Hy Carpentry Construction** 15407 Thornlake Avenue Norwalk, CA 90650 CSLB #979297 **Sharon Jin Yoo**, an individual; **Dae Hyun Yoo**, an individual and in his capacity as manager/supervisor for Sharon Jin Yoo and in his capacity as General Partner for HY Construction, a General Partnership.	**4/01/15 through 3/31/18** Decision LB 5466, LB5467, LB5468 & LB5520
RDA Construction, Inc. 1692 W. Bullard Ave., Fresno, CA 93711 CSLB# 383306	**12/15/14 through 12/14/16** Decision 40-40508-522 & 44-40509-522
Titan Electrical Construction, Inc. Lucas Oliver Stickney, an individual Jamie Noel Furr, an individual 630 Natoma Street San Francisco, CA 94103 CSLB# 919516	**11/3/14 through 11/2/17** Decision SC 5539

Ramos Painting Carlos Ray Ramos, an individual P.O. Box 3871 Paso Robles, CA 93447 CSLB# 753575	**11/3/14 through 11/2/15** Decision SC 5518
Dick Emard Electric. dba Emard Electric Luke Richard Emard, an individual and RMO 5930 Key Court, Suite A Loomis, CA 95650 CSLB# 794007	**11/3/14 thorough 11/2/17** Decision SC 5521
Nixon Electric Gordon Fulton Nixon, an individual 5624 Faust Ave. Woodland Hills, CA 91367 CSLB# 796802	**8/1/14 through 7/31/17** Decision LB 4495
Neris General Contractors, a California Corporation Efren Neri, an individual Servando Neri, an individual Rebeca Neri, an individual Luis Abelardo Castro, an individual 6087 California Ave. Long Beach, CA 90805 CSLB# 797967	**2/28/14 through 2/27/17** Decision LB 4511, LB4512 & LB4521
Southland Construction Reza Mohammedi, an individual 3943 Irvine Blvd., #405, Irvine, CA 92602 CSLB# 663784 (expired)	**10/14/14 through 10/13/17** Decision SAC 5492
National Drywall Corporation, **A Dissolved California Corporation** 603 S. Milliken Avenue, Suite F Ontario, CA 91761 CSLB #834335 **Miguel Contreras, an Individual and** **Responsible Managing Officer/CEO/President** **Dora Maria Contreras, an Individual and** **Agent/Officer of the Corporation**	**8/4/14 through 8/3/17** Decision SAC 5506
Tadros & Youssef Construction, Inc. **Kamel Shaker Tadros & Makram Youssef Youssef, Individually** 1221 E 8th Street, Unit A, Upland, CA 91786 CSLB# 698182 (expired)	**5/10/14 through 5/9/17** Decision SAC 5308
Serenity Fire Protection 417 S. Associated Road, Brea, CA 92821 CSLB# 902927	**5/1/14 through 4/30/17** Decision LB 4202
Don Kelly Construction , Inc. **Don Kelly, Individual and Lisa Kelly, Individual** 171 Northview Ridge Lane, P.O. Box 10760, Bozeman, MT 59719	**3/25/14 through 3/24/17** Decision LB 4484
Aldan, Inc. P.O. Box 9428, Brea, CA 92822 CSLB #949229	**2/28/14 through 2/27/17** Decision LB5175
Russell/Thompson, Inc. **James Jean Russell & Valery Alena Thompson, Individually** 4684 Oak Glen Dr., Redding, CA 96001 CSLB# 915036 (revoked)	**10/31/13 through 10/31/16** Decision SC 5309
Ayodejia A. Ogundare, Individual **Dba Pacific Engineering Company** 6310 Stewart Way, Bakersfield, CA 93308	**5/15/2013 through 5/15/2014** Decision SAC 1039

CLSB#710322	
Wallcrete Industries, Inc.; Garit David Wallace and Amber Anderson, Individuals 400 Kansas, Redlands, CA 92373 CSLB#834220	**7/29/12 through 7/28/15** Decision SAC 5175
FEI Enterprises, Inc **Gabriel Fedida, Individual** 5749 Venice Blvd., Los Angeles, CA 90019 CSLB#659252	**6/14/12 through 6/13/15** Decision SC 5198
Jeffrey Alan Mott and Michelle Mott, individuals **Dda Integrity Landscape** 3756 Independence Avenue Sanger, CA 93637 CSLB#774222	**3/29/12 through 3/28/15** Decision SC 5160
Jensen Drywall & Stucco **Jeffrey E. Jensen** 3714 Lynda Place National City, CA 91950-8121 CSB # 664168 Exp. 2/18/11 (expired)	**3/31/11 through 3/30/13** Decision SC 5095
All West Construction, Inc. **Donald Kent Russell** 495 N. Marks Ave. Fresno, CA 93706 CSB # 592321 Exp. 4/3/12 (suspended)	**3/31/11 through 3/30/13** Decision se 5013
Country Builders, Inc. **Weldon Offill, individually** 5915 Graham Ct. Livermore, CA 94550 CSB # 699574 Exp. 11/30/12 (active)	**3/1/11 through 2/28/14** Decision SC 5053 Addendum SC 5053
Sutter Foam & Coating, Inc. 909 A. George Washington Yuba City, CA 95993 CSB # 732014 Exp. 1/31/09 (inactive) **David Alvin Trexler, an individual** 909 A. George Washington Yuba City, CA 95993 **Kenneth A. Trexler, an individual** 2603 Lago Lane Marysville, CA 95901	**7/1/10 through 6/30/13** Decision SAC 5012
Soo Dong Kim, an individual, **dba Soo Kim Electric Company** 16224 Ridgeview Lane La Mirada, CA 90638 CSB # 568103 Exp. 8/1/09 (inactive) **Hyo Nam Jung, an individual,** **dba Lucid Electric** 18621 Well Street Rowland Heights, CA 91748 CSB # 914692 Exp. 4/3/10	**4/19/10 through 4/18/13** Decision SAC 1064
Southwest Grading, **dba Southwest Grading Services, Inc.,** 22031 Waite Street Wildomar, CA 92595 **David Walter Cholewinski, an individual** 22031 Waite Street Wildomar, A 92595 29970 Technology Drive, Ste. 205 Murrieta, CA 92563 CSB #840416 Exp. 6/30/10	**3/18/10 through 3/17/13** Decision SAC 1058

S.J. Cimino Electric, Inc., a California corporation, 3267 Dutton Ave. Santa Rosa, CA 95404 **Salvatore Joseph Cimino, RMO, CEO and President of S.J. Cimino Electric, Inc. and sole owner of S.J. Cimino Electric, an individual** 5825 Heights Rd. Santa Rosa, CA 95401 CSB #343802 Exp. 2/28/10 CSB #294141 Exp. 9/30/13 (inactive)	**10/15/09 through 10/14/12** Decision SAC 1052
Cedar Development Corporation **Serghon Gabriel Afram, individually** 12477 Feather Dr Mira Loma, CA 91752 CSB # 839898 Exp. 6/30/10 (suspended)	**8/5/09 through 8/4/12** Decision SAC 1042
All Floors Commercial and Residential Flooring, Inc. **Salvador Elias Perea, individually** 750 E. McGlincy Lane, #103 Campbell, CA 95008 CSB #430969 Exp. 7/31/09	**5/14/09 through 5/13/12** Decision SAC 1040
1-AMD Construction, Inc. **Alberto Mordoki, individually** **Mirella Mordoki, individually** 5300 Beach Blvd., Suite 110-416 Buena Park, CA 90621 CSB #787533, revoked	**3/16/09 through 3/15/12** Decision SAC1037

Updated: November 2024

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ATTACHMENT D

PUBLIC WORKS AGREEMENT

By and Between

CITY OF SOUTH EL MONTE

and

PTM GENERAL ENGINEERING SERVICES, INC.

AGREEMENT FOR PUBLIC WORKS SERVICES
BETWEEN THE CITY OF SOUTH EL MONTE AND
PTM GENERAL ENGINEERING SERVICES, INC.

THIS AGREEMENT FOR PUBLIC WORKS SERVICES (herein "Agreement") is made and entered into this 15th day of April 2025 by and between the **CITY OF SOUTH EL MONTE**, a municipal corporation ("City") and **PTM GENERAL ENGINEERING SERVICES, INC.**, a California Corporation ("Contractor"). City and Contractor may be referred to, individually or collectively, as "Party" or "Parties."

RECITALS

A. City has sought, by issuance of a Request for Proposals or Invitation for Bids, the performance of the services defined and described particularly in Article 1 of this Agreement.

B. Following submission of the lowest responsible and responsive bid for the performance of the services, Contractor was selected by the City to perform those services.

C. Pursuant to the South El Monte Municipal Code, City has authority to enter into and execute this Agreement.

D. The Parties desire to formalize the selection of Contractor for performance of the services and desire that the terms of that performance be as particularly defined and described herein.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1. WORK OF CONTRACTOR

1.1 Scope of Work.

In compliance with all terms and conditions of this Agreement, the Contractor shall provide those services specified in the "Scope of Work" attached hereto as Exhibit "A" and incorporated herein by this reference, which may be referred to herein as the "services" or "work" hereunder. As a material inducement to the City entering into this Agreement, Contractor represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the work required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the work and services contemplated herein. Contractor shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. Contractor covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials will be both of good quality as well as fit for the purpose intended. For purposes of this

Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Bid Documents.

The Scope of Work shall include the "General Provisions" and "Special Provisions" in the bid documents for the project entitled, including any documents or exhibits referenced therein (collectively, "bid documents"), all of which are incorporated herein by this reference. In the event of any inconsistency between the terms of the bid documents and this Agreement, the terms of this Agreement shall govern.

1.3 Compliance with Law.

Contractor shall keep itself informed concerning, and shall render all services hereunder in accordance with, all ordinances, resolutions, statutes, rules, and regulations of the City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered.

1.4 Compliance with California Labor Law.

(a) Public Work. The Parties acknowledge that the work to be performed under this Agreement is a "public work" as defined in Labor Code Section 1720 and that this Agreement is therefore subject to the requirements of Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code relating to public works contracts and the rules and regulations established by the Department of Industrial Relations ("DIR") implementing such statutes. The work performed under this Agreement is subject to compliance monitoring and enforcement by the DIR. Contractor shall post job site notices, as prescribed by regulation.

(b) Prevailing Wages. Contractor shall pay prevailing wages to the extent required by Labor Code Section 1771. Pursuant to Labor Code Section 1773.2, copies of the prevailing rate of per diem wages are on file at City Hall and will be made available to any interested party on request. By initiating any work under this Agreement, Contractor acknowledges receipt of a copy of the Department of Industrial Relations (DIR) determination of the prevailing rate of per diem wages, and Contractor shall post a copy of the same at each job site where work is performed under this Agreement.

(c) Penalty for Failure to Pay Prevailing Wages. Contractor shall comply with and be bound by the provisions of Labor Code Sections 1774 and 1775 concerning the payment of prevailing rates of wages to workers and the penalties for failure to pay prevailing wages. The Contractor shall, as a penalty to the City, forfeit two hundred dollars ($200) for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined by the DIR for the work or craft in which the worker is employed for any public work done pursuant to this Agreement by Contractor or by any subcontractor.

(d) Payroll Records. Contractor shall comply with and be bound by the provisions of Labor Code Section 1776, which requires Contractor and each subcontractor to: keep accurate payroll records and verify such records in writing under penalty of perjury, as specified

in Section 1776; certify and make such payroll records available for inspection as provided by Section 1776; and inform the City of the location of the records.

(e) Apprentices. Contractor shall comply with and be bound by the provisions of Labor Code Sections 1777.5, 1777.6, and 1777.7 and California Code of Regulations Title 8, Section 200 *et seq.* concerning the employment of apprentices on public works projects. Contractor shall be responsible for compliance with these aforementioned Sections for all apprenticeable occupations. Prior to commencing work under this Agreement, Contractor shall provide City with a copy of the information submitted to any applicable apprenticeship program. Within sixty (60) days after concluding work pursuant to this Agreement, Contractor and each of its subcontractors shall submit to the City a verified statement of the journeyman and apprentice hours performed under this Agreement.

(f) Eight-Hour Work Day. Contractor acknowledges that eight (8) hours labor constitutes a legal day's work. Contractor shall comply with and be bound by Labor Code Section 1810.

