

## **Appendix A2      NOP Comments and Scoping Meeting Sign-In Sheet and Comments**

## Appendices

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## NATIVE AMERICAN HERITAGE COMMISSION

February 14, 2023

CITY OF IRWINDALE  
COMMUNITY DEVELOPMENT

FEB. 22 2023

CHAIRPERSON  
**Laura Miranda**  
LuiseñoBrandi Jones  
City of Irwindale  
5050 North Irwindale Avenue  
Irwindale, CA 91706

RECEIVED

Re: 2023020290, Irwindale Gateway Specific Plan Project, Los Angeles County

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

Dear Ms. Jones:

SECRETARY  
**Sara Dutschke**  
Miwok

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

COMMISSIONER  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

COMMISSIONER  
**Wayne Nelson**  
Luiseño**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**COMMISSIONER  
**Stanley Rodriguez**  
KumeyaayCOMMISSIONER  
[Vacant]COMMISSIONER  
[Vacant]EXECUTIVE SECRETARY  
**Raymond C.  
Hitchcock**  
Miwok/NisenanNAHC HEADQUARTERS  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)AB 52



AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).



- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)



## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse



Ph: (626) 314-3821  
Fx: (626) 389-5414  
Em: info@mitsailsailaw.com



**Mitchell M. Tsai**  
Attorney At Law

139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101

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**VIA E-MAIL**

February 21, 2023

Brandi Jones, Senior Planner  
City of Irwindale  
5050 North Irwindale Avenue  
Irwindale, CA 91706  
Em: BJones@IrwindaleCA.gov

**RE: Public Records Act and Advance Notice List Request Regarding  
Irwindale Gateway Specific Plan SCH#: 2023020290.**

Dear Brandi Jones,

On behalf of the Southwest Mountain States Regional Council of Carpenters (“**Southwest Carpenters**” or “**SWMSRCC**”) and its members, this Office requests that the City of Irwindale (“**City**”) provide any and all information referring or related to the Irwindale Gateway Specific Plan SCH#: 2023020290 (“**Project**”) pursuant to the California Public Records Act (“**PRA**”), Cal. Government (“**Gov’t**”) Code §§ 6250–6270 (collectively “**PRA Request**”).

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

The Southwest Mountain States Regional Council of Carpenters is a labor union representing more than 63,000 union carpenters in six states, including California, and has a strong interest in well-ordered land use planning and addressing the environmental impacts of development projects, such as the Project.

**I. PUBLIC RECORDS ACT REQUEST.**



Southwest Carpenters is requesting any and all information referring or related to the Project.

The Public Records Act defines the term “public record” broadly as “any writing containing information relating to the conduct of the public’s business . . . regardless of physical form and characteristics.” Gov’t Code § 6252(d). “Records” includes all communications relating to public business regardless of physical form or characteristics, including but not limited to any writing, picture, sound, or symbol, whether paper, magnetic, electronic, text, other media, or written verification of any oral communication. Included in this request are any references in any appointment calendars and applications, phone records, or text records. These “records” are to include, but are not limited to correspondences, e-mails, reports, letters, memorandums, and communications by any employee or elected official of **City** concerning the Project.

Please include in your response to this request the following examples of “records,” as well as any similar physical or electronic forms of communication: any form of writing such as correspondence, electronic mail records (“email”), legal and factual memoranda, facsimiles, photographs, maps, videotapes, film, data, reports, notes, audiotapes, or drawings. Cal. Government Code § 6252(g) (defining a writing to including “any record thereby created, regardless of the manner in which the record has been stored”). Responsive correspondence should include, inter alia, emails, text messages, or any other form of communication regardless of whether they were sent or received on public or privately-owned electronic devices “relating to the conduct of the public’s business.” Cal. Government Code § 6252(e); *Citizens for Ceres v. Super. Ct.* (“*Ceres*”) (2013) 217 Cal. App. 4th 889, 909; *Citizens for Open Gov’t v. City of Lodi* (“*Lodi*”) (2012) 205 Cal.App.4th 296, 307, 311; *City of San Jose v. Superior Court* (2017) 2 Cal. 5th 608, 625 (finding that a public employee or officer’s “writings about public business are not excluded” from the California Public Records Act “simply because they have been sent, received, or stored in a personal account.”) .

This Office requests any and all information referring or related to the Project, including but not limited to:

- (1) All Project application materials;
- (2) All staff reports and related documents prepared by the City with

respect to its compliance with the substantive and procedural requirements of the California Environmental Quality Act, Public Resources Code § 21000 et seq., and the CEQA Guidelines, title 14, California Code of Regulations, § 15000 et seq. (collectively “**CEQA**”) and with respect to the action on the Project;

- (3) All staff reports and related documents prepared by the City and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the agency pursuant to CEQA;
- (4) Any transcript or minutes of the proceedings at which the decisionmaking body of the City heard testimony on, or considered any environmental document on, the Project, and any transcript or minutes of proceedings before any advisory body to the public agency that were presented to the decisionmaking body prior to action on the environmental documents or on the Project;
- (5) All notices issued by the City to comply with CEQA or with any other law governing the processing and approval of the Project;
- (6) All written comments received in response to, or in connection with, environmental documents prepared for the Project, including responses to the notice of preparation;
- (7) All written evidence or correspondence submitted to, or transferred from, the City with respect to compliance with CEQA or with respect to the Project;
- (8) Any proposed decisions or findings submitted to the decisionmaking body of the City by its staff, or the Project proponent, Project opponents, or other persons;
- (9) The documentation of the final City decision and approvals, including the final environmental impact report, mitigated negative declaration, negative declaration, or notice of exemption, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding



considerations adopted pursuant to CEQA;

- (10) Any other written materials relevant to the public agency's compliance with CEQA or to its decision on the merits of the Project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the Project and either made available to the public during the public review period or included in the City 's files on the Project, and all internal agency communications, including staff notes and memoranda related to the Project or to compliance with CEQA; and
- (11) The full written record before any inferior administrative decisionmaking body whose decision was appealed to a superior administrative decisionmaking body prior to the filing of any litigation.

