

2.B RESPONSES TO INDIVIDUAL COMMENTS

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LETTER NO. 1**COUNTY OF LOS ANGELES HEARING EXAMINER PUBLIC HEARING TRANSCRIPT**

Thursday, February 25, 2016, 6:00 P.M.

Nogales High School
401 South Nogales Street
La Puente, California 91744

This letter is a compilation of comments received at the Hearing Examiner Hearing on Thursday, February 25, 2016 at Nogales High School in La Puente, California. These comments are reproduced from the official hearing transcript, which is provided in its entirety in Appendix D of the Final EIR. In some instances, where comments were part of an exchange between the individual commenter and the Hearing Examiner or Department of Regional Planning staff, Hearing Officer or County Staff, those comments have also been provided in italics.

COMMENT NO. 1-1

MS. MALKIN: Hi. I'm Teri Malkin and I'm a resident of Rowland Heights and I have a few concerns and some of them you've already identified.

RESPONSE NO. 1-1

This comment is an introduction to the commenter and her concerns regarding the Project. Responses to these comments are provided below in Responses to Comments 1-2 through 1-4.

COMMENT NO. 1-2

Number one is parking and you're talking about shared parking and right now with Gale widened parking at that shopping center has already been reduced and even before the widening of Gale parking was at a premium there so I don't think sharing the parking would be a viable option.

RESPONSE NO. 1-2

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 1-3

Second, water. Right now I think this comes under Rowland Water and they're having a tough time right now meeting their current needs with reductions in the use of water so that obviously is a continued problem.

RESPONSE NO. 1-3

The updates to Section 4.L.2, Water Supply, in Chapter 3.0, Corrections and Additions to the Draft EIR, of this Final EIR provide refinements to the Project's projected water demand and demand for the Rowland Water District's (RWD) service area, based on Metropolitan Water District's adoption of its Integrated Water Resources Plan 2015 Update (January 2016) and 2015 Urban Water Management Plan (June 2016); the RWD's adoption of its 2015 Urban Water Management Plan (June 2016); and RWD's review and approval of the Project's revised reduced water demand and issuance of a new corresponding will-serve letter for the Project (July 6, 2016) as a result of minor changes made to the Project.

As stated therein, in accordance with proposed Project Design Feature PDF-WATER-3, the Project's calculated potable water demand of 94.3 AFY at buildout in 2020 would be offset through the Applicant's funding of an expansion of RWD's existing recycled water infrastructure that will enable RWD to provide a minimum of 95 AFY of additional recycled water service within RWD's service area. Various recycled water expansion projects are identified in RWD's Recycled Water Master Plan, including the "Future 3" project, consisting of an extension from an existing recycled water line in Fullerton Road, extending easterly generally paralleling the Pomona Freeway, and connecting future customers between Colima Avenue and the Pomona Freeway with a short loop connection to Colima Road. The total length of pipeline for this project is approximately 6,136 feet and following its construction, RWD would be able to deliver approximately 98.9 AFY of recycled water to customers to be used for irrigation purposes, thereby replacing potable water currently used for irrigation purposes in this same amount. This 98.9 AFY replacement of potable water with recycled water is more than sufficient to offset the Project's calculated potable water demand of 94.3 AFY, in conformance with RWD's July 6, 2016 will-serve letter for the Project.

As further described in the updates to Section 4.L.2, Water Supply, in Chapter 3.0, Corrections and Additions to the Draft EIR, of this Final EIR, the Project's conservatively estimated nonpotable water demand for landscaping irrigation purposes would be approximately 5 AFY. If a greater proportion of drought-tolerant plantings were to be provided, or more efficient irrigation systems were installed, this demand would be further reduced, potentially to approximately 3.5 AFY. RWD's 2015 Urban Water Management Plan (2015 UWMP) assumes a significant increase in recycled water supplies between 2015 and 2040, as well as the continued expansion of RWD's recycled water system as planned for in RWD's Recycled Water Master Plan. Together, this increase in nonpotable water supply and continued expansion of RWD's recycled water system will ensure sufficient capacity to accommodate the Project's extremely low nonpotable water demand numbers.

With these adequate supplies and features to reduce the Project's overall impact on RWD's water supplies, water supply impacts would be less than significant.

COMMENT NO. 1-4

[...] I know you've tried to make ameliorations and I know Gale's been widened and Nogales will be something but traffic, of course, and noise and that type of thing and I'll leave to some of the others to bring up some other concerns such as the height of the hotel and other items. Thank you.

RESPONSE NO. 1-4

This comment lists several general concerns that the commenter expressed about the Project. The commenter's areas of concern are addressed in the Draft EIR as follows: traffic is addressed in Section 4.K, Transportation and Parking; noise is addressed in Section 4.I, Noise; the height of the hotel is addressed in Section 4.H, Land Use and Planning. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 1-5

MR. CHEW: My name is Kingdon Chew. Do I need to say my address and all that?

Ms. Natoli (Hearing Examiner): No, sir.

MR. CHEW: I'm a resident of Rowland Heights in the Royal Vista golf course community. I was also the past president of RHCCC during the term of July 1st, 2014 through June 30th, 2015. I'm also the neighborhood watch captain.

RESPONSE NO. 1-5

This comment is an introduction of the commenter. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 1-6

I strongly opposed this project since Day One early 2014. I bring a different picture to mind. The razing of the American dream here at Rowland Heights. No diversity. Just an overdosing of everything Asian. All restaurants, (inaudible), soy sauce chicken, roast duck shops, hookah bars, vapor shops, massage parlor, Internet cafes, tea houses, casino buses, nail salons just to name the obvious.

RESPONSE NO. 1-6

This comment expresses general opposition to the Project and unrelated comments concerning land uses in Rowland Heights. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 1-7

Why should a two-story hotel and an open-air shopping center be built when there's a Puente Hills Mall featured in the famous film Back To The Future?

RESPONSE NO. 1-7

The Puente Hills Mall is a nearby enclosed regional shopping center that provides a different mix of goods and services than the Project, and its existence in a nearby community is not relevant to the Rowland Hills Plaza and Hotel Project. The Project is a fundamentally different kind of development for which demand has been determined to exist, and which would provide hotels and open space containing community gathering areas within its open-air setting, in response to community requests. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 1-8

Why should business tourists come to a hotel and walk a little distance to shop when the residents can neither walk, drive nor park as easily in their current situation?

RESPONSE NO. 1-8

As stated in the Hotel Commentary provided by CBRE Hotels, provided in Appendix E of the Final EIR, Rowland Heights is located to the east of City of Industry, which is considered one of the industrial hubs in Los Angeles County. The various commercial entities generate a significant amount of business travel for hotels in the market area. As stated in Topical Response No. 1, Traffic, it is acknowledged that areas of Rowland Heights, including the immediate project vicinity, are experiencing a considerably heightened, albeit temporary, degree of traffic congestion due in large part to the ongoing Nogales Street Grade Separation Project and major related infrastructure and utility improvements within a two-mile radius of the Nogales Street underpass. However, as also discussed in Topical Response No. 1 and in Section 4.K, Transportation and Parking, of the Draft EIR, collocation of the two planned hotels and the Commercial Center, including restaurants, as well as the provision of dining facilities within each of the hotels, is proposed specifically to allow "internal capture" or use of on-site commercial uses by hotel patrons and employees, to reduce vehicle miles traveled by future users of the Project - in other words, Project trips to and from off-site destinations that would otherwise be added to the area street network. The Project Site's

freeway-close location also reduces the distance that some Project-related trips would otherwise spend on the local street network.

The Commercial Center is also intended to serve employees of the large number of off-site commercial and light industrial businesses in the Project area, within Rowland Heights as well as in the City of Industry to the north and west, further reducing vehicle miles traveled in the Rowland Heights community as the result of locating desirable commercial goods and services close to the 60 Freeway business corridor, a major employment center.

Finally, it should be noted that the Project would not be operational until the Nogales Street Grade Separation underpass and widening of Gale Avenue along the Project Site frontage have been completed, and therefore Project operational trips would not contribute to current Nogales Grade Separation Project construction-related congestion. Levels of service at the intersections closest to the Project Site are expected to be acceptable at the time of Project buildout, including – once the Nogales Street Grade Separation Project improvements have been completed – the intersections of Nogales Street/Gale Avenue & Walnut Drive and Nogales Street/San Jose Avenue, immediately south and north of the new underpass, respectively.

COMMENT NO. 1-9

If the business people come here – these tourists – they should get the real experience. Better yet no open shopping center but put the Asian restaurants, nail salons and all the previously mentioned inside a hotel. Just make it an all-inclusive hotel. Hell. Throw in a casino. There's your job creation.

RESPONSE NO. 1-9

As stated in Section 2.0, Project Description, of the Draft EIR, the proposed Commercial Center seeks to provide diversity of tenant spaces (retail, restaurant, and office space) to attract high-quality tenants and provide services that would be patronized by the community as well as hotel guests. The proposed hotels seek to provide high-quality full-service and extended-stay hotel options collocated with the Commercial Center to provide local shopping and dining options for hotel guests. Community residents, employees of nearby commercial businesses, and business and pleasure travelers would be accommodated by the proposed mix of complementary retail, office, and hotel uses. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 1-10

2015 Congressman gets federal assistance to remedy the congestion of trucks but it was announced in 2013 at the Asian business seminar in Rowland Heights that there was a 33 percent increase for Asian business visas which would benefit this community. More new business for Asian businesses to come.

RESPONSE NO. 1-10

This comment speculates that there will be an increase in Asian businesses once the Project is completed. The State *CEQA Guidelines*, Section 15124(c), requires that EIR Project Descriptions provide “a general description of the Project’s technical, economic, and environmental characteristics.” The Project Description, provided in Section 2.0 of the Draft EIR, states that the Project Applicant, Parallax Investment Corporation, proposes a commercial retail-hotel development that would contain retail, restaurant, commercial, hotel, and extended-hotel uses. Neither the State *CEQA Guidelines* nor case law requires EIRs to disclose the identity of specific occupants. The future occupants of the Project Site have not yet been determined, and

therefore the commenter's conjectures regarding Asian businesses as part of the Project are speculative and no further response is warranted.

COMMENT NO. 1-11

I know many Asian residents are not excited about this. Many escaped the high density issue and now it's here also.

You don't need to vacation in China or Taiwan. It's right here right now.

RESPONSE NO. 1-11

This comment states that the Project would contribute to high development density in the community. Because the Project is a commercial retail-hotel development, it would not have a direct impact on population or associated housing demand. The Commercial Center is intended to serve the Rowland Heights community residents as well as business and leisure tourists and create an activity node with a diverse concentration of hotels and commercial uses. The Rowland Heights Community Standards District does not set a maximum floor:area ratio (FAR), but instead limits the lot coverage to 40 percent of the net lot area. Developed square footage on Parcel 1 would total approximately 129,926 gross square feet (gsf), with lot coverage of approximately 26.6 percent and a FAR of 0.365:1. Developed square footage on Parcel 2 would total approximately 189,950 gsf, with lot coverage of approximately 36.62 percent and a FAR of 1.35:1. Developed square footage on Parcel 3 would total approximately 130,930 gsf, with lot coverage of approximately 37.19 percent and a FAR of 1.55:1. The Project would not exceed the 40 percent net lot coverage maximum for any part of the development.

COMMENT NO. 1-12

If this gets built I can almost forecast an increase in Asian gang activity. That's just how it works.

RESPONSE NO. 1-12

This comment regarding concern for gang activity is outside the scope of the Draft EIR's analysis and as it does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 1-13

Born and raised in San Francisco Chinatown I'm experiencing it all again. The term is called China vacation or in our case Taiwan vacation as we know Rowland Heights is called Little Taiwan.

There's a social impact that's not being addressed. Reverse discrimination to non-Asians or to non-Mandarin speaking Asians like myself.

I'm not a racist. I just want true Americanism.

Ms. Natoli (Hearing Examiner): Thank you, sir.

MR. CHEW: This is capitalism at its best, democracy at its worst.

Ms. Natoli (Hearing Examiner): Thank you, sir.

MR. CHEW: I want diversity. Please stop this suffocation. Thank you.

RESPONSE NO. 1-13

This comment states that the Project would be reminiscent of the commenter's experience in San Francisco's Chinatown community. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 1-14

MR. MITCHELL: Ronald Mitchell.

Ms. Natoli (Hearing Examiner): Thank you. It's for the court reporter and the record. Thank you.

MR. MITCHELL: Just like the last gentleman I have concerns. I've lived in Rowland Heights for over 30 years and I saw a drastic change and it continues.

I have no problem with change but change should be made to accommodate those who live here and have been living here for some time, not for the profit of businesses and so forth.

RESPONSE NO. 1-14

This comment contains an introduction to the commenter and states that the development should focus on accommodating the residents rather than focusing on earning profits for the businesses. Very early in the schematic design process, the Applicant's team met with the RHCCC to gain insight into the community to better understand what they were looking for in the proposed development. The Applicant's team then formed a small caucus group of community members and worked together to incorporate the requested changes into the Project. These discussions resulted in significantly enhanced architecture and landscaping, the creation of two significant community gathering spaces, outdoor seating areas on the second floors of buildings, and other changes. Community groups would be able to program and use the central gathering area of the plaza for community events. There would also be a small open space area dedicated to the history of Rowland Heights, where the community and visitors can learn more about the community and history of the Project Site. These changes to the Project were made to accommodate the residents' requests rather than to focus on creating a development to only benefit the businesses that will be in the Plaza.

COMMENT NO. 1-15

Someone stated when they were going through the proposal that the hotel – am I correct – is condominiums included?

Ms. Natoli (Hearing Examiner): No, sir.

MR. MITCHELL: Someone stated that.

Unidentified Female Voice: Yes. I heard that.

Unidentified Female Voice: I heard that too.

MR. MITCHELL: You might readdress that.

Ms. Natoli (Hearing Examiner): I'll ask them to clarify that.

MR. MITCHELL: Okay. I need to have that clarified.

RESPONSE NO. 1-15

This comment requests clarification concerning the proposed Project uses to be provided. There are no residential condominium units proposed as part of the Project. Rather, the Project proposes to condominiumize the commercial component of the Project. Condominiums are a type of ownership structure in which the individual units in a building, whether residential or commercial, are separately owned. The retail component of the Project would be developed under condominium ownership; the hotels are not.

COMMENT NO. 1-16

And also the parking is certainly going to be a concern and just like the gentleman said I can envision the casino buses in and out on this area. It's going to be totally really congested and once again the social impact – you haven't taken that into consideration.

RESPONSE NO. 1-16

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 1-17

Everything is taken for the concern of the business itself but not for the people that currently live here and reside here. Okay? And I think that's a big impact. We've been here enough and I certainly appreciate your allowing us to come to this hearing but you should readdress that.

RESPONSE NO. 1-17

This comment suggests that the Project does not consider the needs of the residents of the Rowland Heights community. Early in the schematic design process, the Applicant met with the Rowland Heights Community Coordinating Council (RHCCC) to gain insight into the community and better understand what the RHCCC sought in the proposed development. In addition to the initial Project Scoping Meeting and February 2016 Hearing Examiner Hearing, the Applicant has met four times with the RHCCC, including attending three general meetings and a meeting with the small RHCCC caucus group convened to address the Project specifically. Please see the letter from the RHCCC summarizing instances of the Applicant's outreach and the outcome of those meetings in Appendix F of this Final EIR. These discussions resulted in multiple enhanced features, including community gathering spaces and outdoor seating areas. The central gathering area would be available to be used for community events and programs, such as a farmer's market. The conference and convention spaces within the hotel can also be used for multiple programs that allow Rowland Heights residents to enjoy the facilities without having to go outside their community for such options.

COMMENT NO. 1-18

How is it going to impact the people that currently are living here and does that hotel that's coming here now -- will that be an influx of people coming here in Rowland Heights, having babies and so forth?

RESPONSE NO. 1-18

As stated in the Hotel Commentary prepared by CBRE Hotels, found in Appendix E of the Final EIR, the Applicant understands that the Rowland Heights community has experienced an influx of visitors due to the emergence of "maternity hotels" in Rowland Heights. These birthing centers cater to foreign pregnant women who reside in "maternity boarding homes" to give birth to their children in the United States for

purposes of American citizenship. The local residents and the members of the Rowland Heights Community Coordinating Council (RHCCC) have expressed their concerns regarding the proposed hotels being marketed to and servicing the specific population of women seeking accommodations in the area.

It is not the Applicant's intention to operate birthing centers on the Project Site, but instead to develop two high-quality, branded hotels catering to transient business and leisure visitors to Rowland Heights. As branded hotels, the two properties would be subject to franchise agreements which contain provisions that preclude the third party operator from engaging in any other type of business other than the operations of the hotels. Operating a birthing center on the Project Site would be in direct violation of the franchise agreements. Additionally, the typical upscale, branded hotel is not equipped to provide the services and amenities provided by birthing centers. While a hotel may provide lodging accommodations and services such as in-room dining and cleaning services, other important amenities typically provided in birthing centers, such as shuttle and caretaker services, are not standard at hotels such as those proposed on the Project Site.

The Applicant recognizes that there is no screening process that can prevent a foreign expectant mother or couple to book rooms at future hotels on the Project Site. Furthermore, the hotels should not be put in a position in which they may face legal ramifications for discriminatory practices against pregnant women. It is recommended instead that preventative measures be taken to mitigate the possibility of maternity tourism guests utilizing the proposed hotels.

COMMENT NO. 1-19

So those are my concerns. Nothing against individuals but I think we should address not just the business side.

RESPONSE NO. 1-19

This comment is a conclusion to the speaker's preceding concerns. Responses to these comments are provided above in Responses to Comments 1-14 through 1-18.

COMMENT NO. 1-20

And when you say the parking is going to be shared it says that there's 25 percent less parking than that's required. Are you going to allow that to happen or are you going to go along with "it's shared"?

RESPONSE NO. 1-20

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 1-21

You know, you have two hotels you're going to have shared parking. Who's going to validate that? How do you determine that? I don't know.

RESPONSE NO. 1-21

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 1-22

My concern -- we have four hotels in Rowland Heights now. Has someone did [sic] a study to see why there was a need for this project? Is there that many vacancies or no vacancies that would justify? What's the attraction of Rowland Heights?

RESPONSE NO. 1-22

This comment questions whether a study was undertaken to determine the need for a hotel in Rowland Heights. A Market Demand Analysis, prepared by PKF Consulting USA, A CBRE Company, was completed to assess the feasibility of the full-service hotel and extended-stay hotel; it is provided in Appendix E of this Final EIR. Additionally, a Hotel Commentary letter report was prepared by CBRE Hotels and is also provided in Appendix E of the Final EIR. As stated in the Hotel Commentary Rowland Heights is located to the east of City of Industry, which is considered one of the industrial hubs in Los Angeles County. Currently, there are only two hotels in Rowland Heights and

Excerpts from the Hotel Commentary are provided below:

As a rule of thumb, potential hotel developers and investors in Southern California typically look for hotel markets exhibiting growth trends in average daily rate at least above inflationary levels and consistent market occupancy levels to be in the 70% range to seriously consider the development of a new lodging facility. The market occupancy of 79.3% in year-end 2014 illustrates that demand for hotel room nights is very strong and that there is a high degree of unsatisfied demand in the market, largely due to the lack of hotel rooms in the Rowland Heights community and surrounding areas.

The two subject hotels would supplement the existing hotel room supply within the local market area for:

- 1) Corporate and commercial demand generated from businesses located in the San Gabriel Valley area. Close to the subject site, the City of Industry, of which 92% of its land is allocated to industrial usage, is home to many manufacturing and retail companies, such as Closet World, Teledyne, Viewsonic, Costco, Sysco Food Service, Freshpoint, etc., which generate a significant amount of business travel for existing hotels in the local market area;*
- 2) Leisure demand generated by pleasure travelers visiting family, friends, nearby attractions and popular tourist destinations, such as Disneyland, Universal Studios, Hollywood, and well-known beaches along the Pacific Coast;*
- 3) Group demand arising in the eastern San Gabriel Valley relies primarily on "package tour" groups from international tour groups, social events, business meetings, and SMERF (social, military, educational, religious, and fraternal) groups.*

There is ample demand in the local market that is currently unsatisfied by the existing hotels, due to seasonality or lack of quality lodging supply. The proposed high quality, branded full-service hotel and extended-stay hotel is well suited for its location, target clientele, and integration into the immediate area. The hotels cater to the various segments of demand, complementing the existing supply of hotels in the area and increasing the attractiveness of Rowland Heights as a whole by offering yet another set of accommodations not yet represented in the local lodging supply. Further, the type, size, and positioning of the proposed upscale full-service and extended-stay developments accurately reflect the preferences

of many business, leisure, and group travelers to the region and should allow the proposed hotels to capture an appropriate mix of business.

COMMENT NO. 1-23

We don't have the attraction here but I guess you're going to make an attraction. I don't know. I don't know what the main objectives are of this project but I think it's not for the people that reside here currently. That's all I have.

RESPONSE NO. 1-23

This comment concerns the stated objectives of the Project. As stated in the Hotel Commentary prepared by CBRE Hotels, found in Appendix E of the Final EIR, Rowland Heights is located to the east of City of Industry, which is considered one of the industrial hubs in Los Angeles County. The various commercial entities generate a significant amount of business travel for hotels in the market area.

The Project Objectives are stated in Section 2.0, Project Description, of the Draft EIR. The commercial development seeks to develop a high-quality, low-rise commercial center with a diversity of tenant spaces (retail, restaurant, and office space on two floors) to attract high-quality tenants. The hotel development seeks to provide high-quality full-service and extended-stay hotels and collocate complementary hotel and commercial uses to provide local shopping and dining options for hotel guests as well as area employees and the larger community. Business and leisure travel tourists, including tour groups, would be accommodated by the mix of complementary retail, office, and hotel uses.

COMMENT NO. 1-24

MR. CHEN: My name is Felix Chen. C-h-e-n. We manage the shopping center right to the east of this project and my comment will be primarily on the (inaudible) issues.

RESPONSE NO. 1-24

This comment is an introduction to the commenter and his concerns about the Project. Responses to these comments are provided below in Responses to Comments 1-25 through 1-28.