(g) Penalties for Excess Hours. Contractor shall comply with and be bound by the provisions of Labor Code Section 1813 concerning penalties for workers who work excess hours. The Contractor shall, as a penalty to the City, forfeit twenty-five dollars ($25) for each worker employed in the performance of this Agreement by the Contractor or by any subcontractor for each calendar day during which such worker is required or permitted to work more than eight (8) hours in any one calendar day and forty (40) hours in any one calendar week in violation of the provisions of Division 2, Part 7, Chapter 1, Article 3 of the Labor Code. Pursuant to Labor Code section 1815, work performed by employees of Contractor in excess of eight (8) hours per day, and forty (40) hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of 8 hours per day at not less than one and one-half (1½) times the basic rate of pay.

(h) Workers' Compensation. California Labor Code Sections 1860 and 3700 provide that every employer will be required to secure the payment of compensation to its employees if it has employees. In accordance with the provisions of California Labor Code Section 1861, Contractor certifies as follows:

> "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

Contractor's Authorized Initials _____

(i) Contractor's Responsibility for Subcontractors. For every subcontractor who will perform work under this Agreement, Contractor shall be responsible for such subcontractor's compliance with Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code, and shall make such compliance a requirement in any contract with any subcontractor for work under this Agreement. Contractor shall be required to take all

actions necessary to enforce such contractual provisions and ensure subcontractor's compliance, including without limitation, conducting a review of the certified payroll records of the subcontractor on a periodic basis or upon becoming aware of the failure of the subcontractor to pay his or her workers the specified prevailing rate of wages. Contractor shall diligently take corrective action to halt or rectify any such failure by any subcontractor.

1.5 Licenses, Permits, Fees and Assessments.

Contractor shall obtain at its sole cost and expense such licenses, permits, registrations, and approvals as may be required by law for the performance of the services required by this Agreement. Contractor shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Contractor's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless City, its officers, employees or agents of City, against any such fees, assessments, taxes, penalties or interest levied, assessed or imposed against City hereunder.

1.6 Familiarity with Work.

(a) By executing this Agreement, Contractor warrants that Contractor (i) has thoroughly investigated and considered the scope of work to be performed, (ii) has carefully considered how the services should be performed, and (iii) fully understands the facilities, difficulties and restrictions attending performance of the services under this Agreement. If the services involve work upon any site, Contractor warrants that Contractor has or will investigate the site and is or will be fully acquainted with the conditions there existing, prior to commencement of services hereunder.

(b) Contractor shall promptly, and before the following conditions are disturbed, notify the City, in writing, of any: (i) material Contractor believes may be hazardous waste as defined in Section 25117 of the Health & Safety Code required to be removed to a Class I, II, or III disposal site in accordance with existing law; (ii) subsurface, unknown or latent conditions, materially different from those indicated; or (iii) unknown physical conditions at the site of any unusual nature, different from those ordinarily encountered and generally recognized as inherent in work of the character provided for in this Agreement, and will materially affect the performance of the services hereunder.

(c) City shall promptly investigate the conditions, and if it finds that the conditions do materially differ, or do involve hazardous waste, and cause a decrease or increase in Contractor's cost of, or the time required for, performance of any part of the work, shall issue a change order per Section 1.10 of this Agreement.

(d) In the event that a dispute arises between City and Contractor whether the conditions materially differ, or involve hazardous waste, or cause a decrease or increase in Contractor's cost of, or time required for, performance of any part of the work, Contractor shall not be excused from any scheduled completion date set, but shall proceed with all work to be performed under the Agreement. Contractor shall retain any and all rights provided

either by contract or by law, which pertain to the resolution of disputes and protests between the contracting parties.

(e) City will compensate Contractor to the extent required by Government Code Section 4215 by issuing a change order per Section 1.10 of this Agreement.

1.7 Protection and Care of Work and Materials.

The Contractor shall adopt reasonable methods, including providing and maintaining storage facilities, during the life of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the work by City, except such losses or damages as caused by City's own negligence. Stored materials shall be reasonably accessible for inspection. Contractor shall not, without City's consent, assign, sell, mortgage, hypothecate, or remove equipment or materials which have been installed or delivered and which may be necessary for the completion of the work.

1.8 Warranty.

Contractor warrants all work under the Agreement (which for purposes of this Section shall be deemed to include unauthorized work which has not been removed and any non-conforming materials incorporated into the work) to be of good quality and free from any defective or faulty material and workmanship. Contractor agrees that for a period of one year (or the period of time specified elsewhere in the Agreement or in any guarantee or warranty provided by any manufacturer or supplier of equipment or materials incorporated into the work, whichever is later) after the date of final acceptance, Contractor shall within ten (10) days after being notified in writing by the City of any defect in the work or non-conformance of the work to the Agreement, commence and prosecute with due diligence all work necessary to fulfill the terms of the warranty at its sole cost and expense. Contractor shall act as soon as requested by the City in response to an emergency. In addition, Contractor shall, at its sole cost and expense, repair, remove and replace any portions of the work (or work of other contractors) damaged by its defective work or which becomes damaged in the course of repairing or replacing defective work. For any work so corrected, Contractor's obligation hereunder to correct defective work shall be reinstated for an additional one year period, commencing with the date of acceptance of such corrected work. Contractor shall perform such tests as the City may require to verify that any corrective actions, including, without limitation, redesign, repairs, and replacements comply with the requirements of the Agreement. All costs associated with such corrective actions and testing, including the removal, replacement, and reinstitution of equipment and materials necessary to gain access, shall be the sole responsibility of the Contractor. All warranties and guarantees of subcontractors, suppliers and manufacturers with respect to any portion of the work, whether express or implied, are deemed to be obtained by Contractor for the benefit of the City, regardless of whether or not such warranties and guarantees have been transferred or assigned to the City by separate agreement and Contractor agrees to enforce such warranties and guarantees, if necessary, on behalf of the City. In the event that Contractor fails to perform its obligations under this Section, or under any other warranty or guaranty under this Agreement, to the reasonable satisfaction of the City, the City shall have the right to correct and replace any defective or non-conforming work and any work damaged by such work or the replacement or correction thereof at Contractor's sole expense.

Contractor shall be obligated to fully reimburse the City for any expenses incurred hereunder upon demand.

1.9 Further Responsibilities of Parties.

Both parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonably necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither party shall be responsible for the service of the other.

1.10 Additional Work and Change Orders.

(a) City shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Work or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written change order is first given by the Contract Officer to the Contractor, incorporating therein any adjustment in (i) the Contract Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Contractor ("Change Order"). All Change Orders must be signed by the Contractor and Contract Officer prior to commencing the extra work thereunder.

(b) Any increase in compensation of up to ten percent (10%) of the Contract Sum or $25,000, whichever is less; or any increase in the time to perform of up to one hundred eighty (180) days; and does not materially affect the Work and which are not detrimental to the Work or to the interest of the City, may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively, must be approved by the City Council.

(c) Any adjustment in the Contract Sum for a Change Order must be in accordance with the rates set forth in the Schedule of Compensation in Exhibit "C". If the rates in the Schedule of Compensation do not cover the type of work in the Change Order, the cost of such work shall not exceed an amount agreed upon in writing and signed by Contractor and Contract Officer. If the cost of the Change Order cannot be agreed upon, the City will pay for actual work of the Change Order completed, to the satisfaction of the City, as follows:

(i) Labor: the cost of labor shall be the actual cost for wages of workers and subcontractors performing the work for the Change Order at the time such work is done. The use of labor classifications that would increase the cost of such work shall not be permitted.

(ii) Materials and Equipment: the cost of materials and equipment shall be at cost to Contractor or lowest current price which such materials and equipment are reasonably available at the time the work is done, whichever is lower.

(iii) If the cost of the extra work cannot be agreed upon, the Contractor must provide a daily report that includes invoices for labor, materials and equipment costs for the work under the Change Order. The daily report must include: list of names of workers, classifications, and hours worked; description and list of quantities of materials used; type of

equipment, size, identification number, and hours of operation, including loading and transportation, if applicable; description of other City authorized services and expenditures in such detail as the City may require. Failure to submit a daily report by the close of the next working day may, at the City's sole and absolute discretion, waive the Contractor's rights for that day.

(d) It is expressly understood by Contractor that the provisions of this Section 1.10 shall not apply to services specifically set forth in the Scope of Work. Contractor hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Work may be more costly or time consuming than Contractor anticipates and that Contractor shall not be entitled to additional compensation therefor. City may in its sole and absolute discretion have similar work done by other contractors.

(e) No claim for an increase in the Contract Sum or time for performance shall be valid unless the procedures established in this Section are followed.

1.11 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as Exhibit "B" and incorporated herein by this reference. In the event of a conflict between the provisions of Exhibit "B" and any other provisions of this Agreement, the provisions of Exhibit "B" shall govern.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, City agrees to pay Contractor the amounts specified in the "Schedule of Compensation" attached hereto as Exhibit "C" and incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed Three Hundred Twenty Seven Thousand Twenty Seven Dollars and Zero Cents ($327,027.00) (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.10.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion; (ii) payment in accordance with specified tasks or the percentage of completion of the services less the contract retention; (iii) payment for time and materials based upon the Contractor's rates as specified in the Schedule of Compensation, provided that (a) time estimates are provided for the performance of sub tasks, (b) contract retention is maintained and (c) the Contract Sum is not exceeded; or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

Compensation may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual subcontractor expenses of an approved subcontractor pursuant to Section 4.5,

and only if specified in the Schedule of Compensation. The Contract Sum shall include the attendance of Contractor at all project meetings reasonably deemed necessary by the City. Coordination of the performance of the work with City is a critical component of the services. If Contractor is required to attend additional meetings to facilitate such coordination, Contractor shall not be entitled to any additional compensation for attending said meetings.

2.4 Invoices.

Each month Contractor shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. By submitting an invoice for payment under this Agreement, Contractor is certifying compliance with all provisions of the Agreement. The invoice shall contain all information specified in Exhibit "C", and shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-contractor contracts. Sub-contractor charges shall also be detailed by such categories. Contractor shall not invoice City for any duplicate services performed by more than one person.

City shall, as soon as practicable, independently review each invoice submitted by the Contractor to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Contractor which are disputed by City, or as provided in Section 7.3, City will cause Contractor to be paid within thirty (30) days of receipt of Contractor's correct and undisputed invoice; however, Contractor acknowledges and agrees that due to City warrant run procedures, the City cannot guarantee that payment will occur within this time period. In the event that City does not cause Contractor to be paid within thirty (30) days of receipt of an undisputed and properly submitted invoice, Contractor shall be entitled to the payment of interest to the extent allowed under Public Contract Code Section 20104.50. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Contractor, not later than seven (7) days after receipt by the City, for correction and resubmission. Returned invoices shall be accompanied by a document setting forth in writing the reasons why the payment request was rejected. Review and payment by the City of any invoice provided by the Contractor shall not constitute a waiver of any rights or remedies provided herein or any applicable law.

2.5 Waiver.

Payment to Contractor for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Contractor.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance.

Contractor shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in

the "Schedule of Performance" attached hereto as Exhibit "D" and incorporated herein by this reference. When requested by the Contractor, extensions to the time period(s) specified in the Schedule of Performance may be approved in writing by the Contract Officer but not exceeding one hundred eighty (180) days cumulatively.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Contractor shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Contractor be entitled to recover damages against the City for any delay in the performance of this Agreement, however caused, Contractor's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Inspection and Final Acceptance.

City may inspect and accept or reject any of Contractor's work under this Agreement, either during performance or when completed. City shall reject or finally accept Contractor's work within forty-five (45) days after submitted to City. City shall accept work by a timely written acceptance, otherwise work shall be deemed to have been rejected. City's acceptance shall be conclusive as to such work except with respect to latent defects, fraud and such gross mistakes as to amount to fraud. Acceptance of any work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, Articles 1 and 5, pertaining to warranty and indemnification and insurance, respectively.

3.5 Term.

Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not exceeding April 15, 2027 from the date hereof, except as otherwise provided in the Schedule of Performance (Exhibit "D").

ARTICLE 4. COORDINATION OF WORK

4.1 Representatives and Personnel of Contractor.

The following principals of Contractor ("Principals") are hereby designated as being the principals and representatives of Contractor authorized to act in its behalf with respect to the work specified herein and make all decisions in connection therewith:

Elizabeth H. Mendoza	President & CFO
(Name)	(Title)
Brian Mendoza	VP & Secretary
(Name)	(Title)

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing Principals were a substantial inducement for City to enter into this Agreement. Therefore, the Principals shall be responsible during the term of this Agreement for directing all activities of Contractor and devoting sufficient time to personally supervise the services hereunder. All personnel of Contractor, and any authorized agents, shall at all times be under the exclusive direction and control of the Principals. For purposes of this Agreement, the Principals may not be replaced nor may their responsibilities be substantially reduced by Contractor without the express written approval of City. Additionally, Contractor shall make every reasonable effort to maintain the stability and continuity of Contractor's staff and subcontractors, if any, assigned to perform the services required under this Agreement. Contractor shall notify City of any changes in Contractor's staff and subcontractors, if any, assigned to perform the services required under this Agreement, prior to and during any such performance.

