

**City of Whittier  
General Plan Update and  
Housing Element Update  
FINAL Environmental Impact Report  
(State Clearinghouse # 2021040762)**

**Lead Agency:**

City of Whittier  
Comm. Dev. Department  
13230 Penn Street  
Whittier, CA 90602

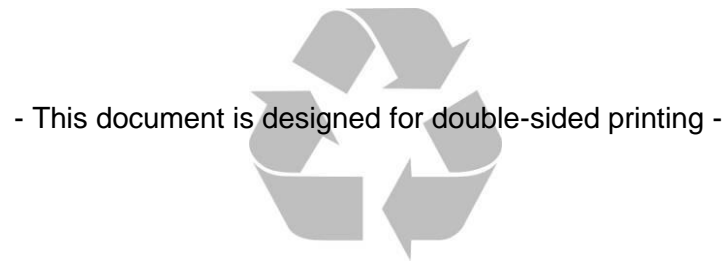


**Consultant to the City:**

MIG, Inc.  
1650 Spruce Street, Suite 102  
Riverside, California 92507  
[www.migcom.com](http://www.migcom.com)



September 29, 2021



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## 1.0 INTRODUCTION

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This Final Environmental Impact Report (FEIR) has been prepared to comply with Sections 15088 and 15089 of the State California Environmental Quality Act (CEQA) Guidelines (Guidelines). The City of Whittier (City) has prepared the Final EIR pursuant to the CEQA Guidelines, including Sections 15086 (Consultation Concerning Draft EIR) and 15088 (Evaluation of and Responses to Comments). As noted in Section 15089(b) of the Guidelines, the focus of a FEIR should be on responses to comments on the Draft Environmental Impact Report (DEIR). In conformance with these guidelines, the Final EIR consists of the following volumes:

- (1) The **Draft EIR** circulated for a 45-day public agency and public review and comment period commencing on July 9, 2021, and ending on August 23, 2021. A Notice of Availability was sent to government agencies, neighboring cities, and non-governmental interested parties. The City's Notification List for the DEIR is provided in Section 4.0 (Public Circulation) of this FEIR.
- (2) This **Final EIR document** includes a list of all commenters on the Draft EIR during the Draft EIR public review period, the responses of the City to these comments, revisions to the Draft EIR (presented in Section 3, Errata) in response to comments, the public circulation record, and the Mitigation Monitoring and Reporting Program (MMRP). None of the revisions to the Draft EIR represents a substantial increase in the severity of an identified significant impact or the identification of a new significant impact, mitigation, or alternative considerably different from those already considered in the Draft EIR.

Certification of this Final EIR by the Whittier City Council must occur prior to approval of the General Plan Update.

### Availability of EIR Materials

All materials related to the preparation of this EIR are available for public review on the City of Whittier website <http://www.envisionwhittier.com> and at the following physical locations:

City of Whittier  
Community Development Department  
Planning Services Division  
13230 Penn Street  
Whittier, CA 90602

Whittwood Branch Library  
10537 Santa Gertrudes Avenue  
Whittier, CA 90603

### Project Description

The proposed General Plan Update (GPU) incorporates statutory requirements for general plans and guidance provided in the 2017 General Plan Guidelines; incorporates state law requirements legislated since 2017; coordinates future development and policies with regional planning efforts and serves as the city's fundamental guide in developing strategies to address greenhouse gas reduction, climate change, and climate planning. The Housing Element Update establishes programs, policies, and actions to further the goal of meeting the existing and projected housing needs of all income levels of the community, provides evidence of the City's

ability to accommodate the Regional Housing Needs Assessment (RHNA) allocation through the year 2029, as established by the Southern California Association of Governments (SCAG), and identifies a rezoning program needed to reach the required housing capacity.

The comprehensive update of the Whittier General Plan and Housing Element serves as the guide for the City's future growth and development. The General Plan and Housing Element contain goals, policies, and programs that will provide City staff and discretionary bodies with a foundation for decisions for long-range planning related to physical development and public services. The City of Whittier General Plan Update succeeds the last comprehensive general plan adopted in 1993. The City of Whittier Housing Element Update succeeds the last housing element adopted in 2014. The GPU incorporates statutory requirements for general plans and guidance provided in the 2017 General Plan Guidelines; coordinates future development and policies with regional planning efforts and serves as the city's fundamental guide in developing strategies to address greenhouse gas reduction, climate change, and climate planning. The GPU and HE incorporate state law requirements legislated since 2017 as well.

The 2040 planning horizon for the Planning Area is estimated to result in increases of approximately 472 single-family dwellings, 7,023 multifamily dwellings, 828,448 square feet of office space, 193,819 square feet of industrial space, and a reduction of 300,102 square feet of commercial space. An estimated increase of approximately 20,190 residents and 1,396 jobs is projected for the 2040 horizon year.

The GPU incorporates each of the element's goals, policies, and objectives of the following chapters of the adopted General Plan:

- Land Use and Community Character Element
- Mobility and Infrastructure Element
- Housing Element (2021-2029)
- Resources Element
- Public Safety, Noise, and Health Element
- Historic Resources Element

These goals, objectives, and policies are intended to maintain various potential environmental effects of the project at levels that are less than significant and are considered when evaluating the potential environmental impacts of implementing the General Plan. The Housing Element is being updated for the 6<sup>th</sup> cycle and planned developments identified in the Land Use Element accommodates the Regional Housing Needs Allocation (RHNA) goal of 3,439 housing units, which represents an 11.5% increase from the existing number of housing units within City boundaries.

### **Intended Use of the EIR**

The planning framework proposed in the General Plan Update would not result in the immediate construction of any new development nor entitlement of any new project. All new development within the City will continue to be subject to the City's permitting, approval, and public participation processes. Elected and appointed officials along with City Staff will review subsequent project applications for consistency with the General Plan, applicable Specific Plans, and the Zoning Ordinance, and will prepare appropriate environmental documentation to comply with CEQA and other applicable environmental requirements.

## 1.0 Introduction

Pursuant to Section 15168 of the State CEQA Guidelines, this EIR is a **Program EIR**. The goals, policies, land use designations, implementation programs, and other substantive components of the General Plan and implementing sections of the Zoning Ordinance comprise the “program” evaluated in this Program EIR. Subsequent activities undertaken by the City and project proponents to implement the General Plan will be examined considering this Program EIR to determine the appropriate level of environmental review required under CEQA. Subsequent implementation activities may include but are not limited to the following:

- Rezoning of properties to achieve consistency with the General Plan.
- Updating and approval of Specific Plans and other development plans and planning documents.
- Approval of tentative maps, variances, conditional use permits, and other land use permits and entitlements.
- Approval of development agreements.
- Approval of facility and service master plans and financing plans.
- Approval and funding of public improvement projects.
- Approval of resource management plans.
- Issuance of permits and other approvals necessary for the implementation of the General Plan.
- Issuance of permits and other approvals necessary for public and private development projects.
- Future amendments to the City’s Housing Element and other General Plan Elements.

### **Plan Preparation Process and Public Participation**

The City conducted an extensive public outreach process for the preparation and adoption of the General Plan Update. The process involved consultation with community leaders, interested individuals, and the public at large during preparation of the Plan, a public workshop to discuss conceptual alternatives, and public hearings. A detailed outline of the public participation process for the General Plan Update and EIR is included in Section 4.0 of this Final EIR.

### **General Plan Update Objectives**

The General Plan Update (GPU) and Housing Element (HE) establish the objectives listed below for the long-term growth and enhancement of the community:

1. Promote healthy and safe neighborhoods with comprehensive approaches that consider best practices around land use, mobility, housing, environmental justice, community services, and design.
2. Create new housing opportunities for a full range of housing types and to increase housing affordability.
3. Strengthen the City’s industrial and office sectors.
4. Support a diversified economy with a balance of small and large businesses across a broad range of industries that provide employment, commercial, and experiential opportunities.

5. Strive for an “uptown” that showcases the City’s rich history, celebrates local entrepreneurship, features our civic institutions, and encourages downtown living within a vibrant gathering place for the community.
6. Create an interconnected, active transportation system that recognizes and responds to the critical needs of businesses to move commerce while accommodating the equally important necessity for pedestrians, cyclists, transit users, and motorists to move around the City with convenience and ease.
7. Engage residents and stakeholders in ensuring equitable and inclusive processes, policies, investments, and service systems. Ensure residents in disadvantaged communities have access to healthy foods, parks, mobility options activity, public programs, and safe homes.
8. Protect people, infrastructure, and community assets from evolving climate threats and vulnerabilities, and from natural and human-caused hazards.

### **City of Whittier Discretionary Approvals**

- Certification of the Final EIR and the Findings of Fact
- Adoption of a Statement of Overriding Considerations
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of the General Plan Update

### **Other Government Agency Approvals**

Following certification of this EIR and adoption of the General Plan Update by the lead agency (City of Whittier), other agencies may use this Program EIR in the approval of subsequent implementation activities including City public works projects and private development projects. These agencies may include but are not limited to those listed below:

- Los Angeles County Local Agency Formation Commission (LAFCO)
- County of Los Angeles
- Los Angeles County Flood Control District
- Los Angeles County Transportation Commission (LACTC)
- County Sanitation Districts of Los Angeles County
- California Department of Fish and Wildlife
- California Department of Conservation
- California Department of Housing and Community Development (HCD)
- California Department of Toxic Substances Control
- California Department of Transportation (Caltrans)
- Los Angeles Regional Water Quality Control Board
- South Coast Air Quality Management District
- Southern California Regional Rail Authority (SCRRA)
- U.S. Fish and Wildlife Services

## 2.0 RESPONSE TO COMMENTS

The Draft EIR was circulated for 45-day public review and comment period beginning July 9, 2021, and ending on August 23, 2021. A Notice of Availability was sent to government agencies, neighboring cities, and non-governmental interested parties. The City's Local Agency Notification List, showing who received notice of the Draft EIR, is provided in Section 4.0 - Public Circulation - of this FEIR. Fourteen (14) comment letters were received from various agencies, conservation organizations, and private groups.

The correspondences listed in Table 2-1 (DEIR Comments) were submitted to the City of Whittier concerning the DEIR. A copy of each comment letter, followed by written responses to those comments follow.

**Table 2-1  
DEIR Comments**

<b>ID</b>	<b>Agency/Organization/Individual</b>	<b>Date</b>
<b>State Agencies</b>		
A	California Office of Planning & Research, State Clearinghouse	7/8/21
B	California Department of Transportation (Caltrans)	8/5/21
<b>County Agencies/Organizations</b>		
C	Los Angeles County Sheriff's Department	8/20/21
D	Los Angeles County Fire Department	7/27/21
E	Los Angeles County Sanitation Districts	8/23/21
F	Los Angeles Conservancy	8/23/21
<b>Regional Organizations</b>		
G	Southwest Regional Carpenters Union (law firm)	8/23/21
H	Puente Hills Habitat Preservation Authority	8/19/21
<b>City Organizations</b>		
I	Whittier Conservancy	8/20/21
J	Whittier Conservancy (law firm)	8/27/21 (late)
K	City Historic Resources Commission	8/18/21
<b>Private Individuals/Companies</b>		
L	David Barboza	8/15/21
M	Linda de Vries	8/23/21
N	KIMCO	8/23/21

## COMMENT LETTER A – CALIFORNIA STATE CLEARINGHOUSE

8/25/2021

MIG, Inc. Mail - Fwd: SCH Number 2021060714



Kent Norton <knorton@migcom.com>

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### Fwd: SCH Number 2021060714

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**Peter Lange** <peterl@migcom.com>  
To: Kent Norton <knorton@migcom.com>

Wed, Aug 25, 2021 at 7:16 AM

Here is the confirmation email from OPR

----- Forwarded message -----  
From: **Christine Asiate** <Christine.Asiate@opr.ca.gov>  
Date: Wed, Aug 18, 2021 at 9:23 PM  
Subject: SCH Number 2021060714  
To: Peter Lange <peterl@migcom.com>

**boxbe** Christine Asiate ([Christine.Asiate@OPR.CA.GOV](mailto:Christine.Asiate@OPR.CA.GOV)) is not on your Guest List | [Approve sender](#) | [Approve domain](#)

Your project is published and is available for review. *Note:* the review 'start' and 'end' period.

Please use the "navigation" and select "published document" to view your project with attachments on CEQAnet.

**NOTE: Closing Letters to Lead Agency:** The State Clearinghouse (SCH) would like to inform you that our office will transition from providing close of review period acknowledgement on your CEQA environmental document, at this time. During the phase of not receiving notice on the close of review period, comments submitted by State Agencies at the close of review period (and after) are available on CEQAnet.

Please visit: <https://ceqanet.opr.ca.gov/Search/Advanced>

- Filter for the SCH# of your project **OR** your "Lead Agency"
  - If filtering by "Lead Agency"
    - Select the correct project
  - Only State Agency comments will be available in the "attachments" section: **bold and highlighted**

Thank you for using CEQA Submit.

To view your submission, use the following link.  
<https://cegasubmit.opr.ca.gov/Document/Index/271180/2>

A-1

# General Plan Update and 2021-2029 Housing Element Update

## Summary

<b>SCH Number</b>	2021040762
<b>Lead Agency</b>	City of Whittier
<b>Document Title</b>	General Plan Update and 2021-2029 Housing Element Update
<b>Document Type</b>	EIR - Draft EIR
<b>Received</b>	7/8/2021
<b>Present Land Use</b>	Various - citywide
<b>Document Description</b>	A draft Environmental Impact Report has been prepared for the Whittier General Plan and Housing Element updates. The comprehensive update of the Whittier General Plan and Housing Element will serve as the guide for the City's future growth and development. The General Plan contains goals, policies, and programs that will provide City staff and discretionary bodies with a foundation for decisions for long-range planning related to physical development and public services. The 2040 planning horizon for the Planning Area is estimated to result in increases of approximately 472 single-family dwellings, 7,023 multifamily dwellings, 828,448 square feet of office space, 193,819 square feet of industrial space, and a reduction of 300,102 square feet of commercial space. An estimated increase of approximately 20,290 residents and 1,396 jobs is projected for the 2040 horizon year.

A-1

## Contact Information

<b>Name</b>	Sonya Lui
<b>Agency Name</b>	City of Whittier
<b>Contact Types</b>	Lead/Public Agency
<b>Address</b>	13230 Penn Street Whittier, CA 91709
<b>Phone</b>	(562) 567-9320
<b>Email</b>	slui@cityofwhittier.org
<b>Name</b>	Bob Prasse
<b>Agency Name</b>	MIG
<b>Contact Types</b>	Consulting Firm

## 2.0 Response to Comments

8/25/2021

General Plan Update and 2021-2029 Housing Element Update

<b>Address</b>	1650 Spruce Street, Suite 102 Riverside, CA 92507
<b>Phone</b>	(951) 787-9222 ext. 802
<b>Email</b>	bprasse@migcom.com

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## Location

<b>Coordinates</b>	33°58'48"N 118°1'52"W
<b>Cities</b>	Whittier
<b>Counties</b>	Los Angeles
<b>Regions</b>	Citywide, Unincorporated
<b>Cross Streets</b>	Whittier Boulevard/Santa Fe Springs Road
<b>Zip</b>	Multiple
<b>Total Acres</b>	12,506
<b>Parcel #</b>	Multiple
<b>State Highways</b>	I-605 & SR-72
<b>Railways</b>	UPRR, AT&SF, Metrolink
<b>Airports</b>	N/A
<b>Schools</b>	Multiple
<b>Waterways</b>	San Gabriel River, Coyote Creek, etc.
<b>Township</b>	N/A
<b>Range</b>	N/A
<b>Section</b>	N/A
<b>Base</b>	N/A

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## Notice of Completion

<b>Review Period Start</b>	7/9/2021
<b>Review Period End</b>	8/23/2021
<b>Development Types</b>	Residential (Residential units)(Units 53649, Acres 6979), Office (Sq. Ft. 3139981, Acres 90, Employees 12437), Commercial (Sq. Ft. 4662791, Acres 542, Employees 11108), Industrial (Sq. Ft. 2087822, Acres 148, Employees 4176)
<b>Local Actions</b>	General Plan Update, Rezone
<b>Project Issues</b>	Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Cumulative Effects, Drainage/Absorption, Economics/Jobs, Energy, Flood Plain/Flooding, Geology/Soils, Greenhouse Gas Emissions, Growth Inducement, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Manda-

<https://ceqanet.opr.ca.gov/2021040762/2>

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8/25/2021

General Plan Update and 2021-2029 Housing Element Update

tory Findings of Significance, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Schools/Universities, Septic System, Sewer Capacity, Solid Waste, Transportation, Tribal Cultural Resources, Utilities/Service Systems, Vegetation, Wetland/Riparian, Wildfire

**Reviewing Agencies**

California Air Resources Board (ARB), California Department of Conservation (DOC), California Department of Fish and Wildlife, South Coast Region 5 (CDFW), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Housing and Community Development (HCD), California Department of Parks and Recreation, California Department of Water Resources (DWR), California Governor's Office of Emergency Services (OES), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Public Utilities Commission (CPUC), California Regional Water Quality Control Board, Los Angeles Region 4 (RWQCB), California State Lands Commission (SLC), Department of Toxic Substances Control, Office of Historic Preservation, San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC), State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Water Quality, California Department of Transportation, District 7 (DOT)

**Reviewing Agency Comments**

California Department of Transportation, District 7 (DOT)

**Attachments**

**Draft Environmental Document [Draft IS, NOI\_NOA\_Public notices, OPR Summary Form, Appx,]**

- [\\_Memo](#) PDF 569 K
- [Appdx A-1\\_NOP Comment Letters](#) PDF 6459 K
- [Appdx A-2\\_\\_NOP+Scoping Mt 4-230-21 Final](#) PDF 982 K
- [Appdx A-3\\_NOP Distribution List 5-30-21](#) PDF 111 K
- [Appdx A-4\\_GP EIR Scoping Mt 5-17-21](#) PDF 2718 K
- [Appdx C\\_ Ex Conditions Repoort Nov 2017](#) PDF 26935 K
- [Appdx D\\_Air-GHG-Energy Info 6-2-21](#) PDF 6358 K
- [Appdx E\\_Noise Info 6-2-21](#) PDF 1242 K
- [Appdx F\\_Traffic-VMT Memo + App 5-26-21](#) PDF 6788 K
- [AppdxB\\_Draft GP 7-1-21](#) PDF 59625 K
- [Appendix G\\_Draft HCD Housing Element](#) PDF 6692 K
- [DEIR 7-1-21 Public Review](#) PDF 12870 K
- [NOA for Whittier GP Update and DEIR 7-7-21 final](#) PDF 594 K

**Notice of Completion [NOC] Transmittal form**

- [NOC signed 7-8-21](#) PDF 117 K

**State Comment Letters [Comments from state reviewing agencies]**

- [2021040762\\_Caltrans Comment](#) PDF 196 K

https://ceqanet.opr.ca.gov/2021040762/2

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## 2.0 Response to Comments

8/25/2021

General Plan Update and 2021-2029 Housing Element Update

**Disclaimer:** The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov) or via phone at [\(916\) 445-0613](tel:(916)445-0613). For more information, please visit [OPR's Accessibility Site](#).

<https://ceqanet.opr.ca.gov/2021040762/2>

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<b>ID</b>	<b>Response to Comment Letter A - State Clearinghouse</b>
<b>A-1</b>	The City acknowledges receipt of the Draft EIR for distribution to state agencies through the State Clearinghouse. We also acknowledge the 45-day public review period runs from July 9, 2021, to August 23, 2021, consistent with our local distribution and newspaper notification dates. Thank you for your assistance in this regard.

## COMMENT LETTER B – CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 7- OFFICE OF REGIONAL PLANNING  
100 S. MAIN STREET, SUITE 100  
LOS ANGELES, CA 90012  
PHONE (213) 897-3574  
FAX (213) 897-1337  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

August 5, 2021

Sonya Lui, Principal Planner  
City of Whittier Community Development Department,  
13230 Penn Street, Whittier, CA 90602

RE: Whittier General Plan and Housing Element  
Update 2021-2029 – Draft Environmental  
Impact Report (DEIR)  
SCH# 2021040762  
GTS# 07-LA-2021-03652  
Vic. LA Multiple

Dear Sonya Lui,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The City of Whittier is preparing a comprehensive update to its existing General Plan including the Housing Element. The Plan is intended to be an expression of the community's vision for the City and Planning Area and constitutes the policy and regulatory framework by which future development projects will be reviewed and public improvements will be implemented. The Plan includes all of the State-mandated elements, including Land Use and Community Character, Mobility and Infrastructure, Housing (2021-2029), Resource (combines Open Space, Habitat Conservation, Resource Conservation, Aesthetics, Recreation, and Park Services and Facilities), and Public Safety, Noise, and Health as well as an optional element addressing Historic Resources. The Draft General Plan includes a Land Use Map that identifies where land use designations are applied to parcels in the Planning Area.

After reviewing the DEIR, Caltrans has the following comments:

As stated in the Transportation Impact Analysis (TIA), this project will result in a significant VMT impact per service population. Caltrans concurs with the discussed Mitigation Measures, such as: Expanding local transit, building out the proposed bicycle and pedestrian facility network in the City's Bicycle Master Plan and General Plan, and encouraging telecommuting. Despite this. There was still a missed opportunity to study significantly reducing or eliminating car parking requirements, as recommended in Caltrans' NOP comment letter. Removing car parking is a proven method of both reducing trip demand and improving housing affordability.

- Research looking at the relationship between land-use, parking, and transportation indicates that car parking prioritizes driving above all other travel modes and undermines a community's ability to choose public transit and active modes of transportation. For any

*"Provide a safe and reliable transportation network that serves all people and respects the environment"*

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Sonya Lui  
 August 5, 2021  
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community or city to better support all modes of transportation and reduce vehicle miles traveled, we recommend the implementation of Transportation Demand Management (TDM) measures as an alternative to requiring car parking.

- Additionally, rates of car ownership and vehicle miles traveled (VMT) are significantly lower for low-income households than they are for high-income households. Seeing as the Uptown Whittier Specific Plan previously established affordable housing as a primary goal, this should be taken into serious consideration. There is sufficient justification to reduce or eliminate car parking city-wide in order to promote affordability and achieve this project's goals.

B-1

Caltrans does not concur with the following vehicle capacity expansions, as they are in direct conflict with State goals and objectives:

1. Intersection #1: Norwalk Boulevard & Beverly Boulevard – The addition of a shared through/right-turn lane for both approaches results in an unnecessary increase in vehicle capacity and speed. It also removes the Class II bike lane on Beverly Boulevard one block east and west of Norwalk Boulevard. This is a non-beneficial modification.
2. Intersection #5: Pickering Avenue/Santa Fe Springs Road & Washington Boulevard & Whittier Boulevard – Unnecessary widening that induces vehicle trip demand and speed. This entire intersection should be redesigned for simplicity and to more safely accommodate all modes of travel. A single lane roundabout would be a much more appropriate intersection treatment for this location.
3. Intersection #8: Laurel Avenue & Lambert Road – Unnecessary widening that induces vehicle trip demand and speed. This also creates greater crossing distances for children attending Laurel Elementary School, exposing them to faster moving vehicles for greater distances and time. A dangerous modification to transportation infrastructure at this location.
4. Intersection #9: Colima Road & Mar Vista Street – The eastbound and westbound approach restriping, to provide two left-turn lanes and one shared through/right-turn lane, should only be considered if an equally safe bike lane configuration can be maintained. Caltrans would recommend upgrading the facility to a Class 4 Bikeway to ensure that the safety of road users isn't compromised by the lane reconfiguration.
5. Intersection #11: Colima Road & Lambert Road – The proposed widening of Lambert Road will induce additional VMT as well as decrease safety for all road users via increased vehicle speeds and increased crossing distances. The widening would make it more difficult for the communities on either side of Lambert Road to walk or bike to destinations at the intersection, including restaurants, a bicycle shop, and a Preschool. This would be in direct conflict with State goals to increase the number, and safety, of trips made via walking and biking

B-2

*“Provide a safe and reliable transportation network that serves all people and respects the environment”*

Sonya Lui  
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Caltrans recommends that car parking requirements and vehicle capacity expansions both be eliminated and a reanalysis of VMT impacts conducted, with the goal of reducing the Project's VMT impact severity.

B-2

If you have any questions, please contact project coordinator Anthony Higgins, at [anthony.higgins@dot.ca.gov](mailto:anthony.higgins@dot.ca.gov) and refer to GTS# 07-LA-2021-03652.

Sincerely,



Miya Edmonson  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

*"Provide a safe and reliable transportation network that serves all people and respects the environment"*

ID	Response to Comment Letter B - Caltrans
B-1	<p>This introductory comment acknowledges the DEIR transportation impact conclusions and mitigation measures. The comment discusses the potential benefits of strategies that reduce or eliminate parking requirements. Caltrans recommends transportation demand management measures (TDM) as an alternative to parking. Parallel to the General Plan process the City of Whittier has developed Transportation Study Guidelines (TSG) that implement Senate Bill (SB) 743. Given the diversity of land uses and activity patterns across the planning area, the City will review and evaluate the potential for reducing or eliminating parking through the development review process or localized Specific Plans, consistent with the City's goal of reducing per capita VMT by 15%.</p> <p>The comment also suggests considering affordable housing as part of a VMT reduction strategy, per the goals of the Uptown Whittier Specific Plan, and the City will evaluate those opportunities as redevelopment occurs in Uptown Whittier and other areas of the City. The comment, which focuses on affordable housing within the Uptown Whittier Specific Plan, then without explanation or evidence states that "there is sufficient justification to reduce or eliminate car parking city-wide." This statement is not consistent with the comment's focus on specific housing types, the geographic focus of this strategy, or reflective of the land use and demographic characteristics of the City of Whittier.</p> <p>The City's General Plan Update contains the following goals and policies that focus on ways of reducing or repurposing parking spaces, lots, and locations consistent with the commenter's desires:</p> <p><b>Land Use and Community Character Element</b></p> <p><b>LUCC-4.5:</b> Require new and renovated employment center developments along Whittier Boulevard, Colima Road, and Lambert Road to:</p> <ul style="list-style-type: none"> <li>○ Include design features to accommodate safe and convenient walking, biking, and transit use, including: <ul style="list-style-type: none"> <li>▪ interconnected system of streets and walkable blocks with ample space for walking, a landscaped buffer protecting pedestrians from street activity, and street furniture and amenities</li> <li>▪ innovative parking solutions that reduce surface parking lots, relocate parking away from the street edge, and encourage parking structures and shared parking programs</li> </ul> </li> </ul> <p><b>Mobility and Infrastructure Element</b></p> <p><b>Goal 6:</b> Well-managed parking demand and supply citywide</p> <p>MI-6.1: Encourage and support joint-use and off-site parking where appropriate, including:</p> <ul style="list-style-type: none"> <li>○ monitoring parking demand within Uptown and develop strategies to allow</li> </ul>

ID	Response to Comment Letter B - Caltrans
	<p>shared parking approaches and use of public parking facilities; and</p> <ul style="list-style-type: none"> <li>○ reviewing development proposals to ensure potential adverse parking impacts are minimized or avoided, and that pedestrian and bicycle circulation are not negatively impacted.</li> <li>▪ MI-6.2: Develop a strategy to address parking demand near trailheads to reduce parking intrusion into adjacent residential neighborhoods. The strategy could include parking restrictions for non-residents, creation of trailhead lots, and provision of remote parking with shuttle service.</li> <li>▪ MI-6.3: Examine the potential shift in parking demand in Whittier due to parking management and increased use of ride sharing services (and autonomous vehicles) in the future, this approach should include inventorying existing parking spaces and understand the adaptability of these spaces for future uses with dynamic pricing and multitudes of usage during different times of day.</li> </ul> <p><b>Goal 7: An effective Curbside Management Strategy</b></p> <p>MI-7.1: Assess existing assets and create a curbside management strategy, including:</p> <ul style="list-style-type: none"> <li>○ inventorying existing curb assets and identifying necessary improvements to make the curb space ready to accommodate micro-mobility scooter, dynamic loading zones for commercial delivery services, autonomous vehicle services, etc. (e.g., location of loading zones, street furniture, etc.);</li> <li>○ identifying corridors with effective curb supply for potential commercial and passenger loading zones within the City;</li> <li>○ exploring dynamic pricing and regulations to effectively manage curb demand and supply for future uses;</li> <li>○ creating curbside management strategies, to effectively manage curb demand, including but not limited to prioritized uses, time of day uses, flexible curbside uses, and dynamic pricing;</li> <li>○ repurposing curbside parking to accommodate active transportation elements or promote pedestrian friendly infrastructure, such as plazas and parklets;</li> </ul> <p>Implementation of these goals and policies will help the City find the most appropriate ways to reduce or eliminate unnecessary parking city-wide in the coming years.</p>
<b>B-2</b>	<p>This comment expresses disagreement with intersection modifications proposed as part of the non-CEQA transportation analysis conducted for the City of Whittier General Plan in conformance with the City’s Transportation Study Guidelines and</p>



ID	Response to Comment Letter B - Caltrans
	<p>state guidance. The stated reason is a perceived conflict with State goals and objectives. The comment does not specify which State goals or objectives are being conflicted with, nor does the comment provide any substantial evidence in support of this statement. The comment then recommends that reanalysis be conducted to reduce VMT impact severity.</p> <p>The State of California, through the Office of Planning and Research (OPR), has offered guidance for the implementation of SB 743 in the <i>Technical Advisory On Evaluating Transportation Impacts in CEQA (OPR, 2018)</i>. Based on the extent, nature, and magnitude of the proposed intersection modifications, these modifications fall into categories of “projects that would not likely lead to a substantial or measurable increase in vehicle travel” specifically listed on page 21:</p> <ul style="list-style-type: none"> <li>• Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, two-way left-turn lanes, or emergency breakdown lanes not utilized as through lanes</li> </ul> <p>The proposed intersection modifications at intersections #5, 8, 9, and 11 do not add through vehicle lanes and result in the addition of right or left-turn lanes. Therefore, per state guidance, they do not generate measurable increases in travel, are not in conflict with state goals or guidance, and removing them from the analysis would not reduce the project’s VMT impact severity. It should also be noted that:</p> <ul style="list-style-type: none"> <li>• when compared to existing baseline, General Plan analysis metrics with a significant impact perform better than the baseline, they just do not achieve the threshold of 15% better than baseline</li> <li>• the comments from Caltrans are focused on the operational enhancements section of the non-CEQA analysis and adjustments to this portion of the analysis will not have an effect on the VMT analysis which was performed consistent with the State’s goals and guidance, state of the art planning tools, and best planning practices</li> </ul> <p>The City of Whittier will maintain portions of the potential improvements for location #9 Colima Road &amp; Mar Vista Street:</p> <ul style="list-style-type: none"> <li>• #9 Colima Road &amp; Mar Vista Street: The City of Whittier will not move forward with the modification to the northbound approach. The comment focuses on the changes to the east/westbound approaches and suggests a comparable bike facility be provided. The City of Whittier will evaluate how to replace the bicycle facility during the design and implementation process.</li> </ul> <p>The City of Whittier does not agree with the Caltrans letter statements regarding location #5.</p> <ul style="list-style-type: none"> <li>• #5 Pickering/Santa Fe Springs Road &amp; Washington Boulevard &amp; Whittier Boulevard: The comment suggests, without justification or evidence, that a single lane roundabout would be more appropriate at this location. A single-lane roundabout would not be appropriate at this location for the following reasons:             <ul style="list-style-type: none"> <li>○ NCHRP 672 provides guidance for the application of roundabouts and identifies the rule of thumb of 15,000 vehicles entering per day as an upper maximum. The Whittier Boulevard volumes significantly exceed this rule of</li> </ul> </li> </ul>