Please respond within 10 days from the date you receive this request as to whether this request specifies identifiable records not exempt from disclosure under the PRA or otherwise privileged or confidential, and are therefore subject to disclosure. This Office understands that this time may be extended up to 14 days for unusual circumstances as provided by Cal. Government Code § 6253(c), and that we will be notified of any extension and the reasons justifying it.

We request that you provide all documents in electronic format and waive any and all fees associated with this Request. SWRCC is a community-based organization. Please notify and obtain express approval from this Office before incurring any duplication costs.

If any of the above requested documents are available online, please provide us with the URL web address at which the documents may be downloaded. If any of the requested documents are retained by the City in electronic computer-readable format such as PDF (portable document format), please provide us with pdf copies of the documents via email, or inform us of the location at which we can copy these documents electronically.

In preparing your response, please bear in mind that you have an obligation under Government Code section 6253.1 to (1) identify all records and information responsive to our request or the purpose of our request; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

In responding to this request, please bear in mind that any exemptions from disclosure you may believe to be applicable are to be narrowly construed. *Marken v. Santa Monica-Malibu Unif. Sch. Dist.* (2012) 202 Cal. App. 4th 1250,1262; and may be further narrowed or eliminated by the adoption of Proposition 59, which amended article I, section 3(b)(2) of the California Constitution to direct that any “statute ... or other authority ... [that] limits the right of access” to “information concerning the conduct of the people’s business” must be “narrowly construed.”

As for any records that you nonetheless decline to produce on the grounds of an exemption, please bear in mind that the case law under the Public Records Act imposes a duty on you to distinguish between the exempt and the non-exempt portion of any such records, and to attempt in good faith to redact the exempt portion and to disclose the balance of such documents.

Please bear in mind further that should you choose to withhold any document from disclosure, you have a duty under Government Code section 6255, subd. (a) to “justify withholding any record by demonstrating that the record in question is exempt under express provisions” of the Public Records Act or that “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.”

Finally, please note that you must retain and not destroy any and all records, notwithstanding any local record retention or document destruction policies. As the Court noted in *Golden Door Properties, LLC v. Superior Court of San Diego County* (2020) 53 Cal.App.5th 733 that a public agency “must retain ‘[a]ll written evidence or correspondence submitted to, or transferred from’ . . . with respect to” CEQA compliance or “with respect to the project.”

## **II. ADVANCE NOTICE LIST REQUEST.**



We also ask that you put this Office on its notice list for any and all notices issued under the CEQA and the Planning and Zoning Law.

In particular, we request that City send by mail or electronic mail notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivision for the Project, or supported, in whole or in part, through permits, contracts, grants, subsidies, loans, or other forms of approvals, actions or assistance, including but not limited to the following:

- Notices of any public hearing held in connection with the Project; as well as
- Any and all notices prepared pursuant to CEQA, including but not limited to:
- Notices of determination that an Environmental Impact Report (“EIR”) or supplemental EIR is required for a project, prepared pursuant to Public Resources Code Section 21080.4;
- Notices of availability of an EIR or a negative declaration for a project prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations;
- Notices of approval or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law;
- Notice of approval or certification of any EIR or negative declaration prepared pursuant to Public Resources Code Section 21152 or any other provision of law;
- Notice of exemption from CEQA prepared pursuant to Public Resources Code section 21152 or any other provision of law; and
- Notice of any Final EIR prepared pursuant to CEQA.

This Office is requesting notices of any approvals or public hearings under CEQA and the California Planning and Zoning Law. This request is filed pursuant to California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section

65092 requiring 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 notice by regular and electronic mail to:

Mitchell M. Tsai, Attorney At Law  
139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101

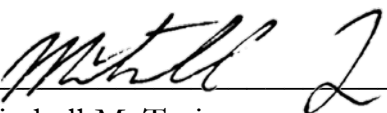
Em: [info@mitchtsailaw.com](mailto:info@mitchtsailaw.com)

Em: [mitch@mitchtsailaw.com](mailto:mitch@mitchtsailaw.com)

Em: [jason@mitchtsailaw.com](mailto:jason@mitchtsailaw.com)

We look forward to working with you. If you have any questions or concerns, please do not hesitate to contact our Office.

Sincerely,



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Mitchell M. Tsai

Attorneys for Southwest Mountain States  
Regional Council of Carpenters





February 23, 2023

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

RE: Irwindale Gateway Specific Plan, SCH #2023020290

Dear Ms. Jones:

Thank you for the opportunity to provide comments on the Notice of Preparation for the Irwindale Gateway Specific Plan. While the logistics industry is an important component of our modern economy, warehouses can bring various environmental impacts to the communities where they are located. For example, diesel trucks visiting warehouses emit nitrogen oxide (NO<sub>x</sub>)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particular matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.<sup>1</sup> Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.<sup>2</sup> The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate can contribute to traffic jams, deterioration of road surfaces, traffic accidents, and unsafe conditions for pedestrians and bicyclists. Depending on the circumstances of an individual project, warehouses may also have other environmental impacts.