4.2 Status of Contractor.

Contractor shall have no authority to bind City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City. Contractor shall not at any time or in any manner represent that Contractor or any of Contractor's officers, employees, or agents are in any manner officials, officers, employees or agents of City. Neither Contractor, nor any of Contractor's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Contractor expressly waives any claim Contractor may have to any such rights.

4.3 Contract Officer.

The Contract Officer shall be Rene Salas or such person as may be designated by the City Manager. It shall be the Contractor's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the services and the Contractor shall refer any decisions which must be made by City to the Contract Officer. Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of the City required hereunder to carry out the terms of this Agreement.

4.4 Independent Contractor.

Neither the City nor any of its employees shall have any control over the manner, mode or means by which Contractor, its agents or employees, perform the services required herein, except as otherwise set forth herein. City shall have no voice in the selection, discharge,

supervision or control of Contractor's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. Contractor shall perform all services required herein as an independent contractor of City and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Contractor shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. City shall not in any way or for any purpose become or be deemed to be a partner of Contractor in its business or otherwise or a joint venturer or a member of any joint enterprise with Contractor.

4.5 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Contractor, its principals and employees were a substantial inducement for the City to enter into this Agreement. Therefore, Contractor shall not contract with any other entity to perform in whole or in part the services required hereunder without the express written approval of the City. All subcontractors shall obtain, at its or Contractor's expense, such licenses, permits, registrations and approvals (including from the City) as may be required by law for the performance of any services or work under this Agreement. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Contractor, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Contractor or any surety of Contractor of any liability hereunder without the express consent of City.

ARTICLE 5. INSURANCE, INDEMNIFICATION AND BONDS

5.1 Insurance Coverages.

Without limiting Contractor's indemnification of City, and prior to commencement of any services under this Agreement, Contractor shall obtain, provide and maintain at its own expense during the term of this Agreement, policies of insurance of the type and amounts described below and in a form satisfactory to City.

(a) General liability insurance. Contractor shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than $2,000,000 per occurrence, $4,000,000 general aggregate, for bodily injury, personal injury, and property damage. The policy must include contractual liability that has not been amended. Any endorsement restricting standard ISO "insured contract" language will not be accepted.

(b) Automobile liability insurance. Contractor shall maintain automobile insurance at least as broad as Insurance Services Office form CA 00 01 covering bodily injury and property damage for all activities of the Contractor arising out of or in connection with Services

to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles, in an amount not less than $1,000,000 combined single limit for each accident.

(c) Professional liability (errors & omissions) insurance. Contractor shall maintain professional liability insurance that covers the Services to be performed in connection with this Agreement, in the minimum amount of $1,000,000 per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement and Contractor agrees to maintain continuous coverage through a period no less than three (3) years after completion of the services required by this Agreement.

(d) Workers' compensation insurance. Contractor shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance (with limits of at least $1,000,000).

(e) Subcontractors. Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall include all of the requirements stated herein.

(f) Additional Insurance. Policies of such other insurance, as may be required in the Special Requirements in Exhibit "B".

5.2 General Insurance Requirements.

(a) Proof of insurance. Contractor shall provide certificates of insurance to City as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation. Insurance certificates and endorsements must be approved by City's Risk Manager prior to commencement of performance. Current certification of insurance shall be kept on file with City at all times during the term of this Agreement. City reserves the right to require complete, certified copies of all required insurance policies, at any time.

(b) Duration of coverage. Contractor shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Services hereunder by Contractor, its agents, representatives, employees or subcontractors.

(c) Primary/noncontributing. Coverage provided by Contractor shall be primary and any insurance or self-insurance procured or maintained by City shall not be required to contribute with it. The limits of insurance required herein may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

(d) City's rights of enforcement. In the event any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium

paid by City will be promptly reimbursed by Contractor or City will withhold amounts sufficient to pay premium from Contractor payments. In the alternative, City may cancel this Agreement.

(e) Acceptable insurers. All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact business of insurance or that is on the List of Approved Surplus Line Insurers in the State of California, with an assigned policyholders' Rating of A- (or higher) and Financial Size Category Class VI (or larger) in accordance with the latest edition of Best's Key Rating Guide, unless otherwise approved by the City's Risk Manager.

(f) Waiver of subrogation. All insurance coverage maintained or procured pursuant to this agreement shall be endorsed to waive subrogation against City, its elected or appointed officers, agents, officials, employees and volunteers or shall specifically allow Contractor or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Contractor hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subcontractors.

(g) Enforcement of contract provisions (non-estoppel). Contractor acknowledges and agrees that any actual or alleged failure on the part of the City to inform Contractor of non-compliance with any requirement imposes no additional obligations on the City nor does it waive any rights hereunder.

(h) Requirements not limiting. Requirements of specific coverage features or limits contained in this section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If the Contractor maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

(i) Notice of cancellation. Contractor agrees to oblige its insurance agent or broker and insurers to provide to City with a thirty (30) day notice of cancellation (except for nonpayment for which a ten (10) day notice is required) or nonrenewal of coverage for each required coverage.

(j) Additional insured status. General liability policies shall provide or be endorsed to provide that City and its officers, officials, employees, and agents, and volunteers shall be additional insureds under such policies. This provision shall also apply to any excess/umbrella liability policies.

(k) Prohibition of undisclosed coverage limitations. None of the coverages required herein will be in compliance with these requirements if they include any limiting endorsement of any kind that has not been first submitted to City and approved of in writing.

(l) Separation of insureds. A severability of interests provision must apply for all additional insureds ensuring that Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the insurer's limits of liability. The policy(ies) shall not contain any cross-liability exclusions.

(m) Pass through clause. Contractor agrees to ensure that its subconsultants, subcontractors, and any other party involved with the project who is brought onto or involved in the project by Contractor, provide the same minimum insurance coverage and endorsements required of Contractor. Contractor agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this section. Contractor agrees that upon request, all agreements with consultants, subcontractors, and others engaged in the project will be submitted to City for review.

(n) Agency's right to revise specifications. The City reserves the right at any time during the term of the contract to change the amounts and types of insurance required by giving the Contractor ninety (90) days advance written notice of such change. If such change results in substantial additional cost to the Contractor, the City and Contractor may renegotiate Contractor's compensation.

(o) Self-insured retentions. Any self-insured retentions must be declared to and approved by City. City reserves the right to require that self-insured retentions be eliminated, lowered, or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by City.

(p) Timely notice of claims. Contractor shall give City prompt and timely notice of claims made or suits instituted that arise out of or result from Contractor's performance under this Agreement, and that involve or may involve coverage under any of the required liability policies.

(q) Additional insurance. Contractor shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgment may be necessary for its proper protection and prosecution of the work.

5.3 Indemnification.

To the full extent permitted by law, Contractor agrees to indemnify, defend and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of Contractor, its officers, employees, agents, subcontractors, or invitees, or any individual or entity for which Contractor is legally liable ("indemnitors"), or arising from Contractor's or indemnitors' reckless or willful misconduct, or arising from Contractor's or indemnitors' negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, and in connection therewith:

(a) Contractor will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

(b) Contractor will promptly pay any judgment rendered against the City, its officers, agents or employees for any such claims or liabilities arising out of or in connection with the negligent performance of or failure to perform such work, operations or activities of Contractor hereunder; and Contractor agrees to save and hold the City, its officers, agents, and employees harmless therefrom;

(c) In the event the City, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Contractor for such damages or other claims arising out of or in connection with the negligent performance of or failure to perform the work, operation or activities of Contractor hereunder, Contractor agrees to pay to the City, its officers, agents or employees, any and all costs and expenses incurred by the City, its officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

In addition, Contractor agrees to indemnify, defend and hold harmless the Indemnified Parties from, any and all claims and liabilities for any infringement of patent rights, copyrights or trademark on any person or persons in consequence of the use by the Indemnified Parties of articles to be supplied by Contractor under this Agreement, and of which the Contractor is not the patentee or assignee or has not the lawful right to sell the same.

Contractor shall incorporate similar indemnity agreements with its subcontractors and if it fails to do so Contractor shall be fully responsible to indemnify City hereunder therefore, and failure of City to monitor compliance with these provisions shall not be a waiver hereof. This indemnification includes claims or liabilities arising from any negligent or wrongful act, error or omission, or reckless or willful misconduct of Contractor in the performance of professional services and work hereunder. The provisions of this Section do not apply to claims or liabilities occurring as a result of City's sole negligence or willful acts or omissions, but, to the fullest extent permitted by law, shall apply to claims and liabilities resulting in part from City's negligence, except that design professionals' indemnity hereunder shall be limited to claims and liabilities arising out of the negligence, recklessness or willful misconduct of the design professional. The indemnity obligation shall be binding on successors and assigns of Contractor and shall survive termination of this Agreement.

5.4 Notification of Third-Party Claims.

City shall timely notify Contractor of the receipt of any third-party claim relating to the work under this Agreement. City shall be entitled to recover from Contractor its reasonable costs incurred in providing such notification.

5.5 Performance and Labor Bonds.

Concurrently with execution of this Agreement Contractor shall deliver to the City, the following:

(a) A performance bond in the amount of the Contract Sum of this Agreement, in the form provided by the City Clerk, which secures the faithful performance of this Agreement.

(b) A labor and materials bond in the amount of the Contract Sum of this Agreement, in the form provided by the City Clerk, which secures the payment of all persons furnishing labor and/or materials in connection with the work under this Agreement.

Both the performance and labors bonds required under this Section 5.5 shall contain the original notarized signature of an authorized officer of the surety and affixed thereto shall be a certified and current copy of his power of attorney. The bond shall be unconditional and remain in force during the entire term of the Agreement and shall be null and void only if the Contractor promptly and faithfully performs all terms and conditions of this Agreement and pays all labor and materials for work and services under this Agreement.

5.6 Sufficiency of Insurer or Surety.

Insurance and bonds required by this Agreement shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best's Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager of the City ("Risk Manager") due to unique circumstances. If this Agreement continues for more than 3 years duration, or in the event the Risk Manager determines that the work or services to be performed under this Agreement creates an increased or decreased risk of loss to the City, the Contractor agrees that the minimum limits of the insurance policies and the performance bond required by Section 5.5 may be changed accordingly upon receipt of written notice from the Risk Manager.

5.7 Substitution of Securities.

Pursuant to Public Contract Code Section 22300, substitution of eligible equivalent securities for any funds withheld to ensure performance under this Agreement may be permitted at the request and sole expense of the Contractor. Alternatively, the Contractor may, pursuant to an escrow agreement in a form prescribed by Public Contract Code Section 22300, request payment of retentions funds earned directly to the escrow agent at the sole expense of the Contractor.

5.8 Release of Securities.

City shall release the Performance and Labor Bonds when the following have occurred:

(a) Contractor has made a written request for release and provided evidence of satisfaction of all other requirements under Article 5 of this Agreement;

(b) the Work has been accepted; and

(c) after passage of the time within which lien claims are required to be made pursuant to applicable laws; if lien claims have been timely filed, City shall hold the Labor

Bond until such claims have been resolved, Contractor has provided statutory bond, or otherwise as required by applicable law.

ARTICLE 6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records.

Contractor shall keep, and require subcontractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies, certified and accurate copies of payroll records in compliance with all applicable laws, or other documents relating to the disbursements charged to City and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement and enable the Contract Officer to evaluate the performance of such services. Any and all such documents shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such books and records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such records. Such records shall be maintained for a period of 3 years following completion of the services hereunder, and the City shall have access to such records in the event any audit is required. In the event of dissolution of Contractor's business, custody of the books and records may be given to City, and access shall be provided by Contractor's successor in interest. Notwithstanding the above, the Contractor shall fully cooperate with the City in providing access to the books and records if a public records request is made and disclosure is required by law including but not limited to the California Public Records Act.

6.2 Reports.

Contractor shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement as the Contract Officer shall require. Contractor hereby acknowledges that the City is greatly concerned about the cost of work and services to be performed pursuant to this Agreement. For this reason, Contractor agrees that if Contractor becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if Contractor is providing design services, the cost of the project being designed, Contractor shall promptly notify the Contract Officer of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if Contractor is providing design services, the estimated increased or decreased cost estimate for the project being designed.

