

# **APPENDIX B**

## **Notice of Preparation Comments**

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## PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500  
LOS ANGELES, CA 90013  
(213) 576-7083



RECEIVED

April 24, 2013

APR 24 2013

Jason Golding  
City of Duarte  
1600 Huntington Drive  
Duarte, CA 91010

CITY OF DUARTE  
*via email*

Dear Mr. Golding:

Re: SCH 2013041032 Duarte Station Specific Plan NOP

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Preparation (NOP)* for the proposed City of Duarte (City) Duarte Station Specific Plan project.

The project site area includes numerous active railroad tracks currently used by Metrolink and BNSF Railway. RCES recommends that the City add language to the Duarte Station Specific Plan so that any future development adjacent to or near the shared railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

In addition, any construction of a new crossing or modification to an existing public crossing requires authorization from the Commission. RCES representatives are available for consultation on any potential safety impacts or concerns at crossings. More information can be found at: <http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/index.htm>.

If you have any questions in this matter, please contact me at (213) 576-7076, [ykc@cpuc.ca.gov](mailto:ykc@cpuc.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Chiang".

Ken Chiang, P.E.  
Utilities Engineer  
Rail Crossings Engineering Section  
Safety and Enforcement Division

C: State Clearinghouse

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
(916) 657-5390 - FAX

RECEIVED

April 24, 2013

APR 29 2013

Mr. Jason Golding, Project Planner

CITY OF DUARTE

**City of Duarte**

1600 Huntington Drive  
Duarte, CA 91010

RE: SCH# 2013041032 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Duarte Station Specific Plan; located in the City of Duarte; Los Angeles County, California.

Dear Mr. Golding:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3<sup>rd</sup> 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resources, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

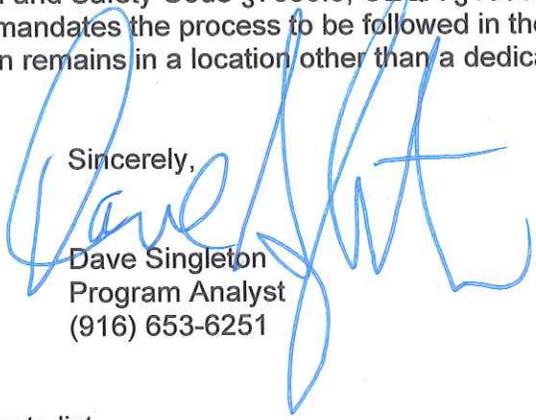
Contact the appropriate Information Center for a record search to determine if a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s). The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report.

If an additional 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. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers 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 pursuant to California Government Code Section 6254.10. Contact has been made to the Native American Heritage Commission for a Sacred Lands File Check. A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine

if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,



Dave Singleton  
Program Analyst  
(916) 653-6251

CC: State Clearinghouse

Attachment: Native American Contacts list

|  |  |
|--|--|
|  |  |
|--|--|

**Native American Contacts  
Los Angeles County  
April 24, 2013**

LA City/County Native American Indian Comm  
Ron Andrade, Director  
3175 West 6th St, Rm. 403  
Los Angeles , CA 90020  
randrade@css.lacounty.gov  
(213) 351-5324  
(213) 386-3995 FAX

Ti'At Society/Inter-Tribal Council of Pimu  
Cindi M. Alvitre, Chairwoman-Manisar  
3094 Mace Avenue, Apt. B Gabrielino  
Costa Mesa, , CA 92626  
calvitre@yahoo.com  
(714) 504-2468 Cell

Tongva Ancestral Territorial Tribal Nation  
John Tommy Rosas, Tribal Admin.  
Private Address Gabrielino Tongva  
  
**tattnlaw@gmail.com**  
310-570-6567

Gabrieleno/Tongva San Gabriel Band of Mission  
Anthony Morales, Chairperson  
PO Box 693 Gabrielino Tongva  
San Gabriel , CA 91778  
GTTribalcouncil@aol.com  
(626) 286-1632  
(626) 286-1758 - Home  
(626) 286-1262 -FAX

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

(909) 262-9351 - cell

Gabrielino Tongva Indians of California Tribal Council  
Robert F. Dorame, Tribal Chair/Cultural Resources  
P.O. Box 490 Gabrielino Tongva  
Bellflower , CA 90707  
**gtongva@verizon.net**  
562-761-6417 - voice  
562-761-6417- fax

Gabrielino-Tongva Tribe  
Bernie Acuna, Co-Chairperson  
P.O. Box 180 Gabrielino  
Bonsall , CA 92003  
(619) 294-6660-work  
(310) 428-5690 - cell  
(760) 636-0854- FAX  
bacuna1@gabrieinotribe.org

Gabrielino-Tongva Tribe  
Linda Candelaria, Co-Chairperson  
P.O. Box 180 Gabrielino  
Bonsall , CA 92003  
palmssprings9@yahoo.com  
626-676-1184- cell  
(760) 636-0854 - FAX

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

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

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013041032; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Duarte Station Specific Plan; located in the City of Duarte; Los Angeles county, California.

Native American Contacts  
Los Angeles County  
April 24, 2013

Gabrieleno Band of Mission Indians  
Andrew Salas, Chairperson  
P.O. Box 393                      Gabrielino  
Covina                      , CA 91723  
(626) 926-4131  
gabrielenoindians@yahoo.  
com

Gabrielino-Tongva Tribe  
Conrad Acuna,  
P.O. Box 180                      Gabrielino  
Bonsall                      , CA 92003

760-636-0854 - FAX

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

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

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013041032; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Duarte Station Specific Plan; located in the City of Duarte; Los Angeles county, California.