ID	Response to Comment Letter B - Caltrans
	<p>thumb at 41,500 daily vehicles.</p> <ul style="list-style-type: none"> <li>○ This intersection includes six approach lanes and five departure lanes and, per the point above, would need to be a multi-lane roundabout, making the operational and design considerations much more complex, and do not support the conclusion that a single lane roundabout is appropriate at this location</li> <li>○ Caltrans was involved in the review and approval of a recent improvement at this location that concluded a single-lane roundabout would not be appropriate</li> </ul> <p>Based on review of operational characteristics, other planned improvements along these corridors, and design considerations, the City of Whittier will no longer move forward with the following proposed modifications:</p> <ul style="list-style-type: none"> <li>● #1 Norwalk Boulevard &amp; Beverly Boulevard</li> <li>● #5 Pickering/Santa Fe Springs Road &amp; Washington Boulevard &amp; Whittier Boulevard</li> <li>● #8 Lambert Road and Laurel Avenue</li> <li>● #9 Colima Road &amp; Mar Vista Street: proposed modifications to Mar Vista Street will be retained while proposed modifications to Colima Road will not.</li> <li>● #11 Colima Road &amp; Lambert Road</li> </ul> <p>The stated goals of SB 743, which is the basis for the shift to VMT, are:</p> <p>(1) Ensure that the environmental impacts of traffic, such as noise, air pollution, and safety concerns, continue to be properly addressed and mitigated through the California Environmental Quality Act.</p> <p>(2) More appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.</p> <p>Per the legislative goals and review of the State’s guidance for implementing SB 743 above, the City is consistent with state goals and within their jurisdiction to conduct both VMT and LOS analysis as Whittier seeks to balance congestion management with other local and state goals.</p> <p>Furthermore, the Office of Planning and Research (OPR) has offered guidance for the implementation of SB 743, which as described above, specifically address that these types of improvements would not measurably impact VMT. As described in response to Comment B-1, the GP analysis has included an analysis of a robust and comprehensive TDM strategies deemed appropriate and feasible for Citywide consideration at this time. Proposed modifications have been removed, at all but one location discussed above, and removal of the proposed intersection modifications does not result in a change to the City’s General Plan VMT metrics. Additionally, future TDM strategies will be evaluated and applied at the project review level and in conformance with local and state goals of VMT reduction.</p>

**COMMENT LETTER C – LA COUNTY SHERIFF’S DEPARTMENT**



**OFFICE OF THE SHERIFF**

**COUNTY OF LOS ANGELES**

**HALL OF JUSTICE**

ALEX VILLANUEVA, SHERIFF



August 20, 2021

Ms. Sonya Lui, Principal Planner  
City of Whittier  
Community Development Department  
Planning Services Division  
13230 Penn Street  
Whittier, California 90602

Dear Ms. Lui:

**REVIEW COMMENTS  
NOTICE OF AVAILABILITY  
DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE  
CITY OF WHITTIER GENERAL PLAN UPDATE AND  
2021-2029 HOUSING ELEMENT UPDATE**

Thank you for inviting the Los Angeles County Sheriff’s Department (Department) to review and comment on the July 2021 Notice of Availability of Draft Program Environmental Impact Report (DPEIR) for the Whittier General Plan Update and 2021-2029 Housing Element Update (Updates). The proposed Updates are generally located in all the lands within the City of Whittier (City) General Plan Planning Area. The City is updating the existing General Plan including the Housing Element. The DPEIR evaluates the anticipated buildout of the Planning Area, which consist of approximately 21.8 square miles of land within the City’s boundaries (14.6 square miles) and land outside the City’s boundaries within the City’s Sphere of Influence (7.2 square miles). By year 2040, the Planning Area is estimated to result in increases of approximately 472 single family dwellings, 7,023 multifamily dwellings, 828,448 square feet of office space, 193,819 square feet of industrial spaces, and a reduction of 300,102 square feet of commercial space. An estimated increase of approximately 20,190 residents and 1,396 jobs is projected for the 2040 horizon year. The Department’s Norwalk Sheriff’s Station (NWK Station) currently provides law enforcement services to the unincorporated South Whittier community whereas Pico-Rivera Sheriff’s Station (PRV Station) to the

C-1

C-2

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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— Since 1850 —

Ms. Lui

- 2 -

August 20, 2021

unincorporated West Whittier community where both communities are within the City's Sphere of Influence which would potentially be affected by the proposed Updates in the future. Although these changes do not reflect on a specific project at this time, the proposed Updates may affect the level of service required by our Department when a proposed project is contemplated. For example, the proposed Updates will increase employees and daytime population of the NWK and PRV Stations' service areas which will generate an increased demand for law enforcement services at anticipated buildouts. The Stations expect the EIR to describe potential impacts to our resources and operations, and identify measures that will mitigate these impacts to a level of insignificance. If future development occurs related to the Updates within the City's Sphere of Influence, the Department's Contract Law Enforcement Bureau shall be informed during the planning phases so that potential impacts and its cost implications to our resources, operations, and law enforcement services contract may be properly re-evaluated and amended as necessary.

C-2  
Cont.

C-3

C-4

Also, for future reference, the Department provides the following updated address and contact information for all requests for reviews comments, law documents, and other related correspondence:

Tracey Jue, Director  
 Facilities Planning Bureau  
 Los Angeles County Sheriff's Department  
 211 West Temple Street  
 Los Angeles, California 90012

C-5

Attention: Planning Section

Should you have any questions regarding this matter, please contact me at (323) 526-5657, or your staff may contact Ms. Rochelle Campomanes of my staff, at (323) 526-5614.

Sincerely,

ALEX VILLANUEVA, SHERIFF



Tracey Jue, Director  
 Facilities Planning Bureau

ID	Response to Comment Letter C – LA County Sheriff’s Department
C-1	This comment provides a summary of the Project Description. This comment has been noted and no response is necessary.
C-2	<p>This comment correctly notes that the Department’s Norwalk Station (NWK Station) currently provides law enforcement services to the unincorporated South Whittier community and the Pico-Rivera Station (PRV Station) currently provides law enforcement services to the unincorporated West Whittier Community. This comment also correctly notes that these unincorporated communities are within the City’s Sphere of Influence and could potentially be affected by the proposed General Plan Update in the future, and that the proposed Update may affect the level of service required by the Sheriff’s Department by increasing demand for law enforcement services at anticipated buildout.</p> <p>The information regarding the two Sheriff’s Department stations that provide law enforcement services within the Planning Area has been added to Page 4.15-7 (Public Services) of the DEIR. Additional analysis pertaining to potential impacts to these Sheriff’s stations from the proposed Project has also been added to Page 4.15-19 of the DEIR. Both of these changes are documented in the Errata Section (Chapter 3) of the Final EIR.</p> <p>Also, as shown in the errata reference that individual site-specific development projects would be subject to project level review and potential mitigation if impacts are significant.</p> <p>While new development would increase incremental demand on police protection services, such demand would be offset by increased property tax revenues which can then be used for the maintenance and/or expansion of police protection facilities (as noted in the Errata Section of the FEIR).</p>
C-3	<p>The Errata Section (Chapter 3) of the Final EIR includes a discussion of potential impacts to the NWK and PRV Sheriff’s Stations’ resources and operations.</p> <p>While new development would increase incremental demand on police protection services, such demand would be offset by increased property tax revenues which can then be used for the maintenance and/or expansion of police protection facilities. No changes to the DEIR are required as a result of this comment.</p>
C-4	The Department’s Contract Law Enforcement Bureau will be informed if any future development occurs within the Sphere of Influence of either the NWK or the PRV Sheriff’s Stations as part of the City and/or County’s ongoing development review process. In addition, all future developments within the service areas of the NWK and PRV Sheriff’s Stations would be required to be analyzed on an individual basis for their potential impacts to Sheriff’s Department resources, operations, and law enforcement services contracts. No changes to the DEIR are required as a result of this comment.
C-5	This comment provides an updated address and contact information for future reference and no response to this comment is necessary.

### COMMENT LETTER D – LA COUNTY FIRE DEPARTMENT



DARYL L. OSBY  
FIRE CHIEF  
FORESTER & FIRE WARDEN

### COUNTY OF LOS ANGELES FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294  
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FIFTH DISTRICT

July 27, 2021

**RECEIVED**

AUG 02 2021

Community Development

Sonya Lui, Principal Planner  
City of Whittier  
Community Development Department  
13230 Penn Street  
Whittier, CA 90602

Dear Ms. Lui:

**NOTICE OF AVAILABILITY/COMPLETION DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT, "WHITTIER GENERAL PLAN UPDATE AND 2021-2029 HOUSING ELEMENT UPDATE" IS INTENDED TO BE AN EXPRESSION OF THE COMMUNITY'S VISION FOR THE CITY AND PLANNING AREA AND CONSTITUTES THE POLICY AND REGULATORY FRAMEWORK BY WHICH FUTURE DEVELOPMENT PROJECTS WILL BE REVIEWED AND PUBLIC IMPROVEMENTS WILL BE IMPLEMENTED, WHITTIER, FFER 2021007378**

The Notice of Availability/Completion Draft Program Environmental Impact Report 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:**

We have no comments.

For any questions regarding this response, please contact Kien Chin, Planning Analyst at (323) 881-2404 or [Kien.Chin@fire.lacounty.gov](mailto:Kien.Chin@fire.lacounty.gov).

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

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MALIBU  
MAYWOOD  
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PALOS VERDES ESTATES  
PARAMOUNT

PICO RIVERA  
POMONA  
RANCHO PALOS VERDES  
ROLLING HILLS  
ROLLING HILLS ESTATES  
ROSEMEAD  
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SOUTH GATE  
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VERNON  
WALNUT  
WEST HOLLYWOOD  
WESTLAKE VILLAGE  
WHITTIER



Sonya Lui, Principal Planner  
July 27, 2021  
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**LAND DEVELOPMENT UNIT:**

The Land Development Unit is reviewing the proposed "GENERAL PLAN UPDATE AND HOUSING ELEMENT 2021-2029" Project for access and water system requirements. The Land Development Unit comments are only preliminary requirements. Specific fire and life safety requirements will be addressed during the review for building and fire plan check phases. There may be additional requirements during this time.

D-1

The development of this project must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows and fire hydrants.

**ACCESS REQUIREMENTS:**

The proposed development will require multiple ingress/egress access for the circulation of traffic and emergency response issues.

1. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
  - a. The Fire Apparatus Access Road shall be cross-hatch on the site plan with the width clearly noted on the plan.
2. Every building constructed shall be accessible to Fire Department apparatus by way of access roadways with an all-weather surface of not less than the prescribed width. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.
3. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
4. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official.
5. Single-Family Detached Homes shall provide a minimum unobstructed width of 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building.
6. Attached Multi-Family Units: Where the highest roof surface exceeds 30 feet. For buildings where the vertical distance between the access roadway and the highest roof surface exceeds 30 feet, an approved Fire Apparatus Access Roadway with a minimum width of 28 feet, exclusive of shoulders, shall be provided in the immediate vicinity of the building or portion thereof. This roadway shall have an unobstructed clearance of clear to the sky. 503.2.1.2.2.

D-2

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July 27, 2021  
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7. Proximity to Building. At least one required access route meeting this condition shall be located such that the edge of the Fire Apparatus Access Roadway, not including shoulder, that is closest to the building being served, is between 10 feet and 30 feet, from the building, as determined by the fire code official, and shall be positioned parallel to one entire side of the building. The side of the building on which the Fire Apparatus Access Road is positioned shall be approved by the fire code official. 503.2.1.2.2.1.
8. If the Fire Apparatus Access Road is separated by island, provide a minimum unobstructed width of 20 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building.
9. Dead-end Fire Apparatus Access Roads in excess of 150 feet in-length shall be provided with an approved Fire Department turnaround. Include the dimensions of the turnaround with the orientation of the turnaround shall be properly placed in the direction of travel of the access roadway.
10. Fire Department Access Roads shall be provided with a 32-foot centerline turning radius.
11. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 75,000 lbs. and shall be surfaced with all-weather driving capabilities. Fire Apparatus Access Roads having a grade of 10 percent or greater shall have a paved or concrete surface.
12. A minimum 5-foot wide approved firefighter access walkway leading from the Fire Department Access Road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes.
13. Fire Apparatus Access Roads shall not be obstructed in any manner, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Fire Code Section 503.2.1 shall be maintained at all times.

D-2  
Cont.

**WATER SYSTEM REQUIREMENTS:**

1. All fire hydrants shall measure 6"x 4"x 2-1/2" brass or bronze conforming to current AWWA standard C503 or approved equal and shall be installed in accordance with the County of Los Angeles Fire Code.
2. The development may require fire flows up to 4,000 gallons per minute at 20 pounds per square inch residual pressure for up to a four-hour duration. Final fire flows will be based on the size of buildings, the installation of an automatic fire sprinkler system, and type(s) of construction used.



Sonya Lui, Principal Planner  
July 27, 2021  
Page 4

3. All required public fire hydrants shall be installed and tested prior to beginning of construction.
4. The fire hydrant spacing shall be every 300 feet for both the public and the on-site hydrants. The fire hydrants shall meet the following requirements:
  - a. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
  - b. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.

D-2  
Cont.

For any questions regarding the report, please contact FPEA Claudia Soiza at (323) 890-4243 or [Claudia.soiza@fire.lacounty.gov](mailto:Claudia.soiza@fire.lacounty.gov).

**FORESTRY DIVISION – OTHER ENVIRONMENTAL CONCERNS:**

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, archeological and cultural resources, and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed.

Under the Los Angeles County Oak tree Ordinance, a permit is required to cut, destroy, remove, relocate, inflict damage or encroach into the protected zone of any tree of the Oak genus which is 25 inches or more in circumference (eight inches in diameter), as measured 4 1/2 feet above mean natural grade.

If Oak trees are known to exist in the proposed project area further field studies should be conducted to determine the presence of this species on the project site.

The County of Los Angeles Fire Department's Forestry Division has no further comments regarding this project.

D-3

For any questions regarding this response, please contact Forestry Assistant, Nicholas Alegria at (818) 890-5719.

**HEALTH HAZARDOUS MATERIALS DIVISION:**

The Health Hazardous Materials Division of the Los Angeles County Fire Department has no comments or requirements for the project at this time.

Please contact HHMD senior typist-clerk, Perla Garcia at (323) 890-4035 or [Perla.garcia@fire.lacounty.gov](mailto:Perla.garcia@fire.lacounty.gov) if you have any questions.

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

Sonya Lui, Principal Planner  
July 27, 2021  
Page 5

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ronald M. Durbin".

RONALD M. DURBIN, CHIEF, FORESTRY DIVISION  
PREVENTION SERVICES BUREAU

RMD:ac

ID	Response to Comment Letter D – LA County Fire Department
D-1	<p>This comment notes that the Fire Department is reviewing the proposed General Plan Updates for access and water system requirements. This comment also notes that these are preliminary requirements, that specific safety requirements will be addressed during the review for building and fire plan check phases, and that there may be additional requirements during the plan check phases. Finally, this comment notes that the proposed General Plan Updates must comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows, and fire hydrants. As noted in the DEIR, the proposed General Plan Update and subsequent projects developed as part of implementation of the General Plan would adhere to all fire access and water system requirements. In addition, the proposed General Plan Update and subsequent projects developed as part of implementation of the General Plan would comply with all applicable code and ordinance requirements for construction, access, water mains, fire flows, and fire hydrants. No further response to this comment is necessary.</p>
D-2	<p>This comment lists the access requirements and water system requirements for proposed development projects. As noted in Response to Comment D-1 above, the proposed General Plan Update and subsequent projects developed as part of implementation of the General Plan would adhere to all fire access and water system requirements. No further response to this comment is necessary.</p>
D-3	<p>This comment lists the statutory responsibilities of the County of Los Angeles Fire Department’s Forestry Division and discusses the Los Angeles County Oak Tree Ordinance. Future projects developed under implementation of the proposed General Plan Update would be required to analyze potential impacts related to erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones, archaeological and cultural resources, and the County Oak Tree Ordinance. No further response to this comment is necessary.</p> <p>The Health Hazardous Materials Division had no comments on the DEIR so no response is necessary.</p>

## COMMENT LETTER E – SANITATION DISTRICTS OF LA COUNTY



**Robert C. Ferrante**  
Chief Engineer and General Manager

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

August 23, 2021

Ref. DOC 6245979

Ms. Sonya Lui, Principal Planner  
City of Whittier  
13230 Penn Street  
Whittier, CA 90602

Dear Ms. Lui:

**NOA/NOC Response to DEIR for  
City of Whittier General Plan Update and 2021-2029 Housing Element Update**

The Los Angeles County Sanitation Districts (Districts) received a Notice of Availability/Completion of a Draft Environmental Impact Report (NOA) for the subject project on July 12, 2021. The proposed project is located within the jurisdictional boundaries of District Nos. 2, 5, and 18. Previous comments submitted by the Districts in correspondence dated May 19, 2021 (copy enclosed), to your agency, still apply to the subject project with the following updated information:

1. **HAZARDS AND HAZARDOUS MATERIALS**, page 4.9-15, Household Hazardous and E-Waste Program: The Household Hazardous and Electronic Waste (E-Waste) Collection Program is sponsored jointly by the Districts and the Los Angeles County of Public Works. E-1
2. **UTILITIES AND SERVICE SYSTEMS**, page 4.19-18, first paragraph: The Districts serve approximately 5.6 million people in Los Angeles County. The service area covers approximately 850 square miles. E-2
3. **UTILITIES AND SERVICE SYSTEMS**, page 4.19-27, Analysis of Impact UTS-6: The information stated that “regional sewer, wastewater, and storm drain systems are operated by the LACSD which maintains a number of long-range master plans for these services.” However, the Districts do not operate or maintain long-range master plans for the storm drain systems in the region. E-3

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743 or at [mandyng@lacsd.org](mailto:mandyng@lacsd.org).

Very truly yours,

*Mandy Ng*

Mandy Ng  
Environmental Planner  
Facilities Planning Department

MMN:mmn

Enclosure

DOC 6290367.D020518

ID	Response to Comment Letter E- County Sanitation Districts of LA County
<b>E-1</b>	As shown in the Errata chapter of the Final EIR, changes pertaining to the joint sponsorship of the Household Hazardous and E-Waste Program have been made to Page 4.9-15 (Hazards and Hazardous Materials) of the DEIR.
<b>E-2</b>	As shown in the Errata chapter of the Final EIR, changes pertaining to the Sanitation District's service area and population have been made to Page 4.19-17 (Utilities and Service Systems) of the DEIR.
<b>E-3</b>	As shown in the Errata chapter of the Final EIR, changes pertaining to LACSD's maintenance of long-range master plans have been added to Page 4.19-26 (Utilities and Service Systems) of the DEIR.

## COMMENT LETTER F – LOS ANGELES CONSERVANCY



523 West Sixth Street, Suite 826  
Los Angeles, CA 90014

213 623 2489 OFFICE  
213 623 3909 FAX  
laconservancy.org

August 23, 2021

**Sent Electronically**

Ms. Sonya Lui  
City of Whittier Planning Services Division  
13230 Penn Street  
Whittier, CA 91709  
Email: [slui@cityofwhittier.org](mailto:slui@cityofwhittier.org)

**RE: Draft Environmental Impact Report (DEIR) for the Whittier General Plan Update, and 2021-29 Housing Element Update**

Dear Ms. Lui:

On Behalf of the Los Angeles Conservancy, I am writing to comment on the Draft Environmental Impact Report (DEIR) for the General Plan Update, and 2021-29 Housing Element Update. We submit these comments to share some concerns regarding the methodology and process going forward as it pertains to historic resources and the strong potential for adverse impacts in the future.

F-1

The General Plan Update is premised upon existing conditions and data collection as a baseline; however, these were assessed and analyzed in 2017 which is a considerable gap between now and then. We strongly encourage the City to undertake and provide supplemental analysis that can account for recent changes in existing conditions, outdated information, and inconsistencies.

F-2

The Conservancy would like to draw particular attention to numerous citations within the Draft General Plan Update that appear to modify the existing adopted process by which historic resources are identified as part of the Preservation Ordinance.

F-3

Under Goal 1, HR-1.1, the stated policy says:  
“Evaluate potential historic resources and evaluate/provide required contextual statements for additional residential and commercial historic



Los Angeles Conservancy  
Page 2

districts, as requested by the City Council and/or individual property owner(s).”<sup>1</sup>

Please detail and assess how this affects the current process for identifying and evaluating potential historic resources. It appears that it will greatly curb and limit the ability of the Historic Resources Commission to perform its current functions. Similar language stating “as requested by the City Council and/or individual property owner(s)” is used elsewhere in regards to the historic resource process and appears to have this same effect. For instance, language is included that implies the city council directs the Certificate of Appropriateness process. These changes constitute substantial modifications to the current process and therefore should be fully evaluated and assessed as a potential significant adverse impact.

F-3  
Cont.

We strongly encourage the City to remove the references that appear to transfer authority and therefore weaken the existing preservation process and program. This may be unintended so we recommend the City correct this error, and fully address prior to the issuance of the Final Environmental Impact Report (FEIR).

F-4

The Conservancy welcomes the opportunity to discuss this with the City if we can be of any assistance. We are currently in the process of updating our Preservation Report Card initiative, including evaluations and gradings for each of the county’s jurisdictions. Therefore, we are reviewing similar plans and updates happening in other communities for consistency with preservation best practices.

F-5

**About the Los Angeles Conservancy:**

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

F-6

Please do not hesitate to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions or concerns.

Sincerely,



Adrian Scott Fine  
Senior Director of Advocacy

<sup>1</sup> 4.5, Cultural Resources, General Plan Update and Housing Element Update, DEIR, Page 167



ID	Response to Comment Letter F – LA Conservancy
F-1	This comment mentions the commenter’s general concern regarding the methodology and processes pertaining to historic resources. This comment has been noted but provides no specifics and no response is necessary.
F-2	This comment correctly notes that the Existing Conditions report was conducted in 2017; however, this comment incorrectly states that the environmental analysis was conducted in 2017. The DEIR for the proposed General Plan Update was prepared in 2021, and all feasible and appropriate updates to the baseline existing conditions were included in the analysis of impacts. This includes, but is not limited to, changes in population, housing, employment, public services, thresholds of significance, etc. While the Existing Conditions report includes some older information, where feasible every attempt was made to base the environmental analysis in the DEIR upon updated baseline conditions. No supplemental analysis is necessary at this time and no changes to the DEIR are required as a result of this comment.
F-3	The goals and policies included in the proposed General Plan Update do not modify the existing adopted process by which historic resources are identified in the City as part of the Preservation Ordinance. The proposed General Plan Update does not modify the Preservation Ordinance in any way and would not affect the current process for identifying and evaluating potential historic resources. Further, the proposed General Plan Updates would not curb or limit the ability of the Historic Resources Commission to conduct its designated work. As stated in Section 2.14 (Historic Resources Commission) of the Whittier Municipal Code, the purpose of the commission is to “advise the city council regarding policies, programs, and procedures necessary to implement the historic resources element of the general plan.” In addition, the commission is “appointed by, and serves at the pleasure of, the city council.” As such, the goal that is cited by the commenter in fact strengthens and affirms the current process for identifying and evaluating potential historic resources as well as the Commission’s central role in that function. Finally, the commenter does not cite where in the DEIR language is included that implies the city council directs the Certificate of Appropriateness process. In any case, the proposed General Plan Update does not include any modifications to the current process for issuing a Certificate of Appropriateness, which is submitted to the Community Development Department and reviewed by the Historic Resources Commission. No changes to the DEIR are required as a result of this comment.
F-4	The commenter does not provide citations for where in the DEIR there are references that “appear to transfer authority and therefore weaken the existing preservation process and program”, and the City did not find any such reference. In any case, as discussed in Response to Comment F-3 above, the proposed General Plan Update does not modify the existing adopted process by which historic resources are identified as part of the Preservation Ordinance, do not modify the Preservation Ordinance in any way and would not affect the current process for identifying and evaluating potential historic resources, would not curb or limit the ability of the Historic Resources Commission, do not include any modifications to the current process for issuing a Certificate of Appropriateness. No changes to the DEIR are required as a result of this comment.
F-5	This comment offers the opportunity to discuss with the City if the commenter can be of any assistance. The commenter also notes that they are currently in the process of their Preservation Report Card initiative as well as reviewing similar



ID	Response to Comment Letter F – LA Conservancy
	plans and updates happening in other communities for consistency with preservation best practices. This comment has been noted but is not a comment on the DEIR: no response is necessary.
<b>F-6</b>	This comment includes information about the Los Angeles Conservancy. This comment has been noted and no response is necessary.

**COMMENT LETTER G – SOUTHWEST REGIONAL CARPENTERS UNION**

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139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101

**VIA E-MAIL**

August 23, 2021

Sonya Lui  
City of Whittier  
13230 Penn Street  
Whittier, CA 91709  
Em: [slui@cityofwhittier.org](mailto:slui@cityofwhittier.org)

RE: City of Whittier General Plan Update and Housing Element Update  
Draft Environmental Impact Report

Dear Sonya Lui,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Southwest Carpenters**”), my Office is submitting these comments on the City of Menifee’s (“**City**” or “**Lead Agency**”) Draft Program Environmental Impact Report (“**DEIR or (P)EIR**”) (SCH No. 2021040762) for the 2021-2029 update to the City’s General Plan and Housing Element (“**Draft HEU**” or “**Project**”).

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens*

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well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.<sup>1</sup>

Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.<sup>2</sup>

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”<sup>3</sup>

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”<sup>4</sup> In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”<sup>5</sup>

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

G-2

<sup>1</sup> California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>

<sup>2</sup> South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

<sup>3</sup> City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* [https://www.hayward-ca.gov/sites/default/files/documents/General\\_Plan\\_FINAL.pdf](https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf).

<sup>4</sup> City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

<sup>5</sup> City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.<sup>6</sup>

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.<sup>7</sup> Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

G-2

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<sup>6</sup> California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, available at <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

<sup>7</sup> Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, available at <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

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The City should also require the Project to be built to standards exceeding the current 2019 California Green Building Code to mitigate the Project’s environmental impacts and to advance progress towards the State of California’s environmental goals.

G-2

**I. THE PROJECT FAILS TO PROVIDE THE INFORMATION AND ANALYSES REQUIRED OF ALL HOUSING ELEMENTS**

**A. Background Concerning Housing Elements**

Housing Elements of General Plans are the planning tools through which local governments ensure they make "adequate provision for the existing and projected housing needs" as determined through the share of the Regional Housing Needs Allocation ("RHNA") process. See Gov. Code § 65580(d). As specified in Gov. Code § 65580 *et seq.*, Housing Elements must include particular information and analyses related to existing and projected housing needs, constraints relative to meeting those needs, and the local government’s specific plans to help fulfill those needs. Housing Elements that fail to provide required information and analyses may be deemed by the state or courts to be out of compliance with the law and the local government may be subject to substantial consequences. See Gov. Code §§ 65754, 65754.5, and 65755.

G-3

**B. The City’s Housing Element Fails to Provide Required Information and Analyses**

The City’s Housing Element update is missing critically important information and analyses required by law. Those deficiencies include:

- The failure to describe diligent efforts to include all economic segments of the community in the development and update of the housing element and a summary of the public input received and a description of how it will be considered and incorporated into the housing element, Gov. Code, § 65583(c)(8);
- Failure to report on and analyze implementation of the 5th Cycle Housing Element’s programs, Gov. Code, § 65588(a), (b);
- Failure to evaluate employment trends, to quantify the need for housing affordable to extremely low-income households, and to analyze of the housing characteristics, Gov. Code, § 65583(a);

- Inadequate analysis of governmental and non-governmental constraints on housing development, such as development fees, local permitting time, and land use controls, Gov. Code, § 65583(a)(5);
- Inadequate identification and analysis of the special housing needs in the City, including the housing needs of people with disabilities and large families, Gov. Code, § 65583(a)(7);
- The absence of a site-specific inventory of land “suitable for residential development” and be available for housing development within the planning period to accommodate the City's RHNA, Gov. Code, § 65583(a)(3), 65583.2;
- Inadequate programs to remove constraints to the development of housing for lower-income households and people with disabilities, Gov. Code, § 65583(c);
- Absence of a program to make sites available to accommodate the RHNA during the planning period, Gov. Code, § 65583(c)(1);
- Failure to identify the agencies and officials responsible for the implementation of the various program actions, Gov. Code, § 65583(c)(8).
- Failure to demonstrate that manufactured housing is permitted in the same manner and in the same zones as conventionally constructed housing, Gov. Code, § 65582.3;
- Failure to identify a zone or zones where emergency shelters are allowed as a permitted use without discretionary review, Gov. Code § 65583(a)(4)(A);
- Lack of actions to promote fair housing and to affirmatively further fair housing, Gov. Code, § 65583(c)(5); and
- Absence of quantified objectives that estimate by income level the number of units that can be constructed, rehabilitated, and conserved over the planning period, Gov. Code, § 65583(b).

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These deficiencies in the City’s Housing Element must be addressed to fulfill the City’s obligations and avoid noncompliance with the housing element law.

- i. *The Proposed Housing Element Fails to Include an Adequate Program to Affirmatively Further Fair Housing.*

For housing elements updated after January 1, 2021, the program to affirmatively further fair housing must include all of the following pursuant to Gov. Code §65583(b)(10)(A)(i)–(v)):

- A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity;
- An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk;
- An assessment of the contributing factors for the fair housing issues identified under the foregoing analysis;
- An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in the foregoing assessment that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved; and
- Strategies and actions to implement those priorities and goals, which may include (but are not limited to) enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

For purposes of Gov. Code § 65584(d)(5), "affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that

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overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. Gov. Code § 65584(e).

Here, the City has not developed or incorporated *any* substantive programs to address fair housing issues in the Draft HEU. HCD’s Guidance is clear that specific goals and actions are required, such as:

- Enhancing mobility strategies and promoting inclusion for protected classes;
- Encouraging development of new affordable housing in high-resource areas;
- Implementing place-based strategies to encourage community revitalization, including preservation of existing affordable housing; and
- Protecting existing residents from displacement.<sup>8</sup>

G-3

Although the City may contract with the Housing Rights Center (HRC) to promote and secure fair housing—what is the HRC doing for the City that meets the requirements of the AFFH statute? HRC is an advocacy organization for tenants, it cannot develop affordable housing or implement strategies or policies for the City to meet its AFFH obligations.

The Draft HEU should be revised to implement specific goals and policies that address the proactive mandates of the AFFH statute.

*ii. The Proposed Housing Element Includes an Inadequate and Flawed Inventory of Sites Available for Housing Development.*

Commenters are particularly concerned about a number of issues with the Draft HEU relating to its sites inventory, including:

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<sup>8</sup> *Id.* at 13.



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- A failure to assess in the sites inventory any parcel's *likelihood* of development to satisfy RHNA requirements; and
- Vacant sites are identified to satisfy RHNA requirements which may not be suitable for development.

Planning's process for selecting sites and assessing their capacity seemingly fails to account for any parcel's *likelihood of development*, and its draft site inventory includes many parcels where housing development may or could be extremely unlikely. The Draft HEU includes a sites inventory table in the appendices.

First, while the inventory may or may not account for all or most APNs with a preliminary analysis of capacity, it does not analyze the likelihood that any of these APNs would be developed to increase the number of available housing units in the City. The inventory also does not analyze whether any of the available sites would improve or exacerbate fair housing conditions in the City.