COMMENT NO. 1-25

Based on the (inaudible) they project that more than 70 percent of the traffic will go through the shared driveway which right now we are using it exclusively.

My concern is at the end of that driveway you have direct ingress and egress to Building 3 on the project which is the northeast building and also you have entrance to our shopping center and entrance to the new project.

So when you have 70 percent or more of the traffic going through that driveway I think it would impact the ability of our customer to get in and out through that driveway.

RESPONSE NO. 1-25

Please see Topical Response TR-1 regarding Project traffic. As stated therein, in response to concerns expressed by the commenter regarding future capacity and levels of service at the Project East Access driveway (the shared driveway with Rowland Heights Plaza/99 Ranch Market), the Applicant conducted counts at this driveway in September 2015 to ascertain existing trip generation associated with this

shopping center. As stated in Topical Response TR-1, in addition to future Project trips following buildout, calculations based on these counts demonstrated that traffic volumes for Rowland Heights Plaza/99 Ranch Market would need to increase by 53 percent to reach capacity and operate at an unacceptable LOS E, and by 70 percent to operate at LOS F. As further noted in Topical Response TR-1, this is neither anticipated nor technically feasible because of limitations on parking supply for Rowland Heights Plaza/99 Ranch Market.

COMMENT NO. 1-26

So my suggestion is at the minimum they should redesign the entrance to the Building 3. Make it through the internal of the project instead of right on that driveway.

RESPONSE NO. 1-26

This comment suggests a redesign to the entrance to Building 3. Please see Topical Response TR-1 regarding Project traffic and shared access into the Project Site.

COMMENT NO. 1-27

The other issue I would like to address is the shared parking idea. I understand that they try to share parking over at the (inaudible). There are three parcels but they're proposing reciprocal parking. My comment is that the design on the parking – for example, the majority of the hotel parking is underground or behind the hotel and the way they are laid out that's not encourage sharing unless you park (inaudible). The retail and restaurant customers allowed to park on the hotel parking people will be discouraged to come there. So probably we are not being, you know, very effective based on the current design.

RESPONSE NO. 1-27

Please see Topical Response TR-2 regarding Project parking. As stated therein, according to the ULI Shared Parking Manual cited in the Parking Assessment provided in Appendix I-2 of the Draft EIR, peak hotel parking demand occurs at midnight, since hotel guests are largely off-site during the day; hotel guestrooms represent only an estimated 55 percent of the total Project Site peak parking demand at noon. In this manner, the collocation of hotels with the Commercial Center makes shared parking possible, because peak parking demand for the two uses is complementary. This allows a degree of shared parking that would not be possible if the entire Project Site were to be developed with commercial or other uses that generated conflicting (i.e., simultaneous) peak parking demand.

Moreover, as also stated in the Parking Assessment appended to the Draft EIR (see p. 7), certain land uses serve “captive markets” (i.e., patrons already on-site), with hotels a prime example. Hotel restaurants and bars are ancillary uses within that hotel, patronized predominantly by hotel guests whose parking needs are already accounted for in the hotel parking requirement and supply, rather than functioning as destination locations for patrons from off-site. Hotel guests also represent a captive market for the Commercial Center restaurants and retail establishments, since they are expected to be patronized, in part, by hotel guests who do not generate additional demand for Commercial Center parking since their parking needs are, again, accounted for in the hotel parking supply.

Finally, it should be noted that, under the shared parking program, the parking supply for the Commercial Center totals only 13 percent or 116 fewer spaces than would be required under the Parking Code, absent shared parking. The hotel parcels provide considerably more than 115 surface parking spaces that would be fully available for use by Commercial Center patrons, without the use of below-grade parking beneath the

hotels, and as previously noted, many of the spaces on the hotel parcels would be only partially utilized during the day when hotel demand for those spaces is at its lowest.

COMMENT NO. 1-28

That's basically all my comments. Thank you.

RESPONSE NO. 1-28

This comment is a conclusion to the commenter's concerns. Responses to these comments are provided above in Responses to Comments 1-25 through 1-27.

COMMENT NO. 1-29

MS. GERLOFF: Hello. I'm Karen Gerloff. Thank you for having this public hearing and listening to our concerns.

I'm a resident of the Royal Vista neighborhood which is kind of on the edge of Rowland Heights to the east and I've lived here for over 40 years and raised my family here.

RESPONSE NO. 1-29

This comment provides a brief introduction to the commenter and her background. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 1-30

I used to shop exclusively in Rowland Heights at Puente Hills Mall. Use all those businesses. The traffic has become unbelievable. I drive – rather than shopping four miles or five from my home I drive 15 over to Chino Hills because it is beyond frustrating and nearly impossible to drive to my local businesses.

RESPONSE NO. 1-30

See Topical Response No. 1, Traffic, regarding current traffic congestion in the Project area. As stated therein, there are several major roadway improvement and construction public works projects in the immediate Project vicinity, the most disruptive of which is the three-year-long Alameda Corridor-East Construction Authority (ACE) Nogales Street Grade Separation Project, which was undertaken in 2013 and is currently under construction approximately one-half mile east of the Project Site. This and other roadway projects are nearing completion and, once completed, congestion in the area is expected to considerably improve, including the levels of service (LOS) at the intersections nearest the Project Site. The proposed Rowland Heights Plaza and Hotel Project would not commence operations until the Nogales Street underpass and widening of Gale Avenue in the Project vicinity have been completed.

It should also be noted that more shopping areas in a community results in fewer vehicle miles traveled by residents of that community and less traffic on the overall street system.

COMMENT NO. 1-31

I can't use Mr. Chen's nice shopping center and this looks like a lovely shopping center but this community has been over built unfortunately and when one goes down Colima Road some of these businesses – I don't know if the coding council approved it or encouraged it but they've been allowed to build almost – huge

buildings right up to the sidewalk which is, you know, typical in some countries but it isn't what we moved here for.

RESPONSE NO. 1-31

This comment describes Colima Road and several businesses in that vicinity developing buildings “right up to the sidewalk.” The Project would be constructed along Gale Avenue, and as stated in Section 4.H, Land Use and Planning, land use impacts with respect to applicable plans would be less than significant. The Project would maintain and improve the pedestrian environment along Gale Avenue by improving the existing sidewalks, providing a 10-foot-wide landscaped setback, providing dedicated pedestrian access to the Project Site separate from the vehicular driveways, and support pedestrian mobility between the Project Site and commercial uses in the Project’s vicinity. On top of the landscaped setback, the Project would be in compliance with the Rowland Heights Community Standards District (CSD), which requires a setback of 15 feet from the property line, thus allowing for the landscaped setback to be fronted by a 5-foot-wide sidewalk.

COMMENT NO. 1-32

You know, so it doesn't allow them to widen Colima and it definitely needs widening. People can't get up and down that street.

RESPONSE NO. 1-32

This comment suggests widening Colima Road. The Proposed Project would be compliant with the Rowland Heights CSD and be built with a 10-foot-wide landscaped setback, which would be fronted by a 5-foot-wide sidewalk. This will result in a total 15-foot-wide setback from the property line along Gale Avenue. The Proposed Project is also located on Gale Avenue, which was just widened. As stated and provided in Section 4.K, Transportation and Parking, of the Draft EIR, a complete traffic analysis was conducted for the study area affected by Project trips, which includes two intersections on Colima Road at Fullerton Road and Nogales Street. The analysis was coordinated with the County of Los Angeles and the California Department of Transportation to address all potential traffic issues within the study area. The traffic impact analysis consists of gathering existing traffic volume data before the start of construction of the Nogales Street railroad grade separation project, accounting for other proposed developments within the study area, adding vehicle trips associated with the proposed Rowland Heights Plaza project based on the Institute of Transportation Engineers trip generation rates, obtaining future study area roadway improvements from the local jurisdictions, and determining roadway improvements required without and with the proposed Rowland heights Plaza project. Based on the projected future traffic volumes, the roadway improvements currently being implemented within the study area, and the required improvements from the traffic impact analysis, the study area intersections are projected to operate within acceptable Levels of Service in the future with the addition of Project traffic.

COMMENT NO. 1-33

So this unfortunately would be a negative impact I believe even if – we have two options. Go down Colima to get some place, go down Valley or we used to go down Gale. They're all pretty bad. They're quite impossible because we have significant truck traffic in this area and a huge amount of car traffic.

RESPONSE NO. 1-33

See Topical Response No. 1, Traffic, regarding current traffic congestion in the Project area. As stated therein, there are several major roadway improvement and construction public works projects in the immediate

Project vicinity, the most disruptive of which is the three-year-long Alameda Corridor-East Construction Authority (ACE) Nogales Street Grade Separation Project, which was undertaken in 2013 and is currently under construction approximately one-half mile east of the Project Site. This and other roadway projects are nearing completion and, once completed, congestion in the area is expected to considerably improve, including the levels of service (LOS) at the intersections nearest the Project Site. The proposed Rowland Heights Plaza and Hotel Project would not commence operations until these roadway improvements have been completed. Moreover, Project operations would not commence until Project-related roadway improvements are also completed.

It should also be noted that more shopping areas in a community results in fewer vehicle miles traveled by residents of that community and less traffic on the overall street system.

COMMENT NO. 1-34

So unfortunately our local residents can't use our community hardly. So that's my input. I think it would be an unfortunate burden on this community to add this large development. Thank you.

RESPONSE NO. 1-34

This comment provides a conclusion to the commenter's concerns. Responses to these comments are provided above in Responses to Comments 1-30 through 1-33.

COMMENT NO. 1-35

MR. EBENKAMP: My name is Ted Ebenkamp. I'm with the Rowland Heights Community Coordinating Council.

RESPONSE NO. 1-35

This comment provides a brief introduction to the commenter. Responses to the commenter's concerns are provided below in Responses to Comments 1-36 through 1-39.

COMMENT NO. 1-36

I did attend the meetings that were held I guess almost two years ago now. One of the main issues then was parking. Parking is always a concern in Rowland Heights. You go to a lot of the centers that we have here where the parking is made consistent with the county standards and you still can't find a parking.

RESPONSE NO. 1-36

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 1-37

So it was a concern right from the start on this and I have basically questions more than comments.

RESPONSE NO. 1-37

Because this comment does not raise any substantive issues concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 1-38

On page 212 of the draft EIR down towards the bottom there's a parking summary. It lists Parcel 1 689 spaces, Parcel 2 260 spaces, Parcel 3 137 spaces and northern parcel 75 spaces for a total of 1,161 spaces.

If you go to page 2-21 right above the -- middle of the page there's a summary of the parking there and it says "Parking permit to allow approximately 1,161 onsite parking spaces and 75 offsite parking spaces."

Is the 75 included in this 161 or is it in addition to the 161?

It's confusing between the two. One seems to imply that there's 161 plus 75 and the other one says 161 including the 75. I think there needs to be a clarification on that.

RESPONSE NO. 1-38

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 1-39

Also I'd like just to make a couple of comments.

For the hotels we have Parcel 2, 275 guest rooms with only 260 spaces. How can a hotel have less parking places than they have rooms directly? That's a comment.

And then the same thing with Parcel 1. I'm sorry. Parcel 3. 202 guest rooms with only 137 spaces. That doesn't ring a bell for us. That doesn't make sense so I would like them to comment on that.

And I'd also like to know the exact number of spaces that they're short. They're asking for a parking permit because they are short of spaces.

RESPONSE NO. 1-39

The parking requirement for each of the proposed Project uses is provided in Parking Assessment provided in Appendix I-2 of the Draft EIR. As stated therein and in Table 4.K-9, County Parking Code Requirements, in Section 4.K, Transportation and Parking, of the Draft EIR, the Parking Code requirement for hotel is one space per suite and one-half space per room, and the majority of guest accommodations in the hotels is rooms, not suites. According to the County Parking Code, absent a shared parking program, Hotel A on Parcel 2 would require 140 parking spaces for guest rooms and suites, and a total of 503 spaces for guestrooms, suites, and ancillary spaces. Absent a shared parking program, Hotel B on Parcel 3 would require 136 spaces for its guest rooms and suites. The hotel parking requirement also includes parking spaces allocated for banquet and meeting rooms and restaurant, as applicable, at a ratio of one space per three occupants.

The County Code parking requirement for the entire Project Site, including all hotel and Commercial Center uses, is 1,509 spaces, and the proposed supply, as shown in Table 4.K-9 in the Draft EIR, is shown as 1,161 spaces, or 348 spaces less than the County Parking Code requirement. The shared parking requirement for the proposed Project uses was calculated based on the Urban Land Institute's parking ratios for weekdays and weekends, which represents the authoritative reference for this purpose. Using the ULI methodology, the peak parking demand for each hotel was identified as 327 spaces for Hotel A on Parcel B, 445 spaces for Hotel A and B together, and 1,143 spaces for all Project uses, the proposed uses do not have simultaneous peak demand periods. The Project's proposed supply of 1,161 spaces, as evaluated in the Draft EIR, would have provided 18 surplus spaces above and beyond that demand.

However, in response to the County's request to conservatively increase the Project parking supply to incorporate a buffer, the Applicant now proposes a total of 1,203 spaces, which represents a 42-space or 6.4 percent buffer above and beyond calculated peak demand of 1,130 spaces and an increase in the parking supply evaluated in the Draft EIR, or 306 spaces less than the County Parking Code requirement.

COMMENT NO. 1-40

I think that issue needs to be discussed more thoroughly by the applicants and that's my comments and questions.

RESPONSE NO. 1-40

This comment is a conclusion to the commenter's concerns. Responses to these comments are provided above in Responses to Comments 1-36 through 1-39.

COMMENT NO. 1-41

MS. DAVIS: Hello. My name is Wen-Tzu Davis. I just want to let here [sic] know -- talking about around here the problem is not go through a proper hearing.

RESPONSE NO. 1-41

This comment introduces the name of the commenter. However, because this project does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 1-42

(Inaudible.) They open [sic] September 19, 2014. The grand opening for the (inaudible) the project and after around a year or something (inaudible) close down 10 business. Ten restaurants. And I would like to know we have 10 -- more than 10 (inaudible.) We have (inaudible) residents right now suing us (in audible) plus they have seven business suing it. Why? We suing them for nuisance and now the parking lot (inaudible). The parking lot is over 2,000 feet. Just all the (inaudible). We are suing for (inaudible). Thank you.

RESPONSE NO. 1-42

This comment describes the commenter's opposition to the Pearl of the East commercial development, which is located to the east of the commenter's residential neighborhood (the Rowland Heights Mobile Estates). The commenter states that she is currently participating in a lawsuit against the Pearl of the East development over noise and parking nuisance issues, and she stated that several nearby restaurants and businesses have shut down due to the popularity of the Pearl's tenants and related traffic and parking issues.

The Project Site is separated from the Rowland Heights Mobile Estates by the SR-60 freeway, which includes with sound walls in the vicinity of that residential community. In contrast to the Pearl of the East commercial center, the Project Site is isolated from the Rowland Heights Mobile Estates, from which it is separated by a distance of more than 300 feet and the SR-60 freeway, and from other residential uses. The proposed full-service hotel (Hotel A) would be separated from the nearest home to the south by over 400 feet. The hotels would also maintain substantial setbacks from existing buildings on adjacent properties, although the Rowland Heights Community Standards District allows zero side/rear yard setbacks from adjacent commercial uses.

COMMENT NO. 1-43

MR. BYRD: Edward Byrd.

Ms. Natoli (Hearing Examiner): Thank you, sir.

MR. BYRD: No problem. I'm a resident for 40 years. When is this going to stop is what my question is.

RESPONSE NO. 1-43

This comment provides an introduction to the commenter and to his concerns. Responses to these comments are provided below in Response to Comment 1-44.

COMMENT NO. 1-44

The golf course now has empty space. Are we going to have another meeting here in another year and a half or so talking about another hotel?

We had that space up on Fairway that we turned down a big project like this before. Is that going to be coming back in our face again?

When are you guys going to stop? We want to know if one by one you guys are going to end up to where we can't even drive past our houses anymore.

RESPONSE NO. 1-44

This comment describes the potential for more projects and traffic impacts throughout the community. The comment in regards to more developments in the area is out of scope of the Draft EIR and speculative. While the Applicant cannot control other developments in the future, the Project would provide a mixed of uses that brings hotels, event space, retail, office, and restaurants to the area.

With respect to the comment concerning congestion in the area, please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 1-45

This is crazy. This is not Rowland Heights. It's crazy. That's all I have to say. Thank you.

RESPONSE NO. 1-45

This comment is a conclusion to the commenter's concerns. Responses to his comments are provided above in Response to Comment 1-44.

COMMENT NO. 1-46

MS. EBENKAMP: I'm going to sit here and beat a dead horse because parking in this center – I'm sorry. Lynne Ebenkamp.

Ms. Natoli (Hearing Examiner): Please proceed.

MS. EBENKAMP: The parking for this center – whoever did the parking studies within the exchange of parking and the shared parking needs to be somebody that is at that center looking at this traffic as it goes in to the center.

RESPONSE NO. 1-46

Please see Topical Responses TR-1 regarding Project traffic and TR-2 regarding Project parking. As stated in Topical Response TR-2, the proposed shared parking program was calculated based on the Urban Land Institute's parking ratios for weekdays and weekends, which represents the accepted industry authority for this purpose. Those parking ratios, as discussed in the Parking Assessment provided in Appendix I-2 of the Draft EIR, are based on the collection and evaluation of parking data for a variety of land uses, including hotels and commercial uses. The intent of a shared parking program is to "right-size" a Project's parking supply so as to discourage unnecessary travel by private automobile to a Project Site, while still ensuring sufficient parking to avoid such problems as localized congestion or off-site parking as motorists seek other nearby parking options.

COMMENT NO. 1-47

I think what these developers will find out the people from the Ranch Market center will fill up their parking lot and that driveway goes both ways.

That parking is very important and it will impact the whole passage of traffic going by that whole center.

RESPONSE NO. 1-47

Patrons of the 99 Ranch Market shopping center would not be allowed to park on the Project Site. The Applicant would tag and tow cars if motorists are not hotel guests or employees or Commercial Center patrons or employees.

COMMENT NO. 1-48

It's not just 10 or 12 parking places that you're short. Is it 300 and something? That's a lot of parking that you're short that you're I think talking about sharing.

RESPONSE NO. 1-48

Please see the Response to Comment 1-39 for a detailed discussion of the proposed parking supply, with implementation of the shared parking program, in comparison to the County Parking Code requirement. As stated therein, the now-proposed shared parking supply is a total 1,203 spaces, or 300 spaces less than would be required under the County Parking Code. As discussed in Topical Response TR-2, Parking, this parking supply is considered sufficient because the land uses proposed to be collocated on the Project Site would not have simultaneous peak demand periods during the day or the week.

In other words, the hotels would not require the maximum number of parking spaces otherwise allotted for their use at the same time the commercial uses in the Commercial Center would generate maximum demand, effectively allowing a single parking space to serve more than one land use at different times of the day and week.

COMMENT NO. 1-49

So I'm going to ask you to please look at that parking again and figure out a way to get -- if you're going to have a parking structure on the building build a parking structure but don't be short of parking places because people are going to get mad, there are going to be accidents and it will just go and on and get worse.

RESPONSE NO. 1-49

Please see the Responses to Comment 1-39 and 1-48 for discussion of the proposed parking supply and implementation of the shared parking program. Please also see Topical Response TR-2 for a general explanation of the proposed Project parking supply and shared parking program.

COMMENT NO. 1-50

That's the end of my comments.

RESPONSE NO. 1-50

This comment is a conclusion to this commenter's concerns. Responses to these comments are provided above in Responses to Comments 1-46 through 1-49.

COMMENT NO. 1-51

MR. HUARALCHA: Hello. My name is Chris Huaralcha. I've been a resident here in Rowland Heights for over 10 years and my main concern just like everyone else has been – what I'm talking about is traffic.

RESPONSE NO. 1-51

This comment provides an introduction to the commenter and to his concerns. Responses to these comments are provided below in Responses to Comments 1-52 through 1-58.

COMMENT NO. 1-52

On the weekends – especially Saturday – it's very difficult for me to get out of my housing tract where I live. Nogales and Colima is the cross street. Very close to (inaudible). It's just unbearable. On Saturdays we cannot get out.

RESPONSE NO. 1-52

Please see Topical Response TR-1 regarding Project traffic, which discusses the major roadway improvements in the study area that have contributed to increased congestion in the area in recent years.

It should also be noted that more shopping areas in a community results in fewer vehicle miles traveled by residents of that community and less traffic on the overall street system.

COMMENT NO. 1-53

If you turn and start going towards Gale right now it's impossible because of the construction and I understand that, you know, the construction is underway and it will be relieved at some point. I don't know when they're going to be completed with it.

RESPONSE NO. 1-53

Please see Topical Response TR-1 regarding Project traffic, which discusses the major roadway improvements in the study area that have contributed to increased congestion in the area in recent years.

COMMENT NO. 1-54

But anyhow my point is this is that adding that burden of a hotel with inadequate parking makes no sense to me.

RESPONSE NO. 1-54

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 1-55

The other thing that doesn't make any sense is that how the community isn't looking as a whole or I should say I feel like the county isn't looking as a whole as to the beautification of the area.

RESPONSE NO. 1-55

The Applicant has made a concerted effort to design this Project to a high aesthetic standard, incorporating design elements that are a direct result of coordination between the Applicant's team and the Rowland Heights Community Coordinating Council community two years ago. The underlying General Plan and zoning designations for the Project Site would currently support the "by-right" development of a variety of industrial land uses on the property; in contrast, the proposed hotels and Commercial Center would provide community-serving uses, including open space, and landscaping that are intended to enhance the pedestrian environment and contribute to beautification of a neighborhood otherwise characterized by the SR-60 freeway, railroad right-of-way, light industry, and a mix of office parks and commercial development lacking such amenities.

COMMENT NO. 1-56

The area is turning into a concrete jungle and we're residents that live here. We take pride of ownership in our homes and what I see is it moving towards more concrete and parking structures where before we had a sense of open space.

