

Final

DOWNTOWN DOWNEY SPECIFIC PLAN

Environmental Impact Report
State Clearinghouse No. 2010051008

Prepared for
Hogle-Ireland, Inc.

September 2010



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TABLE OF CONTENTS

Downtown Downey Specific Plan FEIR

	<u>Page</u>
1. Introduction	1-1
1.1 Background	1-1
1.2 Use of the Final EIR and the CEQA Process.....	1-2
1.3 Method of Organization	1-3
1.4 Focus of Comments.....	1-3
1.5 Certification of the Final EIR	1-4
1.6 Environmental Impacts and Mitigation Measures	1-4
2. Errata	2-1
2.1 CEQA Requirements	2-1
2.2 Revisions to the Draft EIR	2-2
3. Response to Comments	3-1
 List of Tables	
1-1 Summary of Impacts and Mitigation Measures for Downtown Downey Specific Plan	1-5
3-1 List of Comments Received	3-1

CHAPTER 1

Introduction

The City of Downey proposes to adopt the Downtown Downey Specific Plan (Specific Plan or proposed Project) that would encourage and guide development in Downey's downtown area. The Specific Plan anticipates full build-out by 2025 and a mix of development that would result in 40 percent residential use and 60 percent commercial use. (A copy of the Draft Specific Plan is included in the Draft EIR as Appendix 3.) The Specific Plan would establish districts in the approximately 85-acre Downey downtown area and intensify residential uses by 79 percent and commercial uses by 58 percent in the downtown, as described in Table 2-1, below. The proposed Project would also expand the boundaries of what is now considered the downtown area. Maximum development to 2025 is envisioned to add approximately 735 new dwelling units, and slightly over 1.3 million square feet of new commercial development spread across five districts.

1.1 Background

On July 15, 2010, the City of Downey (the lead agency) released for public review a Draft Environmental Impact Report (Draft EIR) for the Specific Plan. Following a 45-day review period, the public review and comment period on the Draft EIR closed on August 30, 2010. Overall, seven comment letters were received on the proposed Project. Two of these letters were received during the formal comment period and address the information presented in the Draft EIR. One of these letters was received outside of the formal comment period.

The Draft EIR, together with the Revisions to the Draft EIR and Response to Comments, constitute the Final EIR for the proposed Project. The Final EIR is an informational document prepared by the lead agency that must be considered by decision makers before approving or denying the proposed project.

Section 15132 of the *Guidelines for California Environmental Quality Act* (commonly referred to as the *CEQA Guidelines*) specifies the following:

The final EIR shall consist of:

- (a) *The Draft EIR or a revision of the draft.*
- (b) *Comments and recommendations received on the Draft EIR either verbatim or in summary.*
- (c) *A list of persons, organizations, and public agencies commenting on the Draft EIR.*
- (d) *The responses of the Lead Agency to significant environmental points raised in the review and consultation process.*
- (e) *Any other information added by the lead agency.*

Section 15004 of the *CEQA Guidelines* states that before the approval¹ of any project subject to CEQA, the lead agency must consider the final environmental document, which in this case is the Final EIR.

This Final EIR has been prepared pursuant to the requirements of CEQA. This Final EIR incorporates comments from public agencies and the general public, and contains appropriate responses by the lead agency to those comments.

1.2 Use of the Final EIR and the CEQA Process

The Final EIR allows the public an opportunity to review revisions to the Draft EIR, the response to comments, and other components of the EIR, including revisions and/or corrections to the Draft EIR, prior to approval of the Project. The Final EIR serves as the environmental document to support approval of the proposed Project, either in whole or in part, if the Project is approved. After completing the Final EIR and before approving the Project, the lead agency must make the following three certifications, as required by Section 15090 of the *CEQA Guidelines*:

- *The Final EIR has been completed in compliance with CEQA;*
- *The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the project; and*
- *The Final EIR reflects the Lead Agency's independent judgment and analysis.*

As required by Section 15091(a) of the *CEQA Guidelines*, no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The possible findings are:

- (1) *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- (2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- (3) *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

These certifications and the Findings of Fact are included in a separate Findings document.

¹ The word "approval" is defined by Section 15352 of the *CEQA Guidelines* to mean "the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person..." In addition, the *CEQA Guidelines* state that "[w]ith private projects, approval occurs upon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project."

1.3 Method of Organization

This Final EIR for the proposed Project contains information in response to concerns raised by written comments sent to the City of Downey. The Final EIR is organized into the following chapters:

- Chapter 1, *Introduction*, consists of a summary of the background of the proposed Project, information about the certification of the Final EIR, and a brief discussion of the intended uses of the Final EIR. Chapter 1 also contains the final Summary Table of Impacts and Mitigation Measures.
- Chapter 2, *Errata*, discusses the revisions to the proposed project and Draft EIR, including text changes and/or changes to appendices proposed by the City of Downey, as lead agency, and text changes and/or changes in response to comments received on the Draft EIR. Chapter 2 does not contain any changes to the appendices.
- Chapter 3, *Response to Comments*, contains a matrix of agencies and organizations that submitted written comments on the Draft EIR. This matrix identifies the issue areas addressed by those comments. Chapter 3 also includes a copy of each written comment letter, and a written response to each comment.

1.4 Focus of Comments

Section 15200 of the *CEQA Guidelines* establishes the purpose of public review of a draft environmental document:

The purposes of review of EIRs and negative declarations include:

- (a) *Sharing expertise,*
- (b) *Disclosing agency analyses,*
- (c) *Checking for accuracy,*
- (d) *Detecting omissions,*
- (e) *Discovering public concerns, and*
- (f) *Soliciting counter proposals.*

Sections 15204(a) and 15204(c) of the *CEQA Guidelines* further state:

- (a) *In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended*

or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

- (c) *Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.*

Section 15204(f) of the *CEQA Guidelines* establishes the rule that a responsible or trustee agency may submit proposed mitigation measures, limited to the resources subject to the statutory authority of that agency. These measures must include complete and detailed performance objectives for the measures or refer the lead agency to the appropriate guidelines or reference materials.

1.5 Certification of the Final EIR

The Final EIR will be available for ten days for public review at the following locations beginning September 3, 2010:

City of Downey Planning Department
11111 Brookshire Avenue
Downey, CA 90241
Hours: Monday through Friday, 7:30 AM to 5:30 PM

City of Downey Public Library, Reference Section
11121 Brookshire Avenue
Downey, CA 90241-7015
Hours: Monday through Thursday, 10:00 AM to 9:00 PM
Friday and Saturday, 10:00 AM to 5:00 PM
Sunday, 1:00 PM to 5:00 PM

The Final EIR will also be posted on the City's website at: <http://www.downeyca.org>.

Additionally, the written responses to all comments received from public agencies during the 45-day public review and comment period on the Draft EIR will be provided to those commenting agencies at least ten days prior to any proposed certification of the Final EIR as required by Public Resources Code Section 12092.5 and *CEQA Guidelines* Section 15088.

1.6 Environmental Impacts and Mitigation Measures

A detailed discussion of existing environmental conditions, environmental impacts and recommended mitigation measures is included in Chapter 3.0, *Environmental Setting, Impacts and Mitigation Measures*, of the Draft EIR. Project impacts, recommended mitigation measures, and level of significance after mitigation are summarized in **Table 1-1**.

**TABLE 1-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR DOWNTOWN DOWNEY SPECIFIC PLAN**

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
3.1 Land Use and Planning		
LU-1: The proposed project could physically divide an established community.	None required.	Less than significant.
LU-2: The proposed project could potentially conflict with any applicable land use plan, policy or regulation of an agency over the Project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental impact.	Measure LU-1: The City of Downey shall, in conjunction with the approval of the proposed Specific Plan, amend the General Plan so that the entire planning area is designated as Mixed Use and change the residential density ranges of the planning area are changes to reflect those in the proposed Specific Plan.	Less than significant.
3.2 Population and Housing		
POP-1: The proposed project could induce substantial population growth in the City of Downey, either directly (by proposing new homes and businesses) or indirectly (for example, through extension of infrastructure).	None required.	Less than significant.
POP-2: The proposed project could displace existing housing, necessitating the construction of replacement housing elsewhere.	Measure POP-1: Provide relocation assistance to households and businesses consistent with the requirements of the California Relocation Assistance Act of 1970 (Govt. Code § 7260 et seq.), the State Relocation Guidelines (25 Cal. Code Regs § 6000, et seq.), and the California Redevelopment Law (Health & Safety Code § 33410 et seq.), as applicable. Provide replacement of any units removed as a result of the project that were formerly occupied by very low-, low- or moderate-income households, consistent with the California Redevelopment Law (Health & Safety Code § 33413).	Less than significant.
POP-3: The proposed project could displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.	Measure POP-2: Implement Mitigation Measure POP-1.	Less than significant.
3.3 Traffic and Circulation		
TRAF-1: The proposed project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.	Mitigation Measure TRAF-1: The proposed Specific Plan shall implement a program for monitoring conditions at the following intersections: <ul style="list-style-type: none"> • Paramount Boulevard at Firestone Boulevard; • Downey Avenue at 2nd Street; and • Downey Avenue at Firestone Boulevard. Should conditions continue to deteriorate at these intersections, the program shall fund alternative improvements, such as	Significant and unavoidable.

**TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE DOWNTOWN DOWNEY SPECIFIC PLAN**

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
	<p>Transportation Systems Management (traffic signal coordination, traffic incident management, etc.), Transportation Demand Management (ridesharing, transit information kiosks, etc.), or improvements to the infrastructure for alternative modes of transport (walking, bicycling, NEVs).</p> <p>Measure TRAF-2: All new development within the Specific Plan area shall be required to conform to the City’s traffic standards.</p> <p>Measure TRAF-3: Third through lanes shall be established on northbound, southbound and eastbound approaches to the intersection of Paramount Boulevard and Firestone Boulevard. The through lanes will replace right turn lanes (either striped or <i>de facto</i>) in each case and will require eliminating parking on the departure legs of the intersection.</p> <p>Measure TRAF-4: Transportation Systems Management (traffic signal coordination, traffic incident management, etc.); Transportation Demand Management (ridesharing, transit information kiosks, etc., or improvements to the infrastructure for alternative modes of transport, such as walking, bicycling, neighborhood electric vehicles) shall be implemented for the intersection of Paramount Boulevard and Firestone Boulevard.</p> <p>Measure TRAF-5: A third eastbound through lane shall be added to the intersection of Downey Avenue at Firestone Boulevard, by eliminating parking during the pm peak hours.</p>	
TRAF-2: The proposed project could conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.	Measure TRAF-6: Implement Mitigation Measure TRAF-2.	Less than significant.
TRAF-3: The proposed project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	None required.	No impact.
TRAF-4: The proposed project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	None required.	Less than significant.
TRAF-5: The proposed project would not result in inadequate emergency access.	None required.	Less than significant.

TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE FRESH & EASY RIVERSIDE DISTRIBUTION CENTER

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
<p>TRAF-6: The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.</p> <p>3.4 Air Quality</p>	None required.	Less than significant.
<p>AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan.</p>	None required.	Less than significant.
<p>AIR-2: Project construction could violate air quality standards or contribute substantially to an existing or projected air quality violation during the short-term duration of construction.</p>	<p>AIR-2a: The City shall ensure that a fugitive dust control program is implemented pursuant to the provision of SCAQMD Rule 403 for all new development.</p> <p>AIR-2b: Prior to grading and construction, the developer/applicant shall be responsible for compliance with the following:</p> <p>A. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune.</p> <p>B. After clearing, grading, earth moving, or excavation:</p> <ol style="list-style-type: none"> 1. Wet the area down, sufficient enough to form a crust on the surface with repeated soakings, as necessary, to maintain the crust and prevent dust pick up by the wind. 2. Spread soil binders. 3. Implement street sweeping as necessary. <p>C. During construction:</p> <ol style="list-style-type: none"> 1. Use water trucks or sprinkler systems to keep all areas where vehicles move damp enough to prevent dust raised when leaving the site. 2. Wet down areas in the late morning and after work is completed for the day. 3. Use low sulfur fuel (0.05 percent by weight) for construction equipment. 4. Discontinue construction during second stage smog alerts. 	Significant and unavoidable.

**TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE DOWNTOWN DOWNEY SPECIFIC PLAN**

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
	<p>AIR-2c: Prior to grading and construction, the developer/applicant shall be responsible for compliance with the following:</p> <ul style="list-style-type: none"> A. Require a phased schedule for construction activities to minimize daily emissions. B. Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods. C. Treat unattended construction areas with water (disturbed lands which have been, or are expected to be, unused for four or more consecutive days). D. Require the planting of vegetative ground cover as soon as possible on construction sites. E. Install vehicle wheel-washers before the roadway entrance at construction sites. F. Wash off trucks leaving the site. G. Require all trucks hauling dirt, sand, soil, or other loose substances and building materials to be covered, or to maintain a minimum freeboard of two feet between the top of the load and the top of the truck bed sides. H. Use vegetative stabilization, whenever possible, to control soil erosion from stormwater, especially on super pads. I. Require enclosures or chemical stabilization of open storage piles of sand, dirt, or other aggregate materials. J. Control off-road vehicle travel by posting driving speed limits on these roads, consistent with City standards. K. Use electricity from power poles rather than temporary diesel or gasoline power generators. <p>AIR-2d: Prior to issuance of grading permits, the developer/applicant shall be responsible for assuring that construction vehicles are equipped with proper emission control equipment to substantially reduce emissions.</p>	

TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE FRESH & EASY RIVERSIDE DISTRIBUTION CENTER

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
	<p>AIR-2e: Prior to issuance of grading permits, the developer/applicant shall be responsible for the incorporation of measures to reduce construction related traffic congestion into the project grading permit. Measures, subject to the approval and verification by the Building and Safety Division, shall include, as appropriate:</p> <p>A. Provision of rideshare incentives.</p> <p>B. Provision of transit incentives for construction personnel.</p> <p>C. Configuration of construction parking to minimize traffic interference.</p> <p>D. Measures to minimize obstruction of through traffic lanes.</p> <p>E. Use of a flagman to guide traffic when deemed necessary.</p>	
<p>AIR-3: Project operations could violate air quality standards or contribute substantially to an existing or projected air quality violation during long-term operations.</p>	<p>AIR-3a: Construct on-site or off-site bus turnouts, passenger benches, and shelters.</p> <p>AIR-3b: Coordinate traffic lights on streets impacted by development.</p> <p>AIR-3e: Set up resident worker training programs to improve job/housing balance.</p>	Significant and unavoidable.
<p>AIR-4: The proposed project would not create objectionable odors affecting a substantial amount of people.</p>	None required.	Less than significant.
<p>AIR-5: Increased localized carbon monoxide would be generated from vehicular traffic during operation.</p>	None required.	Less than significant.
<p>AIR-6: Air pollutant emissions associated with the project would result in an adverse cumulative impact to air quality.</p>	No additional feasible mitigation measures.	Significant and unavoidable.
<p>3.5 Greenhouse Gases and Global Warming</p>		
<p>GHG-1: Construction and implementation of the project could result in a cumulatively considerable increase in GHG emissions. The project would not potentially conflict with the state goal of reducing GHG emissions in California to 1990 levels by 2020, as set forth by the timetable established in AB 32, California Global Warming Solutions Act of 2006.</p>	<p>GHG-1: The applicant shall require implementation of all feasible energy efficiency and GHG reduction measures, including but not limited to the following where practicable:</p> <p>Energy Efficiency</p> <ul style="list-style-type: none"> • Design buildings to be energy efficient. • Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings. 	Significant and unavoidable.

**TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE DOWNTOWN DOWNEY SPECIFIC PLAN**

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
	<ul style="list-style-type: none"> • Use trees, landscaping and sun screens on west and south exterior building walls to reduce energy use. • Install light colored “cool” roofs, cool pavements. • Provide information on energy management services for large energy users. • Install energy efficient heating and cooling systems, appliances and equipment, and control systems. • Install light emitting diodes (LEDs) for traffic, street and other outdoor lighting. • Limit the hours of operation of outdoor lighting. • Provide education on energy efficiency. <p>Renewable Energy</p> <ul style="list-style-type: none"> • Install solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate consumers about existing incentives. • Install solar panels on carports and over parking areas. • Use combined heat and power in appropriate applications. <p>Water Conservation and Efficiency</p> <ul style="list-style-type: none"> • Create water-efficient landscapes. • Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. • Use reclaimed water for landscape irrigation in new developments and on public property. Install the infrastructure to deliver and use reclaimed water. • Design buildings to be water-efficient. Install water-efficient fixtures and appliances. • Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. • Restrict the use of water for cleaning outdoor surfaces and vehicles. • Implement low-impact development practices that maintain the 	

TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE FRESH & EASY RIVERSIDE DISTRIBUTION CENTER

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
	<p>existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site.)</p> <ul style="list-style-type: none"> • Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project. • Provide education about water conservation and available programs and incentives. <p>Solid Waste Measures</p> <ul style="list-style-type: none"> • Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). • Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. • Provide education and publicity about reducing waste and available recycling services. <p>Land Use Measures</p> <ul style="list-style-type: none"> • Include mixed-use, infill, and higher density in development projects to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and promote efficient delivery of services and goods. • Educate the public about the benefits of well-designed, higher density development. • Incorporate public transit into project design. • Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio. • Develop "brownfields" and other underused or defunct properties near existing public transportation and jobs. • Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking. 	

**TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE DOWNTOWN DOWNEY SPECIFIC PLAN**

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
	<p>Transportation and Motor Vehicles</p> <ul style="list-style-type: none"> • Limit idling time for commercial vehicles, including delivery and construction vehicles. • Promote ride sharing programs (e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides). • Encourage the development of facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations). • Provide public transit incentives such as free or low-cost monthly transit passes. • Promote “least polluting” ways to connect people and goods to their destinations. • Incorporate bicycle lanes and routes into street systems, new subdivisions, and large developments. • Incorporate bicycle-friendly intersections into street design. • For commercial projects, provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including, e.g., locked bicycle storage or covered or indoor bicycle parking. • Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points. • Institute a telecommute and/or flexible work hours program. Provide information, training, and incentives to encourage participation. Provide incentives for equipment purchases to allow high-quality teleconferences. • Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation. 	

TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE FRESH & EASY RIVERSIDE DISTRIBUTION CENTER

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
3.6 Noise		
NOI-1: Project construction could expose persons to or generate noise levels in excess of standards.	<p>Measure NOI-1a: Applicants/developers shall be required to secure a construction permit for exemption of the noise standards (Section 4606.5) prior to project implementation.</p> <p>Measure NOI-1b: As specified in City of Downey Ordinance No. 4606, no construction will occur between the hours of 9:00 PM and 7:00 AM.</p> <p>Measure NOI-1c: All construction equipment shall use properly operating mufflers.</p> <p>Measure NOI-1d: All construction staging shall be performed as far as possible from occupied dwellings.</p> <p>Measure NOI-1e: Signs shall be posted at all construction sites within the Specific Plan area that include permitted construction days and hours, a contact number for the job site, and a contact number for the City of Downey Building and Safety Department, in the event daytime noise exceeds 85dBA across any property boundary. In that event the standard is exceeded, the City shall place a limit on the number of noisy pieces of equipment used at one time so that the noise level is reduced to the permissible level.</p>	Less than significant.
NOI-2: Operation of the project could expose persons to or generate noise levels in excess of standards established in the local general plans or noise ordinances, or applicable standards of other agencies.	<p>Measure NOI-2a: Building equipment (e.g., HVAC units) shall be located away from nearby residences, on building rooftops, and properly shielded by either the rooftop parapet or within an enclosure that effectively blocks the line of site of the source from the nearest receptors. The resultant HVAC noise level shall not exceed 45 dBA at the nearest receptors.</p> <p>Measure NOI-2b: In order to avoid noise-sensitive hours, commercial and retail land uses shall prohibit loading and unloading activities between the night time hours of 10:00 PM and 7:00 AM.</p> <p>Measure NOI-2c: To further address the nuisance impact of loading dock/truck delivery noise, commercial and retail uses shall locate all loading areas for commercial and retail uses at the rear or sides of buildings within the commercial and mixed-use districts, where noise can be directed away from residential uses within the mixed use areas of the project.</p>	Less than significant.

**TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE DOWNTOWN DOWNEY SPECIFIC PLAN**

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
NOI-3: Traffic associated with operation of the proposed project could result in a significant increase in ambient noise levels on nearby roadways.	None required.	Less than significant.
NOI-4: The proposed project, together with anticipated future development could result in long-term traffic increases that could cumulatively increase noise levels.	None feasible.	Significant and unavoidable.
3.7 Aesthetics		
AES-1: The proposed project could have a substantial adverse effect on a scenic vista.	None required.	No impact.
AES-2: The proposed project could substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	None required.	No impact.
AES-3: The proposed Specific Plan could degrade the existing visual character or quality of the site and its surroundings.	None required.	Less than significant.
AES-4: The proposed Specific Plan would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.	AES-1: The City shall ensure that the Specific Plan requires the minimal glare provisions set forth in the existing Downtown Plan.	Less than significant.
AES-5: The proposed Specific Plan could result in cumulatively and substantially adverse aesthetic impacts.	AES-2: Implement Mitigation Measure AES-1.	Less than significant.
3.8 Cultural Resources		
CUL-1: Implementation of the Specific Plan could adversely affect recorded historic architectural resources directly through demolition or substantial alteration, or indirectly through changes to the historical setting.	Measure CUL-1: Implement Mitigation Measure CUL-2a.	Less than significant.
CUL-2: Implementation of the Specific Plan could adversely affect unrecorded historic architectural resources directly through demolition or substantial alteration, or indirectly through changes to the historical setting.	Measure CUL-2a: The City of Downey shall evaluate the potential direct and indirect effects to the James C. Rives House and the Union Pacific Railroad prior to any roadway widening efforts resulting from implementation of the Specific Plan. If the evaluation determines that the roadway widening efforts (or any other activity resulting from Plan implementation) would directly or indirectly impact either the Rives House or the applicable segment of the Union Pacific Railroad tracks, the City shall redesign the project to avoid significant impacts, such as retaining the existing width of the street(s) in the location of these historical resources and/or the retention of historic roadway or railway materials (in the case of the Union Pacific Railroad).	Less than significant.

TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE FRESH & EASY RIVERSIDE DISTRIBUTION CENTER

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
<p>CUL-3: Construction of future projects resulting from implementation of the Specific Plan could have a substantial adverse impact to previously unknown archaeological resources.</p>	<p>CUL-2b: The Downtown Specific Plan shall include a new policy 3.6.10.C – Site Specific Historical Survey and Evaluation - which states that a survey and evaluation shall be completed for all structures on a proposed project site or immediate vicinity that are 45 years old or older at the time of project initiation or if sufficient time has passed to obtain a scholarly perspective on the events or individuals associated with the resource to understand its historical importance. The survey shall be carried out by a qualified historian or architectural historian meeting the Secretary of the Interior's Standards for Architectural History.</p> <p>CUL-3a: In the event that such archaeological resources are uncovered during construction-related activities, the onsite contractor's construction supervisor shall stop all activity within the immediate vicinity of the discovery, unless safety issues are of concern. Specifically, the construction crew will stop work at the location where the find was uncovered and shall not resume construction within 20 feet of the find until cleared to proceed by the archaeologist. The construction supervisor shall immediately notify the City, who will then notify the qualified archaeologist and, if appropriate, a Native American monitor, in coordination with the City staff, will assess the geographic extent and scientific value of the resource. If significant archaeological materials are determined, the archaeologist shall record and recover the resources using standard professional archaeological methods.</p> <p>CUL-3b: The Specific Plan shall include a new policy 3.6.10.D – Halt Work for Accidental Discovery of Historic Materials, which states that should prehistoric or historic subsurface cultural resources be discovered during construction, all activity in the vicinity of the find shall stop and a qualified archaeologist shall be contacted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, the lead agency and the archaeologist shall determine, and in consultation with local Native American groups, appropriate avoidance measures or other appropriate mitigation.</p>	<p>Less than significant.</p>

**TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE DOWNTOWN DOWNEY SPECIFIC PLAN**

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
<p>CUL-4: Construction of future projects resulting from implementation of the Specific Plan could have a substantial adverse impact to previously unknown paleontological resources.</p>	<p>CUL-4: The Specific Plan shall include a new policy 3.6.10.E – Halt Work for Accidental Discovery of Paleontological Resources, which states that in the event paleontological resources are discovered, the lead agency shall notify a qualified paleontologist. The paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. If fossil or fossil bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (in accordance with Society of Vertebrate Paleontology standards). The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the lead agency determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important. The plan shall be submitted to the lead agency for review and approval prior to implementation.</p>	<p>Less than significant.</p>
<p>CUL-5: Construction of future projects could result in the substantial adverse change of previously unidentified human remains.</p>	<p>CUL-5: The Specific Plan shall include a new policy that states that if human skeletal remains are uncovered during project construction, work in the vicinity of the find shall cease and the County coroner will be contacted to evaluate the remains, following the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. If the County coroner determines that the remains are Native American, he/she shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641) and the Most Likely Descendant will be identified. The Most Likely Descendant will make recommendations for the treatment of any human remains. Per Public Resources Code 5097.98, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendents regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.</p>	

TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE FRESH & EASY RIVERSIDE DISTRIBUTION CENTER

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
3.9 Hazards and Hazardous Materials		
<p>HAZ-1: Disturbance and release of contaminated soil during demolition and construction, or transportation of excavated material, or contaminated groundwater could expose construction workers, the public, or the environment to adverse conditions related to hazardous materials handling.</p>	<p>HAZ-1: Prior to issuance of any building permit, all proposed development sites where previous hazardous materials releases have occurred shall have a Phase I site assessment performed by a qualified environmental consulting firm in accordance with ASTM E 1527-05. All proposed development in the Specific Plan area shall require remediation and cleanup to levels established by the overseeing regulatory agency (HHMD, RWQCB or DTSC) appropriate for the proposed new use of the site. All proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to a site specific health and safety plan, prepared by licensed professional.</p>	Less than significant.
<p>HAZ-2: Disturbance and release of hazardous structural and building components (i.e. asbestos, lead, PCBs, USTs, and ASTs) during demolition and construction phases of development or transport of these materials could expose construction workers, the public, or the environment to adverse conditions related to hazardous materials handling.</p>	<p>HAZ-2a: Each structure proposed for demolition shall require an assessment by licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, or PCB-containing equipment prior to obtaining a demolition permit.</p> <p>HAZ-2b: If the assessment required by Mitigation Measure HAZ-2a establishes the presence of lead-based paint, asbestos, and/or PCBs, the developer or project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition or renovation of affected structures.</p> <p>HAZ-2c: If the assessment required by Mitigation Measure HAZ-2a finds presence of lead-based paint, the developer or project applicant shall develop and implement a lead-based paint removal plan by a licensed contractor. The plan shall specify, but not be limited to, the measures taken to contain, store, and transport paint waste in accordance with the licensed disposal facilities requirements.</p> <p>HAZ-2d: If the assessment required by Mitigation Measure HAZ-2a finds presence of asbestos, the project sponsor shall ensure that asbestos abatement shall be conducted by a licensed contractor prior to building demolition.</p> <p>HAZ-2e: If the assessment required by Mitigation Measure HAZ-2a finds presence of PCBs, the project sponsor shall ensure that PCB abatement shall be conducted prior to building demolition or renovation.</p>	

TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE DOWNTOWN DOWNEY SPECIFIC PLAN

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
HAZ-3: Hazardous materials used on any individual site during construction activities (i.e., fuels, lubricants, solvents) could be released to the environment through improper handling or storage.	HAZ-3. All development and redevelopment shall require the use of construction BMPs to control handling of hazardous materials during construction to minimize the potential negative effects from an accidental release to storm drains, groundwater and soils.	Less than significant.
HAZ-4: Future development would include land uses that would handle various commercial, transportation and household hazardous materials in a range of quantities, and could cause an adverse effect on the environment through accidental upset.	None required.	Less than significant.
HAZ-5: Proposed development of the Specific Plan area could result in a cumulatively considerable contribution to hazardous materials in the City of Downey.	None required.	Less than significant.
3.10 Geology, Soils and Seismicity		
GEO-1: In the event of a major earthquake in the region, ground shaking and/or localized liquefaction could cause damage, destruction or injury to development anticipated under the proposed Specific Plan.	None required.	Less than significant.
GEO-2: New development or redevelopment anticipated under the proposed Specific Plan would involve grading and other ground disturbing construction activities which could expose soils to erosion and loss of topsoil.	None required.	Less than significant.
GEO-3: New development or redevelopment anticipated under the proposed Specific Plan could be located on unstable soils or become unstable resulting in lateral spreading, subsidence or collapse.	None required.	Less than significant.
GEO-4: New development or redevelopment anticipated under the proposed Specific Plan could be located on expansive soils creating substantial risks to life or property.	None required.	Less than significant.
GEO-5: Implementation of the proposed Specific Plan along with potential development in the surrounding region would result in cumulative impacts to geologic and seismic hazards.	None required.	Less than significant.
3.11 Hydrology and Water Quality		
HYD-1: Construction associated with the proposed Specific Plan projects could adversely affect water quality and drainage patterns in the short term due to erosion and sedimentation.	None required.	Less than significant.

TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE FRESH & EASY RIVERSIDE DISTRIBUTION CENTER

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
HYD-2: Implementation of the Specific Plan could adversely affect water resources in the long-term by reducing permeable surfaces, which could degrade water quality in receiving waters, decrease groundwater recharge, or alter drainage patterns.	None required.	Less than significant.
HYD-3: Implementation of the Specific Plan could adversely affect groundwater resources in the long-term by increasing groundwater demand and/or reducing permeable surfaces, which could decrease groundwater recharge.	None required.	Less than significant.
HYD-4: Implementation of the Specific Plan could result in additional runoff exceeding the capacity of existing storm water facilities and increasing potential flooding of receiving waters and areas in downstream.	None required.	Less than significant.
HYD-5: Concurrent implementation of the proposed Specific Plan and projected regional development could contribute to degradation of regional water quality, reduction of groundwater recharge, or result in increased flooding hazards.	None required.	Less than significant.
3.12 Biological Resources		
BIO-1: 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, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	<p>BIO-1: Should project construction be scheduled to commence between February 1 and August 31, a pre-construction survey will be conducted by a qualified biologist. The survey shall cover all reasonably potential nesting locations located on or closely adjacent to the project site. This survey will occur within 30 days of the on-set of construction. A survey shall also be conducted no more than five days prior to initiation of clearance or construction work. If ground disturbance activities are delayed, additional pre-construction surveys will be conducted such that no more than five days will have elapsed between the last survey and the commencement of ground disturbance activities.</p> <p>If an active nest is located, a biologist qualified biologist shall determine a suitable buffer distance, which shall be placed around the nest and shall remain off-limits to construction until it is determined (by a biologist) that the nest is no longer in use.</p> <p>Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel shall be instructed on the sensitivity of nest areas.</p>	Less than significant.

TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE DOWNTOWN DOWNEY SPECIFIC PLAN

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	None required.	No impact.
BIO-3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	None required.	No impact.
BIO-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	None required.	No impact.
BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance.	<p>BIO-5a: Coordination with Community Development Department. The applicant shall work with the Community Development Department to identify significant trees that may be impacted by implementation of the project. If a significant tree is identified within the project site, the applicant shall work with the Public Works Department on measures to preserve significant trees.</p> <p>BIO-5b: Tree Permit. No public street tree will be removed or planted without having obtained a permit from the Public Works Department.</p> <p>BIO-5c: Tree Survey. The applicant shall retain a certified arborist to conduct a tree survey and evaluation of all significant trees that would be removed or potentially impacted. The survey shall identify the species and trunk diameter (when measured at 4.5 feet above the mean natural grade). The physical condition of each significant tree will be assessed and an alphabetical ranking shall be assigned to each tree ('A' being best and 'F' being worst) for rating the tree's overall health. In addition, a Tree Replacement Plan shall be developed for the development site. The Plan shall include a minimum 2-year monitoring plan that includes performance standards for measuring and evaluating the health of all replacement trees and significant trees that would be preserved.</p>	

TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE FRESH & EASY RIVERSIDE DISTRIBUTION CENTER

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
3.13 Utilities and Service Systems	<p>BIO-5d: Replacement Trees. All replacement trees shall be selected in accordance with the City's official Tree Species List and Master Street Tree Plan. All replacement trees will be planted on-site, following grading activities.</p> <p>BIO-5e: Preservation of Significant Trees. All significant trees that would be preserved that are located within 50 feet of land clearing or areas to be graded shall be enclosed in a temporary fenced zone for the duration of the clearing or grading activities. Fencing shall extend to the root protection zone (i.e., the area at least 15 feet from the trunk or five feet from the drip line, whichever distance is greater). No parking or storage of equipment, solvents or chemicals that could adversely affect the trees shall be allowed within 25 feet of the trunk at any time. Removal of the fence shall occur only after the project biologist confirms the health of significant trees that would be preserved.</p> <p>Measure BIO-5f: Construction Monitoring. A certified arborist shall periodically monitor on-site construction and grading activities occurring near all preserved significant trees to ensure that damage to these trees does not occur. Prior to initiation of construction activities, the certified arborist shall schedule a field meeting to inform personnel (involved in construction) where all protective zones are located and the importance of avoiding encroachment within the protective zones.</p>	<p>Less than significant.</p> <p>Less than significant.</p> <p>Less than significant.</p> <p>Less than significant.</p>
<p>UTL-1: The proposed project could exceed wastewater treatment requirements of the RWQCB and/or require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.</p>	None required.	Less than significant.
<p>UTL-2: The proposed project could require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.</p>	None required.	Less than significant.
<p>UTL-3: The proposed project could require new or expanded water supply resources or entitlements.</p>	None required.	Less than significant.
<p>UTL-4: The proposed project could result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.</p>	None required.	Less than significant.

TABLE ES-1 (continued)
SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE DOWNTOWN DOWNEY SPECIFIC PLAN

Impact	Mitigation Measure	Significance (after implementation of mitigation, if necessary)
UTL-5: Would the project be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs.	None required.	Less than significant.
UTL-6: The proposed project could conflict with federal, state, and local statutes and regulations related to solid waste.	None required.	Less than significant.
UTL-7: The proposed project could result in cumulative impacts related to utilities and utility systems.	None required.	Less than significant.
3.14 Public Services and Recreation		
PUB-1: The proposed project could impact the provision of police protection services in the City of Downey.	None required.	Less than significant.
PUB-2: The proposed Specific Plan could affect the provision of fire protection or emergency medical services in the City of Downey.	None required.	Less than significant.
PUB-3: The proposed project could impact the provision of school services in the City of Downey.	None required.	Less than significant.
PUB-4: The proposed project could impact park and recreational services in the City of Downey.	None required.	Less than significant.
PUB-5: The proposed Specific Plan could result in the need for new public services facilities or the expansion of existing public services facilities that would, in turn, have an adverse impact on the environment.	None required.	Less than significant.

CHAPTER 2

Errata

This section contains revisions to the Draft EIR. As mentioned in Chapter 1, *Introduction*, of this Final EIR, the City of Downey has proposed minor changes to the proposed Project since publication of the Draft EIR. Accordingly, the first section of this chapter contains revisions to the Draft EIR based on changes proposed by the City. The second section of this chapter presents revisions to the Draft EIR based on comments received during the formal comment period.

The following corrections and changes are made to the Draft EIR, and are incorporated herein as part of the Final EIR. Revised language or new language is underlined. Deleted language is indicated by ~~strikethrough~~ text.

Revisions in this chapter do not change any of the conclusions presented in the Draft EIR.

2.1 CEQA Requirements

The changes below were made to the Draft EIR in response to comments received and errata discovered after the Draft EIR was circulated. These corrections and clarifications represent additional information or revisions that do not significantly alter the proposed Project, change the Draft EIR's significance conclusions, or result in a conclusion that significantly more severe environmental impacts will result from the proposed Project. Instead, the errata made to the Draft EIR below merely "clarifies or amplifies or makes insignificant modifications" in the already adequate Draft EIR, as is permitted by *CEQA Guidelines* Section 15088.5(b). Specifically, *CEQA Guidelines* Section 15088.5, requires the lead agency to recirculate an EIR only when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review. New information added to an EIR is not significant unless the EIR has changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse, environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponent's have declined to implement (*CEQA Guidelines* Section 15088.5). In summary, significant new information consists of: (1) disclosure of a new significant impact; (2) disclosure of a substantial increase in the severity of an environmental impact; (3) disclosure of a feasible project alternative or mitigation measure considerably different from the others previously analyzed that would clearly lessen environmental impacts of the project, but the project proponent declines to adopt it; and/or (4) the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*CEQA Guidelines* Section 15088.5). Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR (*CEQA Guidelines* Section 15088.5).

The errata, below, present information that expands upon the proposed project and the analysis of the proposed project's impacts, but does not change the overall significance conclusions presented in the Draft EIR circulated for public review. Additionally, the errata presents information and analysis in response to requests from commenters. This analysis, however, merely expands upon and provides further details on the analysis already provided in the Draft EIR. Accordingly, the information presented in this chapter "clarifies" or "amplifies" the analysis already provided in the Draft EIR, and recirculation is not required. Accordingly, neither the errata, nor the clarifications to the Draft EIR results in any changes to the Draft EIR "*that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement*" (CEQA Guidelines Section 15088.5(a)).