6.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "documents and materials") prepared by Contractor, its employees, subcontractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement, and Contractor shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the documents and materials hereunder. Any use, reuse or assignment of such completed documents for other projects and/or use of uncompleted

documents without specific written authorization by the Contractor will be at the City's sole risk and without liability to Contractor, and Contractor's guarantee and warranties shall not extend to such use, reuse or assignment. Contractor may retain copies of such documents for its own use. Contractor shall have an unrestricted right to use the concepts embodied therein. All subcontractors shall provide for assignment to City of any documents or materials prepared by them, and in the event Contractor fails to secure such assignment, Contractor shall indemnify City for all damages resulting therefrom. Moreover, Contractor with respect to any documents and materials that may qualify as "works made for hire" as defined in 17 U.S.C. § 101, such documents and materials are hereby deemed "works made for hire" for the City.

6.4 Confidentiality and Release of Information.

(a) information gained or work product produced by Contractor in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Contractor. Contractor shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Contract Officer.

(b) Contractor, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Contractor gives City notice of such court order or subpoena.

(c) If Contractor, or any officer, employee, agent or subcontractor of Contractor, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Contractor for any damages, costs and fees, including attorneys' fees, caused by or incurred as a result of Contractor's conduct.

(d) Contractor shall promptly notify City should Contractor, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed there under. City retains the right, but has no obligation, to represent Contractor or be present at any deposition, hearing or similar proceeding. Contractor agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Contractor. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

ARTICLE 7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law.

This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Los Angeles, State of California, or any other

appropriate court in such county, and Contractor covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in the County of Los Angeles, State of California.

7.2 Disputes.

(a) Default; Cure. In the event that Contractor is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Contractor for any work performed after the date of default. Instead, the City may give notice to Contractor of the default and the reasons for the default. The notice shall include the timeframe in which Contractor may cure the default. This timeframe is presumptively thirty (30) days, but may be extended, though not reduced, if circumstances warrant. During the period of time that Contractor is in default, the City shall hold all invoices and shall proceed with payment on the invoices only when the default is cured. In the alternative, the City may, in its sole discretion, elect to pay some or all of the outstanding invoices during the period of default. If Contractor does not cure the default, the City may take necessary steps to terminate this Agreement under this Article. Any failure on the part of the City to give notice of the Contractor's default shall not be deemed to result in a waiver of the City's legal rights or any rights arising out of any provision of this Agreement.

(b) Dispute Resolution. This contract is subject to the provisions of Article 1.5 (commencing at Section 20104) of Division 2, Part 3 of the California Public Contract Code regarding the resolution of public works claims of less than $375,000. Article 1.5 mandates certain procedures for the filing of claims and supporting documentation by the Contractor, for the response to such claims by the City, for a mandatory meet and confer conference upon the request of the Contractor, for mandatory non-binding mediation in the event litigation is commenced, and for mandatory judicial arbitration upon the failure to resolve the dispute through mediation. This Agreement hereby incorporates the provisions of Article 1.5 as though fully set forth herein.

7.3 Retention of Funds.

Contractor hereby authorizes City to deduct from any amount payable to Contractor (whether or not arising out of this Agreement) (i) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, and (ii) all amounts for which City may be liable to third parties, by reason of Contractor's acts or omissions in performing or failing to perform Contractor's obligation under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by Contractor, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of the Contractor to insure, indemnify, and protect City as elsewhere provided herein.

7.4 Waiver.

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Contractor shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

7.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.6 Legal Action.

In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Contractor shall file a claim pursuant to Government Code Sections 905 et seq. and 910 et seq., in order to pursue a legal action under this Agreement.

7.7 Liquidated Damages.

Since the determination of actual damages for any delay in performance of this Agreement would be extremely difficult or impractical to determine in the event of a breach of this Agreement, the Contractor and its sureties shall be liable for and shall pay to the City the sum of $250 (Two Hundred Fifty Dollars) as liquidated damages for each calendar day of delay in the performance of any service required hereunder, as specified in the Schedule of Performance (Exhibit "D"). The City may withhold from any monies payable on account of services performed by the Contractor any accrued liquidated damages. Pursuant to Government Code Section 4215, Contractor shall not be assessed liquidated damages for delay in completion of the project when such delay was caused by the failure of the public agency or owner of the utility to provide for removal or relocation of utility facilities.

7.8 Termination Prior to Expiration of Term.

This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Contract at any time, with or without cause, upon thirty (30) days' written notice to Contractor, except that where termination is due to the fault of the Contractor, the period of notice may be

such shorter time as may be determined by the Contract Officer. In addition, the Contractor reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of the City, the period of notice may be such shorter time as the Contractor may determine. Upon receipt of any notice of termination, Contractor shall immediately cease all services hereunder except such as may be specifically approved by the Contract Officer. Except where the Contractor has initiated termination, the Contractor shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 7.3. In the event the Contractor has initiated termination, the Contractor shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 7.2.

7.9 Termination for Default of Contractor.

If termination is due to the failure of the Contractor to fulfill its obligations under this Agreement, City may, after compliance with the provisions of Section 7.2, take over the work and prosecute the same to completion by contract or otherwise, and the Contractor shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to the Contractor for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

7.10 Attorneys' Fees.

If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

7.11 Unfair Business Practices Claims.

In entering into this Agreement, Contractor offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. § 15) or under the Cartwright Act (Chapter 2, (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services or materials related to this Agreement. This assignment shall be made and become effective at the time the City renders final payment to the Contractor without further acknowledgment of the Parties.

ARTICLE 8. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

8.1 Non-liability of City Officers and Employees.

No officer or employee of the City shall be personally liable to the Contractor, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Contractor or to its successor, or for breach of any obligation of the terms of this Agreement.

8.2 Conflict of Interest.

Contractor covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Contractor's performance of services under this Agreement. Contractor further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the Contract Officer. Contractor agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of the City shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to the Agreement which effects his financial interest or the financial interest of any corporation, partnership or association in which he is, directly or indirectly, interested, in violation of any State statute or regulation. The Contractor warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

8.3 Covenant Against Discrimination.

Contractor covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry, or other protected class in the performance of this Agreement. Contractor shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry, or other protected class.

8.4 Unauthorized Aliens.

Contractor hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*, as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Contractor so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should any liability or sanctions be imposed against City for such use of unauthorized aliens, Contractor hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 9. MISCELLANEOUS PROVISIONS

9.1 Notices.

Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the City, to the City Manager and to the attention of the Contract Officer (with her/his name and City title), City of South El Monte, 1415 Santa Anita Avenue, South El Monte, California 91733, and in the case of the Contractor, to the person at the address designated on the execution page of this Agreement. Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in seventy-two (72) hours from the time of mailing if mailed as provided in this Section. All correspondence relating to this Agreement shall be serialized consecutively.

9.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

9.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

9.4 Integration; Amendment.

This Agreement including the attachments hereto is the entire, complete and exclusive expression of the understanding of the parties. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. No amendment to or modification of this Agreement shall be valid unless made in writing and approved by the Contractor and by the City Council. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

9.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

9.6 Warranty & Representation of Non-Collusion.

No official, officer, or employee of City has any financial interest, direct or indirect, in this Agreement, nor shall any official, officer, or employee of City participate in any decision relating to this Agreement which may affect his/her financial interest or the financial interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any State or municipal statute or regulation. The determination of "financial interest" shall be consistent with State law and shall not include interests found to be "remote" or "noninterests" pursuant to Government Code Sections 1091 or 1091.5. Contractor warrants and represents that it has not paid or given, and will not pay or give, to any third party including, but not limited to, any City official, officer, or employee, any money, consideration, or other thing of value as a result or consequence of obtaining or being awarded any agreement. Contractor further warrants and represents that (s)he/it has not engaged in any act(s), omission(s), or other conduct or collusion that would result in the payment of any money, consideration, or other thing of value to any third party including, but not limited to, any City official, officer, or employee, as a result of consequence of obtaining or being awarded any agreement. Contractor is aware of and understands that any such act(s), omission(s) or other conduct resulting in such payment of money, consideration, or other thing of value will render this Agreement void and of no force or effect.

Contractor's Authorized Initials _____

9.7 Corporate Authority.

The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

CITY:

CITY OF SOUTH EL MONTE, a municipal corporation

_____
Rene Salas, City Manager

ATTEST:

_____
Adrian Garcia, City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

_____
Anthony R. Taylor, City Attorney

CONTRACTOR:

PTM General Engineering Services, Inc., a California corporation

By:_____
Name: Elizabeth H. Mendoza
Title: President & CFO

By:_____
Name: Brian Mendoza
Title: VP & Secretary

Address: 5942 Acorn St.
Riverside, CA 92504

Two corporate officer signatures required when Contractor is a corporation, with one signature required from each of the following groups: 1) Chairman of the Board, President or any Vice President; and 2) Secretary, any Assistant Secretary, Chief Financial Officer or any Assistant Treasurer. CONTRACTOR'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONTRACTOR'S BUSINESS ENTITY.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2025 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER_____

_____

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

_____
_____

DESCRIPTION OF ATTACHED DOCUMENT

_____
TITLE OR TYPE OF DOCUMENT

_____
NUMBER OF PAGES

_____
DATE OF DOCUMENT

_____
SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2025 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL
☐ CORPORATE OFFICER

_____
TITLE(S)

☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER_____

_____

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

_____
_____

DESCRIPTION OF ATTACHED DOCUMENT

_____
TITLE OR TYPE OF DOCUMENT

_____
NUMBER OF PAGES

_____
DATE OF DOCUMENT

_____
SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT "A"

SCOPE OF WORK

I. Contractor shall perform all of the work and comply with all of the specifications and requirements in the "General Provisions" and "Special Provisions" included in the bid documents for the project entitled Systemic Safety Improvements at Signalized Intersections Project in South El Monte, including any documents or exhibits referenced therein and attached hereto as Exhibit A-1.

II. Brief description of the work to be performed:

The work involves installation of raised pavement markers, striping, pedestrian crosswalks, and traffic signal adjustments (implementation of leading pedestrian interval (LPI)) at twenty one (21) signalized intersections citywide.

III. In addition to the requirements of Section 6.2, during performance of the work, Contractor will keep the City apprised of the status of performance by delivering the following status reports:

A. Project Baseline Schedule

B. Project Look ahead Schedule (3 weeks look ahead) Updates

IV. All work is subject to review and acceptance by the City, and must be revised by the Contractor without additional charge to the City until found satisfactory and accepted by City.

V. Contractor shall provide safe and continuous passage for pedestrian and vehicular traffic in accordance with the Work Area Traffic Control Handbook (WATCH), latest edition.

EXHIBIT "B"

SPECIAL REQUIREMENTS

(Superseding Contract Boilerplate)

The Agreement is amended as provided herein. Deleted text is indicated in ~~strikethrough~~ and added text in ***bold italics***.

EXHIBIT "C"

SCHEDULE OF COMPENSATION

VI. Contractor shall perform all work at the rates on the Bid Sheet submitted as part of Contractor's Proposal, and listed below:

1	Mobilization	1	LS	$ 20,327.00	$ 20,327.00
2	Traffic Control	1	LS	$ 24,000.00	$ 24,000.00
3	Temporary Traffic and Electrical Systems	1	LS	$,2,500.00	$ 2,500.00
4	Signal Turn On	1	LS	$ 4,000.00	$ 4,000.00
5	Remove and Salvage Existing Controller from Existing Controller Cabinet. Furnish and Install New 2070 Controller with Latest D4 Software or City Approved Equal in Existing Controller Cabinet	12	EA	$ 13,000.00	$ 156,000.00
6	Install LPI Timing Sheets	21	EA	$ 2,000.00	$ 42,000.00
7	Install White Ladder Xwalk	6500	SF	$ 5.00	$ 32,500.00
8	Install Yellow Ladder Xwalk	900	SF	$ 5.00	$ 4,500.00
9	Remove Existing Striping	12	PER INT.	$ 2,500.00	$ 30,000.00
10	Install Detail 40	200	LF	$ 3.20	$ 640.00
11	Install Detail 41	3300	LF	$ 3.20	$ 10,560.00
TOTAL BID AMOUNT IN NUMBERS					$ 327,027.00

TOTAL BASE BID PRICE IN WORDS: Three Hundred Twenty Seven Thousand Twenty Seven Dollars Only.

A retention of five percent (5%) shall be held from each payment as a contract retention to be paid as part of the final payment upon satisfactory completion of services.

