

FINDINGS OF FACT and  
STATEMENT of OVERRIDING CONSIDERATIONS  
regarding ROWLAND HEIGHTS PLAZA AND HOTEL PROJECT

PROJECT NUMBER: R2014-01529-(4)

VESTING TENTATIVE PARCEL MAP: PM072916

ZONE CHANGE: RZC201400008

CONDITIONAL USE PERMIT: RCUP201400062

PARKING PERMIT: RPKP201400006

STATE CLEARINGHOUSE NUMBER: 2015061003

COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING

320 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS  
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT

(STATE CLEARINGHOUSE NUMBER 2015061003)

FOR THE ROWLAND HEIGHTS PLAZA AND HOTEL PROJECT

(COUNTY PROJECT NUMBER R2014-01529-(4))

The Board of Supervisors (“Board”) of the County of Los Angeles (“County”) hereby certifies the Rowland Heights Plaza and Hotel Project Final Environmental Impact Report, State Clearinghouse Number 2015061003, which consists of the Draft Environmental Impact Report (“Draft EIR”) dated January 2016, Technical Appendices to the Draft EIR dated January 2016, and the Final Environmental Impact Report, including Responses to Comments dated \_\_\_\_\_, collectively referred to as the “Final EIR,” and finds that the Final EIR has been completed in compliance with the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) (“CEQA”). The Board further hereby certifies that it has received, reviewed, and considered the information contained in the Final EIR; the applications for Vesting Tentative Parcel Map PM072916, Zone Change RZC201400008, Conditional Use Permit RCUP201400062, and Parking Permit RPKP201400006 (collectively, the “Project Approvals”) to permit the subdivision of a portion of the Project site into three parcels and the development of a commercial retail-hotel development including retail, restaurant, and commercial uses as well as a full service hotel and an extended stay hotel (the “Project”); all hearings and submissions of testimony from officials and departments of the County, the Applicant Parallax Investment Corporation (“Applicant”), the public and other municipalities and agencies; and all other pertinent information in the record of proceedings. Concurrently with the adoption of these findings, the Board adopts the Mitigation Monitoring Program (hereinafter referred to as the “MMP”) attached as Exhibit A to these findings.

Having received, reviewed, and considered the foregoing information, as well as any and all other information in the record, the Board hereby makes findings pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:

- (a) Changes or alterations have been required in, or incorporated into, the Project

which mitigate or avoid the significant effects on the environment.

- (b) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,
- (c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

## BACKGROUND

### **The Environmental Impact Report Process**

The Applicant proposes to subdivide a 14.06-acre property in the unincorporated County (the "Project Site") into three parcels and construct the proposed commercial retail-hotel development. The Project Site is located in the unincorporated community of Rowland Heights. Regional access to the site is provided by Gale Avenue, the Pomona Freeway, the Orange Freeway, and the 605 Freeway.

The County completed an Initial Study for the Project on May 21, 2015, and determined that an Environmental Impact Report ("EIR") was required. Potentially significant environmental impacts addressed in the Draft EIR include: Aesthetics, Air Quality, Biological Resources, Archaeological and Paleontological Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Noise, Fire Protection and Emergency Services, Sheriff Protection, Transportation and Parking, Wastewater, and Water Supply. The Draft EIR analyzed both individual component and cumulative effects of the Project together with related projects on these topics and identified a variety of mitigation measures to mitigate the potential adverse effects of the Project.

In accordance with CEQA requirements, the Draft EIR also analyzed potential alternatives to the Project, including (1) No Project/No Build Alternative, (2) Reduced Intensity Alternative, (3) Code Compliant Commercial Alternative, and (4) Code Compliant Light Industrial/Warehouse Alternative. Potential environmental impacts of

each of these alternatives were discussed as required by CEQA and each alternative was compared to the Project. The above range of alternatives presented to the Board (as detailed below in Section 6) was a reasonable range for consideration and allowed for informed decision making among the alternatives as well as to direct specific changes to the Project. The Board has reviewed each of the alternatives and recommends approval of the Project.

The Los Angeles County Department of Regional Planning ("DRP") conducted its own independent departmental review and analysis of the Project and the preliminary Draft EIR and circulated copies of the preliminary Draft EIR to all affected County agencies. Interested County agencies conducted an independent review and analysis of the Project and preliminary Draft EIR and provided written comments on the document, where appropriate, and those comments were incorporated into and made part of the Draft EIR.

The Draft EIR was made available for public comment and input for the period set forth by State law. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, DRP staff provided proper notice to the community by mail, newspaper, property posting, library posting, and on DRP's website regarding DRP's February 25, 2016 Hearing Examiner's hearing on the Draft EIR. Specifically, the public review period commenced on January 26, 2016, when a Notice of Completion and Notice of Availability ("NOC-NOA") was sent to the State Clearinghouse (State Clearinghouse No. 2015061003), and ended on March 11, 2016. The public review period lasted 45 days as required by Public Resources Code Section 21091. The NOC-NOA was also posted at the County Recorder's office, and was also sent by mail to required agencies and other interested parties. The NOC-NOA was also posted on the subject parcel and on DRP's website.

Newspaper notices informing the public regarding the public comment period for the Draft EIR and informing the public regarding the Hearing Examiner's hearing on the Draft EIR were published in the Los Angeles Times and La Opinion newspapers on January 23, 2016. On January 25, 2016, this notice was also mailed to property owners and tenants located within a 500-foot radius of the parcel boundaries and to known interested individuals and organizations. Moreover, notices were posted at two local

public libraries. Notices were verified to be posted on the subject parcel and were made available on DRP's website on January 25, 2016. Copies of the Draft EIR were also made available at the DRP offices and in local public libraries.

A DRP Hearing Examiner conducted a duly noticed public hearing at Nogales High School (located approximately 3 miles from the Project Site) to take public testimony and comment regarding the Draft EIR on February 25, 2016. As further outlined in the responses to comments contained in the Final EIR, a total of 16 persons from the public (six of whom represented the Applicant) provided general testimony regarding the Draft EIR and the Project at the hearing.

Following the close of public comment period on the Draft EIR on March 11, 2016, detailed responses to all public agency comments and comments received from members of the general public received regarding the Project and the analyses of the Draft EIR were prepared by DRP staff with assistance of a private consultant and reviewed, and revised as necessary by DRP and other County staff to reflect the County's independent judgment on issues raised. These Responses to Comments are included in the Final EIR.

A public hearing on the Project and the Final EIR was held before the Regional Planning Commission ("Commission") on \_\_\_\_\_, 2016. At the conclusion of that hearing, the Commission made the following environmental findings and recommended approval of the Project Approvals.

The Final EIR has been prepared by the County in accordance with CEQA, as amended, and State and County Guidelines for implementation of CEQA. More specifically, the County has relied on Section 15084(d)(3) of the State CEQA Guidelines, which allows acceptance of drafts prepared by the applicant, a consultant retained by the applicant, or any other person. DRP, acting for the County, has reviewed, considered, revised, and edited as necessary the submitted drafts to reflect its own independent judgment, including reliance on County technical personnel from other departments.

Section 1 of these findings discusses effects found not to be significant. Section 2 of these findings discusses the potential environmental effects of the Project which are not significant or which have been mitigated to a less than significant level. Section

3 of these findings discusses the significant environmental effects of the Project which cannot be feasibly mitigated to a level of insignificance. Section 4 discusses the growth-inducing impacts of the Project. Section 5 discusses the significant irreversible environmental changes which would be involved in the Project should it be implemented. Section 6 discusses the evaluation of Alternatives to the Project. Section 7 discusses the Project's MMP. Section 8 contains the Statement of Overriding Considerations. Section 9 contains the findings pursuant to State CEQA Guidelines Sections 15091 and 15092. Section 10 contains the findings pursuant to Public Resources Code Section 21082.1(c)(3). Section 11 contains a finding that no recirculation is required. Section 12 identifies the custodian of the record upon which these findings are based. The findings set forth in each section are supported by substantial evidence in the administrative record of the Project.

## **SECTION 1**

### **EFFECTS FOUND NOT TO BE SIGNIFICANT**

The County prepared an Initial Study for the Project, which is included in Appendix A-2 of the Draft EIR. The Initial Study provides a detailed discussion of the potential environmental impacts by topic and the reasons that each topical area is or is not analyzed further in the Draft EIR. As further described in the Initial Study, the County determined that the Project would not result in significant impacts related to: certain Aesthetic Resources (scenic vistas, views from trails, scenic resources within a scenic corridor); Agricultural and Forest Resources; certain Air Quality impacts (objectionable odors); certain Biological Resources (oak tree woodlands, local policies or ordinances protecting biological resources, and adopted state, regional, or local habitat conservation plans); certain Energy Resources (inefficient use of energy resources) certain Geology and Soils Resources; Hazards (with the exceptions of emergency response and evacuation plans and the provision of adequate water pressure to meet fire flow standards); Historical Resources; certain Hydrology and Water Quality Resources; certain Land Use and Planning impacts (division of an established community, conflict with Hillside Management criteria, Significant Ecological Areas conformance criteria); Mineral Resources; certain Noise impacts (airport land use plan, private airstrip); Population and Housing; Public Services (schools, parks, and libraries); Recreation; and certain Transportation impacts (change in air traffic patterns).

The rationale for the conclusion that no significant impact will occur in each of these issue areas is summarized below (and set forth in the Draft EIR Section 6.0, Other CEQA Considerations, and in detail in the Initial Study (Appendix A-2 of the Draft EIR)), and based on that rationale and other evidence in the administrative record, the County finds and determines that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed. These topics have not, therefore, been addressed in detail in the Final EIR.

### **AGRICULTURAL AND FOREST RESOURCES**

The Project Site is located in the Los Angeles County unincorporated community

of Rowland Heights, and is zoned for Restricted Heavy Manufacturing (M-1.5) by the County of Los Angeles, with a land use designation of Major Industrial. It was used for agricultural cultivation through the mid-1990s, but has been fallow for over a decade, and is currently improved with a temporary detour road. The Project Site does not support and is not zoned for, nor is it located near an area that is zoned for or developed with, forestland, timberland, or agricultural land. Therefore, no impact is identified for this issue.

## **GEOLOGY AND SOILS**

The Initial Study determined that the Project would have no impact or less than significant impacts with respect to: a-iv) landslides, e) soils incapable of supporting on-site wastewater treatment where sewers are not available for disposal, and f) conflict with the County's Hillside Management Area Ordinance or hillside design standards in the County General Plan Conservation and Open Space Element, because of the Project Site's location in a relatively flat, urbanized setting with no significant topographic features, and the fact that it is already served by the existing municipal wastewater system and no on-site septic or alternative wastewater treatment facilities are proposed. Other potential geology and soils impact areas were analyzed in the Draft EIR.

## **HAZARDS AND HAZARDOUS MATERIALS**

Project construction activities would require the temporary use of such hazardous substances as vehicle fuels and oils, hydraulic fluids, cleaning agents, paints, adhesives, surface coatings, and other finishing materials. Project operation would involve the use of minor amounts of hazardous materials for routine cleaning and maintenance, including commercially available cleaning solutions, solvents, and pesticides. All potentially hazardous materials would be contained, stored, used and disposed of in accordance with the manufacturers' instructions and handled in compliance with applicable federal, state, and local laws and regulations.

In addition, the Project Site is not located on a parcel of land that has been included on a list of hazardous materials sites compiled pursuant to Government Code

Section 65962.5 or on any other such list, nor do any recognized environmental conditions exist on the Project Site. The Project Site is not located within any airport hazard area or airport land use plan, or within two miles of any airport, and is not located in any other hazard zone. Therefore, no impact is identified for these hazard issues.

## **HISTORICAL RESOURCES**

The Project Site was used for agricultural cultivation through the mid-1990s and has been fallow for over a decade. No buildings exist on the Project Site, which is vacant except for a temporary detour road and related facilities utilized for a nearby grade separation project. An archaeological search was conducted for the Project Site through the South Central Coastal Information System, and no historic resources were identified on the Project Site or in the vicinity, which is developed with a mix of industrial and commercial uses. Therefore, no impact to historical resources is identified.

## **HYDROLOGY AND WATER QUALITY**

The Initial Study determined that the Project would have no impact or less than significant impacts with respect to b) the depletion of groundwater or interference with groundwater recharge, because it does not propose groundwater extraction nor interfere with groundwater recharge, as the Project Site is underlain with shallow bedrock and existing percolation does not contribute measurably to groundwater recharge; e) the creation of conditions conducive to standing water that could serve as habitat for disease vectors, because the Project would underground the existing partially channelized surface storm drain at the northern end of the Project Site, which accumulates seasonal standing water, and would construct other storm water management infrastructure on-site that would convey stormwater and urban runoff to the off-site municipal storm drain network; i) pollution discharges into State-designated Areas of Special Biological Significance, because the Project Site is not within nor does it discharge directly to a designated Area of Special Biological Significance, which comprises 34 areas of the ocean monitored and maintained for water quality by the State Water Resources Control Board; j) the use of on-site wastewater treatment plants,

because the Project Site is in an established urban area already served by wastewater infrastructure and would connect to the City of Industry municipal system; l) the placement of housing within an area delineated as a flood hazard or floodplain, and m) the placement of structures within a flood hazard area or floodplain, because no housing is proposed as part of the Project and the Project Site is not in a delineated flood hazard area or floodplain; n) the exposure of people or structures to flood hazards resulting from levee or dam failure, because the Project Site is not located within a designated floodplain or located within a County-designated potential dam or reservoir inundation area, nor are there any dams or levees in the Project vicinity; o) the placement of structures in areas subject to inundation by seiche, tsunami, or mudflow, the Project Site is not located within a County-designated inundation hazard area and there is no risk of a seiche, and it is located approximately 22 miles inland of the Pacific Ocean and is not within a designated tsunami inundation zone. Other potential hydrology and water quality impact areas were analyzed in the Draft EIR.

## **MINERAL RESOURCES**

The Project Site is not utilized for mineral production, nor would Project implementation result in the loss of an available known mineral resource with value to the region. Therefore, no impact is identified for this issue.

## **POPULATION AND HOUSING**

No residential development is currently present within the Project Site and none is proposed for development in the Project; therefore, the Project would not result in direct population growth. Although new private internal access and circulation driveways will be constructed, the Project would not require the addition or extension of public roads, and would connect to existing utility infrastructure. Employment opportunities created by the proposed commercial businesses and hotels would likely draw from the existing labor force in the area, and not induce substantial indirect population growth. Therefore, no impact is identified for this issue.

## **PUBLIC SERVICES (SCHOOLS, PARKS, AND LIBRARIES)**

No residential development is currently present within the Project Site and none is proposed for development under the Project; therefore, the Project would not result in direct population growth. Given the relatively minor size of the proposed development, the Project would not result in significant indirect population growth, and therefore would not substantially affect the ability of existing schools, parks, or libraries to meet established standards for service levels. Therefore, no impact is identified for these issues. Other potential public services impact areas were analyzed in the Draft EIR.

## **SECTION 2**

### **POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

All Final EIR mitigation measures (as set forth in the MMP attached as Exhibit A to these findings) have been incorporated by reference into the Project's conditions of approval. In addition, the other required conditions of the Project Approvals further lessen the potential effects of the Project.

The Board has determined, based on the Final EIR, that the Project's design features, mitigation measures, and conditions of approval will reduce Project-specific impacts concerning aesthetics, biological resources, archaeological and paleontological resources, geology and soil resources, greenhouse gas emissions, hydrology and water quality, noise, fire protection and emergency services, sheriff protection services, wastewater, and water supply to less than significant levels. The Board has further determined, based on the Final EIR, that there are no significant cumulative impacts, or that the Project's design features, mitigation measures, and conditions of approval will reduce the Project's contribution to less than cumulatively considerable levels, concerning aesthetics, biological resources, archaeological and paleontological resources, geology and soil resources, greenhouse gas emissions, hydrology and water quality, noise, fire protection and emergency services, sheriff protection services, wastewater, and water supply.

#### **Project Impacts**

##### **1. Aesthetics**

###### **Potential Effect**

Implementation of the Project could result in Project-related changes in the visual character of the Project Site and surrounding environment. In addition, the Project could create a new source of shadows, light, or glare which could adversely affect day or nighttime views in the area.

## **Finding**

The new commercial/retail and hotel buildings would alter the visual character of the Project Site to a more intensive developed use, which would contrast with the existing low-rise setting of the area. However, the Project's design features, compatibility with surrounding uses, and consistency with applicable plans and regulations will enhance the aesthetic value of the Project Site. Therefore, the Project would be consistent with the visual character of the surrounding area and no impacts would occur. Reflected light and new light sources, including signage, from the Project would be reviewed and approved by the County of Los Angeles prior to being constructed, and building materials would be required to have low reflectivity; therefore, impacts related to lighting and glare would not occur. There are no shade/shadow sensitive uses located in close enough proximity to the Project Site that would have shadows cast on them; therefore shade/shadow impacts would not occur.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on aesthetics impacts of the Project to less than significant levels.

## **Facts**

Potential aesthetic impacts are analyzed in Section 4.A of the Draft EIR. Development of the Project would include removal of existing minor improvements, excavation to provide to provide for building footings and subterranean parking, and construction of the Project's buildings, which would require construction equipment and workers to be on-site for a period of approximately 36 months (18 months each for Phase 1 and 2). This period would be shorter if Phase 2 construction were to overlap or occur concurrently with Phase 1. While the visual character of the Project Site would be altered during construction, the duration would be temporary and short-term. No visual resources exist on the Site or in the surrounding area. Moreover, constructing fencing would be used which would partially screen construction activities. Therefore, given the temporary, short-term nature of the proposed construction in an existing urbanized setting, impacts related to visual character during construction would be less than significant.

During operation, Project improvements, which would include four one- to two-story commercial/retail buildings on Parcel 1, a six-story hotel on Parcel 2 with a maximum height above finished grade of 72 feet to the rooftop parapet (plus an additional eight feet for with rooftop mechanical equipment), and a six-story hotel of Parcel 3 with a maximum height above finished grade of 72 feet to the rooftop parapet (plus an additional eight feet for rooftop mechanical equipment), would incorporate a modern architectural character, high-quality building materials, articulated exterior facades, landscaping along Gale Avenue and in the Project Site interior, and building setbacks that would be consistent with the commercial frontage along Gale Avenue. Because commercial and industrial development and the 60 Freeway are located in the immediate and surrounding vicinity of the Project, the Project would not substantially change the existing developed character of the area. In addition, the Project would provide pedestrian amenities which do not currently exist along Gale Avenue, as well as on-site pedestrian amenities such as public-use landscaped open space and a promenade linking the Project's hotels to the commercial/retail buildings. These amenities would enhance the aesthetic character of the area.

The two proposed hotel buildings, which are taller than existing development in the immediate vicinity of the Project Site, would be visible from residential neighborhoods south of the Pomona Freeway (SR-60). These views, however, would not be considered to be adversely impacted by the Project since the SR-60 would remain the most immediately visible feature. Through approval of the Project, its uses and proposed buildings will be deemed consistent with the County's General Plan, County Code, Rowland Heights Community Standards District, Rowland Heights Community Plan, and applicable City of Industry general plan and municipal code policies. Therefore, Project impacts related to visual character would be less than significant.

Although night construction and the use of lighting for construction lighting are not anticipated, any potential minor construction light spillover would not impact nearby sensitive uses, due to the immediate proximity of the SR-60 Freeway, which already generates substantial nighttime light. Therefore, artificial light impacts associated with construction would not alter the character of the area or cause a substantial new source

of lighting in the area. Operational lighting for the Project would be in compliance with County lighting and signage standards to minimize potential light-spill onto adjacent property. Moreover, the Project's proposed signs would not change ambient illumination levels in the area due to the already high ambient light conditions and large number of existing point sources. Furthermore, the Project's buildings would utilize a variety of architectural design features and exterior surface treatments designed to be non-reflective or oriented in a way that would result in limited off-site light-spill glare. For these reasons, operational light and glare impacts will be less than significant.

Shade-sensitive uses include residences, school open space areas, public parks and playgrounds, or outdoor sports facilities. In the vicinity of the Project Site, the nearest shade-sensitive uses include the swimming pool and deck for the Best Western hotel to the south, just across Gale Avenue, and the residential neighborhood also to the south, and south of SR-60. However, the Project's new structures would not generate shadows of a sufficient length to be cast on these uses; therefore, although Project implementation would result in new six-story buildings, these buildings would not cast shadows on any off-site sensitive uses. For these reasons, Project impacts related to shade/shadow would be less than significant.