# COUNTY OF LOS ANGELES

## FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294  
(323) 881-2401

DARYL L. OSBY  
FIRE CHIEF  
FORESTER & FIRE WARDEN

RECEIVED

MAY 07 2013

April 29, 2013

CITY OF DUARTE

Jason Golding, Senior Planner  
Planning Department  
City of Duarte  
1600 Huntington Drive  
Duarte, CA 91010

Dear Mr. Golding:

**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT, NOTICE OF PUBLIC SCOPING MEETING, "DUARTE STATION SPECIFIC PLAN," INTENDED TO ESTABLISH THE GENERAL TYPE, PARAMETERS, AND CHARACTER OF THE DEVELOPMENT IN ORDER TO DEVELOP AN INTEGRATED TOD THAT IS ALSO COMPATIBLE WITH THE SURROUNDING AREA, NORTHWEST CORNER OF HIGHLAND AVENUE & EAST DUARTE ROAD, DUARTE (FFER #201300056)**

The Notice of Preparation 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:

### **PLANNING DIVISION:**

1. We will reserve our comments for the draft EIR analysis.

### **LAND DEVELOPMENT UNIT:**

1. This project does not propose construction of structures or any other improvements at this time. Therefore, until actual construction is proposed the project will not have a significant impact to the Fire Department, Land Development Unit.
2. The County of Los Angeles Fire Department, Land Development Unit, appreciates the opportunity to comment on this project.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

|              |           |                  |                      |           |                      |                       |                  |
|--------------|-----------|------------------|----------------------|-----------|----------------------|-----------------------|------------------|
| AGOURA HILLS | CALABASAS | DIAMOND BAR      | HIDDEN HILLS         | LA MIRADA | MALIBU               | POMONA                | SIGNAL HILL      |
| ARTESIA      | CARSON    | DUARTE           | HUNTINGTON PARK      | LA PUENTE | MAYWOOD              | RANCHO PALOS VERDES   | SOUTH EL MONTE   |
| AZUSA        | CERRITOS  | EL MONTE         | INDUSTRY             | LAKEWOOD  | NORWALK              | ROLLING HILLS         | SOUTH GATE       |
| BALDWIN PARK | CLAREMONT | GARDENA          | INGLEWOOD            | LANCASTER | PALMDALE             | ROLLING HILLS ESTATES | TEMPLE CITY      |
| BELL         | COMMERCE  | GLENDORA         | IRVINDALE            | LAWNDALE  | PALOS VERDES ESTATES | ROSEMead              | WALNUT           |
| BELL GARDENS | COVINA    | HAWAIIAN GARDENS | LA CANADA FLINTRIDGE | LOMITA    | PARAMOUNT            | SAN DIMAS             | WEST HOLLYWOOD   |
| BELLFLOWER   | CUDAHY    | HAWTHORNE        | LA HABRA             | LYNWOOD   | PICO RIVERA          | SANTA CLARITA         | WESTLAKE VILLAGE |
| BRADBURY     |           |                  |                      |           |                      |                       | WHITTIER         |

Jason Golding, Senior Planner  
April 29, 2013  
Page 2

3. Should any questions arise regarding subdivision, water systems, or access, please contact the County of Los Angeles Fire Department, Land Development Unit Inspector, Claudia Soiza, at (323) 890-4243.

**FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:**

1. The statutory responsibilities of the County of Los Angeles Fire Department, 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 in the Draft Environmental Impact Report.

**HEALTH HAZARDOUS MATERIALS DIVISION:**

1. The Initial Study does not provide adequate information on the historical use of the properties proposed for redevelopment. A Phase I must be completed for the involved properties. If the Phase I indicates use or storage of hazardous materials, the involved property(s) must be assessed and/or mitigated under oversight of a governmental agency prior to redevelopment.

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

Very truly yours,



FRANK VIDALES, ACTING CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

FV:ij



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • www.aqmd.gov

Jason Golding, Senior Planner  
City of Duarte  
1600 Huntington Drive  
Duarte, CA 91010

RECEIVED  
MAY 30 7 2013  
May 3, 2013  
CITY OF DUARTE

## **Notice of Preparation of a CEQA Document for the Duarte Station Specific Plan**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

### **Air Quality Analysis**

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. The lead agency may wish to consider using land use emissions estimating software such as the recently released CalEEMod. This model is available on the SCAQMD Website at: <http://www.aqmd.gov/ceqa/models.html>.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM<sub>2.5</sub> emissions from construction and operational activities and processes. In connection with developing PM<sub>2.5</sub> calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM<sub>2.5</sub> emissions and compare the results to the recommended PM<sub>2.5</sub> significance thresholds. Guidance for calculating PM<sub>2.5</sub> emissions and PM<sub>2.5</sub> significance thresholds can be found at the following internet address: [http://www.aqmd.gov/ceqa/handbook/PM2\\_5/PM2\\_5.html](http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html).

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the

recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: [http://www.aqmd.gov/ceqa/handbook/mobile\\_toxic/mobile\\_toxic.html](http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html). An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

#### **Mitigation Measures**

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: [www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.html](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html). Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/agguide/agguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

#### **Data Sources**

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD staff is available to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. If you have any questions regarding this letter, please call Ian MacMillan, Program Supervisor, CEQA Section, at (909) 396-3244.

Sincerely,



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

IM  
LAC130411-04  
Control Number

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7, REGIONAL PLANNING

IGR/CEQA BRANCH

100 MAIN STREET, MS # 16

LOS ANGELES, CA 90012-3606

PHONE: (213) 897-9140

FAX: (213) 897-1337

*Flex your power!  
Be energy efficient!*

May 7, 2013

RECEIVED

MAY 13 2013

CITY OF DUARTE

Mr. Jason Golding  
City of Duarte Planning  
1600 Huntington Drive  
Duarte, CA 90010

RE: IGR/CRQA No. 130421ZJ/NOP  
Duarte Station Specific Plan  
Vic. LA-210, PM 35.466 to 57.077  
Vic. LA-605, PM 25.76 to 41.479  
SCH#2013041032

Dear Mr. Golding:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the proposed Duarte Station Specific Plan. The project is located within the vicinity of the Interstate 210 (I-210) and Interstate 605 (I-605) interchange in the southwest quadrant, with the I-210 freeway on the north and the I-605 freeway on the east.

The project site is bound by Evergreen Street and I-210 to the north, Highland Avenue to the east, a single-family residential neighborhood to the west and Los Angeles County Metropolitan Transportation Authority (Metro) railroad right-of-way and Duarte Road to the south.

To assist in evaluating the impacts on State transportation facilities, a traffic study should be prepared prior to preparing the Draft Environmental Impact Report (DEIR). Please refer the traffic consultant to the Caltrans' traffic study guide Website:

[http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

Listed below are the following comments:

1. Existing Level of Service (LOS) on the I-210 and I-605 freeways during the peak period are as follows:
  - I-210: W/B AM-LOS F; E/B AM-LOS E; E/B-AM-LOS F; E/B PM- LOS F
  - I-605: N/B AM-LOS E; S/B AM-LOS-E; N/B-PM-LOS E; S/B PM-LOS E-F
2. Traffic study should include a queue analysis of the W/B I-210 freeway off ramp to Buena Vista Street using the Highway Capacity Manual (HCM) methodology.
3. Analysis should include existing traffic volumes, traffic generated from the project, cumulative traffic generated from all specific approved developments in the area, and traffic growth other than from the project and developments.