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<sup>1</sup> California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NO<sub>x</sub>); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

<sup>2</sup> Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

To help lead agencies avoid, analyze, and mitigate warehouses' environmental impacts, the Attorney General Office's Bureau of Environmental Justice has published a document containing best practices and mitigation measures for warehouse projects. We have attached a copy of this document to this letter, and it is also available online.<sup>3</sup> We encourage you to consider the information in this document as you prepare the draft environmental impact report for this project.

Priority should be placed on avoiding land use conflicts between warehouses and sensitive receptors and on mitigating the impacts of any unavoidable land use conflicts. However, even projects located far from sensitive receptors may contribute to harmful regional air pollution, so you should consider measures to reduce emissions associated with the project to help the State meet its air quality goals. A distant warehouse may also impact sensitive receptors if trucks must pass near sensitive receptors to visit the warehouse.

The Bureau will continue to monitor proposed warehouse projects for compliance with the California Environmental Quality Act and other laws. We are available to discuss as you prepare the draft environmental impact report and consider how to guide warehouse development in your jurisdiction. Please do not hesitate to contact the Environmental Justice Bureau at [ej@doj.ca.gov](mailto:ej@doj.ca.gov) if you have any questions.

Sincerely,



CHRISTIE VOSBURG  
Supervising Deputy Attorney General

For ROB BONTA  
Attorney General

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<sup>3</sup> <https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf>.



February 28, 2023

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

**Subject: SCH No. 2023020290** – Notice of Preparation of a Draft Environmental Impact Report for the Irwindale Gateway Specific Plan – Los Angeles County

Dear Ms. Jones:

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

### **PROJECT DESCRIPTION**

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

The Irwindale Gateway Specific Plan (proposed project) is located at 13620 Live Oak Lane, Irwindale, CA 91706 (Assessor's Parcel Numbers 8532-002-035 and 8532-002-044), within the central portion of the City of Irwindale in Los Angeles County, and encompasses 68.1 acres. The proposed project is bordered by Interstate 605 to the west, Live Oak Lane to the north and east, and Live Oak Avenue to the south. Surrounding uses include the Edison Rio Hondo Substation to the south, an industrial business, that is currently under construction, to the west, a sports and recreation facility and Santa Fe Flood Control Basin to the north, and an industrial building and the San Gabriel River to the east.

The proposed project consists of two options. Option 1 would be the redevelopment of the proposed project site with three new industrial buildings, providing a maximum of 982,796 square feet of building space. This would also include a total of 918 vehicle parking spaces, 346 trailer spaces, and 5.8 acres of landscaping. Option 2 would also be a redevelopment, with two industrial buildings, providing a maximum of 704,070 square feet of building space, and a 400-megawatt battery energy storage system. This would also include 617 vehicle parking spaces, 257 trailer spaces, and 4.3 acres of landscaping.

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[www.CalRecycle.ca.gov](http://www.CalRecycle.ca.gov) | (916) 322-4027



### **Comments**

Currently, within the proposed project location, there is an existing Inert Debris Engineered Fill Operation (IDEFO), named Nu-Way Live Oak Reclamation, Inc. (Solid Waste Information System (SWIS) Number: 19-AA-0849). The IDEFO currently has a site operational status of “inactive” (i.e., site is not closed). Prior to any construction of the proposed project, closure of the IDEFO must be completed.

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

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

### **Solid Waste Regulatory Oversight**

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

### **CONCLUSION**

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

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

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

If you have any questions regarding these comments, please contact me at 916.341.6138 or by e-mail at [benjamin.escotto@calrecycle.ca.gov](mailto:benjamin.escotto@calrecycle.ca.gov).

NOP of a Draft EIR for the Irwindale Gateway Specific Plan  
February 28, 2023  
Page 3 of 3

Sincerely,

A handwritten signature in black ink that reads "Benjamin Escotto". The signature is written in a cursive, slightly slanted style.

Benjamin Escotto, Senior Environmental Scientist, Supervisor  
Permitting & Assistance Branch – South Unit  
Waste Permitting, Compliance & Mitigation Division  
CalRecycle

cc: Jeff Hackett, CalRecycle  
Nai Teurn, CalRecycle  
Dorcas Hanson-Lugo, LEA



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201

[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Via Electronic Mail Only

March 8, 2023

Brandi Jones  
City of Irwindale  
5050 North Irwindale Avenue  
Irwindale, CA 91706  
[BJones@IrwindaleCA.gov](mailto:BJones@IrwindaleCA.gov)

**Subject: Notice of Preparation of a Draft Environmental Impact Report for the Irwindale Gateway Specific Plan, SCH #2023020290, City of Irwindale, Los Angeles County**

Dear Ms. Jones:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) from the City of Irwindale (City) for the Irwindale Gateway Specific Plan (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

#### **CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

*Conserving California's Wildlife Since 1870*



Brandi Jones  
City of Irwindale  
March 8, 2023  
Page 2 of 11

## Project Description and Summary

**Objective:** The Project proposes two options for the development of an industrial logistics and distribution center with parking and loading docks. The first option proposes redevelopment of the Project site with three new industrial buildings and associated parking. The new industrial buildings would provide a maximum of 982,796 square feet of building space. The total building space would be divided to designate 954,796 square feet for warehouse space and 28,000 square feet for office space. In addition to development of three buildings, the proposed Project would provide 918 standard vehicle parking spaces, 346 trailer parking spaces, and 5.8 acres of landscaping.

The second option proposes redevelopment of the Project site with two new industrial buildings and a 400-megawatt battery energy storage system. The total building space would be a maximum of 704,070 square feet with 668,070 square feet designated for warehouse space and the remaining 36,000 square feet for office space. The battery energy storage system would be installed on approximately 16 acres and include 890 metal enclosures (712 containers and 178 augmentation containers). Additionally, the second option would provide 617 standard vehicle spaces, 257 trailer spaces, and 4.3 acres of landscaping.