VII. Within the budgeted amounts for each item on the Bid Sheet, and with the approval of the Contract Officer, funds may be shifted from one item's sub-budget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Work is approved per Section 1.10.

VIII. The City will compensate Contractor for the Services performed upon submission of a valid invoice. Each invoice is to include:

A. Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.

B. Line items for all materials and equipment properly charged to the Services.

C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.

D. Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.

V. The total compensation for the Services shall not exceed the amount provided in Section 2.1 of this Agreement.

EXHIBIT "D"

SCHEDULE OF PERFORMANCE

I. Contractor shall perform all work timely in accordance with the following schedule:

The Contractor shall complete all work within 160 working days.

II. Contractor shall deliver the following tangible work products to the City by the following dates.

N/A.

III. The Contract Officer may approve extensions for performance of the services in accordance with Section 3.2.

PERFORMANCE BOND

WHEREAS, the CITY OF SOUTH EL MONTE, ("City"), has awarded to PTM GENERAL ENGINEERING SERVICES, INC., as Contractor ("Principal"), a Contract for the work entitled and described as follows: SYSTEMIC SAFETY IMPROVEMENTS AT SIGNALIZED INTERSECTIONS PROJECT ;

WHEREAS, the Contractor is required under the terms of said Contract to furnish a bond for the faithful performance of the Contract;

NOW, THEREFORE, we the undersigned Contractor and Surety, are held and firmly bound unto the City in the sum of _____ ($_____), this amount being not less than one hundred percent (100%) of the total Contract price, lawful money of the United States of America, for payment of which sum well and truly be made we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents. In case suit is brought upon this bond, the Surety will pay a reasonable attorney's fee to the City in an amount to be fixed by the court.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if the hereby bound Contractor, or its heirs, executors, administrators, successors, or assigns, shall in all things stand and abide by, well and truly keep and perform all undertakings, terms, covenants, conditions, and agreements in the said Contract and any alteration thereof, made as therein provided, all within the time and in the manner designated and in all respects according to their true intent and meaning, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

FURTHER, the said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or modification of the Contract Documents or of the work to be performed thereunder shall in any way affect its obligations on this bond, and it does hereby waive notice of such change, extension of time, alteration, or modification of the Contract Documents or of the work to be performed thereunder.

Executed on _____20___.

PRINCIPAL

(Seal if Corporation) By_____

Title_____

(Attach Acknowledgment of Authorized Representative of Principal)

Any claims under this bond may be addressed to:

_____ (name and address of Surety)

_____

_____

_____ (name and address of Surety's agent for service of process in California, if different from above)

_____

_____

_____ (telephone number of Surety's agent in California)

(Attach Acknowledgment)

_____
SURETY

By_____
(Attorney-in-Fact)

APPROVED:

_____
(Attorney for CITY)

NOTICE:
No substitution or revision to this bond form will be accepted. Sureties must be authorized to do business in and have an agent for service of process in California. Certified copy of Power of Attorney must be attached.

PAYMENT BOND
(Labor and Material Bond)

WHEREAS, the CITY OF SOUTH EL MONTE, ("City"), has awarded PTM GENERAL ENGINEERING SERVICES, INC., as Contractor ("Principal"), a Contract for the work entitled and described as follows: SYSTEMIC SAFETY IMPROVEMENTS AT SIGNALIZED INTERSECTIONS PROJECT;

WHEREAS, said Contractor is required to furnish a bond in conjunction with said Contract, to secure the payment of claims of laborers, mechanics, material men, and other persons as provided by law;

NOW, THEREFORE, we the undersigned Contractor and Surety, are held and firmly bound unto the City in the sum of _____ ($_____), this amount being not less than one hundred percent (100%) of the total Contract price, lawful money of the United States of America, for payment of which sum well and truly be made we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents. In case suit is brought upon this bond, the Surety will pay a reasonable attorney's fee to the City in an amount to be fixed by the court.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if said Contractor, its heirs, executors, administrators, successors, assigns, or subcontractor fails to pay: (1) for any work, materials, services, provisions, provender, or other supplies, or for the use of implements of machinery, used in, upon, for, or about the performance of the work to be done, or for any work or labor thereon of any kind; (2) for work performed by any of the persons named in Civil Code Section 9100; (3) for any amounts due under the Unemployment Insurance Code with respect to work or labor performed under the contract; and/or (4) for any amounts required to be deducted, withheld, and paid over to the Employment Development Department from the wages of employees of the Contractor and/or its subcontractors pursuant to Section 13020 of the Unemployment Insurance Code with respect to such work and labor, then the Surety herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void.

This bond shall inure to the benefit of any of the persons named in Civil Code Section 9100 so as to give a right of action to such persons or their assigns in any suit brought upon the bond. Moreover, if the City or any entity or person entitled to file stop payment notices is required to engage the services of an attorney in connection with the enforcement of this bond, each shall be liable for the reasonable attorney's fees incurred, with or without suit, in addition to the above sum.

Said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or modification of the Contract Documents or of the work to be performed thereunder shall in any way affect its obligations on this bond, and it does hereby waive notice of such change, extension of time, alteration, or modification of the Contract Documents or of the work to be performed thereunder.

Executed on _____, 20____.

PRINCIPAL

(Seal if Corporation) By_____

Title_____

(Attach Acknowledgment of Authorized Representative of Principal)

Any claims under this bond may be addressed to:

_____ (name and address of Surety)

_____

_____

_____ (name and address of Surety's agent for service of process in California, if different from above)

_____

_____

_____ (telephone number of Surety's agent in California)

(Attach Acknowledgment)

_____
SURETY

By_____
(Attorney-in-Fact)

APPROVED:

_____
(Attorney for CITY)

NOTICE:
No substitution or revision to this bond form will be accepted. Sureties must be authorized to do business in and have an agent for service of process in California. Certified copy of Power of Attorney must be attached.

WORKERS COMPENSATION INSURANCE CERTIFICATE

Description of Contract: **City of SOUTH EL MONTE**
Project: Systemic Safety Improvements at Signalized Intersections Project

Type of Insurance: Workers' Compensation and Employers' Liability Insurance

THIS IS TO CERTIFY that the following policy has been issued by the below-stated company in conformance with the requirements of Article 5 of the Contract and is in force at this time, and is in a form approved by the Insurance Commissioner.

The Company will give at least 30 days' written notice to the City and Engineer/Architect prior to any cancellation of said policy.

POLICY NUMBER	EXPIRATION DATE	LIMITS OF LIABILITY
		Workers' Compensation: Statutory Limits Under the Laws of the State of California Employers' Liability: $_____ Each Accident $_____ Disease - Policy Limit $_____ Disease - Each Employee

_____	_____
Named Insured (Contractor)	Insurance Company
_____	_____
Street Number	Street Number
_____	_____
City and State	City and State
	By_____ (Company Representative)

(SEE NOTICE ON NEXT PAGE)

Insurance Company Agent for Service
of Process in California:

_____
Name

_____
Agency

_____
Street Number

_____
City and State

_____
Telephone Number

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage afforded by the policy listed herein.

This is to certify that the policy has been issued to the named insured for the policy period indicated, notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions, and conditions of such policy.

NOTICE:

No substitution or revision to the above certificate form will be accepted. If the insurance called for is provided by more than one insurance company, a separate certificate in the exact above form shall be provided for each insurance company.

ADDITIONAL INSURED ENDORSEMENT
COMPREHENSIVE GENERAL LIABILITY

_____

Name and address of named insured ("Named Insured")

_____

Name and address of Insurance Company ("Company")

_____

General description of agreement(s), permit(s), license(s), and/or activity(ies) insured

Notwithstanding any inconsistent statement in the policy to which this endorsement is attached (the "Policy") or in any endorsement now or hereafter attached thereto, it is agreed as follows:

1. The _____ ("Public Agency"), its elected officials, officers, attorneys, agents, employees, and volunteers are additional insureds (the above named additional insureds are hereafter referred to as the "Additional Insureds") under the Policy in relation to those activities described generally above with regard to operations performed by or on behalf of the Named Insured. The Additional Insureds have no liability for the payment of any premiums or assessments under the Policy.

2. The insurance coverages afforded the Additional Insureds under the Policy shall be primary insurance, and no other insurance maintained by the Additional Insureds shall be called upon to contribute with the insurance coverages provided by the Policy.

3. Each insurance coverage under the Policy shall apply separately to each Additional Insured against whom claim is made or suit is brought except with respect to the limits of the Company's liability.

4. Nothing in this contract of insurance shall be construed to preclude coverage of a claim by one insured under the policy against another insured under the policy. All such claims shall be covered as third-party claims, i.e., in the same manner as if separate policies had been issued to each insured. Nothing contained in this provision shall operate to increase or replicate the Company's limits of liability as provided under the policy.

5. The insurance afforded by the Policy for contractual liability insurance (subject to the terms, conditions and exclusions applicable to such insurance) includes liability assumed by the Named Insured under the indemnification and/or hold harmless provision(s) contained in or executed in conjunction with the written agreement(s) or permit(s) designated above, between the Named Insured and the Additional Insureds.

6. The policy to which this endorsement is attached shall not be subject to cancellation, change in coverage, reduction of limits (except as the result of the payment of claims), or non-renewal except after written notice to Public Agency, by certified mail, return receipt requested, not less than thirty (30) days prior to the effective date thereof. In the event of Company's failure to comply with this notice provision, the policy as initially drafted will continue in full force and effect until compliance with this notice requirement.

7. Company hereby waives all rights of subrogation and contribution against the Additional Insureds, while acting within the scope of their duties, from all claims, losses and liabilities arising out of or incident to the perils insured against in relation to those activities described generally above with regard

to operations performed by or on behalf of the Named Insured regardless of any prior, concurrent, or subsequent active or passive negligence by the Additional Insureds.

8. It is hereby agreed that the laws of the State of California shall apply to and govern the validity, construction, interpretation, and enforcement of this contract of insurance.

9. This endorsement and all notices given hereunder shall be sent to Public Agency at: City Manager, City of South El Monte, 1415 Santa Anita Avenue, South El Monte, California 91733

10. Except as stated above and not in conflict with this endorsement, nothing contained herein shall be held to waive, alter or extend any of the limits, agreements, or exclusions of the policy to which this endorsement is attached.

TYPE OF COVERAGES TO WHICH THIS ENDORSEMENT ATTACHES	POLICY PERIOD FROM/TO	LIMITS OF LIABILITY

11. Scheduled items or locations are to be identified on an attached sheet. The following inclusions relate to the above coverages. Includes:

□ Contractual Liability	□ Explosion Hazard
□ Owners/Landlords/Tenants	□ Collapse Hazard
□ Manufacturers/Contractors	□ Underground Property Damage
□ Products/Completed Operations	□ Pollution Liability
□ Broad Form Property Damage	□ Liquor Liability
□ Extended Bodily Injury	□ _____
□ Broad Form Comprehensive General Liability Endorsement	□ _____ □ _____

12. A □ deductible or □ self-insured retention *(check one)* of $_____ applies to all coverage(s) except: _____ *(if none, so state)*. The deductible is applicable □ per claim or □ per occurrence *(check one)*.

13. This is an □ occurrence or □ claims made policy *(check one)*.

14. This endorsement is effective on _____at 12:01 a.m. and forms a part of Policy Number _____.

(signatures on following page)

I, _____ *(print name)*, hereby declare under penalty of perjury under the laws of the State of California, that I have the authority to bind the Company to this endorsement and that by my execution hereof, I do so bind the Company.

Executed _____, 20_____

_____
Signature of Authorized Representative

(Original signature only; no facsimile signature or initialed signature accepted)

Telephone No.: (_____) _____

ADDITIONAL INSURED ENDORSEMENT
AUTOMOBILE LIABILITY

_____

Name and address of named insured ("Named Insured")

_____

Name and address of Insurance Company ("Company")

_____

General description of agreement(s), permit(s), license(s), and/or activity(ies) insured

Notwithstanding any inconsistent statement in the policy to which this endorsement is attached (the "Policy") or in any endorsement now or hereafter attached thereto, it is agreed as follows:

1. The _____ ("Public Agency"), its elected officials, officers, attorneys, agents, employees, and volunteers are additional insureds (the above named additional insureds are hereafter referred to as the "Additional Insureds") under the Policy in relation to those activities described generally above with regard to operations performed by or on behalf of the Named Insured. The Additional Insureds have no liability for the payment of any premiums or assessments under the Policy.

2. The insurance coverages afforded the Additional Insureds under the Policy shall be primary insurance, and no other insurance maintained by the Additional Insureds shall be called upon to contribute with the insurance coverages provided by the Policy.