4. Include an analysis of ADT, AM and PM peak-hour volumes for both the existing and future conditions in the affected area including freeways, interchanges, intersections, and all HOV facilities. Interchange Level of Service should be specified using the HCM methodology. Future conditions would include build-out of all projects and any plan-horizon years.
5. Project travel modeling should be consistent with other regional and local modeling forecasts and travel data. Caltrans will use indices to verify the results and any differences or inconsistencies must be thoroughly explained.
6. Include a discussion of mitigation measures appropriate to alleviate anticipated traffic impacts. These mitigation discussions should include, but not be limited to, the following:
  - Description of Transportation Infrastructure Improvements
  - Financial Costs, Funding Sources and Financing
  - Sequence and Scheduling Considerations
  - Implementation Responsibilities, Controls, and Monitoring

Any mitigation involving transit or Transportation Demand Management (TDM) should be justified and the results conservatively estimated. Improvements involving dedication of land or physical construction may be favorably considered.

7. A fair share contribution toward pre-established or future improvements on the State Highway System is considered acceptable mitigation. Please use the following ratio when estimating project equitable share responsibility: additional traffic volume due to project implementation is divided by the total increase in the traffic volume (see Appendix "B" of the Guide).

Please note that for purposes of determining project share of costs, the number of trips from the project on each traveling segment or element is estimated in the context of forecasted traffic volumes, which include build-out of all approved and not yet approved projects and other sources of growth. Analytical methods such as select-zone travel forecast modeling might be used.

Please be reminded that as the agency responsible for the State Highway System (SHS), Caltrans has the authority to determine the required freeway analysis for this project and is responsible for obtaining measures that will off-set project vehicle trip generation that worsens State Highway facilities. CEQA allows Caltrans to develop criteria for evaluating impacts on the facilities that it manages. In addition, the County CMP standards states that Caltrans should be consulted for the analysis of State facilities.

We look forward to reviewing the traffic study and expect to receive a copy from the State Clearinghouse when the DEIR is completed. If you would like to expedite the review process or receive early feedback, please feel free to send a copy of the DEIR directly to Caltrans.

Mr. Jason Golding

May 7, 2013

Page 3 of 3

If you have any questions about preparing a traffic study on the State Highway and study locations, you may reach Zeron Jefferson, project coordinator at (213) 897-0219 and please refer to IGR #130421/ZJ.

Sincerely,



DIANNA WATSON  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



# COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400  
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998  
Telephone: (562) 699-7411, FAX: (562) 699-5422  
www.lacsd.org

GRACE ROBINSON CHAN  
Chief Engineer and General Manager

May 9, 2013

Ref. File No: 2563368

Mr. Jason Golding, Senior Planner  
City of Duarte  
1600 Huntington Drive  
Duarte, CA 91010

Dear Mr. Golding:

### Duarte Station Specific Plan

The County Sanitation Districts of Los Angeles County (Districts) received a Notice of Preparation of a Draft Environmental Impact Report for the subject project on April 11, 2013. The proposed development is located within the jurisdictional boundaries of District No. 22. We offer the following comments regarding sewerage service:

1. The Districts should review individual developments within the City in order to determine whether or not sufficient trunk sewer capacity exists to serve each project and if Districts' facilities will be affected by a project.
2. The following is a list of Districts' trunk sewers that could serve the project area.

| Name                    | Location   | Size (dia.)* | Design Capacity (mgd)** | Peak Flow (mgd) | Last Measured |
|-------------------------|--|--------------|-------------------------|-----------------|---------------|
| Buena Vista Trunk Sewer | In Three Ranch Road west of Duncannon Avenue               | 12"          | 1.7mgd                  | 0.5mgd          | 2010          |
| Duarte Trunk Sewer      | In Highland Avenue between the 210 freeway and Duarte Road | 12"          | 1.7mgd                  | 1.0mgd          | 2009          |

\*(dia.) - diameter  
\*\*(mgd) - million gallons per day

3. The wastewater generated by the proposed project will be treated at the San Jose Creek Water Reclamation Plant (WRP) located adjacent to the City of Industry, which has a design capacity of 100 mgd and currently processes an average flow of 76.6 mgd, or the Whittier Narrows WRP located near the City of South El Monte, which has a design capacity of 15 mgd and currently processes an average flow of 8.0 mgd.
4. In order to estimate the volume of wastewater a project will generate, go to [www.lacsd.org](http://www.lacsd.org), Wastewater & Sewer Systems, Will Serve Program, and click on the Table 1, Loadings for Each Class of Land Use link.

5. The Districts are authorized by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System or increasing the strength or quantity of wastewater attributable to a particular parcel or operation already connected. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the Sewerage System to accommodate the proposed project. Payment of a connection fee will be required before a permit to connect to the sewer is issued. For a copy of the Connection Fee Information Sheet, go to [www.lacsd.org](http://www.lacsd.org), Wastewater & Sewer Systems, Will Serve Program, and click on the appropriate link. For more specific information regarding the connection fee application procedure and fees, please contact the Connection Fee Counter at extension 2727.
  
6. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the design capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise you that the Districts intend to provide this service up to the levels that are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,

Grace Robinson Chan



Adriana Raza  
Customer Service Specialist  
Facilities Planning Department

AR: ar

c: M. Tremblay  
J. Ganz



**Metro**

May 9, 2013

Mr. Jason Golding  
Senior Planner  
City of Duarte  
1600 Huntington Drive  
Duarte, CA 91010

Dear Mr. Golding:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the Duarte Station Specific Plan. This letter conveys recommendations from the Los Angeles County Metropolitan Transportation Authority (LACMTA) concerning issues that are germane to our agency's statutory responsibilities in relation to the proposed project.

Because of the proposed project's proximity to the Metro Gold Line Foothill Extension Light Rail which is currently under construction and scheduled to open in 2016, the following concerns should be addressed in the Draft Environmental Impact Report (EIR):

1. The applicant should be advised that the Metro Gold Line Light Rail will operate weekday peak service as often as every five minutes in both directions and that trains may operate, in and out of revenue service, 24 hours a day, seven days a week, near the proposed project;
2. Considering the proximity of the proposed sites for residential units and other potentially sensitive land uses to the Metro Gold Line and associated Duarte Station, there is an expectation that the Metro Gold Line, which will run on standard ballasted tracks at this location, will produce noise, vibration and visual impacts. The EIR should include the fully-operational Metro Gold Line and associated facilities as a pre-existing condition and should note that all future development projects contained within the Duarte Specific Plan Area must be made aware that the Metro Gold Line is a pre-existing and approved project with publicly known, approved and addressed impacts including, but not limited to noise and vibration. Moreover, be advised that no additional measures will be taken to address impacts related to the normal operation and maintenance of the Metro Gold Line and associated facilities. To eliminate future disputes regarding noise and vibration issues, the applicant should review and convey a Noise Easement to LACMTA for the proposed project. Sample language is attached;
3. The applicant should notify MTA of any changes to the construction/building plans that may impact the current and projected use of the railroad ROW;
4. MTA encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements for specific areas and the exploration of shared parking opportunities or parking benefit districts. These strategies could be pursued to encourage more transit-oriented development and reduce automobile-orientation in design and travel demand. To this end, the EIR should note that the Duarte Gold Line station includes a 125 space surface parking facility at the southwest corner of Business Center Drive and Highland Avenue; and

5. With an anticipated increase in traffic, MTA encourages an analysis of impacts on non-motorized transportation modes and consideration of improved non-motorized access to the station including pedestrian connections and bike lanes/paths. Appropriate analyses could include multi-modal LOS calculations, pedestrian audits, etc.