2.2 Revisions to the Draft EIR

The following revisions to the text of the Draft EIR have been made:

Traffic and Circulation (Section 3.3 of the Draft EIR)

The text of Impact TRAF-1 is revised in accordance with the findings of the Downtown Downey Specific Plan Traffic Study (see Appendix 5 of the Draft EIR), which were inadvertently not included in the Impact Statement. The revised text:

Impact TRAF-1: The proposed project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. (~~Less than Significant~~ Significant and Unavoidable)

The City has decided to implement the measures provided in the Downtown Downey Specific Plan Traffic Study (see Appendix 5 of the Draft EIR). As a result, the following mitigation measures are added to reduce the contribution of potential impacts to the intersection of Paramount Boulevard and Firestone and at the intersection of Downey Avenue at Firestone Boulevard. As a result the text for the first complete sentence on page 3.3-23 of Section 3.3 is revised as follows:

Implementation of Mitigation Measures TRAF-1 ~~and TRAF-2~~ through TRAF-5 would result in less than significant impacts contributions to a cumulative traffic impact at the intersection of Downey Avenue at Firestone Boulevard. Impacts to Downey at 2nd Street and Paramount Boulevard at Firestone Boulevard would remain significant and unavoidable.

The following mitigation measures are added to the mitigation measures presented on page 3.3-23 of the Draft EIR as follows:

Measure TRAF-3: Third through lanes shall be established on northbound, southbound and eastbound approaches to the intersection of Paramount Boulevard and Firestone Boulevard. The through lanes will replace right turn lanes (either striped or *de facto*) in each case and will require eliminating parking on the departure legs of the intersection.

Measure TRAF-4: Transportation Systems Management (traffic signal coordination, traffic incident management, etc.); Transportation Demand Management (ridesharing, transit information kiosks, etc., or improvements to the infrastructure for alternative modes of transport, such as walking, bicycling, neighborhood electric vehicles) shall be implemented for the intersection of Paramount Boulevard and Firestone Boulevard.

Measure TRAF-5: A third eastbound through lane shall be added to the intersection of Downey Avenue at Firestone Boulevard, by eliminating parking during the PM peak hours.

The summary statement was inadvertently omitted from Impact TRAF-1 and is added below, following the list of traffic mitigation measures:

Significance After Mitigation: Significant and Uavoidable for the contribution to a cumulative impact at the intersection of Downey Avenue at 2nd Street and Paramount Boulevard at Firestone Boulevard.

As a result of the additional mitigation measures above, the mitigation measure for Impact TRAF-2, on page 3.3-23 of Section 3.3 of the Draft EIR, is re-numbered as follows:

Measure ~~TRAF-3~~ TRAF-6: Implement Measure TRAF-2.

Cultural Resources (Section 3.8 of the Draft EIR)

The text on page 3.8-8 of Section 3.8, Cultural Resources of the Draft EIR, is revised as follows.

Although buildings or structures 50 years old or older are eligible for the National Register if other criteria apply, the generally accepted rule-of-thumb age threshold for eligibility in the California Register is 45 years old or older, or if sufficient time has passed to obtain a scholarly perspective on the events or individuals associated with the resource to understand its historical importance.

The text for Mitigation Measure CUL-2b, on page 3.8-15 of Section 3.8, *Cultural Resources* of the Draft EIR, is revised as follows:

Measure CUL-2b: The Downtown Specific Plan shall include a new policy 3.6.10.C – Site Specific Historical Survey and Evaluation - which states that a survey and evaluation

~~all areas slated for development or other ground-disturbing activities in the Specific Plan area that contain structures 45 years old or older at the time of project initiation shall be surveyed and evaluated for their potential historic significance prior to the City's approval of project plans. shall be completed for all structures on a proposed project site or immediate vicinity that are 45 years old or older at the time of project initiation or if sufficient time has passed to obtain a scholarly perspective on the events or individuals associated with the resource to understand its historical importance.~~ The survey shall be carried out by a qualified historian or architectural historian meeting the Secretary of the Interior's Standards for Architectural History.

Measure CUL-2b: The Downtown Specific Plan shall include a new policy 3.6.10.C – Site Specific Historical Survey and Evaluation - which states that a survey and evaluation shall be completed for structures in areas slated for development or other ground-disturbing activities in the Specific Plan area that contain structures 45 years old or older at the time of project initiation or if sufficient time has passed to obtain a scholarly perspective on the events or individuals associated with the resource to understand its historical importance. The survey shall be carried out by a qualified historian or architectural historian meeting the Secretary of the Interior's Standards for Architectural History.

Hydrology and Water Quality (Section 3.11 of the Draft EIR)

The text on page 3.11-4 of Section 3.11, Hydrology and Water Quality is revised as follows:

The entire Specific Plan is mapped by the Federal Emergency Management Agency (FEMA) as being located in Zone X, which is outside of the 100-year flood zone but within the 500-year flood zone (FEMA, 2008). ~~Generally, the only 100-year flood zones in the vicinity of the Specific Plan area are limited to the confines of the flood control channels of the nearby surface waters.~~ A 500-year flood zone has a 0.2 percent chance of occurring in any one year. Nearby flood control channels related to nearby surface waters are sized for 10-year to 25-year storm events, which occur more frequently.

Impact Overview (Chapter 5 of the Draft EIR)

The following significant and unavoidable environmental impact was inadvertently omitted from the Draft EIR and should be added to the list found on page 5-1 of Chapter 5 of the Draft EIR:

Impact TRAF-1: The proposed project would make a significant contribution to a cumulative impact at the intersection of Downey Avenue and 2nd Street and at Paramount Boulevard and Firestone Boulevard.

CHAPTER 3

Response to Comments

As stated in *CEQA Guidelines*, Sections 15132 and 15362, the Final EIR must contain information summarizing the comments received on the Draft EIR, either verbatim or in summary; a list of persons commenting; and the response of the lead agency to the comments received. Six written comment letters were received by the City in response to the Draft EIR. This chapter provides copies of each letter received and the City of Downey's responses to these comments. A summary of the comments is provided below in **Table 3-1**.

**TABLE 3-1
LIST OF COMMENTS RECEIVED**

Letter Alpha	Agency / Agency Representative / Title	Date of Letter	Date Received by City	Environmental Issues
A	City of South Gate Mohammad Mostahkami, P.E. City Engineer	August 25, 2010	September 1, 2010	None
B	County of Los Angeles, Department of Public Works Dennis Hunter, PLS PE Assistant Deputy Director Land Development Division	August 26, 2010	September 2, 2010	<ul style="list-style-type: none"> • Design of County storm drain systems • Need for permits to install, modify, or remove underground storage tanks
C	Los Angeles Conservancy Marcello Vavala Preservation Associate	August 31, 2010	September 2, 2010	<ul style="list-style-type: none"> • Recommendation to implement a historic resources survey • Use of California Register criteria and information provided in the Draft EIR
D	Native American Heritage Commission Dave Singleton Program Analyst	July 26, 2010	July 28, 2010	<ul style="list-style-type: none"> • Need for consultation between local governments and California Native American tribes
E	Southern California Gas Company Paul Simonoff Technical Services Supervisor Orange Coast Region – Anaheim	July 22, 2010	July 26, 2010	<ul style="list-style-type: none"> • Gas can be provided to the Project site from existing gas mains
F	South Coast Air Quality Management District Ian MacMillan Program Supervisor, CEQA Inter-Governmental Review, Planning, Rule Development & Area Sources	August 27, 2010	September 7, 2010	<ul style="list-style-type: none"> • Proximity of proposed residential uses along Firestone Boulevard to railroad line
G	State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit Scott Morgan Director	August 31, 2010	September 2, 2010	<ul style="list-style-type: none"> • None (forwarded copy of letter from Native American Heritage Commission)

The responses to comments to the above letters are presented below. These responses do not significantly alter the proposed Project, change the Draft EIR's significance conclusions, or result in a conclusion such that significantly more severe environmental impacts would result from the proposed Project. Instead, the information presented in the responses to comments "merely clarifies or amplifies or makes insignificant modifications" in the Draft EIR, as is permitted by CEQA Guidelines Section 15088.5(b).

Regarding recirculation of the Draft EIR, *CEQA Guidelines* Section 15088.5, requires the lead agency to recirculate an EIR only when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review. New information added to an EIR is not significant unless the EIR has changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse, environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project's proponent's have declined to implement (*CEQA Guidelines*, Section 15088.5). In summary, significant new information consists of: (1) disclosure of a new significant impact; (2) disclosure of a substantial increase in the severity of an environmental impact; (3) disclosure of a feasible project alternative or mitigation measure considerably different from the others previously analyzed that would clearly lessen environmental impacts of the project but the project proponent declines to adopt it; and/or (4) the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (*CEQA Guidelines*, Section 15088.5). Recirculation is not required where, as stated above, the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (*CEQA Guidelines*, Section 15088.5).

Some of the responses below refer to and impose further mitigation measures, as described in Chapter 2, *Errata*, of this Final EIR. These mitigation measures were proposed by commenters and, pursuant to CEQA, the City imposed those measures to further mitigate for potentially significant impacts wherever feasible or imposed the measures to further reduce already less-than-significant impacts. These mitigation measures, however, are not required to reduce significant impacts to a less than significant level, nor are they imposed due to the discovery of new significant impacts. Ultimately, the significance conclusions presented in the Draft EIR do not change even with the imposition of these new mitigation measures. Moreover, because these mitigation measures address ways to implement the proposed Project do not propose the construction of new facilities, none of these new mitigation measures would result in any potentially significant impacts of their own.



City of South Gate

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ROBERT T. DICKEY
DIRECTOR OF PUBLIC WORKS

August 25, 2010

RECEIVED
SEP 01 2010
PLANNING

Mr. Mark Sellheim
Principal Planner
City of Downey
Planning Department
11111 Brookshire Avenue
Downey, CA 90241

Subject: *Comments on the Downtown Downey Specific Plan Draft Environmental Impact Report*

Dear Mr. Sellheim:

The City of South Gate Public Works Department appreciates the opportunity to provide comments on the *Downtown Downey Specific Plan Draft Environmental Impact Report* (DEIR) prepared by Environmental Sciences Associates dated July 2010.