3. Each insurance coverage under the Policy shall apply separately to each Additional Insured against whom claim is made or suit is brought except with respect to the limits of the Company's liability.

4. Nothing in this contract of insurance shall be construed to preclude coverage of a claim by one insured under the policy against another insured under the policy. All such claims shall be covered as third-party claims, i.e., in the same manner as if separate policies had been issued to each insured. Nothing contained in this provision shall operate to increase or replicate the Company's limits of liability as provided under the policy.

5. The insurance afforded by the Policy for contractual liability insurance (subject to the terms, conditions and exclusions applicable to such insurance) includes liability assumed by the Named Insured under the indemnification and/or hold harmless provision(s) contained or executed in conjunction with the written agreement(s) or permit(s) designated above, between the Named Insured and the Additional Insureds.

6. The policy to which this endorsement is attached shall not be subject to cancellation, change in coverage, reduction of limits (except as the result of the payment of claims), or non-renewal except after written notice to Public Agency, by certified mail, return receipt requested, not less than thirty (30) days prior to the effective date thereto. In the event of Company's failure to comply with this notice provision, the policy as initially drafted will continue in full force and effect until compliance with this notice requirement.

7. Company hereby waives all rights of subrogation and contribution against the Additional Insureds, while acting within the scope of their duties, from all claims, losses and liabilities arising out of or incident to the perils insured against in relation to those activities described generally above with regard

to operations performed by or on behalf of the Named Insured regardless of any prior, concurrent, or subsequent active or passive negligence by the Additional Insureds.

8. It is hereby agreed that the laws of the State of California shall apply to and govern the validity, construction, interpretation, and enforcement of this contract of insurance.

9. This endorsement and all notices given hereunder shall be sent to Public Agency at:

City Manager
City of SOUTH EL MONTE
1415 Santa Anita Avenue
SOUTH EL MONTE, California 91733

10. Except as stated above and not in conflict with this endorsement, nothing contained herein shall be held to waive, alter or extend any of the limits, agreements, or exclusions of the policy to which this endorsement is attached.

TYPE OF COVERAGES TO WHICH THIS ENDORSEMENT ATTACHES	POLICY PERIOD FROM/TO	LIMITS OF LIABILITY

11. Scheduled items or locations are to be identified on an attached sheet. The following inclusions relate to the above coverages. Includes:

□ Any Automobiles
□ All Owned Automobiles
□ Non-owned Automobiles
□ Hired Automobiles
□ Scheduled Automobiles
□ Garage Coverage
□ Truckers Coverage
□ Motor Carrier Act
□ Bus Regulatory Reform Act
□ Public Livery Coverage
□ _____
□ _____

12. A □ deductible or □ self-insured retention *(check one)* of $_____ applies to all coverage(s) except: _____*(if none, so state)*. The deductible is applicable □ per claim or □ per occurrence *(check one)*.

13. This is an □ occurrence or □ claims made policy *(check one)*.

14. This endorsement is effective on ____at 12:01 a.m. and forms a part of Policy Number ____.

(signatures on following page)

I, _____ *(print name)*, hereby declare under penalty of perjury under the laws of the State of California, that I have the authority to bind the Company to this endorsement and that by my execution hereof, I do so bind the Company.

Executed _____, 20___

_____
Signature of Authorized Representative

(Original signature only; no facsimile signature or initialed signature accepted)

Telephone No.: (_____) _____

ADDITIONAL INSURED ENDORSEMENT
EXCESS LIABILITY

_____

Name and address of named insured ("Named Insured")

_____

Name and address of Insurance Company ("Company")

_____

General description of agreement(s), permit(s), license(s), and/or activity(ies) insured

Notwithstanding any inconsistent statement in the policy to which this endorsement is attached (the "Policy") or in any endorsement now or hereafter attached thereto, it is agreed as follows:

1. The _____ ("Public Agency"), its elected officials, officers, attorneys, agents, employees, and volunteers are additional insureds (the above named additional insureds are hereafter referred to as the "Additional Insureds") under the Policy in relation to those activities described generally above with regard to operations performed by or on behalf of the Named Insured. The Additional Insureds have no liability for the payment of any premiums or assessments under the Policy.

2. The insurance coverages afforded the Additional Insureds under the Policy shall be primary insurance, and no other insurance maintained by the Additional Insureds shall be called upon to contribute with the insurance coverages provided by the Policy.

3. Each insurance coverage under the Policy shall apply separately to each Additional Insured against whom claim is made or suit is brought, except with respect to the limits of the Company's liability.

4. Nothing in this contract of insurance shall be construed to preclude coverage of a claim by one insured under the policy against another insured under the policy. All such claims shall be covered as third-party claims, i.e., in the same manner as if separate policies had been issued to each insured. Nothing contained in this provision shall operate to increase or replicate the Company's limits of liability as provided under the policy.

5. The insurance afforded by the Policy for contractual liability insurance (subject to the terms, conditions and exclusions applicable to such insurance) includes liability assumed by the Named Insured under the indemnification and/or hold harmless provision(s) contained in or executed in conjunction with the written agreement(s) or permit(s) designated above, between the Named Insured and the Additional Insureds.

6. The policy to which this endorsement is attached shall not be subject to cancellation, change in coverage, reduction of limits (except as the result of the payment of claims), or non-renewal except after written notice to Public Agency, by certified mail, return receipt requested, not less than thirty (30) days prior to the effective date thereto. In the event of Company's failure to comply with this notice provision, the policy as initially drafted will continue in full force and effect until compliance with this notice requirement.

7. Company hereby waives all rights of subrogation and contribution against the Additional Insureds, while acting within the scope of their duties, from all claims, losses and liabilities arising out of or incident to the perils insured against in relation to those activities described generally above with regard to operations performed by or on behalf of the Named Insured regardless of any prior, concurrent, or subsequent active or passive negligence by the Additional Insureds.

8. It is hereby agreed that the laws of the State of California shall apply to and govern the validity, construction, interpretation, and enforcement of this contract of insurance.

9. This endorsement and all notices given hereunder shall be sent to Public Agency at:

City Manager
City of SOUTH EL MONTE
1415 Santa Anita Avenue
SOUTH EL MONTE, California 91733

10. Except as stated above and not in conflict with this endorsement, nothing contained herein shall be held to waive, alter or extend any of the limits, agreements, or exclusions of the policy to which this endorsement is attached.

TYPE OF COVERAGES TO WHICH THIS ENDORSEMENT ATTACHES	POLICY PERIOD FROM/TO	LIMITS OF LIABILITY

□ Following Form
□ Umbrella Liability
□ _____

11. Applicable underlying coverages:

INSURANCE COMPANY	POLICY NO.	AMOUNT

12. The following inclusions, exclusions, extensions or specific provisions relate to the above coverages:_____

13. A □ deductible or □ self-insured retention *(check one)* of $_____ applies to all coverage(s) except: _____ *(if none, so state)*. The deductible is applicable □ per claim or □ per occurrence *(check one)*.

14. This is an □ occurrence or □ claims made policy *(check one)*.

15. This endorsement is effective on _____at 12:01 a.m. and forms a part of Policy Number _____.

(signatures on following page)

I, _____ *(print name)*, hereby declare under penalty of perjury under the laws of the State of California, that I have the authority to bind the Company to this endorsement and that by my execution hereof, I do so bind the Company.

Executed _____, 20_____

_____
Signature of Authorized Representative

(Original signature only; no facsimile signature or initialed signature accepted)

Telephone No.: (_____) _____

City Council Agenda Report
Agenda Item No. 9.c.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Masami Higa, Director of Finance

SUBJECT: SEEK DIRECTION FROM CITY COUNCIL REGARDING STATE OF THE CITY EVENT DONATIONS

SUMMARY: Staff seek direction from City Council regarding State of the City event donations.

RECOMMENDED ACTION: Staff recommends City Council discuss and provide direction to staff regarding State of the City event donations.

FISCAL/FINANCIAL IMPACT: No fiscal impact.

DISCUSSION: On March 27, 2025, the City held a State of the City event. As of April 8, 2025, the City has received $27,300 in cash donations.

In the prior year, such donations were awarded as scholarships to the South El Monte community's students as follows:

South El Monte High School	$1,000 x 22 students	$22,000
Sheriff Academy	$1,000 x 1 student	$1,000
Shively	$100 x 7 students	$700
Epiphany	$100 x 7 students	$700
Miramonte	$100 x 8 students	$800
Monte Vista	$100 x 8 students	$800
Total		$26,000

Staff recommends City Council discuss and provide direction to staff regarding how to award scholarships to students during the current year.

ATTACHMENT(S):

None

City Council Agenda Report
Agenda Item No. 9.d.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Masami Higa, Director of Finance

SUBJECT: CONSIDERATION AND APPROVAL OF AMENDING CHAPTER 3.16 OF TITLE 3 OF THE SOUTH EL MONTE MUNICIPAL CODE REGARDING THE PURCHASE OF SUPPLIES, EQUIPMENT, AND SERVICES

SUMMARY: Purchasing Ordinance Amendment

RECOMMENDED ACTION: Staff recommends City Council waive first reading and introduce Ordinance No. 1282, amending Chapter 3.16 of Title 3 of the South El Monte Municipal Code regarding the purchase of supplies, equipment, and services.

FISCAL/FINANCIAL IMPACT: No fiscal impact.

DISCUSSION: On December 8, 2015, the City adopted Ordinance No. 1199, amending Chapter 3.16 of Title 3 of the South El Monte Municipal Code regarding purchase of supplies, equipment, and services. Section 3.16.025 currently states (italicized below):

3.16.025 – Currently adjusted maximum.
The "currently adjusted maximum" is the maximum unit price of an individual item that the city manager may purchase without submitting to formal competitive bidding procedures as defined in this chapter. The currently adjusted maximum shall have an initial limitation of $25,000. Annually, commencing July 1, 2016 and each July 1 thereafter, the currently adjusted maximum shall be adjusted based upon the increase or decrease in the cost of living as determined by the April report of the Consumer Price Index For Urban Consumers (CPI-U) for the Los Angeles-Riverside-Orange County CMSA as issued by the Bureau of Labor Statistics, rounded to the nearest 100 dollars. On or before June 15 of each year, the finance director shall calculate the increase or decrease in the Consumer Price Index, and shall send a memorandum to the city council, with copies to the city clerk and city attorney, notifying them of the currently adjusted maximum to take effect on July 1 of that year.

Unfortunately, the consumer price index referenced in Section 3.16.025 has not been in publication since 2017, so in practice, the City has been using the CPI-U for Los Angeles-

Long Beach-Anaheim instead to estimate the “currently adjusted maximum” without officially adopting a new one each fiscal year. However, this moving target creates a problem as the City cannot know for sure what the “currently adjusted maximum” is. Using the February 2025 CPI-U for Los Angeles-Long Beach-Anaheim, the “currently adjusted maximum” would be $34,484.24, while inflation is expected to rise in the future should the U.S. tariffs go into effect.

Also, there are a few other sentences in Chapter 3.16 of which the City no longer follows. For example, Section 3.16.080 regarding purchase orders states, “All purchases of materials, supplies and services shall be by serially numbered purchase orders authorized by the signature of the ordering department head and the city manager or his or her designee,” with few exceptions. However, in practice, the City solicits quotes and bids from vendors, and accepts those quotes and bids, sometimes without a purchase order. The City issues a purchase order when its facilities have already received a quote. Also, under contract law, a purchase order is considered an “offer” without the other components of a legally enforceable, binding contract, such as acceptance, consideration, delivery, and title transfer.

In order to streamline the purchasing practice of the City by reducing confusion, redundancy, and having a clear threshold for all users to know and follow, staff is recommending the City Council consider and approve amending Chapter 3.16 of the South El Monte Municipal Code redlined as Attachment A.

ATTACHMENT(S):

A. Ordinance No. 1282 Purchasing Supplies, Equipment, Services_04032025

ORDINANCE NO. 1282

AN ORDINANCE OF THE CITY OF SOUTH EL MONTE AMENDING CHAPTER 3.16 OF THE SOUTH EL MONTE MUNICIPAL CODE REGARDING THE PURCHASE OF SUPPLIES, EQUIPMENT, AND SERVICES

THE CITY COUNCIL OF THE CITY OF SOUTH EL MONTE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 3.16 ("Purchase of Supplies and Equipment") of Title 3 ("Revenue and Finance") of the South El Monte Municipal Code is hereby amended to read as follows:

"**Chapter 3.16 – PURCHASE OF SUPPLIES, EQUIPMENT, AND SERVICES**

Sections:

3.16.010 Policy.
3.16.015 Applicability.
3.16.020 Authority and responsibility.
3.16.025 ~~Currently adjustment maximum~~City manager approval threshold.
3.16.030 Written contract requirements for services.
3.16.040 Formal contract procedure.
3.16.050 Open market procedure.
3.16.060 Use of vendors selected by another agency.
3.16.070 Professional Services.
3.16.080 ~~Purchase orders~~Form contracts.
3.16.090 ~~Confirming purchase orders~~Emergency purchases.
3.16.100 Payment of invoices.
3.16.110 Sale of obsolete personal property.
3.16.120 Exceptions.
3.16.130 Inspection and testing.
3.16.140 Preference to local businesses.