In addition to addressing potential issues associated with the proposed project's proximity to the future Metro Gold Line, a Traffic Impact Analysis (TIA), with roadway and transit components, is required under the State of California Congestion Management Program (CMP) statute. The CMP TIA Guidelines are published in the "2010 Congestion Management Program for Los Angeles County", Appendix D (attached). The geographic area examined in the TIA must include the following, at a minimum:

1. All CMP arterial monitoring intersections, including monitored freeway on/off-ramp intersections, where the proposed project will add 50 or more trips during either the a.m. or p.m. weekday peak hour (of adjacent street traffic);
2. If CMP arterial segments are being analyzed rather than intersections, the study area must include all segments where the proposed project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections;
3. Mainline freeway-monitoring locations where the project will add 150 or more trips, in either direction, during either the a.m. or p.m. weekday peak hour; and
4. Caltrans must also be consulted through the NOP process to identify other specific locations to be analyzed on the state highway system.

The CMP TIA requirement also contains two separate impact studies covering roadways and transit, as outlined in Sections D.8.1 – D.9.4. If the TIA identifies no facilities for study based on the criteria above, no further traffic analysis is required. However, projects must still consider transit impacts. For all CMP TIA requirements please see the attached guidelines.

MTA looks forward to reviewing the Draft EIR. If you have any questions regarding this response, please call me at 213-922-2836 or by email at [hartwells@metro.net](mailto:hartwells@metro.net). Please send the Draft EIR to the following address:

MTA CEQA Review Coordination  
One Gateway Plaza MS 99-23-2  
Los Angeles, CA 90012-2952  
Attn: Scott Hartwell

Sincerely,



Scott Hartwell  
CEQA Review Coordinator, Long Range Planning

Attachments

(SAMPLE)

**NOISE EASEMENT**

WHEREAS, \_\_\_\_\_ (“Grantors”) are the legal owners in fee of that certain parcel of land commonly described as (“Property”), which is situated in the City of Los Angeles, State of California, and more particularly described as follows:

(Insert full legal title of property/attach a copy of existing legal description [Exhibit 1]

called “Grantors’ Property,” and outlined on the attached map Exhibit 2];

IN CONSIDERATION OF the sum of dollars (\$ ) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors, for themselves, their heirs, administrators, executors, successors, and assigns, do hereby grant, bargain, sell, and convey unto the Los Angeles County Metropolitan Transportation Authority, a public entity established by the State of California, hereinafter referred to as “Grantee,” its successors and assigns, for the use and benefit of the public and its employees, a perpetual easement and right of way, appurtenant to the Exposition Line Project (Project) right of way by whomsoever owned and operated:

Said easement shall encompass and cover the entirety of the Grantors’ Property having the same boundaries as the above described Property and extending from the sub-surface upwards to the limits of the atmosphere of the earth, the right to cause in said easement area such noise, vibrations, fumes, dust, fuel particles, light, sonic disturbances, and all other effects that may be caused or may have been caused by the operation of public transit vehicles traveling along the Project right of way.

Grantor hereby waives all rights to protest, object to, make a claim or bring suit or action of any purpose, including or not limited to, property damage or personal injuries, against Grantee, its successors and assigns, for any necessary operating and maintenance activities and changes related to the Project which may conflict with Grantors’ use of Grantors’ property for residential and other purposes, and Grantors hereby grants an easement to the Grantee for such activities.

The granting of said Easement shall also establish the Grantors’ right to further modify or develop the Property for any permitted use. However, Grantor’s rights of development shall not interfere with the continued operation of Grantee’s Project.

It is understood and agreed that these covenants and agreements shall be permanent, perpetual, will run with the land and that notice shall be made to and shall be binding upon all heirs, administrators, executors, successors, and assigns of the Grantor. The Grantee is hereby expressly granted the right of third party enforcement of this easement.

IN WITNESS WHEREOF, the undersigned has caused its/their signature to be affixed this day of, 2013.

By: \_\_\_\_\_  
Name

By: \_\_\_\_\_  
Name

(ATTACH NOTARY SEAL AND CERTIFICATE HERE.)

# GUIDELINES FOR CMP TRANSPORTATION IMPACT ANALYSIS

*Important Notice to User: This section provides detailed travel statistics for the Los Angeles area which will be updated on an ongoing basis. Updates will be distributed to all local jurisdictions when available. In order to ensure that impact analyses reflect the best available information, lead agencies may also contact MTA at the time of study initiation. Please contact MTA staff to request the most recent release of "Baseline Travel Data for CMP TIAs."*

## D.1 OBJECTIVE OF GUIDELINES

The following guidelines are intended to assist local agencies in evaluating impacts of land use decisions on the Congestion Management Program (CMP) system, through preparation of a regional transportation impact analysis (TIA). The following are the basic objectives of these guidelines:

- Promote consistency in the studies conducted by different jurisdictions, while maintaining flexibility for the variety of project types which could be affected by these guidelines.
- Establish procedures which can be implemented within existing project review processes and without ongoing review by MTA.
- Provide guidelines which can be implemented immediately, with the full intention of subsequent review and possible revision.

These guidelines are based on specific requirements of the Congestion Management Program, and travel data sources available specifically for Los Angeles County. References are listed in Section D.10 which provide additional information on possible methodologies and available resources for conducting TIAs.

## D.2 GENERAL PROVISIONS

Exhibit D-7 provides the model resolution that local jurisdictions adopted containing CMP TIA procedures in 1993. TIA requirements should be fulfilled within the existing environmental review process, extending local traffic impact studies to include impacts to the regional system. In order to monitor activities affected by these requirements, Notices of Preparation (NOPs) must be submitted to MTA as a responsible agency. Formal MTA approval of individual TIAs is not required.