RESPONSE NO. 1-56

Section 4.H, Land Use and Planning, of the Draft EIR addresses open space and density concerns for the Project. As stated therein, the Rowland Heights CSD limits the lot coverage to 40 percent of the net lot area. Developed square footage on Parcel 1 would total approximately 129,926 gross square feet (gsf), with lot coverage of approximately 26.6 percent (FAR of 0.365:1). Developed square footage on Parcel 2 would total approximately 189,950 gsf, with lot coverage of approximately 36.62 percent (FAR of 1.35:1). Developed square footage on Parcel 3 would total approximately 130,930 gsf, with lot coverage of approximately 37.19 percent (FAR of 1.55:1). The proposed buildings would be accompanied by open space, associated amenities, and landscaping intended to enhance the pedestrian environment. Such amenities would include a centrally located gathering common area that includes seating, landscaping, and a historically themed common area.

COMMENT NO. 1-57

Ten years ago when I moved in that's one of the reasons that I purchased mt [*sic*] home is because I like seeing the hills, I like seeing the open space and now we're getting more condensed. Higher density. Higher population.

RESPONSE NO. 1-57

Because the Project is a proposed commercial retail-hotel development, it would not have a direct impact on population or associated housing demand. The proposed Commercial Center is meant to serve the Rowland Heights community residents and create an activity node by providing a diverse concentration of hotels and commercial uses. The Rowland Heights Community Standards District does not set a maximum FAR, but instead limits the lot coverage to 40 percent of the net lot area. Developed square footage on Parcel 1 would

total approximately 129,926 gross square feet (gsf), with lot coverage of approximately 26.6 percent and a FAR of 0.365:1. Developed square footage on Parcel 2 would total approximately 189,950 gsf, with lot coverage of approximately 36.62 percent and a FAR of 1.35:1. Developed square footage on Parcel 3 would total approximately 130,930 gsf, with lot coverage of approximately 37.19 percent and a FAR of 1.55:1. The Project would not exceed the 40 percent net lot coverage maximum for any part of the development.

COMMENT NO. 1-58

I believe we do welcome – as far as our country we welcome everybody. That's not an issue. The issue is what I see now walking down my street – and I'm not exaggerating – I don't want to say hundreds because that sounds like an exaggeration – quite a few pregnant women in our homes now walking our streets five at a time, 10 at a time.

When you go to Target you see 15, 20 of them walking down the street from the apartment complex at the Pheasant Ridge apartments.

What I'm concerned about now is if we have extended stay hotels you're going to see an enormous increase of these anchor babies being born in this community.

RESPONSE NO. 1-58

As stated in the Hotel Commentary prepared by CBRE Hotels, found in Appendix E of the Final EIR, the Applicant understands that the Rowland Heights community has experienced an influx of visitors due to the emergence of “maternity hotels” in Rowland Heights. These birthing centers cater to foreign pregnant women who reside in “maternity boarding homes” to give birth to their children in the United States for purposes of American citizenship. The local residents and the members of the Rowland Heights Community Coordinating Council (RHCCC) have expressed their concerns regarding the proposed hotels being marketed to and servicing the specific population of women seeking accommodations in the area.

It is not the Applicant's intention to operate birthing centers on the Project Site, but instead to develop two high-quality, branded hotels catering to transient business and leisure visitors to Rowland Heights. As branded hotels, the two properties would be subject to franchise agreements which contain provisions that preclude the third party operator from engaging in any other type of business other than the operations of the hotels. Operating a birthing center on the Project Site would be in direct violation of the franchise agreements. Additionally, the typical upscale, branded hotel is not equipped to provide the services and amenities provided by birthing centers. While a hotel may provide lodging accommodations and services such as in-room dining and cleaning services, other important amenities typically provided in birthing centers, such as shuttle and caretaker services, are not standard at hotels such as those proposed on the Project Site. Furthermore, hotels are unlikely sites for birthing centers due to the comparatively high cost of a hotel stay in comparison to an apartment, and the public nature of hotels versus the privacy of a private residential dwelling.

The Applicant recognizes that there is no screening process that can prevent a foreign expectant mother or couple to book hotel rooms at future hotels on the Project Site. Furthermore, the hotels should not be put in a position in which they may face legal ramifications for discriminatory practices against pregnant women. It is recommended instead that preventative measures be taken to mitigate the possibility of maternity tourism guests utilizing the proposed hotels.

COMMENT NO. 1-59

Again I'm not against the American dream. We all love this country, we all appreciate what it has to offer but what I'm concerned about is what it's showing our children and that's my statement for tonight. Thank you.

RESPONSE NO. 1-59

Because this comment does not raise a substantive issue with the Draft EIR, no further response is warranted.

COMMENT NO. 1-60

MS. NATOLI: All right. I have a couple of questions for you, Mr. Shender, that I'm hoping will clarify some of the questions raised by members of the public here tonight.

RESPONSE NO. 1-60

This comment is an introduction to the commenter's concerns. Responses to these comments are provided below in Responses to Comments 1-61 through 1-76.

COMMENT NO. 1-61

First so then with this shared parking how did the number of approximately 342 fewer spaces -- how was that determined?

So out of a total raw requirement of 1503 spaces how was it determined that 342 could be shared?

RESPONSE NO. 1-61

Please see Topical Response TR-2 regarding Project parking. As stated therein, the Project would require 1,509 vehicle parking spaces to serve all of the proposed uses. When compared to the newly proposed supply of 1,203 spaces, there would be an apparent shortfall of 306 parking spaces. The proposed supply of 1,203 parking spaces for the Project, which includes all proposed spaces site-wide including the portion of the Project Site within the City of Industry (the Northern Parcel), was derived from the detailed shared parking study provided in the Parking Assessment prepared by Linscott, Law & Greenspan, Engineers for the Project and provided in Appendix I-2 of the Draft EIR. An updated Parking Assessment is provided in Appendix B of this Final EIR. The Parking Assessment was prepared based on the methodology provided in the Shared Parking Manual published by the Urban Land Institute (ULI), which is considered the authoritative reference for preparation of such parking demand studies.

COMMENT NO. 1-62

MS. NATOLI: So, for example -- Mr. Jones can probably correct me -- I don't have Title 22 in my brain -- all parts of it -- we require for commercial one space for every 400 square feet?

Mr. Jones (Principal Regional Planning Assistant): For retail/commercial one space for every 250 square feet --

MS. NATOLI: I knew it was one or the other.

Mr. Jones (Principal Regional Planning Assistant): -- for office.

MS. NATOLI: Right. So for office it's 400.

So while let's say retail needs a parking space for every 250 square feet if we have a 250 square foot building we say it needs one parking space because it doesn't need that parking space 24 hours a day is what you're saying.

That 250 square feet only needs parking a certain hour or certain hours of the day and then some other use which needs it in the evening could use it like shared parking at the beach.

If you have an office building at the beach that's closed. Marina del Rey will do that. Their office buildings are closed on the weekend and so there's shared beach parking on the weekend.

Is it that sort of idea?

RESPONSE NO. 1-62

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 1-63

MS. NATOLI: Those 75 offsite spaces – could you just briefly speak to the need for those 75 offsite spaces along the northern part of the project site.

Mr. Shender: Yes. I'll let I think one of the team members speak to that but I believe it's spaces that are technically outside the jurisdiction of the County?

Unidentified Male Speaker: Right.

Mr. Shender: They're considered spaces that are outside the jurisdiction of the County so they're deemed to be offsite spaces but I believe they are included in the total.

Unidentified Male Speaker: They are. Yeah.

Mr. Shender: They're included in the total of the 1,161 so –

Unidentified Male Speaker: Yeah. Based upon the way the comment was read the totals are not reflected anyway. (Inaudible.)

RESPONSE NO. 1-63

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 1-64

MS. NATOLI: All right. And then the question Mr. Ebenkamp brought up about the total number of spaces -- differences in the totals in different parts of the draft EIR – what is the final number of parking spaces?

RESPONSE NO. 1-64

Please see Topical Response TR-2 regarding Project parking. Section 4.K, Transportation and Parking, of the Draft EIR, as well as the Parking Assessment provided in Appendix I-2 of the Draft EIR, identified the proposed number of parking spaces as 1,161, whereas the finalized site plan accepted by the Los Angeles County Department of Regional Planning identified a proposed 1,156 parking spaces. However, in response to the County's request to conservatively increase the Project parking supply to incorporate a buffer, the

Applicant now proposes a total of 1,203 spaces, which represents a 73-space or 6.4 percent buffer above and beyond the Project's calculated peak parking demand.

COMMENT NO. 1-65

MS. NATOLI: And that includes those 75 spaces along the northern strip in the City of Industry?

RESPONSE NO. 1-65

Please see Topical Response TR-2 regarding Project parking; as stated therein, in response to the County's request to conservatively increase the Project parking supply to incorporate a buffer, the Applicant now proposes a total of 1,203 spaces, which includes the 75 spaces that would be located on the Northern Parcel within the City of Industry.

COMMENT NO. 1-66

MS. NATOLI: So you've made sure that that's consistent throughout the final EIR. Correct?

RESPONSE NO. 1-66

The distribution of proposed parking across the Project Site is clarified in Section 3.0, Corrections and Additions, of this Final EIR. As stated therein, in response to the County's request to conservatively increase the Project parking supply to incorporate a buffer, the Applicant now proposes a total of 1,203 spaces, which represents a 42-space increase over the parking supply evaluated in the Draft EIR, and a 73-space or 6.4 percent buffer above and beyond the calculated peak parking demand.

COMMENT NO. 1-67

MS. NATOLI: And then I had noted some differences in the total numbers for your cubic yards grading in different parts of the draft EIR and I would suggest that you move through the draft and make sure that your grading totals add up in the different parts of the draft EIR as well.

RESPONSE NO. 1-67

This comment states that there are differences in total numbers of cubic yards of grading in the Draft EIR. As stated on pages 2-21 and 2-25 of Section 2.0, Project Description, of the Draft EIR, grading and excavation are anticipated to result in a total of approximately 192,000 cubic yards (cy) of earthwork, or cut material, throughout the course of Project construction. As discussed in more detail on pages 2-25 and 2-26 of Section 2.0, of that total cut material, approximately 130,500 cy would be reused on-site as fill. After accounting for subsidence- and shrinkage-related reductions in cut material totaling approximately 13,200 cy, the remainder, totaling approximately 48,300 cy, would require export. Thus, there is no discrepancy within the Draft EIR's Project Description or other technical sections concerning the volume of earthwork to be graded and excavated, reused on-site as fill, or exported from the Project Site (192,000 cy - 130,500 cy = 61,500 cy; 61,500 cy - 13,200 cy = 48,300 cy).

COMMENT NO. 1-68

One of the things – a question that was raised I did want to address. I don't have any other questions for you. I'm sure this is a question that staff can answer for me. So thank you very much.

RESPONSE NO. 1-68

This comment is a general transition to the commenter's next set of comments. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 1-69

On the condo units, Mr. Jones, my understanding is that those are commercial condo spaces and that those condo spaces are actually going to be in the retail part of it. They're not in the hotels. Correct? [...] So how does that work where you have a commercial/condo space for retail? How does that work? [...] It's not your usual landlord who has tenants filling commercial spaces? [...] It's actually a property owner. If I bought that 250 square foot commercial space I wouldn't then go to my landlord or just leave? I would have to sell that if I left?

RESPONSE NO. 1-69

This comment asks for clarification on how commercial/condo spaces work for retail spaces. There are no residential condominium units proposed as part of the Project. Rather, the Project proposes to condominiumize the commercial component of the Project. Condominiums are a type of ownership structure in which the individual units in a building, whether residential or commercial, are separately owned. A commercial plaza that is condominiumized is used the same way as a conventional leasehold plaza. From the customer's perspective, there are no distinguishable differences. The individual units would be owned by separate entities which then, in turn, use their unit to operate a business out of or rent it out to a tenant as an investment.

A buyer who owns a unit in the shopping plaza and decides they no longer want to be there has several different options. If they operate a business in their unit they can close their store and sell the vacant unit to a new buyer who can then use the unit as they see fit, subject to the CC&Rs of the Commercial Center. They also have the option to continue operating their business out of the unit and to put the unit up for sale as a "sale leaseback" in which the seller agrees to lease the unit back from a new purchaser. The final option is for the owner to close their store, retain ownership of the unit, and put it on the market for to another tenant. The condominium structure creates unique options for owners and tenants that are not available in a conventional leasehold scenario.

COMMENT NO. 1-70

MS. NATOLI: Before I close the item I would like to address a couple of comments that were made during the rebuttal period.

RESPONSE NO. 1-70

This comment provides a brief introduction to Comment 1-71. A response to this comment is provided below in Response 1-71.

COMMENT NO. 1-71

I can tell you, Mr. Clark, that Rowland Heights is not a low class neighborhood and I can also tell you that the concerns that many of the residents have here concerning maternity motels or birthing houses -- whatever you want to call them -- are real, they're valid and it's happening in every single neighborhood in this community.

So please do not -- do not -- underestimate that issue and the concern here in Rowland Heights. It's a real valid issue.

RESPONSE NO. 1-71

As stated in the Hotel Commentary provided by CBRE Hotels, found in Appendix E of the Final EIR, the Applicant understands that the Rowland Heights community has experienced an influx of visitors due to the emergence of “maternity hotels” in Rowland Heights. These birthing centers cater to foreign pregnant women who reside in “maternity boarding homes” to give birth to their children in the United States for purposes of American citizenship. The local residents and the members of the Rowland Heights Community Coordinating Council (RHCCC) have expressed their concerns regarding the proposed hotels being marketed to and servicing the specific population of women seeking accommodations in the area.

It is not the Applicant’s intention to operate birthing centers on the Project Site, but instead to develop two high-quality, branded hotels catering to transient business and leisure visitors to Rowland Heights. As branded hotels, the two properties would be subject to franchise agreements which contain provisions that preclude the third party operator from engaging in any other type of business other than the operations of the hotels. Operating a birthing center on the Project Site would be in direct violation of the franchise agreements. Additionally, the typical upscale, branded hotel is not equipped to provide the services and amenities provided by birthing centers. While a hotel may provide lodging accommodations and services such as in-room dining and cleaning services, other important amenities typically provided in birthing centers, such as shuttle and caretaker services, are not standard at hotels such as those proposed on the Project Site. Furthermore, hotels are unlikely sites for birthing centers due to the comparatively high cost of a hotel stay in comparison to an apartment, and the public nature of hotels versus the privacy of a private residential dwelling.

The Applicant recognizes that there is no screening process that can prevent a foreign expectant mother or couple to book hotel rooms at future hotels on the Project Site. Furthermore, the hotels should not be put in a position in which they may face legal ramifications for discriminatory practices against pregnant women. It is recommended instead that preventative measures be taken to mitigate the possibility of maternity tourism guests utilizing the proposed hotels.

COMMENT NO. 1-72

And with that I don't have anything else to add so this item is closed. The public hearing on it is closed.

RESPONSE NO. 1-72

This comment is a conclusion to the commenter’s concerns and also to the public hearing. Responses to comments from the public hearing are provided above in Responses to Comments 1-1 through 1-71.

LETTER NO. 2

Kevin T. Johnson, Acting Chief, Forestry Division
Prevention Services Bureau
COUNTY OF LOS ANGELES
FIRE DEPARTMENT
1320 North Eastern Avenue
Los Angeles, CA 90063-3294

COMMENT NO. 2-1

MITIGATION MONITORING AND REPORTING PROGRAM, "ROWLAND HEIGHTS PLAZA AND HOTEL PROJECT", WOULD SUBDIVIDE THE COUNTY PORTION OF THE PROJECT SITE INTO THREE PARCELS, WOULD BE DEVELOPED WITH APPROXIMATELY 129,926 GROSS SQUARE FEET OF RETAIL, RESTAURANT, AND COMMERCIAL USES, 18800 RAILROAD STREET, ROWLAND HEIGHTS (FFER 201500218)

RESPONSE NO. 2-1

This comment is a brief summary of the Project Description. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 2-2

The Mitigation Monitoring and Reporting Program has been reviewed by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. The following are their comments:

RESPONSE NO. 2-2

This comment is an introduction to the comments provided by the Planning Division, Land Development Unit, Forestry Division, and Health Hazardous Materials Division of the County of Los Angeles Fire Department. Responses to these comments are provided below in Responses to Comments 2-3 through 2-5.

COMMENT NO. 2-3**PLANNING DIVISION:**

1. We have no comments at this time.

RESPONSE NO. 2-3

This comment states that the Planning Division has no comments regarding the Draft EIR. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 2-4**LAND DEVELOPMENT UNIT:**

1. The Fire Prevention Division's Land Development Unit has no comments regarding the Mitigation Monitoring and Reporting Project for this project at this time. If you have any questions, please contact Juan Padilla at (323) 890-4243 or at Juan.Padilla@fire.lacounty.gov.

RESPONSE NO. 2-4

This comment states that the Land Development Unit has no comments regarding the Draft EIR. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 2-5**FORESTRY DIVISION - OTHER ENVIRONMENTAL CONCERNS:**

1. The statutory responsibilities of the County of Los Angeles Fire Department's Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.

RESPONSE NO. 2-5

Erosion is addressed in Section 4.G, Hydrology and Water Quality, of the Draft EIR. Title 31 of the Building Code requires that all active grading projects not completed prior to November 1, 2015 must submit a County Wet Weather Erosion Control Plan (WWECP). The WWECP must include specific Best-Management Practices (BMPs) to minimize the transport of sediment and protect public and private property from the effects of erosion, flooding, or the deposition of mud, debris, or construction-related pollutants. BMPs would include but not be limited to such measures as street sweeping and vacuuming, sand bag barriers, storm drain inlet protection, wind erosion control, and stabilized construction entrances and exits. In addition, the Project Applicant would be required to comply with County grading permit regulations, which require necessary measures, plans, and inspections to reduce sedimentation and erosion.

Watershed management is addressed in Section 4.G, Hydrology and Water Quality, of the Draft EIR. The Los Angeles Regional Water Quality Control Board (LARWQCB) adopted the "Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties" (LA Basin Plan). The LA Basin Plan designates beneficial uses for surface and groundwaters, sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State's antidegradation policy, and implements programs to protect all waters in the Los Angeles region. In addition to the LA Basin Plan, the Project would also be implementing Low-Impact Development (LID) to conserve watershed resources, reduce impacts of development, and use innovative management practices to meet the stormwater objectives. LID would be implemented along with watershed planning to provide comprehensive watershed management for the Project.

Rare and endangered species, as well as vegetation, is addressed in Section 4.C, Biological Resources, of the Draft EIR. No special-status wildlife species were observed on the Project Site during the June 18, 2015 Site visit. It is assumed that the Project Site does not support any candidate, sensitive, or special-status wildlife species. A single individual of southern California black walnut (CNPS Rank 4) was observed growing within the northern drainage channel; however, CNPS Rank 4 is a low-level watch list sensitivity, and removal of one specimen from a highly disturbed location would not be considered an adverse effect to the species. The Project Site is heavily disturbed and dominated by non-native ruderal plant species, none of which comprise

a sensitive plant community. The County Oak Tree Ordinance requires that a person shall not cut, destroy, remove, relocate, inflict damage, or encroach into the protected zone of any tree of the oak tree genus that is 25 inches or more in circumference (8 inches in diameter) as measured 4.5 feet above mean natural grade, or in the case of an oak with more than one trunk, whose combined circumference of any two trunks is at least 38 inches (12 inches in diameter) as measured 4.5 feet above mean natural grade (i.e., diameter at breast height [DBH]), or (b) any tree that has been provided as a replacement tree, without first obtaining an oak tree permit. There are no oak trees present; therefore, this ordinance does not apply.

Fire zones and areas are addressed in Section 4.J.1, Fire Protection and Emergency Services, of the Draft EIR. According to the Los Angeles Department of Regional Planning Safety Element, the Project Site is not located within a Fire Hazard Area. The Project would comply with the requirements of the Building Code, Fire Code, Utilities Code, and Subdivision Code with regards to fire lane, requirements, and safety procedures. The Project Site is not in a Very High Fire Hazard Severity Zones or Fire Zone 4 and these issues are not addressed in the Draft EIR, nor do they warrant a further response in this Final EIR.

Archaeological and cultural resources are addressed in Section 4.D.1, Archaeological Resources, of the Draft EIR. The analysis and recommendations for the Project are based on a cultural resource records search conducted through the California Historical Resources Information System (CHRIS), South Central Coastal Information Center (SCCIC), a review of the Phase I Environmental Site Assessment (ESA) provided by Leymaster Environmental Consulting, LLC, the Geotechnical Report and Updated Geotechnical Report provided by Southern California Geotechnical, a Sacred Lands File (SLF) search through the Native American Heritage Commission (NAHC), follow-up Native American consultation, and a pedestrian survey of the Project Site. The Phase I ESA is included in Appendix A-2 of the Draft EIR. The Geotechnical Reports are included in Appendix D-1 and D-2 of the Draft EIR. The results of the SLF search and Native American consultation are included in Appendix C-1, Native American Consultation Documentation, of this Draft EIR. As stated therein, three cultural resources (P-19-186112, 19-000179, and 19-001044) have been recorded within a one-half mile radius of the Project Site: the Union Pacific Railroad and two prehistoric archaeological sites. These three resources are either located outside of the Project Site (19-186112) or far enough away that they would not be affected by the proposed Project. In addition, the southeast portion of the Project Site appeared to have been previously graded and or cleared, and dirt access paths were observed in the northeast portion of the Project Site. No prehistoric archaeological resources were found. No known human remains have been identified from the CHRIS-SCCIC records for the Project Site or within a half-mile radius. The results of the pedestrian survey and SLF search did not reveal the existence of human remains within the Project Site or nearby.

COMMENT NO. 2-6

HEALTH HAZARDOUS MATERIALS DIVISION:

1. The Health Hazardous Materials Division (HHMD) of the Los Angeles County Fire Department previously provided our comments regarding this project in May and July of 2015. HHMD has no additional comments at this time.

RESPONSE NO. 2-5

This comment states that the Health Hazardous Materials Division no additional comments regarding the Draft EIR. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 2-6

If you have any additional questions, please contact this office at (323)890-4330.