## **2. Biological Resources**

### **Potential Effect**

The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife ("CDFW") or U.S. Fish and Wildlife Service ("USFWS"). The Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the CDFW or the USFWS, or have a substantial adverse effect on federally protected wetland as defined by Section 404 of the Clean Water Act ("CWA"). The Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

## **Finding**

With implementation of the mitigation measures identified by the Draft EIR as well as the Project's conditions of approval, potential impacts to biological resources would be reduced to a less than significant level during construction and operation of the Project.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects, and the biological resources impacts of the Project would be less than significant.

## **Facts**

Potential biological resource impacts are discussed in Section 4.C of the Draft EIR. The Project Site is essentially completely disturbed as a result of past agricultural activities and the current Nogales Street Grade Separation Project construction activities, and is dominated by non-native ruderal plant species.

A single individual of southern California black walnut (CNPS Rank 4) was observed growing within the Project Site's northern drainage channel, among both native willows and non-native shamel ash, castor bean, and an adventitious peach (*Prunus persica*). The CNPS Rank 4 designates plants of limited distribution or infrequent occurrence across a larger area that consequently merit inclusion on a low-level watch list, and removal of one specimen from a highly disturbed location would not be considered an adverse effect to the species. In addition, while plant communities dominated by willows are identified as sensitive habitats by CDFW, the Project Site supports only a few willow trees, which in the past have periodically been removed to allow unimpeded flow within the Project Site's northern drainage channel. None of the remaining vegetation on the Project Site comprises a sensitive plant community. Therefore, Project impacts resulting from construction or operational activities to species identified as a candidate, sensitive, or special status species, or to sensitive natural communities, identified in local or regional plans, policies, and regulations or by CDFW or USFWS, would be less than significant.

The Project Site supports a single drainage that totals approximately 0.40 acres

of CDFW jurisdictional resources, and potentially significant impacts to jurisdictional streambed and associated riparian habitat would result from Project implementation. In addition, as a consequence of constructing a new storm drain segment, the Project Site drainage would no longer support vegetation, including cattails, which is a potentially significant impact on protected wetlands. However, with the implementation of Mitigation Measure MM-BIO-1 which requires the Project Applicant to obtain necessary resource agency permits from the U.S. Army Corps of Engineers (“USACE”), Regional Water Quality Control Board (“RWQCB”), and CDFW, and perform required habitat restoration and/or enhancement to impacted areas, these potentially significant impacts would be reduced to a level of insignificance.

The Project Site does not provide or function as a wildlife movement corridor or linkage because no wildlife habitats can be accessed from the Project location. Consequently, the Project would not impact the movement of any native resident or migratory fish or wildlife species, nor would it interfere with established native resident or migratory wildlife corridors. Therefore, impacts on wildlife movement would be less than significant.

The proposed removal of vegetation at the Project Site could potentially impact nesting bird species during breeding season. However, with the implementation of Mitigation Measure MM-BIO-2, which requires conducting construction activities outside of breeding season and/or conducting surveys of nesting birds to determine if construction activities in the vicinity of the nest need to be postponed, these potentially significant impacts would be reduced to a level of insignificance.

Compliance with all permitting requirements and implementation of the below mitigation measures would reduce all impacts to less than significant levels. The above finding is made subject to the following mitigation measures being made conditions of Project approval so as to mitigate the identified impacts:

#### Mitigation Measures

- MM-BIO-1: Prior to the issuance of any grading permit for permanent impacts in the areas designated as jurisdictional features, the Project Applicant shall obtain a CWA Section 404 permit from the USACE, a CWA Section 401 permit

from the RWQCB, and Streambed Alteration Agreement permit under Section 1602 of the California Fish and Game Code from the CDFW. The Project would impact: 1) 0.035 acres of federal wetland, 0.120 acres of USACE drainage, and an additional 0.089 acres of USACE concrete/grouted riprap for a total of 0.209 acres of USACE jurisdictional resources; and 2) 0.316 acres of CDFW drainage, and an additional 0.089 acres of CDFW concrete/grouted riprap, for a total of 0.405 acres of CDFW jurisdictional resources. The following would be incorporated into the permitting, subject to approval by the regulatory agencies:

- On- or off-site restoration or enhancement of USACE/RWQCB jurisdictional “waters of the U.S.”/“waters of the State” and wetlands at a ratio no less than 1:1 for permanent impacts, and for temporary impacts, restore impact area to pre-Project conditions (i.e., revegetate with native species, where appropriate). Off-site restoration or enhancement at a ratio no less than 1:1 may include the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program within Los Angeles County.
- On- or off-site restoration or enhancement of CDFW jurisdictional streambed and associated riparian habitat at a ratio no less than 1:1 for permanent impacts, and for temporary impacts, restore impact area to pre-project conditions (i.e., revegetate with native species, where appropriate). Off-site restoration or enhancement at a ratio no less than 1:1 may include the purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program within Los Angeles County.
- MM-BIO-2: Prior to the issuance of any grading permit that would require removal of potential habitat for raptor or other bird nests, the Project Applicant shall demonstrate to the satisfaction of the County of Los Angeles that either of the following have been or will be accomplished:
  - Project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which generally runs from February 1-August 31 (as early as January 1 for some raptors) to avoid take of birds

or their eggs. Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86), and includes take of eggs or young resulting from disturbances which cause abandonment of active nests. Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates is warranted.

- If avoidance of the avian breeding season is not feasible, a qualified biologist with experience in conducting breeding bird surveys shall conduct weekly bird surveys beginning 30 days prior to the initiation of Project activities, to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 500 feet of the disturbance area. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of Project activities. If a protected native bird is found, the Project Applicant shall delay all Project activities within 300 feet of on- and off-site suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist could continue the surveys in order to locate any nests. If an active nest is located, Project activities within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, or construction fencing shall be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the Project activities and the nest. Project personnel, including all contractors working on Site, shall be instructed on the sensitivity of the area. The Project Applicant shall provide the Department of Regional Planning the results of the recommended protective measures described above to document compliance with applicable State and federal laws pertaining to the protection of native birds.
- If the biological monitor determines that a narrower buffer between the

Project activities and observed active nests is warranted, he/she shall submit a written explanation as to why (e.g., species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the Project activities and the nest and foraging areas) to the Department of Regional Planning and, upon request, the CDFW. Based on the submitted information, the Department of Regional Planning (and the CDFW, if the CDFW requests) will determine whether to allow a narrower buffer.

- The biological monitor shall be present on Site during all grubbing and clearing of vegetation to ensure that these activities remain within the Project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to Project activities. The biological monitor shall send weekly monitoring reports to the Department of Regional Planning during the grubbing and clearing of vegetation, and shall notify the Department of Regional Planning immediately if Project activities damage active avian nests.

Implementation of these mitigation measures would reduce potential impacts associated with biological resources to less than significant levels.

### **3. Archaeological Resources**

#### **Potential Effect**

The Project would have a potentially significant impact on archaeological resources if it would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines, or disturb any human remains, including those interred outside of formal cemeteries.

#### **Finding**

While no archaeological resources have been identified on the Project Site, there remains the possibility of encountering buried resources during excavations. However,

with implementation of the mitigation measures identified in the Draft EIR, potential archaeological resource impacts from the Project would be reduced to a less than significant level.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on archaeological impacts of the Project to less than significant levels.

## **Facts**

Potential archaeological impacts are assessed in Section 4.D.1 of the Draft EIR. Two historic period archaeological resources (consisting of scattered bricks and concrete foundation chunks) and two built-environment resources (consisting of an asphalt paved road and a wood post and barbed wire fence) were identified during a pedestrian survey of the Project Site; however, due to their lack of integrity, lack of historical association, ineligibility for the California Register, and failure to qualify as unique archaeological resources, they are not considered historical resources under CEQA, and impacts to them are not considered a significant impact on the environment. Therefore, no mitigation is warranted. Thus, the Project would not cause a substantial adverse change in the significance of an archaeological or historical resource, as defined in Section 15064.5 of the State CEQA Guidelines.

Although no prehistoric archaeological resources were encountered during the pedestrian survey of the Project Site, other resources have been recorded nearby, and given the presence of a fresh water resource near the Project Site that would have attracted prehistoric inhabitants to the area, the potential to encounter buried archaeological resources during excavations at the Project Site (which could reach depths of between five and 25 feet below existing grade) is considered moderate to high. Therefore, impacts on unknown or buried archaeological resources are potentially significant. With the implementation of the required mitigation measures, which require the retention of a qualified archaeologist to monitor construction excavations, the cessation of ground-disturbing activities if archaeological resources are unearthed, and the evaluation of any such resources, these potential impacts will be less than significant.

No evidence of human remains within the Project Site or nearby has been identified from records searches or pedestrian surveys. However, these findings do not preclude the existence of previously unknown human remains located below the ground surface that may be encountered during construction excavations associated with the Project. With the implementation of the required mitigation measures, which require the cessation of ground-disturbing activities if human remains are found, and, if necessary, consultation with the County Coroner and the Native American Heritage Commission, these potential impacts will be less than significant.

Compliance with all permitting requirements and implementation of the below mitigation measures would reduce all impacts to less than significant levels. The above finding is made subject to the following mitigation measures being made conditions of Project approval so as to mitigate the identified impacts:

#### Mitigation Measures

- MM- ARCHAEO-1: The Applicant shall retain a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards to oversee an archaeological monitor who shall be present during construction excavations such as clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project. The frequency of monitoring shall be determined by the archaeological monitor based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus fill or young versus old soils), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Excavations into the Puente/Monterey Formation are not required to be monitored by the archaeologist since these sediments are too old to contain archaeological resources. Full-time field observation can be reduced to part-time inspections or ceased entirely if determined appropriate by the qualified archaeologist.
- MM-ARCHAEO-2: In the event that archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 25 feet shall

be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by a qualified archaeologist. The developer shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources if they are determined to be potentially eligible for the California Register or potentially qualify as unique archaeological resources pursuant to CEQA. The treatment plan may include preservation in place (if feasible) and/or the implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. The developer, in consultation with the archaeologist and the County, shall designate repositories that meet State standards to curate the archaeological material recovered. Project material shall be curated in accordance with the State Historical Resources Commission's Guidelines for Curation of Archaeological Collections.

- MM-ARCHAEO -3: The archaeological monitor shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted by the Applicant or developer to the County, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures. The report shall include a description of resources unearthed, if any, treatment of the resources, and evaluation of the resources with respect to the California Register.
- MM-ARCHAEO-4: If human remains are encountered unexpectedly during implementation of the Project, State Health and Safety Code Section 7050.5 requires that no further disturbance occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the developer, inspect the site of the discovery of the Native American remains and

may recommend means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete inspection and make a recommendation within 48 hours of being granted access by the developer to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Upon the discovery of the Native American remains, the developer shall ensure that the immediate vicinity where the Native American human remains are located, according to generally accepted cultural or archaeological standards or practices, are not damaged or disturbed by further development activity until the developer has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The developer shall discuss all reasonable options with the descendants regarding the descendants' preferences for treatment.

Whenever the NAHC is unable to identify an MLD, or the MLD identified fails to make a recommendation, or the developer or the authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of Public Resources Code Section 5097.94, if invoked, fails to provide measures acceptable to the developer, the developer or authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

Implementation of these mitigation measures would reduce potential impacts associated with archaeological resources to less than significant levels.

#### **4. Paleontological Resources**

##### **Potential Effect**

The Project would have a potentially significant impact on paleontological resources if it would directly or indirectly destroy a unique paleontological resource or

site, or if the Project Site contains rock formations indicating potential paleontological resources.

## **Finding**

While no paleontological resources have been identified on the Project Site, there remains the possibility of encountering buried resources during excavation activities. With implementation of the mitigation measures identified in the Draft EIR, potential paleontological resource impacts from the Project would be reduced to a less than significant level.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on archaeological impacts of the Project to less than significant levels.

## **Facts**

Paleontological resources and potential impacts are discussed in DEIR Section 4.D.2 and Appendix C-2. While no known paleontological fossil localities have been identified at the Project Site through a records search and a pedestrian survey, other localities which have produced a collection of fossil marine vertebrates have been recovered in the vicinity of the Project within the Monterey/Puente Formation, which also underlies the Project Site. The Geotechnical Report and Updated Geotechnical Report (collectively, the "Geotechnical Reports"), which are included as Appendices D-1 and D-2 to the Draft EIR, indicated that bedrock of the Monterey Formation can be found at the Project Site at depths of 4.5 to 47± feet below the ground surface, and based on the proposed excavation to depths between 5 and 25 feet below existing grade at the Project Site, a potential exists to encounter paleontological resources during the Project's construction excavations. This is a potentially significant impact. However, with implementation of the required mitigation measures, which require retention of a qualified paleontologist to monitor excavation activities, and redirection/diversion of grading activities if potential fossil resources are identified, these potential impacts will be reduced to a level of insignificance.

Compliance with all conditions of approval and implementation of the below

mitigation measures would reduce all potential paleontological resource impacts to less than significant levels.

### Mitigation Measures

- MM- PALEO-1: A qualified paleontologist shall be retained to develop and implement a paleontological monitoring program for construction excavations that would encounter the Puente/Monterey Formation. The paleontologist shall attend a pre-grading/excavation meeting to discuss a paleontological monitoring program. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The qualified paleontologist shall supervise a paleontological monitor who shall be present during construction excavations into the Puente/Monterey Formation. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be determined by the paleontologist and shall be based on the rate of excavation and grading activities, proximity to known paleontological resources or fossiliferous geologic formations, the materials being excavated (native sediments versus artificial fill), the depth of excavation, and if found, the abundance and type of fossils encountered. Full-time field observation can be reduced to part-time inspections or ceased entirely if determined appropriate by the qualified paleontologist.
- MM-PALEO-2: If a potential fossil is found, the paleontological monitor shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. A buffer area of at least 25 feet shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the paleontologist's discretion, and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing and/or removal. Any fossils encountered and recovered shall be prepared to the point of identification and

catalogued before they are curated. Any fossils collected shall be curated at a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a private research institute or local school in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository.

- MM-PALEO-3: The paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, and descriptions of the fossils collected and their significance. The report shall be submitted by the Project Applicant to the Lead Agency and the Natural History Museum of Los Angeles County, and other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

Implementation of these mitigation measures would reduce potential impacts associated with paleontological resources to less than significant levels.

## **5. Geology and Soil Resources**

### **Potential Effect**

The Project Site is located within a seismically active region, and during a moderate or major earthquake occurring close to the site, Project improvements could be subject to hazards associated with seismically-induced ground shaking, as well as soil liquefaction. In addition, hazards associated with expansive soils and cut and fill stability could potentially occur as a result of the construction of the Project.

A related issue, erosion, is addressed in Section 4.G, Hydrology and Water Quality, of the Draft EIR, and discussed below in these findings.

### **Finding**

With implementation of the recommendations identified in the Geotechnical Reports, which are included as Appendices D-1 and D-2 to the Draft EIR, potential

geotechnical and soil resource impacts from the Project would be reduced to a less than significant level by designing and constructing the Project's structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the California Building Code ("CBC") and the Los Angeles County Building Code ("LACBC") provisions regarding seismic safety and design requirements for foundations, retaining walls/shoring and excavation.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on geology and soil resources impacts of the Project to less than significant levels.

## **Facts**

Geotechnical and Soils Resource impacts are discussed in Section 4.E of the Draft EIR, and are fully analyzed in the Geotechnical Reports (Appendices D-1 and D-2 of the Draft EIR). The Geotechnical Reports provide the results of testing soil samples taken from the Project Site to determine their selected physical and engineering properties, as well as design recommendations based on a review of a conceptual grading plan, a Project Site reconnaissance, and a description of the Project.

All activities associated with the grading and export of soil at the Project Site, along with all development of the Project Site, would be undertaken pursuant to applicable codes and regulations, including the County Building Code, as well as applicable regulations established by the Los Angeles County Department of Public Works ("LACDPW") Geotechnical and Materials Engineering, Building and Safety, and Land Development Divisions. In addition, specific recommendations of the Geotechnical Reports will be incorporated into the Project. Prior to issuance of a grading permit, a qualified geotechnical engineer would be required to submit a final geotechnical report with recommendations for seismic safety and design requirements for foundations, retaining walls/shoring and excavation. Further, a qualified geotechnical engineer would be required to be present on the Project Site during excavation, grading, and general site preparation activities to monitor implementation of the recommendations specified in the Geotechnical Reports and final geotechnical report, as well as other recommendations that may be made in subsequent

geotechnical reports prepared for the Project, subject to County of Los Angeles review and approval.

The Project Site is not located within a designated Alquist-Priolo Earthquake Fault Zone, and as such, the potential for surface rupture due to faulting occurring beneath the Project Site is considered low. Furthermore, based on the analysis of borings and other information related to the Project Site, proposed development would not be affected by ground rupture resulting from earthquake faulting. Impacts with respect to fault rupture would therefore be less than significant. While not located within a fault zone, there are several local and regional faults ranging from approximately 3.5 to over 50 miles away from the Project Site. Because of potential ground shaking in the region, the design and construction of the Project's buildings will be required to conform to the current seismic design provisions of the 2013 CBC and LACBC. In addition, the recommendations of the Geotechnical Reports require that, prior to issuance of a grading permit, final structural and foundation designs should be reviewed by a qualified geotechnical engineer and professional structural engineer to determine whether a motion study would be required. With the implementation of these recommendations, impacts related to ground shaking and seismicity would be less than significant.

Liquefaction is the loss of soil strength induced by a seismic event. The Project Site is within the Zone of Required Investigation for Liquefaction, as shown on the California Geological Survey's ("CGS") Seismic Hazard Zone Maps for the Baldwin Park, El Monte, La Habra, San Dimas, and Yorba Linda Quadrangles (CGS 2011), and is also located within a designated Seismically Induced Liquefaction Zone. As such, liquefaction is considered to be a potential design concern for the Project's buildings. These concerns would be addressed by the recommendations of the Geotechnical Reports, which would ensure design compliance with applicable regulatory requirements related to potential site-specific liquefaction. Therefore, liquefaction impacts, including seismic shaking in liquefiable areas and potential settlement related to liquefaction, would be less than significant.

Due to the significant amount of grading expected to be performed and the potential for expansive soils, the Geotechnical Reports concluded that the finished Project Site would possess a medium expansion potential. If expansive soil conditions

are determined to exist subsequent to grading, corrective actions proposed by a qualified geotechnical engineer and the LACDPW would be implemented. With the implementation of these recommendations, impacts related to expansive soils would be less than significant.

The remedial grading proposed for the Project Site, as recommended by the Geotechnical Reports, would provide a blanket of compacted fill beneath the building foundations and floor slabs that would soften the cut/fill transitions and geologic contacts occurring at building pad and foundation bearing grades, and would reduce the potential for differential settlement across cut-fill transitions. With the implementation of this design feature, impacts with respect to differential settlement would be less than significant.

All cut and fill areas would be shored and compacted in accordance with applicable provisions of the CBC, as incorporated into the LACBC and LACBC Appendix J, which establishes standards for grading activities and requires on-site inspection for all temporary and permanent graded areas and slopes, including foundation excavations. With proposed remedial grading and compliance with CBC and LACBC Appendix J regulations, as enforced by the County of Los Angeles, impacts related to cut and fill stability would be less than significant.

#### Regulatory Compliance Measures

- Proposed structures shall be designed in conformance with the requirements of the 2013 California Building Code and the County of Los Angeles Building Code, as well as applicable regulations established by the Los Angeles County Department of Public Works Geotechnical and Materials Engineering, Building and Safety, and Land Development Divisions.
- Proposed structures shall be designed in conformance with all recommendations included in the Geotechnical Report and Updated Geotechnical Report included in Appendices D-1 and D-2 to the Draft EIR.
- Prior to issuance of a grading permit, a qualified geotechnical engineer shall prepare and submit to the Los Angeles County Department of Public Works a final geotechnical report that provides recommendations for all foundations,

retaining walls/shoring and excavation to meet applicable State and County regulatory requirements.

Conformance with these regulatory compliance measures would reduce potential impacts associated with geology and soils resources to less than significant levels.

## **6. Greenhouse Gases**

### **Potential Effect**

Implementation of the Project would directly or indirectly result in increased greenhouse gas emissions (“GHG”) associated with the construction and operation of the Project, including energy consumption and water usage, and vehicle trips to and from the Project. Construction and operation of the Project could potentially conflict with applicable GHG emissions reduction plans, policies, or regulations.