It is our understanding that the existing *Downey General Plan* permits up to approximately 700 dwelling units, 2.7 million square feet of office space and 5.4 million square feet of retail space in the downtown area. With the proposed Specific Plan, the downtown area will be permitted up to approximately 933 dwelling units, 0.9 million square feet of office space and 2.2 million square feet of retail space. The net result on traffic is that the proposed Specific Plan would generate approximately 46,000 fewer daily trips than currently allowed in the *Downey General Plan*.

The Public Works Department has no comments at this time. Please continue to notify the City of future developments of the Downtown Downey Specific Plan. If you have any questions, please contact me at (323) 563-9582.

Sincerely,

Mohammad Mostahkami, P.E.
City Engineer

MM:lc
l-mm252

cc: Ronald Bates, City Manager
Steve Lefever, Director of Community Development
Scott Ma, City Traffic Consultant

1

Response to Letter A: City of South Gate

This letter states that the City of South Gate's Public Works Department has no comments on the Draft EIR at this time, but the City would like to continue to be notified of future developments associated with the Downtown Downey Specific Plan.

- A-1) Comment noted. The City will continue to notify the City of South Gate whenever environmental documents associated with development in the Specific Plan area are circulated for public review.



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

GAIL FARBER, Director

RECEIVED

SEP 02 2010

PLANNING

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: LD-1

August 26, 2010

Mr. David Blumenthal
City of Downey
1111 Brookshire Avenue
Downey, CA 90241

Dear Mr. Blumenthal:

DRAFT ENVIRONMENTAL IMPACT REPORT DOWNTOWN DOWNEY SPECIFIC PLAN CITY OF DOWNEY

Thank you for the opportunity to review the Draft Environmental Impact Report for the Downtown Downey Specific Plan. The proposed project establishes 131 acres as mixed use and looks to create unique districts with specific development standards and guidelines. The specific plan will be used to guide growth and development in downtown, encourage economic revitalization, and create a lively center of activity for the city.

The following comments are for your consideration and relate to the environmental document only.

Hazards-Flood/Water Quality

County storm drain systems are designed for the 10 year to 25 year storm event not the 100 year storm event. Please correct the first paragraph on page 145 to reflect this design standard.

If you have any questions regarding the flood/water quality comment, please contact Mr. Christopher Sheppard at (626) 458-4921 or by e-mail at csheppard@dpw.lacounty.gov.

Other-Environmental Safety

- Underground Storage Tanks

Should any operation within the proposed project include the construction, installation, modification, or removal of underground storage tanks, Public Works' Environmental Programs Division must be contacted for required approvals and operating permits.

If you have any questions regarding the environmental safety comment, please contact Mr. Corey Mayne at (626) 458-3524 or by e-mail at cmayne@dpw.lacounty.gov.

We request the opportunity to review any subsequent Environmental Impact Report, including traffic impact studies, on a project-by-project basis. If you have any other questions or require additional information, please contact Mr. Toan Duong at (626) 458-4921 or by e-mail at tduong@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER
Director of Public Works


for DENNIS HUNTER, PLS PE
Assistant Deputy Director
Land Development Division

JY:ca

Response to Letter B: County of Los Angeles, Department of Public Works

This letter addresses two topics discussed in the Draft EIR – flooding and underground storage tanks. The Los Angeles County Department of Public Works (LADPW) corrects one statement in the Draft EIR and adds additional information to the regulatory process of constructing, installing, modifying or removing underground storage tanks (USTs).

- B-1) This comment references page 145 of the Draft EIR. Because the pages are not numbered sequentially throughout the document, but instead are numbered by chapter and section, the 145th page of the document takes the reader to Section 3.4, Air Quality, page 3.4-9.

The discussion of hydrology and flooding, and 100-year flood events begin on the 254th page of the Draft EIR, on page 3.11-4 of Section 3.11, Hydrology and Water Quality. This language infers that nearby “flood control channels of the nearby surface waters” are sized for a 100-year flood event. This text is revised as follows:

The entire Specific Plan is mapped by the Federal Emergency Management Agency (FEMA) as being located in Zone X, which is outside of the 100-year flood zone but within the 500-year flood zone (FEMA, 2008). ~~Generally, the only 100-year flood zones in the vicinity of the Specific Plan area are limited to the confines of the flood control channels of the nearby surface waters.~~ A 500-year flood zone has a 0.2 percent chance of occurring in any one year. Nearby flood control channels related to nearby surface waters are sized for 10-year to 25-year storm events, which occur more frequently.

- B-2) USTs are discussed in the Draft EIR on pages 3.9-4 and 3.9-5 of the Draft EIR. On page 3.9-5, the Draft EIR notes that in 1996, the California Environmental Protection Agency adopted regulations implementing a Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program). This program includes the regulation of USTs, which is implemented locally through the LADPW must be contacted for approval and operating permits for the construction, installation, modification or removal of USTs. This comment does not change the conclusions of the Draft EIR, but clarifies the information provided on page 3.9-5 of the Draft DEIR.
- B-3) LADPW will be sent copies of all environmental documents circulated for public comment.



August 31, 2010

Submitted by email

Mark Sellheim
City of Downey Planning Division
11111 Brookshire Avenue
Downey, CA 90241
Email: msellheim@downey.ca.org

RECEIVED
SEP 02 2010
PLANNING

Re: Downtown Downey Specific Plan Draft EIR

Dear Mr. Sellheim:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Downtown Downey Specific Plan. The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with over 6,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural heritage of Los Angeles County. We are heartened to see preservation highlighted as one of the project objectives of the Downtown Downey Specific Plan but believe that additional refinements can further mitigate adverse impacts on potential historic resources within the Downtown Downey Specific Plan area to help ensure that the early history of this portion of Downey has a place in the new development.

1

A. Implement a historic resources survey in the Final EIR for the Downtown Downey Specific Plan

The creation of a historic resources survey for the Downtown Downey Specific Plan (DDSP) area offers the opportunity to further integrate historic preservation into the goals of both the DDSP and the General Plan for the city. As one of the project objectives of the DDSP, “preserving and enhancing the unique character of existing structures”¹ dovetails with and strengthens the commitment to “promoting the preservation and restoration of older structures” listed in the General Plan.² Historic resources surveys are often conducted as part of the preparation of a city’s general or specific plan, serving as an invaluable educational tool to inform city officials, stakeholders and residents about the rich built heritage of their communities and assisting in thoughtful development and environmental planning. In addition to identifying potential historic resources, such surveys also often include a historical context statement that highlights the major trends of development for the area, providing additional details such as

2

¹ Downtown Downey Specific Plan Draft EIR (July 2010), 2-6.

² Downtown Downey Specific Plan Draft EIR (July 2010), 3.8-10.

represented architects and architectural styles and the prevalence or rarity of particular architectural styles and/or resource types.

A historic resources survey will allow for an increased ability to facilitate new development within the DDSP area that encourages the revitalization and preservation of the area's historic building stock. Because significant resources are identified in advance, they can be promoted for adaptive reuse and restoration opportunities, while suitable sites for new construction with minimal or no adverse impacts to potential historic resources are likewise identified. We strongly encourage the city to implement a historic resources survey in the Final EIR for the Downtown Downey Specific Plan.

2
(cont.)

B. Proposed "Policy 3.6.10.C – Site Specific Historical Survey and Evaluation" should evaluate all buildings in project areas for significance by applying CA Register criteria

The Conservancy strongly believes that a historic resources inventory, rather than the proposed site specific evaluation on a case by case basis, is the most efficient and effective way to identify potential historic resources throughout the DDSP area, as noted previously. However, if a historic resources inventory is not pursued in conjunction with the DDSP, the proposed Site Specific Historical Survey and Evaluation policy will be critical for the assessment and identification of potential resources and should not be limited to structures 45 years of age or older, which is not consistent with California Register eligibility.

3

Currently, the language of the proposed policy states that "structures 45 years old or older at the time of project initiation shall be surveyed and evaluated for their potential historic significance."³ While historic resources surveys evaluate properties within a defined area through a particular range of years, such as 45 years of age or older, a historic evaluation conducted in conjunction with a proposed project should evaluate the significance of all structures within the project area, regardless of age, by applying the California Register criteria for eligibility as potential historic resources. As the authoritative guide to the state's significant architectural and cultural resources, the California Register serves to identify, evaluate, register, and protect California's historical resources.⁴

4

The draft EIR, however, provides inaccurate information regarding California Register eligibility by stating that "the generally accepted rule-of-thumb age threshold for eligibility in the California Register is 45 years old or older."⁵ The California Register does not require a building to have reached a particular age threshold to be determined eligible for listing or to be evaluated for eligibility. For properties achieving significance within the past fifty years, the California Register contains a Special (Criteria) Consideration which states "sufficient time must

5

³ Downtown Downey Specific Plan Draft EIR (July 2010), 3.8-15.

⁴ PRC § 5024.1; 14 CCR §§ 4850 et seq.

⁵ Downtown Downey Specific Plan Draft EIR (July 2010), 3.8-8.

have passed to obtain a scholarly perspective on the events or individuals associated with the resource...to understand its historical importance.”⁶

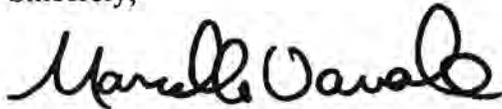
↑ 5
| (cont.)