RESPONSE NO. 2-6

This comment is a conclusion to the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses to Comments 2-3 through 2-5.

LETTER NO. 3

Gayle Totton
Associate Governmental Program Analyst
NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd. Suite 100
West Sacramento, CA 95691

COMMENT NO. 3-1

Introduction

The Native American Heritage Commission (NAHC) has reviewed the Draft EIR for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.¹ If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.² In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

¹ (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)).

² (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064(a)(1) (CEQA Guidelines § 15064 (a)(1)).

RESPONSE NO. 3-1

This comment acknowledges the receipt of the Project's Draft EIR and provides information regarding CEQA and environmental impacts. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-2

Please reference the following sections (if checked):

1. Documentation of Contact/Consultation with Tribes
2. Documentation of Mitigation for the Protection of Tribal Cultural Resources and Native American Human Remains
3. Documentation of Cultural Resources Assessment
4. Problematic Wording
5. Best Practices

RESPONSE NO. 3-2

This comment is a list of sections that are found in this comment letter. Responses to these comments can be found below in Responses to Comments 3-3 through 3-20.

COMMENT NO. 3-3

CEQA was amended significantly in 2014. Assembly Bill 52³ (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources"⁴ and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.⁵ Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.⁶ **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

³ (Gatto, Chapter 532, Statutes of 201 4)

⁴ (Pub. Resources Code § 21074)

⁵ (Pub. Resources Code § 21084.2).

⁶ (Pub. Resources Code § 21084.3 (a)).

RESPONSE NO. 3-3

This comment provides a summary of AB52 and how it applies to CEQA amendments. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-4

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and as best practices to mitigate impacts to tribal cultural resources. Below are the NAHC comments on the project referenced above. **Consult your legal counsel about compliance with AB 52 as well as compliance with any other applicable laws.**

RESPONSE NO. 3-4

This comment recommends consultation with the California Native American tribes affiliated with the geographic area of the Project. As stated within Section 4.D.1, Archaeological Resources, of the Draft EIR, eight Native American individuals and organizations were contacted via certified mail and one Native American individual by email. The Project received consultations and responses from Mr. Andrew Salas of the Gabrieleño Band of Mission Indians-Kizh Nation and Mr. John Tommy Roas of the Tongva Ancestral Territorial Tribal Nation. Both comments were addressed in Section 4.D.1, and copies of the correspondences are provided in Appendix C-1 of the Draft EIR.

COMMENT NO. 3-5**Documentation of Contact/Consultation with Tribes**

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

- Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of,

traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- A brief description of the project.
- The lead agency contact information.
- Notification that the California Native American tribe has 30 days to request consultation.⁷
- A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18).⁸
- **When to Begin Consultation:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.⁹ and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.¹⁰
 - For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).¹¹
- **Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
 - The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.¹²
- **Prerequisites for Environmental Documents with a Significant Impact on an Identified Tribal Cultural Resource:** An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - The consultation process between the tribes and the lead agency has occurred.¹³
 - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.¹⁴

⁷ (Pub. Resources Code 21080.3.1(d)).

⁸ (Pub. Resources Code 21073).

⁹ (Pub. Resources Code§ 21080.3.1, subds. (d) and (e))

¹⁰ (Pub. Resources Code§ 21080.3.1(b))

¹¹ (Pub. Resources Code§ 21080.3.1 (b)).

¹² (Pub. Resources Code§ 21080.3.2 (b)).

¹³ as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.

¹⁴ (Pub. Resources Code § 21082.3 (d)).

RESPONSE NO. 3-5

This comment describes AB 52 and its required amendments to CEQA in regards to documentation of contact/consultation with Tribes. As stated in Response to Comment 3-4, the County consulted with various Native American individuals and organizations, pursuant to NAHC suggested procedure. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-6

Documentation of Mitigation for the Protection of Tribal Cultural Resources and Native American Human Remains

1. *The specific measures to address the unanticipated discovery of Tribal cultural resources in your document do not include the requested Native American monitor (Section 4.D.1-5, pgs 122-123).*
2. *The specific mitigation measures as outlined in the Executive Summary and discussed in the Archaeological resources section (4.0.1-12) to address the inadvertent discovery of Native American human remains (CEQA guidelines section 15064(1)) includes problematic requirements:*

Initial jurisdiction in cases of the discovery of human remains falls immediately to the County Coroner, in accordance with CEQA guidelines section 15064.5(d) and (e). The procedure to follow is detailed in Health and Safety Code section 7050.5(b) and (c). It is only after the Coroner determines that the remains are that of a Native American and contacts the NAHC that the NAHC assumes jurisdiction in accordance with Public Resources Code §5097.98(a). The permission of the landowner or contractor is not needed by the MLD to inspect the remains.

RESPONSE NO. 3-6

This comment provides measures and instructions in regards to documentation of mitigation for the protection of tribal cultural resources and Native American remains. Mitigation measure MM-ARCHAEO-4, provided in Section 4.D.1, Archaeological Resources, in the Draft EIR, if human remains are encountered unexpectedly during implementation of the Project, no further disturbance would occur until the County Coroner has made necessary findings as to origin and disposition. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the NAHC who would then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with permission of the Applicant, inspect the site and make a recommendation. If the NAHC cannot identify an MLD, the MLD fails to make a recommendation, or the Applicant rejects the recommendations, the Applicant or authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

COMMENT NO. 3-7

Mitigation should be discussed in consultation with California Native American Tribes.

- **Mandatory Topics of Consultation:** The following topics of consultation, if a tribe requests to discuss them, are mandatory:
 - Alternatives to the project.
 - Recommended mitigation measures.
 - Significant effects.

RESPONSE NO. 3-7

This comment describes mandatory topics of consultation to have when discussing mitigation with California Native American Tribes. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-8

- **Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - Type of environmental review necessary.
 - Significance of the tribal cultural resources.
 - Significance of the project's impacts on tribal cultural resources.
 - If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.¹⁵

¹⁵ (Pub. Resources Code § 21080.3.2 (a)).

RESPONSE NO. 3-8

This comment describes discretionary topics of consultation to have when discussing with California Native American Tribes. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-9

- **Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.¹⁶

¹⁶ (Pub. Resources Code § 21082.3 (c)(1)).

RESPONSE NO. 3-9

This comment describes the confidentiality of information submitted by a California Native American tribe and how confidential information should be handled in the environmental review process. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-10

- Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - Whether feasible alternatives or mitigation measures avoid or substantially lessen the impact on the identified tribal cultural resource.¹⁷

¹⁷ (Pub. Resources Code§ 21082.3 (a) and (b)).

RESPONSE NO. 3-10

This comment describes discussions that should be included in the Draft EIR if there are significant impacts on a tribal cultural resource. These discussions can be found in the correspondences between PCR and the Native American individuals and organizations in Appendix C-1 of the Draft EIR. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-11

- Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted¹⁸ shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact¹⁹ and shall be fully enforceable.²⁰

¹⁸ pursuant to Public Resources Code section 21080.3.2

¹⁹ pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2,

²⁰ (Pub. Resources Code§ 21082.3 (a)).

RESPONSE NO. 3-11

This comment describes recommended mitigation measures that should be included in the Draft EIR upon consultation with Native American individuals and organizations. These consultation discussions can be found in the correspondence with Native American individuals and organizations in Appendix C-1 of the Draft EIR. As shown therein, Mr. Salas of the Gabrieleño Band of Mission Indians, Kizh Nation, requested formal consultation with the Lead Agency pursuant to AB52 and further requested that a Native American monitor be present during Project construction-related excavations. Mitigation Measure MM-ARCHAEO-1 states that the Applicant shall retain a qualified archaeologist to oversee an archaeological monitor who would be present during excavations associated with the Project.

COMMENT NO. 3-12

- Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstration that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation.²¹

²¹ pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code§ 21082.3 (e)).

RESPONSE NO. 3-12

This comment describes the required consideration of feasible mitigation reported in the Draft EIR. Mitigation measures regarding Native American and archaeological resources are provided in Section 4.D.1, Archaeological Resources, of the Draft EIR. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-13

- Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Protecting the resource.²²
 - Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.²³
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.²⁴

²² (Pub. Resource Code § 21084.3 (b)).

²³ (Civ. Code § 815.3 (c)).

²⁴ (Pub. Resources Code § 5097.991).

RESPONSE NO. 3-13

This comment provides a list of mitigation measures that may be considered by the Applicant to avoid or minimize significant adverse impacts to tribal cultural resources. Mitigation measures relevant to such resources that are required of the Applicant are set forth in Section 4.D.1, Archaeological Resources, of the Draft EIR. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-14

- The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.²⁵ In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

²⁵ per Cal. Code Regs., tit. 14, section 15064.5(1) (CEQA Guidelines section 15064.5(1)).

RESPONSE NO. 3-14

This comment provides descriptions of provisions and plans in the mitigation and monitoring reporting program for identification and evaluation of inadvertently discovered archaeological resources, disposition of recovered cultural items, and treatment and disposition of inadvertently discovered Native American human remains. These provisions are described in Section 4.D.1, Archaeological Resources, of the Draft EIR. The mitigation measures set forth in Section 4.D.1 are required to reduce potentially significant impacts regarding Native American resources. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-15**Documentation of Cultural Resources Assessment****NAHC Recommendations for Cultural Resources Assessments**

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

RESPONSE NO. 3-15

This comment provides an introduction to the NAHC's recommendations for Cultural Resource Assessments. Responses to comments regarding Cultural Resource Assessments are found in Responses to Comments 3-16 through 3-18. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-16

- Contact the NAHC for:
 - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
 - The request form can be found at <http://nahc.ca.gov/resources/forms/>.

RESPONSE NO. 3-16

This comment states that the NAHC can be contacted for a Sacred Lands File search and Native American Tribal Contact List. Section 4.D.1, Archaeological Resources, of the Draft EIR provides the results of the Sacred Lands File search and Native American consultation. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-17

- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - If part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have been already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.

RESPONSE NO. 3-17

This comment provides a list of determinations by the California Historical Research Information System (CHRIS) Center. Section 4.D.1, Archaeological Resources, of the Draft EIR provides the results of the records search. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 3-18

- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

RESPONSE NO. 3-18

This comment details requirements for an archaeological inventory survey, including the preparation of a professional report. Because an archaeological inventory survey was not required for this Project, no further response is warranted.

COMMENT NO. 3-19**Problematic Wording**

With the exception of mitigation measure MM-ARCHAE0-4 (Human Remains) the entire section on Archaeological Resources addresses the specific needs of archaeological recovery, processing, analysis, and curation of materials recovered. This does not adequately address the discovery of tribal cultural resources where the culturally affiliated tribes would not consent to archaeological recovery. The inclusion of a Native American monitor and a discussion of measures for inadvertent culturally affiliated finds would address this concern adequately in the Draft EIR document.

RESPONSE NO. 3-19

This comment states that the Draft EIR does not adequately address the discovery of tribal cultural resources where tribes would not consent to archaeological recovery. Mitigation Measure MM-ARCHAE0-1, as set forth in Section 4.D.1, Archaeological Resources, of the Draft EIR, states that the Applicant shall retain a qualified archaeologist to oversee an archaeological monitor who would be present during excavations associated with the Project. According to Mitigation Measure MM-ARCHAE0-3, the monitor shall prepare a final report at the conclusion of archaeological monitoring. The report shall include descriptions of resources unearthed and an evaluation of the resources with respect to the California Register.

COMMENT NO. 3-20**Best Practices**

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52.

For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

- The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CaiEPAPDF.pdf

RESPONSE NO. 3-20

This comment states that the NAHC recommends requesting Native American Tribal Contact Lists and Sacred Lands File searches. As stated in Section 4.D.1, Archaeological Resources, of the Draft EIR, letters and emails were sent to Native American individuals and organizations regarding Native American consultation for the Project. Copies of the correspondence with the NAHC are provided in Appendix C-1 of the Draft EIR.

LETTER NO. 4

Patrick R. McGill
Senior Counsel-Real Estate
UNION PACIFIC RAILROAD
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179

COMMENT NO. 4-1

Thank you for allowing Union Pacific Railroad Company ("UP") the opportunity to submit the following comments in response to the notice on the above-referenced Project. UP is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of California. Specifically, UP owns and operates rail main lines connecting San Francisco to Sacramento and points east and north, and to Los Angeles and points east and southeast. UP is the largest rail carrier in California in terms of both mileage and train operations. UP's rail network is vital to the economic health of California and the nation as a whole and its rail service to customers in the Greater Los Angeles Area is crucial to the future success and growth of those customers.

RESPONSE NO. 4-1

This comment acknowledges the receipt of the Draft EIR and provides a description of the Union Pacific Railroad and its role in operating rail main lines throughout California. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 4-2

The proposed Project location is adjacent to UP's Los Angeles Subdivision. Additionally, there are at-grade rail crossings over these tracks in nearby locations. Any land planning decisions should consider that train volumes near the Project area may increase in the future. UP also asks that the County and the Project developers keep in mind that this is a vital and growing rail corridor and nearby land uses should be compatible with this continuing rail use.

RESPONSE NO. 4-2

This comment describes the Project's location and its proximity to at-grade rail crossings in the Project vicinity. Section 4.K, Transportation and Parking, of the Draft EIR acknowledges the rail location and future increased train volumes near the Project through the Los Angeles congestion management plan. As stated therein, the potential addition of rail passengers originating from the Project would have little or negligible impact of rail service along the Metrolink Riverside Route due to the limited number of riders the Project is anticipated to contribute. Section 4.H, Land Use and Planning, of the Draft EIR, acknowledges that the Project is located within a concentration of light industrial and commercial uses. The Project would constitute an infill development to include uses consistent with the use, scale, and design of development within the industrial corridor in the northern portion of the Rowland Heights Community.

COMMENT NO. 4-3**At-Grade Rail Crossing Safety**

The safety of UP's employees, customers, adjoining land owners, and the communities we operate through is our top priority. At-grade rail crossings are areas where railroad operations and the public come into close

contact. Due to the proximity of at-grade crossings to the Project location, it may make sense to notify the California Public Utilities Commission (CPUC) to schedule a diagnostic meeting regarding the proposed Project. Appropriate modifications to the street and warning devices on nearby rail crossings may need to be included as part of the Project. Should the Project be approved, UP suggests the County consider holding railroad and crossing safety presentations, such as Operation Lifesaver, for the public on an appropriate basis.

RESPONSE NO. 4-3

This comment suggests that the County consider holding safety presentations for the public. As there would be no impacts regarding at-grade rail crossing safety, and the nearby Alameda Corridor East Construction Authority's Nogales Street Grade Separation Project underpass is scheduled for completion in 2016 before the Project is operational, no further response is warranted.

COMMENT NO. 4-4

Increased Traffic Impact

Rail crossing safety is critical to the public and to UP. Any increase in traffic from the Project may render inadequate the current safety devices in place on nearby at-grade crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the County, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Should this Project be approved, UP requests that the developer and the County examine any increase in vehicular and pedestrian traffic and the impacts on the nearby at-grade road crossings to see if any additional mitigation measures should be included in the Project.

RESPONSE NO. 4-4

This comment describes the potential for increased traffic impact nearby at-grade crossings. There would be no traffic impacts that could affect train operation and safety. With respect to vehicular and pedestrian circulation and safety on the Project Site, the northern end and western edge of the Project Site would be enclosed by masonry walls, with walls up to 10 feet in height above grade along the railroad tracks. There would be no vehicular access to/from the Project Site across the tracks to Railroad Street to the north. Moreover, the ongoing Nogales Grade Separation project would ensure safe, efficient separation of vehicles traveling in the Project vicinity and trains using the rail right-of-way.

COMMENT NO. 4-5

Trespassing

Any increase in pedestrian traffic will increase the likelihood of trespassing onto the railroad right-of-way. UP requests that the developer and the County examine the Project impacts associated with the increased likelihood of trespassing and set forth appropriate mitigation measures. In particular, the developer should install barrier walls or block fences, pavement markings and/or "no trespassing" signs designed to prevent individuals from trespassing onto the railroad tracks. Buffers and setbacks should also be required adjacent to the right-of-way.

RESPONSE NO. 4-5

This comment describes the potential increase in trespassing onto the railroad right-of-way. Please see Response to Comment 4-4.

COMMENT NO. 4-6**Noise and Vibration Impact**

UP's 24-hour rail operations generate the noise and vibration one would expect from an active railway. Any increase in pedestrian and vehicular traffic over and around at-grade crossings may result in additional horn use by UP employees. UP requests that, as a mitigation measure, the developer should disclose to the general public the daytime and nighttime noise levels naturally occurring with UP's long-standing freight rail service, including sounding horns at vehicle crossings where required, as well as the pre-existing and predictably-occurring vibration. These disclosures should note UP's anticipation that train volume may increase in the future. The Project's development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

RESPONSE NO. 4-6

This comment describes the noise and vibrations generated by the operations of an active railway. Section 4.I, Noise, of the Draft EIR describes the noise and vibration measurements for the Project. The predominant noise source influencing the noise environment on the Project Site is roadway noise from Gale Avenue, immediately south of the Project Site; SR-60, between 75 and 300 feet south of the Project Site, and the Metrolink/UPRR railroad tracks immediately to the north. The existing ambient noise levels are representative of the relatively noisy built environment around the Project Site (including a major freeway and active rail lines). The Draft EIR defines daytime and nighttime noise levels naturally occurring around the Project Site in Table 4.I-1, Summary of Ambient Noise Measurements, with detailed data included in Appendix G. Various Project Design Features would be incorporated into the Project including as noise insulation features, such as enhanced noise insulation rating on windows, doors, and exterior walls. However, it should be noted that impacts of existing and future rail operations on future occupants of the Project Site are not required to be addressed under CEQA as environmental impacts of the Project evaluated in this EIR.

COMMENT NO. 4-7**Drainage**

UP requests the County ensure that the drainage plan relating to the Project does not shift storm water drainage toward UP property and infrastructure. Any runoff onto UP's property may cause damage to its facilities resulting in a potential public safety issue. If the Project is approved, we ask that the County require the applicant to mitigate all safety risks and the impacts of the railroad's 24-hour operations during the construction of the Project.

RESPONSE NO. 4-7

This comment requests that the Project's drainage plan does not shift stormwater drainage towards UP property and infrastructure. Section 4.G, Hydrology and Water Quality, of the Draft EIR describes the stormwater drainage plans and impacts for the Project. The Project Site is largely undeveloped, and areas of excavation and grading would largely mimic the existing ground surface conditions during Project construction. Nonetheless, while the Project Site is under construction, the rate and amount of surface runoff generated would fluctuate, particularly once impervious surfaces are introduced. However, the construction period is short-term, and compliance with applicable regulations discussed above would preclude fluctuations that result in flooding. Stormwater from the Project Site would continue to flow entirely to the existing Miscellaneous Transfer Drain (MTD) No. 1000 storm drain system, which is

channelized except for the segment traversing the Project Site. MTD No. 1000 Line A and Line B ultimately converge just south of the railroad tracks, where the MTD No. 1000 storm drain system connects with the MTD No. 465 storm drain system and continues to flow northerly until it outfalls at San Jose Creek. Therefore, the Project would not cause changes in drainage patterns that could increase off-site flooding conditions, and impacts regarding the capacity of the planned stormwater drainage system would be less than significant.

COMMENT NO. 4-8

UP appreciates the developer and the County giving due consideration to the above concerns, as this proposed Project may result in impacts to land use and public safety.

RESPONSE NO. 4-8

This comment acknowledges the Applicant and the County giving due considerations to UP's concerns for the Project. This comment is also a conclusion to the comments in the letter. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 4-9

Please give notice to UP of all future hearings and other matters with respect to the Project as follows:

Kristian Ehrhorn, Senior Manager - Real Estate
Union Pacific Railroad Company
1400 Douglas Street- STOP 1690 Omaha, NE 68179
(402) 544-8567
kjehrhorn@up.com

Please do not hesitate to contact Kristian Ehrhorn if you have any questions or concerns.

RESPONSE NO. 4-9

This comment requests notice of future hearings and other Project-related notifications and provides UP's point of contact for any future hearings and other matters with respect to the Project. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

LETTER NO. 5

Felix Chen, President
GOLDEN PACIFIC REALTY, INC.
20955 Pathfinder Road, Suite 120
Diamond Bar, CA 91765

COMMENT NO. 5-1

With respect to the draft Environmental Impact Report for above-referenced development project, we would like to provide the following comments:

RESPONSE NO. 5-1

This comment provides an introduction to the commenter's concerns. Responses to these comments are provided below in Responses to Comments 5-2 through 5-12.

COMMENT NO. 5-2

Comments on the Traffic Impact Analysis:

- (1) The existing traffic data used was obtained in 2013, before the commencement of Nogales Street Grade Separation construction. Traffic data will change significantly after completion of the grade separation, which is expected in a few months. To accurately reflect the traffic patterns and volume after completion of the proposed development Project, new traffic data should be collected and analyzed after completion of Nogales grade separation, before Traffic Impact Analysis is approved by County of Los Angeles.

RESPONSE NO. 5-2

Please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 5-3

- (2) The Project proposes sharing of existing driveway used by 99 Ranch Market shopping center (referred to as Rowland Heights Plaza shopping center in the draft EIR). In addition to existing vehicle trips going through that driveway, the Project is expected to generate additional 1,092 vehicle trips per hour during the Saturday mid-day peak hours. Among the new vehicle trips, 80% of outbound and 70% of inbound traffic related to retail and restaurant uses are projected to go through that shared driveway; 100% of office use traffic and 20% of hotel traffic are also expected to go through the same driveway. With so much additional vehicle trips, and 3 ingress points plus 3 egress points placed so close to each other at the end of that driveway (highlighted in red circle in attached site plan), the possibility of increased traffic congestion and vehicle collisions is very real, and vehicles from the 99 Ranch Market shopping center might not be able to exit during peak hours.