### **Finding**

Construction and operation of the Project would generate new direct and indirect GHG emissions; however, the increase in annual GHG emissions would be consistent with the Los Angeles County Community Climate Action Plan (“CCAP”). Moreover, construction and operation of the Project would not conflict with applicable GHG emissions reductions plans, policies, or regulations. As a result, construction and operation of the Project would not have a significant impact with respect to GHG emissions.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on GHG emissions impacts of the Project to less than significant levels.

### **Facts**

The GHG emissions generated by the construction and operation of the Project, as well as the Project’s consistency with the applicable regulations, plans, and policies set forth by the State of California and the County to reduce GHGs, are analyzed in Section 4.F of the Draft EIR. The Project Site currently is mostly undeveloped and

generates no appreciable man-made emissions. Thus, all development for the Project would be considered new emissions.

The Project's significance with respect to GHG emissions was evaluated based on its consistency with the applicable GHG reduction strategies in the CCAP, in accordance with State CEQA Guidelines Section 15183.5, which specifies that project-level evaluation of GHG emissions can "tier off" a programmatic CEQA analysis of GHG emissions such as the EIR prepared for the County's General Plan and CCAP. Projects that demonstrate consistency with applicable CCAP actions can be determined to have a less than significant cumulative impact on GHG emissions and climate change. Specific CCAP strategies that the Project is consistent with are detailed in Section 4.F of the Draft EIR, and include green building standards, solar readiness, bicycling infrastructure, electrical vehicle infrastructure, water conservation, and waste reduction.

Total GHG emissions from the Project have also been quantified to provide information to decision makers and the public regarding the level of the Project's annual GHG emissions. Construction emissions were forecasted by assuming a conservative estimate of construction activities (i.e., assuming all construction occurs at the earliest feasible date) and applying mobile source emissions factors. The emissions are estimated using the California Emissions Estimator Model ("CalEEMod") based on the proposed construction schedule, and equipment types and activity levels provided as default values in CalEEMod. In accordance with the South Coast Air Quality Management District's ("SCAQMD") guidance, GHG emissions from construction have been amortized over the 30-year lifetime of the Project (i.e., total construction GHG emissions were divided by 30) and are included in the annualized operational GHG emissions.

Mobile source emission calculations associated with operation of the Project were also calculated using the CalEEMod model. In calculating mobile-source emissions, the trip length values for the Project are based on CalEEMod provided defaults for the relevant land uses (hotel, office, retail, and restaurant land uses). Since GHG emission impacts are assessed on an annual basis, the average daily vehicle miles traveled (VMT) for each land use were multiplied by the number of days each land use would be in operation in a year. The Project would be located in close proximity to

existing and future public transit stops, which would result in reduced vehicle trips and VMT, as compared to emissions that would occur for greenfield projects without close access to off-site destinations and public transit stops. As such, as compared to a greenfield development, the Project would result in a reduction in transportation-related emissions.

Other GHG emissions resulting from energy usage, water and wastewater usage, solid waste handling, and equipment used during operation (e.g., landscaping equipment) were all calculated using CalEEMod, and included in the Project's annual GHG emissions, which were calculated at 10,790 metric tons of carbon dioxide equivalent (CO<sub>2</sub>e) per year. Detailed GHG emissions calculations are provided in Appendix E of the Draft EIR.

To provide a quantitative metric for describing the level of GHG reductions incorporated into the Project, the Project's maximum annual net GHG emissions resulting from motor vehicle, energy (i.e., electricity, natural gas), water conveyance, and waste sources were calculated for year 2020, and then compared to a "business as usual" ("BAU") scenario – that is, GHG emissions that would occur as a result of development of the Project without the reductions from project design features, mitigation measures, or state and local GHG reduction policies and strategies. This comparison shows that the Project would reduce its emissions by approximately 17 percent as compared to the BAU scenario. This reduction demonstrates consistency with GHG reduction policies and goals set forth in California Assembly Bill 32 (the California Global Warming Solutions Act of 2006) ("AB 32") and the State's Climate Change Scoping Plan ("Scoping Plan").

In addition to the Project's consistency with the CCAP, as well as the GHG reduction targets established by AB 32 and the Scoping Plan, the construction and operation of the Project would not conflict with any applicable GHG emissions reductions plans, policies, or regulations.

The Project incorporates Project Design Feature PDF-AQ-1 that would reduce GHG emissions by increasing energy-efficiency beyond Title 24 requirements, reducing indoor and outdoor water demand, and use of energy-efficient appliances and equipment. The Project would also incorporate characteristics that would reduce

transportation-related GHG emissions by locating Project-related jobs and retail, restaurant, and recreational uses near complementary commercial uses and within one-quarter mile of transit, thereby encouraging alternative forms of transportation and pedestrian activity. As detailed in Table 4.F-6 of the Draft EIR, these Project characteristics would be consistent with, and not conflict with, various GHG-related plans, policies, regulations, including AB 1493 (Pavley Regulations), SB 1368, Low Carbon Fuel Standards, California Green Building Standards Code Requirements, Climate Action Team policies and recommendations, the Los Angeles County Green Building Ordinance, and the Los Angeles County Low Impact Development (“LID”) Standards. Accordingly, since the Project would implement Project Design Features intended to achieve the equivalent of LEED® Silver Certification and would incorporate water conservation, energy conservation, tree planting, and other features consistent with the County’s Green Building Standards Code, the Project would not conflict with any applicable plan, policy, or regulation to reduce GHG emissions and impacts would be less than significant.

Executive Orders S-3-05 and B-30-15 are orders from the State’s Executive Branch for the purpose of reducing statewide GHG emissions. Executive Orders S-3-05’s goal to reduce GHG emissions to 1990 levels by 2020 was codified by the Legislature as AB 32. As analyzed above, the Project is consistent with AB 32. Therefore, the Project does not conflict with this component of the Executive Orders. The Executive Orders also establish the goals to reduce GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. These goals have not yet been codified. However, the Scoping Plan identifies a cap-and-trade program as one of the strategies for California to reduce GHG emissions. CARB has subsequently designed and implemented a cap-and-trade program that will help put California on the path to meet its goal of reducing GHG emissions to 1990 levels by the year 2020 and ultimately achieving an 80 percent reduction from 1990 levels by 2050. As of January 1, 2015, the state’s cap-and-trade program covered approximately 85 percent of California’s GHG emissions.

Although the Project’s emissions levels in 2020 and 2050 cannot yet be reliably quantified, Statewide efforts are underway to facilitate the State’s achievement of those

goals and it is reasonable to expect the Project's calculated emissions level (10,790 metric tons of CO<sub>2</sub>e per year) to decline as the regulatory initiatives identified by CARB are implemented, and other technological innovations occur. Put another way, the Project's emissions total at build-out represents the maximum emissions inventory for the Project as California's emissions sources are regulated (and are foreseeably expected to continue to be regulated in the future) in furtherance of the State's environmental policy objectives. As such, given the reasonably anticipated decline in Project emissions once fully constructed and operational, the Project is consistent with the Executive Orders' goals.

For the above reasons, the Project's potential GHG impacts would be less than significant.

#### Project Design Features

- PDF-AQ-1: The Project would be designed and operated to meet or exceed the applicable requirements of the State of California Green Building Standards Code and achieve the equivalent of USGBC LEED® Silver Certification. These measures would also include consistency with Los Angeles County Green Building Standards and Low Impact Development requirements. The Project would incorporate measures and performance standards which include but are not limited to the following:
  - The Project would implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of nonhazardous construction debris or minimize the generation of construction waste to 2.5 pounds per square foot of building floor area.
  - The Project would be designed to optimize energy performance and reduce building energy cost by 10 percent for new construction compared to ASHRAE 90.1-2010, Appendix G, and the Title 24 Building Standards Code.
  - The Project would reduce indoor water use by a minimum of 35 percent by installing water fixtures that exceed applicable standards.

This required project design feature will ensure that potential impacts associated with GHG emissions are reduced to less than significant levels.

## **7. Hydrology and Water Quality**

### **Potential Effect**

The Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Project during construction. The Project's post-development activities could potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require National Pollution Discharge Elimination System ("NPDES") permit compliance.

### **Finding**

Construction of new drainage improvements and implementation of the identified best management practices ("BMPs") in compliance with all regulatory requirements in accordance with the requirements of the Los Angeles County Department of Public Works ("LACDPW") and Regional Water Quality Control Board ("RWQCB") would reduce the Project's potential erosion, sedimentation, and water quality impacts to less than significant levels. Therefore, impacts related to hydrology and water quality would be less than significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on hydrology and water quality impacts of the Project to less than significant levels.

### **Facts**

Hydrology, water quality, and erosion impacts are discussed in section 4.G of the Draft EIR, and analyzed in the Draft EIR's Hydrology Report (Appendix F of the Draft EIR) and Geotechnical Reports (Appendices D-1 and D-2 of the Draft EIR).

### *Water Quality*

Construction of the Project would involve site preparation activities, including excavation and grading, that would temporarily alter the existing drainage patterns and water flows within the Project Site. In addition, exposed and stockpiled soils could be subject to erosion and conveyance into nearby storm drains during storm events. As the Project Site is greater than one acre, the Project developer would be required to obtain an NPDES General Construction Activity Permit, and prepare and implement a Stormwater Pollution Prevention Plan (“SWPPP”), which would specify BMPs and erosion control measures to be used during construction that would address both runoff conditions and potential pollution. The Project would also fully channelize the existing on-site partially channelized storm drain, and these construction efforts would be subject to the same SWPPP requirements as the Project as a whole. Implementation of the BMPs would ensure the quality of stormwater runoff leaving the developed Project area would meet all regulatory standards and maintain the beneficial uses of the San Jose Creek and its downstream waters.

The Project’s addition of impervious surface area and the associated increase in peak runoff volumes could contribute to a potentially adverse impact on surface water quality. However, the Project developer would be required to prepare and implement structural BMPs to be incorporated into the design to address stormwater runoff water quality. Such BMPs would include source control BMPs to prevent pollutants from entering into stormwater discharges and treatment control BMPs to remove pollutants from stormwater discharges. In addition, operation and maintenance measures would be implemented per the County low impact development (“LID”) requirements to ensure that the BMPs continue to operate properly for the life of the Project.

In summary, the Project would not increase the level of pollutants entering the stormwater system when compared to existing conditions. Further, the required BMPs have been developed to avoid exceeding the standards of SWPPP and County LID requirements; therefore, through implementation of the BMPs, the Project would meet the applicable water quality requirements, including the County LID Ordinance. The Project would not increase stormwater flows or otherwise result in substantial erosion or siltation. The treated runoff would continue to enter the same drainage system as

currently exists and therefore would not alter the direction or movement of potential contaminants that may be present in the runoff. Lastly, the full channelization of the existing on-site storm drain would not result in a significant impact to biological resources. As a result, the Project's construction and operational water quality impacts would be less than significant.

#### *On- and/or Off-site Flooding*

During the entirety of the construction process, stormwater from the Project Site would continue to flow entirely to the existing storm drain system, which is channelized except for the segment traversing the Project Site. Therefore, the Project would not cause changes in drainage patterns that could increase off-site flooding conditions.

Following construction of the Project, stormwater runoff volumes during a 50-year storm event would increase to the existing storm drain system's "Line B", and be reduced to the existing system's "Line A". The Project's reduction in flow volumes to Line A would not exceed the capacity of the storm drain system, and because the entirety of Line A and its downstream water bodies are fully channelized or otherwise stabilized, the Project's reduced flow volumes would not result in substantial downstream erosion or flooding. With regard to Line B, the Hydrology Report concluded that runoff flows to Line B would increase by 12.9 cubic feet per second (cfs), to 28.9 cfs, during a 50-year storm event. This volume exceeds the County-permitted runoff volumes of 23.4 cfs by 5.5 cfs during the 50 year storm event, and if undetained, this volume of flow could exceed the capacity of the Line B storm drain system and potentially result in substantial downstream siltation, erosion, or flooding. However, by incorporating County-approved structural BMPs designed to temporarily detain any such excess flows from the Project Site, downstream peak flow rates would be unaffected and would not exceed the capacity of existing or planned stormwater drainage systems. As a result, the Project would result in a less than significant impact with regard to drainage patterns and stormwater drainage design.

Development of the Project Site as proposed would reduce the potential for sediment to enter stormwater flows because hardscapes and other landscaped areas effectively disperse rainfall energy and stabilize sediments. Furthermore, no potential

exists for downstream erosion since Gale Avenue is paved and the remainder of the stormwater system is contained within the subterranean storm drain pipes until its confluence with San Jose Creek, which is tributary to the San Gabriel River. As such, the Project would not result in substantial sedimentation, erosion or siltation on- or off-site, and Project impacts would be less than significant.

No mitigation measures are required; however, the Project shall incorporate the Best Management Practices as identified in Section 4.G of the Draft EIR and the Hydrology Report included in Appendix F of the Draft EIR. As a result, potential impacts relating to hydrology and water quality would be less than significant.

## **8. Land Use and Planning**

### **Potential Effects**

The Project could be deemed inconsistent with applicable County planning and zoning regulations for the Project Site, including, but not limited to, the General Plan, specific plans, local coastal plans, area plans, community/neighborhood plans, and the County's zoning ordinance as applicable to the Project Site. In addition, the Project could be deemed inconsistent with relevant regional planning efforts and policies. Such inconsistencies, if severe enough, could potentially result in a significant physical impact on the environment.

### **Finding**

Following a review of applicable adopted plans and policies that regulate land use on the Project Site, the Project is found to be consistent with these applicable land use policies, plans, and ordinances. Therefore, no significant impacts regarding land use and planning exist.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on land use and planning impacts of the Project to less than significant levels.

### **Facts**

The majority of the Project Site, approximately 14.06 acres, is located within

unincorporated Los Angeles County in the community of Rowland Heights; the northernmost approximately 0.79 acres, which represents a vacated (c. 1983) segment of Railroad Street south of the UPRR/Metrolink tracks, is located within the City of Industry. Because the only improvement proposed on the 0.79-acre portion of the Project Site located in the City of Industry is a surface parking lot, which is a use contemplated and allowed by the City's planning and zoning regulations, a comprehensive comparison of the Project to City of Industry planning documents is not warranted.

The Southern California Association of Governments ("SCAG") has developed the 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS"), which provides a guiding vision for development in the Southern California region, as well as a basis for planning infrastructure improvements. In conformance with the policies of the RTP/SCS, the Project would encourage economic development by providing a mix of commercial uses on the underdeveloped Project Site that is well served by an existing transportation network, including public transportation options to provide an alternative to private automobiles. Further, the Project would maintain the pedestrian environment along Gale Avenue and improve pedestrian accessibility across the Project Site. The Project would also implement design features and mitigation measures to reduce air quality impacts, including the incorporation of energy-saving features (see Sections 4.B, Air Quality, and 4.F, Greenhouse Gas Emissions, of the Draft EIR), while active transportation, including pedestrian connections and close proximity to transit options, would encourage alternative transit modes and improve air quality. Accordingly, no significant impacts with respect to RTP/SCS policies would occur.

SCAG has also produced the Compass Growth Vision Report, which encourages focusing new growth in existing and emerging centers and along major transportation corridors, as well as creating significant areas of mixed-use development and walkable communities. The Project would improve mobility for all residents by providing an infill development along established transportation corridors, as well as in proximity to transit options and existing housing. Moreover, the Project would incorporate the design standards of the Rowland Heights Community Standards District ("CSD") and provide

pedestrian walkways and landscaped setbacks to provide a “people-scaled” project. Lastly, the Project would include sustainability features in accordance with the County’s Green Building Program to reduce energy consumption, reduce GHG emissions, and reduce pollution. Accordingly, no significant impacts with respect to Compass Growth Vision Report policies would occur.

The Project, as an infill commercial development on an underutilized parcel that would maximize the efficient use of water, energy, and resources, is consistent with a significant number of policies and goals of the County’s General Plan General Goals and Policies, as set forth in Draft EIR Table 4.H-3. Moreover, as detailed in Tables 4.H-4 and 4.H-5 of the Draft EIR, the Project is consistent with applicable policies of the General Plan’s land use, conservation and open space, transportation, and economic development chapters, as well as with the County’s bicycle master plan, as well as with the Rowland Heights Community Plan’s goals and policies regarding growth and development, beautification of commercial areas and highways, safety, and noise. Specifically, through approval of the requested entitlements, the Project will be deemed consistent with nearby uses, while its design has been developed to be compatible with the scale of existing development in the vicinity of the Project Site. The Project’s commercial uses will allow nearby residents to access desired goods and services, and will facilitate access to these goods and services via transit and other non-automotive forms of travel. The Project’s energy efficiency features will support conservation efforts, and the Project will not contribute to any water quality impacts. Moreover, the Project’s design, open space, and landscaping features will contribute to a beautification of the Project Site.

With approval of the requested Conditional Use Permits (“CUPs”), the Project’s proposed commercial uses (retail, restaurant, and office commercial condominiums) would be consistent with the permitted uses in the M-1.5 zone, including the sale of alcoholic beverages. However, because hotels are a prohibited use in the M-1.5-BE zone, the Project Applicant is requesting a Zone Change to designate Parcels 2 and 3 as C-3-DP (Unlimited Commercial-Development Program). The “-DP” portion of the proposed zoning designation indicates that a Development Program is also being sought by the Project Applicant in association with the proposed Zone Change to

establish the development parameters for hotel development on Parcels 2 and 3, which would allow the hotel buildings to reach six stories and up to 72 feet in height above finished grade (to the rooftop parapet), and have a floor area ratio (FAR) of up to 1.55:1. All other Project buildings would comply with the applicable development standards of the M-1.5 or C3 zone and the CSD, including height, FAR, lot coverage, setbacks, and signage.

Approval of the Project's requested CUPs would be in conformance with the County zoning ordinance's requirement that the proposed development is compatible with surrounding uses. Specifically, hotel uses generally are compatible with the type of commercial uses that surround the Project, given the similar activity levels during the day and the fact that commercial uses usually do not operate at night. In addition, by creating a buffer between the proposed buildings and existing adjacent development, the Project would reduce the massing appearance of the Project. Furthermore, the Project's proposed courtyards and paths would create an open feel on the Project Site and improve pedestrian circulation between the Site and the adjacent Rowland Heights Shopping Center. As a result, the Project's proposed commercial uses would not only be compatible with, but would complement, the Rowland Heights Shopping Center.

In addition, the Project's proposed hotel and commercial uses are similar in use, scale, and design to the three-story Best Western Plus Executive Inn hotel located directly across Gale Avenue, which has perimeter surface parking and landscaping, as well as Mandarin Plaza Shopping center which is located to the southeast. By maintaining the existing sidewalk and providing a landscaped setback along Gale Avenue, the Project would maintain the existing pedestrian network in the vicinity. The landscaped setback, walkways, ground-level store fronts, and Project design would also help activate this portion of Gale Avenue and create a more pedestrian-friendly environment.

Given the proposed similar uses and massing consistent with uses in the area, the Project would be compatible with the surrounding business and light industrial park setting, as well as with the existing hotel and shopping centers in the area. In summary, Project uses and building designs are consistent and compatible with land uses in the vicinity. Moreover, given the above-described conformance with applicable planning

and land use policies, goals, and regulations, the Project would not result in significant impacts associated with consistency with regulatory land use plans and guidelines. Therefore, no mitigation measures would be required.

## 9. **Noise**

### **Potential Effects**

On-site and off-site construction noise impacts associated with construction equipment and construction traffic could increase ambient noise at nearby sensitive receptors, creating a significant impact. Noise generated during Project operation by vehicular traffic, mechanical equipment, and loading dock activities could result in a substantial permanent increase in ambient noise levels in the Project vicinity. Ground-borne vibration during construction and operation could significantly impact surrounding structures.

### **Finding**

With the Project's required Project Design Features and mitigation measures, neither on-site construction noise impacts nor off-site construction traffic noise impacts would exceed established thresholds at nearby noise-sensitive receptor locations. Therefore, construction-related noise impacts would be less than significant. During operation, with the Project's required Project Design Features, stationary noise sources associated with the Project would not expose off-site sensitive receptors to a noticeable noise level increase, and the Project's proposed hotel uses would not be significantly impacted by the existing noise environment; therefore, operational noise impacts would be less than significant. Ground-borne vibration during construction and operation of the Project would not exceed established thresholds or generate excessive vibration levels for nearby sensitive receptors. Therefore, construction and operation vibration impacts would be less than significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on construction and operational noise impacts of the Project to less than significant levels.

## Facts

The noise analysis contained in Section 4.1 and Appendix G of the Draft EIR studied noise impacts on sensitive receptors proximate to the Project site from construction and operational noise from both stationary and mobile sources.