The Draft HEU should also include information about the methodology utilized to analyze or determine site capacity and any site-specific constraints that might apply to particular APNs. All of this is required pursuant to Government Code, section 65583, subdivision (a)(3), and section 65583.1.

An accurate assessment of the site inventory's housing capacity is necessary in order for the housing element to achieve sufficient housing production. The site capacity estimate should account for the following two factors:

1. What is the likelihood that the site will be developed during the planning period?
2. If the site were to be developed during the planning period, how many net new units of housing are likely to be built on it?

The portion of the jurisdiction's RHNA target that a site will realistically accommodate during the planning period is:

$(likelihood\ of\ development) \times (net\ new\ units\ if\ developed) = realistic\ capacity^9$ .

G-3

<sup>9</sup> See HCD June 10, 2020 Memo re Housing Element Site Inventory Guidebook Gov. Code Sec. 65583.2, available at [https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf).

**Recommendations:**

1. Provide a quantitative estimate of parcels' development probabilities, and incorporate this factor into the estimate of sites' realistic capacity.
2. Report the proportion of sites in the previous housing element's inventory that were developed during the planning period.
3. Remove parcels from the site inventory where redevelopment is unlikely to occur during the 6th Cycle.
4. Commit to a mid-cycle review to verify Planning's assumptions about development probabilities. If it turns out that sites within a tier, or category, were developed at a lower-than-expected rate during the first half of the cycle, then the city should rezone for additional capacity or make other appropriate adjustments for the second half of the planning period.
5. Identify sufficient sites to provide a 15-30% No Net.

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Secondly, it appears that Planning may have counted many vacant sites towards specific income RHNA targets, despite their potential unsuitability for housing production. Planning must not include "vacant" sites that have no realistic chance of being developed. As with the Suitable Sites inventory, these sites must be discounted by their likelihood of development. Since the likelihood of development for some of these sites could effectively be zero, they should be excluded from Planning's list of vacant sites after further review.

**Recommendations:**

1. Exclude all vacant parcels that are unsuitable for residential development due to size, shape, gradient, location, and lack of street access.
2. Provide a quantitative estimate of parcels' development probabilities, and incorporate this factor into the estimate of sites' realistic capacity.

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*iii. The City Should Consider Incorporating Programs and Policies Designed to Achieve the Additional Production of Housing Units Under the Sixth Cycle RHNA Requirements.*

First, the City has failed to characterize the inadequacy of its response to its 5<sup>th</sup> Cycle Housing Element obligations to build additional housing units in Whittier. Conveniently, the City has cherry picked goals and objectives from its previous Housing Element to analyze past performance that do not relate to the state mandate to build more housing. However, the City does explain elsewhere in the Draft HEU that the housing stock in the City increased by 130 units between 2010 and 2020. Most of that development was in the form of single-family homes. The City's 5<sup>th</sup> Cycle obligations amounted to 878 total units. Thus, the City has not done nearly enough to facilitate housing production in Whittier.

The Draft HEU appears to be headed in the same direction—it fails to undertake a schedule of actions that will achieve SCAG's Sixth Cycle RHNA allocation for the City. The City is required to build an additional 3,431 units from 2021-2029. However, the City is not planning to implement any programs, plans, policies, or the like that will come anywhere close to achieving that mandate. The Draft HEU's Housing Plan only contains vague goals, without any specific plan to implement the necessary changes. For example, the Housing Plan calls for reviewing projects in a timely manner, facilitating coordination between lenders and developers, using density bonuses, etc. (Draft HEU, Housing Plan, 3.) There are no specifics or implementation actions.

HCD has suggested that effective programs contain the following items<sup>10</sup>:

- Definite time frames for implementation (e.g. annually during the planning period, upon adoption of general plan amendment, by June 2020, etc.).
- Identification of agencies and officials responsible for implementation (e.g., planning department, county community development department, city building official, housing manager, public housing authority, etc.).

<sup>10</sup> See <https://www.hcd.ca.gov/community-development/building-blocks/program-requirements/program-overview.shtml>.

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- Description of the local government’s specific role in program implementation (e.g. a description of how the city will market the availability of rehabilitation funds).
- Description of the specific action steps to implement the program.
- Proposed measurable outcomes (e.g., the number of units created, completion of a study, development of a homeless shelter, initiation of a rezone program, preservation of at-risk units, etc.).
- Demonstration of a firm commitment to implement the program (e.g., the city will apply for HOME funds by June 2009).
- Identification of specific funding sources, where appropriate (e.g., dollar amounts of annual funding entitlements or allocations — Community Development Block Grants; Emergency Solutions Grants; Housing Opportunities for Persons with AIDS; continuum of care; redevelopment successor agency’s low- to moderate-income housing funds; bond proceeds; tax credit allocations; and other federal, state and local resources).

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The Draft HEU should be amended to consider more effective and definite plans and policies to achieve the City’s 6<sup>th</sup> Cycle RHNA obligations.

**II. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**A. Background Concerning the California Environmental Quality Act**

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations (“CCR” or “CEQA Guidelines”) § 15002(a)(1).<sup>11</sup> “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’ [Citation.]” *Citizens of Goleta*

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<sup>11</sup> The CEQA Guidelines, codified in Title 14 of the California Code of Regulations, section 15000 *et seq.*, are regulatory guidelines promulgated by the state Natural Resources Agency for the implementation of CEQA. (Cal. Pub. Res. Code § 21083.) The CEQA Guidelines are given “great weight in interpreting CEQA except when . . . clearly unauthorized or erroneous.” *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204, 217.

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*Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal. App. 3d 795, 810.

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. CEQA Guidelines § 15002(a)(2) and (3). *See also, Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 400. The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA section 21081. CEQA Guidelines § 15092(b)(2)(A–B).

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal. 3d at 391, 409 fn. 12). Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. *Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102, 131. As the court stated in *Berkeley Jets*, 91 Cal. App. 4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that

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government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. *Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449–450).

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B. The DEIR is Not Supported by Substantial Evidence

An agency's determination whether to classify a particular impact as a significant effect on the environment involves the exercise of discretion. *Jensen v. City of Santa Rosa* (2018) 23 Cal. App. 5th 877, 887. It "calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data." CEQA Guidelines §15064(b)(1). Distinguishing between substantial and insubstantial environmental effects requires that the agency make a policy decision based in part on the setting. *W.M. Barr & Co. v. South Coast Air Quality Mgmt. Dist.* (2012) 207 Cal. App. 4th 406, 433.

When new information is brought to light showing that an impact previously discussed in the DEIR (or IS/ND) but found to be insignificant with or without mitigation in the DEIR's analysis has the potential for a significant environmental impact supported by substantial evidence, the EIR must consider and resolve the conflict in the evidence. See *Visalia Retail, L.P. v. City of Visalia* (2018) 20 Cal. App. 5th 1, 13, 17; see also *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal. App. 4th 1099, 1109. While a lead agency has discretion to formulate standards for determining significance and the need for mitigation measures—the choice of any standards or thresholds of significance must be “based to the extent possible on scientific and factual data and an exercise of reasoned judgment based on substantial evidence. CEQA Guidelines § 15064(b); *Cleveland Nat'l Forest Found. v. San Diego Ass'n of Gov'ts* (2017) 3 Cal. App. 5th 497, 515; *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 Cal. App. 5th 160, 206. And when there is evidence that an impact could be significant, an EIR cannot adopt a contrary finding without providing an adequate explanation along with supporting evidence. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281, 302.

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In addition, a determination that regulatory compliance will be sufficient to prevent significant adverse impacts must be based on a project-specific analysis of potential impacts and the effect of regulatory compliance. In *Californians for Alternatives to Toxics v. Department of Food & Agric.* (2005) 136 Cal. App. 4th 1, the court set aside an EIR for a statewide crop disease control plan because it did not include an evaluation of the risks to the environment and human health from the proposed program but simply presumed that no adverse impacts would occur from use of pesticides in accordance with the registration and labeling program of the California Department of Pesticide Regulation. See also *Ebbetts Pass Forest Watch v Department of Forestry & Fire Protection* (2008) 43 Cal. App. 4th 936, 956 (fact that Department of Pesticide Regulation had assessed environmental effects of certain herbicides in general did not excuse failure to assess effects of their use for specific timber harvesting project).

Here, the level and degree of analysis included in the Draft PEIR to determine whether any particular impact is significant fails to meet CEQA requirements based upon substantial evidence. Based on the City's current Regional Housing Needs Assessment Allocation, it must provide at least another 3,439 housing units by 2029, and nowhere in the Draft PEIR does the City analyze the potentially significant impacts, in any category, of future development. (See DPEIR, 1-3.) The City Draft Housing Element Update details in its sites inventory and elsewhere in that document that housing sites within the City will be rezoned or upzoned to accommodate SCAG's RHNA allocation requirements—yet the DPEIR does not analyze the environmental consequences or impacts of those zoning changes. (See, e.g., Draft HEU, 9-15.)

As a result, the City's environmental analysis relating to impacts of adding 3,439 additional housing units is not based upon substantial evidence. The impacts of anticipated growth resulting from identification of specific sites for construction of additional housing necessitates that the City provide a full review of potential impacts relating to that future development.

The City needs to revise and recirculate the DPEIR with adequate environmental analysis of all CEQA issues.

G-5

**a. The Draft EIR Unlawfully Piecemeals its Environmental Analysis**

The City’s decision to omit analysis of the potentially significant impacts of future development of specifically identified future project sites unlawfully piecemeals the environmental analysis for this Project.

CEQA provides that a public agency may not divide a single project into smaller individual subprojects to avoid responsibility for considering the environmental impact of the project as a whole. *Orinda Ass'n v Board of Supervisors* (1986) 182 Cal. App. 3d 1145, 1171. CEQA “cannot be avoided by chopping up proposed projects into bite-sized pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial.” *Tuolumne County Citizens for Responsible Growth, Inc. v City of Sonoma* (2007) 155 Cal App. 4th 1214; *Association for a Cleaner Env't v Yosemite Community College Dist.* (2004) 116 Cal. App. 4th 629, 638; *Plan for Arcadia, Inc. v City Council* (1974) 42 Cal. App. 3d 712, 726.

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The City is violating CEQA by unlawfully limiting the scope of environmental analysis in the Draft EIR.

**b. The Draft EIR Unlawfully Omits Information**

Finally, the Draft EIR unlawfully omits information by excluding any discussion of the potentially significant impacts of the rezoning and upzoning for higher density residential uses required by the updated Housing Element. The DPEIR’s land use analysis also fails to include any information relating to whether changes to the City’s General Plan elements will result in a horizontally and vertically consistent land use plan.

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CEQA requires that an environmental document identify and discuss the significant effects of a Project, alternatives and how those significant effects can be mitigated or avoided. CEQA Guidelines § 15126.2; PRC §§ 21100(b)(1), 21002.1(a). An environmental documents discussion of potentially significant effects must “provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must adequately explain what the agency does know and why, given existing scientific constraints, it cannot translate potential health impacts further.” *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502, 521; *see also* citing *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405; *see also* PRC §§ 21002.1(e), 21003(b).



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The Court may determine whether a CEQA environmental document sufficiently discloses information required by CEQA *de novo* as “noncompliance with the information disclosure provisions” of CEQA is a failure to proceed in a manner required by law. PRC § 21005(a); *see also Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502, 515; CEQA Guidelines.

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*i. The DPEIR Fails to Include a Water Supply Assessment and Findings Backed by Substantial Evidence.*

Under SB 610, specific projections about water availability must be developed before certain large development projects to be served by a public water system may be approved. Water Code §§10910–10915; CEQA Guidelines §15155; *Gray v. County of Madera* (2008) 167 Cal. App. 4th 1099, 1131 (SB 610 applies to projects to be served by public water systems, not private systems). The public water system identified as the water provider for a proposed project must prepare a water supply assessment that is then to be included in the EIR or negative declaration prepared for a project. *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 96, overruled on other grounds in *Neighbors for Smart Rail v. Exposition Metro Line Constr. Auth.* (2013) 57 Cal. App. 4th 439. Senate Bill 610 applies when a city or county determines that a “project” subject to CEQA would result in the construction of 500 or more dwelling units. Water Code §10912 and CEQA Guidelines §15155(a)(1).

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Here, the Draft EIR does include any analysis of water supply that would meet future population growth associated with development of 8,000 plus additional housing units for the 2021-2029 RHNA period. The City must prepare a water supply assessment for the Project that meets the requirements of SB 610. Water Code §§ 10910–10915; CEQA Guidelines § 15155; *Gray v. County of Madera* (2008) 167 Cal. App. 4th 1099, 1131 (SB 610 applies to projects to be served by public water systems, not private systems).

C. Certification of the PEIR and General Plan Amendment is Premature Before HCD Has Submitted Final Comments and Approval

The City *cannot* now approve or certify environmental review for the HEU because HCD has not yet issued its final approval for the Project. Indeed, HCD only received the City’s Draft HEU on June 11, 2021 and the Project is still undergoing HCD review.<sup>12</sup> HCD has not even returned comment to the City on its Draft HEU. The

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<sup>12</sup> See <https://www.hcd.ca.gov/community-development/housing-element/docs/status.pdf>.

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California Department of Housing and Community Development (HCD) plays the critical role of reviewing every local government’s housing element to determine whether it complies with state law and then submits written findings back to each local government. HCD’s approval is *required* before a local government can adopt its housing element as part of its overall General Plan.<sup>13</sup>

It is consequently inexplicable why the City chose to charge forward with the Project as if the required Housing Element updates are not critically important to the completeness of the Project or the sufficiency of the EIR. It is unclear why the City elected instead to prematurely seek certification of the PEIR and adopt the General Plan amendment, despite both documents being likely to change along with the Housing Element. Being incomplete and subject to considerable change, the Housing Element’s environmental impacts and therefore the HEU’s environmental impacts are currently undeterminable.

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If the City moves forward with the General Plan Update and certification of the PEIR, the City will need to issue a subsequent or supplemental EIR for further public comment after its amendment of the HEU and recertify the EIR. Substantial changes to the EIR may trigger additional review, as well as new information showing more substantial or severe environmental impacts. Cal. Pub Res. Code §§21166, 21167.2; CEQA Guidelines §§15162–15163; see *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.App.5th 937, 956. It will additionally be required to yet again amend the General Plan to reflect changes to the HEU.

The City should wait to issue approvals or certification until final approval has been received from HCD.

### III. THE PROJECT VIOLATES THE STATE PLANNING AND ZONING LAW AS WELL AS THE CITY’S GENERAL PLAN

#### A. Background Regarding the State Planning and Zoning Law

Each California city and county must adopt a comprehensive, long-term general plan governing development. *Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal. App. 4th 342, 352, citing Gov. Code §§ 65030, 65300. The general plan sits at the top of the land use planning hierarchy (See *DeVita v. County of Napa* (1995) 9 Cal. App. 4th 763, 773), and serves as a “constitution” or “charter” for all

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<sup>13</sup> See <https://www.hcd.ca.gov/community-development/housing-element/index.shtml#hesubmittal>.

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future development. *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal. App. 3d 531, 540.

General plan consistency is “the linchpin of California’s land use and development laws; it is the principle which infused the concept of planned growth with the force of law.” See *Debottari v. Norco City Council* (1985) 171 Cal. App. 3d 1204, 1213.

State law mandates two levels of consistency. First, a general plan must be internally or “horizontally” consistent: its elements must “comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.” (See Gov. Code § 65300.5; *Sierra Club v. Bd. of Supervisors* (1981) 126 Cal. App. 3d 698, 704.) A general plan amendment thus may not be internally inconsistent, nor may it cause the general plan as a whole to become internally inconsistent. See *DeVita*, 9 Cal. App. 4th at 796 fn. 12.

Second, state law requires “vertical” consistency, meaning that zoning ordinances and other land use decisions also must be consistent with the general plan. (See Gov. Code § 65860(a)(2) [land uses authorized by zoning ordinance must be “compatible with the objectives, policies, general land uses, and programs specified in the [general] plan.”]; see also *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal. App. 3d 1176, 1184.) A zoning ordinance that conflicts with the general plan or impedes achievement of its policies is invalid and cannot be given effect. See *Lesher*, 52 Cal. App. 3d at 544.

State law requires that all subordinate land use decisions, including conditional use permits, be consistent with the general plan. See Gov. Code § 65860(a)(2); *Neighborhood Action Group*, 156 Cal. App. 3d at 1184.

A project cannot be found consistent with a general plan if it conflicts with a general plan policy that is “fundamental, mandatory, and clear,” regardless of whether it is consistent with other general plan policies. See *Endangered Habitats League v. County of Orange* (2005) 131 Cal. App. 4th 777, 782-83; *Families Unafraid to Uphold Rural El Dorado County v. Bd. of Supervisors* (1998) 62 Cal. App. 4th 1332, 1341-42 (“FUTURE”).

Moreover, even in the absence of such a direct conflict, an ordinance or development project may not be approved if it interferes with or frustrates the general plan’s policies and objectives. See *Napa Citizens*, 91 Cal. App. 4th at 378-79; see also *Lesher*, 52 Cal. App. 3d at 544 (zoning ordinance restricting development conflicted with growth-oriented policies of general plan).

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B. The DPEIR Fails to Demonstrate Internal Consistency with the General Plan

The legislature has expressed its intent that "the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." Gov. Code §65300.5. This statute requires the policies of a general plan to be consistent, but not necessarily with the objectives within the various elements of the general plan. *Cadiz Land Co. v Rail Cycle, L.P.* (2000) 83 Cal. App. 4th 74, 115.

Here, the City is updating the General Plan and Housing Element in conformance with the 2021-2029 update cycle for jurisdictions in the SCAG region and Cal. Gov. Code requirements. However, the DPEIR does not contain any analysis or evidence that the General Plan Update will result in an internally consistent Plan. This analysis has been omitted from the DPEIR.

The City needs to update the DPEIR's land use analysis to include a vertical and horizontal consistency analysis to determine whether General Plan changes will be wholly consistent.

**IV. CONCLUSION**

Commenters request that the City consider the aforementioned issues raised. Please contact my Office if you have any questions or concerns.

Sincerely,



Mitchell M. Tsai  
Attorneys for Southwest Regional  
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

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**EXHIBIT A**



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**G-12 Entire Letter**

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March 8, 2021

Mitchell M. Tsai  
155 South El Molino, Suite 104  
Pasadena, CA 91101

**Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling**

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Dear Mr. Tsai,

Soil Water Air Protection Enterprise (“SWAPE”) is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas (“GHG”) emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

**Worker Trips and Greenhouse Gas Calculations**

The California Emissions Estimator Model (“CalEEMod”) is a “statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.”<sup>1</sup> CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.<sup>2</sup>

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>3</sup>

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<sup>1</sup> “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

<sup>2</sup> “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

<sup>3</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.<sup>4</sup>

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{“VMT}_d = \sum(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i) _n$$

Where:

$$n = \text{Number of land uses being modeled.}”^5$$

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

Emissions<sub>pollutant</sub> = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

EF<sub>running,pollutant</sub> = emission factor for running emissions.”<sup>6</sup>

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

### Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>7</sup> In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.<sup>8</sup> The default number of construction-related worker trips is calculated by multiplying the

<sup>4</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14-15.

<sup>5</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 23.

<sup>6</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>7</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>8</sup> CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

2.0 Response to Comments

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.<sup>9</sup> Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.<sup>10</sup> Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.<sup>11</sup> The operational home-to-work vehicle trip lengths are:

“[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).<sup>12</sup>

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).<sup>13</sup>

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
<b>Average</b>	<b>16.47</b>	<b>11.17</b>
<b>Minimum</b>	<b>10.80</b>	<b>10.80</b>
<b>Maximum</b>	<b>19.80</b>	<b>14.70</b>
<b>Range</b>	<b>9.00</b>	<b>3.90</b>

<sup>9</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>10</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>11</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14.

<sup>12</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 21.

<sup>13</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-84 – D-86.



As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

**Practical Application of a Local Hire Requirement and Associated Impact**

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.<sup>14</sup> In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

<b>Local Hire Provision Net Change</b>	
<b>Without Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,623
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	120.77
<b>With Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,024
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	100.80
<b>% Decrease in Construction-related GHG Emissions</b>	<b>17%</b>

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

<sup>14</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-85.

### Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

**EXHIBIT B**



SOIL WATER AIR PROTECTION ENTERPRISE  
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Santa Monica, California 90405  
Attn: Paul Rosenfeld, Ph.D.  
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***Paul Rosenfeld, Ph.D.***

**Chemical Fate and Transport & Air Dispersion Modeling**

*Principal Environmental Chemist*

**Risk Assessment & Remediation Specialist**

**Education**

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

**Professional Experience**

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

**Professional History:**

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner  
 UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)  
 UCLA School of Public Health; 2003 to 2006; Adjunct Professor  
 UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator  
 UCLA Institute of the Environment, 2001-2002; Research Associate  
 Komex H<sub>2</sub>O Science, 2001 to 2003; Senior Remediation Scientist  
 National Groundwater Association, 2002-2004; Lecturer  
 San Diego State University, 1999-2001; Adjunct Professor  
 Anteon Corp., San Diego, 2000-2001; Remediation Project Manager  
 Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager  
 Bechtel, San Diego, California, 1999 – 2000; Risk Assessor  
 King County, Seattle, 1996 – 1999; Scientist  
 James River Corp., Washington, 1995-96; Scientist  
 Big Creek Lumber, Davenport, California, 1995; Scientist  
 Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist  
 Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

**Publications:**

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

**Rosenfeld, P.E.** & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisnoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisnoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisnoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

**Rosenfeld, P.E.**, J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

**Rosenfeld, P. E.**, M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

**Rosenfeld P. E.**, J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

**Rosenfeld, P.E.**, and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

**Rosenfeld, P. E.**, Grey, M. A., Sellev, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

**Rosenfeld, P.E.**, Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS-6), Sacramento, CA Publication #442-02-008.

**Rosenfeld, P.E.**, and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

**Rosenfeld, P.E.**, and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

**Rosenfeld, P.E.**, C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

**Rosenfeld, P.E.**, and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

**Rosenfeld, P.E.**, and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and P. Rosenfeld. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

**Rosenfeld, P. E.** (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

**Rosenfeld, P. E.** (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

**Rosenfeld, P. E.** (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

**Rosenfeld, P. E.** (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

**Rosenfeld, P. E.** (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

### **Presentations:**

**Rosenfeld, P.E.**, Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

**Rosenfeld, P.E.** (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

**Rosenfeld, P.E.** (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

**Rosenfeld, P. E.** (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

## 2.0 Response to Comments

**Rosenfeld, P. E.** (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld P. E.** (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

**Rosenfeld P. E.** (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

**Paul Rosenfeld Ph.D.** (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

**Paul Rosenfeld Ph.D.** (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

**Paul Rosenfeld Ph.D.** (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

**Paul Rosenfeld, Ph.D.** (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.



**Paul Rosenfeld, Ph.D.** (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

**Rosenfeld, P. E.,** Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants.* Lecture conducted from Hyatt Regency Phoenix Arizona.

**Paul Rosenfeld, Ph.D.** (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

**Paul Rosenfeld, Ph.D.** (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington.

**Rosenfeld, P.E.** and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

**Rosenfeld, P.E.** (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

**Rosenfeld, P.E.** (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

**Rosenfeld, P.E.** (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

**Rosenfeld, P.E.,** C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

### **Teaching Experience:**

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

### **Academic Grants Awarded:**

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

**Deposition and/or Trial Testimony:**

- In the United States District Court For The District of New Jersey  
Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.  
Case No.: 2:17-cv-01624-ES-SCM  
Rosenfeld Deposition. 6-7-2019
- In the United States District Court of Southern District of Texas Galveston Division  
M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”  
*Defendant*.  
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237  
Rosenfeld Deposition. 5-9-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica  
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants  
Case No.: No. BC615636  
Rosenfeld Deposition, 1-26-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica  
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants  
Case No.: No. BC646857  
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19
- In United States District Court For The District of Colorado  
Bells et al. Plaintiff vs. The 3M Company et al., Defendants  
Case: No 1:16-cv-02531-RBJ  
Rosenfeld Deposition, 3-15-2018 and 4-3-2018
- In The District Court Of Regan County, Texas, 112<sup>th</sup> Judicial District  
Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants  
Cause No 1923  
Rosenfeld Deposition, 11-17-2017
- In The Superior Court of the State of California In And For The County Of Contra Costa  
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants  
Cause No C12-01481  
Rosenfeld Deposition, 11-20-2017
- In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois  
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants  
Case No.: No. 0i9-L-2295  
Rosenfeld Deposition, 8-23-2017
- In The Superior Court of the State of California, For The County of Los Angeles  
Warm Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC  
Case No.: LC102019 (c/w BC582154)  
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018
- In the Northern District Court of Mississippi, Greenville Division  
Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*  
Case Number: 4:16-cv-52-DMB-JVM  
Rosenfeld Deposition: July 2017

## 2.0 Response to Comments

- In The Superior Court of the State of Washington, County of Snohomish  
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants  
Case No.: No. 13-2-03987-5  
Rosenfeld Deposition, February 2017  
Trial, March 2017
- In The Superior Court of the State of California, County of Alameda  
Charles Spain, Plaintiff vs. Thermo Fisher Scientific, et al., Defendants  
Case No.: RG14711115  
Rosenfeld Deposition, September 2015
- In The Iowa District Court In And For Poweshiek County  
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants  
Case No.: LALA002187  
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County  
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County  
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015
- In The Circuit Court of Ohio County, West Virginia  
Robert Andrews, et al. v. Antero, et al.  
Civil Action NO. 14-C-30000  
Rosenfeld Deposition, June 2015
- In The Third Judicial District County of Dona Ana, New Mexico  
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward  
DeRuyter, Defendants  
Rosenfeld Deposition: July 2015
- In The Iowa District Court For Muscatine County  
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant  
Case No 4980  
Rosenfeld Deposition: May 2015
- In the Circuit Court of the 17<sup>th</sup> Judicial Circuit, in and For Broward County, Florida  
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.  
Case Number CACE07030358 (26)  
Rosenfeld Deposition: December 2014
- In the United States District Court Western District of Oklahoma  
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City  
Landfill, et al. Defendants.  
Case No. 5:12-cv-01152-C  
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas  
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.  
Case Number cc-11-01650-E  
Rosenfeld Deposition: March and September 2013  
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio  
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*  
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)  
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division  
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and  
on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.  
Case 3:10-cv-00622  
Rosenfeld Deposition: February 2012  
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland  
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants  
Case Number: 03-C-12-012487 OT  
Rosenfeld Deposition: September 2013

**EXHIBIT C**



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Santa Monica, California 90401  
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**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

**Geologic and Hydrogeologic Characterization  
Industrial Stormwater Compliance  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert  
CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.  
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certifications:**

California Professional Geologist  
California Certified Hydrogeologist  
Qualified SWPPP Developer and Practitioner

**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H<sub>2</sub>O Science, Inc. (2000 -- 2003);

## 2.0 Response to Comments

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

### **Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.



- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

## 2.0 Response to Comments

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

### **Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

### **Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

**Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

**Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

**Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab) and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

**Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

## 2.0 Response to Comments

**Hagemann, M.F.**, 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F.**, and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F.**, 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F.**, 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F.**, and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F.**, Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F.**, Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F.**, 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.F.** and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F.**, 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

**Hagemann, M.F.**, 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

ID	Response to Comment Letter G – Southwest Regional Carpenters Union
<b>G-1</b>	The City understands the nature of the Southwest Regional Council of Carpenters (SRCC) and the role it plays in the CEQA process. The City further understands the SRCC may make additional comments prior to certification of the Final EIR as long as they are consistent with the timing outlined in CEQA.
<b>G-2</b>	<p>The SRCC has requested the City “require the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project.” As pointed out in the Draft EIR, the General Plan Update EIR is a programmatic CEQA document with no specific development project or private applicant involved. Therefore, the SRCC comments are not directly applicable to this EIR.</p> <p>Certainly businesses and private development projects have the option of using local skilled or union labor. However, it is beyond the City’s legal authority to require such hiring restrictions on private developers within the City. Therefore, the City rejects the idea of incorporating such specific and restrictive labor requirements into the General Plan. In addition, the City is concerned about the fairness of discriminating against otherwise skilled/best-qualified job candidates because they are more than 10 miles from the location of a job: persons who are less qualified could be selected in order to meet a quota for local labor. It is also worth noting for construction trades that, while possible, it is not very likely that an individual worker who is a Whittier resident would be able to consistently be working at job sites within a ten-mile radius of the City. Numerous factors can come into play regarding job site choices for workers, including fluctuations in demand for construction by geography, match of specific construction specialties to demand for such specialties, and pre-existing business relationships between construction companies (or individual workers). Travelling to wherever the work is, whether or not it is local, is endemic to construction-related professions.</p> <p>At some point in the future, the City may consider supporting local job centers where local workers can connect with local businesses which would be a type of community benefit.</p>
<b>G-3</b>	All the aspects of this comment are specifically regarding the Housing Element and do not address the General Plan EIR. Therefore, they are not addressed in this Final EIR.
<b>G-4</b>	Although the heading for this comment indicates that the project would be approved in violation of CEQA, nowhere in the comments is there any specific mention or substantiation of how the EIR is deficient with respect to CEQA requirements or processes. This entire comment simply provides citations from CEQA and from CEQA-related court cases on the legal requirements of CEQA regarding EIRs as informational document, as a tool for the decision-makers, mitigation, alternatives, and the City’s discretion during the CEQA process. However, it makes no specific comment about this DEIR so no response can be provided or is required. The City believes the EIR meets all of its legal requirements under CEQA and the City has followed the prescribed process for preparing and circulating the EIR for review.
<b>G-5</b>	Much of the comment presents more citations from CEQA and related court cases on the abuse of discretion and substantial evidence. The commenter states the EIR is inadequate because it is not supported by substantial evidence and does not evaluate specific impacts of developing specific sites identified by the updated



ID	Response to Comment Letter G – Southwest Regional Carpenters Union
	<p>Housing Element. However, it must be remembered this is a programmatic EIR and looks at the overall impacts of the additional housing units on a city-wide basis.</p> <p>The EIR also clearly states that future development will be evaluated at a project-level when a specific development is proposed on a specific site as outlined below. For example, Mitigation Measure AQ-1 in the Air Quality section 4.3 requires a project-level construction assessment for new discretionary development projects.</p> <p>The commenter states the EIR never addresses specific environmental impacts of the additional 3,439 housing units by 2029 as a result of its 2020 RHNA allocation. The EIR actually addresses the impacts of these additional units as part of each analysis section of the EIR (4.1 through 4.20) as appropriate. Many of the sections specifically state... “The proposed Project includes land use designations that support development of up to 53,649 dwelling units, accommodating a population of up to 161,291 residents by 2040. The Planning Area’s population would increase by approximately 20,190, from 141,102 in 2018 to 161,291 in 2040.” While the sections may not specifically reference the number of units in the 2020 RHNA allocation (3,439), they do address the anticipated buildout numbers under the GPU through 2040, as outlined in DEIR Section 3, Project Description. These growth projections through 2040 include or subsume the 2021-2029 RHNA units. There is no requirement for the programmatic EIR to specifically address the interim impacts to 2029 represented by the growth just from the current RHNA units alone.</p> <p>The commenter states “nowhere in the Draft PEIR does the City analyze the potentially significant impacts, in any category, of future development. (See DPEIR, 1-3.)” The DEIR p. 1-3 states... “Later activities proposed pursuant to the goals and policies of the General Plan will be reviewed in light of this EIR and may focus on those site-specific and localized environmental issues that could not be examined in sufficient detail as part of this EIR.” However, the commenter is correct only in that the PDEIR did not analyze the impacts of any <b>specific</b> future development, since that could only happen on a project level when <b>specific</b> development is proposed on a specific site (i.e., with a future CEQA process). Since no such site specific development proposal are included as <u>part</u> of this CEQA project it is impossible to assess potential impacts. However, each analysis section of the DEIR does make it clear it is evaluating the impacts of overall development and growth in the City through 2040 which comprises 373 additional single-family units and 6,447 additional multi-family units over that period (2020 to 2040) per DEIR Table 3-1. Therefore, the 3,439 units of the 2020 RHNA are included in those analyses.</p> <p>In conclusion, the analysis provided is thorough and appropriate for a program EIR so the City does not need to revise the document with additional information and recirculate it for additional public review.</p>
<p><b>G-6</b></p>	<p>Similar to Comment/Response G-5 above, the commenter states the EIR is inadequate because it does not evaluate specific impacts of developing specific sites so the EIR inappropriately piecemeals the project. However, this is a <u>program EIR</u> that looks at the overall impacts of the additional housing units on a city-wide basis through 2040. It reviews the entire project as a whole which is actually the opposite of piecemealing which would look at smaller parts of the whole project so that impacts are not evaluated as a whole. Page 1-3 of the EIR also clearly states that future development will be tiered and evaluated at a project-level when a</p>