RESPONSE NO. 5-3

Please see Topical Response TR-1 regarding Project traffic. As stated therein, in response to concerns expressed by the commenter regarding future capacity and levels of service at the Project East Access driveway (the shared driveway with Rowland Heights Plaza/99 Ranch Market, the Project Applicant conducted counts at this driveway in September 2015 to ascertain existing trip generation associated with this shopping center. As stated in Topical Response TR-1, in addition to future Project trips following

buildout, calculations based on these counts demonstrated that traffic volumes for Rowland Heights Plaza/99 Ranch Market would need to increase by 53 percent to reach capacity and operate at an unacceptable LOS E, and by 70 percent to operate at LOS F. As further noted in Topical Response TR-1, this is technically infeasible because of limitations on parking supply for the shopping center.

COMMENT NO. 5-4

We recommend the following:

- The ingress and egress to BLDG 3 of the proposed Project should be relocated to the West or North side of the building, reducing the complexity of traffic pattern at the end of that driveway.

RESPONSE NO. 5-4

The planned ingress/egress to subterranean parking beneath Building 3 is accessible from an on-site cul-de-sac at the eastern Project Site property boundary. This reduces potential for vehicular-pedestrian conflicts and maximizes the number of parking spaces than can be provided in this part of the Project Site. Moreover, in response to concern about use of the Project East Access (shared) driveway, during design development the Project Applicant moved the planned ingress/egress driveway to subterranean parking beneath Building 4 to its western side and away from the shared driveway.

With respect to the commenter's concern about Project contributions to congestion within the shared driveway and the potential to conflict with patron access to Rowland Heights Plaza/99 Ranch Market, please see Topical Response TR-1 regarding Project traffic. As stated therein, in response to concerns expressed by the commenter regarding future capacity and levels of service at the Project East Access driveway (the shared driveway with Rowland Heights Plaza/99 Ranch Market, the Applicant conducted counts at this driveway in September 2015 to ascertain existing trip generation associated with this shopping center. As stated in Topical Response TR-1, in addition to future Project trips following buildout, calculations based on these counts demonstrated that traffic volumes for Rowland Heights Plaza/99 Ranch Market would need to increase by 53 percent to reach capacity and operate at an unacceptable LOS E, and by 70 percent to operate at LOS F. As further noted in Topical Response TR-1, this is technically infeasible because of limitations on parking supply. Therefore, direct access to Building 3 from within the Project Site near the eastern property boundary is not anticipated to contribute to congestion in the shared driveway or interfere with access to Rowland Heights Plaza/99 Ranch Market.

COMMENT NO. 5-5

- Modify the Project's internal traffic circulation and parking patterns to direct more vehicles to the Project's new signaled middle entrance. Currently, of all restaurant and retail vehicle trips, only 15% outbound and 20% inbound vehicles are projected to utilize that new entrance.

RESPONSE NO. 5-5

Please see Topical Response TR-1, Subsection 5, Project East Access Driveway – Shared Access, regarding shared driveway capacity and level of service. As stated therein, in response to concerns expressed by the commenter regarding future capacity and levels of service at the shared driveway with Rowland Heights Plaza/99 Ranch Market shopping center, the Applicant conducted counts at this driveway in September 2015 to ascertain existing trip generation associated with this shopping center. As stated in Topical Response TR-1, in addition to future Project trips following buildout, calculations based on these counts demonstrated that traffic volumes for Rowland Heights Plaza/99 Ranch Market would need to increase by

53 percent to reach capacity and operate at an unacceptable LOS E, and by 70 percent to operate at LOS F. As further noted in Topical Response TR-1, this is technically infeasible because of limitations on parking supply.

COMMENT NO. 5-6

- No pylon or monument signs for the Project shall be placed at the shared driveway to help directing vehicles entering the Project toward other entrances.

RESPONSE NO. 5-6

This comment recommends not allowing pylon or monument signs at the shared driveway to direct vehicles towards other entrances. The Applicant proposes a Sign Program that would be submitted and approved by the Regional Planning Department Director to ensure that signs would not interfere with, mislead, or confuse traffic. There would be no freestanding portable signs. The name of the Commercial Center and tenant businesses would be provided on a single 20-foot-tall sign that would be oriented toward Gale Avenue.

COMMENT NO. 5-7

- Whether the recommendation of relocating entrance to BLDG 3 is adopted or not, an analysis of traffic patterns and turning movement volumes focused on the entrances at the end of the proposed shared driveway (highlighted with a red dot on the attached Intersection Turning Movement Volumes data sheet) should be conducted to make sure that after completion of the Project, vehicles can promptly and safely enter and exit both shopping centers during peak hours.

RESPONSE NO. 5-7

Please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 5-8

- No construction vehicles shall be allowed on the shared driveway during construction.

RESPONSE NO. 5-8

Construction employee and delivery traffic entering or exiting the Project Site would be limited to the hours of 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM. To the maximum extent feasible, the Project Applicant would require construction vehicles to avoid use of the shared driveway and instead access the Project Site using the central driveway and the western driveway, except when the shared driveway is needed for trucks or equipment to maneuver effectively.

COMMENT NO. 5-9

Comments on Parking Assessment:

- (1) For the 20,000 square feet that can be developed as either medical office or retail space, the parking analysis assumes the entire area will be used as medical on weekdays and entire area will be used as retail on weekends. Many medical offices now open on Saturdays; therefore, certain area[s] of the 20,000 SF should be considered as medical use on Saturday, which requires more parking.

RESPONSE NO. 5-9

This comment states that medical offices are potentially open on Saturdays which would change the parking assessment and needs of the Project Site. However, the County's Parking Code requirements for medical offices and retail uses are the same, at 4 spaces per 1,000 square feet of floor area. Therefore, if medical offices were open on weekends, the parking demand would be the same as if that space were occupied by retail uses. As noted above, 20,000 square feet of floor area in the Commercial Center could be developed as either medical office (which has a high weekday parking demand) or retail floor area (which has a high weekend parking demand). Even if some suites in a medical building were utilized on a Saturday, it is likely that an equivalent amount of retail floor area would generate a substantially higher parking demand on a Saturday as compared to the medical building. Conversely, while most retail establishments are open on weekdays, it is reasonable to assume that a medical building would generate a higher parking demand on a weekday as compared to an equivalent amount of retail floor area. Thus, the parking analysis analyzes the weekday parking demand assuming the area is occupied by medical office tenants, and the Saturday parking demand assuming the space is occupied by retail tenants. Thus, the parking analysis sufficiently addresses the scenarios whereby the floor area is occupied by either retail or medical office use in order to provide a conservative "worst case" analysis. Accordingly, the Parking Assessment is sufficiently conservative in its assumptions and calculations of Project parking demand. Please refer to Topical Response TR-2 regarding Project parking for further discussion of proposed Project parking.

COMMENT NO. 5-10

- (2) Majority of hotel parking are either underground or behind the hotel buildings, they are unlikely to be fully utilized by restaurant and retail customers, and should be discounted accordingly in the shared parking analysis.

RESPONSE NO. 5-10

Please see Topical Response TR-2 regarding Project parking, as well as the Response to Comment 1-27, which responds to a similar comment from this commenter at the Hearing Examiner Hearing. As stated therein, peak hotel parking demand and Commercial Center demand are complementary and the collocation of hotels with the Commercial Center contributed to making shared parking feasible.

Also as stated in Topical Response TR-2, certain land uses serve "captive markets" (i.e., patrons already on-site). Hotel restaurants, bars, and banquet space are ancillary uses within hotels, patronized predominantly by hotel guests whose parking needs are already accounted for in the hotel parking requirement and supply. Hotel guests also represent a captive market for the Commercial Center restaurants and retail establishments, since they would be patronized, in part, by hotel guests whose parking needs are already accounted for. This contributes substantially to the ability of shared parking to efficiently meet the parking demand of multiple complementary collocated uses.

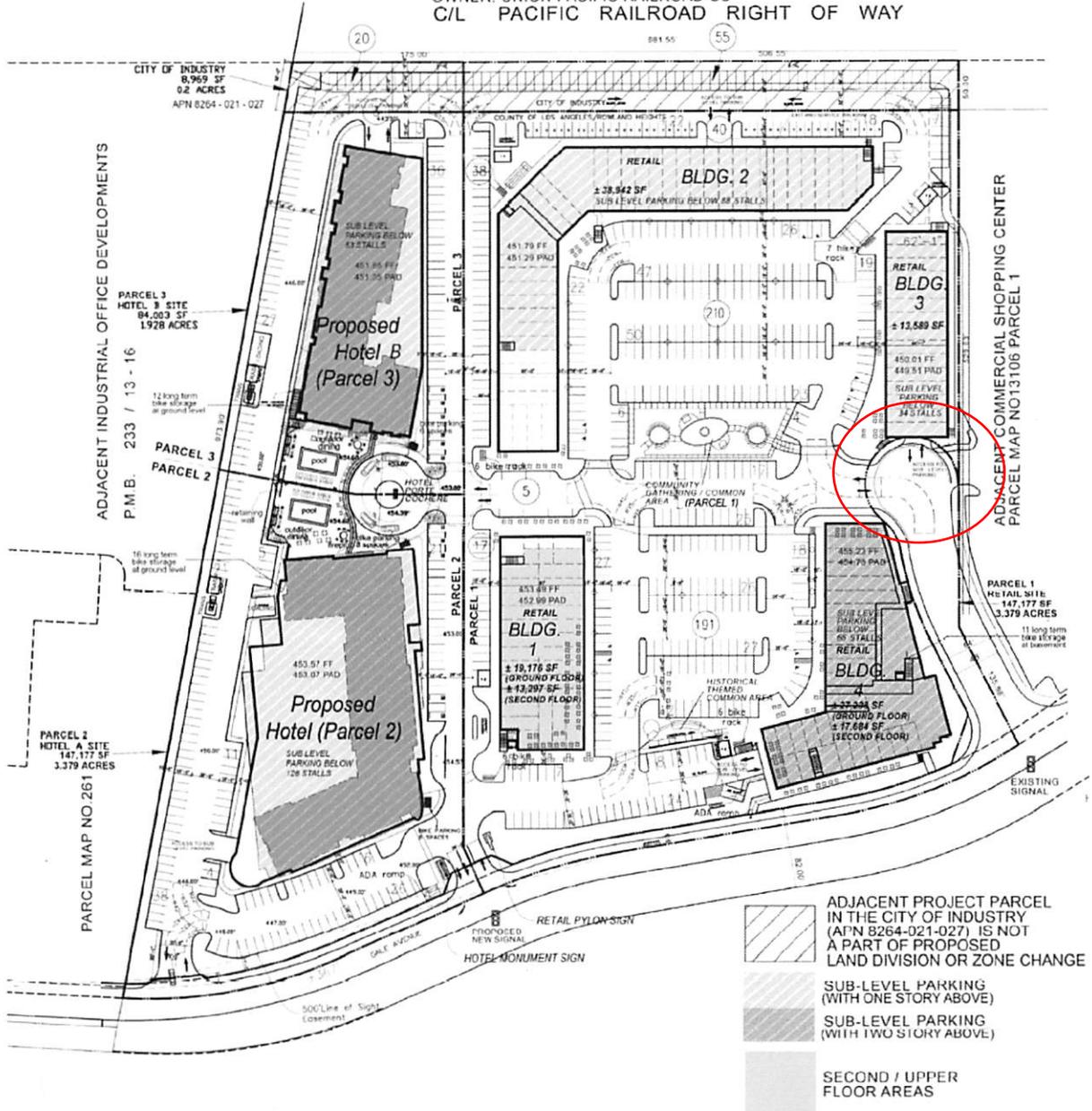
Finally, it should be noted that, under the shared parking program, the current proposed parking supply for the Commercial Center totals only 13 percent or 116 fewer spaces than would be required under the Parking Code, absent shared parking. The hotel parcels provide considerably more than 115 surface parking spaces that would be fully available for use by Commercial Center patrons, without the use of below-grade parking beneath the hotels, and as noted above, many of the spaces on the hotel parcels would be only partially utilized during the day when hotel demand for those spaces is at its lowest.

COMMENT NO. 5-11**Figure 2 Site Plan (Please see Figure on the following page.)****RESPONSE NO. 5-11**

This figure, provided on the following page, is the commenter's copy of the Site Plan provided in Section 2.0, Project Description, of the Draft EIR. The commenter has drawn a circle around the shared driveway by the Project's proposed Building 3. Responses to comments regarding the shared driveway are provided above in Responses to Comments 5-2 through 5-10.

Figure 2
Site Plan

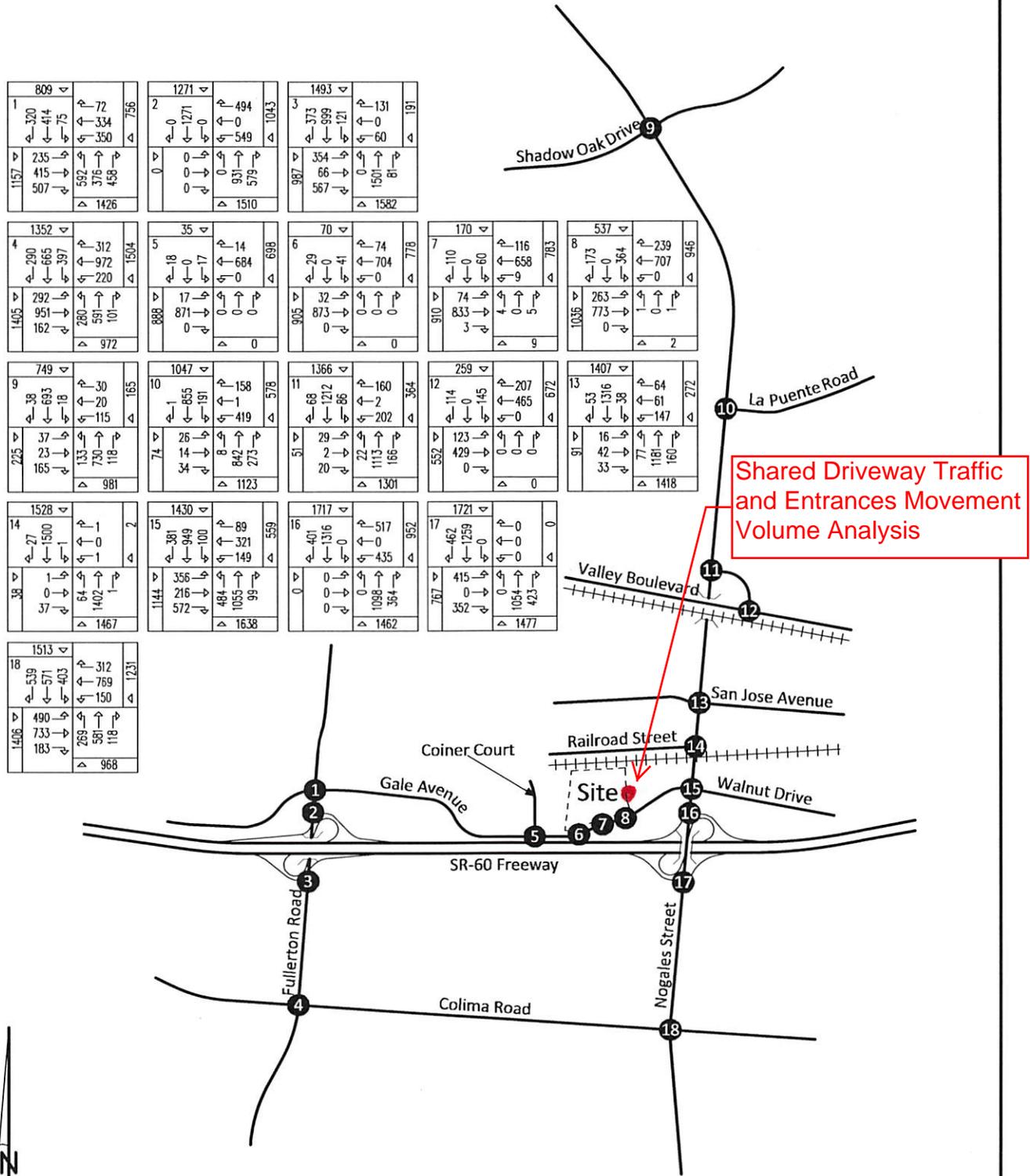
APN 8264-021-801
OWNER: UNION PACIFIC RAILROAD CO
C/L PACIFIC RAILROAD RIGHT OF WAY



COMMENT NO. 5-12**Figure 4.K-24 Existing Plus Saturday Mid-Day Peak Hour Intersection Turning Movement Volumes****RESPONSE NO. 5-12**

This figure, provided on the following page, is the commenter's copy of the Turning Movement Volumes Figure 4.K-24 provided in the Draft EIR. The commenter has added marking to depict the shared driveway traffic and entrance near Building 3. Responses to comments regarding the shared driveway are provided above in Responses to Comments 5-2 through 5-10.

Figure 25
Existing Plus Project Saturday
Mid-Day Peak Hour Intersection Turning Movement Volumes



NTS

KUNZMAN ASSOCIATES, INC. Intersection reference numbers are in upper left corner of turning movement boxes.

5089e/25

OVER 35 YEARS OF EXCELLENT SERVICE

LETTER NO. 6

Debbie Enos, First Vice President
ROWLAND HEIGHTS COMMUNITY COORDINATING COUNCIL
P.O. Box 8171
Rowland Heights, CA 91748

COMMENT NO. 6-1

On behalf of the Rowland Heights Community Coordinating Council the following comments (Attachment 1) are submitted to your agency as part of the public review process mandated by the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. In accordance with § 15200 of the State CEQA Guidelines, these comments fit within the purpose of the public review process through: "(a) sharing expertise, (b) disclosing agency analyses, (c) checking for accuracy, (d) detecting omissions, (e) discovering public concerns, and (f) soliciting counter proposals."

RESPONSE NO. 6-1

This comment provides a brief statement about the comments submitted as part of CEQA's public review process. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 6-2

Our purpose is to underscore the deficiency of the documentation and to recommend a new EIR approach and an alternative project design that reflects both the needs of the community and meets the intent of the Rowland Heights Community Plan (CP) and is true to the tenets of our Community Standards District (CSD).

RESPONSE NO. 6-2

This comment serves as an introduction to the comments presented in this letter. Responses to these comments are below in Responses to Comments 6-3 through 6-34.

COMMENT NO. 6-3

This DEIR seeks to obtain Los Angeles County's approval of:

1. Zone change from M - 1.5 - BE (Restricted Heavy Manufacturing, Billboard Exclusion) to C - 3 - DP (Unlimited Commercial - Development Program) for proposed Parcels 2 and 3 for hotel uses;
2. Parking permit to allow approximately 342 fewer parking spaces (1,161 in total) than the required 1,503 parking spaces for all proposed uses computed separately, and the use of 75 off-site parking spaces located within a 0.79-acre parcel within the City of Industry municipal boundary; and
3. Conditional use permit ("CUP") to authorize:
 - Structures to exceed the maximum height of 45 feet above grade by 35 feet for a total of 80 feet for a new hotel on proposed Parcel 2 and by 27 feet 4 inches for a total of 72 feet 4 inches for a new hotel on proposed Parcel 3

RESPONSE NO. 6-3

This comment restates Los Angeles County approvals that the Project seeks. As noted in Section 3.0, Corrections and Additions, of the Final EIR, Hotel B on Parcel 2 will be 72 feet in height above grade. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 6-4

As a reminder, a Community Standard District "implements special development standards adopted for a community and as a means of addressing special problems which are unique to certain geographic areas within the unincorporated areas of Los Angeles County." Yet, this project, in particular to items 2 and 3 above, seeks to override two major areas of community concern (density, aesthetics and building height) and special problem areas (parking and traffic) and why the community has an adopted CP and CSD.

RESPONSE NO. 6-4

This comment states that the Project seeks to override the Community Standards District (CSD) with two approvals (Parking permit and Conditional use permit) from Comment 6-3. Section 4.A, Aesthetics, of the Draft EIR analyzes building heights and visual character of the Project. As stated in Impact Statement AES-1 of the Draft EIR, impacts with respect to visual character would be less than significant. The six-story hotel on Parcel 2 would have a maximum height of 80 feet above ground level (including rooftop features); the six-story hotel on Parcel 3 would have a maximum height of 72 feet. The height of the two hotel buildings would contrast with the existing low-rise setting of the area. However, the Project's design—including the articulation of roof features on the proposed hotel buildings, strong horizontal and vertical design features, color variations and coordination of the building design, landscaping and streetscape, setbacks, pedestrian amenities and open space within the Commercial Center on Parcel 1, and the Project's consistency with applicable plans and regulations—would enhance the visual character of the location. While the Project Site is separated from the nearest residential use by a distance of more than 300 feet, the two proposed hotels would be visible from residential neighborhoods south of SR-60 freeway. These views, however, would not be considered to be adversely impacted by the Project since the SR-60 freeway would be the most immediately visible feature. Because the Project would be well separated from residential uses south of the SR-60 freeway and would be compatible with surrounding commercial/industrial development, it would not substantially degrade the aesthetic character of the Site or its surroundings because of height, bulk, pattern, scale, character, and other features.

Section 4.H, Land Use and Planning, of the Draft EIR addresses density concerns for the Project. While the Rowland Heights CSD does not establish a maximum floor-area ratio (FAR), it limits the lot coverage to 40 percent of the net lot area. Developed square footage on Parcel 1 would total approximately 129,926 gross square feet (gsf), with lot coverage of approximately 26.6 percent (FAR of 0.365:1). Developed square footage on Parcel 2 would total approximately 189,950 gsf, with lot coverage of approximately 36.62 percent (FAR of 1.35:1). Developed square footage on Parcel 3 would total approximately 130,930 gsf, with lot coverage of approximately 37.19 percent (FAR of 1.55:1). Thus, development of the Commercial Center would be well within the maximum lot coverage standard of the Rowland Heights CSD.

Please see Topical Responses TR-1 regarding Project traffic and TR-2 regarding Project parking.

COMMENT NO. 6-5

It is both widely known and documented that circulation within our community has negatively suffered from development that has occurred at the hands of past CUP's and Zone changes. Our streets are congested and surface street movement options are limited due to topography, two major freeways and the impacts related to the goods movement industry including trucking and freight trains that snarl traffic and mercilessly block intersections. Highly impacted streets include Azusa, Fullerton, Nogales, Colima and Gale. All of which will be significantly impacted by this proposed project; yet, there is only limited mitigation measures being proposed in the DEIR to absorb the additional 10,000 plus daily vehicle trips this project will generate.