Increasingly, cities throughout Los Angeles County are creating historic preservation programs or conducting surveys of historic resources to aid in planning and growth while capitalizing on the historic character that makes each community distinct. One way in which cities are promoting historic preservation is through the popular Mills Act program, which is the single most important economic incentive program in California for the restoration and preservation of qualified historic buildings by private property owners. The Mills Act is currently offered by twenty cities throughout Los Angeles County and is generally implemented in conjunction with a historic preservation ordinance. With Downey taking significant steps to highlight the value of historic preservation in both the General Plan and in the Downtown Downey Specific Plan, the city should strongly consider creating a historic preservation ordinance to being offering incentives such as the Mills Act citywide to encourage preservation of the city’s architecturally and culturally significant buildings. The Conservancy stands ready to assist the city in developing a comprehensive historic preservation program.

6

Thank you for the opportunity to comment on the Draft EIR for the proposed Downtown Downey Specific Plan. Please feel free to contact me at (213) 430-4217 or mvavala@laconservancy.org should you have any questions.

Sincerely,



Marcello Vavala
Preservation Associate

⁶ “California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register),” California Office of Historic Preservation, Technical Assistance Series #6, March 14, 2006.

Response to Letter C: Los Angeles Conservancy

This letter encourages the City to conduct a historic resources survey for the Downtown Specific Plan area and states that the City should conduct site-specific surveys using the criteria established by the California Register instead of the National Register.

- C-1) Comment noted. These comments suggest that the author wants to make further refinements to the Draft EIR to “further mitigate adverse impacts to potential historic resources” in the project site area. This project has been fully mitigated to protect historic resources in the project area. Revisions to some of the text of this section of the Draft EIR and changes to the text of one mitigation measure have been incorporated as a result of this letter.
- C-2) Comment noted. This suggestion will be taken into consideration by the City of Downey. It should be noted, however, that the City currently has no available resources to fund an historic resources survey of the entire project site area.
- C-3) The commenter is correct. An assessment of potential historic structures that are 45 years of age or older is more consistent with criteria associated with the National Register than the California Register. As a result, the text on page 3.8-8 of Section 3.8, Cultural Resources of the Draft EIR, is revised as follows.

Although buildings or structures 50 years old or older are eligible for the National Register if other criteria apply, the generally accepted rule-of-thumb age threshold for eligibility in the California Register is 45 years old or older, or if sufficient time has passed to obtain a scholarly perspective on the events or individuals associated with the resource to understand its historical importance.

The text for Mitigation Measure CUL-2b, on page 3.8-15 of Section 3.8, *Cultural Resources* of the Draft EIR, is revised as follows:

Measure CUL-2b: The Downtown Specific Plan shall include a new policy 3.6.10.C – Site Specific Historical Survey and Evaluation - which states that all areas slated for development or other ground-disturbing activities in the Specific Plan area that contain structures 45 years old or older at the time of project initiation ~~shall be surveyed and evaluated for their potential historic significance prior to the City’s approval of project plans.~~ shall be completed for all structures on a proposed project site or immediate vicinity that are 45 years old or older at the time of project initiation or if sufficient time has passed to obtain a scholarly perspective on the events or individuals associated with the resource to understand its historical importance. The survey shall be carried out by a qualified historian or architectural historian meeting the Secretary of the Interior’s Standards for Architectural History.

These text changes clarify the criteria used by the California Register, which does not rely on age as its only standard for evaluation.

- C-4) Please see Response to Comment C-3, above. Commenter is correct.
- C-5) Please see Response to Comment C-3, above. This comment repeats Comment C-3.
- C-6) The City of Downey is aware of the potential benefits of the Mill Act program and appreciates the concerns expressed by the commenter.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



July 26, 2010

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JUL 28 2010
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Mr. Mark Sellheim, City Planner
CITY OF DOWNEY PLANNING DIVISION
11111 BROOKSHIRE AVENUE
Downey, CA 90241

Sent by FAX to: 562-904-7135
Number of pages: 2

Re: Tribal Consultation Per Government Code §§ 65352.3, 65352.4 and 65560 (SB 18/Sacred Lands File Search) for Project- Downtown Specific Plan Amendment and draft Environment Impact Report per SCH#2010051008; located in the City of Downey, Los Angeles County, California

Dear Mr. Sellheim:

Government Code §65352.3 and .5 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places. Attached is a Native American Tribal Consultation list of tribes with traditional lands or cultural places located within the requested plan boundaries

As a part of consultation, the NAHC recommends that local governments conduct record searches through the NAHC and California Historic Resources Information System (CHRIS) to determine if any cultural places are located within the area(s) affected by the proposed action.

A NAHC Sacred Lands File search was conducted based on the project site information included in your request and **NO, Native American cultural resources** were not found within the 'area of potential effect' (APE) you identified. However, there are Native American cultural resources in close proximity to the APE. Local governments should be aware that records maintained by the NAHC are not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a cultural place. I suggest you consult with all of those on the accompanying Native American Contacts list, which has been included separately. If they cannot supply information, they might recommend others with specific knowledge about cultural resources in your plan area. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you have any questions, please contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Attachment: Native American Tribal Government Contacts

Cc: State Clearinghouse

Native American Tribal Consultation List
LOS ANGELES COUNTY
July 26, 2010

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
(626) 286-1262 -FAX
(626) 286-1632
(626) 286-1758 - Home
(626) 483--3564 cell

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles , CA 90067
(310) 587-2203 Gabrielino
310-428-5767- cell
(310) 587-2281

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Section 65352.3.

Response to Letter D: Native American Heritage Commission

This letter reminds the City of the requirement to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) to further ensure the protection of potential cultural resources related to lands or cultural places that could be affected by the project. The letter acknowledges that a Sacred Lands File search was conducted by the NAHC for the area in and near the project area, but suggests that the City contact associated tribes (names were provided by the NAHC) directly for additional information.

- D-1) The commenter is correct. The process outlined in this letter is separate from the CEQA process, although CEQA-related documents can be used as part of the process. Government Code Section 65352.3 is outlined on page 3.8-9 of the Draft EIR. The City intends to complete the consultation process before certification of the Final EIR.

It is unclear, however, how Government Code Section 65352.5 relates to consultation with Native American tribes. This section of the Government Code relates to the adoption or substantial amendment of General Plans and the requirement for public water systems with more than 3,000 service connections to provide the planning agency with current versions of its urban water management plan and other planning information.

Government Code Section 65352.4, not mentioned in commenter's letter, defines "consultation" as it relates to Government Code Section 65352.3: "For purposes of Section 65351, 65352.3, and 65562.5, 'consultation' means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty."

It should be noted that the San Gabriel Band of Mission Indians (two separate contacts) was contacted as part of the CEQA process. No responses were received. The City did receive a response from the NAHC to the Notice of Preparation (see Appendix B of the Draft EIR).



1919 S. State College Blvd.
Anaheim, CA 92806-6114



July 22, 2010

City of Downey Planning Division
11111 Brookshire Avenue
Downey, CA 90241

Attn: Mark Sellheim

RECEIVED
JUL 26 2010
PLANNING

Subject: Environmental Impact Report for Downtown Downey Specific Plan Project in the City of Downey. State Clearinghouse No. 2010051008

Thank you for providing the opportunity to respond to this E.I.R. Document. We are pleased to inform you that Southern California Gas Company has facilities in the area where the aforementioned project is proposed. Gas service to the project can be provided from an existing gas main located in various locations. The service will be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made.

This letter is not a contractual commitment to serve the proposed project but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a public utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affect gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions.

This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

Estimates of gas usage for residential and non-residential projects are developed on an individual basis and are obtained from the Commercial-Industrial/Residential Market Services Staff by calling (800) 427-2000 (Commercial/Industrial Customers) (800) 427-2200 (Residential Customers). We have developed several programs, which are available upon request to provide assistance in selecting the most energy efficient appliances or systems for a particular project. If you desire further information on any of our energy conservation programs, please contact this office for assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Simonoff".

Paul Simonoff
Technical Services Supervisor
Orange Coast Region - Anaheim

Response to Letter E: Southern California Gas Company

This letter states, although this letter is not a guarantee of service, that the Southern California Gas Company (the Gas Company) can provide natural gas to the project site by existing gas mains in various locations within and near the project site.

- E-1) Comments noted. The City acknowledges that the supply of gas throughout the project site depends on availability of natural gas, and that supply can be affected by regulatory agencies, such as the California Public Utilities Commission and federal regulatory agencies. Commenter notes that the letter does not address other conditions or non-utility laws and regulations that could affect construction of service line extensions that can only be identified once construction begins. The City will, as the Commenter requests, refer potential developers to the appropriate Gas Company staff for usage estimates and other information related to the supply of natural gas.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

E-mailed: August 27, 2010
msellheim@downey.ca.org

August 27, 2010

Mr. Mark Sellheim
City of Downey Planning Division
1111 Brookshire Avenue
Downey, CA 90241

RECEIVED
SEP 07 2010
PLANNING

**Review of the Draft Environmental Impact Report (Draft EIR)
for the Downtown Downey Specific Plan**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comment is intended to provide guidance to the lead agency and should be incorporated into the revised draft or final Environmental Impact Report (draft or final EIR) as appropriate.

Based on a review of the draft EIR the AQMD staff is concerned about potential health risk impacts to future sensitive receptors (i.e., residences) within the project boundaries. Specifically, Figure 3.1-2 in the draft EIR indicates that high density residential uses mixed with commercial and retail uses will be located adjacent to an existing rail line that is owned by Union Pacific (UP) Railroad Company. Therefore, the AQMD staff requests that the lead agency determine the current average number of locomotives travelling daily along this line, including the amount of switching/idling activity. If the amount of daily rail activity exceeds the existing levels inventoried by the Federal Railroad Administration (FRA), then the AQMD staff recommends that the lead agency require that any future project with residential use located adjacent to this rail line conduct a health risk assessment. Further, AQMD staff recommends that the lead agency consider additional feasible mitigation to reduce the project's air quality impacts during construction.