ID	Response to Comment Letter G – Southwest Regional Carpenters Union
	<p>specific development is proposed on a specific site. That includes future development of the 3,439 additional housing units under the City’s 2020 RHNA allocation through 2029. In addition, no specific development has been proposed yet on the specific sites identified in the Housing Element, so it is not possible to evaluate that future development at this time. Therefore, this level of analysis is adequate for a program EIR and the City does not need to revise and recirculate the document.</p>
<p><b>G-7</b></p>	<p>The commenter states the EIR omits information about potentially significant impacts of rezoning for higher density residential uses. Again, it must be remembered this EIR is programmatic and looks at the broad impacts of changing land use designations and what the increased number of units will have on a city-wide basis through 2040. The EIR clearly states in the Project Description (see page 3-19) the following:</p> <p style="padding-left: 40px;">The subdivision regulations, zoning map, zoning regulations, standards, permits and procedures that are contained in Title 17 and Title 18 and other parts of the Whittier Municipal Code, as applicable, will be revised following adoption of the General Plan Update to be consistent with its the goals, policies, exhibits and texts</p> <p>Note that these actions would occur after adoption of the General Plan Update. These later activities will likely be tiered off of this EIR and will be reviewed for consistency with it. Providing for zoning consistency after adoption of a General Plan is a very common practice that is no different than any other implementation action undertaken for a General Plan. There is no requirement in state law that zoning or subdivision regulations must be updated concurrent with a General Plan Update. No information has been omitted because no specific changes to zoning or subdivision regulations is currently being proposed. In addition, there is no specific information about rezoning a specific property for a specific project at this time, so such changes cannot be evaluated. The EIR has provided appropriate programmatic information about potential impacts of overall development under the GPU consistent with CEQA and the CEQA Guidelines.</p>
<p><b>G-8</b></p>	<p>Again this EIR is programmatic in nature for a city-wide General Plan and is not a specific development project on a specific site. The state WSA requirements are only applicable to <u>actual specific proposed development</u> over certain size. Programmatic documents that require subsequent CEQA evaluation of specific development on specific sites in the future are not subject to the WSA requirements of SB 221, SB 610, and SB 900. The commenter even states “SB 610 applies to projects” however this is program document. The DEIR did appropriately incorporate data from the Urban Water Management Plans for the various water agencies serving the City which would be the basis for WSAs for specific development projects on specific sites in the future.</p> <p>The following citation is from DEIR Section 4.19.2, Regulatory Framework:</p> <p><u><i>Senate Bills 610 and 221, Water Supply Assessment and Verification</i></u></p> <p><i>Senate Bills (SB) 610 and 221 amended State law to improve the link between the information on water supply availability and certain land use decisions made by cities and counties. Both statutes require detailed information regarding water</i></p>

ID	Response to Comment Letter G – Southwest Regional Carpenters Union
	<p><i>availability (water supply assessment or WSA) to be provided to city and county decision-makers prior to approval of specified large development projects (projects greater than 500 dwelling units, or an equivalent water demand). Both statutes require this detailed information to be included in the administrative record. Under SB 610, WSAs must be furnished to local governments for inclusion in the environmental document for certain projects, as defined in Water Code 10912, subject to the California Environmental Quality Act (CEQA). Under SB 221, approval by a city or county of certain residential subdivisions requires an affirmative written verification of sufficient water supply. The City’s General Plan does not require a WSA but individual future projects within the City that are subject to SB 610 and SB 221 will require WSAs.</i></p> <p>In addition, the commenter states the EIR did not contain any analysis of water supply. However, both Sections 4.10 on Hydrology and 4.19, Utilities-Water Supply, both contain a text analysis as well as the same table repeated in both sections (Tables 4.10-1 and 4.19-1) which clearly provide an estimate of the anticipated water demands of future growth under the GPU and the estimated water supply that will available at that time. The analysis determined there may not be sufficient water supplies by 2040 to accommodate City growth. Therefore, a potential significant impact was identified and Mitigation Measure UTL-1 was recommended to reduce the potential impact to a less than significant level.</p>
<b>G-9</b>	<p>The commenter states the City must wait to adopt its General Plan Update and the EIR until at least when it has received comments from HCD on the draft Housing Element (HE). Otherwise, the City risks having to prepare a subsequent or supplemental EIR to address HCD comments and potential changes to the Housing Element. HCD has indicated directly to the City that, due to COVID restrictions and its current workload, it is not able to provide preliminary comments on the draft HE in time to meet the statutory deadline for HE approval (October 15). Therefore, the City has elected to move ahead with adoption of the General Plan and EIR and anticipates accommodating comments or changes (if any) from HCD. If there are any changes that affect the EIR they will be addressed, if necessary, with an Addendum to the EIR. Based on discussion with HCD and experiences of other cities’ HEs, the City does not anticipate having to prepare subsequent or supplemental EIR to address HCD comments and potential changes to the Housing Element. It should also be noted that, as CEQA Lead Agency, the City has the discretion to certify the Final EIR whether or not the HCD approves the Housing Element submitted for their review.</p>
<b>G-10</b>	<p>The commenter presents a lot of information on state planning law and related court case requirements. However, the primary issue raised is the General Plan and other City planning documents must be “vertically” consistent with each other. However, DEIR Section 3, Project Description, clearly states that portions of the Zoning Code will be modified to be consistent with the GPU if it is approved by the City Council. This tiered action can be found to be consistent with state planning law and CEQA and is wholly appropriate and typical for cities revising their General Plans.</p>
<b>G-11</b>	<p>The commenter states the EIR “does not contain any analysis or evidence that the General Plan Update will result in an internally consistent Plan.” However, the updated General Plan document is consistent with state general plan law which does require such consistency. This assumption is part of the DEIR Section 3,</p>

ID	Response to Comment Letter G – Southwest Regional Carpenters Union
	<p>Project Description, so the proposed GP is assumed to be internally consistent at this time.</p> <p>It should also be noted that internal consistency is a General Plan requirement and not necessarily a CEQA requirement. The General has been designed to be internally consistent as required by state law and will be received by the City for internal consistency during public hearings for adoption of the General Plan. It is also worth noting that the commenter has not identified any inconsistencies in the proposed General Plan.</p>
<b>G-12</b>	<p>The entire SWAPE letter relates to Comment/Response G-2 in terms of skilled labor force and whether the City should or can require future development to use union labor. Please see Response G-2 for discussion of the information and issues presented in this letter.</p>

**COMMENT LETTER H – PUENTE HILLS HABITAT PRESERVATION AUTHORITY**



August 19, 2021

Sonya Lui, Principal Planner  
 City of Whittier  
 Community Development Department, Planning Services Division  
 13230 Penn Street  
 Whittier, CA 90602  
 slui@cityofwhittier.org

**Re: Comments on Draft City-wide General Plan Update and Housing Element (2021-2029) Update for the City of Whittier, SCH # 2021040762, and associated DEIR**

Dear Ms. Lui:

The Puente Hills Habitat Preservation Authority (Habitat Authority) appreciates the opportunity to comment on the City of Whittier’s Draft General Plan Update and Housing Element (2021-2029) Update (Plan) and associated Draft Environmental Impact Report (DEIR) released July 9, 2021. The Board of Directors for the Habitat Authority met on August 19, 2021 and is submitting these comments for your consideration.

H-1

The Habitat Authority is a joint powers authority established pursuant to California Government Code Section 6500 *et seq.* with a Board of Directors consisting of the City of Whittier, County of Los Angeles, Sanitation Districts of Los Angeles County, and the Hacienda Heights Improvement Association. According to its mission, the Habitat Authority is dedicated to the acquisition, restoration, and management of open space in the Puente Hills for preservation of the land in perpetuity, with the primary purpose to protect the biological diversity. Additionally, the agency endeavors to provide opportunities for outdoor education and low-impact recreation.

H-2

In the Puente Hills, the Habitat Authority manages the open space in its ownership as well as open spaced owned by the City of Whittier and Sanitation Districts, totaling over 3,880 acres, within the Cities of Whittier, La Habra Heights and the County unincorporated area known as Hacienda Heights. These lands are collectively referred to as the Puente Hills Preserve and comprehensively managed as one unit. The proposed Plan and DEIR pertain to lands that are managed by the Habitat Authority through Agreements with the City of Whittier, A97-172 and A15-128.

H-3

The Habitat Authority submitted comments on May 20 pertaining to the Notice of Preparation of the Environmental Impact Report, specifically requesting that proposed land use designations be changed back to “Open Space” in the Plan for all lands owned/managed by the Habitat

H-4

A Joint Powers Agency created pursuant to California Government Code Section 6500 *et seq.*  
 7333 Greenleaf Avenue, First Floor, Whittier CA 90602 • Phone 562-945-9003

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Draft Whittier General Plan and DEIR  
Habitat Authority

Authority in Whittier to be consistent with our management as preserved lands. We appreciate that Figure LUCC-4 of the Draft General Plan Update was revised to reflect that request.

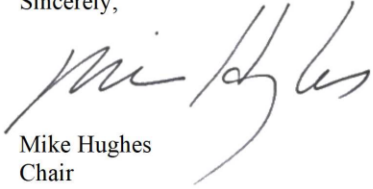
H-4  
Cont.

Overall, we applaud the City of Whittier's efforts with the documents and appreciate the partnership with the City of Whittier for the management of its open space. Detailed Authority comments on the Draft General Plan and DEIR are in Exhibit A for your consideration.

H-5

Thank you for your consideration, and feel free to contact me, Ecologist Michelle Mariscal ([mmariscal@habitatauthority.org](mailto:mmariscal@habitatauthority.org)) or Executive Director Andrea Gullo at (562) 945-9003 or [agullo@habitatauthority.org](mailto:agullo@habitatauthority.org) for further discussion. Also, please maintain our agency on the contact list for this planning process.

Sincerely,



Mike Hughes  
Chair

cc: Board of Directors  
Citizens Technical Advisory Committee

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Draft Whittier General Plan and DEIR  
Habitat Authority

### Exhibit A

Upon review of the Draft General Plan Update we have the following comments and/or requests:

#### Global Comments-

- |   |     |
|---|-----|
| 1. There are inconsistencies in the base map depicting the boundaries of the Puente Hills Preserve. We request that all Figures in the General Plan Update be revised to reflect the current boundaries of those open space lands owned and/or managed by the Habitat Authority, as provided to the City via shapefile on May 21, 2021. | H-6 |
| 2. We request that the title of our agency, the Puente Hills Habitat Preservation Authority, be referenced correctly throughout the document (e.g., please correct errors on pages 150, 176, 220, 230).   | H-7 |

#### Additionally-

- |   |      |
|---|------|
| 3. Please consider imbedding hyperlinks in the Table of Contents to improve navigation within the document.   | H-8  |
| 4. Figure LUCC-4 Land Use Policy Map (p. 37) – Please confirm that the “Public and Quasi Public” land use designation for Hellman Park Trailhead parking lot does not exclude current and future trail use of the property.   | H-9  |
| 5. Figure LUCC-5 Sphere of Influence (p. 38) – Please remove the designation for residential development on Habitat Authority-owned property, Turnbull Canyon. This property is managed as open space and was purchased with Los Angeles County voter-approved Proposition A funding which prohibits its development.   | H-10 |
| 6. Definition of Public and Quasi public (p. 70) – Please consider broadening the definition to include trails, such as by adding “...Accommodates..., <b>trail use</b> ,...”. This would address current use of Hellman and possible future trail development in Dark Canyon, a parcel within the City’s Sphere of Influence currently designated as “public or quasi public”.   | H-11 |
| 7. Mobility and Infrastructure, Goal MI-6.2 (p. 97) – Please consider the following bolded and strikethrough modifications to this goal, “ <b>Collaborate with the Puente Hills Habitat Preservation Authority to develop</b> a strategy to address parking near trailheads to address parking intrusion into adjacent residential neighborhoods. This strategy could include parking restrictions for non-residents, creation of trailhead lots, and provision of remote parking with shuttle service”. Changes to parking facilities and access to the trailheads directly affects the management and sustainability of the Puente Hills Preserve. The Habitat Authority manages Puente Hills Preserve trailheads and associated parking lots pursuant to the agreement with the City and welcomes collaborative efforts with the City to address these important issues. | H-12 |
| 8. Figure RM-2 Recreation Facilities and Access (p. 139) – Hellman Park is indicated on this figure in a different color representing it as a City Park in contrast to the rest of the Puente Hills Preserve, which is represented as open space. Our understanding is that the entire Preserve is considered open space, including Hellman Park. Please consider correcting the figure to represent the Puente Hills Preserve, in whole, as open space.  | H-13 |
| 9. Table RM-2 Parks and Recreation Facilities (p. 140) – Arroyo Pescadero is managed by the Habitat Authority as a Natural Park which allows for passive recreation; please   | H-14 |

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 Draft Whittier General Plan and DEIR  
 Habitat Authority

change the designation accordingly from its current designation in the draft General Plan as a Specialty Park which allows for active recreation. Additionally, the Habitat Authority manages Hellman and Arroyo Pescadero pursuant to the agreement with the City, therefore, we suggest revising the column title from “Managed” to “Managed or Owned” to clarify the role of the City. Lastly, considerations could be made to add and identify Murphy Baseball Fields as a Specialty Park.

H-14  
 Cont.

10. Resource Management Element (p.143, paragraph 1) – While the Schabarum Trail traverses the Puente Hills Preserve and connects to several Habitat Authority managed trails, it is operated by Los Angeles County, not the Habitat Authority. Please revise this section accordingly.

H-15

11. Oil and Gas, Goal 8 (p. 148) – Please consider adding an additional goal, or modifying Goal RM-8.4, to exclude resource production from the Core Habitat area of the Preserve (La Canada Verde). As an example, consider the following bolded changes to Goal RM-8.4: “**Minimize Avoid** environmental impacts of oil-production related activity on threatened or endangered species, habitat and natural resources **including in the Core Habitat of the Puente Hills Preserve.**”

H-16

12. Goals and Policies: Wildfire, Goal 5, PSNH-5.9 (p. 176) – We strongly support this goal, and suggest the following bolded modification to address retrofitting existing development (i.e., home hardening) as supported by Assembly Bill (AB) 38 chaptered into law in 2019:

“Conduct a survey of existing residential structures within the Very High Hazard Severity Zones to identify nonconforming buildings related to fire safety standards and consult with property owners to bring these properties into compliance with the most current building and fire safety standards **such as home hardening.**”

Below are details about this new home hardening legislation.

Assembly bill 38 was passed in October of 2019, codified as Sections 1102.6f and 1102.19 of the Civil Code & section 4123.7 of the Public Resources Code. This legislation provides mechanisms to develop the best practices for community-wide resilience against wildfires through home hardening, defensible space, and other measures. It requires that starting January 21, 2021, the seller of any real property which is determined by the Director of Forestry and Fire Protection to be in a high or very high fire hazard severity zone (which areas around the Puente Hills Preserve are designated) provide a disclosure notice to the buyer, if the home being sold was constructed before January 1, 2010. The disclosure must include the following:

H-17

- A statement disclosing that the property is located in high or very high fire hazard zone and the home was built before the implementation of the Wildfire Urban Interface building codes.
- A list of low-cost retrofits developed and listed pursuant to Section 51189 of the Government Code. (Starting on or after 7/1/2025)
- A list of features that make the home vulnerable to wildfire and flying embers (including: eaves, roof coverings made of untreated wood shingles, combustible landscaping etc.) For a full list see Civ. Code, § 1102.6f



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Also, more information can be found at CalFire’s website

<https://www.readyforwildfire.org/prepare-for-wildfire/get-ready/hardening-your-home/>

- |  |      |
|--|------|
| <p>13. Goals and Policies: Wildfire, Goal 5 (p. 176) – Please consider the following bold and strikethrough modifications to Goal PSNH-5.13: “Collaborate with regional fire agencies and the Puente Hills <del>Landfill</del> Habitat Preservation Authority on different <b>and proven effective</b> strategies available to maintain diverse plant composition (e.g., less combustible native plants), undertake appropriate thinning of vegetation, and maintain <del>fuel breaks</del> <b>emergency access roads</b> without permanently damaging native habitat <b>or landscape-wide ecosystem functioning.</b>” Other than emergency access roads, no fuel breaks are currently maintained on the Puente Hills Preserve outside of the fuel modification zones at the urban-wildland interface. The emergency access roads that are currently maintained on the Puente Hills Preserve also function as fuel breaks.</p> | H-18 |
| <p>14. Goals and Policies: Pollution and Exposure, Goal 7 (p. 184) – Please consider the following bold modifications to Goal PSNH-7.5, “<del>Minimize</del> <b>Avoid</b> environmental impacts and protect the ecological resources and native habitat resources within the Puente Hills Habitat Preservation Authority’s <b>Puente Hills Preserve</b> associated with any oil drilling and production project.”</p>  | H-19 |
| <p>15. Figure PSNH-8, Oil Production Areas (p.185) – The map mistakenly shows an active oil well just west of Colima within the Puente Hills Preserve, however, according to the California Department of Conservation’s Geologic Energy Management Division’s (CalGEM) online mapping application Well Finder, it is an idle well. Please see <a href="https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-117.99168/33.97179/16">https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-117.99168/33.97179/16</a></p>   | H-20 |
| <p>16. Implementation Plan: Program 22, Fire Hazards Severity Zones (p. 218) – Please consider adding a bullet point that encourages public education about home hardening as a result of AB 38 (see bullet #12 herein).</p>   | H-21 |
| <p>17. Implementation Plan: Program 113, Fire Prevention/Fuel Modification Plan (p. 236)– The Habitat Authority has historically conducted annual fuel modification clearance on City owned open space properties as directed by the County of Los Angeles. The Draft General Plan indicates that the City consider preparing with the Habitat Authority a Wildlife Management Plan. This may have been a typographical error, and the actual intent was for a <i>Wildfire</i> Management Plan, in which case we support this endeavor.</p>  | H-22 |

Upon review of the DEIR we have the following comments and/or requests:

*Global comments-*

- |   |      |
|---|------|
| <p>1. There are inconsistencies in the base map depicting the boundaries of the Puente Hills Preserve. We request that all Figures in the DEIR be revised to reflect the current boundaries of those open space lands owned and/or managed by the Habitat Authority, as provided to the City via shapefile on May 21, 2021.</p> | H-23 |
| <p>2. We request that the title of our agency, the Puente Hills Habitat Preservation Authority, be referenced correctly throughout the document (e.g., pages 132, 152).</p>   |      |

*Additionally-*

- |  |      |
|--|------|
| <p>3. Exhibit 4.1-1: Corridor, Gateways, &amp; Landmarks (p. 63) – Hellman Park is indicated on this map by a ‘Park’ symbol, implying it is a City Park in contrast to the rest of the</p> | H-24 |
|--|------|

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Draft Whittier General Plan and DEIR  
Habitat Authority

Puente Hills Preserve, which is represented as open space. Our understanding is that the entire Preserve is considered open space, including Hellman Park. Please consider revising the figure to represent the Puente Hills Preserve, in whole, as a landmark feature.

H-24  
Cont.

4. 4.4 Biological Resources, Section 4.4.1 – Environmental Setting (p.129) – Please correct all mentions of the Puente Hills Reserve to the Puente Hills **Preserve**.

H-25

5. 4.4 Biological Resources, Table 4.4-1 (p. 130) – Per the Puente Hills Preserve’s Resource Management Plan (see Appendices E and F, available at: <https://www.habitatauthority.org/resource-management-plan/>) and biological data collected since that Plan was written, several species listed in table 4.4-1 as having low potential of occurrence in the Planning Area have been documented as occurring in the Whittier area within the Puente Hills Preserve and should be reclassified in the table:

- *Setophaga petechia*, Yellow warbler
- *Eumops perotis californicus*, Western mastiff bat
- *Taxidea taxus*, American badger
- *Lasiurus blossevillii*, Western red bat
- *Lasiurus xanthinus*, Western yellow bat
- *Aspidoscelis tigris stenjnegeri*, Coastal whiptail
- *Calochortus plummerae*, Plummer’s mariposa-lily
- *Calochortus weedii* var. *intermedius*, Intermediate mariposa-lily

H-26

ID	Response to Comment Letter H – Puente Hills Habitat Preservation Authority
H-1	This comment provides an introduction for the other comments in this letter. This comment has been noted and no response is necessary.
H-2	This comment includes information about the Puente Hills Habitat Preservation Authority and is not a comment on the DEIR. This comment has been noted and no response is necessary.
H-3	This comment provides information about the Puente Hills Preserve and is not a comment on the DEIR. This comment has been noted and no response is necessary.
H-4	This comment notes that the Authority previously submitted comments on the Notice of Preparation regarding an exhibit that incorrectly (through a mapping error) showed lands managed by the Authority designated by the proposed General Plan Updated as Residential that should have been designated as Open Space/ This error was corrected in the DEIR and the Authority expressed appreciation for the correction in this comment. This comment has been noted and no response is necessary. For related information see Response H-6 below and the Errata Section of the FEIR.
H-5	<p>This comment applauds the City of Whittier’s efforts and expresses appreciation for the partnership between the City and the Authority.</p> <p>This comment also notes that detailed Authority comments pertaining to the General Plan Updates and DEIR are provide in Exhibit A of the comment letter. Changes based on comments provided in Exhibit A are shown below and have been corrected as indicated in the Errata chapter of the FEIR.</p>
H-6	<p>This comment has been addressed and changes have been noted in the Errata Section (Chapter 3) of the FEIR as follows:</p> <p><b>GLOBAL MAPPING CHANGE:</b> The Puente Hills Habitat Preservation Authority has indicated there are inconsistencies in the base map depicting the boundaries of the Puente Hills Preserve. They request that all Figures in the DEIR be revised to reflect the current boundaries of those open space lands owned and/or managed by the Habitat Authority, as provided to the City via shapefile on May 21, 2021. Many of these changes may not be visible at the scale of the DEIR maps but these changes are considered to be incorporated into the EIR and subsequent mapping related to biological resources and the General Plan related to the Puente Hills Preserve.</p>
H-7	This comment has been addressed and changes have been made to the Errata Section (Chapter 3) of the FEIR.
H-8	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
H-9	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element

ID	Response to Comment Letter H – Puente Hills Habitat Preservation Authority
	and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-10</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-11</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-12</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-13</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-14</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-15</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-16</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-17</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-18</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has

ID	Response to Comment Letter H – Puente Hills Habitat Preservation Authority
	thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-19</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-20</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-21</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-22</b>	This comment addresses changes to the GPU which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>H-23</b>	This comment has been addressed and changes have been made to the Errata Section (Chapter 3) of the FEIR.
<b>H-24</b>	This comment has been addressed and changes have been made to the Errata Section (Chapter 3) of the FEIR.
<b>H-25</b>	This comment has been addressed and changes have been made to the Errata Section (Chapter 3) of the FEIR.
<b>H-26</b>	This comment has been addressed and changes have been made to the Errata Section (Chapter 3) of the FEIR.

## COMMENT LETTER I – WHITTIER CONSERVANCY



August 20, 2021  
Ms. Sonya Lui  
City of Whittier Planning Services Division  
RE: Comments on DEIR for General Plan Update  
And 2021-2029 Housing Element Update

Dear Ms. Lui,

The Whittier Conservancy was heavily involved in the drafting of the 1993 Whittier General Plan and welcomes this opportunity to address the current GPU along with the Housing Element.

CEQA requires that anytime a city action has a significant impact on the environment, an assessment must be made to determine the nature of the impact and how it can be resolved, mitigated to a level of insignificance, or rejected for a more reasonable alternative.

We are going to address several areas of concern in the General Plan that we feel have not been fully measured against their adverse impacts to the environment in Whittier. In particular, we will be addressing impacts associated with the Implementation Measures pertaining to Land Use and Planning, Water and Hydrology, Biological Resources, Housing, and Historic Resources

First, we would like to draw your attention to Appendix C of the DEIR: **Existing Conditions Report**.

The GPU is framed by this *existing conditions* report. However, **the conditions that existed in Whittier in 2017---four years ago---are far different from those that exist today**. The data supporting the goals and policies of the GPU are premised on data that is either extremely outdated or even irrelevant today. For example, nowhere is COVID or its current or ongoing impacts even mentioned, let alone considered, within this important premise to the GPU.

How can a General Plan, which is supposed to be the city's blueprint for priorities for the next twenty years, not take into consideration the changes that have taken place, are still taking place, and are sure to impact the way people live, work, shop, and go to school for the next several years? How does COVID impact the city and city operations, including public input that has been severely disrupted as a result of societal changes? Even comments on this document and ensuing public hearings will not be in-person presentations to the decision makers.

The outdated statistics and data supporting many of the goals and policies of the GPU make portions of the EIR obsolete as well. **The DEIR assesses the environmental impacts of a General Plan that is premised on inaccurate, misleading, erroneous, and outdated information in the Existing Conditions Report of 2017, detailed on the following page, on which the succeeding documents are based.**

P.O. Box 9114 / Whittier, CA 90608 -- info@whittierconservancy.org

I-1

I-2

**Housing and population** information rely on 2013 data for the 2014 Housing Element. Many of those numbers are based on population figures from the 2010 Census. So much of that data is now 7 to 11 years old.

I-3

**State mandates** like ADUs and Water Restrictions are not accounted for.

I-4

**Accelerated Climate Change** is now at our doorstep with fires, drought, and extreme heat threatening the Whittier Hills like never before. Many residents in our foothills have lost their fire insurance recently due to proximity to fire-prone areas.

I-5

**Health and Safety** section talks about diabetes and heart disease as the biggest threats to Whittier residents' health with *nothing* about Covid.

I-6

**2020 Census information** is not used; only outdated information from previous census.

I-7

**Water availability** has significantly diminished, with little replenishment options in sight.

I-8

**Circulation and trip traffic** have changed dramatically due to changes in home/work/school.

I-9

Our DEIR comments will directly address the document presented. However, we maintain that the DEIR is insufficient because it attempts to support the environmental impacts of a General Plan that, in turn, relies on outdated, inaccurate, and insufficient information from the 2017 Existing Conditions Report. The Goals and Policies that premise the Implementation Measures necessary to carry out this multi-decade plan for development in Whittier came from this outdated data. For these reasons, we are asking the DEIR be recirculated with the *new information* available that reflects the actual existing conditions in Whittier.

I-10

Sincerely,

Mary Goman Sullens  
President

Whittier Conservancy, pp 1-2

Cultural Resources:

**4.5.1 – ENVIRONMENTAL SETTING Errors:**

**Page 4.5-1/2: Historic Beginnings, Paragraph 3:**

**Error 1.** “The Planning Area contains several registered historic resources as well as civic/institutional and commercial landmarks...” (DEIR p. 4.5-1)

*Document incorrectly confuses “resource” and “landmark.” “Landmarks” are a subset of historic resources and there are both residential and commercial landmarks that are part of the trove of the larger trove of over 1,000 Whittier historic resources. This misunderstanding has resulted in the following miscalculation:*

**Error 2.** “...there are a total of 109 resources.” (DEIR p. 4.5-1)

*Whittier currently has 140 Landmarks (national, state, and local combined), and over 800 additional historic resources within the four historic districts, the Uptown Specific Plan area, and other adopted surveys. This results in **approximately 1,000 surveyed and documented historic resources** as defined by both the WMC and CEQA. This is a very significant error in calculating the inventory of historic resources subject to the significant effects detailed under the calculations in the DEIR.*

**4.5.2 REGULATORY FRAMEWORK Errors:**

**Error 1 Page 4.5-13:** At the very end of the section on the Regulatory Framework, in the paragraph at the top of the page, the DEIR refers to two historic districts and their relevant code sections of the Whittier Municipal Code, 18.87 and 18.88. However, there are FOUR Historic Districts in Whittier, not two as stated in the DEIR. The College Hills Historic District (WMC 18.89) and the Earlham Historic (WMC 18.86) must be included in the Regulatory Framework documents.

*This contradicts information in 4.5-1, Environmental Setting and contradicts map Exhibit 4.5-2.*

**Error 2 Page 4.5-12/13:** City of Whittier Municipal Code:

*There is no mention of the Uptown Specific Plan, the guiding document for Whittier’s central historic core where hundreds of surveyed and documented historic resources are located. There is a plan in place that guides the protection of these resources, with no mention in the DEIR of this document within the context of the Regulatory Framework.*

I-11

I-12



4.5.3---Impacts and Mitigation Measures:

Impact CUL-1 – Would the GPU cause a substantial adverse change in the significance of a historic resource pursuant to Section 15064.5?

**Analysis of Impacts:**

Page 4.5-13: The information in 4.5.1, as stated previously, is incorrect, thus leading to subsequent incorrect assumptions about impacts to these historic resources.

“Future development under the GPU may result in adverse impacts or removal of historic buildings or resources, especially in the downtown portions of the City.” (DEIR p. 4.5-13)

“Adverse impacts or removal”---as stated above--would constitute substantial adverse changes in the significance of a historic resource if carried out. Therefore, the claim on p.4.5-15 that “potential impacts to historic resources by future development within the Planning Area will be less than significant” runs completely contrary to the acknowledged adverse impacts described on p. 4.5-13.

“The Conservation Element of the current General Plan contains Goal 1.0 and its Policy 1.6 as well as 2.0 and its Policies 2.3 and 2.4 which support the preservation of identified historic resources and provide for the protection of such resources. In addition, the City’s existing Municipal Code contains Historic Preservation Guidelines which implement these goals and policies.” (DEIR p. 4.5-13)

The Goals and Policies in the current 1993 General Plan will be replaced by the Goals and Policies of the new General Plan, if adopted. Therefore, this citation has no relevance to what is proposed in the new documents and cannot be used to support “no mitigation” as stated in this DEIR.

**Goal 1: Historic Resources Evaluation:**

**Policy HR-1.1:** “Evaluate potential historic resources and evaluate/provide required contextual statements for additional residential and commercial historic districts, as requested by the City Council and/or individual property owners(s).”