Implementation of the Project would result in noise from construction equipment and construction traffic, and vibration from construction activities, while operational noise would result from both stationary and mobile (traffic) sources. The noise-sensitive uses nearest to the Project Site include the Best Western Plus Executive Inn hotel (located approximately 90 feet south of the Project Site, across Gale Avenue) and nearby residential uses (including the Rowland Heights Mobile Estates mobile home park located approximately 300 feet to the south of the Project Site and separated from the site by the SR-60, and single-family residential neighborhoods located a minimum of 300 feet southwest of the site, accessed from Colima Road).

The County of Los Angeles has established presumed ambient noise levels for specific land use types. The applicable standards for the commercial Project Site are 55 dB from 10:00 PM to 7:00 AM (nighttime) and 60 dB from 7:00 AM to 10:00 PM (daytime). As detailed in the Draft EIR Appendix G, the existing ambient noise levels are representative of a noisy built environment (including a major freeway and active rail lines), and exceed the County's presumed ambient noise levels at all of the studied locations.

Construction equipment anticipated to be used for the Project would generate maximum typical noise levels (measured at 50 feet) between 75 and 85 dbA (Lmax). These noise levels would attenuate at greater distances and fall below the County's significance thresholds for the single-family residential uses located 300 feet or more from the Project Site. However, estimated construction noise levels measured at 90 feet would exceed the County's 70 dBA Leq significance threshold for hotel uses, creating a potential significant construction noise impact at the nearby Best Western Plus Executive Inn hotel. Mitigation Measure MM-NOISE-1 requires use of a temporary noise barrier between the Project Site and the Best Western hotel that will achieve sound level reductions of at least 9 dbA; therefore, these potential impacts will be reduced to a level of less than significant.

Material delivery truck trips would occur throughout the construction period. In addition, truck haul routes would comply with approved truck routes designated by the County. There would be a maximum of approximately 33 haul truck trips per day. The truck trips would generate noise levels of approximately 39 dBA (Leq) at a distance of 25 feet along Gale Avenue. Off-site haul truck trip would not exceed the 85 dBA significance threshold for transient lodging at the Best Western Plus Executive Inn hotel, and would not exceed any significance threshold for any other nearby sensitive receptor. Therefore, off-site project construction noise impacts would be less than significant.

Project-related increases in traffic during operation would result in an incremental increase in existing noise levels along various arterial segments adjacent to the Project. The maximum increase in Project-related traffic noise levels over existing traffic noise levels would be 1.7 dBA, which would occur along Gale Avenue, between Nogales Street and the proposed primary entrance driveway. This increase would be well below the 5 dba CNEL significance threshold, and would not be a perceptible increase in ambient noise levels. Therefore, during operation, Project-related traffic would not cause substantial increases in existing noise levels at the studied locations, and impacts would be less than significant.

During operation, Project-related mechanical equipment such as air conditioners, fans, and related equipment may generate audible noise levels. Project Design Feature PDF-NOISE-2 requires an acoustical analysis of the mechanical plans of the proposed building so that all mechanical equipment would be designed with appropriate noise control devices, such as sound attenuators, acoustics louvers, or sound screen/ parapet walls. Therefore, operation of mechanical equipment would not exceed the Project thresholds of significance and impacts would be less than significant.

Additional noise may be generated by use of the Project's open spaces, including a commercial common area as well as hotel-related pool, lounge, and common areas. However, due to the orientation of the Project's open spaces and pool/lounge areas and distance from nearby sensitive receptors, noise associated with the use of these areas would be less than significant.

Loading dock truck movements and loading/unloading operations would generate

noise levels of approximately 71 dbA (Leq) at a distance of 50 feet, which would attenuate to approximately 65 dbA at the Best Western Plus Executive Inn hotel located approximately 100 feet away from the loading dock. This noise level would not cause the existing daytime ambient noise level of 79 dBA to increase by the 5 dBA significance criterion; therefore, noise impacts to this nearby sensitive receptor would be less than significant.

Automobile movements in the Project's parking areas would generate a noise level of approximately 65 dBA at a distance of 25 feet, while car alarm and horn noise events would generate sound levels as high as 83 dBA at a reference distance of 25 feet. However, parking-related noise would be reduced to 71 dBA at the Best Western Plus Executive Inn hotel located approximately 100 feet away from the Project's parking areas, which would not exceed the nighttime average noise level of 79 dBA by 10 dBA. Therefore, operational parking-related noise impacts would be less than significant.

Furthermore, a composite evaluation of noise from all Project operational noise sources was conducted to conservatively ascertain the potential maximum Project-related noise level increase that may occur at the noise-sensitive receptor locations. Overall, relative to the existing noise environment, the Project is estimated to increase the ambient noise level at Best Western Plus Executive Inn hotel by less than 3 dBA, which is a less than significant margin. Composite noise level increases at all other sensitive receptor locations would be less than significant as well, given their greater distance from the Project Site and the presence of intervening structures. As such, the composite noise level impact due to the Project's future operations would be less than significant.

The Project would locate hotel units, which are considered new noise-sensitive uses, on the Project Site. As indicated by the noise measurement data presented in Appendix G of the Draft EIR, the proposed hotel uses would be exposed to exterior noise levels that currently exceed the State of California's land use compatibility standard of 70 dBA CNEL for transit lodging uses, resulted in a normally unacceptable condition. Noise insulation features should therefore be included in the design of the Project's hotels. Incorporation of Project Design Feature PDF-NOISE-3 would reduce interior hotel noise levels to acceptable levels (generally considered 45 dBA CNEL at

the interior of the transit lodging units) by including such strategies as enhanced noise insulation rating on windows, doors, and exterior walls. This Project Design Feature would reduce potential noise impacts associated with the introduction of the hotels to a less than significant level.

Project construction would generate ground-borne construction vibration during demolition, shoring and excavation, and large bulldozer operation. Vibration velocities from operation of the Project's construction equipment would range from approximately 0.076 to 0.089 inches per second peak particle velocity (PPV) at 25 feet from the source of activity. The nearest off-site structures are commercial buildings located approximately 16 feet west of the Project Site, which would be exposed to vibration velocities ranging approximately from 0.0684 to 0.1738 inches per second PPV. These values are considerably lower than the 2.0 inches per second PPV significance threshold regarding potential building damage for commercial buildings. In addition, the Best Western Plus Executive Inn hotel would be exposed to vibration velocities up to 0.0111 inches per second PPV, which is lower than the 0.04 inches per second PPV significance threshold for human perception. Therefore, vibration impacts associated with construction would be less than significant at the nearest off-site buildings and the nearest sensitive receptors to the Project.

#### Project Design Features

- PDF-NOISE-1: The Project contractor(s) will equip all construction equipment, fixed and mobile, with properly operating and maintained noise mufflers, consistent with manufacturers' standards.
- PDF-NOISE-2: As required by LACC, an acoustical analysis of the mechanical plans of the proposed buildings will be prepared by a qualified acoustical engineer, prior to issuance of building permits, to ensure that all mechanical equipment would be designed to meet noise limits in Table 4.I-7.
- PDF-NOISE-3: As warranted based on ambient CNEL levels at the Project Site, an acoustical analysis of the architectural plans of the proposed hotel buildings will be prepared by a qualified acoustical engineer prior to issuance of building permits to ensure that the building construction and design (i.e., exterior

wall, window, and door) would include the required noise insulation features to demonstrate land use compatibility.

### Mitigation Measures

- MM-NOISE-1: A temporary noise barrier shall be used to block the line-of-sight between construction equipment and the Best Western Plus Executive Inn hotel to the south across Gale Avenue (Location R1) during Project construction. The noise barrier shall be at least 12 feet tall with noise blankets capable of achieving sound level reductions of at least 9 dBA and placed along the southern boundary of active Project construction sites to reduce construction noise at the hotel, and may be combined with security fencing.

Through implementation of the above Project Design Features and Mitigation Measures, the Project's noise and vibration impacts will be reduced to a level of less than significant.

## **10. Fire Protection and Emergency Services**

### **Potential Effect**

The Project could increase demand for fire protection and emergency medical services provided by the Los Angeles County Fire Department ("LACFD"), as well as increase demand for water to meet fire flow requirements, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities and/or water infrastructure in order to maintain acceptable service ratios, response times, fire flow requirements or other performance objectives.

### **Finding**

The existing fire protection services, emergency medical services, and fire flow infrastructure is adequate to accommodate the Project. Thus, implementation of the Project would result in a less than significant impact.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on fire

protection and emergency medical services impacts of the Project to less than significant levels.

## **Facts**

Fire protection and emergency medical service impacts are discussed in Section 4.J.1 of the Draft EIR. LACFD provides fire protection and emergency medical services to the Project area.

The Project could result in a potential increased demand for fire protection and emergency medical services due to the new inhabitable structures, and new daytime and 24-hour populations, proposed for the Project Site. However, the Project has been designed to comply with all relevant building and fire code provisions to prevent need for fire protection, and the Project design includes on-site water improvements to ensure adequate fire flow. Specifically, as set forth in Section 4.J.1 of the Draft EIR, LACFD has issued regulatory requirements that will be incorporated as conditions of approval for the Project that will address fire safety, access, and water issues.

During construction, a large amount of combustible materials such as wood, plastics, sawdust, coverings and coatings would be present on the Project Site, along with heat sources including machinery and equipment sparking, exposed electrical lines, welding activities, and chemical reactions. However, in compliance with California Division of Occupational Safety and Health Administration (“Cal/OSHA”) and County Fire Code requirements, construction managers and personnel would be trained in fire prevention and emergency response. Fire suppression equipment specific to construction would be maintained on-site. As required by the LACFD, all required fire hydrants shall be installed, tested, and accepted prior to construction. Additionally, Project construction would comply with applicable existing codes and ordinances related to the maintenance of mechanical equipment, handling and storage of flammable materials, and cleanup of spills of flammable materials. Therefore, construction impacts on fire protection and emergency medical services would be less than significant.

Construction staging and construction worker parking associated with the Project would be accommodated on the Project Site, limiting potential conflicts with traffic and

emergency services vehicles on local streets. As required by the LACFD, vehicular access would be provided and maintained throughout construction to all required fire hydrants. In addition, as discussed in Draft EIR Section 4.K, Transportation and Parking, with implementation of Project Design Feature PDF-TRAF-1, Project construction activity and traffic would have a less than significant impact on emergency access and response times in the Project vicinity. Impacts on emergency access and response times would therefore be less than significant.

The Project would introduce commercial and hotel structures on a site, and the fire flow requirement for the Project is 4,000 gpm at 20 psi minimum residual pressure for a duration of four hours. Currently no fire hydrants are on the Project Site; however, the Applicant would be required to install two public and 12 private fire hydrants that meet LACFD requirements (and which have been conditionally approved by LACFD). Furthermore, as required by the LACFD, an updated fire flow test will be performed prior to the issuance of building permits to ensure that fire flow requirements are met. Therefore, Project impacts with respect to fire flow requirements would be less than significant.

The Project would be subject to the requirements of the County's Building Code, Fire Code, Utilities Code, and Subdivision Code for new construction that address structural design, building materials, site access, fire lanes, fire flow requirements, automatic sprinkler systems, alarms, and smoke detectors. Furthermore, the Applicant would be required to submit an Emergency Response Plan for review and approval by LACFD. Compliance with the applicable regulatory and LACFD requirements would reduce Project impacts on fire safety to a less than significant level.

LACFD Fire Station 145 is located 1.2 miles south of the Project Site and has an estimated emergency response time of four minutes, which falls within the LACFD's response time goals of five minutes for the first-arriving unit for fire and emergency medical services and eight minutes for the advance life support unit (paramedic) unit in urban areas. As described in Draft EIR Section 4.K, Transportation and Parking, and in these findings below, Project-related traffic would significantly impact two intersections, even with implementation of all feasible mitigation measures. Accordingly, traffic associated with the Project could potentially affect emergency vehicle response times in

the area. However, impacts on traffic that could cause delays in emergency response times are addressed through Project Design Features PDF-TRAF-2 and PDF-TRAF-3, which provide for the installation of a three-way traffic signal and a limit on the maximum permitted occupancy load for all restaurant uses to 1,561 occupants, which would improve traffic conditions and facilitate emergency access to the Project Site. In consideration of current conditions where emergency medical responses and fire incidence response times are being met by LACFD Fire Station 145 and the implementation of the traffic-related Project Design Features, Project impacts on response times are considered less than significant.

Emergency access to the Project Site would be provided by three ungated access driveways on Gale Avenue. A dedicated fire lane and other LACFD access requirements such as minimum roadway width, overhead clearance, and turning radius, and fire lanes have been reviewed and conditionally approved by the LACDPW and LACFD to ensure that the Project provides adequate emergency access. Therefore, Project impacts on emergency access would be less than significant.

Based on the above information, Project implementation would not create capacity or service level problems or result in substantial adverse physical or economic impacts associated with the provision of new or physically altered governmental facilities and/or the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives. Therefore, pursuant to the Project's required conditions of approval and traffic-related Project Design Features, potential impacts related to fire protection and emergency medical services would be less than significant.

## **11. Sheriff Protection**

### **Potential Effect**

The Project could increase demand for law enforcement services, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

## **Finding**

The implementation of Project security features and incorporation of recommendations from the Los Angeles Sheriff's Department ("LASD") as Project conditions of approval will reduce potential impacts to law enforcement services to a less than significant level.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on law enforcement impacts of the Project to less than significant levels.

## **Facts**

Sheriff protection impacts are discussed Section 4.J.2 of the Draft EIR. LASD provides law enforcement services to the Project area. It is anticipated that demands for LASD services would increase above current levels upon buildout of the Project due to utilization of the Project Site by patrons/guests and employees of the Project's commercial and hotel uses. However, the Project would incorporate recommendations regarding the maintenance of emergency access and building design features to enhance visibility and safety provided by LASD and included in Appendix H-2 of the Draft EIR as conditions of approval.

During construction, the Applicant would employ private security to patrol the construction area to minimize the potential for trespass, theft, and other unlawful activities. Construction fencing, locked entry, and security lighting would also be used around active construction areas to enhance security during construction. A Construction Staging and Traffic Management Plan would also be implemented as Project Design Feature PDF-TRAF-1, which in conjunction with techniques typically employed by emergency vehicles to clear or circumvent traffic, are expected to limit the potential for significant delays in emergency response times during construction of the Project. Therefore, construction impacts on sheriff protection service demands and emergency access would be less than significant.

Upon completion, the Project would have on-site private security for the commercial and hotel uses and security systems, such as closed-circuit televisions within the buildings and parking structures, to promote surveillance and security. The

parking lot, parking garage, and pedestrian areas would be well lighted. Because the Project would include two hotels, there would be 24-hour activity on the Site. The Commercial Center buildings are oriented around a central surface parking lot and community gathering area, and the hotels are oriented toward a central porte cochere. In addition, a masonry wall would be provided along the northern boundary to separate the Project Site from the railroad tracks. These design features would enhance site visibility and safety, thereby reducing potential impacts on sheriff protection services to less than significant.

LASD's ability to respond to a call requesting assistance is determined by their ability to navigate roadways successfully and efficiently. As such, response times are affected by traffic conditions. As described in DEIR Section 4.K, Transportation and Parking and these findings below, Project-related traffic would significantly impact two intersections, even with implementation of all feasible mitigation measures. Accordingly, traffic associated with the Project could potentially affect emergency vehicle response times in the area. Traffic impacts that could cause delays in emergency response times are addressed through Project Design Features PDF-TRAF-2 and PDF-TRAF-3, which provide for the installation of a three-way traffic signal and a limit on the maximum permitted occupancy load for all restaurant uses to 1,561 occupants, which would improve traffic conditions and facilitate emergency access to the Project Site.

Furthermore, the nearest Sheriff Station's anticipated response times to the Project Site are within the LASD's response time standards. Furthermore, emergency response is routinely facilitated, particularly for high priority calls, through use of sirens to clear a path of travel, driving in the lanes of opposing traffic, use of alternate routes, and multiple station response. Therefore, because under current conditions emergency response times are being met by the closest Sheriff Station and with the traffic-related Project Design Features being proposed for implementation, Project impacts on response times are considered less than significant.

Based on the facts above, with the provision of on-site security features, coordination with LASD, and incorporation of crime prevention through environmental design features, the Project would not require the provision of new or physically altered

sheriff stations to maintain acceptable service ratios or other performance objectives for sheriff protection. Therefore, pursuant to the Project's required conditions of approval and traffic-related Project Design Features, potential impacts related to Sheriff protection and law enforcement services would be less than significant.

## **12. Traffic**

Construction-period traffic impacts, as well as potential traffic-related access and parking impacts, are less than significant. However, operational traffic results in significant and unavoidable impacts, and is therefore discussed in Section 3 of these findings below.

### **Potential Effects**

Construction of the Project could increase the amount of traffic in and out of the area on a temporary basis during Project construction both for the Project and in conjunction with related projects, potentially resulting in a significant impact. Access and parking impacts could also be significant during construction and/or operation of the Project.

### **Finding**

Implementation of the required Project Design Features during the Project's construction phase would ensure that impacts related to construction traffic would remain less than significant. Project traffic would not result in impacts regarding the County's congestion management plan, and the Project's provided parking will be sufficient to accommodate the proposed uses, and therefore potential access and parking impacts will be less than significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on construction traffic, access, and parking impacts of the Project to less than significant levels.

## **Facts**

### *Construction Traffic*

Project construction activities on the Project site would involve site grading, including excavation and site preparation, and building construction. Project construction would be ongoing for a minimum of 24 months, assuming maximum overlap between Phases 1 and 2, and would include some off-site improvements such as utility connections and roadway improvements, including a new traffic signal at the primary entrance driveway.

The Project's grading plan proposes the export of approximately 130,350 cubic yards of soil during construction. As such, haul truck trips associated with export soils would be required. Haul trucks are anticipated to utilize Gale Avenue to Nogales Street, where they would be anticipated to travel south to SR-60. Site excavation would occur after the completion of the Nogales Street Grade Separation Project, which would make capacity improvements to Intersection No. 15 (Gale Avenue and Nogales Street/Walnut Drive), thereby accommodating the anticipated haul truck traffic during the Project's excavation phase.

The number of construction workers and construction equipment at the Project Site would vary throughout the construction process. The construction workforce likely would come from all parts of the County and is assumed to arrive and depart from all directions. Construction traffic generally occurs prior to the peak period (7:00 A.M. – 9:00 A.M. and 4:00 P.M. – 6:00 P.M.). Consistent with the typical construction work day, most employees would arrive to the Project Site between 6:30 A.M. and 7:00 A.M. for daily meetings and planning purposes (noting that construction equipment would not be utilized until after 7:00 A.M.). Most workers would be expected to leave the Project Site between 3:30 P.M. and 4:00 P.M., although some could leave during the weekday afternoon peak traffic hour. Regardless of the timing during the weekday afternoon peak hour, the construction employee trips would be short term and in consideration of the number of potential trips, would not be anticipated to substantially affect the performance of the circulation system during peak traffic periods. Construction worker parking would be accommodated within the construction area of the Project and not on public streets.

Implementation of Project Design Feature PDF-TRAF-1 would ensure that Project-related construction traffic, including worker travel and the delivery of construction materials and equipment, would not adversely affect pedestrian routes or transportation safety in the Project vicinity. Therefore, construction traffic impacts would be less than significant.

#### Construction-Related Traffic Project Design Features

- PDF-TRAF-1: Prior to the issuance of grading permits, the Project Applicant, in coordination with LACDPW, will prepare a Construction Staging and Traffic Management Plan to be implemented during construction of the Project. The Construction Staging and Traffic Management Plan will identify all traffic control measures, signs, and delineators to be implemented by the construction contractor through the duration of construction activities associated with the Project. The Construction Staging and Traffic Management Plan will also consider construction traffic and associated construction traffic noise from nearby simultaneous construction activities and pedestrian safety related to school routes. The Construction Staging and Traffic Management Plan will be subject to final approval by LACDPW.

Through implementation of the proposed Project Design Feature, traffic during the Project's construction phase would have a less than significant impact.