3.16.010 – Policy.

It shall be the policy of the city to secure services, supplies and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases and to assure the quality of purchases.

3.16.015 – Applicability.

The procedures set forth in this chapter shall not apply to contracts for "public projects" or "maintenance work" as defined in California Public Contract Code Section 22002 or any successor statute, which are governed by the procedures set forth in Chapter 3.18 (Public Projects) of this title.

3.16.020 – Authority and responsibility.

The authority and responsibility for the purchase of services, supplies, and equipment for the city shall be vested in the city manager or his or her designee. The city manager or his or her designee shall purchase services, supplies and equipment in accordance with the procedures prescribed in this chapter.

3.16.025 – ~~Currently adjusted maximum~~City manager approval threshold.

The "~~currently adjusted maximum~~City manager approval threshold" is the maximum unit price of an individual item that the city manager may purchase without submitting to formal competitive bidding procedures as defined in this chapter. ~~The currently adjusted maximum shall have an initial limitation of $25,000. Annually, commencing July 1, 2016 and each July 1 thereafter, the currently adjusted maximum shall be adjusted based upon the increase or decrease in the cost of living as determined by the April report of the Consumer Price Index For Urban Consumers (CPI-U) for the Los Angeles-Riverside-Orange County CMSA as issued by the Bureau of Labor Statistics, rounded to the nearest 100 dollars. On or before June 15 of each year, the finance director shall calculate the increase or decrease in the Consumer Price Index, and shall send a memorandum to the city council, with copies to the city clerk and city attorney, notifying them of the currently adjusted maximum to take effect on July 1 of that year.~~The city manager approval threshold shall be $50,000.

3.16.030 – Written contract requirements for services.

A. Written Contract Required. The provision of services of an estimated value greater than ~~the currently adjusted maximum~~$50,000 shall be by written contract awarded in accordance with the procedures set forth in this chapter.

B. Special Procedures. The following special procedures shall apply to the provision of services:

1. Performance of Services on Private Property. Notwithstanding the provisions of subsection A of this section, where the provision of services requires the service provider to perform work on private property, regardless of the dollar amount of the proposed work, such services shall be by written contract, which shall include, but not be limited to, insurance and indemnity requirements satisfactory to the city attorney, awarded in accordance with the procedures set forth in this chapter.

2. Protection of City. Notwithstanding the provisions of subsection A of this section, a written contract shall be required for the provision of services, regardless of the dollar amount of the proposed services, if, in the opinion of the city manager or department director, a written contract is necessary to protect the city from increased liability that could arise from the performance of those services. Any written contract required pursuant to this subsection shall include, but not be limited to, insurance and indemnity requirements satisfactory to the city attorney.

3.16.040 – Formal contract procedure.

A. Purchases of supplies and equipment and provision of services of an estimated value greater than ~~the currently adjusted maximum~~$50,000 shall be by written contract with the bidder who, after notice, offers the city, as determined by the city council in its sole discretion, the best combination of price and quality. For the purposes of this chapter, "notice" shall mean a notice inviting formal written competitive bids in accordance with the provisions of this section.

B. Any notice required by this section shall be published in a newspaper of general circulation printed and published in the city, or if there is none then in a newspaper serving the area. The city manager shall also mail a copy of such notice to anyone who has requested to be so notified.

C. All notices required by this section shall be published not less than ten days prior to the date specified for the opening of the bids.

D. When deemed necessary by the city manager, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to the return of bid security, provided that a successful bidder shall forfeit its bid security upon refusal or failure to execute the contract within ten days after the notice of award of contract has been mailed. The time to sign the agreement before forfeiting the bidder's security shall be extended for delay caused by the city.

E. The city council shall award all bids under this section. On refusal or failure of the successful bidder to execute the contract, the council may award the bid to another bidder based upon the appropriate criteria provided in subsection A of this section. If for that reason the council awards the contract to another bidder, the amount of the first awardee's security shall be applied by the city to the difference in the amount of the bid between the first awardee and the second awardee, and the surplus, if any, shall be returned to the first awardee.

F. Bids shall be submitted to the city clerk and shall be so identified on the envelope. Bids shall be submitted in writing and must be received prior to the bid closing date to be considered. Bids shall be opened at the time and place specified in the notice inviting sealed bids. The city clerk shall retain copies of all bids received by the city manager and shall make the bids available for public inspection during regular business hours for not less than two years following the bid opening. Notwithstanding the foregoing, bidder proprietary information shall not be available for public inspection.

G. The council may reject any and all bids, waive any irregularity in any bid, or re-advertise for bids.

H. If two or more bids received for supplies and equipment are for the same total amount or unit price, the council may accept the bid it considers best meets the needs of the city.

3.16.050 – Open market procedure.

Provision of services or purchase of supplies and equipment of an estimated value of ~~the currently adjusted maximum~~$50,000 or less may be made by the city manager in the open

market without observing the formal bid procedure prescribed by Section 3.16.040 of this chapter, in accordance with the following procedures:

A. The city manager may purchase services, supplies, and equipment of an estimated value of ~~the currently adjusted maximum~~$50,000 or less in the open market. Purchases in excess of five thousand dollars but less than or equal to ~~the currently adjusted maximum~~$50,000 shall be based on at least three informal bids solicited annually and shall be awarded as follows:

1. Bids for the purchase of supplies and equipment shall be awarded to the lowest responsible and responsive bidder as reflected in the informal bids. The city manager may reject any and all bids, waive any irregularity in any bid, or re-solicit bids.

2. Bids for services shall be awarded to the bidder who, after the informal bid process, offers the city, as determined by the city manager in his or her sole discretion, the best combination of price and quality.

B. Informal Bid Defined. For the purposes of this chapter, "informal bid" means bids solicited by the city manager or his or her designee ~~either by direct mail request or orally by telephone. If a bidder provides a bid orally, the city manager or his or her designee shall maintain written notes or documentation confirming the receipt and content of such oral bids and shall require the bidder to provide a facsimile transmission or other written documentation confirming the substance of the oral bid~~. Copies of all written proposals received and the city manager's or his or her designee's written documentation or notes confirming ~~oral~~ bids and the confirming documentation provided by the bidder(s) shall be retained for public inspection during regular business hours for not less than two years after receipt. Notwithstanding the foregoing, vendor proprietary data shall not be open for public inspection.

3.16.060 – Use of vendors selected by another agency.

The city manager may purchase services, supplies and equipment for which the city would normally follow its own bid procedures from a vendor awarded a bid by another public agency if the agency utilized procedures substantially the same as those normally utilized by the city. The amount of the purchase shall be based on the price bid in the other jurisdiction.

3.16.070 – Professional Services.

The services of attorneys, physicians, architects, engineers, consultants, auditors, or other individuals or organizations possessing a high degree of professional, specialized technical skill or expertise, may be made without following bid procedures.

3.16.080 – ~~Purchase orders~~Form contracts.

A. The city attorney shall approve as to form, the general forms of contracts, notice inviting bids, general provisions of bid specifications, request for proposals, and other purchasing forms, as needed, to be used by the city~~All purchases of materials, supplies and services shall be by serially numbered purchase orders authorized by the signature of the ordering department head and the city manager or his or her designee. Except in cases of emergency, the city manager shall not issue any purchase order unless there exists an~~

~~unencumbered appropriation in the fund account against which the purchase is to be charged~~. Use of a purchase order to streamline the ordering process is encouraged but not required. The following exceptions are allowed:

1. ~~All p~~Purchases of less than twenty-five hundred dollars ~~that are processed by the presentation of an invoice acceptable to and approved by the finance department~~;

2. Utility bills, rents and lease ~~purchases~~payments;

3. Purchases made by credit cards authorized by ~~the city council and issued to those employees approved by~~ the city manager, provided such purchases conform to the written policy established by the city manager or his or her designee. The customer's copy of the invoice shall be delivered to the finance director for approval for payment;

4. Purchases of supplies and equipment over ~~the currently adjusted maximum~~$50,000 shall be by written contract;

5. Purchases of services shall conform to the applicable procedures set forth in Section 3.16.030 of this chapter.

~~B. Multiple individual purchases not to exceed three thousand dollars each may be on a single open purchase order. The city manager may authorize open purchase orders for those vendors who are a convenient source of supply by reason of economy, proximity, delivery, or quality of services. Multiple purchases may be made by requisition on these purchase orders by any city department subject to the dollar restriction placed on single purchases and the maximum multiple limitation of $15,000 per city fiscal year. Notwithstanding the foregoing, the city council may authorize purchase orders with a maximum multiple limitation in excess of $15,000. Purchases on an open monthly purchase order, or from central stores when and if established by the city, shall be made by the individual authorized to make such purchases utilizing a requisition form prescribed by the finance director. The requisition form shall be dated and signed or electronically approved through the city's electronic purchasing software by the department head or an authorized representative. The single purchase limitations set forth in this subsection shall not apply to purchase orders issued for ongoing services where the city manager or the city council, as specified herein, have found that the use of a particular vendor to perform such services is in the best interests of the city as provided in Section 3.16.130(D) of this chapter.~~

3.16.090 – ~~Confirming purchase orders~~Emergency purchases.

Emergency purchases required due to natural disasters or other unforeseen circumstances may be made ~~by a confirming purchase order if so noted on the purchase order form~~according to the city's emergency operations plan. Prior approval must be given by the city manager, if available, or by the assistant city manager if the city manager is absent.

3.16.100 – Payment of invoices.

A. All invoices requiring a purchase order shall be submitted directly to the department head by the supplier of the equipment, supplies or services. Each invoice shall be

dated and signed by the department head or his or her designee and submitted to the finance director for payment.

B. Payment disputes will be resolved by the finance director.

3.16.110 – Sale of obsolete personal property.

The city manager shall sell worn-out, scrap, or obsolete personal property, or exchange the same for, or trade in the same on new supplies and equipment, including property of all departments, by soliciting bids. No bids will be accepted from city employees or contractors. If the value of the property to be sold is of a value of $2,000 or less, the sale shall be approved by the city manager. In the event the value of the property to be sold is more than $2,000, the sale shall be subject to the approval of the city council.

3.16.120 – Exceptions.

Sections 3.16.040 and 3.16.050 of this chapter shall not apply to the purchase of services, supplies and equipment under any of the following circumstances:

A. The city manager finds that such services, supplies or equipment are unique because of the quality, durability, availability, or fitness for a particular use and are available from only one source; or

B. The city manager finds that exigent circumstances require the immediate purchase of such services, supplies or equipment;

C. The city council finds that due to the nature of the services, supplies or equipment, bidding is not likely to result in the lowest price; or

D. The city manager or the city council, as specified herein, determines that, due to unique circumstances or unusual factors, the award for the purchase of services, supplies or equipment from a source other than the lowest responsible bidder is in the best interest of the city.

3.16.130 – Inspection and testing.

The city manager shall require that all services, supplies and equipment are inspected and in conformity with the specifications set forth in the order or contract. The city manager shall have authority to require chemical and physical tests of samples submitted with the bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

3.16.140 – Preference to local businesses.

A. Notwithstanding Sections 3.16.040 and 3.16.050, in the evaluation of all bids and/or costs estimates for city purchase contracts for materials, supplies, equipment or services pursuant to this chapter, or in selecting a contractor for a city contract in which the city selects a business for the contract on the basis of comparison of the price of bids or estimates, the city

shall provide local businesses with a preference as shall be determined by resolution of the city council.

B. For purposes of this section, "local business" shall mean any business which has or maintains a fixed office, distribution point, or place of business within the city and whose business address is not a post office box, and which is shown by records maintained by the city's finance department as having secured and paid all necessary business licenses and applicable fees and taxes imposed by the city.

C. This section shall not be applicable in the following circumstances:

1. Where application of this chapter would violate or be prohibited by any applicable state or federal law;

2. Where the awarding authority finds the preference to be an unacceptable loss of government revenue or funding;

3. Where payment is made in whole or in part from sources other than city funds.

D. No person shall make any intentional misstatement or misrepresentation in order to obtain a preference under this section."