In addition to redevelopment, public improvements surrounding the Project site would be implemented. Public improvements would consist of improving Live Oak Lane to the City's standard of 60 feet, installing a new traffic signal at the intersection of Live Oak Lane and Live Oak Avenue, installing 2,100 feet of new public water main, and installing 750 feet of new public sidewalk.

**Location:** The Project site encompasses 68.1 acres located at 13620 Live Oak Lane, in the City of Irwindale, Los Angeles County. The Project site is bounded by Live Oak Lane to the north and the east, Interstate 605 to the west, and Live Oak Avenue to the south. A 10.48-acre Southern California Edison easement lies along the west side of the Project site. The Project site is located on Assessor Parcel Numbers 8532-002-035 and 8532-002-044.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The EIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the EIR when it is available.

## Specific Comments

- 1) Los Angeles County Significant Ecological Areas (SEAs). The Project site is located within a mile of the San Gabriel Canyon Significant Ecological Area (SEA). Additionally, this SEA serves as critical habitat for southwestern willow flycatcher (*Empidonax traillii extimus*). [Los Angeles County Significant Ecological Areas](#) are officially designated areas within Los Angeles County identified as having irreplaceable biological resources (LACDRP 2023). These areas represent the wide-ranging biodiversity of Los Angeles County and contain some of Los Angeles County's most important biological resources. The EIR should discuss

Brandi Jones  
 City of Irwindale  
 March 8, 2023  
 Page 3 of 11

the Project's impact on the San Gabriel Canyon SEA.

- 2) Impact on Southwestern Willow Flycatcher. Southwestern willow flycatcher is designated as an Endangered Species Act (ESA-) and CESA-listed endangered species. With critical habitat for southwestern willow flycatcher approximately half a mile from the Project site, there is potential for presence of this bird species during Project activities. Moreover, the Project site may support foraging opportunities and perching activities for southwestern willow flycatcher. CDFW recommends the EIR evaluate and discuss the Project's impact on southwestern willow flycatcher. The EIR should include a discussion of potential impacts that may occur during ground-disturbing activities and vegetation removal.
  
- 3) Impact on Species of Special Concern (SSC) – Reptiles. According to the [California Natural Diversity Database](#), the coast horned lizard (*Phrynosoma blainvillii*) and coastal whiptail (*Aspidoscelis tigris stejnegeri*) have both been observed and recorded within a mile of the Project site (CNDDDB 2023a). Project activities related to ground disturbing activities, such as construction of buildings, may result in reptile habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings.
  - a) Protection Status. Both coast horned lizard and coastal whiptail are designated as SSC. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).
  
  - b) Analysis and Disclosure. CDFW recommends the EIR provide full disclosure of the presence of these SSC species and potential impacts on habitat. To allow for a full assessment of significant impacts, surveys and assessments for the species should be disclosed in the EIR and not deferred until a later time (i.e., preconstruction surveys). If the Project would result in loss of suitable habitat for these SSC, CDFW recommends the EIR include measures to mitigate for those impacts.
  
  - c) Surveys and Avoidance. CDFW recommends qualified biologist(s) familiar with the reptile species behavior and life history conduct focused surveys to determine the presence/absence of these SSC. Surveys should be conducted during active season when the reptile species are most likely to be detected. Additionally, CDFW recommends that a qualified biological monitor be on site during ground and habitat disturbing activities to move out of harm's way special status species (see General Comment #2) that would be injured or killed by Project-related activities. It should be noted that the temporary relocation of on-site wildlife does not constitute as effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.
  
- 4) Impacts to Nesting Birds. The Project site provides potential nesting habitat for nesting birds and raptors. The proposed Project may impact nesting birds through construction activities, construction-related noise, and removal of vegetation within the Project site. Furthermore, Project activities occurring during the nesting bird season, especially in areas providing suitable nesting habitat, could result in the incidental loss of fertile eggs or nestlings, or nest abandonment.

Brandi Jones  
City of Irwindale  
March 8, 2023  
Page 4 of 11

- a) Protection Status. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
- b) Analysis and Disclosure. CDFW recommends the EIR discuss the Project's potential impact on nesting birds and raptors within the Project site. A discussion of potential impacts should include impacts that may occur during ground-disturbing activities and vegetation removal. The EIR should analyze and discuss the Project's impact on bird and raptor nesting and breeding habitat.
- c) Avoidance. CDFW recommends the EIR include a measure to fully avoid impacts to nesting birds and raptors. To the extent feasible, no construction, ground-disturbing activities (e.g., mobilizing, staging, and excavating), and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
- d) Minimizing Potential Impacts. If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the EIR include measures to minimize impacts on nesting birds and raptors. Prior to starting ground-disturbing activities and vegetation removal, a qualified biologist should conduct nesting bird and raptor surveys to identify nests. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests. CDFW recommends a minimum 300-foot no disturbance buffer around active bird nests. For raptors, the no disturbance buffer should be expanded to 500 feet and 0.5 mile for special status species, if feasible. Personnel working on the Project, including all contractors working on site, should be instructed on the presence of nesting birds, area sensitivity, and adherence to no-disturbance buffers. Reductions in the buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors determined by a qualified biologist.
- 5) Landscaping. Both options of the proposed Project entail landscaping within the Project site. CDFW recommends the City only use native species found in naturally occurring vegetation communities within or adjacent to the Project site. The proposed Project should not plant, seed, or otherwise introduce non-native, invasive plant species to areas that are adjacent to and/or near native habitat areas. Accordingly, CDFW recommends the City restrict use of any species, particularly 'Moderate' or 'High' listed by the [California Invasive Plant Council](#) (Cal-IPC 2023). These species are documented to have substantial and severe ecological impacts on physical processes, plant and animal communities, and vegetation structure.
- 6) Use of Rodenticides. If the Project results in enhanced landscaping, vegetation may need to be managed via chemical methods. Herbicides, pesticides, and rodenticides may impact wildlife. Second generation anticoagulant rodenticides are known to have harmful effects on the ecosystem and wildlife. [Assembly Bill 1788](#) prohibits the use of any second-generation anticoagulant rodenticides because second generation anticoagulant rodenticides have a higher toxicity and are more dangerous to nontarget wildlife (California Legislative Information 2020). CDFW recommends the EIR include a discussion as to the Project's use