The following sections describe CMP TIA requirements in detail. In general, the competing objectives of consistency & flexibility have been addressed by specifying standard, or minimum, requirements and requiring documentation when a TIA varies from these standards.

### D.3 PROJECTS SUBJECT TO ANALYSIS

In general a CMP TIA is required for all projects required to prepare an Environmental Impact Report (EIR) based on local determination. A TIA is not required if the lead agency for the EIR finds that traffic is not a significant issue, and does not require local or regional traffic impact analysis in the EIR. Please refer to Chapter 5 for more detailed information.

CMP TIA guidelines, particularly intersection analyses, are largely geared toward analysis of projects where land use types and design details are known. Where likely land uses are not defined (such as where project descriptions are limited to zoning designation and parcel size with no information on access location), the level of detail in the TIA may be adjusted accordingly. This may apply, for example, to some redevelopment areas and citywide general plans, or community level specific plans. In such cases, where project definition is insufficient for meaningful intersection level of service analysis, CMP arterial segment analysis may substitute for intersection analysis.

### D.4 STUDY AREA

The geographic area examined in the TIA must include the following, at a minimum:

- All CMP arterial monitoring intersections, including monitored freeway on- or off-ramp intersections, where the proposed project will add 50 or more trips during either the AM or PM weekday peak hours (of adjacent street traffic).
- If CMP arterial segments are being analyzed rather than intersections (see Section D.3), the study area must include all segments where the proposed project will add 50 or more peak hour trips (total of both directions). Within the study area, the TIA must analyze at least one segment between monitored CMP intersections.
- Mainline freeway monitoring locations where the project will add 150 or more trips, in either direction, during either the AM or PM weekday peak hours.
- Caltrans must also be consulted through the Notice of Preparation (NOP) process to identify other specific locations to be analyzed on the state highway system.

**If the TIA identifies no facilities for study based on these criteria, no further traffic analysis is required. However, projects must still consider transit impacts (Section D.8.4).**

### D.5 BACKGROUND TRAFFIC CONDITIONS

The following sections describe the procedures for documenting and estimating background, or non-project related traffic conditions. Note that for the purpose of a TIA, these background estimates must include traffic from all sources without regard to the exemptions specified in CMP statute (e.g., traffic generated by the provision of low and very low income housing, or trips originating outside Los Angeles County. Refer to Chapter 5, Section 5.2.3 for a complete list of exempted projects).

**D.5.1 Existing Traffic Conditions.** Existing traffic volumes and levels of service (LOS) on the CMP highway system within the study area must be documented. Traffic counts must

be less than one year old at the time the study is initiated, and collected in accordance with CMP highway monitoring requirements (see Appendix A). Section D.8.1 describes TIA LOS calculation requirements in greater detail. Freeway traffic volume and LOS data provided by Caltrans is also provided in Appendix A.

**D.5.2 Selection of Horizon Year and Background Traffic Growth.** Horizon year(s) selection is left to the lead agency, based on individual characteristics of the project being analyzed. In general, the horizon year should reflect a realistic estimate of the project completion date. For large developments phased over several years, review of intermediate milestones prior to buildout should also be considered.

At a minimum, horizon year background traffic growth estimates must use the generalized growth factors shown in Exhibit D-1. These growth factors are based on regional modeling efforts, and estimate the general effect of cumulative development and other socioeconomic changes on traffic throughout the region. Beyond this minimum, selection among the various methodologies available to estimate horizon year background traffic in greater detail is left to the lead agency. Suggested approaches include consultation with the jurisdiction in which the intersection under study is located, in order to obtain more detailed traffic estimates based on ongoing development in the vicinity.

## **D.6 PROPOSED PROJECT TRAFFIC GENERATION**

Traffic generation estimates must conform to the procedures of the current edition of Trip Generation, by the Institute of Transportation Engineers (ITE). If an alternative methodology is used, the basis for this methodology must be fully documented.

Increases in site traffic generation may be reduced for existing land uses to be removed, if the existing use was operating during the year the traffic counts were collected. Current traffic generation should be substantiated by actual driveway counts; however, if infeasible, traffic may be estimated based on a methodology consistent with that used for the proposed use.

Regional transportation impact analysis also requires consideration of trip lengths. Total site traffic generation must therefore be divided into work and non-work-related trip purposes in order to reflect observed trip length differences. Exhibit D-2 provides factors which indicate trip purpose breakdowns for various land use types.

For lead agencies who also participate in CMP highway monitoring, it is recommended that any traffic counts on CMP facilities needed to prepare the TIA should be done in the manner outlined in Chapter 2 and Appendix A. If the TIA traffic counts are taken within one year of the deadline for submittal of CMP highway monitoring data, the local jurisdiction would save the cost of having to conduct the traffic counts twice.

## **D.7 TRIP DISTRIBUTION**

For trip distribution by direct/manual assignment, generalized trip distribution factors are provided in Exhibit D-3, based on regional modeling efforts. These factors indicate Regional Statistical Area (RSA)-level tripmaking for work and non-work trip purposes.

(These RSAs are illustrated in Exhibit D-4.) For locations where it is difficult to determine the project site RSA, census tract/RSA correspondence tables are available from MTA.

Exhibit D-5 describes a general approach to applying the preceding factors. Project trip distribution must be consistent with these trip distribution and purpose factors; the basis for variation must be documented.

Local agency travel demand models disaggregated from the SCAG regional model are presumed to conform to this requirement, as long as the trip distribution functions are consistent with the regional distribution patterns. For retail commercial developments, alternative trip distribution factors may be appropriate based on the market area for the specific planned use. Such market area analysis must clearly identify the basis for the trip distribution pattern expected.

## **D.8 IMPACT ANALYSIS**

CMP Transportation Impact Analyses contain two separate impact studies covering roadways and transit. Section Nos. D.8.1-D.8.3 cover required roadway analysis while Section No. D.8.4 covers the required transit impact analysis. Section Nos. D.9.1-D.9.4 define the requirement for discussion and evaluation of alternative mitigation measures.

**D.8.1 Intersection Level of Service Analysis.** The LA County CMP recognizes that individual jurisdictions have wide ranging experience with LOS analysis, reflecting the variety of community characteristics, traffic controls and street standards throughout the county. As a result, the CMP acknowledges the possibility that no single set of assumptions should be mandated for all TIAs within the county.

However, in order to promote consistency in the TIAs prepared by different jurisdictions, CMP TIAs must conduct intersection LOS calculations using either of the following methods:

- The Intersection Capacity Utilization (ICU) method as specified for CMP highway monitoring (see Appendix A); or
- The Critical Movement Analysis (CMA) / Circular 212 method.