#### Access

The Los Angeles County congestion management plan (CMP) requires that a proposed development address two major subject areas with respect to traffic impacts: (1) the project's impacts on the CMP highway system and (2) the project's impacts on the local and regional transit systems. Project traffic would not exceed the CMP thresholds. Furthermore, although not designated CMP monitoring locations, a freeway off-ramp queuing analysis was performed for Fullerton Road at the SR-60 westbound off-ramp, Fullerton Road at the SR-60 eastbound off-ramp, Nogales Street at the SR-60 westbound off-ramp, and Nogales Street at the SR-60 eastbound off-ramp. This

analysis shows that freeway off-ramp vehicle queue is expected to adequately contain all vehicle trips associated with the Project and related projects within the existing vehicle stacking area. As a result, the Project would result in a less than significant impact to freeway off-ramps. Moreover, the number of anticipated transit trips to be generated by the Project is not expected to substantially impact transit service along Foothill Transit bus routes or Metrolink Riverside rail routes given the available capacity of these routes and the limited number of transit trips the Project would generate. Finally, the Project has been designed for pedestrian connectivity by including a landscaped sidewalk along Gale Avenue, interconnected and landscaped pedestrian walkways through the Project Site and to the Rowland Heights Plaza Shopping Center, and an ADA ramp from Gale Avenue, and would provide bicycle facilities on the Project Site in compliance with the LACC and would not result in the removal or modification of existing bicycle network facilities. As such, Project impacts to CMP facilities would be less than significant.

### *Parking*

The adequacy of on-site parking was evaluated in a Parking Assessment prepared for the Project by Linscott Law & Greenspan in May 2015, based on the requirements of the County's Parking Code and procedures outlined by the Urban Land Institute (ULI). The Parking Assessment is provided in Appendix I-2 of the Draft EIR, and a revised Parking Assessment, prepared by Linscott, Law & Greenspan in May, 2016, is provided in Appendix B of the Final EIR.

When the Project's proposed uses are considered individually, the County Parking Code requires 1,509 parking spaces. However, this represents a conservative calculation because peak parking demand for each of the proposed uses would not occur simultaneously, and the Project as a whole would benefit from the variations in parking demand that occur throughout the day, as well as during the week, allowing the sharing of parking spaces between uses. Shared parking requirements are based on ULI parking ratios for weekdays and weekends for each of the individual uses. Based on these parking ratios, the Parking Assessments found that the peak parking demand is forecast to occur at 12:00 P.M. on a weekend (Saturday), when 1,130 spaces would

be required. As a result, the proposed on-site parking supply of 1,203 parking spaces would provide a surplus equivalent to 6.4% of the overall peak hour of parking demand at the site and, during other hours of the day, an even greater surplus of parking in excess of the measured demand. In all scenarios, the parking supply would be well in excess of the County's requested minimum 5% surplus.

This forecast demand is highly conservative, as it assumes 100 percent utilization of the Project's hotel banquet floor area and Commercial Center restaurants during the evening hours on weekdays and Saturdays. It is rare, for example, that all function space within a hotel is used simultaneously. Also, some restaurants may focus on dinner service while other food-serving tenants (e.g., many quick-serve-type restaurants) have their peak activity during the lunch period. Therefore, it is likely that the parking demand would be substantially less (and the resultant surpluses of unused parking spaces higher) than the "worst case" forecast provided.

The development of the Project may be phased such that individual components could be constructed separately. Chapter 3, Corrections and Additions to the Draft EIR, of the Final EIR updates Table 4.K-10 of the Draft EIR based on the revised Parking Assessment included in Appendix B of the Final EIR). The updated table contained in Chapter 3 of the Final EIR outlines four likely phasing scenarios and the parking demand associated with each scenario. As shown, the Project would provide a parking surplus during each of the phasing scenarios. Therefore, the Project's provision of parking spaces in each of the phasing scenarios as evaluated in the Final EIR's updates to Table 4.K-10 of the Draft EIR, illustrate that the proposed shared parking supply would exceed the calculated peak parking demand, and Project parking would adequately accommodate the proposed uses. Project Design Feature PDF-TRAF-3 is intended to ensure adequate parking is provided for restaurant uses in Parcel 1 (the commercial center) as they are leased and facilities designed, by limiting the total floor area and occupancy of these uses, and requiring an occupancy monitoring program to be established for the Project's Commercial Center. Through these occupancy limitations, and required monitoring procedures, the adequacy of the proposed number of parking spaces for the Project can be assessed by the County as part of any tenant improvement or change of use permitting process.

### Project Design Feature

- PDF-TRAF-3: The Commercial Center's maximum permitted occupancy load for all restaurant uses will never exceed 1,561 occupants (including both customer and staff), and total restaurant floor area will not be less than 40,113 square feet nor more than 47,000 square feet. Restaurant occupancy loads will be determined by the County Division of Building and Safety in accordance with the California Building Code in effect at the time when restaurant floor plans are submitted for Director's Review, as required by the Department of Regional Planning. Restaurant occupancy restrictions will be controlled through the Commercial Center Association's CC&Rs. The Commercial Center Association (as maintained by the property manager) will:
  - Keep records of each restaurant unit's maximum occupancy load;
  - Track the Commercial Center's total occupancy load; and
  - Have the authority to enforce each restaurant unit's maximum permitted occupancy load.
  - Prior to applying for Director's Review, each restaurant unit owner will obtain written authorization from the Commercial Center Association that confirms the occupancy load sought for permit complies with that unit's maximum permitted occupancy in accordance with the CC&R. Restaurant owners will be prohibited from applying for a permit that seeks an occupancy load in excess of what is allowed or building out a unit in excess of that unit's permitted maximum occupancy.
  - Once the Commercial Center Association has approved restaurant uses within the Commercial Center with a total of 1,561 occupants, no further restaurant uses may be approved by the Commercial Center Association. Occupant loads may be reallocated among restaurant unit owners with the prior approval of the Commercial Center Association (and such approvals from the County and Director's Review as are required by the County), but under no circumstances will the total occupant load for all restaurant uses in the Commercial

Center exceed 1,561 occupants.

With implementation of the Shared Parking Study and PDF-TRAF-3, the proposed Project parking supply would exceed the number of parking spaces necessary to serve Project uses and would result in a less than significant parking impact.

### 13. **Wastewater**

#### **Potential Effect**

The Project is served by a regional, interconnected system of wastewater collection and treatment facilities, and the Project could potentially exceed the existing conveyance and treatment capacity of these facilities due to an increase in wastewater produced on-site.

#### **Findings**

Implementation of the Project's on-site wastewater collection system, County conditions of approval, and design features incorporated into the Project would reduce potential wastewater/sewage impacts to a less than significant level. Furthermore, construction and operation of the Project would not generate wastewater sufficient to exceed the capacity of existing treatment facilities or create water or wastewater system capacity problems. Therefore, the Project does not have the potential to have significant wastewater or sewer service impacts.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on wastewater and sewage service impacts of the Project to less than significant levels.

#### **Facts**

Wastewater collection and treatment impacts are discussed in Section 4.L.1 of the Draft EIR. Construction of the Project, including grading activities, would not disrupt sewer services for existing adjacent uses, and the construction of the Project's on-site wastewater collection system would be properly designed and sized to connect to existing sewer infrastructure, as approved by the County. In addition, as described

below, the Project would not require the off-site construction of new or expanded wastewater treatment facilities. Therefore, construction-related wastewater impacts would be less than significant.

Design features proposed to reduce Project wastewater generation and the wastewater impacts of the Project include the use of low-flow toilets. Operation of the Project would generate approximately 129,153 gallons per day (gpd) of wastewater. A new on-site sewer line would be constructed in connection with the Project, which would be constructed to the County's standards and sized to accommodate these calculated wastewater flows generated by the Project at buildout. Both the County Sanitation District and the City of Industry have determined that the local sewer lines serving the Project site have sufficient capacity to accommodate the Project and that off-site sewer line upgrades are not required. Furthermore, the Project Applicant would pay the required sewer connection fees to help defray Sanitation District costs for providing sewer conveyance for the proposed Project. Therefore, the wastewater conveyance impacts of the Project would be less than significant.

Wastewater generated by the Project would be treated at the San Jose Creek water reclamation plant ("WRP"), which has an existing treatment capacity of 100 million gallons per day (mgd) and currently treats an average daily flow of 73.1 mgd (resulting in a remaining unused treatment capacity of approximately 26.9 mgd). Peak Project sewage generation would be an estimated average of 89.69 gallons per minute (gpm) or 0.108 mgd, which would represent a negligible proportion (approximately 0.4 percent) of the remaining unused treatment capacity of the San Jose Creek WRP. Furthermore, as discussed in the Project's Initial Study (included as Appendix A-2 of the Draft EIR), the Project would be consistent with regional growth forecasts, and as the capacity of County wastewater treatment facilities is based on these forecasts, wastewater from the proposed Project has been assumed in County wastewater treatment capacity planning. Finally, the Project Applicant would pay the required sewer connection fees to help defray Sanitation District capital facilities costs for provision of sewage treatment for the Project. Therefore, the San Jose Creek WRP has adequate treatment capacity to serve the Project, and wastewater treatment impacts would be less than significant.

With payment of appropriate fees, installation of on-site sewer line

improvements, and other relevant conditions of approval required by the County for the Project, wastewater impacts associated with the Project would be less than significant.

#### **14. Water Supply**

##### **Potential Effect**

The development of the Project will increase water demand at the Project Site from current conditions, which could be considered a significant impact if sufficient water is not available to service the Project's water demand.

##### **Finding**

The implementation of water conservation measures and water efficient landscaping, as well as offsetting the Project's potable water demand with expanded use of recycled water within the Rowland Water District's service area, would reduce potential water supply and water infrastructure impacts identified to a less than significant level.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on water supply and water infrastructure impacts of the Project to less than significant levels.

##### **Facts**

Water supply impacts are discussed in Section 4.L.2 of the Draft EIR. Water is provided to the site by the Rowland Water District ("RWD"), which receives water from the Metropolitan Water District through the Three Valleys Municipal Water District, as well as from other groundwater and recycled water sources. RWD has 17 potable water storage reservoirs with a total capacity of 48 million gallons to serve an existing average customer water demand of approximately 14 million gallons per day (mgd). RWD also has one recycled water reservoir with a total capacity of five million gallons. RWD is currently working with several of its neighboring water agencies to develop new water projects that will enhance water supply and reliability. These planned water projects are described in detail in RWD's 2015 Urban Water Management Plan ("2015 UWMP"). RWD has also adopted a Recycled Water Master Plan, which analyzes ways of

increasing and diversifying recycled water use in RWD's service area, and identifies multiple future recycled water projects that RWD may elect to undertake to connect future recycled water customers to existing infrastructure.

The proposed Project would require construction of a new on-site sanitary water and fire water conveyance system and the connection of this system to the existing 12-inch water pipeline in Gale Avenue. No active water lines serving adjacent properties bisect the Project Site, so there would be no potential to interrupt water service to adjacent properties (such as due to inadvertent damage of existing lines) during construction. Furthermore, the environmental effects associated with trenching and other activities required to install and connect the on-site water system are addressed as part of the larger construction-related impacts of the proposed Project in the appropriate impact sections of the Draft EIR (e.g., Sections 4.B, Air Quality, 4.E, Geology and Soils, 4.G, Hydrology and Water Quality, etc.). No additional environmental effects would occur.

The expansion of RWD's recycled water infrastructure described in PDF-WATER-3, intended to offset the Project's potable water demand at buildout, will be completed by RWD pursuant to its adopted Recycled Water Master Plan and associated environmental clearances and mitigation measures. Therefore, no significant impacts would occur.

The Project's potable water demand is estimated to be 94.3 acre-feet per year (AFY) following buildout in 2020. In conformance with PDF-WATER-3, this demand would be offset through the Applicant's funding of an expansion of RWD's existing recycled water infrastructure that will enable RWD to provide a minimum of 95 AFY of additional recycled water service within RWD's service area. Various recycled water expansion projects are identified in RWD's Recycled Water Master Plan, including the "Future 3" project, consisting of an extension from an existing recycled water line in Fullerton Road, extending easterly generally paralleling the 60 Freeway, and connecting future customers between Colima Avenue and the 60 Freeway with a short loop connection to Colima Road. The total length of pipeline for this project is approximately 6,136 feet and following its construction, RWD would be able to deliver approximately 98.9 AFY of recycled water to customers to be used for irrigation purposes, thereby

replacing potable water currently used for irrigation purposes by this same amount. This 98.9 AFY replacement of potable water with recycled water is more than sufficient to offset the Project's calculated potable water demand of 94.3 AFY, in conformance with the July, 2016 will-serve letter that RWD has issued for the Project.

The Project's conservatively estimated nonpotable water demand for landscaping irrigation purposes would be approximately 4,451 gpd, or roughly 5 AFY. If a greater proportion of drought-tolerant plantings were to be provided, or more efficient irrigation systems were installed, this demand would be further reduced, potentially to approximately 3.5 AFY. RWD's 2015 UWMP assumes a significant increase in recycled water supplies between 2015 and 2040, as well as the continued expansion of RWD's recycled water system as planned for in the Recycled Water Master Plan. Together, this increase in nonpotable water supply and continued expansion of RWD's recycled water system will ensure sufficient capacity to accommodate the Project's extremely low nonpotable water demand numbers. Because adequate supplies of both potable and nonpotable water would be available to serve the Project, water supply impacts would be less than significant.

The RWD has indicated that it has adequate potable and recycled water infrastructure in the Project vicinity to serve the Project's increased demand, and has issued a will-serve letter for the Project. Accordingly, any impacts on this water infrastructure would be less than significant.

### Project Design Features

- PDF-WATER-1: The Project will use drought-tolerant and water efficient landscaping in accordance with the County's Green Building Standards and the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) Program, and will use low-flow fixtures (e.g., toilets, urinals, faucets, showerheads, etc.) and smart irrigation controls in accordance with the LEED® Program and Titles 20 and 24 of the CCR.
- PDF-WATER-2: Because existing recycled water pipelines are located in the Project vicinity, the Project Applicant will consult with the Rowland Water District regarding potential use of recycled water for Project Site landscape and irrigation

as required by RWD's Mandatory Recycled Water Connection Policy (Ordinance No. 0-7-2005 as updated by Ordinance No. 0-9-2010).

- PDF-WATER-3: The Project Applicant will coordinate with RWD to fund an expansion of RWD's existing recycled water infrastructure that will enable RWD to provide a minimum of 95 acre-feet per year of additional recycled water service, thereby offsetting the Project's potable water demand at the time of buildout.

With the implementation of the above Project Design Features, the Project's potential impacts on water supply and water infrastructure would be reduced to a level of less than significant.

### **Cumulative Impacts**

#### (1) Cumulative Aesthetic Impacts

##### **Potential Effect**

Three development projects are pending or approved in the vicinity of the Project Site. These related projects, in conjunction with the Project, may potentially result in cumulative aesthetic impacts.

##### **Finding**

The Project and the related projects would not cause any cumulative aesthetic impacts due to the projects' locations and distances from each other.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative geological and soil resources impacts of the Project to less than significant levels.

##### **Facts**

Cumulative aesthetic impacts are discussed at Section 4.A of the Draft EIR. None of the related projects are along the same roadway as the Project or north of the SR-60, so there would be limited disruption of change in character of the area

associated with construction. Also, the distance between the related projects indicates that the visual effects of construction would not be within a common line-of-sight by residents or other sensitive viewers. Also, because of the distance between the Project Site and the related projects' construction sites, any minor lighting needed for construction, would not be cumulative.

The proposed related projects (three restaurants and some office and retail space) would be consistent with existing low-rise development in their respective neighborhoods and would not contribute to or change the predominant visual character of the area from low-rise to high-rise. Because of existing signage and relative high ambient light along the SR-60 corridor, the related projects combined with the Project would not cause a noticeable increase in ambient lighting. Because none of the related projects are high-rise and are located at a distance from the Project Site, no cumulative shade impacts are anticipated. The related projects would be consistent with commercial development in their proximities and, in combination with the Project, would not substantially degrade the visual character of the area as a result of height, bulk, pattern, scale, character, or other features.

Therefore, cumulative impacts related to visual character, light and glare, and shade/shadow would be less than significant.

## (2) Cumulative Air Quality Impacts

### **Potential Effect**

Three development projects are pending or approved in the vicinity of the Project Site. These related projects, in conjunction with the Project, may potentially result in cumulative construction-period air quality impacts.

### **Finding**

Because construction of the Project would not exceed the regional numeric indicator of significance for criteria pollutants, the Project would result in a less than significant impact with regard to cumulative construction emissions.

Changes or alterations have been required in, or incorporated into, the Project

that avoid or substantially lessen potential significant environmental effects on cumulative construction-period air quality impacts of the Project to less than significant levels.

## **Facts**

Cumulative construction-period air quality impacts are discussed at Section 4.B of the Draft EIR. Construction of the Project would comply with SCAQMD Rule 403 requirements and Airborne Toxic Control Measures (“ATCM”) to limit heavy duty diesel motor vehicle idling to no more than five minutes at any given time. In addition, the Project would utilize a construction contractor(s) that complies with required and applicable Best Available Control Technology (“BACT”) and the In-Use Off-Road Diesel Vehicle Regulation. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, these same requirements (i.e., Rule 403 compliance, the implementation of all feasible mitigation measures, and compliance with adopted AQMP emissions control measures) would also be imposed on all construction projects in the Air Basin, which would include each of the related projects in the vicinity of the Project Site. Because regional and localized construction emissions associated with the Project would not exceed the SCAQMD numeric indicators, no significant cumulative construction-period air quality impacts would occur.

### (3) Cumulative Biological Impacts

#### **Potential Effect**

Development of the Project, in conjunction with three other approved and pending related projects, may potentially increase the potential impacts to naturally occurring plants and animals, resulting in a potentially significant cumulative impact to biota within the vicinity of the Project Site.

#### **Finding**

With the implementation of Project mitigation measures and compliance with existing regulations, there will be no cumulatively considerable impacts to special status

plant species, special status wildlife species, sensitive plant communities, migratory or nesting birds, wildlife movement, jurisdictional features, or protected trees.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative biological resources impacts of the Project to less than significant levels.

## **Facts**

Cumulative effects to biological resources are discussed in Section 4.C of the Draft EIR. Three related projects are located in the Project vicinity. All related projects are located within urbanized settings and contain little or no biological resources. Because the Project Site was found not to support special status wildlife species, sensitive plant communities, or protected oak trees; nor function as a regional wildlife movement corridor, the potential for cumulative impacts with respect to these significance thresholds requires no further analysis. In addition, given that a single individual of the CNPS Rank 4 special status plant species (southern California black walnut) is on the Site, the Project-related removal of which was determined to be a less than significant impact. Since Project impacts are less than significant, cumulative impacts are also less than significant because they are not cumulatively considerable.

### **(4) Cumulative Archaeological and Paleontological Impacts**

#### **Potential Effect**

Development of the Project, in conjunction with three other approved and pending related projects, may potentially increase the potential impacts to archaeological resources, including Native American human remains, and paleontological resources, resulting in potentially significant cumulative impacts to such resources within the vicinity of the Project Site.

#### **Finding**

With the implementation of Project mitigation measures and compliance with existing regulations, there will be no cumulatively considerable impacts to archaeological and paleontological resources.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the Project's potential cumulative significant environmental impacts regarding archaeological and paleontological resources to less than significant levels.

## **Facts**

Cumulative effects to archaeological and paleontological resources are discussed in Sections 4.D.1 and 4.D.2, respectively, of the Draft EIR. The Project Site and surrounding area may contain actual or potential archaeological or paleontological resources, although the likelihood is low. Where these resources may exist, implementation of the Project could represent an incremental adverse cumulative impact to archaeological or paleontological resources. However, the Project's potential impact to archaeological and paleontological resources would be less than significant with the implementation of the required mitigation measures. In addition, the three related projects, which are located south of the SR-60 and are not contiguous with the Project Site, would also be required to implement appropriate mitigation measures regarding potential archaeological and paleontological impacts. Therefore, the Project would not contribute to any potential cumulative impacts, and cumulative impacts to archaeological and paleontological resources would be less than significant.

### (5) Cumulative Geology Impacts

#### **Potential Effect**

Development of the Project, in conjunction with three other approved and pending related projects, may potentially result in cumulative geology and soil resource impacts.

#### **Finding**

The Project and the related projects would not cause any cumulative geotechnical and soils resource impacts through compliance with current building and seismic safety codes and other applicable laws and regulations.

Changes or alterations have been required in, or incorporated into, the Project

that avoid or substantially lessen potential significant environmental effects on cumulative geology resource impacts of the Project to less than significant levels.

## **Facts**

Cumulative geology and soil resource impacts are discussed at Section 4.E of the Draft EIR. Such resource impacts are generally site-specific rather than cumulative in nature. The related projects are small and would not result in excavation or grading at the scale of the Project's construction activities. For these reasons, these projects would not result in cumulative adverse grading and excavation impacts in combination with the Project. Moreover, although the related project sites are also in designated liquefaction zones, the commercial nature of the three related projects is to accommodate existing populations in the area who are likely to already reside or work within the liquefaction area, which is common throughout the eastern San Gabriel Valley. As such, related projects are not expected to introduce new populations to the seismically active region and would not cause a cumulative increase in exposure to seismic hazards. Therefore, cumulative impacts with respect to geologic hazards would be less than significant.