Brandi Jones  
City of Irwindale  
March 8, 2023  
Page 5 of 11

of herbicides, pesticides, and second-generation anticoagulant rodenticides to maintain the restored areas within the Project site in perpetuity. CDFW recommends the City include measures that would prohibit the use of any second-generation anticoagulant rodenticides throughout the Project.

## General Comments

- 1) Biological Baseline Assessment. The EIR should provide an adequate biological resources assessment, including a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project site and where the Project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project site. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. An environmental document should include the following information:
  - a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The EIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2023b);
  - b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where Project construction and activities could lead to direct or indirect impacts off site;
  - c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a Project site and within the neighboring vicinity. The [Manual of California Vegetation Online](#) should also be used to inform this mapping and assessment (CNPS 2023). Adjoining habitat areas should be included in this assessment the Project could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
  - d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a Project. California Natural Diversity Database in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a Project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the Project site. Field

Brandi Jones  
 City of Irwindale  
 March 8, 2023  
 Page 6 of 11

verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];

- e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2023c). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the USFWS; and
  - f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of a proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
- 2) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from a project is prohibited, except as authorized by State law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project and any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project's CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. Please visit CDFW's [California Endangered Species Act \(CESA\) Permits](#) webpage for more information (CDFW 2023h).
- 3) Scientific Collecting Permit. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as

Brandi Jones  
 City of Irwindale  
 March 8, 2023  
 Page 7 of 11

required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2023e).

- 4) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
  
- 5) Lake and Streambed Alteration Program. The EIR should provide a stream delineation and analysis of impacts. The delineation should be conducted pursuant to the to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification. Modifications to a river, creek, or stream in one area may result in bank erosion, channel incision, or drop in water level along that stream outside of the immediate impact area. Therefore, CDFW recommends the EIR discuss the potential impact to any stream that may be located within or surrounding the Project site.
  - a) CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must notify CDFW pursuant to Fish and Game Code Section 1600 *et seq.* CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2023g).
  
  - b) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess the 100, 50, 25, 10, 5, and 2-year frequency flood events to evaluate existing and proposed conditions and erosion/scour potential. CDFW recommends the EIR discuss the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
  
- 6) Disclosure. A EIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed Project is likely to have on the environment (Pub. Resources Code,

Brandi Jones  
 City of Irwindale  
 March 8, 2023  
 Page 8 of 11

§ 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).

- 7) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document “shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.”
- a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the Lead Agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency “shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6). CDFW recommends the City provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.
- b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the EIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the EIR should provide an adequate, complete, and detailed disclosure about the Project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 8) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2023d). To submit information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW’s Vegetation Classification and Mapping Program (CDFW 2023f). The City should ensure data collected for the preparation of the EIR be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 9) Biological Direct, Indirect, and Cumulative Impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The EIR should address the following:



Brandi Jones  
City of Irwindale  
March 8, 2023  
Page 9 of 11

- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the EIR;
  - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
  - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
  - d) A discussion of Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
  - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the EIR; and
  - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the City determines that the Project would not have a cumulative impact, the EIR should indicate why the cumulative impact is not significant. The City's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 10) Compensatory Mitigation. The EIR should include mitigation measures for adverse Project-related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

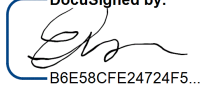
Brandi Jones  
City of Irwindale  
March 8, 2023  
Page 10 of 11

11) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, an EIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

## Conclusion

We appreciate the opportunity to comment on the NOP for Irwindale Gateway Specific Plan to assist the City in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Julisa Portugal, Environmental Scientist, at [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov) or (562) 330-7563.

Sincerely,

DocuSigned by:  
  
B6E58CFE24724F5...

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW

Erinn Wilson-Olgin, Seal Beach – [Erinn.Wilson-Olgin@wildlife.ca.gov](mailto:Erinn.Wilson-Olgin@wildlife.ca.gov)

Victoria Tang, Seal Beach – [Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov)

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CEQA Program Coordinator, Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

OPR

State Clearinghouse, Sacramento – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

## References:

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Brandi Jones  
City of Irwindale  
March 8, 2023  
Page 11 of 11

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**March 17, 2023**

Brandi Jones, Senior Planner  
City of Irwindale, Community Development Department  
5050 North Irwindale Avenue  
Irwindale, California 91706  
Phone: (626) 430-2260  
E-mail: [BJones@IrwindaleCA.gov](mailto:BJones@IrwindaleCA.gov)

**RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Irwindale Gateway Specific Plan [SCAG NO. IGR10833]**

Dear Brandi Jones,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Irwindale Gateway Specific Plan (“proposed project”) to the Southern California Association of Governments (SCAG) for review and comment. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG’s adopted regional plans, to be determined by the lead agencies.<sup>1</sup>

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). SCAG’s feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and align with RTP/SCS policies. Finally, SCAG is the authorized regional agency for Intergovernmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the Irwindale Gateway Specific Plan in Los Angeles County. The proposed project includes two build options: the first being three industrial buildings totaling to 954,796 square feet (SF) of warehouse space, 28,000 SF of office space, 918 vehicle parking spaces, and 253,736 SF of landscaping; the second options consists of two industrial buildings totaling to 668,070 SF of warehouse space, 36,000 SF of office space, a 400-megawatt battery energy storage system, 617 vehicle parking spaces, and 185,782 SF of landscaping on a 68.1-acre site.