RESPONSE NO. 6-5

Please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 6-6

In our review of the DEIR, aided by a registered civil engineer, we have identified a variety of concerns for a project of this scale and impact including the continual and cumulative dilution of our Community Plan, our CSD, land use planning (including proposed county zoning changes), traffic and parking, cumulative affects [sic] and aesthetics. The DEIR does not "adequately and properly" comply with the state environmental regulations by acknowledging and fully outlining the impacts of the proposed project and cumulative affects [sic].

RESPONSE NO. 6-6

Please see Response to Comment 6-4, which discusses the Draft EIR's analysis of land use and planning impacts, some of the entitlements sought for this Project, and aesthetics. Each technical section in the Draft EIR, including sections that analyze Aesthetics, Land Use, and Transportation and Parking, contains detailed analysis of the potential for project-level as well as cumulative impacts. Since the commenter does not identify specific environmental topics or cumulative impacts that are not "adequate and properly" acknowledged in the Draft EIR, no specific response can be provided. Please see Topical Response TR-1 regarding Project traffic and Topical Response TR-2 regarding Project parking.

COMMENT NO. 6-7

Additionally, the DEIR has not proposed sufficient mitigation measures for the significant and unavoidable impacts of the proposed project.

RESPONSE NO. 6-7

Required mitigation measures are presented throughout the Draft EIR for each environmental impact for which mitigation was determined to be feasible. Mitigation measures specific to traffic are found in Section 4.K, Transportation and Parking, of the Draft EIR. Please see Topical Response TR-1 regarding Project traffic for further discussion of the required mitigation measures for Project traffic impacts.

COMMENT NO. 6-8

We urge the County to work with the community, as stakeholders and purported to be the beneficiaries of the project as noted in the DEIR, to achieve a more environmentally and thoughtfully designed project that WILL meet the goals of the community and the developer without bringing further harm to our community. We urge the County to consider a Reduced Density Alternative, considered the environmentally superior

alternative, that can meet the primary purpose and objectives of the Project. We reject the conclusion that a compromise in design and density cannot fully meet the intent of the project and be economically feasible.."

RESPONSE NO. 6-8

The Draft EIR evaluation of several alternatives in Section 5.0, Alternatives, of the Draft EIR. As stated therein, while the No Project/No Build Alternative is the overall environmentally superior alternative, many beneficial aspects of the Project would not occur, such as providing high quality, jobs-rich, integrated development of retail and hotel establishments. This alternative would also not meet the Project Objectives, as outlined in the same section. The Reduced Intensity Alternative would reduce impacts, but it would not achieve the Project's underlying purpose and primary objectives. A comparison of the alternatives is available in Table 5-10 of the Draft EIR.

COMMENT NO. 6-9

We strongly urge the County to reject the DEIR in its current form and instruct the project proponent to perform further environmental analysis and propose changes in the project and increase mitigation efforts in order to make this project the best it can, and more importantly, should be.

RESPONSE NO. 6-9

The comment in opposition of the Project is noted and will be provided to the decision-makers. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 6-10

Thank you for this opportunity to comment on the proposed project. Please send to us your agency's responses to our comments on the subject Draft EIR, along with further information on the environmental planning phase of this project.

RESPONSE NO. 6-10

This comment is a general conclusion to the comment letter and a request to receive responses to the comments provided on the Draft EIR and to be included in mailings of future notice related to the Project. Responses to the comments addressed in this letter are provided above in Responses to Comments 6-3 through 6-9.

COMMENT NO. 6-11

Attachment 1

Land Use Planning.

A zoning change is proposed from M-1.5 to a C-3-(DP) zoning for hotel use and a parcel map proposed to subdivide the site into three parcels for commercial condominium units. The hotel structures include a Conditional Use Permit to allow the hotel structures to exceed 45 feet above grade, the sale of alcoholic beverages for on-site consumption, and on-site grading of more than 100,000 cubic yards of soil which would fall under County mass grading permitting codes.

- Without the Conditional Use Permit, these impacts would render the project unable to be permitted.

RESPONSE NO. 6-11

This comment describes the proposed zoning change for the Project as described in Section 4.H, Land Use and Planning, of the Draft EIR. As stated therein, the zoning change would allow for the development of the two hotels and allow them to exceed 45 feet above grade. The hotels would be deemed consistent with the nearby uses. The proposed uses would also not encroach on parcels zoned for industrial uses adjacent to the Project Site or across Gale Avenue because they are already developed with similar commercial uses (i.e., commercial shopping plazas and hotels).

COMMENT NO. 6-12

- The zoning change permits a much higher density of use than permitted under existing zoning.

RESPONSE NO. 6-12

This comment describes the proposed zoning change for the Project as described in Section 4.H, Land Use and Planning, of the Draft EIR. Even with the higher density of use than permitted under existing zoning, the Project would still be compatible in relation to use, size, intensity, density, scale, and other physical and operational factors with other land uses in the Project vicinity. The increased density of proposed uses would maximize the use of the established transportation options in the Project vicinity and encourage jobs on a currently underutilized site. The Project also proposes to develop each proposed parcel to a considerably lower density than is permitted by the Rowland Heights Community Standards District, which does not impose a floor area ratio on the site, but instead limits development to 40 percent maximum permitted lot coverage. The Project proposes 26.6 percent lot coverage on Parcel 1, the Commercial Center; 36.62 percent lot coverage for Parcel 2/Hotel A; and 37.19 percent lot coverage for Parcel 3/Hotel B, with deeper landscaped setbacks and a larger area of landscaped open space than is required under the Community Standards District.

COMMENT NO. 6-13

- Topographic features once characteristic of the site will be destroyed and are immitigable.

RESPONSE NO. 6-13

This comment describes the proposed zoning change for the Project as described in Section 4.H, Land Use and Planning, of the Draft EIR. The Project Site was used for agricultural cultivation until the mid-1990s and is currently developed with a temporary north-south detour road that crosses the Site between Railroad Street and Gale Avenue, construction access road and construction staging area, and temporary surface parking established by the Alameda Corridor-East Construction Authority (ACE) in conjunction with the Nogales Street Grade Separation Project. No buildings exist on site. As stated in Section 4.C, Biological Resources, of the Draft EIR, the topography of the site is generally flat. The Site is already surrounded by urban development in all directions. The Project Site does not support any plant communities considered sensitive by CDFW or the County of Los Angeles. No special-status wildlife species were observed on the Project Site, and it is assumed that the Site does not support habitat for any special-status wildlife species considering the disturbed condition of the biological habitats.

COMMENT NO. 6-14

A Community Standard District "implements special development standards adopted for a community and as a means of addressing special problems which are unique to certain geographic areas within the unincorporated areas of Los Angeles County."

The DEIR does not sufficiently demonstrate the need of the community for the project nor the meeting of the needs of the community by the project's design. To the contrary, the project is designed for the benefit of travelers and non-residents and at the detriment of the community by significantly impacting traffic without sufficient mitigation; ignoring local parking norms by proposing less spaces than required and changing the community's aesthetic by constructing buildings up to two times the maximum allowed height.

RESPONSE NO. 6-14

This comment states that the Draft EIR does not demonstrate the need of the community for the Project or meet the needs of the community by design. Very early in the schematic design process, the Applicant's team met with the RHCCC to gain insight into the community to better understand what they were looking for in the proposed development. The Applicant's team then formed a small caucus group of community members and worked together to have many of the comments incorporated into the Project. These discussions resulted in significantly enhanced architecture and landscaping, the creation of two significant community gathering spaces, outdoor seating areas on second floor space, etc. Community groups would be able to program and use the central gathering area of the plaza for community events. There would also be a small open space area dedicated to the history of Rowland Heights, where the community and visitors can learn more about the community and history of the Project Site. The building's aesthetics would blend seamlessly into the built environment and improve the design aesthetic of the commercial/industrial neighborhood.

With respect to the intended patrons of the Project's Commercial Center, see Response to Comment No. 1-8. It should be noted that the hotels would not merely serve business travelers, leisure travelers, and groups, who incidentally would contribute to the local economy through room taxes as well as local spending, but would also serve the Rowland Heights community by providing local accommodations for out-of-town relatives and friends visiting area residents. With respect to the comment about parking, please see Topical Response TR-1 regarding Project parking.

COMMENT NO. 6-15

Furthermore, developing a project that includes over 150 condominium retail/restaurant/office space units compounds the land use concerns of the community that the Zone Change would allow such as unenforceable signage pollution, concentrating nuisance and crime attracting businesses (massage parlors, hookah bars, etc [*sic*]), fostering the addition of more culturally isolated businesses and promoting the negative local practice of subletting space within spaces effectively exponentially increasing density without mitigating the resulting traffic and parking congestion.

RESPONSE NO. 6-15

This comment speculates that the Project may allow multiple culturally isolated businesses and negative influences into the Site. The Applicant is careful to control and protect uses of the plaza. The Applicant uses restrictions registered on the title of the units to ensure there is good synergy amongst uses, to protect certain important uses from too much competition from within the plaza, and to protect the parking of the plaza so not too many high demand parking uses are open at any given time in the cycle of the plaza. The Applicant's purchase and sale agreements have a list of restrictions on all the units that prevent purchasers

from opening certain uses – such as restaurants, banks, pharmacies, coffee shops, etc. The Applicant then releases these restrictions to a smaller group of buyers who express interest in one of the restricted uses.

The Applicant ensures that no individual purchaser has the right to make changes to the exterior of the units except for signage. This ensures that all design decisions for the plaza on an ongoing basis must be made through the condominium association to ensure a cohesive design that is maintained throughout the plaza. The owners would be permitted to put up signage for their stores, but all signage would have to adhere to two levels of control: 1) guidelines outlined in any county or community by-law and 2) a design standard dictated by the condominium association to ensure all signage through the plaza is of similar aesthetic to create uniformity. More information on signage and guidelines regarding aesthetics is found in Section 4.A, Aesthetics, of the Draft EIR. Please see Topical Responses TR-1 regarding Project traffic and TR-2 regarding Project parking.

COMMENT NO. 6-16

The DEIR insufficiently supports the community's need for the project and insufficiently mitigates the negative impacts of the much higher density project if the CUP and Zone Change that overrides the CSD and Community Plan is approved.

RESPONSE NO. 6-16

This comment serves as a conclusion to the Land Use Planning section addressed in Attachment 1. Responses to these comments are provided above in Responses to Comments 6-11 through 6-15.

COMMENT NO. 6-17

Traffic and Parking.

The project results in a much higher density of use and higher traffic and parking requirements than the current manufacturing zoning. Specific provisions are included in the DEIR to monitor limitations in tenant use, which highlights this concern. For example, the DEIR states:

"Commercial Center with a total of 1,561 occupants, no further restaurant uses may be approved by the Commercial Center Association. Occupant loads may be reallocated among restaurant unit owners with the prior approval of the Commercial Center Association (and such approvals from the County and Director's Review as are required by the County), but under no circumstances will the total occupant load for all restaurant uses in the Commercial Center exceed 1,561 occupants."

RESPONSE NO. 6-17

This comment restates information provided in the Draft EIR regarding the higher density of use and higher traffic and parking requirements. Please see Topical Response TR-1 regarding Project traffic and TR-2 regarding Project parking.

COMMENT NO. 6-18

The DEIR further states:

"Under Future (2020) With Project Plus Cumulative Traffic conditions, operational impacts would exceed the applicable County significance threshold at five intersections during the Saturday mid-day peak and one intersection during the A.M. and P.M. weekday peaks." This is demonstrated in

Appendix I, Table 6 which documents Existing plus Project plus Cumulative Intersection Capacity Utilization and level of Service. An examination of Table 7, Existing plus Project plus Cumulative Significant Impact Evaluation, these impacts are mitigatable at certain intersections, and not at others.

RESPONSE NO. 6-18

This comment restates information provided in the Draft EIR regarding traffic. Please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 6-19

- Further we contend the DEIR is insufficient in the mitigation proposed based on 2013 data and not utilizing current traffic study nor sufficiently account for current traffic of comparable intersections of Azusa and Gale, Azusa and 60 Freeway and Azusa and Colima that reflects a post project 2020 future condition today.

RESPONSE NO. 6-19

Please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 6-20

- Today, this intersection is consistently congested with traffic at peak weekday AM and PM hours, and more particularly during the morning hours where vehicles and trucks utilizing double turn lanes (one of the proposed mitigation measures for the proposed project) consistently block through-traffic causing gridlock and excessive delays.

RESPONSE NO. 6-20

Please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 6-21

- The DEIR did not utilize current traffic study data and instead relied on data collected in 2013, which is more than a year old, and thus has insufficiently modeled both the current conditions and the with project forecast.

RESPONSE NO. 6-21

Please see Topical Response TR-1 regarding Project traffic. As stated therein, traffic counts were conducted prior to the beginning of construction on the Nogales Street Grade Separation project in order to document existing conditions under normal or “typical” circumstances, prior to the atypical circumstances created by the Grade Separation project’s short-term construction-related disruption. Construction and operation of the proposed Project would not commence until after the Grade Separation project construction is complete, and therefore Project impacts are correctly compared to pre-ACE construction and post-ACE construction conditions.

COMMENT NO. 6-22

- The County of Los Angeles Department of Public Works has established the following Guidelines for the preparation of Traffic Impact Analysis (TIA) reports. The source and date of the traffic volume information shall be indicated. Count data should not be over one year old.

RESPONSE NO. 6-22

Please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 6-23

- Since peak volumes vary considerably, a ten percent daily variation is not uncommon, especially on recreational routes or roadways near shopping centers; therefore, representative peak-hour volumes are to be chosen carefully.

RESPONSE NO. 6-23

Please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 6-24

- Traffic generated by a project considered alone or cumulatively with other related projects, when added to existing traffic volumes, exceeds certain capacity thresholds of an intersection or roadway, contributes to an unacceptable level of service (LOS), or exacerbates an existing congestion.

RESPONSE NO. 6-24

Please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 6-25

- Cumulative Projects failed to sufficiently address the development currently in progress and cumulative effects.

RESPONSE NO. 6-25

The list of related projects taken into account in the analysis of cumulative impacts was obtained from the County of Los Angeles, which requires this analysis as part of the evaluation of Project impacts in the TIA and EIR. The relatively small number of related project reflects the fact the Rowland Heights community and immediately surrounding communities are currently virtually built out.

COMMENT NO. 6-26

- Traffic impacts and proposed mitigation measures should be reviewed in connection with the justification for a Statement of Overriding Concerns, not yet included in the DEIR document set, to accommodate these unmitigated impacts.

RESPONSE NO. 6-26

Please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 6-27

- DEIR fails to sufficiently demonstrate that the valet-managed parking program for the hotels developed within the Project (LACC 22.56.990.C.2) is consistent with cultural norm in the community and would be successful.

RESPONSE NO. 6-27

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 6-28

- DEIR failed to sufficiently support of the utilization in contrast to community norms which would allow for a permit variance to reduce on-site parking based on shared use of parking facilities by two or more uses within the development (LACC 22.56.990.C.1)

RESPONSE NO. 6-28

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 6-29

The DEIR does not sufficiently address the impact of truck deliveries upon traffic, parking and circulation for the proposed project.

- The project failed to sufficiently consider the impact and/or benefit of establishing a delivery access drive off Railroad Street onto the project site and thus elevating [*sic*] some new truck traffic from accessing the project off Gale from Fullerton Road and Nogales.

RESPONSE NO. 6-29

This comment requests additional information regarding the impact of truck deliveries upon traffic, parking, and circulation. As stated in Topical Response TR-1 regarding Project traffic, the traffic impacts during construction would be minimized by restricting construction employee and delivery traffic and from entering or exiting the Project Site during the hours of 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M.. Oversized transport is not anticipated to be required for the construction of the Project. If oversized transport is required, a transportation permit would be obtained from the California Department of Transportation. Lane closures or street detours are not anticipated to be required for the construction of the Project. If lane closures or street detours are required, the applicant would coordinate with the California Department of Transportation.

With respect to the suggestion that a delivery access road be established between the Project Site and Railroad Avenue, crossing the freight and passenger railroad tracks north of the Project Site, the existing at-grade crossing in this location was put into place temporarily by the Alameda Corridor East Construction Authority to create New Charlie Road, a detour across the Project Site between Railroad Street on the north and Gale Avenue on the south during construction of the Nogales Street Grade Separation Project, since Railroad Street is closed at Nogales Street. This is not intended to be a permanent railroad crossing, and construction of the underpass as part of the Nogales Street Grade Separation Project is meant to separate trains and vehicles in this area and eliminate the grade crossing, with its attendant safety and traffic congestion problems. For these reasons, a grade crossing for the benefit of delivery access to one Project Site is infeasible and would not be implemented.

COMMENT NO. 6-30**Aesthetics.**

The project includes a Conditional Use Permit to allow building heights in excess of 45 feet. However, the report is deficient in that there is not a focused aesthetics impacts analysis in either the main report or appendices to document these impacts. Analysis techniques should be explored and utilized to assess these impacts, if possible.

RESPONSE NO. 6-30

This comment states that the Draft EIR does not include an aesthetics impact analysis. Section 4.A, Aesthetics, of the Draft EIR evaluates the potential aesthetic and visual resource impacts that could result from the Project with regard to visual character, artificial light and glare, and shade/shadow. Environmental impacts regarding the aesthetics of the Project are found in Subsection 3, Environmental Impacts, of the Aesthetics section.

COMMENT NO. 6-31

- The impact evaluation should include without limitation impacts of nighttime glare, daytime reflections, building shadow, and nearby and distant viewsheds from the surrounding community and of hotel tenants.

RESPONSE NO. 6-31

This comment gives examples of what an aesthetics impact evaluation should include. Section 4.A, Aesthetics, of the Draft EIR evaluates the potential aesthetic and visual resource impacts that could result from the Project with regard to visual character, artificial light and glare, and shade/shadow. Environmental impacts regarding the aesthetics of the Project are found in Subsection 3, Environmental Impacts, of the Aesthetics section.

COMMENT NO. 6-32

The DEIR references the CSD in regards to signage requirements and standards and reflects signage on elevations and conceptual renderings contained in the report. However there is no signage plan that specifically speaks to the disconnect between developing over 150 condominium retail units and not having over 150 exterior business signs. The elevations appear to reflect 1 business per every 2 or 3 potential thresholds. Yet the development could result in significantly more businesses and thus more impacts to the community by way of signage pollution, parking insufficiency, increased traffic and visual eyesore of shoebox retail establishments.

RESPONSE NO. 6-32

This comment describes the signage requirements and potential of the Project resulting in over 150 exterior business signs. As stated in Section 4.A, Aesthetics, of the Draft EIR, the Project would be in compliance with all applicable regulations related to signs and display lighting. The Project's Sign Program for approval to the Director, and permits would be obtained for signs and electrical permits for lighting in accordance with the Los Angeles County Code. Signs would also be reviewed by the Regional Planning Department (Director) to ensure that signs would not interfere with, mislead, or confuse traffic. The Project's signage would also be consistent with signage requirements of the Rowland Heights Community Standards District. There would be no roof signs installed on any of the Project's buildings. In compliance with the Rowland Heights Community Plan, there would be no free standing portable signs, and the name of the Commercial Center and tenant businesses would be provided on a single 20-foot-high sign. The Applicant also plans to implement a signage program through the creation and enforcement of CC&Rs, which will control signage types, sizes, and placement, and ensure a consistent and visually pleasing aesthetic throughout the Commercial Center.

In regards to the section of the comment addressing the potential for more businesses and the resulting parking insufficiency, breaking the retail condominium units into larger or smaller spaces will not impact the parking demand. Many of the units will end up being combined together by the purchasers.

COMMENT NO. 6-33**Open Space and Recreation.**

- The DEIR does not adequately address the need for additional recreational opportunities in this very Park poor area of Rowland Heights and as identified in the 2015-2016 Los Angeles Counties Parks Needs Assessment demographic data. The Park Needs assessment specifically identifies the area South of the Project site and within 1/2 mile as severely park poor with no access to park or open space within walking distance. The Community's Top 10 prioritized projects, collected on January 20, 2016, reflect a strong need and desire for new parks, and specialty recreational facilities that would be suitable at this project location including a: dog park, skate park, gymnasium, and/or lighted multiple sports/soccer fields.

RESPONSE NO. 6-33

This comment states that the Draft EIR does not adequately address open space and recreation for the Project. There would be multiple open space and landscape amenities throughout the Project Site. To enhance the pedestrian environment and in response to community input, proposed open space and landscape amenities on the Parcel 1 would include a centrally located gathering common area that includes seating, landscaping, and a historically themed common area. The central east-west drive aisle within Parcel 1 and the joint Hotel A/Hotel B entry plaza would feature enhanced paving and landscaping. Parcel 1 would also be developed with bench seating and landscaped planters. Traffic islands within the surface parking lots and the planter strips lining internal drive aisles would be planted with trees, shrubs, and groundcover using a cohesive plant palette. The Project would be designed in accordance with the design standards of the Rowland Heights CSD, including providing a landscaped setback along Gale Avenue, site landscaping that uses a cohesive plant palette, attractive building design, and common open space amenities that would include landscaping, seating, and other features. Moreover, property taxes generated by development of this property would ultimately County parks and recreational amenities in Rowland Heights.

COMMENT NO. 6-34**Project Alternatives.**

The DEIR must address project alternatives, including alternative scale and scope, and non-project alternatives. Alternatives seem to be reasonably well developed in the DEIR. The project considers four alternatives as detailed in Chapter 5 of the main report: the No Project/No Build Alternative, Reduced Intensity Alternative, and two Code-Compliant Alternatives that address other proposed uses on the Project Site. State CEQA Guidelines require identification of an environmentally superior Alternative other than the No Project/No Build Alternative. A comparative evaluation of the Alternatives indicates that the Reduced Intensity Alternative would be the environmentally superior Alternative. However, the DEIR significantly concludes:

"Among those alternatives, no feasible alternative was identified that would avoid the Project's significant unavoidable impacts. The Reduced Density Alternative, which has been identified as the environmentally superior alternative, would reduce the potential for significant unavoidable operational traffic impacts and air quality impacts. However, significant unavoidable traffic impacts would still occur at one or more intersections. As discussed in more detail in Chapter 5.0, Alternatives, while the Reduced Density Alternative is considered the environmentally superior alternative, it would only partially meet the primary purpose and objectives of the Project, which are stated and enumerated in Subsection B above".