### (6) Cumulative Hydrology and Water Quality

#### **Potential Effect**

Development of the Project, in conjunction with three other approved and pending related projects, may potentially result in cumulative hydrology and drainage impacts.

#### **Finding**

The Project and related projects would meet the all local County and State hydrology and water quality requirements. The cumulative impacts of the Project and related projects with respect to hydrology and water quality are not significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative hydrology and water quality impacts of the Project to less than significant

levels.

## **Facts**

Cumulative hydrology and water quality impacts are discussed at Section 4.G of the Draft EIR. All related projects would be required to capture and manage initial runoff with approved BMPs pursuant to the County LID Ordinance. Further, the related projects would be subject to State NPDES permit requirements for both construction and operation. Each project greater than one acre in size would be required to have SWPPPs and would be evaluated individually to determine appropriate BMPs and treatment measures to avoid impacts to water quality. Smaller projects would be minor infill projects with drainage characteristics similar to existing conditions, with negligible impacts. In addition, the LACDPW and City of Industry reviews all construction projects on a case-by-case basis to ensure that sufficient local and regional drainage capacity are available. Thus, regulatory measures would avoid significant impacts on drainage/flooding conditions and the quality of water reaching the public drainage system. Cumulative impacts to hydrology and water quality would therefore be less than significant.

### (7) Cumulative Land Use and Planning Impacts

#### **Potential Effect**

Development of the Project, in conjunction with three other approved and pending related projects, may potentially result in cumulative land use and planning impacts.

#### **Finding**

The Project would not result in a cumulatively considerable contribution, when considered together with related projects, with respect to compliance with planning and land use plans and regulatory provisions.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative land use and planning impacts of the Project to less than significant levels.

## **Facts**

The related projects include commercial development projects located within one mile of the Project Site and consist of retail, medical/dental, and restaurant uses. Those related projects seeking increases in permitted densities and buildings seeking higher densities than those permitted by the underlying zoning per the LACC are subject to review by the Department of Regional Planning and other County departments for consistency with plan provisions, and must also undergo CEQA review. Projects can only be approved if found to be consistent with adopted plans and zoning regulations. Therefore, no cumulative significant impacts regarding the regulatory framework would result.

The Project is fully consistent with the regulatory framework, and its implementation would not have adverse effects on the implementation of plans and regulations in the Project vicinity. Because related projects would be subject to existing land use and zoning regulations and would not be located within the Project vicinity, cumulative land use impacts would be less than significant. Therefore, the Project would not result in a cumulatively considerable contribution, when considered together with related projects, with respect to compliance with plans and regulatory provisions.

### **(8) Cumulative Noise Impacts**

#### **Potential Effect**

Cumulative noise impacts of the Project could occur as the result of excessive simultaneous construction noise levels, or a permanent increase in ambient noise levels or increased traffic on local roadways due to ambient growth and other development in the vicinity of the Project site.

#### **Finding**

With implementation of Project Design Features and Mitigation Measures, as well as compliance with County regulations, the Project along with related projects would not have cumulatively considerable noise impacts during construction or operation.

Changes or alterations have been required in, or incorporated into, the Project

that avoid or substantially lessen potential significant environmental effects on cumulative noise impacts of the Project to less than significant levels.

## **Facts**

Noise from construction of the Project and related projects would be localized, and would only potentially affect areas within 500 feet from either/both construction sites. Due to the fact that each of the projects are more than 2,000 feet away from each other and separated by intervening structures, construction noise from one site would attenuate significantly, and not result in a noticeable increase in noise at sensitive receptors near another site, which would preclude a significant cumulative construction noise impact.

Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to the Project and other projects in the Project vicinity. Noise level increases in the Project vicinity would reach a maximum of 1.7 dBA CNEL along Gale Avenue, between Nogales Street and the primary Project entrance driveway, which would not exceed the Project's 3 dBA significance threshold. Therefore, with respect to roadway noise, there is no potential for the Project to result in a cumulatively considerable contribution when considered together with related project traffic volumes.

Due to the County's regulations limiting noise from roof-top mechanical equipment and other stationary sources, noise levels would be less than significant at the property line for each related project. As a result, on-site noise produced by any related project would not be additive to Project-related noise levels, and composite stationary-source noise impacts attributable to cumulative development would be less than significant.

Due to the rapid attenuation characteristics of ground-borne vibration and the distance of the related projects to the Project, there is no potential for the Project to result in a cumulatively considerable contribution to cumulatively significant construction-related or operational vibration impacts.

### (9) Cumulative Fire Protection and Sheriff Protection Impacts

#### **Potential Effect**

Development of the Project, in conjunction with other approved and pending projects within the vicinity of the Project Site, could increase the potential impacts to public services including fire protection and emergency services and sheriff protection services, resulting in a potentially significant cumulative impact to public services in the Project area.

### **Finding**

As with the Project, each related project is required to ensure that adequate fire protection, emergency, and sheriff protection services can serve that project, and to comply with all required design, access, and security characteristics identified by LACFD and LASD. As such, cumulative impacts to public services would be less than significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative fire and sheriff protection impacts of the Project to less than significant levels.

### **Facts**

Implementation of the Project in conjunction with the related projects would increase the demand for fire protection and emergency services and sheriff protection services in the vicinity of the Project Site. With respect to fire protection and emergency services, each related project developer or applicant will be required to pay property taxes and other fees that will fund additional public safety services provided by LACFD. In addition, compliance with fire and building codes and other safety measures, along with implementation of fire service and traffic mitigation measures, will reduce any cumulative impacts to a less than significant level.

With respect to sheriff protection services, each related project developer or applicant is required to pay property taxes and other fees that will fund additional public safety services provided by LASD. In addition, the LASD will review the plans for all related projects with respect to lighting, landscaping, building access, visibility, street circulation, building design, and defensible space, which will reduce any cumulative

impacts to a less than significant level.

(10) Cumulative Construction Traffic Impacts

**Potential Effect**

Construction of the Project, in conjunction with the construction of other approved and pending projects within the vicinity of the Project Site, could potentially lead to additional conflicts between construction traffic and other pedestrian and vehicular traffic, as well as potential interference with emergency access, resulting in potentially significant cumulative construction-period traffic impacts.

**Finding**

Through adoption and implementation of Construction Staging and Traffic Management plans for each related project, cumulative construction-period traffic impacts would be less than significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative construction-period traffic impacts of the Project to less than significant levels.

**Facts**

The Project and the related projects will be required to develop and implement a LACDPW-approved Construction Staging and Traffic Management plan, which will identify all traffic control measures, signs, and delineators to be implemented by the construction contractor through the duration of construction activities associated with the Project. The Construction Staging and Traffic Management Plan for each project will also consider construction traffic and associated construction traffic noise from nearby simultaneous construction activities. Implementation of these plans will reduce potential cumulative construction-period traffic impacts to a less than significant level.

(11) Cumulative Wastewater Impacts

**Potential Effect**

Development of the Project, in conjunction with the related projects, would increase the amount of wastewater requiring collection and treatment, resulting in a potentially significant cumulative impact to wastewater conveyance and treatment capacity.

### **Finding**

As with the Project, each related project is required to ensure that adequate capacity in the local and trunk sewer lines and receiving wastewater treatment plant exists to accommodate the wastewater generated by that use. Additionally, each project is required to pay a connection fee used to fund expenses needed to accommodate growth. As such, cumulative impacts to wastewater collection, conveyance, treatment, and disposal would be less than significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative wastewater impacts of the Project to less than significant levels.

### **Facts**

The sewer capacity study prepared for the Project, and included in Appendix J-1 of the Draft EIR, calculated the cumulative sewage generated by the Project and the related projects at 2.2945 cubic feet per second (cfs), which would not exceed LACDPW's design criteria for the existing sewer lines in the vicinity of the Project Site. Therefore, the Project would have a less than significant cumulative impact on wastewater collection and conveyance.

Wastewater generated by the Project and the related projects would be conveyed to the San Jose Creek WRP for treatment. The San Jose Creek WRP is currently operating at 26.9 mgd below its capacity, and the addition of the wastewater to be generated by the Project, in combination with the wastewater generated by the related projects and cumulative development, would not exceed the remaining treatment capacity of the plant. Additionally, as with the Project, other new development in the sewage tributary area would be required to pay connection fees upon connection to the sewer system, which contribute to maintenance and any

necessary future expansion of LACDPW's wastewater treatment system. Therefore, cumulative wastewater treatment impacts would be less than significant.

(12) Cumulative Water Supply Impacts

**Potential Effect**

Development of the Project, in conjunction with the related projects, would increase development intensity and water demand, resulting in a potentially significant cumulative impact to water supplies.

**Finding**

Project Design Features of the Project and any Project Design Features and/or mitigation measures for the related projects, including implementation of water efficient landscaping, smart irrigation controls, low-flow fixtures, and offsetting potable water demand with expanded use of recycled water within the Rowland Water District's service area, would reduce cumulative water supply impacts to a less than significant level.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative water supply impacts of the Project to less than significant levels.

**Facts**

As detailed in Draft EIR Section 4.L.2, the Project's water demand will be met by RWD without creating any significant water supply impacts. Similar to the Project, each of the related projects would be reviewed by RWD to ensure that sufficient projected water supplies could adequately serve those projects. If supplies were not adequate, appropriate Project Design Features and/or mitigation measures would be implemented to satisfy those projects' water demand as part of their respective environmental review and/or permitting processes. Because of this, the Project, considered together with the related projects, is not anticipated to have a cumulatively considerable contribution to cumulatively significant impacts on water supply.

Each related project would also be reviewed by RWD, which operates and

maintains all water conveyance infrastructure serving the Project Site and the surrounding area, to ensure its infrastructure could adequately serve those projects, prior to issuing a will-serve letter. Because of this, and because the same infrastructure is not anticipated to serve the Project and the related projects, the Project, considered together with the related projects, is not anticipated to have a cumulatively considerable contribution to cumulatively significant impacts on water infrastructure.

## **SECTION 3**

### **SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL EFFECTS WHICH CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL**

The County has determined that, although mitigation measures, design features included as part of the Project, and conditions of approval imposed on the Project will reduce the following effects, these effects cannot be feasibly or effectively mitigated to less than significant levels. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 8).

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

##### **Potential Effects**

The Project could have potential impacts on regional and local air quality from construction and long-term operation of the Project. Exposure of sensitive receptors could result from substantial pollutant concentrations. Construction and operation of the Project could conflict with applicable air quality plans, policies, or regulations.

##### **Finding**

While the Project's uses would be consistent with adopted regulatory policies and guidance regarding air quality; construction and operation of the Project would not exceed SCAQMD's localized significance thresholds for CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>; the Project would not contribute to the formation of CO hotspots; and the Project's emission of TACs would be less than significant, Project emissions during interim operations when combined with ongoing construction emissions, as well as at full Project buildout, would result in significant and unavoidable air quality impacts. No feasible mitigation measures exist to reduce these air quality impacts to a level of less than significant.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 8).

## **Facts**

Potential air quality impacts are analyzed in Section 4.B of the Draft EIR.

### *Less Than Significant Impacts*

Projects are considered to be consistent with SCAQMD's Air Quality Management Plan ("AQMP") if they are consistent with the applicable rules and regulations and the population, housing, and employment assumptions which were used in the development of the AQMP, and which are derived from local general plan documents. The 2012 AQMP most recently adopted by SCAQMD incorporates SCAG's 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy socioeconomic forecast projections of regional population and employment growth.

The Project proposes no residential uses or permanent population increase in the Project area, and notwithstanding the fact that a zone change is sought for a portion of the Project Site, the Project would generate fewer trips and lower emissions than the maximum permitted under the existing zoning, assuming development of the Project Site with all commercial uses. Since the AQMP is based on growth assumptions under current zoning, the Project would be consistent with the growth projections in the AQMP. Furthermore, the Project would comply with CARB requirements to minimize short-term emissions from on-road and off-road diesel equipment through limitations on idling, and would comply with SCAQMD regulations for controlling fugitive dust pursuant to SCAQMD Rule 403. Thus, the construction and operation of the Project would be considered consistent with the relevant air quality-related regional plans, and should not jeopardize attainment of state and federal ambient air quality standards. For these reasons, impacts related to consistency with these plans would be less than significant.

The estimated maximum daily emissions associated with the construction of the Project are contained in Appendix B of the Draft EIR, and include all emissions associated with the construction equipment, grading and demolition activities, worker trips, and on-road diesel trucks, as well as fugitive dust emissions resulting from excavation and debris removal. These emission calculations are conservative due to the model's worst-case assumption that all construction equipment is operating

simultaneously for the entire day during each day of the construction period. For construction of Phase 1 of the Project, construction-related daily emissions for the criteria and precursor pollutants (VOC, NOX, CO, SOX, PM10, and PM2.5) would not exceed the SCAQMD regional thresholds of significance. Therefore, emission impacts would be less than significant for the construction of Phase 1 of the Project.

The Draft EIR's localized construction and operation air quality analysis was conducted using the methodology described in the SCAQMD Localized Significance Threshold Methodology (June 2003, revised July 2008). The maximum daily localized emissions for the construction and operations phases are presented in Draft EIR Table 4.B-6 (construction) and Table 4.B-7 (operations). As shown, maximum localized construction and operational emissions for sensitive receptors would not exceed the localized thresholds for NOX, CO, PM10 and PM2.5. Therefore, with respect to localized construction and operations emissions, impacts would be less than significant.

The potential for the Project to cause or contribute to CO hotspots was evaluated by comparing Project intersections with prior studies conducted by the SCAQMD and considering existing background CO concentrations. CO levels in the Project area are substantially below the federal and State standards, and no exceedances of CO have been recorded at monitoring stations in the Air Basin for some time, and the Air Basin is currently designated as a CO attainment area for both the CAAQS and NAAQS. Thus, it is not expected that CO levels at Project-impacted intersections would rise to the level of an exceedance of these standards.

The Project would result in some minor emissions of toxic air contaminants (TACs), primarily from diesel-fueled trucks. Given the temporary and short-term construction schedule, Project construction would not result in a long-term substantial source of TAC emissions. In addition, the Project would be required to comply with the CARB Air Toxics Control Measure that limits diesel powered equipment and vehicle idling to no more than five minutes at a location, which would minimize emissions of TACs during construction. Furthermore, as the total number of additional truck trips for the Project is very few in comparison to a facility such as a warehouse or truck stop, the operation of the Project would not be considered a substantial source of diesel particulate matter ("DPM"). Therefore, there would be a less than significant impact due

to TACs attributed to construction and operation of the Project.

Potential activities that may emit odors during construction activities include the use of architectural coatings and solvents and the combustion of diesel fuel in on- and off-road equipment. The Project would comply with SCAQMD Rule 1113, which limits the amount of volatile organic compounds (“VOCs”) in architectural coatings and solvents used in construction. In addition, the Project would comply with the applicable provisions of the CARB Air Toxics Control Measure regarding idling limitations for diesel trucks. As a result, no construction activities or materials are expected to create objectionable odors affecting a substantial number of people.

The Project does not include any uses identified by the SCAQMD as being associated with substantial odors. The preparation and disposal of food products would be in accordance with local regulations relating to ventilation control and refuse disposal, as well as SCAQMD Rule 1138 regarding emissions of odorous compounds while cooking food. As a result, the Project would not create adverse odors affecting a substantial number of people during construction or operation, and impacts would be less than significant.

As discussed above, regional and localized construction emissions associated with the Project would not exceed the SCAQMD numeric indicators. Since construction would not exceed the regional numeric indicator of significance for criteria pollutants, the Project would result in a less than significant impact with regard to cumulative construction emissions.

### *Significant and Unavoidable Impacts*

While the analysis in the Draft EIR presents a conservative, worst-case emissions scenario, and numerical exceedances of mass emissions thresholds do not equal a violation of ambient air quality standards, the emissions calculations for the Project show that, during interim operations (i.e., between 2019 and 2020, when Phase I will have been constructed and is in operation and Phase 2 is under construction) and following full buildout in 2020, Project emissions would potentially exceed the threshold of significance for VOC and NOX. As shown on Draft EIR Table 4.B-7, the majority of emissions associated with the operation of the Project are from vehicles accessing the

Project Site to work, shop, dine, or visit the commercial and hotel uses.

The Project would incorporate Project Design Feature PDF-AQ-1 to meet requirements of LEED Silver certification, which would reduce energy usage (natural gas and electricity) and associated emissions, thereby reducing operational VOC and NOX emissions during Project operation, but emissions would continue to exceed significance thresholds as the result of the Project's trips. Furthermore, vehicle trip reductions due to internal capture (resulting from the co-location of mixed uses) or reliance on mass transportation have already been accounted for in the Project's mobile source emission calculations. Thus, no additional feasible mitigation measures are available to further reduce emissions.

### Project Design Feature

PDF-AQ-1: The Project would be designed and operated to meet or exceed the applicable requirements of the State of California Green Building Standards Code and achieve the equivalent of USGBC LEED® Silver Certification. These measures would also include consistency with Los Angeles County Green Building Standards and Low Impact Development requirements. The Project would incorporate measures and performance standards which include but are not limited to the following:

- The Project would implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of nonhazardous construction debris or minimize the generation of construction waste to 2.5 pounds per square foot of building floor area.
- The Project would be designed to optimize energy performance and reduce building energy cost by 10 percent for new construction compared to ASHRAE 90.1-2010, Appendix G, and the Title 24 Building Standards Code.
- The Project would reduce indoor water use by a minimum of 35 percent by installing water fixtures that exceed applicable standards.

## **2. Operational Traffic Impacts**

## **Potential Operational Related Effects**

Development of the Project would increase the amount of traffic in and out of the area on a long-term basis during Project operation.

## **Finding**

Through incorporation of Project Design Features and implementation of required Mitigation Measures, potential traffic impacts at 15 of the 18 studied intersections would be reduced to a level of less than significant. However, the Project will create significant and unavoidable traffic impacts at a total of three intersections (Fullerton Road and Colima Road, Nogales Street and La Puente Road, and Nogales Road and Colima Road) due to the projected change in volume-to-capacity (“V/C”) under the “Future (2020) With Project Plus Cumulative Traffic” conditions. Although the level of service (“LOS”) classifications at two of these intersections would continue to be acceptable per County standards, no additional physical improvements are feasible at these intersections. As a result, the potential traffic impacts associated with the Project at these three intersection locations will remain significant and unavoidable.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 8).

## **Facts**

The Project’s traffic impacts were analyzed in Draft EIR Section 4.K and the Project’s traffic study contained in Appendix I-1 of the Draft EIR.

## *Traffic*

Existing traffic conditions at the 15 studied signalized intersections were analyzed utilizing the Critical Movement Analysis (“CMA”) method of intersection capacity, which calculates the volume of traffic traveling through an intersection and compares it to the intersection’s capacity. The resulting value is expressed in a V/C ratio, which, in turn, is interpreted as a LOS measure, which qualitatively describes the condition of traffic flow on the street system. In Los Angeles County, a traffic impact is considered significant if the project-related increase in the V/C ratio equals or exceeds

certain established thresholds. The three studied unsignalized intersections (i.e., Project access points) were analyzed for traffic signal warrants in accordance with County guidelines.

Project trip generation was determined using rates and procedures contained in the Institute of Transportation Engineers, Trip Generation, 9th Edition, 2012. Trips generated by the Project were calculated by multiplying a land use's trip generation rate by the proposed quantity (for example, square footage or number of hotel rooms) of that land use. Trip generation rates were determined for daily traffic, weekday morning peak hour inbound and outbound traffic, weekday evening peak hour inbound and outbound traffic, and Saturday mid-day peak hour inbound and outbound traffic for the proposed land uses.

Pass-by trips are intermediate stops at the Project Site during existing or previously planned trips. These intermediate stops may be for a planned purpose (such as a visit to a retail store on the way home from work), or they may be spur-of-the-moment "impulse" trips. Accounting for these adjustments more realistically reflects the fact that some trips related to the Project would be multipurpose trips, and that some Project trips are already on the street system for another purpose and therefore, would not contribute additional traffic to the surrounding roadway network. The pass-by trips methodology and estimation are outlined in the Institute of Transportation Engineers, Trip Generation Handbook, Section 5, 2004, and a pass-by trip rate of 10 percent was considered appropriate for the Project, based on consultation with LACDPW Traffic and Lighting.