**When available, please email environmental documentation to [IGR@scag.ca.gov](mailto:IGR@scag.ca.gov) providing, at a minimum, the full public comment period for review.**

If you have any questions regarding the attached comments, please contact the Intergovernmental Review (IGR) Program, attn.: Annaleigh Ekman, Senior Regional Planner, at (213) 630-1427 or [IGR@scag.ca.gov](mailto:IGR@scag.ca.gov). Thank you.

Sincerely,

Frank Wen, Ph.D.  
Manager, Planning Strategy Department

<sup>1</sup> Lead agencies such as local jurisdictions have the sole discretion in determining a local project’s consistency with the 2020 RTP/SCS (Connect SoCal) for the purpose of determining consistency for CEQA.



**COMMENTS ON THE NOTICE OF PREPARATION OF A  
 DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
 IRWINDALE GATEWAY SPECIFIC PLAN [SCAG NO. IGR10833]**

**CONSISTENCY WITH CONNECT SOCIAL**

SCAG provides informational resources to facilitate the consistency of the proposed project with the adopted 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project’s consistency with Connect SoCal.

**CONNECT SOCIAL GOALS**

The SCAG Regional Council fully adopted [Connect SoCal](#) in September 2020. Connect SoCal, also known as the 2020 – 2045 RTP/SCS, builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. The goals included in Connect SoCal may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project. Among the relevant goals of Connect SoCal are the following:

SCAG CONNECT SOCIAL GOALS	
Goal #1:	<i>Encourage regional economic prosperity and global competitiveness</i>
Goal #2:	<i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>
Goal #3:	<i>Enhance the preservation, security, and resilience of the regional transportation system</i>
Goal #4:	<i>Increase person and goods movement and travel choices within the transportation system</i>
Goal #5:	<i>Reduce greenhouse gas emissions and improve air quality</i>
Goal #6:	<i>Support healthy and equitable communities</i>
Goal #7:	<i>Adapt to a changing climate and support an integrated regional development pattern and transportation network</i>
Goal #8:	<i>Leverage new transportation technologies and data-driven solutions that result in more efficient travel</i>
Goal #9:	<i>Encourage development of diverse housing types in areas that are supported by multiple transportation options</i>
Goal #10:	<i>Promote conservation of natural and agricultural lands and restoration of habitats</i>

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

SCAG CONNECT SOCIAL GOALS	
Goal	Analysis
Goal #1: <i>Encourage regional economic prosperity and global competitiveness</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
Goal #2: <i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>	<i>Consistent: Statement as to why; Not-Consistent: Statement as to why; Or Not Applicable: Statement as to why; DEIR page number reference</i>
etc.	etc.

**Connect SoCal Strategies**

To achieve the goals of Connect SoCal, a wide range of land use and transportation strategies are included in the accompanying twenty (20) technical reports. Of particular note are multiple strategies included in Chapter 3 of Connect SoCal intended to support implementation of the regional Sustainable Communities Strategy (SCS) framed within the context of focusing growth near destinations and mobility options; promoting diverse housing choices; leveraging technology innovations; supporting implementation of sustainability policies; and promoting a Green Region. To view Connect SoCal and the accompanying technical reports, please visit the [Connect SoCal webpage](#). Connect SoCal builds upon the progress from previous RTP/SCS cycles and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that helps the SCAG region strive towards a more sustainable region, while meeting statutory requirements pertinent to RTP/SCSs. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

The 2020 Connect SoCal also identifies a goods movement system in the SCAG region and develops strategies to address expected growth trends and demands in goods movement. For further information on the goods movement strategies, please see the [2020 Connect SoCal Goods Movement Technical Report](#). For further information on industrial development and warehousing in Southern California, please see [Industrial Warehousing in the SCAG Region](#).

Connect SoCal identified Key Connections that lie at the intersection of land use, transportation and innovation meant to advance policy discussions and strategies to leverage new technologies and create better partnerships to increase progress on the regional goals. Accelerated Electrification is one of the Key Connections and was established to create a holistic and coordinated approach to de-carbonizing or electrifying passenger vehicles, transit, and goods movement vehicles. The Accelerated Electrification Key Connection sets a vision to reduce both the local and global emissions associated with multiple modes of transportation by deploying clean mobility solutions and the infrastructure needed to support them. SCAG staff encourages the lead agency to incorporate clean mobility solutions and supporting infrastructure into the project, as appropriate.

**DEMOGRAPHICS AND GROWTH FORECASTS**

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG’s 197 jurisdictions provided feedback on the forecast



of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood level (i.e., transportation analysis zone (TAZ) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California’s GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Connect SoCal’s Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan – neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the [Connect SoCal Demographics and Growth Forecast Technical Report](#). The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts				Adopted City of Irwindale Forecasts			
	Year 2020	Year 2030	Year 2035	Year 2045	Year 2020	Year 2030	Year 2035	Year 2045
Population	19,517,731	20,821,171	21,443,006	22,503,899	1,485	1,629	1,708	1,876
Households	6,333,458	6,902,821	7,170,110	7,633,451	406	472	489	521
Employment	8,695,427	9,303,627	9,566,384	10,048,822	19,163	19,509	19,683	20,267

**MITIGATION MEASURES**

SCAG staff recommends that you review the [Final Program Environmental Impact Report](#) (Final PEIR) for Connect SoCal for guidance, as appropriate. SCAG’s Regional Council certified the PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on May 7, 2020 and also adopted a PEIR Addendum and amended the MMRP on September 3, 2020 (please see the [PEIR webpage](#) and scroll to the bottom of the page for the PEIR Addendum). The PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.