“As requested by the City Council” language would diminish the protection of historic resources by transferring the oversight of historic resource evaluation from the Historic Resources Commission, who have expertise in this area, to the City Council, who may have no demonstrated competence or expertise in this area. This language would put protection historic resources at the mercy of fluctuating political influences and ideology rather than consistent citizen input to the commission and commission recommendations to the city council.

“As requested by individual property owners” would diminish the protection of historic resources for the same reasons listed above. This would also take away the city council’s ability to fund historic surveys because the resources identified in professional inventories would have to be approved by property

Whittier Conservancy p. 4

I-13

Commented [JR1]:

I-14

Commented [JR2]:

owners and thus would cause a substantial adverse change in the significance of historic resources pursuant to Section 15064.5.

I-14

**Recommendation:** Removal of the underlined language would result in the retention of current and future councils' ability to over-ride or reject commission recommendations without drastically changing thirty years of procedure and code requirements. This would negate any significant impact.

**HR-2.3:** "Consider relocation of structures with officially designated landmark status to vacant sites within established districts when no other alternative exists for their preservation, or if a particular structure is not protected by the ordinance."

I-15

This policy is moot because the two scenarios mentioned are already covered in the existing Preservation Ordinance.

**Recommendation:** Remove this redundant policy.

.....  
**Summary and Conclusions:**

"With IMPLEMENTATION of the General Plan goals and Policies, as well as the existing preservation guidelines in the municipal code, potential impacts to historic resources by future development within the Planning Area will be less than significant." (p.4.5-16 DEIR)-

I-16

This statement is incorrect.

The following Implementation Programs will cause significant adverse changes in the significance of historic resources pursuant to Section 15064.5:

I-17

Whittier Conservancy p.5

**Program 11: Historic Resources Ordinance Update**

"As appropriate and with City Council direction, evaluate the historic resources ordinance and engage the community to explore ideas about how to best update the ordinance and identify sections that may need to be updated and cleared of inconsistencies."

**Program 12: Certificate of Appropriateness Evaluation"**

"With City Council direction, evaluate and modify, as appropriate, the Certificate of Appropriateness Application required for all buildings. Evaluation should include the process, fees, permits, and regulations. Assess both the success and drawbacks of this policy's implementation."

**Program 16: Historic Resource Adjacency Standards**

"As directed by the City Council, consider updating the zoning code to include historic resource adjacency standards, as appropriate."

**Program 62: Historic Resources Survey**

"With City Council direction, consider supplementing previously prepared historic resources surveys to address post World War II residential neighborhoods.?"

**Program 63: Context Statements**

"With City Council direction, prepare context statements related to various themes of Whittier's development to ensure a broader understanding of the city's historic resources. Identify local resources that fulfill the context statements."

**Program 64: Uptown Specific Plan**

"With City Council direction, complete the work prepared for the Uptown Specific Plan; use credentialed historical specialists to evaluate whether the Uptown commercial buildings have the potential to be considered a historic district."

*As with the policies, language that transfers responsibility for oversight and recommendations of priorities from the Historic Resources Commission to the City Council would result in a diminishing of protections for historic resources by transferring the responsibility from qualified commissioners to*

I-17

Whittier Conservancy p. 6

potentially unqualified elected officials. This diminished level of protection would constitute a significant adverse change in these resources resulting in impacts that are not mitigated in this DEIR.

**Recommendation:** Eliminate the words "as directed by the City Council and "with City Council direction" and these Implementation measures will be mitigated to a level of significance that requires no additional mitigation. This would correct the imbalances in the DEIR without substantially changing the goals and policies in the GPU. City Council would retain the ability to over-ride recommendations of the commission, set priorities at yearly budget sessions, and control the designation of landmarks and Mills Act contracts as currently available to them in the Historic Resources Ordinance.

I-17

Impacts would thus be removed from consideration in this DEIR.  
\*\*\*\*\*

**Uptown Specific Plan Information Inconsistencies:**

1. **The Uptown Specific Plan** is not included in the Regulatory Framework documents section
2. GUP says the Uptown Specific Plan will not be rescinded as with some other specific plans, yet further notations in the DEIR say:  
"Future development under the GPU may result in adverse impacts or removal of historic buildings or resources, especially in the downtown portions of the City." (DEIR p. 4.5-13)
3. Internal Conflict between Implementation Programs # 64 and #4
4. Conflict between Implementation #4 and GPU statement that the USP will remain
5. Conflict between statement in #2 above and DEIR conclusion of "no significant impacts" (DEIR p. 4.5-16)

I-18

**Impact CUL-3 Error: (DEIR p. 4.5-17)**

DEIR says , "The only large established cemetery in the immediate area is the Rose Hills Memorial Park and Mortuary."

*This is incorrect. There is an original cemetery located at Founders' Park that was abandoned and covered over in 1969. Many graves of founding members of the community still reside there as well as the grave of "George the Greek" who brought camels to the cavalry in California in the 1850s. This grave is a California Registered Landmark. There is also a small cemetery on South Painter Avenue near Telegraph Rd. in the Plan Area's sphere of influence.*

I-19

**The DEIR's conclusion that the General Plan Update "will have no substantial adverse change in the significance of historic resources" cannot be supported due to the errors in the document.**

Whittier Conservancy p. 7

**Land Use and Community Character:**

DEIR p.4.11-24"

**Goal 5: GP Consistency:** "Reduced traffic congestion and environmental impacts associated with goods movement."

*This is inconsistent with the DEIR's significant and unavoidable impacts associated with traffic.*  
**(Impact TRANS 2)**

I-20

**Goal 5: So Cal Goal:** "Reduce greenhouse gas emissions and improve air quality."

*This is inconsistent with DEIR's significant and unavoidable impacts associated with greenhouse gases.*  
**(Impact GHG 2)**

I-21

**Goal 6: So Cal Goal:** "Support healthy and equitable communities."

*This is inconsistent with DEIR's significant and unavoidable impacts associated with air quality.*  
**(Impact Air 1)**

I-22

Impact Land 3 acknowledges that the substantial land use changes along with increasing the amount of residential uses and housing units are "resulting from the City's increased RHNA housing allocation from SCAG, which is in turn based on the state's goal of providing more housing throughout the state. However, the state housing goal conflicts with its desire to also reduce vehicle miles traveled in an effort to reduce vehicular pollution and greenhouse gas emissions." (DEIR p. 4.11-27)

I-23

**LU & CC – 8:**

Marginal Growth and Shifts in Composition.

The GPU states that "Whittier experienced only moderate population growth between 2010 and 2020...with an increase in housing units during that decade of 130 units."

**This is incorrect** and misleading. *Whittier has built hundreds of units within the last decade with over 1,000 in progress or already approved. Have these numbers been adequately incorporated into the RHNA allocation since the last Housing Element Update of 2014?*

I-24

**Recommendation:**

*While the document itself, as a programmatic EIR does not directly pose threats to the local environment, adoption by the City Council will open the door to the conflicts between clean air and a surge of people and vehicles. These are inconsistent policies that we feel must be mitigated prior to adoption.*

I-25

Whittier Conservancy p. 8

4.4 Biological Resources:

4.4.2 Regulatory Framework:

**Error:**

*This section does not include the City's Tree Protection Ordinance, codified in WMC 12.40.*

**Implementation Program # 52:**

*"Ensure the City has ready access to trained arborists or other experts who can implement Whittier's urban forest strategies and programs." (GPU p. IP-13.)*

*This language constitutes a diminishing level of protection for the Urban Forest and is not in compliance with either CEQA or the Tree Ordinance portion of the Whittier Municipal Code.*

**Recommendation:**

*Remove language in yellow and add "on staff" in place of "or other experts" for consistency with the Tree Protection Ordinance.*

*Otherwise, this would constitute a lessening of protection for trees by transferring oversight away from city employees. Also, "other experts" is a vague term that does not align with tree protection. Since the Urban Forest is a protected part of Whittier's environment, the "no impact" statement does not apply and would require substantial mitigation to address this deficit in protection.*

I-26

4.10 Hydrology and Water

**Table 4.10-1 Groundwater Supply Analysis for GPU Population (DEIR p. 4.10-20)**

"Can Water Supply meet the needs of the estimated population growth with GPU?"

Answer: "NO".

*This response, relying on future UWMP estimates from Whittier and neighboring jurisdictions, is not good enough for this DEIR to declare that the environmental situation can be mitigated down the road when more data is available. This is a significant impact that must be addressed in detail or declared "significant and unavoidable."*

**Recommendation:**

*Reassess water resources in the context of the state's ongoing drought and new executive order from the governor calling for a 15% reduction in residential water usage.*

*If the City proceeds with adoption of the new GPU, we suggest the **alternative** that reduces impacts 25%.*

I-27

Whittier Conservancy p. 9

ID	Response to Comment Letter I – Whittier Conservancy
I-1	The comment indicates the Conservancy has reviewed the GP and DEIR and has a number of comments – responses to these specific comments are shown below.
I-2	<p>This comment addresses the use of the 2017 Existing Conditions Report as the basis for analysis in the EIR. However, the analysis in many sections was updated with more current data where and where appropriate (e.g., air quality uses 2020 data and software, population and housing uses SCAG 2021 Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS) information, etc..</p> <p>The 2017 Existing Conditions Report was used as a starting point to identify baseline conditions for analysis in the EIR. However, analysis in many sections was updated with more current data where available and where appropriate. For example, air pollutant data current to 2020 was used in the air quality, energy, and greenhouse gas emissions sections, along with the most current recommended methodologies for calculating impacts and determining thresholds of significance. Also, the most current traffic data based on vehicle miles traveled (VMT) and the latest SCAG traffic model for the LA Basin was used to evaluate traffic impacts of future growth.</p> <p>This GPU and its EIR address the GPU, including the 2021-2029 Housing Element update which uses the most current demographic data available from the federal census bureau, various state departments, and SCAG to present the most accurate data and analysis of potential housing impacts possible. It should also be noted that the 2020 Census data comes out in segments. National data came out earlier this year. City and town demographic data won't be available until May 2022 (Please see <a href="https://www.census.gov/programs-surveys/popest/about/schedule.html">https://www.census.gov/programs-surveys/popest/about/schedule.html</a>.) but the most current, accurate and available data was used to prepare the General Plan Update, Housing Element, and EIR.</p>
I-3	The commenter states that “housing and population information rely on 2013 data for the 2014 Housing Element. Many of those numbers are based on population figures from the 2010 Census. So much of that data is now 7 to 11 years old.” It is possible that data on specific housing or population sub-groups may necessarily be that old as that data is not generally collected or presented outside of the federal decennial census results. However, this GPU and its EIR address the 2021 Housing Element update which uses the most current demographic data available from the federal census bureau, various state departments, and SCAG to present the most accurate data and analysis of potential housing impacts possible.
I-4	<p>The commenter indicates that “state mandates like ADUs and Water Restrictions are not accounted for”. However, the Housing Element and DEIR Project Description do account for ADUs in the presentation of housing data. The projection of housing units that will be added in the City under the GPU to meet the City's RHNA also takes into account ADUs which are based on permits for such units issued and averaged over the past three years. It is not possible to know precisely how many ADUs will be added within the City over the next 20 years because they are driven by societal and family factors that can change over time.</p> <p>The analysis of water resources in both DEIR Section 4.10, Hydrology and Water Quality, and Section 4.19, Utilities-Water, do take into account water conservation which is a key component of the state Green Building Code and the City's low</p>

ID	Response to Comment Letter I – Whittier Conservancy
	impact development standards.
I-5	<p>This comment touches on accelerated risks posed by climate change. Global climate change and climate adaptation strategies were added to the proposed Resource Management, Public Safety, Noise, and Health Elements to protect the community from its long-term impacts. For example, the Resource Management Element states the following:</p> <p><b>Goal 3:</b> Energy efficiency and conservation measures that reduce air pollution and greenhouse gas emissions</p> <p><b>RM-3.5:</b> Increase public awareness about climate change and encourage residents and businesses to become involved in improvement projects and lifestyle changes that help reduce greenhouse gas emissions.</p> <p>The root cause of global climate change, greenhouse gas (GHG) emissions, are examined in detail in DEIR Section 4.8 and mitigation measures were recommended to help curb local GHG emissions.</p>
I-6	<p>The City is concerned about these issues as well, and the new Public Safety, Noise, and Health Element does discuss healthy lifestyles, and disease, and recommends a number of goals and policies to address public health issues.</p> <p>This comment implies that the data, analysis, and conclusions of the EIR are deficient because COVID was not addressed. It is certainly true that planning during the past two years has been challenging due to temporary societal changes required to eliminate the COVID outbreak. However, a disease, even a pandemic, is temporary in its effects on the people of a community and their activities. In contrast, General Plans are long range (20+ years) in nature and should not be guided or molded around temporary behaviors to defeat a short-term disease. The General Plan process is not flawed because it did not make allowance for a short-term contagion and related short-term behavioral change. By their nature General Plans are geared to the long term and are aspirational in nature: they are intended not so much to predict the future as they are designed to provide a vision of the desired future of a City. Due to their long-term nature, they do not assume that what is expected to occur in the short term will occur over the long term. For example, short-term upturns or downturns in the economy that could occur when a General Plan is being prepared cannot be assumed to continue over a 20-year period since the economy is dynamic and subject to fluctuations.</p>
I-7	<p>The commenter states that “2020 Census information is not used; only outdated information from previous census.” As outlined in Responses I-1 above and I-7 below, the 2107 Existing Conditions Report was a baseline that was supplemented, where available by more accurate current information that was collected, presented, and analyzed in many sections of the EIR as appropriate.</p>
1-8	<p>The commenter states that “water availability has significantly diminished, with little replenishment options in sight.” The analysis of water resources in both DEIR Section 4.10, Hydrology and Water Quality, and Section 4.19, Utilities-Water, do take into account water conservation which is a key component of the state Green Building Code and the City’s low impact development standards. It is noted that the DEIR did conclude that impacts related to water supply were significant but could be reduced to less than significant levels by limiting growth until local water suppliers</p>



ID	Response to Comment Letter I – Whittier Conservancy
	had evaluated the planned growth and developed plans to accommodate that growth, as outlined in Mitigation Measure UTL-1.
1-9	The comment states that “circulation and trip traffic have changed dramatically due to changes in home/work/school.” The GP and EIR were supported by traffic analyses including an assessment of vehicle miles traveled (VMT) that looks at regional trip distribution patterns. The traffic modelling used for this analysis does take into account changing trends in travel patterns. In this case the EIR recommended Mitigation Measures VMT-1 through VMT-3 to help assure the City can reduce its long-term traffic impacts to the extent possible.
I-10	<p>The commenter states the “Goals and Policies that premise the Implementation Measures necessary to carry out this multi-decade plan for development in Whittier came from this outdated data”. As pointed out in Response I-1 above, the 2107 Existing Conditions Report was only a baseline and more up-to-date information was collected, presented, and analyzed in many sections of the EIR as appropriate. For example, existing air pollutant data current to 2020 was used in the air quality, energy, and greenhouse gas emissions sections, along with the most current recommended methodologies for calculating impacts and determining thresholds of significance. Also, the most current traffic data based on vehicle miles traveled (VMT) and the latest SCAG traffic model for the LA Basin was used to evaluate traffic impacts of future growth. Accurate and appropriate data was used to prepare the General Plan Update, Housing Element, and EIR.</p> <p>Based on their arguments, the commenter concludes the DEIR should be recirculated. The analysis provided in the DEIR is thorough and appropriate for a program EIR, so the City does not need to revise the document with additional information and recirculate it for additional public review.</p>
I-11	<p>The comment indicates the DEIR uses the wrong terms for and number of historic resources which invalidates the analysis and conclusions of the DEIR regarding historic resources. The actual importance or significance of resources within the City is not affected by the specific number listed or if they are referred to as landmarks or resources.</p> <p>The comment also states the City contains “approximately 1,000 surveyed and documented historic resources as defined by both the WMC and CEQA.” This statement is misleading, the comment does not provide any documentation supporting the claim regarding surveyed resources, and simply because a resource has been surveyed does not mean it is automatically classified as an historic resource under CEQA. In fact, many resources that may have local historic value may not meet the state or federal listing criteria for designated historic resources, therefore, they may not be considered significant historic resources under CEQA.</p> <p>The key issue is whether the language of the GPU goals and policies, supported by the WMC, adequately protect significant historical resources. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate protection of historic resources in the City with the proposed modifications outlined in the General Plan Response to Comments (GPRTC) document. It also clarifies the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state</p>

ID	Response to Comment Letter I – Whittier Conservancy
	<p>law. The City further believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources with the proposed modifications outlined in the GPRTC document.</p> <p>However, the Errata Section (Chapter 3) of the FEIR will include the following modifications to help clarify the number and type of historic resources in the City:</p> <p>(DEIR p. 4.5-1) The Planning Area contains several registered historic <del>resources</del> <u>landmarks</u> as well as civic/institutional and commercial <del>landmarks</del> <u>resources</u>. <del>...there are a total of 109 resources.</del> <u>Whittier currently has 140 Landmarks (national, state, and local combined), and hundreds of additional resources within the four historic districts (HD), including Central Park HD (45), Hadley Greenleaf HD (190), College Hills HD (97) and Earlham HD (7), plus the Uptown Specific Plan area, and other adopted surveys.</u></p>
I-12	<p>The two “errors” identified in the comment will be corrected in the Errata Section (Chapter 3) of the FEIR.</p>
I-13	<p>As stated in Response I-11, the number or classification of historic resources does not in itself constitute a significant impact to those resources since this is a programmatic document and will not in and of itself remove any of these resources. Future development in the City may result in impacts to buildings with historical value but such development would have its own CEQA process to determine any specific impacts to specific historic resources. Also as previously stated, removal of a building that may have local historic features or context may not necessarily constitute a significant impact to a significant historic resource. That determination would have to be made in the future based on project and site conditions at that time.</p> <p>The DEIR states that impacts to such resources would be less than significant by implementing the identified goals and policies of the GPU that protect such resources, including the WMC limitations.</p> <p>The 1993 goals and policies were cited under regulatory authority as they are the current rules for resources prior to adoption of the GPU. The comment fails to mention that the analysis in Impact CUL-1 (under the headings “2021 General Plan Update” and “General Plan Analysis”) cites GPU Historic Resources Element Goals 1-5 and their attendant policies that will help protect historic resources in the future (DEIR pages 4.5-14 and -15).</p>
I-14	<p>The Historic Resources Commission certainly advises the City Council regarding historic resources in the City so would be considered to have more technical knowledge about such resources. However, the City Council is the final legislative body responsible for protecting such resources under state law. In addition, the legal rights of the owners of historical or potentially historical properties must also be taken into account during the development review process for future development of such properties</p>

ID	Response to Comment Letter I – Whittier Conservancy
1-15	<p>This comment is on a specific policy of the General Plan Update which is addressed by the City in a separate General Plan Response to Comments (GPRTC) document.</p> <p>The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document. It also clarifies the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state law. The City further believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources with the proposed modifications outlined in the GPRTC document.</p>
I-16	<p>The comment states an opinion and does not provide supporting evidence the DEIR conclusion is incorrect. As previously stated, the City further believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources with the proposed modifications outlined in the GPRTC document. The analysis provided in the DEIR is thorough and appropriate for a program EIR, so the City does not need to revise the document with additional information and recirculate it for additional public review.</p>
1-17	<p>The comment concludes that the cited implementation programs will have significant impacts on historical resources because the phrase “with City Council direction” is present. It must be remembered the City Council is the final legislative body responsible for protecting such resources under state law. The comment presents no evidence that the qualifying phrase will in any way substantially affect the protection of historical resources in the City. New development, even those containing historical resources, must still go through their own CEQA process in the future which would address these site-specific issues based on actual future conditions.</p>
I-18	<p>The comment addresses the Uptown Specific Plan. Comments specifically about GPU goals and policies are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. It should also be noted that not all local historic or potentially historic resources are within the Uptown Specific Plan, so the comment regarding the DEIR conclusion cited on 4.5-16 is not correct (i.e., the DEIR conclusion is correct) based on available evidence and the goals and policies of the GPU.</p>
I-19	<p>The comment says the statement in the DEIR regarding cemeteries is inaccurate. Therefore, the following clarification will be made to the information on DEIR page 4.5-16:</p> <p><u>The only largest established currently active cemetery in the immediate area is the Rose Hills Memorial Park and Mortuary, located just north of the City adjacent to the Puente Hills. There is also an original cemetery located at Founders’ Park that was abandoned and covered over in 1969. Many graves of founding members of the community still reside there as well as the grave of “George the Greek” who brought camels to the cavalry in California in the 1850s. This grave is a California Registered Landmark. There is also a small cemetery on South Painter Avenue near Telegraph Rd. in the City’s Sphere of Influence.</u></p>

ID	Response to Comment Letter I – Whittier Conservancy
I-20	The DEIR's significant traffic impact was determined to be from vehicle miles traveled (VMT) which is the new CEQA metric for such impacts. Due to the amount of traffic that new development will generate (largely due to the City's RHNA housing allocation), VMT cannot be reduced to identified significance thresholds even with mitigation, although it is estimated to be very close to the goal in the future. This does not preclude the GPU having a goal of wanting to reduce traffic congestion and impacts related to goods movement, as outlined in Land Use and Community Character Element Goal 5: GP Consistency: "Reduced traffic congestion and environmental impacts associated with goods movement."
I-21	Similar to Response I-20 above, the DEIR found that new development will generate significant GHG impacts, which is largely due to the City's RHNA housing allocation. The DEIR found that GHG impacts cannot be reduced to identified significance thresholds even with mitigation. However, this does not preclude the GPU having a goal of wanting to reduce GHG emissions to the extent possible in the future.
I-22	Similar to Responses I-20 and I-21 above, the DEIR found that new development will generate significant air quality impacts, which is largely due to the City's RHNA housing allocation. The DEIR found that these air quality impacts cannot be reduced to identified significance thresholds even with mitigation. However, this does not preclude the GPU having a goal of supporting healthy and equitable communities to the extent possible in the future.
I-23	This comment provides excerpts from the DEIR in an attempt to support the comments raised in I-20 through I-22. It does not provide a specific comment on the DEIR
I-24	This comment is about the Housing Element and the historical data presented in it. It does not make a comment on the DEIR so there is no response required.
I-25	The comment states..." While the document itself, as a programmatic EIR does not directly pose threats to the local environment, adoption by the City Council will open the door to the conflicts between clean air and a surge of people and vehicles. These are inconsistent policies that we feel must be mitigated prior to adoption." As previously indicated, the City's RHNA allocation will eventually result in more residential units in the City which will generate more traffic and air pollutants. However, it must also be remembered that future development will be required to conduct project- and site-specific CEQA analyses to determine their level of impact and the need for or extent of mitigation measures to reduce potential impacts to less than significant levels, including air quality and traffic. The DEIR is required to identify potentially significant long-term impacts of the GPU but that does not preclude the City from having goals and policies that encourage/require future development to reduce future traffic and air quality impacts to the extent possible.

<p><b>I-26</b></p>	<p>The Tree Protection Ordinance will be added to Section 4.4.2, Regulatory Requirements-Biological Resources, as outlined in the Errata Section (Chapter 3) of the FEIR.</p> <p>The comment states Implementation Program 52 which is to “Ensure the City has ready access to trained arborists or other experts who can implement Whittier’s urban forest strategies and programs.” (GPU p. IP-13.) is in conflict with the City’s Tree Protection Ordinance. However, there is no evidence the general language of this program would in any way actually conflict with the specific requirements of the Tree Ordinance nor would it afford trees less protection under that ordinance or CEQA.</p>
<p><b>I-27</b></p>	<p>The comment mischaracterizes the analysis and conclusion of this DEIR section. The Hydrology and Utilities-Water Sections both identify future water consumption as a significant impact. The EIR then recommended Mitigation Measure UTL-1 to assure there would be long-term water supplies available for future housing, as outlined below:</p> <p><b>UTL-1 Water Demand Management.</b> New developments under the General Plan Update that will be served by local water utility providers will not be approved if they increase water use in excess of what is identified for supply in 2040 under the most recent Urban Water Management Plan for the involved local water provider.</p>

**COMMENT LETTER J – WHITTIER CONSERVANCY (LAW FIRM)**

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August 27, 2021

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City Council  
City of Whittier  
13230 Penn Street  
Whittier, CA 90602

Re: Request to Separate Consideration of General Plan Update and 2021-  
2029 Housing Element

Honorable Councilmembers:

On behalf of the Whittier Conservancy, we write to urge the City to separate the approval of the City's 2021-2029 Housing Element update from the larger consideration of General Plan Update (GPU). This request reflects the Conservancy's acknowledgement of the City's urgency with regard to the state deadline on the Housing Element, while allowing for adequate time for the City, the consultants, and the public to deal with the numerous inaccuracies and problems associated with the GPU and the inadequate analysis of the GPU in the draft environmental impact report (EIR). It would allow the City to avoid a rushed public hearing schedule on the GPU that fails to provide the necessary public input and careful City review required for a document intended to guide development within the City for the next 20 years.

J-1

As set forth in comments submitted by the Whittier Conservancy and others, there are numerous substantive errors contained in the proposed GPU in addition to a lack of adequate analysis of the GPU in the draft EIR. These issues include, but are not limited to the following:

J-2

- The GPU relies on substantially outdated and erroneous data from the 2017 Existing Conditions Atlas.
- The EIR then relies on incorrect assumptions espoused in the GPU.
- There are inconsistency between the citizen-input based Guiding Principles contained in the GPU with the Project Objectives identified in the EIR; these

J-3

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Project Objectives do not reflect the priorities of the public as shown in the trove of public input from the Envision Whittier workshops. J-3

- There are significant internal inconsistencies contained in the GPU which fail to address the conflicts of increased population and vehicles with policies requiring reduction in traffic and greenhouse gas emissions and the EIR fails to address these inconsistencies. J-4
- Implementation measures for GPU policies require changes to the Whittier Municipal Code to bring consistency between the GPU and zoning code, but mitigation measures in the draft EIR claim impacts to historic resources will be mitigated by the Preservation Ordinance as it currently exists. J-5
- Four out of five of the GPU Matrix charts identifying the implementation measures crafted to address GPU policies fail to correctly correlate the measures and policies with an abysmal accuracy rate of 49%. J-6
- The GPU Historic Resources Element significantly undercounts the number of historic resources within the City and completely eliminates consideration of the scores of historic resources within the Uptown Specific Plan. J-7
- The EIR fails to address the implementation of the Uptown Specific Plan and the implications of its projected growth into either the environmental impacts or the housing estimates. J-8

The GPU is intended to be the long-range planning program to guide the growth and development of the City through the year 2040. It serves as the City's constitution for all future development. (*Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, 152.) As such, it is extremely important the public have adequate time to review and comment upon the GPU and the EIR that analyzes its long-term impacts. It is equally important the City has adequate time to review and revise the GPU to ensure the adequacy and accuracy of the long-term constitution for development in the City. The City must also have ample time to prepare responses to the numerous comments it receives on the EIR for the GPU as required by CEQA. (CEQA Guideline § 15088, subd. (c) ["There must be good faith, reasoned analysis in response."]) J-9

Under the current timeline, the City would have only a few weeks to respond to all of these comments and make necessary revisions to the EIR. The Planning Commission public hearing is already scheduled for the day after Labor Day, with no EIR comments or City responses to those comments available for either public review or Planning Commission review. Without those comments and responses, and any required revisions to the EIR, the Planning Commission will be unable to provide recommendations the City Council can rely upon when making the required finding that the final EIR has been completed in compliance with CEQA. (See CEQA Guideline § 15090.) J-10

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The Whittier Conservancy understands that there are strict time requirements applicable to the adoption of the Housing Element update. However, those deadlines do not apply to the GPU. Moreover, there is no requirement the Housing Element and GPU be adopted or analyzed simultaneously and many jurisdictions analyze and adopt these documents in a separate process. (See Gov. Code, § 65588, subd. (e).) In fact, while the GPU has been under consideration since early 2017, the Housing Element was only added for consideration late in 2020.


J-11

There are many serious problems with the General Plan Update in its current configuration. In order to allow for the careful review of a document with such long-term consequences as the GPU requires, we propose the City move forward with only the Housing Element at this time and continue consideration of the GPU to a later date after it has been revised.

J-12

The EIR separately analyzes each element of the General Plan and includes standalone analysis of the Housing Element. The City could respond only to comments on the EIR's analysis of the Housing Element and certify the EIR only as to the Housing Element, providing additional time to revise the EIR's analysis of the GPU.

Thank you for your time and consideration in this matter.