- The DEIR project alternative analysis is insufficient in demonstrating that the environmentally superior Reduced Density Alternative could not fully meet the project objectives.

RESPONSE NO. 6-34

This comment states that the Draft EIR does not provide sufficient analysis regarding alternatives to the Project. The Applicant has prepared multiple scenarios and alternatives in Section 5, Alternatives, of the Draft EIR. While the No Project/No Build Alternative is the overall environmentally superior alternative, many beneficial aspects of the Project would not occur, such as providing high quality, jobs-rich, integrated development of retail and hotel establishments. This alternative would also not meet the Project Objectives, as outlined in the same section. The Reduced Intensity Alternative would reduce impacts, but this Alternative would not fully achieve the Project's underlying purpose and primary objective. This Alternative would either partially achieve or not achieve nine of the 18 specific Project Objectives. For this reason and reasons of financial viability, the Reduced Intensity Alternative was determined to be infeasible. A comparison of the alternatives is available in Table 5-10 of the Draft EIR.

LETTER NO. 7

Mary M. Chan, Vice President
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COMMENT NO. 7-1

I oversee the operations of Mandarin Plaza (“MP”) located at 18900-18932 E. Gale Avenue in Rowland Heights. MP is the retail center to the south-east of the subject proposed development. On behalf of the ownership and tenants of MP, I would like to share the following comments:

RESPONSE NO. 7-1

This comment introduces the commenter as the overseer of Mandarin Plaza, which is located to the south-east of the Project Site. Because the comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 7-2**1. Parking Permit T201400006**

MP contains approximately 58,546 s.f. of retail, restaurant, and office spaces. MP provides, and is required to provide per Code, at least 490 parking spaces. Around 3 p.m. each day, MP’s parking lot starts to fill up completely, and the parking lot continues to be about 100% fully utilized each day until closing in the late evening. On Fridays, Saturdays, Sundays, and holidays, every single parking space of MP is utilized almost all hours of the day when the businesses are open.

RESPONSE NO. 7-2

This comment provides a description of Mandarin Plaza and its parking lot utilization. Because the comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 7-3

In addition to two hotels, the applicant is proposing 129,926 s.f. of retail, restaurant, and office spaces. The tenant mix within MP (that is, the ratio of retail to restaurant to office uses) is a result of the business demands of the community, and since the proposed development is located diagonally across from MP, the tenant mix at the proposed development should be very similar. Therefore, based on MP’s *required* number of parking spaces (that is, 490 parking spaces which are fully utilized for 58,546 s.f.), the proposed development should have at least 1,087 parking spaces for the 129,926 s.f. of its retail/restaurant/office portions *alone*. Instead, the applicant is proposing 1,156 parking spaces in *total*, including just 69 additional parking spaces for the 477 hotel rooms and hotel employees, based on the theory of “shared use”.

RESPONSE NO. 7-3

This comment restates part of the Project Description and describes Mandarin Plaza’s required number of parking spaces, which has no bearing on the parking demand or shared parking program for the proposed Project, since Mandarin Plaza has a very high percentage of high-turnover restaurants and there are no uses

with complementary parking demand. It is also inaccurate to claim that the tenant mix on the Project Site, which would include two hotels collocated with condominiumized commercial uses in a high-quality development, would be occupied by the same tenant mix as Mandarin Plaza, especially in light of Project Design Feature PDF-3, as set forth in Section 4.K, Transportation and Parking, in the Draft EIR, which establishes a maximum permitted occupancy load and maximum square footage for restaurants uses on the Project Site, and mechanisms to ensure this is implemented, precisely to control restaurant-related parking demand. Please see Topical Response TR-2 for further discussion of Project parking.

COMMENT NO. 7-4

The 477 hotel rooms contained in the proposed development would normally require an additional 477 parking spaces plus 48 parking spaces for employees, per Code. (I will ignore for now other parking requirements such as for the hotels' meeting spaces.) The total comes to 1,612 required parking spaces (1,087 + 477 + 48) as compared to the much reduced 1,156 parking spaces the applicant is proposing. The difference between 1,612 and 1,156 is 456 parking spaces. *456 missing parking spaces is a HUGE deficit.* We are seriously concerned that when the proposed development runs out of parking spaces, the patrons of the new development will park at MP. We have firsthand knowledge that patrons of 99 Ranch Market parked at MP when the market ran out of parking spaces due to the Alameda Corridor East ("ACE") construction which took away many parking spaces at the market, and MP's parking became a chaotic mess at that time.

RESPONSE NO. 7-4

This comment discusses anecdotally relates the impacts on the parking facilities at Mandarin Plaza during the temporary construction activities of the Nogales Street Grade Separation Project, and draws a comparison to the proposed parking supply on the Project Site. The calculations cited in the comment are inaccurate and overstate demand; they do not reflect actual County Parking Code requirements, which require 0.5 parking spaces per hotel guest room and 1.0 parking spaces per suite (not per room). No parking spaces are, therefore, "missing". Moreover, it is speculative to assume that the Project Site will "run out of parking" or that Mandarin Plaza would be adversely affected as a result.

Please see Topical Response TR-2 regarding Project parking. As stated therein, unlike Mandarin Plaza or 99 Ranch Market shopping center, the Project proposes to collocate land uses – hotels and commercial retails uses as well as potential medical office uses – that would have complementary, not simultaneous, peak parking demand periods. A detailed Parking Assessment was prepared that determined the peak period of parking demand for each of the proposed Project uses and calculated the necessary parking supply to accommodate the greatest (most parking-intensive) demand. For this reason, the comparison between the ACE-related parking issues at Mandarin Plaza and future Project parking, which would not be implemented until the completion of the Nogales Street Grade Separation project, has no bearing on anticipated Project parking impacts.

COMMENT NO. 7-5

We understand that a parking study has been prepared to support shared uses of parking spaces amongst retail/restaurants/offices and the hotels at the proposed development, in order to justify the reduction of about 456 parking spaces. Unfortunately, that parking study is not made available to the public. However, at MP, we have firsthand knowledge of the neighborhood for the past 25 years, and we know the ACTUAL parking requirements, as compared to some theoretical parking model prepared by an outside consultant who is hired to speak for the developer.

RESPONSE NO. 7-5

The Parking Assessment prepared for the proposed Project was included as Appendix I-2 of the Draft EIR, and provides detailed calculations of County Parking Code requirements, Project-related parking demand, and the proposed shared parking program. The Parking Assessment was prepared in accordance with accepted professional standards and methodologies for determining parking demand, and was reviewed and approved by the County. For further discussion of this topic, please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 7-6

Where will people park if the 456 missing parking spaces are indeed needed, as supported by MP's parking data? Is there a contingency plan for parking if the parking study turns out to be absolutely incorrect? Who will pay for the consequences of inadequate parking? There is no street parking whatsoever to make up for any of the parking shortage. We request that the proposed development provide at least the minimum parking as required by Code, without any "shared use" reduction. We also request that the parking study for the parking permit application be made available for public review.

RESPONSE NO. 7-6

As stated in Topical Response TR-2, in response to the County's request to conservatively increase the Project parking supply to incorporate a buffer, and as amended in Section 3.0, Corrections & Additions, of this Final EIR, the Applicant now proposes a total of 1,203 spaces, an increase over the parking supply evaluated in the Draft EIR.

Please see also the response to Comment 1-39, which provides a detailed comparison of the number of parking spaces required per the County Parking Code versus the proposed parking supply assuming implementation of the requested shared parking program. As stated therein, the current proposed parking supply of 1,203 spaces represents 306 spaces less than the number required for Project uses per the County's Parking Code (1,509 spaces). The commenter's reference to "446 missing parking spaces" is inaccurate, and in any event, the reduction from County Code is based on calculated peak parking demand, which is also permitted by the County provided the proposed supply can be documented to meet shared parking demand.

Please see Topical Response TR-2 regarding Project parking. As stated therein, and also discussed in the Response to Comment 1-27, the Parking Assessment concluded that the collocation of hotels with the Commercial Center makes shared parking possible, because peak parking demand for the proposed Project uses is complementary. This allows a degree of shared parking that would not be possible if the entire Project Site were to be developed with commercial or other uses that generated conflicting (i.e., simultaneous) peak parking demand. Moreover, certain land uses serve "captive markets"; that is, hotel restaurants and bars are ancillary uses within that hotel, patronized predominantly by hotel guests whose parking needs are already accounted for in the hotel parking requirement.

As stated in Topical Response TR-2, the shared parking principle has been documented by international transportation and planning organizations such as the Urban Land Institute (ULI), the Institute of Transportation Engineers (ITE) and the International Council of Shopping Centers (ICSC). ULI issued its first *Shared Parking* manual over 30 years ago, with a second edition published in 2005. Shared parking is not theoretical or hypothetical; it is factual based on time-of-day and day-of-week parking demand data collected at shopping centers, hotels, and other land uses throughout the U.S., including Southern California. Follow-

up case studies have been conducted by ULI at centers with multiple land use components to demonstrate the effects (i.e., reduced parking) related to shared parking. The parking demand analysis provided in the Draft EIR refers directly to the parking demand factors provided in the ULI document for the individual land uses proposed in the Project. In fact, as discussed in the Parking Assessment, some parking additional adjustments supported by the ULI document were not included in the analysis, so as to provide a conservative (“worst case”) forecast of parking demand generated by the Project. In summary, based on the substantially documented shared parking methodology, there is no need for a “contingency plan” related to parking supply as suggested in the comment.

Also the highest demand for Project parking as calculated per the shared parking analysis is now expected to occur 12:00 P.M. on a weekend (Saturday) afternoon when 1,130 spaces would be occupied at on-site, instead of 1,143 spaces at 8:00 P.M. as stated in Section 4.K of the Draft EIR. The current proposed supply of 1,203 spaces would adequately accommodate the forecast demand, with a 73-space or 6.4 percent buffer above and beyond the calculated peak demand. As shown in the updated Parking Assessment tables summarizing peak parking demand for the shared Project uses, parking demand at other hours of the day is expected to be less than the forecast peak demand 1,130 spaces. Thus, substantial surpluses of parking can be anticipated at other times during a weekday and weekend day.

Any applications to the County for future Project-related approvals would be a matter of public record and available for review.

COMMENT NO. 7-7

2. Traffic Congestion

Gale Avenue and the general vicinity are famously known for traffic congestion and bumper-to-bumper traffic most hours of the day. During construction of the proposed development, with total volume of grading of over 1 million cubic yard[s] and construction of over 450,000 s.f. of hotel and retail spaces, Gale Avenue and the vicinity will be unbearably burdened for a number of years. After completion of construction, the huge development will continue to add to that burden. We worry that patrons of MP and other existing hotel and centers along Gale will have serious difficulty with ingress and egress, and that Gale Avenue traffic will come to a complete stop. And this all comes after MP and neighboring businesses suffered several years from the current ACE construction at Nogales.

RESPONSE NO. 7-7

This comment describes the traffic conditions at Gale Avenue and the general vicinity. With respect to Project impacts on circulation on Gale Avenue, as stated in Section 4.K, Transportation, no significant Project impacts are anticipated for the Project driveways on Gale Avenue, which would be signalized, or at the intersection of Gale Avenue and Nogales Street. In addition, turning movements into and out of the Project Site would be controlled to minimize impacts on traffic flow. For further discussion, please see Topical Response TR-1 regarding Project traffic.

Earthwork volumes resulting from Project grading and excavation were projected to be approximately 190,000 cy, not “over 1 million cubic yards”, with the majority of that cut material to be reused on the Project Site as fill to level the site. A considerably smaller volume, an estimated 48,300 cy, would require export and disposal off-site.

COMMENT NO. 7-8

With the much anticipated Nogales underpass completion in mid-2016, traffic and traffic patterns are expected to change. There will be other ACE underpass construction at nearby locations, at Fairway and at Fullerton. Closure of Fairway and Fullerton will also bring change to the traffic pattern at Gale. We request an updated traffic study be done AFTER completion of the Nogales underpass, and that the traffic study include analysis of the potential impact from the impending nearby ACE construction.

RESPONSE NO. 7-8

This comment describes potential changes in traffic patterns with the completion of other projects. It is neither customary nor reasonable to delay the start of a given development project's construction until all construction projects underway in its study area are completed. Such delays could continue indefinitely, and moreover may have no nexus to Project impacts. The evaluation of related projects and the Project's potential to contribute to cumulatively significant traffic impacts in the study area is included in the Draft EIR and constitutes sufficient analysis of future conditions under CEQA. For further discussion of Project traffic impacts under future conditions, please see Topical Response TR-1 regarding Project traffic.

COMMENT NO. 7-9

Parking shortage and traffic congestion are serious problems that threaten public health and safety. We thank you for giving our comments serious consideration.

RESPONSE NO. 7-9

This comment is a conclusion to the concerns raised in the letter. Responses to these comments are provided above in Responses to Comments 7-3 through 7-8.

LETTER NO. 8

Kingdon W. Chew
Captain (Royal Vista Neighborhood Watch Team)
Unofficial spoke person for Royal Vista Golf Course Community (2004-present)
RHCCC former President
RHCCC Board member 2008-present

COMMENT NO. 8-1

On behalf of Royal Vista Neighborhood Watch Team residing within the boundaries of unincorporated Rowland Heights and representing the greater voice of Royal Vista Golf Course Community, I, Kingdon Chew, will briefly make some obvious observations and comments to the DEIR. As an active member and board member of RHCCC I am fully aware of the Rowland Heights CSD. I have made an attempt to review and read all four volumes of the DEIR. However, with a full time job and several recent unexpected job and family emergencies I was not able to complete a full review or reading. With that said I have reviewed other DEIRs of other communities outside of Rowland Hts.

Furthermore, I will hope that this is a supplement to what RHCCC has or had submitted to your office so this would not be repetitive but may highlight some similar issues/points of concern or introduce new perceptives. [sic]

RESPONSE NO. 8-1

This comment introduces the commenter as a representative of the Royal Vista Golf Course Community and the Royal Vista Neighborhood Watch Team. Because this comment does not raise a substantive issue with the Draft EIR, no further response is warranted.

COMMENT NO. 8-2

As many residents know there is a residential density issue in Rowland Hts which propagates into more vehicles thus more traffic. Traffic studies in the past have never really depicted this because it may be due to the day/hour of such studies. But it's real from a person who commutes via the Foothill Transit bus during the weeks and attempt to drive around Rowland Hts during the weekends. More new commercial developments have a positive impact mainly or directly financial but it doesn't equal to the negative impacts which is environmental, financial and sociological. The latter which is not discussed or measure[d] in the DEIR.

RESPONSE NO. 8-2

Please see Topical Response TR-1 regarding Project traffic.

The Draft EIR evaluates potential environmental impacts of the Project, with the scope of analysis determined by preliminary analysis in the Initial Study and public input received during the NOP comment period. With respect to financial and sociological impacts, these issues are outside the scope of CEQA and EIR analysis, and no further response is warranted.

COMMENT NO. 8-3

The need for a zoning change and CUP is procedural but the building height limit is not being recognized in the proposed development of the hotel. From personal observation there is only one building along the 60Fwy from 605 to 57 that is over three stories tall and that is the newly constructed office building by 605 and 60 which is either in City of Industry or Whittier. In any case it's outside of Rowland Hts but still the consistency is still there "mostly three stories commercial buildings. Driving along the 60 Fwy and looking north what you see is rolling hills and the San Gabriel Mountains. It makes a nice compliment when you're stuck in traffic every morning and evening to look over and having that view ease the tension. From Hacienda Hts to 57 Fwy on the 60 Fwy is the most congested and two six stories building would be an eye sore.

RESPONSE NO. 8-3

As stated in Section 4.A, Aesthetics, of the Draft EIR, impacts with respect to visual character would be less than significant. The six-story hotel on Parcel 2 would have a maximum height of 80 feet above ground level (including rooftop features); the six-story hotel on Parcel 3 would have a maximum height of 72 feet. The height of the two hotel buildings would contrast with the existing low-rise setting of the area. However, the Project's design—including the articulation of roof features on the proposed hotel buildings, strong horizontal and vertical design features, color variations and coordination of the building design, landscaping and streetscape, setbacks, pedestrian amenities and open space within the Commercial Center on Parcel 1, and the Project's consistency with applicable plans and regulations—would enhance the aesthetic value of the location. While the Project Site is separated from the nearest residential use by a distance of more than 300 feet, the two proposed hotels would be visible from residential neighborhoods south of the SR-60 freeway. These views, however, would not be considered to be adversely impacted by the Project since the SR-60 freeway would be the most immediately visible feature. Because the Project would be well separated from residential uses south of the SR-60 freeway and would be a compatible use with surrounding commercial/industrial development, it would not substantially degrade the aesthetic character of the Site or its surroundings because of height, bulk, pattern, scale, character, and other features.

COMMENT NO. 8-4

Secondly, along these nearby road/streets namely, Gale, Walnut Drive, Railroad Ave, San Jose, Colima, Valley Blvd, Fullerton, Azusa, Fairway and soon the new Lemon Ave on/off ramps; there is no relief in sight. Many Rowland Hts residents don't even shop within Rowland Hts but prefer to travel southward to Brea or as far as Chino Hills. For me I travel to San Dimas just to get away from it all. Where's the traffic coming from especially during the weekends it's everyone from other communities as far as Las Vegas, Pacific Palisades, Long Beach, Irvine, Yorba Linda and Torrance. Yes, our Asian restaurants are comparably better than theirs but in reality we have quantity and not quality. Many locals complain about no variety or diversity which means traveling outside on weekends which becomes a financial and ecological wear and tear.

RESPONSE NO. 8-4

Please see Topical Response TR-1 regarding Project traffic. The proposed Project would also provide more local goods and services for Rowland Heights residents, reducing the need for travel to other destinations beyond the community.

COMMENT NO. 8-5

Residents are concerned about the increase water usage as everyone now is fully aware of supply and demand which equates to higher water rates. Whether you are a consciously conserving water the rates still goes up because it's the demand over-all and the respective maintenance cost overall to supply such service.

RESPONSE NO. 8-5

See response to Comment No. 1-3 regarding the Project's less than significant water supply impacts

COMMENT NO. 8-6

The fact that within the DEIR mentioning of surrounding areas are urban stunned me. From a person who was born and raised in San Francisco, worked in New York Manhattan area, Houston and even in Beverly Hills what is urban about Rowland Hts and the surrounding areas; I considered as well as others that this is suburbia. Is the County recognizing the population density issue out here which is normally in "cities" or metropolitan areas?

RESPONSE NO. 8-6

As stated in Section 4.H, Land Use and Planning, of the Draft EIR, the Project constitutes an infill development on an underutilized parcel within an urban, developed portion of unincorporated Los Angeles County. The Project Site is located in the northern portion of the unincorporated County community of Rowland Heights. Rowland Heights encompasses approximately 13.1 square miles in the eastern San Gabriel Valley, extending from the City of Industry on the north to the Los Angeles/Orange County border on the south, and from the City of Diamond Bar and Orange Freeway (SR-57) on the east to the unincorporated community of Hacienda Heights on the west. Rowland Heights predominantly is a low-density residential community, with light industry and commercial development along the SR-60 freeway between the Nogales Street and Fairway Drive freeway interchanges and additional commercial development concentrated along Colima Road south of SR-60. The Project Site is located within the small cluster of light industrial and commercial uses centered on Nogales Street near its interchange with the SR-60 freeway.

Land uses in the Rowland Heights community are guided by the Rowland Heights Community Plan. The Project Site's land use classification is Major Industrial per the County's General Plan Land Use Policy Map and Industrial per the Rowland Heights Community Plan Land Use Map. These categories allow manufacturing, warehousing, and heavy commercial uses. The Project Site is located within a concentration of light industrial and commercial uses centered on Nogales Street near its interchange with the SR-60 freeway. This area is part of an approximately 14-mile-long corridor of predominantly industrial land uses within the City of Industry and unincorporated Los Angeles County along the SR-60 freeway. Land uses to the east are designated Industrial by the County; land uses to the north and west, within the City of Industry, are designated Industrial and Commercial or Commercial/Industrial overlay, respectively. Land uses on the south side of Gale Avenue are designated Commercial and Industrial by the County.

Rowland Heights is considered urban by land use designations, particularly in the area surrounding the Project Site. According to the U.S. Census Bureau, Rowland Heights has a density of 3,700 people per square mile. In comparison, the City of Hacienda Heights has a density of 4,800 people per square mile, and the City of Los Angeles has a density of 7,122 people per square mile.

COMMENT NO. 8-7

Looking and living among the ever growing population and even more so the uncontrolled/monitoring of the commercial developments not by the County but more neglected by RHCCC the quality of life is deteriorating. Yes, most don't complain because they accept this as the norm since many residents are from overseas mainly China and Taiwan. But even they were escaping from the density issue back home.

RESPONSE NO. 8-7

This comment describes that the quality of life, due to uncontrolled/monitoring of commercial developments, is deteriorating. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 8-8

The concept of just over 150 condo-like spaces for retail/restaurants/office is definitely catering to Asian businesses but seriously we are being suffocated. The excessively [sic] duplication of the above mentioned is overwhelming. Quality over quantity is what is needed. You can have in high-end as Parallax has continuously mentioned to me but it depends on the tenants. Do we have high-end residents? Well, Fuana, a high-end bedding/linen from China just closed in February 2016 in Diamond Plaza. They barely lasted from summer 2014.

RESPONSE NO. 8-8

This comment describes the need for quality retail uses in the area. The Applicant uses restrictions registered on the title of the units to ensure there is good synergy amongst uses, to protect certain important uses from too much competition from within the plaza, and to protect the parking of the plaza so not too many high demand parking uses are open at any given time in the cycle of the plaza. The Applicant's purchase and sale agreements have a list of restrictions on all the units that prevent purchasers from opening certain uses – such as restaurants, banks, pharmacies, coffee shops, etc. The Applicant then releases these restrictions to a smaller group of buyers who express interest in one of the restricted uses.