# South Coast Air Quality Management District

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(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

March 17, 2023

[BJones@IrwindaleCA.gov](mailto:BJones@IrwindaleCA.gov)

Brandi Jones, Senior Planner  
City of Irwindale  
Community Development Department  
5050 North Irwindale Avenue  
Irwindale, California 91706

## **Notice of Preparation of a Environmental Impact Report for the Irwindale Gateway Specific Plan**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Environmental Impact Report (EIR). Please send a copy of the EIR upon its completion and public release directly to South Coast AQMD as copies of the EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

### **CEQA Air Quality Analysis**

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website<sup>1</sup> as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod<sup>2</sup> land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds<sup>3</sup> and localized significance thresholds (LSTs)<sup>4</sup> to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of

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<sup>1</sup> South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

<sup>2</sup> CalEEMod is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>3</sup> South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

<sup>4</sup> South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.



heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment<sup>5</sup>.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*<sup>6</sup> includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions<sup>7</sup>. According to the MATES V Carcinogenic Risk interactive Map, the area surrounding the Proposed Project has an estimated cancer risk over 550 in one million<sup>8</sup>. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

### **Mitigation Measures**

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,<sup>9</sup> South Coast AQMD's Mitigation Monitoring and

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<sup>5</sup> South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at:

<http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>6</sup> South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*.

Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

<sup>7</sup> South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at:

<http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

<sup>8</sup> South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v).

<sup>9</sup> <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

Reporting Plan for the 2022 Air Quality Management Plan,<sup>10</sup> and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.<sup>11</sup>

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft EIR may include the following:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule<sup>12</sup> and the Heavy-Duty Low NOx Omnibus Regulation<sup>13</sup>, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentive the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of 2010 model year<sup>14</sup> that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
- Provide electric vehicle (EV) charging stations or at a minimum, provide the electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the EIR may include the following:

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<sup>10</sup> South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

<sup>11</sup> Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: [https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A\\_ConnectSoCal\\_PEIR.pdf](https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf).

<sup>12</sup> CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

<sup>13</sup> CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

<sup>14</sup> CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

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

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 three warehouses totaling 954,796 square feet, 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<sup>15</sup>. 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](mailto:waire-program@aqmd.gov). For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage<sup>16</sup>.

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<sup>15</sup> 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>.

<sup>16</sup> South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at [swang1@aqmd.gov](mailto:swang1@aqmd.gov).

Sincerely,

*Sam Wang*

Sam Wang  
Program Supervisor, CEQA IGR  
Planning, Rule Development & Implementation

SW  
LAC230214-03  
Control Number



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**From:** Daniella Andrade <DAndrade@covina.gov>  
**Sent:** Tuesday, February 14, 2023 12:42 PM  
**To:** Brandi Jones <bjones@IrwindaleCA.gov>  
**Subject:** response to NOP - Irwindale Gateway Specific Plan

**CAUTION:** This email originated from outside of the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

This email is to inform you that the City of Covina has received your Notice of Preparation for the Irwindale Gateway Specific Plan, and the Planning Department has no comments. Thank you.

<http://www.covina.gov/> style='position:absolute;margin-left:7.5pt;margin-top:2.95pt;width:54pt;height:54pt;z-index:-251657216;visibility:visible;mso-wrap-style:square;mso-width-percent:0;mso-height-percent:0;mso-wrap-distance-left:9pt;mso-wrap-distance-top:0;mso-wrap-distance-right:9pt;mso-wrap-distance-bottom:0;mso-position-horizontal:absolute;mso-position-horizontal-relative:text;mso-position-vertical:absolute;mso-position-vertical-relative:text;mso-width-percent:0;mso-height-percent:0;mso-width-relative:page;mso-height-relative:page' o:button="t"> **Daniella Andrade | Management Analyst**  
Community Development | 125 East College Street | Covina, CA 91723  
Tel: (626)384-5445 | [www.covina.gov](http://www.covina.gov/)

**Go Green! Please consider the environment before printing this email.**

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## Brandi Jones

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**From:** Mike Mohajer <mikemohajer@gmail.com>  
**Sent:** Sunday, March 5, 2023 4:26 PM  
**To:** Brandi Jones  
**Cc:** Marilyn Simpson  
**Subject:** Irwindale Gateway Specific Plan - Draft EIR Notice of Preparation (NOP)

**CAUTION:** This email originated from outside of the City. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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

Dear Ms. Brandi Jones,

My name is Mike Mohajer. I am a private citizen and a resident of the County of Los Angeles. I do not represent any governmental agencies or private organizations. I have reviewed the February 10, 2023, Notice of Preparation (NOP) to prepare a Draft Environment Impact Report (DEIR) for the proposed "Irwindale Gateway Specific Plan" (Project), (136200 Live Oak Lane, Irwindale) as well as attending the Project's Public Scoping Meeting held at the Irwindale Community Center on March 2, 2023. I would like to offer the following comments for your consideration in preparation of the Project's DEIR.