Variation from the standard assumptions under either of these methods for circumstances at particular intersections must be fully documented.

TIAs using the 1985 or 1994 Highway Capacity Manual (HCM) operational analysis must provide converted volume-to-capacity based LOS values, as specified for CMP highway monitoring in Appendix A.

**D.8.2 Arterial Segment Analysis.** For TIAs involving arterial segment analysis, volume-to-capacity ratios must be calculated for each segment and LOS values assigned using the V/C-LOS equivalency specified for arterial intersections. A capacity of 800 vehicles per hour per through traffic lane must be used, unless localized conditions necessitate alternative values to approximate current intersection congestion levels.

**D.8.3 Freeway Segment (Mainline) Analysis.** For the purpose of CMP TIAs, a simplified analysis of freeway impacts is required. This analysis consists of a demand-to-capacity calculation for the affected segments, and is indicated in Exhibit D-6.

**D.8.4 Transit Impact Review.** CMP transit analysis requirements are met by completing and incorporating into an EIR the following transit impact analysis:

- Evidence that affected transit operators received the Notice of Preparation.
- A summary of existing transit services in the project area. Include local fixed-route services within a ¼ mile radius of the project; express bus routes within a 2 mile radius of the project, and; rail service within a 2 mile radius of the project.
- Information on trip generation and mode assignment for both AM and PM peak hour periods as well as for daily periods. Trips assigned to transit will also need to be calculated for the same peak hour and daily periods. Peak hours are defined as 7:30-8:30 AM and 4:30-5:30 PM. Both “peak hour” and “daily” refer to average weekdays, unless special seasonal variations are expected. If expected, seasonal variations should be described.
- Documentation of the assumption and analyses that were used to determine the number and percent of trips assigned to transit. Trips assigned to transit may be calculated along the following guidelines:
  - Multiply the total trips generated by 1.4 to convert vehicle trips to person trips;
  - For each time period, multiply the result by one of the following factors:
    - 3.5% of Total Person Trips Generated for most cases, except:
      - 10% primarily Residential within 1/4 mile of a CMP transit center
      - 15% primarily Commercial within 1/4 mile of a CMP transit center
      - 7% primarily Residential within 1/4 mile of a CMP multi-modal transportation center
      - 9% primarily Commercial within 1/4 mile of a CMP multi-modal transportation center
      - 5% primarily Residential within 1/4 mile of a CMP transit corridor
      - 7% primarily Commercial within 1/4 mile of a CMP transit corridor
      - 0% if no fixed route transit services operate within one mile of the project

To determine whether a project is primarily residential or commercial in nature, please refer to the CMP land use categories listed and defined in Appendix E, *Guidelines for New Development Activity Tracking and Self Certification*. For projects that are only partially within the above one-quarter mile radius, the base rate (3.5% of total trips generated) should be applied to all of the project buildings that touch the radius perimeter.

- Information on facilities and/or programs that will be incorporated in the development plan that will encourage public transit use. Include not only the jurisdiction’s TDM Ordinance measures, but other project specific measures.

- Analysis of expected project impacts on current and future transit services and proposed project mitigation measures, and;
- Selection of final mitigation measures remains at the discretion of the local jurisdiction/lead agency. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the existing mitigation monitoring requirements of CEQA.

## D.9 IDENTIFICATION AND EVALUATION OF MITIGATION

**D.9.1 Criteria for Determining a Significant Impact.** For purposes of the CMP, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ( $V/C \geq 0.02$ ), causing LOS F ( $V/C > 1.00$ ); if the facility is already at LOS F, a significant impact occurs when the proposed project increases traffic demand on a CMP facility by 2% of capacity ( $V/C \geq 0.02$ ). The lead agency may apply a more stringent criteria if desired.

**D.9.2 Identification of Mitigation.** Once the project has been determined to cause a significant impact, the lead agency must investigate measures which will mitigate the impact of the project. Mitigation measures proposed must clearly indicate the following:

- Cost estimates, indicating the fair share costs to mitigate the impact of the proposed project. If the improvement from a proposed mitigation measure will exceed the impact of the project, the TIA must indicate the proportion of total mitigation costs which is attributable to the project. This fulfills the statutory requirement to exclude the costs of mitigating inter-regional trips.
- Implementation responsibilities. Where the agency responsible for implementing mitigation is not the lead agency, the TIA must document consultation with the implementing agency regarding project impacts, mitigation feasibility and responsibility.

Final selection of mitigation measures remains at the discretion of the lead agency. The TIA must, however, provide a summary of impacts and mitigation measures. Once a mitigation program is selected, the jurisdiction self-monitors implementation through the mitigation monitoring requirements contained in CEQA.

**D.9.3 Project Contribution to Planned Regional Improvements.** If the TIA concludes that project impacts will be mitigated by anticipated regional transportation improvements, such as rail transit or high occupancy vehicle facilities, the TIA must document:

- Any project contribution to the improvement, and
- The means by which trips generated at the site will access the regional facility.

**D.9.4 Transportation Demand Management (TDM).** If the TIA concludes or assumes that project impacts will be reduced through the implementation of TDM measures, the TIA must document specific actions to be implemented by the project which substantiate these conclusions.

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**D.10 REFERENCES**

1. *Traffic Access and Impact Studies for Site Development: A Recommended Practice*, Institute of Transportation Engineers, 1991.
2. *Trip Generation*, 5th Edition, Institute of Transportation Engineers, 1991.
3. *Travel Forecast Summary: 1987 Base Model - Los Angeles Regional Transportation Study (LARTS)*, California State Department of Transportation (Caltrans), February 1990.
4. *Traffic Study Guidelines*, City of Los Angeles Department of Transportation (LADOT), July 1991.
5. *Traffic/Access Guidelines*, County of Los Angeles Department of Public Works.
6. *Building Better Communities*, Sourcebook, Coordinating Land Use and Transit Planning, American Public Transit Association.
7. *Design Guidelines for Bus Facilities*, Orange County Transit District, 2nd Edition, November 1987.
8. *Coordination of Transit and Project Development*, Orange County Transit District, 1988.
9. *Encouraging Public Transportation Through Effective Land Use Actions*, Municipality of Metropolitan Seattle, May 1987.