Sincerely,  


Amy Minter

cc: Whittier Planning Commissioners:  
Chari David Lara ([dlara@cityofwhittier.org](mailto:dlara@cityofwhittier.org))  
Vice Chair Richard Quirk ([rquirk@cityofwhittier.org](mailto:rquirk@cityofwhittier.org))  
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ID	Response to Comment Letter J – Chatten-Brown, Carstens & Minter LLP (Representing the Whittier Conservancy)
J-1	<p>This comment asks the City to separate the approval of the City’s 2021-2029 Housing Element update from the larger consideration of General Plan Update (GPU). While the City is pursuing an aggressive schedule to meet the legislative deadline for its Housing Element adoption, the City’s review and approval process allows adequate time for public review and comment as well as consideration by the decision-makers of all relevant materials. The EIR presents accurate information about the various environmental issues that may be affected by implementation of the General Plan Update, including the Housing Element.</p>
J-2	<p>This comment asserts that: 1) The GPU relies on substantially outdated and erroneous data from the 2017 Existing Conditions Atlas; and 2) The EIR then relies on incorrect assumptions espoused in the GPU. However, no substantiation is provided in the comment to support these claims.</p> <p>The 2017 Existing Conditions Report was used as a starting point to identify baseline conditions for analysis in the EIR. However, analysis in many sections was updated with more current data where available and where appropriate. For example, air pollutant data current to 2020 was used in the air quality, energy, and greenhouse gas emissions sections, along with the most current recommended methodologies for calculating impacts and determining thresholds of significance. Also, the most current traffic data based on Vehicle Miles Traveled (VMT) and the latest SCAG traffic model for the LA Basin was used to evaluate traffic impacts of future growth.</p> <p>This GPU and its EIR address the GPU, including the 2021-2019 Housing Element update which uses the most current demographic data available from the federal census bureau, various state departments, and SCAG to present the most accurate data and analysis of potential housing impacts possible. It should also be noted that the 2020 Census data comes out in segments. National data came out earlier this year. City and town demographic data won't be available until May 2022 (Please see <a href="https://www.census.gov/programs-surveys/popest/about/schedule.html">https://www.census.gov/programs-surveys/popest/about/schedule.html</a>.) but the most current, accurate and available data was used to prepare the General Plan Update, Housing Element, and EIR.</p>
J-3	<p>The commenter states there is “inconsistency between the citizen-input based Guiding Principles contained in the GPU with the Project Objectives identified in the EIR.” While there is not a one-to-one correspondence between the two lists (presented below), they do address issues/topics and are not inconsistent with each other. The DEIR Objectives were developed from the Guiding Principles but address more specifically each element so that the analysis of alternatives in the EIR can better determine whether an alternative achieves the EIR Objectives.</p> <p><b><u>EnvisionWhittier Guiding Principles</u></b></p> <ol style="list-style-type: none"> <li>1. Whittier has a small town feel with a strong sense of community where gathering spaces, engaging events, and attractive streetscapes and greenways connect the community physically and socially. Our vibrant Uptown, diverse commercial corridors, stable residential neighborhoods, and natural open spaces provide places where all community members feel at home.</li> </ol>

ID	Response to Comment Letter J – Chatten-Brown, Carstens & Minter LLP (Representing the Whittier Conservancy)
	<ol style="list-style-type: none"> <li>2. Whittier strives to preserve its historic landmarks and districts, protect its hillsides, grow local businesses, and promote quality neighborhood character while encouraging complementary, managed, and sustainable growth.</li> <li>3. Whittier embraces Uptown as its urban retail core with local businesses, events, civic institutions, and a safer environment. Whittier promotes a unified Whittier Boulevard as a corridor that efficiently connects our neighborhoods to adjacent communities and provides a diversity of commercial businesses and institutions for locals and visitors. The Boulevard also benefits from the presence of higher-density housing that offers homes to people of all income levels and lifestyles.</li> <li>4. Whittier strengthens its economic prosperity by leveraging local assets and establishing community partners to grow quality jobs, enhance services, and maintain stable revenues.</li> <li>5. Whittier offers attractive, convenient transportation options and provides walkable, cyclable, safer, and livable streets while continuing to strengthen access to the greater region. Community amenities are accessible by all residents.</li> <li>6. Whittier values and is committed to enhancing the Puente Hills Preserve, a safer and scenic trail system, and diverse recreational facilities where the community can experience nature and engage in healthy activities.</li> <li>7. Whittier wisely manages its open space, water, energy, and air resources for sustainable use.</li> <li>8. Whittier residents, business interests, and local decision makers come together and celebrate Whittier’s shared community values while working toward Whittier’s best community interests.</li> </ol> <p><b><u>DEIR Objectives</u></b></p> <ol style="list-style-type: none"> <li>1. Promote healthy and safe neighborhoods with comprehensive approaches that consider best practices around land use, mobility, housing, environmental justice, community services, and design.</li> <li>2. Create new housing opportunities for a full range of housing types and to increase housing affordability.</li> <li>3. Strengthen the City’s industrial and office sectors.</li> <li>4. Support a diversified economy with a balance of small and large businesses across a broad range of industries that provide employment, commercial, and experiential opportunities.</li> <li>5. Strive for an “uptown” that showcases the City’s rich history, celebrates local entrepreneurship, features our civic institutions, and encourages downtown living within a vibrant gathering place for the community.</li> <li>6. Create an interconnected, active transportation system that recognizes and responds to the critical needs of businesses to move commerce while</li> </ol>

ID	Response to Comment Letter J – Chatten-Brown, Carstens & Minter LLP (Representing the Whittier Conservancy)
	<p>accommodating the equally important necessity for pedestrians, cyclists, transit users, and motorists to move around the City with convenience and ease.</p> <ol style="list-style-type: none"> <li>7. Engage residents and stakeholders in ensuring equitable and inclusive processes, policies, investments, and service systems. Ensure residents in disadvantaged communities have access to healthy foods, parks, mobility options activity, public programs, and safe homes.</li> <li>8. Protect people, infrastructure, and community assets from evolving climate threats and vulnerabilities, and from natural and human-caused hazards.</li> </ol> <p>It should also be noted that there is nothing in CEQA or the CEQA Guidelines that specifically requires the objectives of an EIR to be identical to similar components of a General Plan.</p>
<b>J-4</b>	<p>The commenter states there are “internal inconsistencies contained in the GPU which fail to address the conflicts of increased population and vehicles with policies requiring reduction in traffic and greenhouse gas emissions and the EIR fails to address these inconsistencies.” However, it is not inconsistent to acknowledge there will be growth in the future in terms of traffic, air pollution, water use, etc. but the goal of the City is to try to reduce or manage those increases to the degree possible given the nature and limitations of the General Plan. These conditions are simply practical limitations given the state and regional direction to increase housing but the local desire to manage and adequately plan for such increases to minimize impacts on the community. This therefore does not constitute an “internal inconsistency” according to state planning law which applies when two or more goals and/or policies of the GP are in conflict with each other (e.g., one policy says use less water, another policy says use more water). This situation simply points out a conflict of local vs. regional/state goals but the GP has to balance these competing needs while minimizing negative consequences on the community.</p> <p>It should also be noted that this comment does not provide any specific examples of the inconsistencies cited to substantiate the commenters claim.</p>
<b>J-5</b>	<p>The commenter states that “implementation measures for GPU policies require changes to the Whittier Municipal Code to bring consistency between the GPU and zoning code, but mitigation measures in the draft EIR claim impacts to historic resources will be mitigated by the Preservation Ordinance as it currently exists.” It should be noted the EIR does not contain mitigation measures for impacts to historical resources but relies on implementation of the proposed goals, policies, and implementation programs of the General Plan Update to protect historical resources.</p> <p>At this time the City has no plans to modify or rescind the Historic Resource Ordinance in the Municipal Code.</p>
<b>J-6</b>	<p>The commenter states “the GPU Matrix charts identifying the implementation measures crafted to address GPU policies fail to correctly correlate the measures and policies.” The commenter is correct that the matrices did not accurately correlate the various policies and implementation measures. These charts will be corrected in the General Plan prior to its approval. In addition, these errors are not</p>

ID	Response to Comment Letter J – Chatten-Brown, Carstens & Minter LLP (Representing the Whittier Conservancy)
	considered fatal flaws in the EIR process as those matrices were not part of the analysis of environmental impacts in the EIR.
J-7	<p>The commenter states that the “GPU Historic Resources Element significantly undercounts the number of historic resources within the City and completely eliminates consideration of the scores of historic resources within the Uptown Specific Plan.”</p> <p>It is not clear what the commenter is referencing here since no explanation, substantiation or examples of what has been undercounted or eliminated has been provided to support their assertion.</p> <p>The commenter may be conflating local historic structures, especially many older homes, in the Uptown Specific Plan area with historic landmarks officially designated by state or federal officials. Regardless, the Historic Resources Element and the EIR both acknowledge the presence of many local historical resources in the City, so, in any event, the specific number of resources cited does not change the analysis or conclusions of the EIR regarding historical resources.</p>
J-8	The commenter states the “EIR fails to address the implementation of the Uptown Specific Plan and the implications of its projected growth into either the environmental impacts or the housing estimates.” However, the EIR assumed continued implementation and development of all approved plans, including tract maps and specific plans, so the Uptown Specific Plan is covered in the GP and EIR growth projections (housing, population, and non-residential uses) through 2040.
J-9	The commenter states “...the EIR that analyzes its long-term impacts. It is equally important the City has adequate time to review and revise the GPU to ensure the adequacy and accuracy of the long-term constitution for development in the City. The City must also have ample time to prepare responses to the numerous comments it receives on the EIR...” The City believes the EIR process for the GPU includes sufficient time (including the CEQA mandated 45-day public review period) for the public to review and comment on the EIR as well as staff to respond to those comments that relate to the GPU.
J-10	The commenter stated that “...without those comments and responses, and any required revisions to the EIR, the Planning Commission will be unable to provide recommendations the City Council can rely upon when making the required finding that the final EIR has been completed in compliance with CEQA.” The Planning Commission will review all of the responses to the comments on the EIR prior to making its recommendations to the City Council on the EIR document. It will be able to see the comments from the various agencies, organizations, and individuals during its review of the DEIR. It must be remembered the City Council is the legislative body responsible for adopting the GPU and certifying the EIR after review of all relevant project materials.
J-11	The commenter is correct that the GP has been under consideration since early 2017 and the Housing Element has only been considered since late 2020. Yes, it would be possible to separate the approval processes for the Housing Element from the rest of the General Plan. However, the City will move ahead with approval of the GPU and certification of the EIR as it relates to the entire GP.

<b>ID</b>	<b>Response to Comment Letter J – Chatten-Brown, Carstens &amp; Minter LLP (Representing the Whittier Conservancy)</b>
<b>J-12</b>	As stated above, it is possible to separate the approval processes for the Housing Element from the rest of the General Plan. However, at this time the City has decided to move ahead with approval of the GPU and certification of the EIR.

## COMMENT LETTER K – CITY HISTORIC RESOURCES COMMISSION

### HISTORIC RESOURCES COMMISSION

On August 18, 2021, the Historic Resources Commission (HRC) discussed the Draft Environmental Impact Report for the General Plan/Housing Element updates and relayed the following:

1. The following goals and policies from the 1993 General Plan, Land Use Element, were omitted and should be included in the General Plan update:
  - a. Policy 1.5 - Infill development must be sensitive to adjacent land uses to promote compatibility between the development and existing use
  - b. Goal 2 – Develop and maintain cohesive, clean, safe, and stable residential neighborhoods in Whittier.
  - c. Policy 2.1 – Provide city programs to encourage neighborhood or community beautification, safety, and improvement, and continue to encourage Whittier residents to participate and take pride in their neighborhoods and community. K-1
  - d. Policy 2.2 Continue to develop and implement, where appropriate, programs to promote the preservation and rehabilitation of existing housing units.
  - e. Policy 2.4 Preserve the character of existing neighborhoods and ensure that future residential development is compatible with the surrounding area and the City as a whole.
2. The following goal and policy from the 1993 General Plan, Environmental Resource Management Element, was omitted and should be included in the General Plan update:
  - a. Policy 1.1. – Identify buildings, sites, objects, neighborhoods, landscaped areas and gardens which have special significance to the history and/or character of Whittier.
  - b. Policy 2.1 – Update the City’s historic resources ordinance as needed to protect identified historic buildings, sites, trees, gardens and neighborhoods. K-2
  - c. Policy 2.2 – Establish historic districts, as appropriate, to protect Whittier’s historic neighborhoods, and to preserve and enhance the distinctive visual and functional image of Whittier.
3. The DEIR does not address an adequate list of regulatory laws in the area of Cultural Resources. The DEIR fails to acknowledge the National Environmental Policy Act (NEPA), which could enable Section 106 be invoked. K-3
4. Citation 1.4 of the DEIR mentions preparation of a Program EIR. However, the DEIR does not explain the nature and purpose of a Program EIR. The DEIR does not sufficiently support the Program EIR assumption that environmental effects can be mitigated in similar ways across the elements. The DEIR fails to provide sufficient specifics to suffice for use in the future of such disparate areas as archaeological finds, human remains, Tribal Cultural Resources and structures in the built environment. K-4
5. The description of the Cultural Resources Element in the DEIR is vague and insufficient. Archaeological artifacts and Tribal cultural resources are omitted. K-5

- Cultural Resources, Archaeological artifacts and Tribal cultural resources need to be discussed equally. K-5
6. The General Plan update does not include implementation measures that protect cultural resources. While it is stated that Title 17 and 18 and other parts of the Whittier Municipal Code will be revised following the General Plan to be consistent with its goals, policies, exhibits and texts, it is problematic that the zoning amendments are not further detailed and discussed. K-6
  7. There is insufficient discussion on how GHG impacts historic resources. K-7
  8. There is no discussion about the rehabilitation of older buildings and the potential conflicts between Title 24/Zero Net Energy requirements and the U.S. Secretary of the Interior's Standards/Historic Building Code. K-8
  9. The project objectives outlined in the DEIR do not specifically mention preserving cultural and historic resources. Project Objective No. 5 states "strive for a downtown that showcases the City's rich history, celebrates local entrepreneurship, features our civic institutions, and encourages downtown living within a vibrant gathering place for the community". Identify historic preservation goal for Uptown. Objectives need to be described using action driven words rather than general terms. K-9
  10. The DEIR needs to be corrected because it makes reference to two historic districts rather than four historic districts. K-10
  11. Policy 1.3 under the Historic Resources Element should be revised by noting the possibility of multiple historic districts (not just one) within the Uptown District. K-11
  12. The section within the DEIR titled "Areas of Controversy" should be removed entirely from the final EIR document. K-12
  13. The Historic Resources Element identifies the City Council as having final discretionary authority, but this is not specifically stated within other General Plan Elements. The HRC requests policies to be written in way that offers the HRC the same treatment afforded by other boards and/or commissions. K-13

ID	Response to Comment Letter K – City Historic Resources Commission
K-1	<p>This comment is about specific goals and policies of the General Plan Update which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document.</p> <p>The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document. It also clarifies the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state law. The City further believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources with the proposed modifications outlined in the GPRTC document. Thus the City will move ahead with approval of the GPU and certification of the EIR as it relates to the entire GP.</p>
K-2	<p>This comment is about specific goals and policies of the General Plan Update which are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. See also Response K-1 above for more information.</p>
K-3	<p>Clarifying text will be added to Section 4.4.2, Regulatory Setting (Cultural Resources) regarding the National Environmental Policy Act (NEPA) of 1969 and Section 106. Please see Chapter 3 (Errata)</p>
K-4	<p>The commenter states...“the DEIR does not explain the nature and purpose of a Program EIR”. However, Section 1, Introduction, Subsection 1.2, Purpose and Scope, of the Draft EIR does explain the purpose of a program EIR in relation to the proposed General Plan Update, as follows:</p> <p>“Although it will allow for an overall increase in development potential for the entire Planning Area, the General Plan Update would not, by itself, authorize any specific development project or other form of land use approval or any kind of public facilities or capital facilities expenditures or improvements. As such, a Program EIR is the appropriate type of document to identify the geographic extent of sensitive resources and hazards, along with existing and planned services and infrastructure support systems that occur in the Planning Area. Further, the Program EIR is described in Section 15168 of the CEQA Guidelines as the appropriate analytical framework to assess the cumulative environmental effects of the full plan, in a first-tier level of analysis, to identify broad concerns and sets of impacts, and to define/develop regulatory standards and programmatic procedures that reduce impacts and help achieve environmental goals and objectives.”</p> <p>“Later activities proposed pursuant to the goals and policies of the General Plan will be reviewed in light of this EIR and may focus on those site-specific and localized environmental issues that could not be examined in sufficient detail as part of this EIR. Advantages of a Program EIR include consideration of effects and alternatives that cannot practically be reviewed at the project-level, consideration of cumulative impacts that may not be apparent on a project-by-project basis, the ability to enact citywide mitigation measures, and subsequent reduction in paperwork.” (DEIR page 1-3).</p>



ID	Response to Comment Letter K – City Historic Resources Commission
	<p>The commenter also states...“the DEIR fails to provide sufficient specifics to suffice for use in the future of such disparate areas as archaeological finds, human remains, Tribal Cultural Resources and structures in the built environment.” The Cultural Resources section of the EIR (4.4) provides information on existing historical and archaeological resources in the City, relevant state and federal regulations, and analyzes potential impacts to these resources using the questions from the State CEQA Checklist as significance criteria for impact determinations. As stated in Section 4.4.4, the City believes the goals and policies of the GPU will provide sufficient protection for these resources as development occurs in the City in the future.</p> <p>However, the City will move ahead with approval of the GPU and certification of the EIR as it relates to the entire GP.</p>
K-5	<p>The commenter states....“the Cultural Resources Element in the DEIR is vague and insufficient. Archaeological artifacts and Tribal cultural resources are omitted. Cultural Resources, Archaeological artifacts and Tribal cultural resources need to be discussed equally.” It is unclear what resources the commenter believes have been omitted because no explanation or substantiation has been provided, but the three topics indicated by the commenter were addressed separately and in detail in the Cultural Resources and Tribal Cultural Resources sections of the DEIR based on the organization of EIRs suggested by the State CEQA Checklist which is typical of comprehensive EIRs.</p>
K-6	<p>The comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.</p> <p>It must be remembered in any rezoning effort, or a future development application even if it is consistent with the zoning, must comply with CEQA in terms of evaluating potential impacts of the proposed development on the proposed site, including any historical resources that may be present.</p>
K-7	<p>The comment raises an example where two goals and/or policies of the General Plan address different aspects of the environment such as historic resources. When this occurs, the City at its various levels (staff, commissions, council) must weigh the various impacts and determine the most appropriate requirements to apply to the project. The commenter’s example is the effect of GHG regulations on an historical residence or building. The level of impact on historical resources depends on the site, its characteristics, and what level of disturbance is being proposed by the applicant. If the building is state or federally listed it would require a higher level of protection under established laws and regulations for such buildings (e.g., Dept. of the Interior Standards/Historic Building Code), including energy conservation which affects GHG emissions.</p>
K-8	<p>As outlined in Response K-7 above, there are instances when two goals and/or policies of the General Plan address different aspects of the environment such as historic resources and raise potential conflicts. When this occurs, the City at its various levels (staff, commissions, council) must weigh the various impacts and</p>

ID	Response to Comment Letter K – City Historic Resources Commission
	determine the most appropriate requirements to apply to the project. The commenter’s example is the effect of energy conservation regulations on an historical residence or building. These potential conflicts must be resolved for future development on a case-by-case basis as there is no blanket solution that applies to all projects and all sites.
<b>K-9</b>	<p>The comment states that “project objectives outlined in the DEIR do not specifically mention preserving cultural and historic resources” and that the GP should “identify historic preservation goal for Uptown.”</p> <p>First, it should be noted the DEIR Objectives contained the following: (5) The City shall “strive for a downtown that showcases the City’s rich history...” Certainly this objective is general as is the intent of the goals and objectives of the General Plan as well, which is why a programmatic EIR is most appropriate for the CEQA compliance document.</p> <p>In addition, the Historic Resources Element contains the following:</p> <p><b>Goal 1:</b> Historic Resources Identification: Identify historic, cultural, and archaeological resources.</p> <p><b>Policy HR-1.3:</b> Evaluate the Uptown District to determine its appropriateness as a potential historic district.</p>
<b>K-10</b>	Page 4.5-13 of the DEIR will be corrected as outlined in the Errata Section (Chapter 3) of the FEIR.
<b>K-11</b>	The comment suggests “Policy 1.3 under the Historic Resources Element should be revised by noting the possibility of multiple historic districts (not just one) within the Uptown District.” This is not a comment on the DEIR. Responses to Comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.
<b>K-12</b>	The State CEQA Guidelines Section 15123(b)(2) specifically identifies “Areas of Controversy” as a topic that must be addressed in an EIR to give the reader a general understanding of the important issues in that jurisdiction at the time the EIR is prepared. Given the comments by a number of persons on the Historic Resources Element, this topic outlined in the DEIR as an “area of controversy” is certainly appropriate.
<b>K-13</b>	The comment states the “HRC requests policies to be written in way that offers the HRC the same treatment afforded by other boards and/or commissions.” This is not a comment on the DEIR. Responses to Comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document.

**COMMENT LETTER L – DAVID BARBOZA**

**From:** David Barboza <[homesforwhittier@gmail.com](mailto:homesforwhittier@gmail.com)>  
**Sent:** Sunday, August 15, 2021 2:58 PM  
**To:** Sonya Lui <[slui@cityofwhittier.org](mailto:slui@cityofwhittier.org)>  
**Subject:** City of Whittier General Plan Update and Housing Element Update Draft EIR Comments

Dear City of Whittier and MIG,

I am writing in regards to the City of Whittier General Plan Update (GPU) and Housing Element Update Draft Environmental Impact Report (State Clearinghouse Number 2021040762). I am concerned that the analysis of water supply may be used as a pretext to deny applications for badly-needed infill housing in Whittier to address our city's affordable housing crisis, our climate crisis and to accommodate our share of the Regional Housing Need Allocation (RHNA), as required by state law.

L-1

The Draft EIR states that the projected development from the GPU would exceed available water supply based on the currently adopted Urban Water Management Plans (UWMPs) of the four water purveyors in the planning area. However, two tables in the Draft EIR show that water supply would exceed demand in 2040 if the GPU is adopted (see Tables 4.10-1 and 4.19-1, rows labeled "Water Supply" and "Water Demand"). At a bare minimum, these tables need to be clarified to show how "Water Demand" in 2040 is supposedly some number other than the number listed in the row labeled "Water Demand." The proposed mitigation measure is to not approve developments that would increase water demand beyond available supply in the latest UWMPs. Nobody wants a situation where there is not enough water available to meet Whittier's needs. However, the City must make strong efforts to secure the necessary water supplies, manage water demand, and incorporate policies to do so in the GPU and the forthcoming UWMP updates. We need to be expanding the use of recycled water, promoting more efficient use of water and redesigning our streets with green infrastructure so that more water can percolate into our groundwater basin instead of being directed into our storm drains. We also need to recognize that more infill housing development can actually save water, particularly outdoors, as certain landscapes are replaced with ADUs, apartments and townhomes. Simply denying badly-needed housing is not acceptable. The City must actively plan to meet our future water needs in the GPU.

L-2

If we attempt to push housing development out of Whittier, that housing demand will not cease to exist. It will go to the inland areas of our region where water supply issues will be at least as challenging and people will be forced to travel long distances, driving up greenhouse gas emissions and air pollution. The Draft EIR must acknowledge this reality if it is to be taken seriously or serve as a useful guide for decision making about this project.

Sincerely,  
David J. Barboza, AICP  
[Homes For Whittier](http://HomesForWhittier.com)

ID	Response to Comment Letter L – David Barboza																																								
L-1	<p>The analysis of water supply that is provided in the DEIR is used only as a way of assessing the potential environmental impacts associated with the proposed General Plan Update. All future development projects would be required to analyze their individual impacts on water supplies. No changes to the DEIR are required as a result of this comment.</p>																																								
L-2	<p>The commenter has misinterpreted the data presented in Tables 4.10-1 and 4.19-1 as shown below. The text accompanying the table explains the results of the calculations presented in the table from Section 4.19, Utilities-Water, as shown below:</p> <p>“Table 4.19-1 indicates the projected population increase under the proposed GPU would exceed the 2040 population estimate upon which the UWMP projected future service. The table also shows the amount of water that could be consumed by the projected population under the GPU (1,580 acre-feet) would be greater than the surplus water supply for 2040 (1,187 acre-feet) estimated in the UWMP.”</p> <p>“It should also be noted the 1993 General Plan projected the Planning Area’s population to be approximately 96,023 persons in 2018 and the current population of the Planning Area in 2019 was 141,102 persons. This indicates the City has outpaced the growth assumptions for the 1993 General Plan upon which the various UWMPs for the Planning Area were based.” (DEIR pages 4.19-15 to -16)</p> <p style="text-align: center;"><b>Table 4.19-1</b> <b>Water Supply Analysis for GPU Population</b></p> <table border="1" data-bbox="272 1024 1425 1381"> <thead> <tr> <th data-bbox="272 1024 808 1056">Water-Related Characteristic</th> <th data-bbox="808 1024 922 1056">2020</th> <th data-bbox="922 1024 1036 1056">2040<sup>1</sup></th> <th data-bbox="1036 1024 1425 1056">Difference</th> </tr> </thead> <tbody> <tr> <td data-bbox="272 1056 808 1087">City-Wide Population (persons)</td> <td data-bbox="808 1056 922 1087">87,853</td> <td data-bbox="922 1056 1036 1087">106,014</td> <td data-bbox="1036 1056 1425 1087">+18,430 / +21%</td> </tr> <tr> <td data-bbox="272 1087 808 1119">65 Percent<sup>2</sup> of City-wide Population</td> <td data-bbox="808 1087 922 1119">57,104</td> <td data-bbox="922 1087 1036 1119">68,909</td> <td data-bbox="1036 1087 1425 1119">+11,805 / +20.7%</td> </tr> <tr> <td data-bbox="272 1119 808 1150">City UWMP Service Area Assumption<sup>3</sup></td> <td data-bbox="808 1119 922 1150">56,900</td> <td data-bbox="922 1119 1036 1150">59,500</td> <td data-bbox="1036 1119 1425 1150">+2,600 / +4.6%</td> </tr> <tr> <td data-bbox="272 1150 808 1182">UWMP Planning Surplus or Deficit<sup>4</sup></td> <td data-bbox="808 1150 922 1182">+204</td> <td data-bbox="922 1150 1036 1182">+9,409</td> <td data-bbox="1036 1150 1425 1182">“Surplus”</td> </tr> <tr> <td data-bbox="272 1182 808 1224">Water needed to serve “surplus” population (acre-feet or AF)<sup>5</sup></td> <td data-bbox="808 1182 922 1224">+47 AF</td> <td data-bbox="922 1182 1036 1224"><b>+1,580 AF</b></td> <td data-bbox="1036 1182 1425 1224">NA</td> </tr> <tr> <td data-bbox="272 1224 808 1255">City Water Supply<sup>6</sup></td> <td data-bbox="808 1224 922 1255">9,272 AF</td> <td data-bbox="922 1224 1036 1255">9,272 AF</td> <td data-bbox="1036 1224 1425 1255">0</td> </tr> <tr> <td data-bbox="272 1255 808 1287">City Water Demand<sup>6</sup></td> <td data-bbox="808 1255 922 1287">7,569 AF</td> <td data-bbox="922 1255 1036 1287">8,085 AF</td> <td data-bbox="1036 1255 1425 1287">+516 AF / +6.8%</td> </tr> <tr> <td data-bbox="272 1287 808 1329">Supply Surplus or Deficit</td> <td data-bbox="808 1287 922 1329">+1,703 AF</td> <td data-bbox="922 1287 1036 1329"><b>+1,187 AF</b></td> <td data-bbox="1036 1287 1425 1329">“Surplus” “Deficit”</td> </tr> <tr> <td data-bbox="272 1329 808 1381">Can Water Supply meet the needs of the estimated population growth with GPU?</td> <td data-bbox="808 1329 922 1381">NA</td> <td data-bbox="922 1329 1036 1381"><b>No</b></td> <td data-bbox="1036 1329 1425 1381"></td> </tr> </tbody> </table> <p><b>NOTES:</b></p> <ol style="list-style-type: none"> <li>1 assuming GPU is approved</li> <li>2 City UWMP estimates its water service area is 65% of City-wide population</li> <li>3 Table 3-1 from City UWMP</li> <li>4 Difference of UWMP Service Area Population compared to 65% of City-wide Population Estimate A “surplus” means the estimated population under the GPU is <del>higher</del> <u>lower</u> than the population estimate used for the UWMP</li> <li>5 assumes each additional person consumes 150 gallons/person/day and one AF = 236,000 gallons</li> <li>6 Table 7-2 from City UWMP</li> </ol> <p>Unfortunately, there is an editorial error on the table in that the “difference” listed for the Supply Surplus or Deficit” should actually say “Deficit” in terms of water supply. However, this labeling error does not change the conclusion of the analysis or the table that there does not appear to be enough water at present to serve the city’s 2040 population (1,580 AF needed and 1,187 AF available) – this labeling error is corrected in the Errata Section (Chapter 3) of the Final EIR.</p>	Water-Related Characteristic	2020	2040 <sup>1</sup>	Difference	City-Wide Population (persons)	87,853	106,014	+18,430 / +21%	65 Percent <sup>2</sup> of City-wide Population	57,104	68,909	+11,805 / +20.7%	City UWMP Service Area Assumption <sup>3</sup>	56,900	59,500	+2,600 / +4.6%	UWMP Planning Surplus or Deficit <sup>4</sup>	+204	+9,409	“Surplus”	Water needed to serve “surplus” population (acre-feet or AF) <sup>5</sup>	+47 AF	<b>+1,580 AF</b>	NA	City Water Supply <sup>6</sup>	9,272 AF	9,272 AF	0	City Water Demand <sup>6</sup>	7,569 AF	8,085 AF	+516 AF / +6.8%	Supply Surplus or Deficit	+1,703 AF	<b>+1,187 AF</b>	“Surplus” “Deficit”	Can Water Supply meet the needs of the estimated population growth with GPU?	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ID	Response to Comment Letter L – David Barboza
	<p>This calculation was provided to determine whether or not, under reasonable assumptions, there would be sufficient water supplies under current conditions to serve the City’s population projected for 2040. Table 4.19-1 (and the same Table 4.10-1 in the Hydrology Section). It was not done to have any immediate effect on the review or issuance of permits for new development based on water service.</p> <p>In addition, the EIR recommended Mitigation Measure UTL-1 to assure there would be long-term water supplies available for future housing, as outlined below:</p> <p><b>UTL-1 Water Demand Management.</b> New developments under the General Plan Update that will be served by local water utility providers will not be approved if they increase water use in excess of what is identified for supply in 2040 under the most recent Urban Water Management Plan for the involved local water provider.</p> <p>While the commenter correctly points out that Mitigation Measure UTL-1 requires the City not to approve developments that would increase water demand beyond available supply in the latest UWMP, the measure does not single out infill housing. If future proposed infill housing projects can show that they will not increase water demand beyond available supply then they will be approved given they meet all other statutory requirements. In addition, the General Plan Updates include goals and policies intended to encourage active planning to meet the City’s future water needs, such as the following:</p> <p><i>Resource Management Element</i></p> <p><b>Goal RM-6:</b> A commitment to sustainability through progressive use of green building policies, practices, and technologies</p> <p><b>Policy RM-6.2:</b> Incentivize energy-efficient retrofit improvements, including energy and water conservation, in existing buildings.</p> <p><i>Mobility and Infrastructure Element</i></p> <p><b>Goal MI-10:</b> Safe and reliable potable and recycled water storage and distribution systems that meet current and future needs.</p> <p><b>Policy MI-10.2:</b> Minimize leaks in the City’s water distribution system through regular monitoring, maintenance, and mitigation.</p> <p><b>Policy MI-10.6:</b> Support the efforts of water reclamation agencies to provide reclaimed water service throughout Whittier.</p> <p>As discussed in Response to Comment L-1 above, the proposed General Plan Update will encourage infill development, particularly housing, and will allow for development of up to 472 additional single-family dwellings and up to 7,023 additional multi-family dwellings when compared to the existing conditions. No changes to the DEIR are required as a result of this comment.</p>

## COMMENT LETTER M – LINDA DE VRIES

*Linda de Vries*

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August 23, 2021

Sonya Lui, Principal Planner  
City of Whittier  
Community Development Department, Planning Services Division  
13230 Penn Street, Whittier, CA 90602  
[slui@cityofwhittier.org](mailto:slui@cityofwhittier.org)

**Re: Response to Draft Environmental Report for the Whittier General Plan Update of 2021**

Dear Ms. Lui,

I write to share my comments on the DEIR for the Whittier GPU of 2021. My specific focus is the Cultural Resources Element, but I have studied the entirety of the two documents carefully and would like to begin with an overall assessment.

### Overall Evaluation

Owing to causes beyond the control of the City-- a worldwide pandemic, political polarization and resultant instability, worsening climate change resulting in devastating natural disasters, increased homelessness, population shifts reflected in the recently-released census, and changes in every sector of the economy and every aspect of social services—there has been a two-year hiatus in full public participation in the General Plan Update process. Consequently, the GPU and DEIR reflect few if any of these changes when describing the current situation.

M-1

Facts and figures across the Elements are woefully inaccurate. The matrices that connect Goals, Policies and Implementation Measures in the GPU that provide the basis for evaluating the adequacy of the Mitigation Measures in the DEIR average about 50% accuracy in matching identifying number and description of Implementation Measures. Cultural Resources is 100% incorrect! If one consults the matrix to see how the GPU directs the handling of the historic resource ordinance, for example, a turn to Program Seven finds sewer and water issues.

M-2

A study of Goals, Policies and Implementation Programs ignoring the matrices provides no clarity either, because there is no consistent format of terms—Goals sometimes sound like policies, implementations like goals, etc. Moreover, there are numerous redundancies and conflicting directions on the same topic, the language is seldom directive, with words like *consider*, *understand*, and *recognize* predominating, and potential violations of National, State and local laws are often recommended, and CEQA provisions ignored.

M-3

Lastly, the DEIR concludes that significant negative impacts are unavoidable in several key Elements, but unsupported statements in other areas challenge the DEIR's conclusion of Limited Significant Impacts.

M-4

Why push forward so quickly with a DEIR that so clearly needs revision and recirculation? The revised housing element report is due October 15, 2021. I have asked these questions but as yet have received no answers:

1. Given the momentous events of the past two years, has there been, or can there be, any adjustment or possibility of postponement of the housing report?
2. We only have to provide *sites* not built houses; have all potential ADU sites been counted?
3. We have many housing units about to be completed but not yet online; have all of them been counted?