COMMENT NO. 8-9

The economy is not there yet but to be fair we are not trying to separate from the have and have-nots. No we are not. If we had high-end stores among the 150 or more condo units how long would they last. What type of on-stock inventory would they have in such a small place?

RESPONSE NO. 8-9

This comment questions how long high-end stores would last in the condominium units on the Project Site. While the Applicant would not exclusively market the Commercial Center to luxury/high-end uses, they are building a high-end product and therefore would be charging a high-end price in order for the economics of the Project to work. The relatively high price point would screen out certain discount retailers, such as dollar stores. Only stores that benefit from being in a high-end development would be able to justify the premium associated with it. While the Commercial Center is proposing approximately 150 individual units, it would likely not actually be built out with that many individual stores. The plaza is subdivided into many small units so that purchasers can combine them to create a store size appropriate for a desired use. This strategy allows the accommodation of a range of store sizes throughout the Commercial Center without trying to

predict the exact breakdown of demand. This strategy also gives the Commercial Center flexibility to accommodate changing future demand which is important to its success in the long term.

COMMENT NO. 8-10

Yes, Congressman Royce got the federal funding for expansion and curing of the 57/60 Fwy issue but in 2013 there was also a growing allowance of business visas into the US from Southeast Asia. This was mentioned by Congressman Royce in 2013 during the Asian Business Seminar. So again, I see the need for the hotel and mall but that's not related to the care and feeding directly to this community, Rowland Hts or for that no matter to the other surround communities.

RESPONSE NO. 8-10

This comment states that the Project does not address the needs of community residents. As a result of early community outreach by the Applicant, the Project includes a significant gathering area in the center of the Project that can be programmed and used by the community for farmer's markets, art shows, exhibitions, and more. The Project would also create an open space area dedicated to the history of Rowland Heights, where the community and visitors can learn more about the community and the history of the Project Site.

COMMENT NO. 8-11

The DEIR does not take into account of the "care and feeding" concept between residents and commercial/retail coexistence. This concept is sometimes misunderstood as it really dictates that the residents feed the commercial/retail monetarily while the care is coming from the commercial/retail businesses.

RESPONSE NO. 8-11

This comment states that the Draft EIR does not address the needs of community residents. Please see the Response to Comment 8-10.

COMMENT NO. 8-12

The proposed project is not a good fit for Rowland Hts. There is a solution or compromise but after several proposed and modified proposals; it's not there. Moreover, these were never fully divulged to the residents by RHCCC. It was only to less than 70 attendees during June 2013-June 2015 RHCCC Public meetings.

RESPONSE NO. 8-12

This comment in opposition of the Project is noted. In accordance with State *CEQA Guidelines* Section 15085, upon completion of the Draft EIR, a Notice of Completion and Availability ("NOCA") as well as CD copies of the Draft EIR were submitted to the State Clearinghouse, Governor's Office of Planning and Research, for distribution to State Agencies. The Draft EIR was circulated for a 45-day public review period between January 26, 2016 and March 11, 2015, in compliance with Section 15105(a) of the State *CEQA Guidelines*. As required under Section 15086 of the State *CEQA Guidelines*, a NOCA requesting comments on the Draft EIR and CDs of the Draft EIR were distributed to approximately 32 public agencies, organizations, and cities. In addition, copies of the NOCA and, in some cases, CDs of the Draft EIR were mailed to organizations, or individuals who had previously requested notice or expressed an interested in the Project, commented on the Project during the public review period, or attended the public scoping meeting conducted for preparation of the Draft EIR. Furthermore, copies of the NOCA were mailed to approximately 95 property owners and 622 occupants within a 1,000-foot radius of the site. The environmental review process has

followed the State *CEQA Guidelines* and the required due diligence has been conducted in notifying the public about the Project and the Draft EIR. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 8-13

In closing, not a good fit as is. Let's try the "care and feeding" concept and I strongly believe if residents are fully aware they would contribute more. Parallax is relying on RHCCC but RHCCC in this case does not have the heartbeat of the residents.

RESPONSE NO. 8-13

This comment is a conclusion to the concerns raised throughout this letter. Responses to these comments are provided above in Responses to Comments 8-2 through 8-12.

COMMENT NO. 8-14

Thank you so much for your time and consideration to this response. Royal Vista Neighborhood Watch Team and Golf Course Community are appreciative of your duties. We are always willing, able and ready to work together for a better tomorrow.

RESPONSE NO. 8-14

This comment is a conclusion to the letter and does not raise any substantive issue concerning the contents of the Draft EIR. Therefore, no further response is warranted.

LETTER NO. 9

Lynne Ebenkamp
Rowland Heights Resident

COMMENT NO. 9-1

This letter is in opposition to the draft environmental impact report on the project listed above. I spoke at the open Hearing this month in regards to the inadequacy of parking.

RESPONSE NO. 9-1

This comment in opposition to the Project is noted and will be provided to the decision makers.

COMMENT NO. 9-2

The shopping center is too large for the property size, reflected by inadequate parking. We ask that the project be downsized.

RESPONSE NO. 9-2

This comment is requesting that the Project be downsized to match the proportional amount of parking proposed for the Project. Section 4.H, Land Use and Planning, of the Draft EIR addresses sizing of the Project. Developed square footage on Parcel 1 would total approximately 129,926 gross square feet (gsf), with lot coverage of approximately 26.6 percent. Developed square footage on Parcel 2 would total approximately 189,950 gsf, with lot coverage of approximately 36.62 percent. Developed square footage on Parcel 3 would total approximately 130,930 gsf, with lot coverage of approximately 37.19 percent. As noted above, proposed development would result in less than 40 percent lot coverage on each Parcel, as required by the Rowland Heights Community Standards District; therefore, the Commercial Center would not be too large for the Project Site's area.

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 9-3

The report indicates that, as listed, it would lead to a development approximately 342 spaces short of what is required by County regulations. This is not just a few spaces short! It is my contention that the project should be smaller to allow for the proper number of parking spaces required.

RESPONSE NO. 9-3

Please see Topical Response TR-2 regarding Project parking.

COMMENT NO. 9-4

Please also note that the new center will be next to a busy market/restaurant center, and across the street from a motel. Customers from these businesses will also use the proposed center parking spaces to meet their needs.

RESPONSE NO. 9-4

Please see Topical Response TR-2 regarding Project parking. Patrons of the 99 Ranch Market shopping center would not be allowed to park on the Project Site. The Applicant would tag and tow cars if motorists are not hotel guests or employees or Commercial Center patrons or employees.

COMMENT NO. 9-5

It seems that when developers want to build in Rowland Heights, the people have to make concessions for them in OUR community. It is we, the people, who suffer the consequences of increased congestion and the inadequacy of room for automobiles that such projects attract. These owners publicly stated that they will not own the project forever. If we do not get it right from the onset, they will be long gone, and it is the community residents who will be left to face the resultant problems day after day, year after year.

RESPONSE NO. 9-5

Regardless of the type of ownership structure under which a project is developed, there is never assurance that a property will be owned by the same company in perpetuity. However, this does not mean that project applicants aren't highly incentivized to propose high quality projects.

The hotel side of the proposed development is being developed under a more conventional ownership structure, wherein each hotel would be owned by a single entity and rented out on a per-room basis to individual customers. Under this structure, the hotel developer can choose to hold the hotels for the long term, but also has the right to sell the hotels should they choose to do so. In either case, the developer is incentivized to implement a development concept that works. If the hotels are inadequately parked, then the hotel operating companies would immediately recognize this and would not be prepared to brand and manage the hotels. This would result in an inferior hotel brand (if any), lower occupancy levels, and ultimately lower income for the hotels. This would be an obvious financial disincentive for the development, even absent the need for LACDPW approval of the required amount of parking.

The proposed Commercial Center would be developed under condominium ownership, whereby the units would be sold to individuals who would either rent the units out as investments or use them to operate their own business. Regardless of the fact that the units are being developed for sale, the Applicant is highly incentivized to ensure the Project is designed to a high standard and functions properly. The Applicant expects to still be selling units in the Commercial Center after construction is complete, and if the Project isn't designed to a high standard and/or functioning properly, it would be difficult to sell units.

Please see Topical Response TR-1 regarding Project traffic and TR-2 regarding Project parking.

COMMENT NO. 9-6

Please work with us and listen to the concerns of the residents, by reducing the density of the project.

RESPONSE NO. 9-6

This comment is a general conclusion to the commenter's letter. Responses to these comments are provided above in Responses to Comments 9-2 through 9-5.

LETTER NO. 10

Dianna Watson, Branch Chief
Community Planning & LD IGR Review
DEPARTMENT OF TRANSPORTATION
DISTRICT 7-OFFICE OF TRANSPORTATION PLANNING
100 S. Main Street, MS 16
Los Angeles, CA 90012

COMMENT NO. 10-1

Thank you for extending the comment period and including Caltrans comments in the environmental review process for the above referenced project. The Project proposes to subdivide one 14.06-acre lot into three parcels, including one industrial parcel developed with commercial retail uses and two commercial parcels developed with hotels located at 18800 Railroad Street within unincorporated Los Angeles County.

Proposed Parcel 1 (8.75 gross acres) is adjacent to the Rowland Heights Plaza Shopping Center to the east and would be developed as a retail shopping center with commercial condominium units to accommodate retail, restaurant, and office uses. Proposed Parcel 2 (3.38 gross acres), which is adjacent to the Concourse Business Park to the west, would be developed with a full-service hotel, generally intended for business travelers and families, totaling 275 guest rooms and approximately 189,950 square feet. Proposed Parcel 3 (1.93 gross acres), also adjacent to the Concourse Business Park, would be developed with an extended-stay hotel, generally intended for business travelers, totaling 202 guest rooms and approximately 130,930 square feet.

RESPONSE NO. 10-1

This comment acknowledges Caltrans' receipt of the Draft EIR. This comment also provides a brief summary of the Project Description. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 10-2

On Table 2 Project Trip Generation (page 26) of the Traffic Impact Analysis (TIS) prepared on December 2, 2015, the project will generate 10,357 ADT, 541/84611,092 AM/PM/Sat. peak hour trips. We understand many trips will be utilizing the State facilities.

RESPONSE NO. 10-2

This comment restates the Project Trip Generation of the Traffic Impact Analysis as stated in the Draft EIR. The project trip generation is based on the Institute of Transportation Engineers trip generation rates. These trip generation rates are the best and most trusted in the United States. The County of Los Angeles approved the Project trip generation calculations and trip distribution before the analysis was conducted. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 10-3

On Table 1 (TIS, page 16) Existing Intersection Capacity Utilization and Level of Service (LOS), the (study location# 15) Gale Avenue/Walnut Drive and Nogales Street is operating at LOS F and the (study location # 16) SR-60 WB off-ramp to Nogales is operating at LOS C during peak hours. On page 38, Figure 21 Project

Saturday Mid-Day Peak Hour Intersection Turning Movement Volumes, the project will generate 99 trips (study location# 16) for SR-60 WB off-ramp and 206 left-turn trips from NB Nogales Street to Gale Avenue (study location #15). The distance between study locations #15 and 16 is short and may create weaving problems when the project is built out. In addition, there may be queuing on the off-ramp if the weaving issue at this location is not resolved.

RESPONSE NO. 10-3

This comment describes potential problems regarding weaving and queueing on the off-ramp for westbound SR-60 that may occur due to Project buildout, as well as the potential for weaving as vehicles exit the westbound off-ramps at Nogales Street and then make a left onto Gale Avenue.

The poor LOS under existing conditions at Intersection No. 15, Gale Avenue/Walnut Drive & Nogales Street, reflects counts taken in 2013, prior to the commencement of the Alameda Corridor East Construction Authority's Nogales Street Grade Separation Project. As stated under Traffic Hazards on page 44 in Section 4.K, Transportation and Parking, of the Draft EIR, the Grade Separation Project will also widen Gale Avenue by between 16 and 18 feet (i.e., eight to nine feet on each side) to create a four-lane road for a distance of 0.36 miles west of its intersection with Nogales Street, including the Project Site frontage. Gale Avenue's eastbound approach to Nogales Street will also be reconfigured to accommodate two exclusive left-turn lanes, one through-lane, and one exclusive right-turn lane. As noted on page 42 of Section 4.K, following implementation of these improvements, which will be completed before the Project is operational, capacity at this intersection would be sufficient to handle traffic under the Future With Project Plus Cumulative Impacts scenario and impacts would be less than significant.

Moreover, as stated on page 40 in Section VI.F of the Traffic Impact Assessment provided in Appendix I-1 of the Draft EIR, and on page 43 of Section 4.K of the Draft EIR, a freeway off-ramp queuing analysis at the time of Project buildout was conducted using Caltrans' Highway Capacity Methodology and both intersections are projected to operate at acceptable Levels of Service. A queuing analysis was conducted for the freeway ramps as part of the Traffic Impact Assessment for the Project, and the queue was projected to be contained within the ramps vehicle queuing area. Impacts were determined to be less than significant.

COMMENT NO. 10-4

On March 16, 2016, Caltrans and the County staff had a conference call discussing potential traffic impact locations and feasible mitigation. To reiterate the discussion, here is Caltrans recommendation.

RESPONSE NO. 10-4

This comment acknowledges Caltrans' meeting with the County staff regarding potential traffic impact locations and feasible mitigation. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 10-5

1. For study location# 16 (WB SR-60 to Nogales Street), there should be double left-turn and double right-turn lanes the off-ramp.

RESPONSE NO. 10-5

Double left and double right turn lanes are presently being constructed for the westbound leg of the intersection of Nogales Street and the SR-60 Freeway Westbound Ramps as part of the ongoing ACE Nogales Street Grade Separation project. The Project TIA shows a lesser capacity (i.e., more conservative) under existing conditions, which predated the ACE improvements, than the future capacity. With this additional lane capacity, as stated in the Project TIA and Section 4.K, Transportation and Parking, of the Draft EIR, the

LOS for this intersection will improve upon completion of the Nogales Street Grade Separation project without need for further Project-related mitigation.

COMMENT NO. 10-6

2. For study location # 15 (NB Nogales Street to Gale Avenue), there should be double left-turn onto Gale Avenue.

RESPONSE NO. 10-6

Double left-turn lanes are presently being constructed as part of the ongoing ACE Nogales Street Grade Separation project for the northbound leg of the intersection of Nogales Street and Gale Avenue. The Project TIA shows a lesser capacity (i.e., more conservative) under existing conditions, which predated the ACE improvements, than the future capacity. With this additional lane capacity, as stated in the Project TIA and Section 4.K, Transportation and Parking, of the Draft EIR, the LOS for this intersection will improve upon completion of the Nogales Street Grade Separation project without need for further Project-related mitigation.

COMMENT NO. 10-7

3. All signals at and near Caltrans right-of-way should be synchronized to facilitate traffic flow.

RESPONSE NO. 10-7

This comment suggests that signals at and near Caltrans right-of-way should be synchronized. This comment is noted and will be provided to the decision makers. All traffic signals at and near Caltrans right-of-way should be synchronized. Coordination between the County of Los Angeles and the California Department of Transportation is required.

COMMENT NO. 10-8

4. Please provide the exact distance for the improvement to construct an additional northbound through travel lane, described on page 54 of TIS study location #3. The feasibility of this improvement should be discussed.

RESPONSE NO. 10-8

This comment requests discussion on the feasibility of an additional northbound through the travel lane. An additional northbound through travel lane should be constructed at the Fullerton Road & SR-60 Freeway Eastbound Ramps intersection. This additional lane should begin approximately 300 feet south of the intersection and continue to the northbound free right turn lane approximately 200 feet north of the intersection. It appears that this improvement is feasible.

COMMENT NO. 10-9

5. On page 54 of the TIS, study location #1 improvement to construct an additional westbound left turn lane. The feasibility of this improvement should be discussed.

RESPONSE NO. 10-9

Mitigation measure MM-TRAF-1, provided on page 4.K-48 of the Final EIR, requires the Applicant to coordinate with the City of Industry to arrange a fair-share contribution towards the construction of an additional westbound left-turn lane at Intersection #1, Fullerton Road & Gale Avenue, the intersection cited

by the commenter. As stated in this mitigation measure, the Project Applicant is required to contribute 97.9 percent of the estimated City of Industry cost to implement this improvement.

Subsequent to the development of this mitigation measure and circulation of the Draft EIR, the Project Applicant has learned that the Alameda Corridor East (ACE) Construction Authority's Fullerton Road Grade Separation Project plans to construct a Gale Avenue underpass beneath an elevated, grade-separated railroad bridge at this intersection. As part of this improvement, an additional westbound left-turn lane will be constructed. The planned underpass, including this improvement is expected to be constructed by the end of 2018, and thus prior to the commencement of Project operations. The Applicant will therefore coordinate with the City of Industry and the ACE Construction Authority prior to making the fair-share contribution, to determine the necessity of mitigation measure MM-TRAF-1 in light of ACE's planned improvements at this intersection as part of the Fullerton Road Grade Separation Project, to ensure the improvements are in place by the time Project operations commence.

COMMENT NO. 10-10

Since the project may modify existing lane configuration as mitigation, please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. Any modifications to State facilities must meet all mandatory design standard and specifications.

RESPONSE NO. 10-10

This comment states that any modifications to State facilities must meet mandatory design standards and specifications. The Project would modify existing lane configurations as mitigation. An encroachment permit would be obtained from the California Department of Transportation for any work performed within the State Right-of-way. Any modifications to the State facilities would meet all mandatory design standards and specifications.

COMMENT NO. 10-11

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities without any storm water management plan.

RESPONSE NO. 10-11

This comment describes stormwater runoff impacts from development projects. Section 4.G, Hydrology and Water Quality, of the Draft EIR provides information regarding the Project's stormwater runoff impacts and relevant regulations about water quality standards. As stated in Section 4.G, Hydrology and Water Quality, of the Draft EIR, the Project would not violate any water quality standards or waste discharge requirements. Implementation of the Stormwater Pollution Prevention Plan (SWPPP) and associated Best Management Practices (BMPs) would reduce or eliminate the discharge of potential pollutants from stormwater runoff to the maximum extent practicable. Given the proposed uses for the Project, discharge of ammonia, coliform bacteria, total dissolved solids, toxicity, or pollutants which could affect pH is not expected. More specifically, implementation of the BMPs would ensure the quality of stormwater runoff leaving the developed Project area would meet all regulatory standards and maintain the beneficial uses of the San Jose Creek and its downstream waters. There would be no discharge of stormwater runoff onto State highway facilities, as all runoff generated on the Project Site would be captured and conveyed off-site by new storm drain facilities discharging to County storm drain facilities serving the Project Site.

COMMENT NO. 10-12

Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods.

RESPONSE NO. 10-12

This comment states that transportation of heavy construction equipment and/or materials that will require over-sized transport vehicles on State highways will require a permit from Caltrans. As stated in Section 2, Project Description, of the Draft EIR, the proposed haul route for exported soil would follow Gale Avenue between the Project Site and SR-60 east- or west-bound offramps; Gale Avenue is more than 300 feet from the nearest residential receptors, which are located south of the SR-60 freeway. Section 4.K, Transportation and Parking, states that delivery of heavy equipment would not occur on a daily basis, but rather periodically throughout the construction phase based on need. Construction employee and delivery traffic would be restricted from entering or exiting the Project Site during the hours of 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M. Oversized transport is not anticipated to be required for the construction of the Project. If oversized-transport is required, a transportation permit would be obtained from the California Department of Transportation.

COMMENT NO. 10-13

In addition, a truck/traffic construction management plan is needed for this project. Traffic Management Plans involving lane closures or street detours which will impact the circulation system affecting traffic to and from freeway on/off-ramps should be coordinated with Caltrans.

RESPONSE NO. 10-13

This comment requests a truck/traffic construction management plan to reduce traffic impacts with the circulation system. As stated above in Response to Comment 10-12, construction employee and delivery traffic will be restricted from entering or existing the Project Site during the hours of 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M. Lane closures or street detours are not anticipated to be required for the construction of the Project. If lane closures or street detours are required, the Applicant would coordinate with the California Department of Transportation.

COMMENT NO. 10-14

We understand that some of the recommended mitigations may be funded by the rail road undercrossing project currently under construction. If not, the project applicant would have to implement the mitigation. We will continue to work with the County to resolve traffic issues on the State facilities.

RESPONSE NO. 10-14

The Applicant would coordinate with the County of Los Angeles and the California Department of Transportation to implement all feasible and unfunded improvements.

COMMENT NO. 10-15

If you have any questions, please feel free to contact Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 160147AL.

RESPONSE NO. 10-15

This comment requests that any further questions should be redirected to the project coordinator, Alan Lin. Because this comment does not raise an issue concerning the contents of the Draft EIR, no further response is warranted.

LETTER NO. 11

State of California Governor's Office of Planning and Research
State Clearinghouse and Planning Unit
1400 10th Street
PO Box 3044
Sacramento, CA 95812-3044

COMMENT NO. 11-1

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 March 10, 2016, 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 211 04(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.

RESPONSE NO. 11-1

This comment acknowledges Caltrans' receipt of the Draft EIR. This comment also provides a brief summary of the Project Description. Because this comment does not raise a substantive issue concerning the contents of the Draft EIR, no further response is warranted.

COMMENT NO. 11-2

This comment is an attachment – the Document Details Report derived from the State Clearinghouse Data Base – provided by State Clearinghouse.

RESPONSE NO. 11-2

A copy of this attachment to Letter No. 11 is provided in Appendix D of this Final EIR.

LETTER NO. 12

Debbie Enos, First Vice President

ROWLAND HEIGHTS COMMUNITY COORDINATING COUNCIL

P.O. Box 8171

Rowland Heights, California 91748

COMMENT NO. 12-1

Duplicate of Letter 6 – Rowland Heights Community Coordinating Council, received by U.S. mail

RESPONSE NO. 12-1

Please see the Responses to Comments 6-1 through 6-34 (Rowland Heights Community Coordinating Council Letter 6).