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 3. The City Clerk is directed to certify to the passage and adoption of this ordinance and to cause this ordinance to be posted or published as required by law.

PASSED, APPROVED AND ADOPTED this 15th day of April, 2025.

_____
Gloria Olmos, Mayor

ATTEST:

_____
Adrian Garcia, City Clerk

APPROVED AS TO FORM:

_____
Susie Altamirano, Interim City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF SOUTH EL MONTE)

I, Rose Juarez, City Clerk of the City of South El Monte, do hereby certify that the foregoing Ordinance being Ordinance No. 1199, was duly passed and approved by the City Council of South El Monte, at a regular meeting of said Council held the 15th day of April, 2025 and that said Ordinance was passed by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Adrian Garcia, City Clerk

City Council Agenda Report

Agenda Item No. 11.a.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY: Danilo Batson, Interim Director of Public Works

SUBJECT: LETTER FROM EPIPHANY CATHOLIC CHURCH REQUESTING A FEE WAIVER FOR A TEMPORARY USE PERMIT AND CITY STAFF TIME FOR “RECORRIDO MARCHA DEL SILENCIO”

SUMMARY: Epiphany Church is requesting a fee waiver for a Temporary Use Permit (TUP) and for City staff time dedicated to public safety support during its annual "Silent March" procession, scheduled for Friday, April 18, 2025.

RECOMMENDED ACTION: Staff recommends City Council discuss and consider approving the fee waiver request submitted by Epiphany Catholic Church, totaling $1,655.00.

FISCAL/FINANCIAL IMPACT: The fiscal impact of this action is a total waiver of $1,655.00, which includes two components: $1,250.00 for the Temporary Use Permit (TUP) fee and up to $405.00 for City personnel (**Public Safety Officers**) labor costs which are dedicated to public safety support.

DISCUSSION: Epiphany Catholic Church will host an Event/March for parishioners in celebration of "RECORRIDO MARCHA DEL SILENCIO”. This year's 1-day event will take place on April 18, 2025. The March will begin at approximately 7:00 p.m. and possibly conclude around 10:00 p.m., covering various streets for approximately two to three hours. In support of the procession, Epiphany is requesting a fee waiver for the Temporary Use Permit and the Public Safety staff time required. The event will be supported by two to three Public Safety Officers, for approximately two to three hours in the evening, at a rate of $45 per hour, resulting in a cost range of $135.00 to $405.00.

The work schedules of Public Safety Officers will be adjusted to minimize overtime when feasible to implement a traffic detail plan that provides a safe route and ensures participant safety. Epiphany Church is in the process of completing and submitting the required Temporary Use Permit application in compliance with the City’s Municipal Code, along with a certificate of liability insurance naming the City as additionally insured. The permit will include specific conditions the church must follow to remain in compliance.

Epiphany Church also worked with City staff to establish a secure route for the March, ensuring the safety of participants, the public, and South El Monte residents.

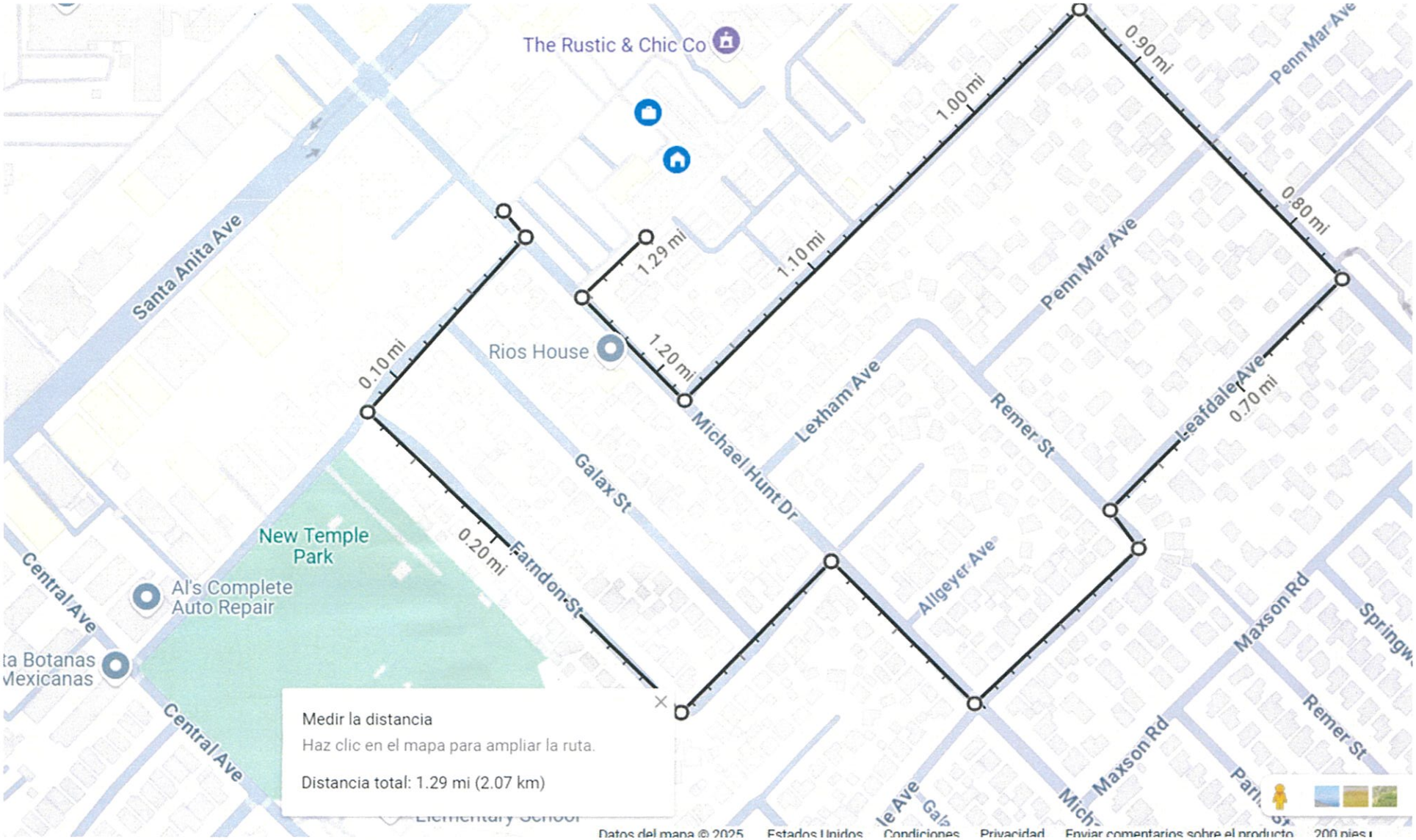
Staff report prepared by: **Joe Martinez, Public Safety Supervisor**

ATTACHMENT(S):

A. Recorrido Marcha Del Silencio Route
B. Epiphany Catholic Church Silent March Event Totals

ATTACHMENT A

RECORRIDO MARCHA DEL SILENCIO



Public Safety Support Services

Ephiphany Church
Silent March Procession

Permit Fees	Actual
Temporary Use Permit	$1,250.00
Total	**$1,250.00**

Staff Time	Staff Count	Hours	Time	Rate	Total Cost
Date 04/18/2025	3(Officers)	1-3 hours	7 pm to 10 pm	$45/HR	$405.00

Total Staff Hours 3 Hours **Total Personnel Cost** **$405.00**

Total Fees $1,655.00

City Council Agenda Report

Agenda Item No. 12.a.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY:

SUBJECT: **MAYOR GLORIA OLMOS**

1. Direction to Patrol Streetlights in the city and fix water drain hole at Shively behind the bleacher closer to the parking lot.

2. Waive the fees for the South El Monte High School Basketball Team Banquet.

3. Donation of $500 to South El Monte Social Golf Group, a non-profit for kids in all the local sports.

SUMMARY:

RECOMMENDED ACTION:

FISCAL/FINANCIAL IMPACT:

DISCUSSION:

ATTACHMENT(S):

None

City Council Agenda Report
Agenda Item No. 12.b.

DATE: April 15, 2025

TO: Honorable Mayor and Members of the City Council

APPROVED BY: Rene Salas, City Manager

SUBMITTED BY:

SUBJECT: **COUNCILMEMBER MANUEL ACOSTA**

Discussion/Action: With the advent of new housing and an increased number of ADU's, South El Monte streets are being overburdened with street parking. Many households own several cars, of which, some are being stored on the public street. Stored vehicles are vehicles that get moved once a week for street sweep, and are parked again until the next street sweep. In order to minimize the burden on the public street, the city should require that no more than two vehicles be stored on the public street.

SUMMARY:

RECOMMENDED ACTION:

FISCAL/FINANCIAL IMPACT:

DISCUSSION:

ATTACHMENT(S):

None

Successor Agency Agenda Report
Agenda Item No. 19.a.

DATE: April 15, 2025

TO: Honorable Chairperson and Members of the Board

APPROVED BY: Rene Salas, Executive Director

SUBMITTED BY: Adrian Garcia, MMC, City Clerk

SUBJECT: CONSIDERATION AND APPROVAL OF THE SUCCESSOR AGENCY MEETING MINUTES FOR MARCH 18, 2025

SUMMARY: Staff is requesting approval of the Minutes of the March 18, 2025, Successor Agency Meeting.

RECOMMENDED ACTION: Staff is requesting approval of the Minutes of the March 18, 2025, Successor Agency Meeting.

FISCAL/FINANCIAL IMPACT:

DISCUSSION:

ATTACHMENT(S):

A. DRAFT SA Minutes 03-18-25

CITY OF SOUTH EL MONTE
REGULAR SUCCESSOR AGENCY MEETING MINUTES

Tuesday, March 18, 2025 - 6:00 p.m.
1415 Santa Anita Ave., South El Monte, CA 91733

Successor Agency Meeting Immediately Followed Regular City Council Meeting.

15. ANNOUNCEMENT BY THE CITY CLERK (PRIOR TO CONVENING THE SUCCESSOR AGENCY MEETING

Pursuant to Government Code Section 54952.3, Board Members do not receive any compensation or stipend for attending the Successor Agency meeting.

Chair Olmos called the meeting to order at 8:33 p.m.

16. CALL TO ORDER AND ROLL CALL

PRESENT: Board Member(s): Acosta, Bojorquez, Rodriguez, Vice Chair Delgado, and Chair Olmos

ABSENT: Board Member(s): None

STAFF PRESENT: Masami Higa, Treasurer; Susie A. Altamirano, Interim General Counsel; Sabrina Muhne, Deputy City Clerk; and Robert Molina, Administrative Assistant.

Zoom was provided for the Public to participate during public comment via teleconference.

17. APPROVAL OF AGENDA

Motion by Vice Chair Delgado, seconded by Board Member Acosta, to approve the agenda. Motion carried 5-0, by the following vote:

AYES:	Board Member(s):	Acosta, Bojorquez, Rodriguez, Vice Chair Delgado, and Chair Olmos
NAYS:	Board Member(s):	None
ABSTAIN:	Board Member(s):	None

18. PUBLIC COMMENTS

Chair Olmos opened Public Comment.

1. Eduardo Sauceda, resident, spoke on vacant buildings, asphalt maintenance, other business avenues instead of the El Monte/South El Monte Chamber of Commerce, Popeyes coming into the city, beautification of the City and neighborhoods, problem-solving among the council, Measure CM, the homeless population, wished a good St. Patricks' Day, requested a moment of silence for Ralphy Ortiz, and on the elderly.

There being no further public comment, Chair Olmos closed public comment.

19. CONSENT CALENDAR

Motion by Board Member Bojorquez, seconded by Vice Chair Delgado, to approve the Consent Calendar. Motion carried 5-0, by the following vote:

AYES:	Board Member(s):	Acosta, Bojorquez, Rodriguez, Vice Chair Delgado, and Chair Olmos
NAYS:	Board Member(s):	None
ABSTAIN:	Board Member(s):	None

19.a. Approved the Regular Successor Agency Meeting Minutes of February 18, 2025.

20. EXECUTIVE DIRECTOR'S AGENDA – None

21. ADJOURNMENT OF SUCCESSOR AGENCY MEETING

There being no further business coming before this body, at 8:40 p.m., Chair Olmos adjourned the meeting.

Minutes prepared by Sabrina A. Muhne, Deputy City Clerk.

_____ _____

Adrian Garcia, MMC, City Clerk Gloria Olmos, Mayor

DRAFT