M-4

**The DEIR needs to be revised and recirculated and, if there are no adjustments possible in housing, separate the two, submit the housing report and take the time necessary to get the GPU right.**

**Cultural Resources Evaluation**

**If recirculation does not or cannot occur, execute Plan B regarding Cultural Resources: Provide alternative Mitigation Measures that will protect Cultural Resources but require no adjustment in the level of development desired in Plan Objectives. This response ends with a new proposal that I ask be included in the DEIR.**

M-5

The DEIR analysis of Cultural Resources is scattered, inaccurate, and inadequate, particularly in the area of Historic Resources. It fails to see that current protections are on paper only, not in practice, that there is zero protection built into the GPU for the future. The DEIR actually states that it is an “optional” element, when the fact is, once chosen and the ordinance codified, it is no longer optional but required. Further, the defensive language and hostile tone and direction given in this area reflect six years of conflict with staff, single it out from the other Elements, and give it second-class status.

M-6

**Section 1.4 - Citation**

The DEIR says this is a “Program EIR.” Unfortunately, *explanation of a Program EIR is scattered throughout the DEIR, making it difficult for the reader to understand its nature and purpose. At 3.1, the DEIR cites CEQA, Section 15168, “it was prepared for a series of actions that can be characterized as a single project. At 3.6, it defines intended use: “Subsequent activities undertaken by the City to implement the General Plan will be examined considering this Program EIR to determine the appropriate level of environmental review in the areas of rezoning, approval of Specific Plans, maps, variances, conditional use permits, development agreements, financing plans, permits and entitlements, and public and private development projects. . . . (3.25)*

CEQA § 15168 says a Program EIR provides the advantages of (1) exhaustive consideration of cumulative impacts, broad alternatives, and mitigation measures that apply to the program as a whole; (2) the basis for determining whether the later activities may have any significant effects; (3) incorporation by reference into subsequent project EIRs to permit discussion solely of new effects; and (4) streamlining future EIRs and eliminating excess paperwork.

M-7

CEQA§ 15168(c)(2) says, Later activities found to be within the scope of the GPU that have been described adequately under the program EIR **will require no additional environmental documents.** For this reason, CEQA recommends that program EIRs deal with the potential effects of a general

plan element “as specifically and comprehensively as possible,” paying particular attention to cumulative effects of anticipated later activities under the plan, mitigation measures, and alternatives to the basic policy considerations in the GPU.

M-7

**Is the explanation of “Program EIR” sufficient for citizens to understand its ramifications?**

*No. The explanation of a Program EIR is scattered throughout the DEIR, making it difficult for the reader to understand its nature and purpose. One cannot see at a glance the full impact on Cultural Resources.*

**Are measures to protect Cultural Resources sufficiently specific and comprehensive to cover future actions?**

*No. This DEIR provides generalities, with few specifics. In the worst case scenario, it potentially allows the city to defer decisions and then deny the need for environmental review at a later date, using the GPU as justification. This “streamlines” procedures by potentially placing decisions solely in the hands of the council with no citizen oversight, jeopardizing governmental accountability. CEQA says a program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would **implement** the program. A checklist similar to the CEQA Appendix G Checklist and/or a three-column list of Goals, Policies and Implementation measures would be helpful. (CEQA § 15128 (5)) In trying to make sense of the inaccurately numbered matrix charts, I created one version of the latter, which is attached.*

M-8

**Does the EIR sufficiently support the Program EIR assumption that environmental effects can be mitigated in similar ways across the elements?**

*No. The DEIR fails to provide sufficient specifics to suffice for use in future of such disparate areas as archaeological finds, human remains, Tribal Cultural Resources and structures in the built environment. The mechanisms of protection are sufficiently discrete that detail is mandatory.*

M-9

**3. Project Description**

Section 3 repeats a number of areas first seen in Section 2, Executive Summary, and both Sections discuss key background areas for the analysis of impacts of the GPU on Cultural Resources not covered in the Cultural Resources Element Section in the DEIR. [Underscore mine]

M-10

**3.5. Project Characteristics / General Plan Update**

This paragraph is used at 2.4 and again at 3.5, and functions as the description of the Existing Conditions of Cultural Resources.

M-11

Historic Resources Element

The 1993 Whittier General Plan included an Historic Resources Element, the Envision Whittier General Plan updates the earlier Element. The City has chosen to include an Historic Resources because the community values its history and culture and seeks to identify goals and policies that promotes the preservation of historic and cultural resources. With a rich past worthy of preservation, the City has acted proactively with regard to historic preservation policies, as evidenced by the adoption of an optional Historic Resources Element in 1993. Efforts as early as the late 1970s worked toward revitalization of Uptown. Additionally, the City has received consistently high ratings from the non-profit, historic preservation county-wide advocacy organization the Los Angeles Conservancy in its *Historic Preservation Report Card*, last updated in 2014. The Historic Resources Element allows Whittier to consider its current programs, policies, and practices and

M-12



establish a path to implement goals and policies that will continue its tradition of best practices in Historic Preservation.

M-12

**Has the DEIR fully and accurately defined the existing environmental conditions of this Element?**

*No. The basic description omits mention of two of the three categories of Cultural Resources, Archaeological Artifacts and Tribal Cultural Resources/Human Remains, and omits facts of the current situation regarding Historic Resources.*

*First, in both CEQA and the Whittier Municipal Code (WMC) the Element of Cultural Resources includes three categories—archaeological resources and historical built resources, both defined in CEQA § 15064.5(b) and Tribal Cultural Resources, including human remains, defined in CEQA 21074. They link in PRC 5020.1(k) and PRC 5024.1.*

M-13

*CEQA and the Whittier Municipal Code include all three categories. The DEIR separates them and gives Tribal Cultural Resources its own Section (4-18). The DEIR often mentions one and not the others, and which ones are included varies from Section to Section. This separation is inaccurate and confusing. It perpetuates cultural inequality, marginalization and prejudice, and leads to slighting one or another of these categories. The DEIR should be rewritten to align with CEQA and WMC and include all three in Element of Cultural Resources.*

*Most often, Historic Resources is omitted. Moreover, there is often a tone of dismissal, hostility, or defensiveness regarding mention of the built environment. Most Policy statements related to Historic Resources begin with “At the direction of the Council,” denying the HRC its codified agency. Such a tone and statements that repeat the Charter have no place in a formal document and should be removed. CEQA structure should be followed and the three should be united and given equal treatment.*

M-14

*The DEIR adequately assesses significant impacts on Archaeological artifacts, human remains, and Tribal Cultural Resources, perhaps because strong protections for those are provided by outside organizations or governmental agencies. Accordingly, from here on I will focus primarily on Historic Resources in the built environment, since that is the area so egregiously slighted.*

M-15

*Considering just Historic Resources in the built environment, this is an inaccurate overview of the current situation. The facts are that the Historic Resources Commission is not allowed to meet, set its agenda, produce minutes, or carry out its codified ongoing tasks. There is infighting on the commission and tension between the staff and the commission. The staff resists correcting mistakes in forms and procedures that have been pointed out for years. Faulty information is given at the Planning counter, waivers are issued with no follow-up reporting or monitoring. The City is attempting to remove all authority from the Historic Resources Commission through attacks on the preservation ordinances 2.05, 2.14 and 18.84-89. Violations of the Brown Act ignore the opinions of the City Attorney and the judgment in a lawsuit. The Los Angeles Conservancy or the Attorney for the Whittier Conservancy write cautionary letters almost every month. Laws are violated and Parliamentary procedure is ignored. Resources are threatened. CEQA and USSI Standards are under siege. Commissioners and citizens alike complain about the degradation of our historic neighborhoods. A culture of defensiveness has replaced the transparency of Best Practices.*

M-16

*In Section 2, H. Areas of Controversy, the DEIR says, “The City’s Historic Resources Commission and the non-profit Whittier Conservancy both indicated there is some controversy in the City as to how historical resources are assessed and protected.” (2-20) The DEIR goes no further and never picks this*

M-17

*up again. This conflict has been in progress for six years and is a key aspect of the Existing Conditions in Cultural Resources, even though there are current signs of resolution.*

*The Los Angeles Conservancy is about to release a new set of grades, and judging by the number of cautionary letters that organization has written to the City, coupled with frequent letters of warning from the Whittier Conservancy's attorney, Whittier's grade will drop.*

M-17

**3.5 Zoning Map and Zoning Text Amendments**

**Title 17 (Subdivisions) and Title 18 (Zoning) of the Whittier Municipal Code** are the primary tools for implementing the objectives of the GPU. Title 17 and Title 18 and other parts of the Whittier Municipal Code **will be amended following adoption of the GPU in order to assure consistency.**

M-18

*Therefore, there is no guaranteed protection of Historic Resources. We are asked to accept something akin to: Johnny is watching the dog, so the dog is safe. Johnny is leaving next week. How's the dog?*

**Are Titles 17 and 18 analyzed in sufficient detail to provide clear direction for a General Plan and protection of Cultural Resources?**

*At present, council, staff, commission and public do not share a common understanding of the provisions in these two Titles. Almost one hundred percent of COAs and applications brought to the HRC over the past six months have been rejected by the commission because they were inaccurate and/or incomplete; there is a list of 20 procedural mistakes the City makes regularly; the City ignores the judgment in a recent lawsuit for business as usual, as have the numerous cautionary letters sent by the Los Angeles Conservancy and the attorney for the Whittier Conservancy. Applicants have been made to return to the Planning Department up to three times because no one had the correct information, and often the information is incorrect. Fences, doors, walls, hedges, windows, pillars, foundations and front-facing solar panels violate USSI Standards throughout our historic districts. The DEIR assessment of the current situation is wrong. There is no assured protection of resources at present because for six years the HRC has not been allowed to hold regular meetings or to set its agenda.*

M-19

*Yet applications and COAs brought before the HRC over the past six months have demonstrated the currency and resilience of **WMC 18.84**, the historic resources ordinance. It seems unwise to build a general plan around a major ordinance change when there has been no prior discussion of what might need changing, and when key elements are clearly missing, such as an up-to date Local Register, comprehensive survey, waiver v. COA clarification, and mitigation reporting and monitoring.*

M-20

**Has the DEIR explained why the location of high-density housing is the optimum location?**

*No. Much of the high density and very high density zoning is concentrated in the oldest section of Whittier, the area that contains most of the Historic Resources. The impact on all four historic districts will therefore be significant. Zoning adjustments are planned in an area already facing the negative impacts of traffic, parking and transportation. In the southern area there is insufficient open space and no additional space is in the plan. A song by the artist formerly known as Cat Stevens keeps playing in my brain: "Where will the children play?"*

M-21

*Unfortunately, the GPU seems to date from 1970 as well as Stevens' song. Not only is the current situation regarding historic resources inaccurate, but the overall description ignores the effects of the Covid-19 Pandemic, the 2020 census, the maybe-yes/maybe-no status of the Greenleaf Promenade,*

M-22

<i>and the devastating effects of climate change. The GPU has been sitting for two years and needs to be brought up to date.</i>	M-22
<i>In addition to the omissions, the DEIR uses outdated information, ignores inconsistencies in the data, contains errors in fact and logic, and makes conclusions not based on evidence. You cannot leverage Historic Resources for economic growth if you destroy the neighborhoods in which they exist.</i>	M-23
<b>3.5 Environmental Justice</b>	
The DEIR emphasizes that “it is critical that environmental justice, like sustainability, be considered in every Element at every level of Envision Whittier’s implementation. “Environmental justice issues are those that promote community engagement in the public decision-making process, reduce the unique or compounded health risks in disadvantaged communities, and prioritize improvements and programs to address the needs of disadvantaged communities.” (3-19)	M-24
<b>Environmental Setting (page 2-5)</b>	
As required by the CEQA Guidelines, the DEIR says it addresses areas of potential environmental impact in all 20 of the CEQA Appendix G checklist topics. <i>Unfortunately, archaeological artifacts, one of three categories of Cultural Resources, is not on the list. Historic Resources is listed but Table 2-1, page 2-7, lists only areas in which there are <u>significant</u> impacts. Mitigation measures are listed only for Tribal Resources. Historic Resources is not discussed, when there are current significant impacts and a potential for even more if the GPU is approved. <b>There is no evidence that current or future significant impacts on historic resources were ever analyzed. This DEIR is fatally flawed.</b></i>	M-25
<i>To underscore the side-lining of Historic Resources, Mitigation Measure GHG-2 of the DEIR says within two years of the adoption of the General Plan, The City shall consider and evaluate adopting Zero Net Energy (ZNE) standards. But there is no discussion of rehab of older buildings and potential conflict between Title 24 and USSI and Historic building code. The DEIR never mentions the historic building code.</i>	M-26
<b>Have all three categories of Cultural Resources received equal and sufficient consideration in regard to mitigation of significant negative impacts?</b> <i>Archaeological artifacts and Indian Cultural Resources, although separated, have been thoroughly assessed according to National and State laws. <b>There is, however, no analysis of current and future impacts on the Historic Resources Element.</b></i>	M-27
<b>4.5 Cultural Resources</b>	
<i>The DEIR states that this chapter will evaluate whether the GPU will cause a substantial adverse change in the significance of a historic resource, destroy a unique archaeological resource, or disturb human remains. It addresses the impacts of the GPU on Cultural Resources. Of the 18 pages of Section 4.5, the first four pages are history and maps, followed by eight pages of Regulatory Framework for each of the three categories of the Element. Of the remaining ten pages devoted to assessing impacts, <b>only two pages are given to Historic Resources.</b></i>	M-28
<b>4.5.2 Regulatory Framework</b>	
<b>Has the DEIR provided a comprehensive list of regulatory laws in the area of Cultural Resources?</b> <i>No, the list is not comprehensive. The DEIR has failed to include the National Environmental Policy Act (NEPA), signed into law by President Nixon on JANUARY 1, 1970. (Governor Reagan signed CEQA</i>	M-29

*into law in the same year, on September 18. Those statutes require Federal, state, and local agencies to analyze and disclose the potential environmental impacts of their decisions. Despite the similarities between NEPA and CEQA, there are several differences that require careful coordination between the Federal and state agencies responsible for compliance. Conflict arising from these differences can create unnecessary delay, confusion, and legal vulnerability.*

M-29

**Local - City of Whittier General Plan 1993**  
**Land Use and Community Character Element**

First discussed in 3.5, Project Description, the Land Use and Community Character Element directs Whittier’s long-term growth and physical development through the year 2040 by designating the future use of land within the corporate City limits and Whittier’s designated sphere of influence. . . . Land use designations identify the general categories of activities permitted throughout the city. [One factor] the Land Use . . . affects is the city’s identity with distinctive architecture, preservation and restoration of landmarks, historic homes, and structures (Historic Resources Element). . . . The direction of the GPU is in this statement: *To implement the vision for an integrated, visually and physically connected mix of uses and attractive streetscape, the land use designations indicate the required urban design approaches.*

M-30

*At 4.5-12, in the list of Goals and Policies of the 1993 General Plan, one can see the purpose of the GPU regarding Historic Resources.*

*The DEIR lists the goals selectively to fulfill a pre-determined individual agenda with regard to Historic Resources. It lists only those Goals that relate to the use of historic structures for economic gain or development potential. It lists none of the Goals aimed at protection of the resources. These economic goals are also the ones that found their way into the GPU. I can confidently say that this selection is not the result of a full public discussion because the HRC was never allowed to meet as a full commission to discuss the GPU, and both the HRC and the Whittier Conservancy had to fight to get the City to accept their submissions. The emphasis on monetizing historic resources is not reflective of the majority of the public comments.*

M-31

**City of Whittier Municipal Code**

*The DEIR lists Chapter 18.84 and its purposes A-G, the historic preservation guidelines in 18.84.460, then says, “There are more specific neighborhood design guidelines for both the Central Park Historic District and the Hadley/Greenleaf Historic District. See Chapter 18.87 and 18.88 of the Whittier Municipal Code, failing to mention the other two districts and their ordinances. This is reflective of the slapdash evaluation of Historic Resources throughout the DEIR, but **the most significant takeaway here is that these ordinances, the codified protection of Historic Resources in Whittier, are the ordinances to be rewritten to match the GPU once it is adopted.***

M-32

**4.5.3 SIGNIFICANCE THRESHOLDS**

Per the CEQA Guidelines, implementation of the General Plan Update would have a significant impact related to historic, cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a historic resource as defined by CEQA Guidelines Section 15064.5;
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5;
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

M-33

As noted earlier, Tribal Cultural Resources need be included here to align with CEAQ and the Whittier Municipal Code, and only Historic Resources are threatened, the other two have protection from entities outside the City.

M-33

4.5.4 IMPACTS AND MITIGATION MEASURES

**Impact CUL-1 – Would the GPU cause a substantial adverse change in the significance of a historic resource pursuant to Section 15064.5?**

Analysis of Impacts

The City contains a total of 109 resources registered in the Local Official Register of Historic Resources, seven resources registered in the California Register of Historic Resources, and five resources registered in the National Register of Historic Places. In addition, the Planning Area contains dozens of civic and institutional landmarks as well as many commercial landmarks and four designated historic districts . . . The civic, institutional, and commercial landmarks as well as the historic districts are concentrated in the City’s downtown area while the residential properties are distributed throughout the city.

M-34

*The facts are incorrect. There are more than 109 resources in the Local Register. The City and the DEIR are citing an out-of-date-version. All four historic districts are listed here, but in other places only two are mentioned. Contributing resources, districts recommended in the Uptown Specific Plan, and designated resources in the USP are not mentioned. How can the DEIR judge whether there will or will not be significant impacts if the City does not know what the resources are?*

The Planning Area has a long-established history of settlement and contains many historic resources. **Future development under the GPU may result in adverse impacts or removal of historic buildings or resources, especially in the downtown portions of the City.** The Conservation Element of the current General Plan contains Goal 1.0 and its Policy 1.6 as well as Goal 2.0 and its Policies 2.3 and 2.4 which **support the preservation or rehabilitation/restoration of identified historic resources and provide for the protection of such resources.** In addition, **the City’s existing Municipal Code contains Historic Preservation Guidelines which implement these goals and policies.** (4.5-13)

M-35

*A careful examination of this paragraph exemplifies the sloppy and inaccurate facts, analysis and conclusions of this DEIR. In addition, omissions hint at deck-stacking. **Future development under the GPU may result in adverse impacts or removal of historic buildings or resources, especially in the downtown portions of the City.***

*The DEIR uses the term “Conservation Element,” with caps, when referring to the 1993 plan. There is no “Conservation Element” per se. There is ERME, Environmental Resources Management Element. ERME Goal One reads, “Preserve or conserve natural and cultural resources that have scientific, educational, economic, aesthetic, social and cultural value.” **But there are only five policies; there is no 1.6.** Goal Two reads, “The City of Whittier recognizes that current sources of energy are limited and should not be wasted.” Energy? **But there are only two policies; 2.3 or 2.4 do not exist.** I found no 1.6 or 2.3 or 2.4 anywhere in the ERME.*

M-36

*Thinking the DEIR might have intended to refer to the Historic Resources Element, Goal One reads: “Determine the nature and extent of Whittier’s physical and cultural heritage.” **But there are only two policies, not six.***

*Goal two reads, “Develop an historic preservation program, recognizing that effective utilization of the city’s historic resources supports community identify and appeal, social and economic vitality,*

and neighborhood stability. "Policy 2.3 is: "Encourage new development near historic structures, sites, or districts to be compatible with the existing significant structures in scale, material and character." Policy 2.4 reads, "Encourage the preservation of open space around historic buildings." The first is about new development, not existing structures, and the second is about open space, not buildings.

Conclusion: Of the five "protections" the DEIR cites, one Goal (energy) is inapplicable, three policies are non-existent in Conservation. One out of five, a 20% accuracy rate. If the DEIR really meant Historic Resources, not Conservation, both goals are applicable and one policy is non-existent. Four out of five, an 80% accuracy rate.

**Combined, the accuracy rate is 50%, which is the average accuracy rate for all elements matrix tables (Historic Resources is 100% inaccurate). This DEIR, gets it right 50% of the time. The toss of a coin. Departments using this plan for decision-making over the next 30 years will be accurate half of the time.**

But the final kicker is that the two policies that are applicable begin with the word "encourage", completely non-directive language. So those department heads can just do what they want anyway. A million dollars and six years to say, "Toss a coin," or "your call."

The DEIR says that the city's municipal code is the mechanism of enforcement for these "protective" policies, a code that is going to be changed the minute the GPU is approved in order to achieve consistency. Johnny is minding the dog; ergo, the dog is safe. Johnny's gone; how's the dog? The DEIR then lists the Goals and Policies of the 2021 GPU (page 4.5-14), but they provide no comfort that our resources are protected. Goals two-five use active verbs, but only five of the 22 policies use directive language: HR-1.1: Evaluate potential historic resources and evaluate/provide required contextual statements for additional residential and commercial historic districts, as requested by the City Council and/or individual property owner(s).

HR-1.3: Evaluate the Uptown District to determine its appropriateness as a potential historic district.

HR 2.5: Align the Historic Preservation Program with the California Environmental Quality Act (CEQA);

HR 3.2: Suspend development activity when archaeological and/or paleontological resources are discovered during construction;

HR 4.3: Promote public awareness of Whittier's history, diverse heritage, and cultural influences.

Five out of 22—22.72%. Only ONE pertains to protecting Historic Resources, and it is unclear—what does "align" mean under a goal that emphasizes "best practices," a protocol with a much-studied down side? "Abide by" might provide assurance "align" does not.

**General Plan Analysis.** These goals and their policies will help protect existing historical resources within Whittier as well as investigate potential new resources that should be classified as historical. In addition, Policy 1.4 encourages additional research on the existing four historic districts to clearly identify contributing and non-contributing resources within defined boundaries. These goals and their policies are supported by the City Municipal Code with its specific criteria for determining local historic resources and landmarks.

**Summary and Conclusions.** With implementation of the General Plan goals and policies, as well as the existing preservation guidelines in the municipal code, potential impacts to historic resources by future development within the Planning Area will be less than significant.

All four areas were deemed to be protected now and in the future:

Level of Significance Before Mitigation: Less than significant.

Mitigation Measures: None required.

M-36

**Would the GPU cause a substantial adverse change in the significance of a historic resource pursuant to Section 15064.5?**

*The DEIR began this section by saying the impact would be significant and buildings would be destroyed. Which is it? There are clearly no mechanisms to provide protection other than the ordinance, and it will change. Why worry, it could change for the better, you say? Recent history shows otherwise. Over the past four years the staff has consistently attacked the preservation ordinances. They were unsuccessful with 2.50 (now 2.14), but HRC fought it for two years. The following year it was 2.05, in which HRC was denied meetings, agenda control, parliamentary authority and minutes. Staff attempted to get permission to re-write 18.84 numerous times, and there are to this day four outstanding responses from council directing staff to consult with HRC and return with recommendations. Never happened. The GPU includes immediate revision of 18.84. How's the dog?*

M-37

**5.0 Alternatives to the Proposed General Plan**

This Section begins with a list of project objectives (also listed in Sections 2 and 3). *In the list of eight objectives, only #5 might be construed to include Cultural Resources: "Strive for a downtown that showcases the City's rich history, celebrates local entrepreneurship, features our civic institutions, and encourages downtown living within a vibrant gathering place for the community."*

*Only ONE mentions "the City's rich history," and only ONE Goal, Policy or Implementation Measure out of 22 directs any action of preservation—Policy 2.5: "Align the preservation program with CEQA." "Align" may be an active verb, but its meaning is unclear. Preservation programs "abide by," "follow" or "adhere to" CEQA. Add to this:*

- *the strongly directive goals of adaptively reusing historic resources, moving them to new locations, and destroying those in Uptown for new development;*
- *the mediocre, minimal, and ultimately inaccurate analysis of protections for historic resources;*
- *the frequently repeated statement by the Coordinator of the GPU and DEIR that Cultural Resources is an "optional" element (once it was adopted in 1993 it became mandatory);*
- *the difference in DEIR thoroughness between Archaeology and Tribal Resources versus Historic Resources;*
- *the recent and regular assaults on historic districts and the application of USSI standards.*

M-38

*The sum is clear. The City plans to abolish its commitment to historic preservation and shift the character of Whittier from traditional small town to urban center. The central objective of this plan is not to preserve that rich history, but to cannibalize it for economic growth.*

*This does not appear consistent with the desire of the citizens as reflected in the scoping documents. The Covid-19 pandemic has, though, seriously hampered citizen involvement in the preparation of the GPU. Moreover, the viability of this GPU objective is unsupported by research on the history of cities or the unique character of Whittier as virtually the only remaining intact city of its type in southern California. The desire to "go-urban" fights with the narrow street- and-alley structure of Whittier, producing traffic, parking and mobility problems impossible to mitigate. This objective is not supported by a vision or plan for the type of infrastructure needed to implement the shift to urbanity. Rather, the objectives intend to alter the Uptown Specific Plan, a cohesive and detailed plan for leveraging historic resources through maintenance of historic resources, a plan seemingly not understood by the city, since most of it never been implemented. The GPU "envisions" a future*

M-39



*rooted in the past while simultaneously destroying that past, and creates negative environmental conditions that were rejected two decades ago.*

M-39

**Alternatives Considered but rejected**

The following alternatives were considered for evaluation but were rejected due to infeasibility:

1. An alternative that included reductions in the potential non-residential development capacity of the proposed GPU but not in residential development capacity would not be feasible because it would not substantially lessen the significant impacts of the Project.
2. An alternative that included reductions in development capacity greater than 40 percent would not be feasible because it would result in the City not meeting its 7th Cycle Regional Housing Needs Allocation (RHNA) of at least 4,130 dwelling units, one of the GPU guiding principles.

M-40

**Comparison of Alternatives**

Three alternatives were considered for evaluation but were rejected due to infeasibility: Alternative #1 was “no project,” keep the current General Plan; #2 was a 25% reduction in development; #3 was a 40% reduction in development. The judgment was that all of them would reduce development but meet project objectives similar to the project. Alternative #1 would eliminate GPU goals and policies, whereas #2 and #3 would retain Goals and Policies. Alternative #3 would restrict development to areas that include existing infrastructure, resulting in substantial reduction in residential and population growth. None of the alternatives would help the City achieve its RHNA housing allocation to the same degree as the Project.

CEQA requires that when the no project alternative has the fewest negative impacts, an *environmentally superior alternative* must be chosen from among the other alternatives, and that is #2. It would result in the least adverse environmental impacts. It would not, however, meet the objectives to nearly the same degree as the GPU.

**Comparison of impacts**

Table 5.2 compares the environmental impacts of the selected alternatives and lists “Less Than Significant Impacts” (LTS) for both Cultural Resources and Tribal Cultural Resources. The three paragraphs assessing Cultural Resources are almost identical. Alternative #1: *“Policies from the existing General Plan require that development or land use proposals, which have the potential to disturb or destroy sensitive cultural resources, to be evaluated by a qualified professional and, if necessary, incorporate mitigation measures into project approvals. Similar to the Project, this alternative would have a less-than-significant impact on cultural resources with adherence to existing regulations*

M-41

The other two Alternatives add a sentence and a fragment: *As with the Project, development under this alternative would not result in a substantial adverse change in the significance of a historical resource because they are currently protected under both existing and proposed policies,*” and: *“and the proposed General Plan Update policies.”*

**Have the alternatives and their impacts been sufficiently analyzed to meet CEQA Guidelines?**

*No. The consideration of alternatives seems perfunctory (essentially the same paragraph of assessment of both Cultural Resources and Tribal Resources for all three alternatives), with insufficient reasons given for why, out of the five categories, those alternatives were chosen. CEQA §15126.6 stipulates that “the range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.” That has not been*



*the case. The objectives of the GPU are stated, and he details are all there, but scattered in such a way that intense study is needed to really get the picture. The same CEQA Section says that “alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the GPU. This is certainly not true regarding Historic Resources. The impacts to Historic Resources have been completely under-valued. It appears as if this area were not studied at all.*

M-41

**Are there feasible alternatives that have not been explored that would eliminate or lessen the significant negative impacts?**

*Yes. There is a feasible alternative provided in CEQA that was not considered by the City. It would allow implementation of 100% of Plan goals and ensure the protection of Cultural Resources at the same time. This proposal is detailed following the Cumulative Impact analysis. If there is a feasible alternative the City must adopt that alternative.*

M-42

**6.1 CUMULATIVE IMPACTS**

CEQA § 15130(a) requires that the EIR to discuss the cumulative impacts of the GPU because its incremental effect is cumulatively considerable. CEQA § 15355 defines cumulative impacts as “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.

In assessing the cumulative impacts on Cultural and Tribal Cultural Resources (6.1.5), the DEIR notes that archaeological resources could be inadvertently uncovered **as demolition and redevelopment occur on individual properties.**” The DEIR says, “The proposed GPU includes numerous policies and implementation programs to ensure proper treatment of historic and archaeological resources. . . .” With implementation of the General Plan goals and policies” the DEIR says, “as well as the existing preservation guidelines in the municipal code, potential impacts to historic resources by future development within the Planning Area will be less than significant. With implementation of the General Plan goals and policies, as well as the City’s established development review and Native American consultation processes, potential impacts to archaeological resources by future development will be less than significant. No cumulatively considerable contribution to a significant cumulative impact has been identified; thus, no mitigation is required.

M-43

AT 6.1.9, the DEIR draws the same conclusion regarding impacts on land use and planning: “Project-facilitated redevelopment would result in an intensification of land uses, but would not alter the existing pattern of land use. Although minor changes to the circulation system would occur the existing layout of roadways would remain, and **no new roads** would be constructed and, therefore, would not create any physical divisions within the Planning Area.” The DEIR notes that new development consistent with the GPU would occur “where **housing on existing parcels is recycled into higher density** and where projects may occur on the limited vacant areas within the City limits.” Additionally, it says, “the zoning code is being updated concurrently with this GPU and EIR. . . .” The updated zoning code will comply with the updated General Plan.”

**Has the DEIR accurately assessed the significance of the potential negative impacts?**

*No. The DEIR repeats the same illogical justification used earlier: the zoning code and the existing preservation guidelines in the municipal code plus federal and state requirements provide protection. The latter is true for archaeological and Tribal resources, but historic resources depend upon protections embedded in the ordinance, and “the zoning code is being updated concurrently with the*

M-44

GPU and EIR.” In the Executive Summary (2) and Project Description, the time frame was two years. How’s the dog?

We hear in this conclusion three ominous details: existing properties will be demolished for redevelopment, housing on existing parcels will be recycled into higher density, and no new roads will be built. In an area that already has severe traffic, mobility and parking problems historic resources will be demolished in favor of higher density with no mitigation of congestion.

M-44

**6.2 GROWTH-INDUCING EFFECTS**

The DEIR says, “The more compact urban form envisioned by the GPU is expected to improve the livability of Whittier by enhancing open space and recreation, improving walking and bicycling opportunities, increasing economic vitality and job opportunities, and reducing vehicle-miles-travelled (VMT). The potential growth related impacts associated with the GPU have also been evaluated in the topical Chapters of this EIR . . . and, as appropriate, mitigation measures have been applied to address such impacts.”

M-45

**Has the DEIR proved that it will not tax existing community service facilities past their capability?**

No. The discussion of new open space is insufficient, and a detailed description of a green transportation system is inadequate. Increased density in neighborhoods with narrow streets already clogged owing to a permit parking system that has reached the end of its usefulness and lack of detail on a transportation system that people will actually use and that works for mid-block access proves this DEIR is out of date on arrival.