1. The Project's site is identified as a completed inert waste landfill. However, as a part of the DEIR preparation, the project's proponent needs to verify and substantiate that no **organic and/or hazardous wastes** were disposed at the subject site prior to its classification as an inert waste landfill. This may be verified by drilling a number of borings each excavated to the level of underground water surface. If the results of the boring materials indicate the existence any organic solid waste, then all proposed enclosed structures above and below ground must be protected against landfill gas migration (i.e. methane, etc) to protect the enclosed structures and the buildings' occupants from protentional fire hazard and possible gas explosion. The subject issue must be addressed by the DEIR as well as identifying potential mitigating measures.
2. The proposed Project includes a **400-megawatts Lithium-battery energy storage system** occupying approximately a 16-acre area. Unfortunately, the proposal fails to provide any specifics. This item must clearly be described with details by the DEIR as to the system operation including the number of batteries to be stored, the time frame for storage and if any activities involve recycling or refurbishing of the Lithium-ion batteries. During the past few years, Lithium-ion battery fires and explosions have been on the rise resulting in the loss of life and significant capital loss. This is a critical issue that must be clearly described/addressed by the DEIR in conjunction with California Department of Toxic Substances Control (DTSC) and the Los Angeles County Fire Department. The discussions must also identify all potential mitigating measures.

**3. Potential Environmental Effects of the Proposed Project** – The list of Potential Environmental Effects as identified on Page 3 of the handout at the Public Scoping Meeting needs to be expanded to include the following:

- Solis Waste – Management of generated solid waste from the development and long-term operation of the project as well as compliance with SB-1383 (2016 state statutes).
- Fire & Explosion including, but not limited to, Fire/Explosion potentially caused by Lithium-ion batteries
- Land disposal and related activities including but not limited to Fire & Explosion
- Environmental Justice and Equity

Thank you for the opportunity to submit comments and looking forward to the initial DEIR. Should you have any questions, please feel free to contact me.

***Mike Mohajer***

[MikeMohajer@gmail.com](mailto:MikeMohajer@gmail.com)



**P. O. BOX 3334**

**P: 909-592-1147**

# SIGN-IN SHEET

## Scoping Meeting for the Irwindale Gateway Specific Plan Project Environmental Impact Report (EIR) Thursday, March 2, 2023


Please print clearly:

NAME	ADDRESS	E-MAIL
1. Ralph Veledon		
2. MIKE MOHAIER		
3. HELEN TARRAZI		
4. Marilyn Simpson		
5. Sam Edwards		
6. Eric Dristley		
7. Steven Hillgren		
8. Theresa AWALES		
9.		
10.		

# SIGN-IN SHEET

## Scoping Meeting for the Irwindale Gateway Specific Plan Project Environmental Impact Report (EIR) Thursday, March 2, 2023

Please print clearly:

NAME	ADDRESS	E-MAIL
21. <i>ED Tamariz</i>		
22. <i>Lisa Chou</i>		
23. <i>Jesus Hernandez</i>		
24. <i>JEFF TYLER</i>		
25. <i>Robert Diaz</i>		
26. <i>Luis Pimentel</i>		
27. <i>Fred Barham</i>		
28. <i>Nick Shahenian</i>		
29.		
30.		



# SIGN-IN SHEET

## Scoping Meeting for the Irwindale Gateway Specific Plan Project Environmental Impact Report (EIR) Thursday, March 2, 2023

Please print clearly:

NAME	ADDRESS	E-MAIL
41. <i>Pat Gonzales</i>	[REDACTED]	[REDACTED]
42.		
43.		
44.		
45.		
46.		
47.		
48.		
49.		
50.		

**COMMENT CARD**

**Irwindale Gateway Specific Plan Project Scoping Meeting – March 2, 2023**

Please provide your comments regarding the Irwindale Gateway Specific Plan Project EIR (please print):

Block Live Oak Lane access to or from Arrow Highway to prevent increased traffic of all types from traveling along Meridian St. and negatively impacting residents.

CITY OF IRWINDALE  
COMMUNITY DEVELOPMENT

MAR 13 2023

Name: Robert Diaz

RECEIVED

Address:



Please do one of the following:

- 1) Return this card to Julia Lok, Planner with PlaceWorks, at the end of the Scoping Meeting
- 2) Email your comments to BJones@IrwindaleCA.org
- 3) Mail this comment card to:

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



**COMMENT CARD**

**Irwindale Gateway Specific Plan Project Scoping Meeting – March 2, 2023**

Please provide your comments regarding the Irwindale Gateway Specific Plan Project EIR (please print):

the site has never passed final compaction inspection. Are you going to re-dug the site like you did the Manning Bros Pit?

How many bays for trucks?

air pollution un-acceptable - mitigation a joke!

No High-cube warehouse, need commercial

Name: Fred Barbosa

Address: [REDACTED]

Please do one of the following:

- 1) Return this card to Julia Lok, Planner with PlaceWorks, at the end of the Scoping Meeting
- 2) Email your comments to [BJones@IrwindaleCA.org](mailto:BJones@IrwindaleCA.org)
- 3) Mail this comment card to:

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



## COMMENT CARD

### Irwindale Gateway Specific Plan Project Scoping Meeting – March 2, 2023

Please provide your comments regarding the Irwindale Gateway Specific Plan Project EIR (please print):

LIOPA is very interested in this project. We have members who work in this industry and build to the highest standards. We have multiple signatory contractors who are very capable in this case.

Name:

Rafael Velador,

Address:

[Redacted Address]

Please do one of the following:

- 1) Return this card to Julia Lok, Planner with PlaceWorks, at the end of the Scoping Meeting
- 2) Email your comments to [BJones@IrwindaleCA.org](mailto:BJones@IrwindaleCA.org)
- 3) Mail this comment card to:

City of Irwindale  
Attn: Brandi Jones, Senior Planner  
5050 North Irwindale Avenue  
Irwindale, CA 91706  
A2-46