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the lead agency to address these issues and any



other questions regarding air quality that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.



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(cont.)

Sincerely,

A handwritten signature in cursive script that reads "Ian V. MacMillan".

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

ORC091228-04
Control Number

Rail Activity and Future Project Planning

1. The AQMD staff recognizes the proposed project provides regional air quality benefits by increasing residential densities near employment, commercial and retail uses. The proposed project provides mixed land use designations (i.e., flexible retail, office, and residential space) in several districts throughout the downtown area of the city. However, AQMD staff is concerned that the proposed project would allow increased residential use in close proximity to an active rail line, a potentially significant source of toxic air emissions. Specifically, the lead agency proposes to place dense mixed use development along the southern border of the Firestone Boulevard Gateway District directly adjacent to the UP rail line.

The AQMD staff has reviewed data available from the FRA's website (<http://safetydata.fra.dot.gov/OfficeofSafety/>) and based on the most recent (1988) inventory of crossings at Paramount Boulevard approximately twenty (20) trains per day pass along the existing rail line located south of the project site. Given the potential health risk impacts from diesel emissions associated with train locomotives the AQMD staff requests that the lead agency present updated information about the current number of daily train movements on this line. AQMD staff conducted a screening analysis specific to this rail line within the specific plan boundary and found that health risks from locomotive diesel exhaust emissions are less than significant assuming that less than 20 Tier 2 line haul locomotives (operating at notch one) traverse the line each day. In the event that the lead agency finds that this rail line exceeds twenty (20) total trains or ten (10) switching trains per day the AQMD requests that the lead agency require any future development containing residential uses that is proposed in the project area to conduct a health risk assessment (HRA). Further, the AQMD staff recommends the lead agency establish a policy in the proposed specific plan that requires any potentially significant air quality impacts to future residences to be mitigated to a less than significant level, if feasible.

Construction Equipment Mitigation Measures

2. Given that the lead agency's air quality analysis of construction activities demonstrates that the criteria pollutant emissions exceed the AQMD's daily regional significance threshold for NOX, AQMD staff recommends that the lead agency consider adding the following mitigation measures to further reduce air quality impacts from the project, if feasible:
 - Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,
 - Reroute construction trucks away from sensitive receptor areas,
 - Improve traffic flow by signal synchronization,
 - Consistent with measures that other lead agencies in the region (including the ports of Los Angeles and Long Beach) have enacted, require all on-site

construction equipment to meet EPA Tier 2 or higher emissions standards according to the following schedule:

- ✓ April 1, 2010, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or AQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

❖ For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:
www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

CEQA Guidelines 15168(c) and 15082 for Program EIR's

3. Given that the proposed project is a master plan which is intended to guide future development in downtown Downey and establish new land use designations the AQMD staff recommends that the lead agency carefully examine all future projects subject to the specific plan and if additional potentially significant impacts are identified (e.g., a health risk assessment identifies a risk greater than one in one hundred thousand), the lead agency should prepare the necessary CEQA document pursuant to the CEQA Guidelines 15168(c). Finally, AQMD staff requests that pursuant to Section 15082 of the CEQA Guidelines the lead agency place the AQMD on future notices of activity.



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(cont.)

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6

Response to Letter F: South Coast Air Quality Management District

This letter addresses potential health risks associated with the proximity of railroad tracks to potential residential uses that, under the proposed Project, would be allowed adjacent to the railroad tracks. According to the South Coast Air Quality Management District (SCAQMD), this health risk is related to how many locomotives pass through the City in one day.

F-1) Commenter is correct. The Downtown Downey Specific Plan would permit high density housing adjacent to the existing Union Pacific railroad line, along the south side of Firestone Boulevard and along the north side of Nance Avenue. Housing in this location is limited to apartments and condominiums on the second floor or above, along with daycare homes, live/work units, residential care facilities and home occupations. The area adjacent to the railroad tracks is currently developed and the future disposition of these sites is currently unknown. It is, however, possible that these sites could be developed in the future with residential uses.

The City Engineer has determined that an average of two trains per day pass through the Specific Plan area. The project site does not include any switching facilities nor does it include rail yards.

F-2) The City of Downey will provide copies of the Final EIR to all commenters, including SCAQMD.

F-3) Please see Response to Comment F-1, above. As noted, the City Engineer has determined that an average of two trains (two locomotives) per day pass through the Specific Plan area. This is well below the threshold of significance used by SCAQMD of 20 Tier 2 line haul locomotives. In accordance with the SCAQMD threshold, the City would not require a health risk assessment from potential developments.

F-4) The Draft EIR includes a menu of mitigation measures related to construction equipment in Section 3.4, *Air Quality*, and Section 3.5, *Greenhouse Gasses and Global Warming*. The additional measures provided by SCAQMD may be considered by the City for future projects as feasible, and depending on the size and scale of the projects and the proximity of sensitive receptors.

F-5) Several of these measures have been incorporated generally as mitigation measures for the proposed Project. See the Draft EIR at pages 3.4-14 and 3.4-15.

F-6) The Lead Agency will be required to prepare the appropriate CEQA documentation as specific projects come on-line in the Project area. SCAQMD

will be requested to comment on future CEQA documents related to the Project site area.



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Cathleen Cox
Acting Director

August 31, 2010.

Mark Sellheim
City of Downey
Department of Community Development
1111 Brookshire Avenue
Downey, CA 90241

Subject: Downtown Downey Specific Plan
SCH#: 2010051008

Dear Mark Sellheim:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 30, 2010, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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**Document Details Report
State Clearinghouse Data Base**

SCH# 2010051008
Project Title Downtown Downey Specific Plan
Lead Agency Downey, City of

Type EIR Draft EIR
Description The proposed Downtown Downey Specific Plan would guide growth and development in the downtown by establishing 131 acres as mixed use and creating districts with specific development and design guidelines. The Specific Plan would introduce a variety of housing types, promote the downtown as an economic core, and establish the downtown as a cultural center for Downey. The Specific Plan also would strengthen pedestrian, bicycle and transit-oriented characteristics, and ensure access for automobiles.

Lead Agency Contact

Name Mark Sellheim
Agency City of Downey
Phone 562-904-7158 **Fax**
email
Address Department of Community Development
11111 Brookshire Avenue
City Downey **State** CA **Zip** 90241

Project Location

County Los Angeles
City Downey
Region
Lat / Long 33° 56' 33.39" N / 118° 08' 01.48" W
Cross Streets Paramount Boulevard/Firestone Boulevard/Downey Avenue
Parcel No. Various
Township No **Range** No **Section** No **Base** No

Proximity to:

Highways
Airports No
Railways UPRR
Waterways Rio Hondo River and the San Gabriel River
Schools Downey HS
Land Use Downtown land uses
Zoning: C-P, C-1, C-2, C-3, R-3, M-2, D-P, O-S
General Plan Land Use designations: Mixed Use and Office

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 7; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; Public Utilities Commission

Date Received 07/15/2010 **Start of Review** 07/15/2010 **End of Review** 08/30/2010

NATIVE AMERICAN HERITAGE COMMISSION

815 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



July 26, 2010

Mr. Mark Sellheim, City Planner

CITY OF DOWNEY PLANNING DIVISION

11111 BROOKSHIRE AVENUE
Downey, CA 90241

Clear
08/30/10
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RECEIVED

JUL 29 2010

STATE CLEARING HOUSE

Sent by FAX to: 562-904-7135

Number of pages: 2

Re: Tribal Consultation Per Government Code §§ 65352.3, 65352.4 and 65560 (SB 18/Sacred Lands File Search) for Project- Downtown Specific Plan Amendment and draft Environment Impact Report per SCH#2010051008; located in the City of Downey; Los Angeles County, California

Dear Mr. Sellheim:

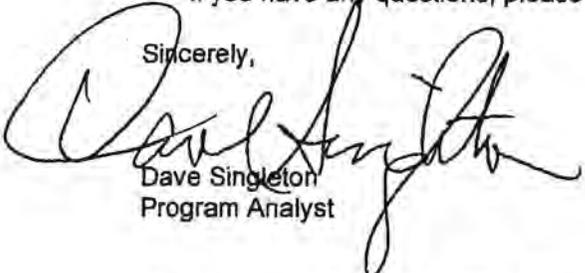
Government Code §§65352.3 and .5 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places. Attached is a Native American Tribal Consultation list of tribes with traditional lands or cultural places located within the requested plan boundaries

As a part of consultation, the NAHC recommends that local governments conduct record searches through the NAHC and California Historic Resources Information System (CHRIS) to determine if any cultural places are located within the area(s) affected by the proposed action.

A NAHC Sacred Lands File search was conducted based on the project site information included in your request and **NO, Native American cultural resources** were not found within the 'area of potential effect' (APE) you identified. However, there are Native American cultural resources in close proximity to the APE. Local governments should be aware that records maintained by the NAHC are not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a cultural place. I suggest you consult with all of those on the accompanying Native American Contacts list, which has been included separately. If they cannot supply information, they might recommend others with specific knowledge about cultural resources in your plan area. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you have any questions, please contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Attachment: Native American Tribal Government Contacts

Cc: State Clearinghouse

Response to Letter G: State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit

This letter states that the State Clearinghouse submitted the Draft EIR to selected state agencies to review, and encloses a copy of the letter from the NAHC sent to the State Clearinghouse in response. This letter also includes a summary of the proposed Project.

- G-1) The project information summarized in commenter's letter is correct. A copy of the attached NAHC letter was also sent directly to the City of Downey by the NAHC and is included in this Response to Comments as Letter D. Please see the Responses to Letter D for a complete response to the NAHC's concerns.