The geographic distribution of trips generated by the Project is based on an evaluation of the street system serving the Project Site, the level of accessibility of routes to and from the Project Site, and the locations of employment and commercial centers to which Project visitors would be drawn. To determine the trip distributions, peak hour traffic counts of the existing directional distribution of traffic for existing areas in the vicinity of the Project Site and other additional information on future development and traffic impacts in the area were reviewed. The Project's trip distribution was then confirmed with LACDPW Traffic and Lighting.

As shown in Draft EIR Table 4.K-4, the Project would generate 10,357 average

daily trips, including 541 trips (312 inbound/229 outbound) during the weekday morning peak hour, 846 trips (449 inbound/397 outbound) during the afternoon weekday peak hour, and 1,092 trips (566 inbound/526 outbound) during the Saturday mid-day peak hour.

The Project's traffic study concluded that, based on the volume of traffic anticipated, traffic signals are projected to be warranted at two unsignalized study area intersections (No. 7: Project West Access & Gale Avenue, and No. 8: Project East Access & Gale Avenue) for Existing (2013) Plus Project traffic conditions. Subsequent to the completion of the traffic counts for the traffic study, a traffic signal was installed at Intersection No. 8, which will remain following completion of the Project. With the continued operation of the traffic signal, Project impacts at this intersection would be less than significant during the Existing (2013) Plus Project conditions.

The Project Applicant also proposes installation of a three-way traffic signal at Intersection No. 7 providing traffic control for westbound/eastbound Gale Avenue and the southbound ingress/egress driveway. The southbound approach would provide dedicated left-turn and right-turn lanes within the Project Site. With the implementation of the proposed traffic signal at Intersection No. 7, per Project Design Feature PDF-TRAF-2, impacts would remain less than significant under Existing (2013) Plus Project conditions. Project impacts related to warranted traffic signals would be less than significant under Existing (2013) Plus Project conditions.

Three related projects in the Project vicinity are expected to be developed after the Project has been constructed, based upon a review of permits filed within the last five years in the vicinity of the Project Site. The related projects would generate 689 average daily trips, including 51 trips (29 inbound/22 outbound) during the weekday morning peak hour, 55 trips (32 inbound/ 23 outbound) during the weekday afternoon peak hour, and 754 trips (30 inbound/35 outbound) during the Saturday mid-day peak hour. To assess Future (2020) With Project Plus Cumulative Traffic conditions, existing (2013) traffic was combined with the projected traffic from these related projects. Per the Memorandum of Understanding with LACDPW Traffic and Lighting regarding the Project's traffic analysis, no annual ambient or background growth factor was incorporated into analysis of future conditions, since the Project area is entirely built out.

Without improvements, the Project would result in potentially significant impacts at seven intersections (Nos. 1, 3, 4, 10, 13, 15, and 18) under Future (2020) With Project Plus Cumulative conditions. Improvements to Intersection Nos. 13 (Nogales Street & San Jose Avenue) and 15 (Nogales Street & Gale Avenue/Walnut Drive) are currently being implemented as part of the Nogales Street Grade Separation Project. Following these improvements, capacity at these intersections will be adequate to accommodate Project trips and related projects without resulting in a significant delay, reducing Future (2020) With Project Plus Cumulative Traffic impacts to a less than significant level at these intersections. Potentially significant impacts would remain at the five remaining intersections (Nos. 1, 3, 4, 10, and 18); however, these intersections currently operate at an acceptable LOS (LOS "E" or better) and are projected to continue to operate at an acceptable LOS with or without identified improvements.

With the implementation of Mitigation Measure MM-TRAF-1, the Project Applicant's fair-share contributions toward the physical improvements at Intersection Nos. 1 and 3 would reduce potential impacts at those intersections to a less than significant level. The remaining three significantly impacted intersections are already fully built out (with the exception of Intersection No. 4, Fullerton Road & Colima Road, where a funded highway improvement project that would add a northbound exclusive right-turn lane to Fullerton Road is currently being administered by LACDPW) and no additional physical improvements are feasible at these locations. Impacts at these three intersections, therefore, cannot be mitigated to a less than significant level.

#### Project Design Feature

- PDF-TRAF-2: The Project Applicant will install a three-way traffic signal at the primary Project Site entrance and Gale Avenue (Intersection No. 7), to provide traffic control for westbound/eastbound Gale Avenue and the southbound ingress/egress Project driveway.

#### Mitigation Measure

- MM-TRAF-1: The Project Applicant shall pay a fair-share contribution to LACDPW or the City of Industry, as appropriate, to implement the following

physical improvements identified at two intersections that would be significantly impacted by the Project under Future (2020) With Project Plus Cumulative Traffic conditions:

- Intersection No. 1 (Fullerton Road & Gale Avenue): The Project Applicant shall coordinate with the City of Industry to arrange a fair-share contribution towards the construction of an additional westbound left-turn lane at this intersection. The fair-share contribution shall be made in accordance with Table 8, Project Fair Share Contributions, of the approved Rowland Heights Plaza Traffic Impact Analysis, which requires the Project Applicant to contribute 97.9 percent of the estimated City of Industry cost to implement this improvement.
- Intersection No. 3 (Fullerton Road & SR-60 Freeway Eastbound Ramps): The Project Applicant shall coordinate with LACDPW to arrange a fair-share contribution towards the construction of a northbound through travel lane at this intersection. The fair-share contribution shall be made in accordance with Table 8, Project Fair Share Contributions, of the approved Rowland Heights Plaza Traffic Impact Analysis, which requires the Project Applicant to contribute 81.1 percent of the estimated LACDPW cost to implement this improvement.

## **SECTION 4**

### **GROWTH INDUCING IMPACTS OF THE PROJECT**

#### **Potential Effect**

Development of the Project has the potential to induce growth by fostering economic or population growth either directly or indirectly.

#### **Finding**

The Project does not meet a growth-inducing criterion specified under CEQA, and, therefore, the Project is not considered to be growth inducing.

#### **Facts**

Growth inducing impacts are discussed at pages 6-18 through 6-19 of the Draft EIR. The following facts support the above finding:

As the Project proposes only commercial uses, and fewer than 1,000 employees are anticipated as the daytime on-site population, the Project would not increase residential population density in the Rowland Heights community nor generate new demand for schools, libraries, recreational facilities or services, or other public services. Therefore, population growth is not expected to be directly induced by the Project

Growth may indirectly occur following the removal of physical impediments or restrictions to growth, or the removal of regulatory impediments resulting from land use plans and policies. In this context, physical impediments may include nonexistent or inadequate access to an area or the lack of essential public services (e.g., water or sewer service), while planning impediments may include restrictive zoning and/or general plan designations. The Project Site is currently well served by utility infrastructure, with the only off-site infrastructure improvements required consisting of tie-ins to the utility main-lines already serving the Project area. The Project would not require the construction of off-site infrastructure that would provide additional capacity for other future development.

Moreover, the Project—which includes retail, restaurant, office, and hotel uses—represents infill development in an established urban environment. The Project Site is

designated Major Industrial on the County General Plan Land Use Policy Map and Industrial on the Rowland Heights Community Plan Land Use Map. The zoning designation for the County portion of the Project Site is M-1.5-BE, (Restricted Heavy Manufacturing, Billboard Exclusion), which permits a broad range of industrial and commercial uses, including most commercial uses permitted in the C3 Unlimited Commercial zone. All of the Project's proposed land uses are permitted under this zoning designation, except hotels. The Project would be consistent with existing land use regulations for the Project Site with approval of the requested Zone Change from M-1.5 to C-3-(DP) for Parcels 2 and 3 (to allow for the development of the proposed hotels), and with approval of the requested CUPs.

While the Project requires a number of discretionary actions on the part of the County, approval of this Project does not necessarily mean that other development approvals in the area will follow. Independent determinations must be made for each project. Moreover, existing regulatory frameworks are not being interpreted in a precedent setting fashion. Thus, the approval of the Project would not properly be considered growth inducing.

The Project could be considered growth inducing if it would cause economic expansion or economic growth to occur in the Project area. Examples of economic expansion or growth would include changed in revenue base, employment expansion, etc. Buildout of the Project could result in temporary increases in construction-related job opportunities; however, potential employees would likely be drawn from the existing labor force in the County of Los Angeles, City of Los Angeles, City of Santa Monica, City of Culver City and the Los Angeles Metropolitan area, and short-term construction employment would not represent a significant shift in existing economic or population characteristics of the Project area.

Long-term growth, should it occur, would be primarily in the form of an economic response to the new commercial and hotel uses proposed on the Project Site. Although these uses would represent an increase from the intensity of uses currently on the Project Site, given the relatively small size of the Project in relation to the County's population, the economic contribution of the Project alone would not be considered growth inducing.

## SECTION 5

### SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH WOULD BE INVOLVED IN THE PROJECT SHOULD IT BE IMPLEMENTED

State CEQA Guidelines Section 15126.2(c) indicates that:

*Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter likely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the Project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.*

The Project would necessarily consume limited, slowly renewable, and non-renewable resources. This consumption would occur during the construction phase of the Project and would continue throughout its operational lifetime. Project development would require a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project Site. Project construction would require the consumption of resources that are non-replenishable or may renew so slowly as to be considered nonrenewable. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel, and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Furthermore, nonrenewable fossil fuels such as gasoline and oil would be consumed in the use of construction vehicles and equipment, as well as the transportation of goods and people to and from the Project Site.

Project operation would continue to expend nonrenewable resources, including energy resources such as electricity and natural gas, petroleum-based fuels required for

vehicle-trips, fossil fuels, and water. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the Project, and the existing, finite supplies of these natural resources would be incrementally reduced.

The Project area supports a large daytime employee population to the north, east, and west, and these people can be anticipated to patronize the Project's commercial retail and restaurant uses. Also, residents of neighborhoods to the south are expected to patronize the retail, restaurant, office, and hotel uses. The Site is also near public transit and would support pedestrian and bicycle access to a considerable range of employment, retail, and entertainment activities. These factors would contribute to an integrated land use pattern that would allow people to easily access complementary goods and services and thus reduce consumption of nonrenewable resources due to multipurpose trips.

Furthermore, the Project would include design features and be subject to building regulations that would reduce the demands for energy resources needed to support Project operation. The Project would comply with the Los Angeles County Green Building Program and is required by County regulations to achieve LEED® Silver-level certification or the equivalent. The analysis of Project impacts on greenhouse gas emissions in Section 4.F, Greenhouse Gas Emissions, of the Draft EIR and the discussion of Energy in Chapter 6, Other CEQA Considerations, discuss State efforts to reduce greenhouse emissions, which also requires concurrent reductions in the consumption of nonrenewable resources.

Continued use of such nonrenewable resources would be on a relatively small scale and consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the consumption of such resources. Furthermore, the Project would not affect access to existing resources nor interfere with the production or delivery of such resources. The Project Site contains no energy resources; thus, the Project would not preclude future use of such on-site resources. The Project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant.

## **SECTION 6**

### **FINDINGS REGARDING ALTERNATIVES**

Alternatives to the Project described in the Draft EIR were analyzed and considered. The alternatives discussed in the Draft EIR and Final EIR constitute a reasonable range of alternatives necessary to permit a reasoned choice. The Final EIR concluded that the “No Project/No Development” Alternative was the environmentally superior alternative. However, as specified in State CEQA Guidelines Section 15126.6(e)(2), if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Of the remaining alternatives considered, Alternative 2 “Reduced Intensity Alternative” was considered the environmentally superior alternative. However, these alternatives and the other alternatives analyzed in the Draft EIR and Final EIR would not fully achieve the Project’s underlying purpose and primary objective, and would either partially achieve or not achieve the 18 specific Project Objectives, and are therefore rejected as infeasible for the specific economic, legal, social, technological, and/or other considerations set forth below.

#### **Project Objectives**

##### ***Commercial/Retail Objectives***

1. Address the existing shortage of commercial retail options in the Project area (i.e., the southeastern San Gabriel Valley), and expand the variety of such options to serve Rowland Heights community residents.
2. Locate new commercial development in close proximity to existing commercial and light industrial uses to avoid displacing residential uses or introducing incompatible land uses, but in close proximity to the existing residential population south of the Project Site and SR-60 and the existing daytime employee population to the north, east, and west.
3. Take advantage of the large buildable lot area to develop a high-quality, low-rise commercial center with a diversity of tenant spaces (retail, restaurant, and office space on two floors) to attract high-quality tenants.

4. Ensure a variety of commercial uses are accommodated—including retail, restaurant, and office uses—to provide a range of goods and services to the community.
5. Promote and support local, regional, and State mobility objectives to reduce vehicle miles traveled and infrastructure costs by siting new commercial infill development in proximity to existing local bus lines and a commuter rail station and providing facilities to support and encourage the use of bicycles.

### ***Hotel Objectives***

1. Accommodate the growing need for hotel options and meeting facilities that meet corporate and commercial demand generated by businesses in the San Gabriel Valley, leisure and tour group demand generated by pleasure travelers in the San Gabriel Valley and larger Los Angeles area, and group demand for social events and business and association meetings.
2. Provide a high-quality extended stay hotel in the currently underserved eastern San Gabriel Valley market where no comparable hotel product exists and demand for longer-term stays for family vacationers and business travelers is increasing.
3. Provide business travelers with local options for hotel stays, thereby reducing vehicle miles traveled.
4. Site proposed new mid-rise hotels in a high-visibility location with freeway access.
5. Co-locate complementary hotel uses (at a height and scale appropriate for the commercial/industrial corridor in which the Project Site is situated, in conformance with Development Program review criteria) and commercial uses, including retail and restaurant uses, to provide local shopping and dining options for hotel guests.

### ***Siting and Design Objectives***

1. Create an activity node for the Project area, and ensure a consistently high level of pedestrian activity during the day and the evening by co-locating a sufficiently diverse concentration of hotels and commercial uses with different peak activity periods.

2. Maximize efficient use of the Project Site through the use of shared parking that accommodates peak demand for on-site uses.
3. Incorporate underground structured parking to minimize lot coverage dedicated to surface parking and take advantage of the natural slope of the Site.
4. Enhance the pedestrian experience along Gale Avenue, and provide street-level pedestrian connectivity to the Project Site through the provision of landscaped setbacks on the Project's street frontage, landscaped pedestrian walkways through the Project Site, and a dedicated pedestrian connection separate from vehicle driveways.
5. Provide on-site common open space amenities in response to community input related to visual enhancement of the parking field and for the use of Project patrons and employees.

#### ***Economic and Employment Objectives***

1. Create a viable mix of complementary retail, office, and hotel uses of a sufficient size to create internal synergy and attract outside patrons.
2. Contribute to the economic health of the Rowland Heights community through jobs creation, including short-term construction trade jobs and long-term service and professional employment opportunities.
3. Generate revenue for the County through net new sales and room taxes.

#### **Alternatives Considered But Not Evaluated.**

Several potential alternatives were rejected as infeasible and therefore were not analyzed in detail in the Draft EIR. They included siting the Project at an alternative location. Since it is uncertain, and even unlikely, that development of another site with the proposed Project uses would substantially reduce significant environmental impacts, and because the Project Applicant does not own any other unentitled properties in the Project area, this Alternative was rejected from further consideration. In addition, an alternative including office or residential Project uses was rejected – office uses would result in greater traffic impacts while failing to meet numerous Project Objectives, while residential uses would not be compatible with adjacent land uses and would concentrate trip generation during AM and PM peak hours, which could increase traffic

impacts.

## **Alternative 1, The “No Project/No Development” Alternative**

### **Description of Alternative**

Under this alternative, the Project Site would remain in its present vacant, unimproved condition.

### **Comparison of Effects**

None of the potential Project-related impacts identified in the Draft EIR would occur under the “No Project/No Development” alternative. However, the selection of the “No Project/No Development” alternative would preclude any of the development proposed under the Project, and consequently would not achieve the Project’s underlying purpose and primary objective or any of the 18 specific Project Objectives.

### **Finding**

The “No Project/No Development” alternative is rejected as infeasible because it fails to meet any of the Project objectives identified in the Final EIR, and would not provide any of the Project benefits as set forth herein.

### **Facts**

The “No Project/No Development” alternative would fail to address the existing shortage of commercial retail options in the Project area. This Alternative would also fail to take advantage of the large buildable lot area to develop a high-quality, low-rise commercial center with a diversity of tenant spaces (retail, restaurant, and office space on two floors) to attract high-quality tenants. This Alternative would also fail to provide a new high-quality extended stay hotel option in the currently underserved eastern San Gabriel Valley market where no comparable hotel product exists. This alternative would also fail to contribute to the economic health of the Rowland Heights community through jobs creation, including short-term construction trade jobs and long-term service and professional employment opportunities, and also fail to generate revenue for the County through net new sales and room taxes.

## **Alternative 2, The “Reduced Intensity” Alternative**

### **Description of Alternative**

Under the “Reduced Intensity” Alternative, the Project’s uses would remain similar, except that the high-turnover (sit-down) restaurant use would be omitted altogether, and the floor area for all other commercial uses on Parcel 1 and the hotel room count and floor area on Parcels 2 and 3 would be reduced by 20 percent. The height of the hotel buildings would be reduced by one floor to five stories and approximately 60 feet in height above finished grade (68 feet with mechanical equipment). This Alternative would include the access roadways, pedestrian walkways, landscaped setbacks, and common area amenities proposed for the Project.

### **Comparison of Effects**

The Alternative would result in comparable impacts to air quality (construction), biological resources, archaeological/paleontological resources, geology, hydrology and water quality, land use and planning, noise (construction), fire protection and emergency services (construction), and water supply (construction). This Alternative’s impacts to aesthetics, air quality (operation), greenhouse gas emissions, noise (operation), fire protection and emergency services (operation), transportation and parking, wastewater, and water supply (operation) would be incrementally reduced.

### **Finding**

While the Alternative would result in fewer and lesser impacts to the environment when compared to the Project, and would eliminate the Project’s significant and unavoidable air quality and traffic impacts, the Alternative fails to meet many of the Project Objectives to the same extent as the Project, and would be financially infeasible. For these reasons, this Alternative is not considered feasible.

### **Facts**

Because of the 20 percent reduction in the number of guest rooms, elimination of high-turnover restaurants, and the reduction in retail square footage, Alternative 2 would

not achieve Economic and Employment Objective No. 1 (create a viable mix of complementary retail, office, and hotel uses, of a sufficient size to create internal synergy and attract outside patrons) to the same extent as the Project, which is essential to the Project's financial feasibility. In addition, because the number of guestrooms would be substantially reduced, by 95 rooms or approximately 20 percent, it would only partially achieve Hotel Objective Nos. 1 and 2, which pertain to accommodating the growing need for hotel facilities that meet demand in the San Gabriel Valley and providing a high-quality extended stay hotel in the currently underserved San Gabriel Valley where no comparable hotel product exists and demand is increasing.

Further, with respect to the economic feasibility of hotel uses, a hotel's base operating costs and therefore net operating income (NOI) are largely fixed based on the type of hotel and amenities proposed, and must be supported by a specific number of rooms to be economically viable. For this reason, a hotel's operating costs do not increase in direct correlation with an increase in the number of hotel rooms; a doubling of room count would not double the operating costs because those are generally fixed. Thus, if a hotel's room count is decreased below the NOI, the hotel becomes economically infeasible. In high-demand markets such as urban centers (e.g., downtown Los Angeles), hotels may rely on a higher average daily rate to offset any reduction in room count. However, in less competitive markets, such as the suburban location of the Project Site, hotel operators must rely on an adequate number of rooms to ensure that revenue exceeds NOI. The 20 percent reduction in room count under this Alternative would decrease revenue by approximately 30 percent or more, depending on market forces. As a result, the proposed reduction in hotel uses under the Reduced Intensity Alternative would become economically infeasible. If the proposed hotels were not developed, this Alternative would not meet the Project's primary objective or the objectives related to the proposed hotel uses.

The Project's proposed mix of commercial uses has been allotted in a manner to support the economic feasibility of the Project. High-turnover restaurant use is an important tenant type for commercial shopping centers because it serves as anchor use that generates a level of patronage that then benefits other co-located commercial uses

because of proximity. In this manner, potential retail tenants typically consider the provision of the high-turnover restaurant use when deciding whether to locate in a given commercial plaza. Elimination of this use from the Commercial Center would not meet the Project's primary objective or objectives related to commercial uses, and could render the Commercial Center financially unviable.