May 10, 2013

Mr. Jason Golding, Senior Planner  
City of Duarte  
1600 Huntington Drive  
Duarte, CA 91010

Dear Mr. Golding:

**NOTICE OF PREPARATION (NOP) FOR AN ENVIRONMENTAL IMPACT REPORT  
DUARTE STATION SPECIFIC PLAN  
CITY OF DUARTE**

Thank you for the opportunity to review the NOP for an Environmental Impact Report (EIR) associated with the Duarte Station Specific Plan located in the City of Duarte. The Duarte Station Specific Plan is intended to establish the general type, parameters, and character of the development in order to develop an integrated Transit Oriented District that is also compatible with the surrounding area.

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

**Hydrology and Water Quality:**

1. If the project proposes any new connections to existing Los Angeles County Flood Control District (LACFCD) drains/facilities or if the project proposes the construction of new drains/facilities that are intended to be transferred to the LACFCD for maintenance upon completion, a connection/construction permit from the LACFCD prior to construction is required. Plans must be submitted to Los Angeles County Department of Public Works (LACDPW) for review and approval prior to any construction commencing. Contact the LACDPW, Land Development Division, Permits Section for submittal requirements and permit fees at (626) 458-3129.
2. A Hydrology Study/Water Quality Plan should be included as a part of the Draft EIR.

Jason Golding  
May 10, 2013  
Page 2

For questions regarding the Hydrology and Water Quality comments above, please contact Mr. Toan Duong of Land Development Division at (626) 458-4921 or [tduong@dpw.lacounty.gov](mailto:tduong@dpw.lacounty.gov).

**Utilities and Service Systems:**

1. The EIR should discuss the collection and disposal of additional wastewater that would be generated within the proposed project area, especially its potential impact on the available capacity in the existing local sewer lines for both peak-dry and wet-weather flows pursuant with Statewide General Waste Discharge Requirements (Order No 2006-0003).
2. The County of Los Angeles Department of Public Works Consolidated Sewer Maintenance District is responsible for the operation and maintenance of the local sewers within the City of Duarte. Therefore, any sewer construction project within the project area must comply with Public Works' sewer design and construction standards prior to its acceptance into the District. Please refer to Sewer Map Nos. 2166 (<http://dpw.lacounty.gov/smd/smd/Maps/2166m.pdf>) and 2212 (<http://dpw.lacounty.gov/smd/smd/Maps/2212m.pdf>) for the location of the sewer lines within the project area.

For questions regarding the Utilities and Service Systems comments above please contact Marissa Morelos of Sewer Maintenance Division at (626) 300-3370 or [mmorelos@dpw.lacounty.gov](mailto:mmorelos@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Matthew Dubiel at (626) 458-4921 or [mdubiel@dpw.lacounty.gov](mailto:mdubiel@dpw.lacounty.gov).

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OUR FILE NO.

**8160.001**

SENDER'S EMAIL ADDRESS

**BPierce@piercefirm.com**

May 10, 2013

**VIA EMAIL AND FIRST CLASS U.S. MAIL**

Jason Golding, Senior Planner - goldingj@accessduarte.com  
City of Duarte  
1600 Huntington Drive  
Duarte, CA 91010

**Re: Comments on the Notice of Preparation and Initial Study  
Duarte Station Specific Plan**

Dear Mr. Golding:

Please include these comments as part of the administrative record for any approvals related to this project, including the preparation of the Draft Environmental Impact Report (EIR).

The Notice of Preparation (NOP) and Initial Study omit two critical items and use the term "project" inconsistently. In particular, the term project as it is defined in the NOP and Initial Study is different than the use of the term in context in the Initial Study for the Duarte Station Specific Plan. The two issues not addressed in the Initial Study and necessary for a complete EIR are the economic viability of any development undertaken pursuant to the Duarte Station Specific Plan and the cumulative impacts of this project in the context of the City of Hope expansion plan.

As currently phrased, the NOP and Initial Study describe the "project" as a zone change for the project area, to be consistent with the City's General Plan. However, the language contained in the Initial Study characterizes the project as the actual redevelopment of the site from industrial uses to a mixed use development. The uses of the term project in the individual sections of the document are not phrased as a simple design scenario; but, as if the project is a specific development.

The project is the creation of land use and zoning criteria for the proposed future development of a mixed use, transit oriented plan. The EIR will not address a specific development by the City, its departments, private developers or any public/private partnerships. None have presented a plan or proposal that could be characterized as a project. Any plan for development of a site in the project area will require its own CEQA analysis to address the development specific environmental impacts.

The project is described at pages two and three of the NOP. From the language on pages two and three it appears that the project is the “Duarte Station Specific Plan.” Under the heading “Project Description” the NOP refers to the Master Land Use Plan and explains that the plan provides flexibility for property owners to respond to market conditions and describes a mixture of land uses that the City anticipates being developed in the future, pursuant to the Duarte Station’s Specific Plan. The Specific Plan – the project, establishes four land uses designations: Station Plaza, mixed use, high density residential, and open space.

The project description also describes a development scenario. That development scenario is qualified by the language “for purposes of the environmental analysis, a development scenario that shows one potential implementation of the master land use plan has been identified . . .” The project is synonymous with the term “Duarte Station Specific Plan” and does not include implementation of the specific plan, any plans for redevelopment of any of the properties in the project area, does not include any restrictions on the existing land uses in the project area and does not include the amortization of the existing land uses in the project area or a requirement that the current uses be replaced with uses that are consistent with the specific plan.

As the project has been described, it is intended to provide a road map for future development within the project area that is consistent with market forces. In fact, the General Plan Land Use Element explains that the concept is to work with existing property owners and businesses. The use of the term “project” in the EIR needs to be revised to be consistent with this concept.

Section 3.1(a) states that “the proposed project involves the redevelopment of an urbanized area . . . .” That language implies that the project is a redevelopment project. In fact, the last line of that paragraph provides “construction of the proposed project would change the existing visual character of the site by removing existing industrial uses and redeveloping the site with mixed use development.” This language suffers from the same defect. Since there is no developer proposing a particular project, and it remains to be seen what development market forces will encourage in the project area, this wording is incorrect.

Any specific reuse will need to be subject to its own environmental analysis to determine if that particular use will have an impact on the environment. The existing language could support an argument that the issue was addressed in this EIR, should it be approved. Plainly, that is not the “project” that is involved. The sentence should note that implementation of the proposed project **could change** the existing visual character . . . , instead of would change. This project will not, but may lead to the change. The proposed analysis is correct, but the wording implies approval of this project is approval of a development that changes the use of the individual parcels.

Section 3.1(c) suffers from a similar defect. That section notes that “the proposed project involves redevelopment of the specific plan area from industrial uses to mixed use development.” As we understand the project, it will not require any redevelopment; it will not require the amortization of any existing uses and will not require limitations on the hours of operations for the current uses. If the “project involves redevelopment” from industrial uses, then the description of the project is too vague and the environmental impacts are too unknown to support an environmental analysis.

Until the actual known uses are proposed, there is no way to analyze the impact on air quality, GHGs, hydrology and water quality, land use and planning, noise, population and housing, public services and utilities, transportation and traffic or other environmental impacts that may result from a specific land use. Of course, the zone change may have effects on those environmental factors and should be addressed in an EIR. What needs to be avoided is the claim by a future applicant that no EIR is necessary because the EIR for the zone change included my development within the definition of the project that was the Duarte Station Specific Plan.

Section 3.1(d) is similarly problematic. That section includes the statement that: “project implementation would result in development at a greater intensity than currently exists.” However, the project will only result in the **potential for** greater intensity. It is correct to evaluate the potential environmental impacts resulting from the zone change paving the way for increased density and/or intensity of land uses in consideration of the various environmental impacts that may result from the specific plan; however, as with the other language that appears to indicate that the project is actually the implementation of a redevelopment project, the City is leaving itself open to an argument by a future developer that the environmental impacts of that particular developer’s project have already been considered as part of this EIR. As the initial study explains, the EIR only considers one potential development scheme.

There are similar problems throughout the initial study. Sections 3.3(c) states that the project “would result in the addition of new indirect, mobile, and stationary source emissions.” However, it should more accurately indicate that the project creates the potential for and/or paves the way for these impacts. Similarly 3.3(d) provides that the project would not substantially change circulation patterns but is anticipated to increase vehicle trips. Because the exact land uses are unknown, it is difficult to understand how such a claim can be made. In fact, one of the stated purposes of the project is to increase the use of the Gold Line as a primary mode of transportation. Accordingly, it appears that the language implies a specific land use on each of the parcels within the project area.

Similarly 3.3(e) states that the project would result in redevelopment of the project site from industrial to uses to mixed use development. As noted previously, that

may in fact be one of the consequences of the project; however, the project itself is simply a change in the City's rules governing the future uses of the parcels within the project area. This EIR discusses the potential environmental impacts of the City's zone change not any particular project on any particular parcel.

In Section 3.7(a) the last paragraph notes that the project proposes to redevelop the site from industrial uses to a mixed use development. Again, the reference to the project needs to be revised in the context of that sentence to indicate that pursuant to the project any redevelopment of the site **could result** in a transition from industrial to mixed use. The General Plan Land Use Element describes the specific plan as an implementation tool to obtain the City's desired objectives concerning the future work force and residents around the Gold Line Station. The specific plan as described in the General Plan also includes research and development and industrial uses.

The same problem language is seen in section 3.9(b) concerning the project proposing to redevelop the site. Again, the potential for claims by future developers that this EIR already covers their proposed project cannot be overstated. The use of the term project in the various sections of the EIR must be revised to be consistent with the true project; not the individual developments that may be implemented on the individual parcels.

Section 3.10(a) uses the same faulty language while section 3.10(b) more accurately notes that the project "is to create a policy and zoning document that will establish a planning and regulatory framework for mixed use development adjacent to the Duarte Gold Line Station" in the future.

Unfortunately, section 3.13(a) goes even further towards pre-approving a project that is not proposed by any developer, public or private. That section states that "the project proposes to redevelop the project site from industrial uses to a mixed use development that could include up to 475 residential units, 250 hotel rooms, 400,000 square feet of office, and 12,000 square feet of commercial uses. At this point, the City does not know what the market forces will support as part of the redevelopment of the project area. It is unclear what impact the City of Hope expansion will have on the demand for development of the project area. It is unclear what residential uses will be supported as part of the City's 66 unit affordable housing plan and how that will impact the demand for other project area residential uses.

Additionally, as noted in the general plan, this area is ideally suited for research and development and continued industrial uses. While it is appropriate for the EIR to discuss potential development scenarios as part of the analysis of the environmental impacts of the zone change and implementation of the Duarte Station Specific Plan, the project analyzed by the EIR is not the development of 475 residential units, 252 hotel rooms, 400,000 square feet of office and 12,000 square feet of commercial uses. That

is a potential scenario that may result from the project; however, the use of the term project in context must make it clear that no specific mix of uses on these specific parcels is being approved.

At section 3.16(a) the language notes that due to the proposed development of up to 475 residential units . . . the proposed project has the potential to increase traffic in the project vicinity. While the project language speaks in terms of potential impact, the project being considered by the EIR does not propose the development of the particular densities or amounts described in that paragraph. Confusion with the definition of the project is compounded in section 3.16(d). That section includes the comment that “the proposed project would be subject to review and approval by the City of Duarte Community Development and Public Works Departments. It is unclear what “proposed project” is referred to. Is that the project for which the EIR is prepared or any future site specific development that would be developed consistent with the project that is the subject of the EIR?

With the uncertainty surrounding the definition of the project and the use of the term project in the context of the EIR, the EIR will be defective. The contextual use of the term project implies a specific development on the parcels that are within the project area, while the project is nothing more than a zone change intended to direct future redevelopment of parcels in the project area to be consistent with the general plan should market forces dictate a change in the current uses.

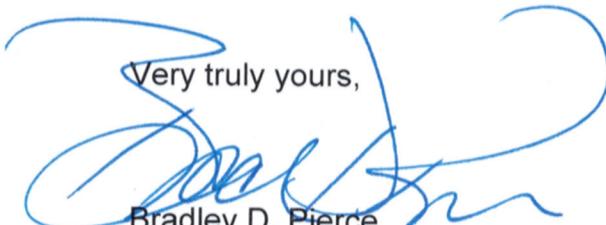
In addition to correcting the use of the term project in the EIR, the EIR must also consider the economic viability of developments that are consistent with the project. In other words, the EIR will be addressing various project alternatives including a no project alternative. One of the alternatives must be the effect of approval of the project but the failure of market forces to support development consistent with the project. The EIR must address the environmental impacts that will result from the Duarte Station Specific Plan if the residential, hotel and commercial uses are not supported by market forces.

Finally, and of potentially great environmental impact is the cumulative effect of the City’s project with the City of Hope’s expansion plans. Environmental impacts that appear less than significant or subject to mitigation when considered in isolation can result in significant environmental impacts when combined with neighboring projects like those on the adjoining City of Hope property. Accordingly, the City’s EIR for this project must address the cumulative impacts of the City of Hope project.

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We look forward to seeing the use of the term "project" corrected in the EIR, the economic viability of the project's anticipated developments considered in the EIR and the cumulative impacts of the proposed project along with the City of Hope's expansion considered in the EIR.

Very truly yours,



Bradley D. Pierce

BDP/lzd  
Enclosure