Under this Alternative, while there would be less development on the Project site, the site design would remain substantially similar to the Project; however, the height of the hotel buildings would be reduced, thereby lessening potential visual character and shading impacts, which would remain less than significant. With respect to air quality, localized pollutant construction impacts would be substantially similar to the Project, but operational emissions would be reduced due to fewer vehicle trips/vehicle miles traveled, thereby eliminating the Project's significant unavoidable operational air quality impacts.

Both the Alternative and the Project would result in a less than significant impact to biological resources, as well as archaeological and paleontological resources. Impacts to geotechnical and soil resources for this Alternative would be similar to the Project and would remain, like the Project, less than significant. Greenhouse gas emissions for the Alternative would be slightly less than the Project and as such, impacts would continue to be less than significant.

Like the Project, this Alternative would require implementation of BMPs to control potential stormwater runoff impacts, and the less than significant impacts of both the Project and the Alternative would be similar in this regard. Land use and planning impacts would be slightly lessened in regards to County planning documents, and similar with respect to the LACC, and impacts would remain less than significant for the Alternative.

This Alternative would result in similar construction noise and vibration impacts as the Project, despite a slightly shorter construction duration, and following necessary mitigation, construction noise impacts would remain less than significant. Operational noise impacts for the Alternative would be less than the operational noise impacts from the Project due to the reduced amount of development; the impacts from both the Project and the Alternative would remain less than significant.

The Alternative, like the Project, would have less than significant impacts to public services including fire protection and sheriff protection due to its reduced size when compared to the Project. Like the Project, the Alternative would have a less than significant impact on public utilities including water service and sewer service, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. As shown in Table 5-2 of the Draft EIR, the Alternative's reduced trip generation due to its reduced size would eliminate the Project's potentially significant and unavoidable traffic impacts at Intersection Nos. 4, 10, and 18.

Although the Reduced Intensity Alternative would avoid the Project's significant unavoidable operational air quality impacts and intersection impacts, this Alternative would only partially achieve the underlying Project purpose, and of the 18 specific Project Objectives set forth in Chapter 2.0, Project Description, of the Draft EIR, it would fully achieve only nine and would partially achieve eight. Moreover, for the reasons set forth above and in the Draft EIR, this Alternative would not achieve the objectives pertaining to the financial viability of the proposed mix of uses. For these reasons, this Alternative is not considered feasible.

### **Alternative 3, The "Code Compliant Commercial" Alternative**

#### **Description of Alternative**

Under the "Code Compliant Commercial" Alternative, the Project Site would be developed in conformance with its underlying General Plan land use and zoning designations. Commercial condominiums for retail, restaurant, and office uses would continue to be developed on the area designated as Parcel 1 under the Project, and because hotel uses are not permitted by the existing zoning, commercial condominiums with the same mix of uses would also be developed on the areas designated as Parcels 2 and 3 under the Project to create a cohesive commercial campus setting. The Alternative's commercial buildings are assumed to be two stories in height, resulting in a total permitted floor area of roughly 489,963 square feet (an increase of 43,263 square feet when compared to the Project). A total of 3,232 parking spaces would be provided.

#### **Comparison of Effects**

While the alternative would result in lessened impacts regarding aesthetics and land use and planning, all other impact areas would be similar to or greater than the Project. Specifically, the Alternative would have greater impacts related to operational air quality, odors, greenhouse gas emissions (which would result in new significant unavoidable impacts), off-site operational noise, sheriff protection services, traffic, wastewater, and operational water supply (which may also result in new significant unavoidable impacts).

### **Finding**

The Alternative would fail to meet the Project objectives by failing to provide hotels to serve existing demand, would exacerbate the Project's unavoidable significant operational air quality and intersection impacts, and would result in new significant and unavoidable greenhouse gas emissions impacts as well as new potential significant operational water supply impacts, compared to the Project's less than significant greenhouse gas emissions and water supply impacts. For these reasons, the Alternative is deemed to be infeasible.

### **Facts**

Under this Alternative, the entirety of the Project Site would be developed with commercial condominiums for retail, restaurant, and office uses, as allowed by the existing zoning, to create a cohesive commercial campus setting. The contemplated commercial buildings would conform to the height, floor area, and lot coverage standards of the existing zoning. Therefore, while both the Alternative and the Project would have less than significant impacts with respect to land use and planning, impacts under this Alternative would be less than those of the Project.

Aesthetic impacts related to visual character and shading would be less than the Project, due to the replacement of the Project's proposed six-story hotel buildings with two-story commercial buildings. Although the Alternative would result in a greater amount of development on the Site, construction-period emissions would be similar on a daily basis to the Project, and construction air quality impacts would therefore remain less than significant. However, because this Alternative would result in greater

development and more vehicle miles associated with long-term operations, operational VOC and NOx emissions would increase 77% and 132%, respectively, compared to the Project. In addition, long-term operational CO emissions would exceed thresholds under this Alternative due to increased vehicle trips, resulting in a significant impact. Operational air quality impacts under this Alternative would therefore be greater than those of the Project, and would remain significant and unavoidable.

Development under this Alternative would involve a similar level of grading and site disturbance as the Project, and would therefore not change any impacts to biological resources, archaeological/paleontological resources, and geological resources when compared to the Project; as a result, both this Alternative and the Project would result in less than significant impacts to such resources. The Alternative includes construction activities similar to the Project; therefore, similar to the Project, impacts related to greenhouse gas emissions during construction would remain less than significant. However, due to the increased amount of vehicle trips and vehicle miles traveled associated with the Alternative, operational greenhouse gas emissions would increase as compared to the Project, and would only result in a reduction of 7.7 percent compared to BAU, which would conflict with the Scoping Plan's target reduction of at least 15.8 percent. Therefore, this Alternative would result in a greater, and significant and unavoidable, greenhouse gas emission impact, compared to the less than significant Project impact.

Like the Project, the Alternative would not substantially alter the amount of site runoff due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both the Project and the Alternative would be similar in this regard. The Alternative would result in similar construction noise and vibration impacts to the Project; therefore, construction noise impacts would remain significant under the Alternative. While on-site operational noise impacts would be similar to the Project, off-site operational noise impacts, while remaining less than significant, would be greater than the Project, due to the Alternative's increase in daily and peak hour trips as compared to the Project.

The Alternative, like the Project, would have similar, less than significant impacts to fire protection and sheriff protection services, with the exception of operational sheriff

protection impacts, which while remaining less than significant, would be greater than the Project due to the Alternative's more intensive development program and the greater number of visitors and workers to the Project Site. Similarly, the Alternative would also continue to have less than significant impacts regarding wastewater, but its operational impacts would be greater than the Project, due to the more intensive scope of development proposed under the Alternative. The operational potable water demand for the Alternative would significantly exceed the Project's demand, and even assuming the applicability of Project Design Feature PDF-WATER-3 to the Alternative, the Alternative's water demand would exceed the available recycled water offset contemplated by the Rowland Water District. Operational water supply impacts of this Alternative are potentially significant and unavoidable.

Because this Alternative would result in a comparative increase in vehicle trips, impacts at all intersections would be greater than under the Project, and the significant and unavoidable impacts identified for the Project would be worsened in terms of V/C ratios. Moreover, because this Alternative would generate increased demand for parking compared to the Project, parking-related impacts under this Alternative would be greater than under the Project.

Because Code Compliant Commercial Alternative would not avoid, and would actually exacerbate, the Project's unavoidable significant operational air quality and intersection impacts, and would also result in new significant and unavoidable GHG emissions impacts as well as potential significant unavoidable water supply impacts, this Alternative is deemed to be infeasible.

#### **Alternative 4, The "Code Compliant Light Industrial/Warehouse" Alternative**

##### **Description of Alternative**

Under this Alternative, the Project Site would be developed with light industrial and warehouse uses permitted in the M-1.5 zone, and similar to the light industrial parks in the Project vicinity. The provision of consumer-oriented commercial uses is not considered. Six one-story, light industrial/warehouse buildings would be developed in place of the commercial and hotel buildings proposed under the Project, and 367 surface parking spaces would be provided. Driveway locations would remain as

proposed under the Project, with minor modifications at the location of the Project's hotel entrances. Pedestrian walkways would continue to connect buildings internal to the Project Site and off-site commercial uses; sidewalk improvements, a landscaped setback, and ADA-accessible access would continue to be provided along Gale Avenue.

### **Comparison of Effects**

This Alternative would generate fewer vehicular trips than the Project, but such trips would be predominantly diesel truck trips serving the warehouse uses, and light industrial uses could also be expected to emit toxic air contaminants (TACs); therefore, operational emissions under this Alternative would be greater than those of the Project. This Alternative would achieve a GHG reduction of only 9.9 percent reduction compared to BAU, which does not meet the target reduction of at least 15.8 percent. Accordingly, GHG emission and plan consistency impacts would also be greater under this Alternative and would constitute a new significant and unavoidable impact.

Impacts for air quality (criteria pollutants), biological resources, geology, hydrology and water quality, land use and planning, noise, and construction-related demand for Sheriff and fire protection services and water supply would be similar to those of the Project. All other impacts would be less than those of the Project.

### **Finding**

The Alternative would fail to meet the Project objectives by failing to provide hotels or community-serving commercial retail uses to serve existing demand, and would result in new significant and unavoidable greenhouse gas emissions impacts, compared to the Project's less than significant greenhouse gas emissions impacts. For these reasons, the Alternative is deemed to be infeasible.

### **Facts**

The Alternative's proposed one-story buildings would result in visual character and shading impacts to be less as compared to the Project's less than significant impact, while light and glare impacts would remain similar, and less than significant.

Construction activities under this Alternative would be reduced in scale compared to the proposed Project; however, pollutant emissions and fugitive dust from Site preparation and construction activities would be similar on a daily basis compared to the proposed Project, and these impacts would be similar to the proposed Project's less than significant impacts. Despite the fact that this Alternative would result in less development (resulting in reductions in VOC) and fewer vehicle miles associated with long-term operations, heavy-duty diesel trucks generate more NOx emissions than light duty autos/trucks, and operational NOx emissions would be greater than the Project. As a result, the Alternative, like the Project, would have significant and unavoidable operational air quality impacts.

Because the Alternative would develop the entirety of the Project Site with new uses, impacts to biological resources would remain similar to the Project's less than significant impacts. However, because deep excavations to provide subterranean parking would not occur, impacts relating to archaeological/paleontological would be reduced compared to the Project. Because the Project Site will also need to be graded and recompacted under the Alternative, geological resource impacts would be similar, and remain less than significant.

GHG emissions reductions take into account both mobile sources and on-site sources, and the reduction in trip generation under this Alternative would be smaller than for the Project due to truck traffic and because this land use would not have any trip capture features. Therefore, the reduction in vehicle trips under this Alternative would be less than the Project, and vehicular GHG emissions would therefore be greater. As shown in Appendix K of the Draft EIR, this Alternative would achieve a GHG reduction of only 9.9 percent reduction compared to BAU, which unlike the Project, does not meet the Scoping Plan's target reduction of at least 15.8 percent. This would be a significant unavoidable impact with regard to GHG reduction targets, and consistency with GHG reduction plans. Accordingly, impacts would be greater under this Alternative and would constitute a new significant and unavoidable impact.

The Alternative's impacts to hydrology and water quality would remain similar to the Project's less than significant impacts due to a similar level of Project Site preparation activities and creation of impermeable surfaces. Because the Alternative

would develop uses in conformance with existing zoning standards, land use and planning impacts would be less than the Project's less than significant impacts. The Alternative's construction-period noise impacts would be similar to the Project's less than significant impacts, while operational noise impacts would be reduced due to fewer visitors and fewer peak-hour trips to and from Project Site. The Alternative's impacts to fire protection and sheriff protection services would be similar to the Project's less than significant impacts during construction, and less than the Project's less than significant impacts during operation (due to fewer visitors to the Project Site).

Due to the reduced scale of development, fewer visitors, and fewer peak hour trips, the Alternative's traffic impacts would be reduced as compared to the Project, and would not result in any significant unavoidable impacts. For similar reasons, the Alternative's wastewater and water supply impacts would generally be reduced from the Project's less than significant impacts.

Because the Code Compliant Light Industrial/Warehouse Alternative would fail to meet the Project objectives by failing to provide hotels or community-serving commercial retail uses, and would result in new significant and unavoidable greenhouse gas emissions impacts, the Alternative is deemed to be infeasible.

## **SECTION 7**

### **FINDINGS REGARDING MITIGATION MONITORING PROGRAM**

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a)(1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt a mitigation monitoring program (“MMP”) for the changes to the Project which it has adopted or made a condition of approval, in order to mitigate or avoid significant effects on the environment.

The County hereby finds that the MMP, which is attached as Exhibit A to these Findings and incorporated in the Project’s entitlement approvals, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of Project conditions to mitigate or avoid potential environmental effects in a manner designed to ensure compliance during Project implementation.

## **SECTION 8**

### **STATEMENT OF OVERRIDING CONSIDERATIONS**

Section 21081 of the California Public Resources Code and Section 15093(b) of the State CEQA Guidelines provide that when the decisions of the public agency allows the occurrence of significant impacts identified in the EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. Chapter II of the County's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 14, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to Section 15093(b) of the State CEQA Guidelines, that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects identified in the EIR cannot be substantially lessened or avoided. To adopt a Statement of Overriding Considerations, the decision-maker must balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." These findings incorporate and state the Statement of Overriding Considerations adopted for the Project.

The Findings and this Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the EIR, including the reference library to the EIR, and documents and materials that constitute the record of proceedings.

The Draft EIR identified and discussed significant effects that will occur as a result of the Project. With the implementation of the mitigation measures discussed in the Draft EIR, these effects can be mitigated to levels of insignificance except for potential unavoidable significant operational Project impacts to air quality and transportation and parking, as identified in Section 3 of these findings. Accordingly, the Board of Supervisors adopts the following Statement of Overriding Considerations. The

Board recognizes that significant and unavoidable impacts would result from implementation of the Project. Having (i) reduced the significant adverse environmental effects of the Project by incorporating the Project Design Features into the Project, (ii) adopted all feasible mitigation measures described above and in the Draft EIR and Mitigation Monitoring Program, (iii) rejected certain alternatives to the Project (as analyzed in the EIR), (iv) recognized all significant, unavoidable impacts, and (v) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the Board hereby finds that the benefits of the Project outweigh the potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable, based on the following overriding considerations.

Summarized below are the benefits, goals and objectives of the Project. These provide the rationale for approval of the Project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the significant unavoidable impacts of the Project and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the project and the certification of the completed Final EIR.

1. The Project will reuse and redevelop the currently undeveloped Project Site to provide high quality commercial retail, restaurant, and office uses, as well as hotel and meeting facilities, to serve both the local community and visitors to the community.
2. The Project will provide a well-designed development that is compatible with and complementary to surrounding land uses.
3. The Project will support and enhance pedestrian mobility between the Project Site and the commercial uses to the south, east, and west along Gale Avenue.
4. The Project will generate employment opportunities for the local community and surrounding area.
5. The Project will mitigate, to the extent feasible, the potential environmental impacts of the proposed Project.
6. The Project will provide development that is financially viable.
7. The Project will the following public benefits:

- A historically themed centrally located common area that includes bench seating and landscaping,
- A new sidewalk and landscaped setback along Gale Avenue,
- On- and off-site infrastructure improvements, including new traffic signals and the replacement of an existing partially channelized storm drain with a new 90-inch underground pipe.

In addition, the development and use of the Project will accomplish the Project Objectives described in the EIR, including the following:

***Commercial/Retail Objectives***

1. Address the existing shortage of commercial retail options in the Project area (i.e., the southeastern San Gabriel Valley), and expand the variety of such options to serve Rowland Heights community residents.
2. Locate new commercial development in close proximity to existing commercial and light industrial uses to avoid displacing residential uses or introducing incompatible land uses, but in close proximity to the existing residential population south of the Project Site and SR-60 and the existing daytime employee population to the north, east, and west.
3. Take advantage of the large buildable lot area to develop a high-quality, low-rise commercial center with a diversity of tenant spaces (retail, restaurant, and office space on two floors) to attract high-quality tenants.
4. Ensure a variety of commercial uses are accommodated—including retail, restaurant, and office uses—to provide a range of goods and services to the community.
5. Promote and support local, regional, and State mobility objectives to reduce vehicle miles traveled and infrastructure costs by siting new commercial infill development in proximity to existing local bus lines and a commuter rail station and providing facilities to support and encourage the use of bicycles.

***Hotel Objectives***

1. Accommodate the growing need for hotel options and meeting facilities that meet

corporate and commercial demand generated by businesses in the San Gabriel Valley, leisure and tour group demand generated by pleasure travelers in the San Gabriel Valley and larger Los Angeles area, and group demand for social events and business and association meetings.

2. Provide a high-quality extended stay hotel in the currently underserved eastern San Gabriel Valley market where no comparable hotel product exists and demand for longer-term stays for family vacationers and business travelers is increasing.
3. Provide business travelers with local options for hotel stays, thereby reducing vehicle miles traveled.
4. Site proposed new mid-rise hotels in a high-visibility location with freeway access.
5. Co-locate complementary hotel uses (at a height and scale appropriate for the commercial/industrial corridor in which the Project Site is situated, in conformance with Development Program review criteria) and commercial uses, including retail and restaurant uses, to provide local shopping and dining options for hotel guests.

### ***Siting and Design Objectives***

1. Create an activity node for the Project area, and ensure a consistently high level of pedestrian activity during the day and the evening by co-locating a sufficiently diverse concentration of hotels and commercial uses with different peak activity periods.
2. Maximize efficient use of the Project Site through the use of shared parking that accommodates peak demand for on-site uses.
3. Incorporate underground structured parking to minimize lot coverage dedicated to surface parking and take advantage of the natural slope of the Site.
4. Enhance the pedestrian experience along Gale Avenue, and provide street-level pedestrian connectivity to the Project Site through the provision of landscaped setbacks on the Project's street frontage, landscaped pedestrian walkways through the Project Site, and a dedicated pedestrian connection separate from vehicle driveways.

5. Provide on-site common open space amenities in response to community input related to visual enhancement of the parking field and for the use of Project patrons and employees.

***Economic and Employment Objectives***

1. Create a viable mix of complementary retail, office, and hotel uses of a sufficient size to create internal synergy and attract outside patrons.
2. Contribute to the economic health of the Rowland Heights community through jobs creation, including short-term construction trade jobs and long-term service and professional employment opportunities.
3. Generate revenue for the County through net new sales and room taxes.

## **SECTION 9**

### **SECTION 15091 AND 15092 FINDINGS**

Based on the foregoing findings and the information contained in the record, the Board of Supervisors has made one or more of the following findings with respect to each of the significant adverse effects of the Project:

- a. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid many of the significant environmental effects identified in the Final EIR.
- b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing:

- a. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.
- b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations set forth in the foregoing Statement of Overriding Considerations.

## **SECTION 10**

### **SECTION 21082.1(c)(3) FINDINGS**

In approving the Project, the County decision-makers have reviewed and considered the Draft EIR and appendices, the Final EIR and appendices, and all other pertinent evidence in the record of proceedings.

The Applicant's consultants prepared the screen check versions of the Draft EIR, Final EIR and technical studies. All such materials and all other materials related to the EIR were extensively reviewed and, where appropriate, modified by the Department of Regional Planning or other County representatives. As such, pursuant to Public Resources Code § 21082.1(c)(3), the Board of Supervisors finds that the Draft EIR, Final EIR, technical studies, and all other related materials reflect the independent judgment and analysis of the Lead Agency.

## **SECTION 11**

### **NO RECIRCULATION**

The Final EIR documents changes to the Draft EIR. The Final EIR provides additional analysis that was not included in the Draft EIR. Furthermore, the Responses to Comments contained in the Final EIR fully considered and responded to comments made regarding the Draft EIR. Furthermore, the Responses to Comments include substantial evidence that none of these comments provided substantial evidence that Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR. County staff, the Regional Planning Commission, and the Board of Supervisors have thoroughly reviewed the public comments received regarding the Project and the Final EIR to determine whether any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption.

The Board of Supervisors hereby finds, consistent with State CEQA Guidelines Section 15088.5, that no significant new information requiring recirculation of the EIR has occurred. Specifically, the County has determined, based on the substantial evidence presented to it, that (1) no new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented; (2) no substantial increase in the severity of an environmental impact would result from the Project; (3) no feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project; and (4) the Draft EIR is not so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

**SECTION 12**  
**CUSTODIAN OF RECORDS**

The custodian of the documents or other material which constitute the record of proceedings upon which the Board of Supervisor's decision is based is the Department of Regional Planning located at 320 West Temple Street, Los Angeles, California 90012.