M-46

**6.3 SIGNIFICANT UNAVOIDABLE IMPACTS**

The DEIR concludes that there are unavoidable impacts for which no potentially feasible mitigation has been identified, and the City must adopt a “Statement of Overriding Considerations” per CEQA Guidelines Section 15093.

M-47

**6.4 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

The DEIR says, since nearly all of Whittier is developed and the Project will not significantly change the circulation pattern or make other major changes to backbone infrastructure facilities, there would not be any significant irreversible physical changes caused by the GPU. The proposed GPU would result in an irreversible commitment of energy resources, primarily in the form of fossil fuels . . . for construction equipment and vehicles, as well as the use of these same resources during long-term operation of individual projects facilitated by the Plan. Because development facilitated by the proposed GPU would be required by law to comply with California Code of Regulations Title 24 (including updates over time) and adopted City energy conservation ordinances and regulations. . . . The consumption or destruction of other non-renewable or slowly renewable resources would also result during construction, occupancy, and use of individual development sites. . . . GPU implementation would also irreversibly use water and solid waste landfill resources. However, development under the proposed GPU would not involve a large commitment of those resources relative to supply, nor would it consume any of those resources wastefully, inefficiently, or unnecessarily, especially considering ongoing City conservation and recycling programs.

M-48

**Does the DEIR provide assurance that the City can lessen significant impacts?**

No. The DEIR repeats its consistent non-logical justification: “We will consume lots of energy and other non-renewable resources, but we will do it as efficiently as possible, so don’t worry.” This dream is contradicted by reality. Whittier has no viable recycling program. In 2021 with the state

*burning up it is proposing the use of fossil fuels. The state has run out of water and the decayed electric grid is igniting the fires that are burning it up. How's the dog?*

M-48

***The assessment of Historic Resources is so riddled with errors, unsupported conclusions, and logical flaws, that one can only conclude that the GPU and the Housing Element separated in order to meet the October 15, 2021 deadline, and the GPU rewritten and the DEIR revised and recirculated.***

**CEQA § 15088.5:** A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. "Significant new information" might be:

- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- A new significant environmental impact would result from the project or from a new mitigation measure that is proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

M-49

**If recirculation is deemed infeasible, however, there is another alternative that might not require recirculation, even of the Cultural Resources Element, a proposal that can fully mitigate the significant negative impacts on Cultural Resources and simultaneously allow the achievement of 100 percent of GPU objectives.**

CEQA § 15088.5: Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. New information is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect that the project's proponents have declined to adopt.

If the revision is limited to a few chapters or portions of the EIR, the City need only recirculate the chapters or portions that have been modified. A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

#### **PROPOSAL OF NEW MITIGATION MEASURES**

CEQA § 15370 lists five means of mitigation. The DEIR alternatives considered two of those: (a) Avoiding the impact altogether by not taking a certain action or parts of an action—the "no project" alternative, and (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation—the two reduced development alternatives.

Another mitigation measure, one the DEIR did not consider, is (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action. I propose that the City employ this means to protect Historic Resources.

M-50

CEQA § 15126.6(b): An EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1). The discussion shall focus on alternatives that are capable of avoiding or substantially lessening any significant effects, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

**CEQA requires that any feasible mitigation measures that can reduce a significant impact be adopted, so long as they are found to be significant.** (NEPA/CEQA Handbook, 39)

CEQA § 15126.4(a)(1)(B): Formulation of mitigation measures shall not be deferred until some future time. The City is required to:

- (1) Commit itself to the mitigation,
- (2) Adopt specific performance standards the mitigation will achieve
- (3) Identify the type(s) of potential action(s) that can feasibly achieve that performance standard.

M-51

CEQA § 15126.4(a)(2): Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. CEQA § 15126.4(b)(1): Where measures will be conducted in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, the project’s impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

**Details of the Proposal**

Build into the GPU and DEIR City commitments to WMC 18.84, CEQA and the USSI Standards with mechanisms to guarantee each that will not and cannot change once the GPU is approved. These items would have to be added:

1. Add paragraph(s) discussing evidence of mitigation with the new measures in place.
2. Change the language of the following Programs and Policies to read as edited:
  - a. Program 9. Secretary of the Interior’s Standards  
 The City shall ~~consider adopting~~ **continue to adopt** the Secretary of the Interior’s Standards for the Treatment of Historic Properties as the City’s official tool for reviewing alterations and changes to historic resources, **and shall affirm its continued codification in WMC 18.84-18.89.**
  - b. Program 10. CEQA Compliance  
 The City shall ~~Explore updating~~ update Chapter 18.84 of the Whittier Municipal Code, the historic resources ordinance, to ensure consistency and compliance with the California Environmental Quality Act (CEQA), **and shall affirm its continued codification in WMC 18.84-18.89.**
  - c. Eliminate Program 11. ~~Program 11 As appropriate, and with City Council direction, evaluate the historic resources ordinance and engage the community to explore ideas about how best to update the ordinance and identify sections that may need to be and cleared of inconsistencies.~~
  - d. HR 1.1 The City shall evaluate potential historic resources and ~~evaluate~~ provide required contextual statements for additional residential and commercial historic districts, **including those identified in the Uptown Specific Plan and the expansion of Hadley Greenleaf and Central Park Historic Districts recommended by the Historic Resources Commission in January 2020, as requested by the City Council and/or individual property owners**
4. Eliminate the language in any Goal, Policy or Program that says “at the direction of the Council,” or similar language.

M-52

ID	Response to Comment Letter M – Linda de Vries
<b>M-1</b>	<p>The commenter states the GPU and DEIR do not reflect “recent events” a worldwide pandemic, political polarization and resultant instability, worsening climate change resulting in devastating natural disasters, increased homelessness, population shifts reflected in the recently-released census, and changes in every sector of the economy and every aspect of social services.</p> <p>This comment implies that the data, analysis, and conclusions of the EIR are deficient because COVID was not addressed. It is certainly true that planning during the past two years has been challenging due to temporary societal changes required to eliminate the COVID outbreak. However, a disease, even a pandemic, is temporary in its effects on the people of a community and their activities. In contrast, General Plans are long range (20+ years) in nature and should not be guided or molded around temporary behaviors to defeat a short-term disease. The General Plan process is not flawed because it did not make allowance for a short-term contagion and related short-term behavioral change. By their nature General Plans are geared to the long term and are aspirational in nature: they are intended not so much to predict the future as they are designed to provide a vision of the desired future of a City. Due to their long-term nature, they do not assume that what is expected to occur in the short term will occur over the long term. For example, short-term upturns or downturns in the economy that could occur when a General Plan is being prepared cannot be assumed to continue over a 20-year period since the economy is dynamic and subject to fluctuations.</p> <p>Finally, this comment is not explained or substantiated, nor are specific examples provided to demonstrate how these global or national conditions create deficiencies in the GPU or DEIR: absent specifics or substantiation no further response can be provided nor is it warranted.</p>
<b>M-2</b>	<p>This comment questions the accuracy of the GPU and DEIR but refers specifically to the matrices in the GPU that is intended to show what implementation programs went with what goals and policies. They were intended to assist the public in reviewing the documents. It is unfortunate if the matrices made review of the GPU more difficult. The commenter is correct that the matrices did not accurately correlate the various policies and implementation measures. However, this will be corrected prior to approval of the General Plan. In addition, these errors are not considered fatal flaws in the EIR process as those matrices were not part of nor were they used in the analysis of environmental impacts in the EIR.</p>
<b>M-3</b>	<p>The issue of the GP matrices is addressed in Response M-2 above. Although no specific examples are substantiated, the commenter questions the wording of the various goals, policies, and implementation programs of the GPU. However, this is not a comment on the DEIR so it will not be addressed in this document.</p>
<b>M-4</b>	<p>The commenter asks that the Housing Element adoption be delayed. However, the Housing Element has a state-mandated approval deadline of October 15, 2021 which must be met or the City incurs penalties if it is not adopted with 120 days of the statutory deadline. The City has asked but the state has not offered any relaxation of the adoption deadlines for Whittier or other cities. It is the legal requirement under state housing law for the City to identify and plan for appropriate sites to support its RHNA housing allocation. The City cannot build the actual</p>

ID	Response to Comment Letter M – Linda de Vries
	<p>housing but must rely on the private sector to provide the identified housing. Depending on when certain housing was approved, completed, or is under construction affects how it is reflected in the Housing Element. For example, due to the nature of ADUs, not all of them can be counted as new affordable units in the City’s Housing Element (i.e., hence the name accessory dwelling units).</p> <p>In addition, the analysis provided is thorough and appropriate for a program EIR so the City does not need to revise the document with additional information and recirculate it for additional public review.</p>
<b>M-5</b>	<p>The comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document.</p> <p>The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document. It also clarifies the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state law. The City further believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources with the proposed modifications outlined in the GPRTC document. Thus the City will move ahead with approval of the GPU and certification of the EIR as it relates to the entire GP.</p>
<b>M-6</b>	<p>The commenter states the discussion of cultural resources, in particular historic resources, is “scattered, inaccurate, and inadequate.” However, the discussion of potential impacts to historical and archaeological resources (collectively referred to as cultural resources), is in DEIR Section 4.5 labeled Cultural Resources. Subsection 4.5.4a specifically addresses historical resources and Subsection 4.5.4b specifically addresses archaeological resources. In addition, DEIR Section 4.19 addresses Tribal Cultural Resources as a result of a reorganization of environmental issues reflected in recent versions of the State CEQA Checklist.</p> <p>The EIR statement about an HRE being an “optional” element was only indicating how they are referred to in the state General Plan guidelines. The City already has an HRE so it is not optional at this point for Whittier.</p>
<b>M-7</b>	<p>The commenter states...“the explanation of a Program EIR is scattered throughout the DEIR”. However, Section 1, Introduction, Subsection 1.2, Purpose and Scope, of the Draft EIR does explain the purpose of a program EIR in relation to the proposed General Plan Update, as follows:</p> <p>“Although it will allow for an overall increase in development potential for the entire Planning Areas, the General Plan Update would not, by itself, authorize any specific development project or other form of land use approval or any kind of public facilities or capital facilities expenditures or improvements. As such, a Program EIR is the appropriate type of document to identify the geographic extent of sensitive resources and hazards, along with existing and planned services and infrastructure support systems that occur in the Planning Area. Further, the Program EIR is described in Section 15168 of the CEQA Guidelines</p>

ID	Response to Comment Letter M – Linda de Vries
	<p>as the appropriate analytical framework to assess the cumulative environmental effects of the full plan, in a first-tier level of analysis, to identify broad concerns and sets of impacts, and to define/develop regulatory standards and programmatic procedures that reduce impacts and help achieve environmental goals and objectives.”</p> <p>“Later activities proposed pursuant to the goals and policies of the General Plan will be reviewed in light of this EIR and may focus on those site-specific and localized environmental issues that could not be examined in sufficient detail as part of this EIR. Advantages of a Program EIR include consideration of effects and alternatives that cannot practically be reviewed at the project-level, consideration of cumulative impacts that may not be apparent on a project-by-project basis, the ability to enact citywide mitigation measures, and subsequent reduction in paperwork.” (DEIR page 1-3).</p> <p>Applications for development in the future will require separate project-level analysis under CEQA – the program-level review provided by the GPU DEIR is meant to characterize overall development impacts in the City, not the impacts of any one specific development proposal.</p> <p>Even if a proposed development is consistent with the General Plan and zoning land use designations, additional CEQA analysis must be conducted by City staff to assure the appropriate CEQA document and process are used to evaluate the proposed development.</p>
<b>M-8</b>	<p>The DEIR provides a level of detail sufficient to evaluate the various programmatic goals and policies of the GPU. It must be remembered that project-level CEQA analysis must necessarily wait for when specific projects are proposed on specific sites.</p> <p>The commenter should note that the GP matrices are not an integral part of the DEIR. In each analysis section of the EIR (4.1 through 4.20), the specific goals and policies that relate to the evaluation of the particular environmental issue being analyzed are provided in the EIR section itself, so the reader does not have to refer to any other documents when reviewing these sections.</p>
<b>M-9</b>	<p>The DEIR does provide an appropriate level of detail in terms of existing conditions, applicable laws and regulations, and analysis of impacts of the proposed GPU goals and policies for a Program EIR. The EIR does specifically address the four issues raised by the commenter; archaeological finds, human remains, Tribal Cultural Resources and “structures in the built environment”. Historical and archaeological resources (collectively referred to as cultural resources), including human remains, are addressed in DEIR Section 4.5 labeled Cultural Resources. Subsection 4.5.4a specifically addresses historical resources, Subsection 4.5.4b specifically addresses archaeological resources, and Subsection 4.5.4c specifically addresses human remains. In addition, DEIR Section 4.18 addresses Tribal Cultural Resources as a result of a reorganization of environmental issues reflected in recent versions of the State CEQA Checklist.</p>
<b>M-10</b>	<p>The commenter’s references to the Executive Summary and the Project Description are clear enough to determine what is the concern. Also, since Chapter 2 is an executive summary, it is not unusual for information from the Project Description</p>

ID	Response to Comment Letter M – Linda de Vries
	(Chapter 3) to be repeated.
<b>M-11</b>	Yes, some information is repeated in various sections of the DEIR where necessary to provide context for the particular issue being evaluated.
<b>M-12</b>	This comment repeats text included in the DEIR but does not explain why it has been shown.
<b>M-13</b>	As previously indicated, the DEIR does adequately address all three issues indicated by the commenter. Historical and archaeological resources (collectively referred to as cultural resources), including human remains, are addressed in DEIR Section 4.5 labeled Cultural Resources. Subsection 4.5.4a specifically addresses historical resources, Subsection 4.5.4b specifically addresses archaeological resources, and Subsection 4.5.4c specifically addresses human remains. In addition, DEIR Section 4.19 addresses Tribal Cultural Resources as a result of a reorganization of environmental issues reflected in recent versions of the State CEQA Checklist.
<b>M-14</b>	<p>This comment is specifically about the wording of goals and policies in the HRE. These are not comments on the DEIR so it will not be addressed in this document.</p> <p>The comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document.</p> <p>The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document. It also clarifies the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state law. The City further believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources with the proposed modifications outlined in the GPRTC document. Thus the City will move ahead with approval of the GPU and certification of the EIR as it relates to the entire GP.</p> <p>It should be noted the “CEQA Structure” referred to by the commenter actually divides this broad issue into separate topics, that being historical, archaeological, and human remains under cultural resources, and those resources specifically associated with Native American tribes under tribal resources. The GP EIR is organized in this way as recommended by the State CEQA Checklist.</p>
<b>M-15</b>	The commenter states...“the DEIR adequately assesses significant impacts on Archaeological artifacts, human remains, and Tribal Cultural Resources, perhaps because strong protections for those are provided by outside organizations or governmental agencies.” The City concurs with the commenter’s assessment.
<b>M-16</b>	This comment presents opinions about how the Historical Resources Commission and the City are not currently functioning in a cooperative manner. However, this is not a comment on the DEIR so it will not be addressed in this document.



ID	Response to Comment Letter M – Linda de Vries
	Comments made on goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document.
<b>M-17</b>	This comment is also about the functional relationship between the Historical Resources Commission and the City. However, this is not a comment on the DEIR so it will not be addressed in this document.
<b>M-18 to M-20</b>	<p>These comments address the relationship of the Historical Resources Element (HRE) under the GPU and Titles 17 and 18 of the City Municipal Code (MC). The comments made on the HRE of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document.</p> <p>The City has carefully considered all of the comments on the Historical Resources Element (HRE) and believes that it will provide adequate protection of historic resources in the City. It will also clarify the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state law. As previously stated, the City has no plans at this time to modify or eliminate the Preservation Ordinance. Finally, the City plans to move ahead at this time approval of the GPU and certification of the EIR as it relates to the entire GP.</p>
<b>M-21</b>	<p>This comment is about the location of high-density housing in relation to historical housing in the Uptown area. The comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document.</p> <p>The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document. It also clarifies the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state law. The City further believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources with the proposed modifications outlined in the GPRTC document. Thus the City will move ahead with approval of the GPU and certification of the EIR as it relates to the entire GP.</p>
<b>M-22</b>	<p>The commenter states “the GPU has been sitting for two years and needs to be brought up to date.” Response M-1 above in reference to recent societal issues.</p> <p>Regarding the use of “outdated information”, the 2017 Existing Conditions Report was used as a starting point to identify baseline conditions for analysis in the EIR. However, analysis in many sections was updated with more current data where available and where appropriate. For example, air pollutant data current to 2020 was used in the air quality, energy, and greenhouse gas emissions sections, along with the most current recommended methodologies for calculating impacts and determining thresholds of significance. Also, the most current traffic data based on Vehicle Miles Traveled (VMT) and the latest SCAG traffic model for the LA Basin was used to evaluate traffic impacts of future growth.</p> <p>This GPU and its EIR address the GPU, including the 2021-2019 Housing Element update which uses the most current demographic data available from the federal</p>

ID	Response to Comment Letter M – Linda de Vries
	census bureau, various state departments, and SCAG to present the most accurate data and analysis of potential housing impacts possible. It should also be noted that the 2020 Census data comes out in segments. National data came out earlier this year. City and town demographic data won't be available until May 2022 (Please see <a href="https://www.census.gov/programs-surveys/popest/about/schedule.html">https://www.census.gov/programs-surveys/popest/about/schedule.html</a> .) but the most current, accurate and available data was used to prepare the General Plan Update, Housing Element, and EIR.
<b>M-23</b>	<p>The commenter is stating opinions about the EIR but the City believes the EIR has been prepared in good faith using accurate and appropriate data, used accepted and appropriate methods to evaluate potential impacts of growth under the GPU on historical resources, and reached appropriate conclusions in terms of significance and mitigation.</p> <p>Again, there are no examples, substantiation or explanation as to why the commenter believes the DEIR is deficient.</p>
<b>M-24</b>	This comment quotes from the DEIR regarding environmental justice but does not make a comment on the issue.
<b>M-25</b>	As addressed in several previous comments, historical and archaeological resources (collectively referred to as cultural resources), including human remains, are addressed in DEIR Section 4.5 labeled Cultural Resources. Subsection 4.5.4a specifically addresses historical resources, Subsection 4.5.4b specifically addresses archaeological resources, and Subsection 4.5.4c specifically addresses human remains. In addition, DEIR Section 4.19 addresses Tribal Cultural Resources as a result of a reorganization of environmental issues reflected in recent versions of the State CEQA Checklist. The EIR is a programmatic document that cannot include project level analysis of yet to be proposed development on specific properties: it cannot evaluate that which does not currently exist. When future, site specific development proposals are submitted for City review, potential impacts on historical resources if they are present on a site can be evaluated in detail. The EIR correctly concludes that potential impacts to historical resources will be less than significant with implementation of the GPU goals and policies related to cultural resources as well as regulatory compliance (e.g., when human remains are found during grading).
<b>M-26 To M-28</b>	The commenter has failed to consider that the application of the City's development and CEQA review process on future development will take into account these various policies and apply them as appropriate to future projects. If a building is historic, it will be considered according to established laws and regulations regarding such resources. Any construction proposed would have to be consistent with both historical restrictions (if any) plus more modern energy conservation or GHG-related standards as appropriate for historical buildings. That is the review process now and would be applied in a similar way in the future.
<b>M-29</b>	Text will be added to Section 4.4.2, Regulatory Setting (Cultural Resources) regarding the National Environmental Policy Act (NEPA) of 1969 and Section 106. See Chapter 3 (Errata) for specific text changes.
<b>M-30 To M-32</b>	These comments focus primarily on the commenter's opinions on how the City views historical resources. These comments do not address the DEIR.

ID	Response to Comment Letter M – Linda de Vries
	<p>The comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document.</p> <p>The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document. It also clarifies the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state law. The City further believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources with the proposed modifications outlined in the GPRTC document. Thus the City will move ahead with approval of the GPU and certification of the EIR as it relates to the entire GP.</p>
<b>M-33</b>	<p>The commenter did not mention DEIR Section 4.19 which addresses Tribal Cultural Resources. The separation of Cultural and Tribal Cultural issues is the result of a reorganization of environmental issues reflected in recent versions of the State CEQA Checklist and reflects specific changes in state law regarding the relationship of the City to Native American Tribal Organizations and consultation between these governmental entities.</p>
<b>M-34</b>	<p>It was the intent of its preparers to include the most accurate and relevant information in the EIR, including for historical resources. That is one reason why Notices of Preparation are issued for EIRs so that information can be provided by agencies and the public for inclusion in the EIR. In addition, one reason the EIR is circulated is so agencies and the public can correct information in the EIR.</p> <p>The comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document.</p> <p>The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document. It also clarifies the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state law. The City further believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources with the proposed modifications outlined in the GPRTC document. Thus the City will move ahead with approval of the GPU and certification of the EIR as it relates to the entire GP.</p>

<p><b>M-35 To M-37</b></p>	<p>The commenter questions a number of statements and citations of goals and policies in the DEIR regarding historical resources.</p> <p>The comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document.</p> <p>The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate protection of historic resources in the City with the proposed modifications outlined in the GPRTC document. It also clarifies the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state law. The City further believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources with the proposed modifications outlined in the GPRTC document. Thus the City will move ahead with approval of the GPU and certification of the EIR as it relates to the entire GP.</p>
<p><b>M-38</b></p>	<p>This comment says it is about the Alternatives Analysis in the EIR but it makes statements about various General Plan goals and policies and does not actually comment on the DEIR, so it will not be addressed in this document.</p> <p>The comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document.</p>
<p><b>M-39</b></p>	<p>This comment is about various General Plan goals and policies and does not actually comment on the DEIR, so it will not be addressed in this document.</p> <p>The comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document.</p>
<p><b>M-40</b></p>	<p>This comment says it is about the Alternatives Analysis in the EIR but it only cites information from that EIR section. Since it does not actually comment on the DEIR, it will not be addressed in this document.</p>
<p><b>M-41</b></p>	<p>This comment cites information from the Alternatives Analysis in the EIR and concludes the analysis is not sufficient. However, the City believes it has evaluated a reasonable range of feasible alternatives given the programmatic nature of the “project” being evaluated (i.e., City General Plan Update) consistent with CEQA and the CEQA Guidelines.</p>
<p><b>M-42</b></p>	<p>An evaluation of the commenter’s “alternative mitigation” proposal is addressed in Response M-52 below.</p>
<p><b>M-43</b></p>	<p>This comment says it is about the Cumulative Analysis in the EIR but it only cites information from that EIR section with underlining and highlighting added. Since it does not actually comment on the DEIR, it will not be addressed in this document.</p>
<p><b>M-44</b></p>	<p>The commenter repeats comments about consistency between the HRE and the MC. The comments made on specific goals and policies of the General Plan Update are addressed by the City in a separate General Plan Response to Comments (GPRTC) document. The City has thoughtfully considered all of the comments on the Historical Resources Element and believes that it will provide adequate</p>

	protection of historic resources in the City with the proposed modifications outlined in the GPRTC document. It also clarifies the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state law. The City further believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources with the proposed modifications outlined in the GPRTC document. Thus the City will move ahead with approval of the GPU and certification of the EIR as it relates to the entire GP.
<b>M-45</b>	This comment says it is about the Growth-Inducing Effect outlined in the EIR but it only cites information from that EIR section. Since it does not actually comment on the DEIR, it will not be addressed in this document.
<b>M-46</b>	The commenter questions whether the City will “tax existing community service facilities past their capability.” The commenter simply states but does not expand or support the statements that new open space is insufficient, or why the description of a green transportation system is inadequate. The commenter does state that “increased density in neighborhoods with narrow streets already clogged owing to a permit parking system that has reached the end of its usefulness and lack of detail on a transportation system that people will actually use and that works for mid-block access.” While it is understandable that members of the public may desire this kind of information, this level of detail is not available at this time and it not appropriate to be included in this programmatic EIR.
<b>M-47</b>	The commenter merely cites information about significant impacts and the need for a Statement of Overriding Considerations per CEQA. Since it does not actually comment on the DEIR, it will not be addressed in this document.
<b>M-48</b>	Much of this comment merely cites information about significant irreversible environmental changes with some highlights of DEIR text. The comment questions whether the City can reduce consumption of natural resources given state drought, fire, and electrical grid conditions. A number of these conditions are beyond the capabilities of the City to fully control (e.g, climate change, state-wide drought, COVID, and the regional electrical grid). However, the City, its residents and businesses, can make substantial local efforts to help reduce the overall impacts of these conditions, such as conserving water, participating in flex-alerts through the Independent System Operator (ISO) of the state electrical grid, and not participating in activities that raise fire risks in fire-prone areas. In addition, many activities within the City must comply with various laws and regulations that help conserve non-renewable resources. In these ways local citizens and businesses can “do their part” to help protect important environmental resources.
<b>M-49</b>	The commenter expresses an opinion that the DEIR analysis is so flawed and incomplete that the EIR must be revised and recirculated. Much of the comment cites information from the State CEQA Guidelines on recirculation of EIRs with underlining and highlighting for emphasis. However, the analysis provided in the DEIR is thorough and appropriate for a program EIR, so the City does not need to revise the document with additional information and recirculate it for additional public review.
<b>M-50 To M-51</b>	The commenter cites information from the State CEQA Guidelines on mitigation and the development of mitigation measures with underlining and highlighting for emphasis. Since it does not actually comment on the DEIR, it will not be addressed

	in this document.
<b>M-52</b>	<p>This final comment presents the commenter’s proposal to fully mitigate potential impacts to historical resources which the commenter believes will occur under the proposed GPU. However, this comment is exclusively about changes to General Plan goals, policies, and the portions of the City’s Municipal Code on historic resources. Since it does not actually comment on the DEIR, it will not be addressed in this document. However, several other responses above indicate the City has considered all of the comments on the Historical Resources Element (HRE) and believes that it will provide adequate protection of historic resources in the City. It will also clarify the role and process of protecting these resources between the Historic Resources Commission and the City Council as the final legislative body responsible for protecting such resources under state law. The 1993 GP and its goals and policies regarding historic resources are 28 years old and need to be updated so leaving only them in place is also not an appropriate long-term solution. Finally, the City believes the GP EIR provides an appropriate level of analysis of potential impacts of the proposed GPU as it relates to historic and other cultural resources, thus no mitigation is required. The City will therefore move ahead with approval of the GPU and certification of the EIR as it relates to the entire GP, including the Housing Element which has a statutory deadline.</p>

**COMMENT LETTER N – KIMCO**



August 23, 2021

Ms. Sonya Lui  
Principal Planner  
**CITY OF WHITTIER**  
Community Development Department, Planning Services Division  
13230 Penn Street  
Whittier, CA 90602

**RE:** Draft Program Environmental Impact Report for the Whittier Draft General Plan Update and 2021- 2029 Housing Element Update - Comments

Dear Ms. Lui:

The purpose of this correspondence is to provide initial comments on the Draft Program Environmental Impact Report (EIR) for the Whittier General Plan Update (GPA), and Housing Element Update.

N-1

We have been working with the city on the processing of an amendment to the Whittwood Town Center Specific Plan (initially filed April 30, 2020). As part of this coordinated effort, we understood the city’s objective to seek a land use amendment of the Whittwood Town Center to a Mixed-Use Land Use designation (now identified as MU-3). Based on our discussions with Mr. Jeff Adams, Community Development Director, we noted our current development rights and believed we reached agreement that the GPA can identify a new Mixed-Use Land Use designation for the Whittwood Town Center while preserving the Specific Plan and its future amendments as the Zoning and implementation regulations. The reference to “rescind” the Whittwood Town Center Specific Plan is misleading and creates further land use complications (*Executive Summary, page 2-5*). We respectfully request the GPA state the application of the Whittwood Town Center Specific Plan and related amendments for project specific implementing strategies—including the details for the community benefits incentives – as noted within the Project Description, page 3-17.

N-2

Related to the above comment, the Preliminary Draft Housing Element, the reference to Whittwood Town Center Specific Plan as “Former” is not an accurate statement (*Section 3, page 10*). The intent is to adopt a Mixed-Use Land Use designation, while the Specific Plan remains as the zoning and implementing tool. It should also be noted that the affordable housing requirements related to the future redevelopment will be in accordance with the vesting approvals and related amendments. In review of the proposed Land Use and Community Character Element for MU-3, we believe much of the desired character is achievable in the proposed Whittwood SPA. There are some components that will need further understanding of the city’s intent on general requirements, such as variety of building forms, building orientation and building massing. We would like the opportunity to review the proposed

N-3

Whittwood SPA with the city to determine the application of these elements to confirm consistency with the GPA general parameters, which could necessitate any further comments.

N-3  
Cont.

Again, we appreciate the city's work in updating the City's General Plan and Housing Element. They are both key governing documents that we support and appreciate the opportunity to provide guidance as a long-term property owner. We would like to schedule an in-person meeting with City Planning staff to discuss these issues, or a virtual meeting if meeting in person is not feasible due to concerns about the COVID-19 pandemic.

N-4

Sincerely,



Mr. Mark Wendel

Kimco Realty Corporation

Director of Development | Western region

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Margit Allen, Kimley-Horn  
Elizabeth Cobb, Kimley-Horn



ID	Response to Comment Letter N – KIMCO
<b>N-1</b>	This comment provides an introduction for the other comments in this letter. This comment has been noted and no response is necessary.
<b>N-2</b>	This comment includes a discussion of previous coordination between the commenter and the City as it pertains to the General Plan Updates' land use designation of the Whittwood Town Center Specific Plan and its Zoning and implementation regulations. This comment also refers to the use of the word "rescind" when it comes to the Whittwood Town Center Specific Plan and requests that the General Plan Amendments state the application of the Whittwood Town Center Specific Plan and related amendments for project-specific implementing strategies. This comment pertains to land use designations within the General Plan Amendments and does not address the DEIR. Therefore, no response to this comment is necessary.
<b>N-3</b>	This comment is related to comment N-2 and states that the Preliminary Draft Housing Element's use of the term "former" to describe the Whittwood Town Center Specific Plan is inaccurate. The commenter states that the intent is to adopt a Mixed-Use Land Use designation, while the Specific Plan remains as the zoning and implementing tool. The commenter also notes that the affordable housing requirements related to the future development will be in accordance with the Land Use and Community Character Element for MU-3, as the commenter believes the desired character is achievable in the proposed Whittwood Specific Plan Amendment. The commenter also requests the opportunity to review the proposed Whittwood SPA with the City to determine the application of these elements to confirm consistency with the General Plan Amendments' parameters. This comment pertains to land use designations within the General Plan Amendments and does not address the DEIR. Therefore, no response to this comment is necessary.
<b>N-4</b>	This comment provides appreciation for the City work in updating the General Plan and Housing Element and requests an in-person meeting with the City planning staff to discuss issues related to the Whittwood Town Center Specific Plan. This comment pertains to land use designations within the General Plan Amendments and does not address the DEIR. Therefore, no response to this comment is necessary.

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## 3.0 ERRATA

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This section identifies revisions to the City of Whittier General Plan Update Draft EIR to incorporate clarifications, corrections, or additions prepared in response to comments on the Draft EIR. These changes include minor errors or editorial corrections identified through subsequent review. Additions are shown in underline. Deletions are shown in ~~striketrough~~. Commentary Notes are shown in *Italic type* where needed.

None of the revisions below represents a substantial increase in the severity of an identified significant impact or the identification of a new significant impact, mitigation, or alternative considerably different from those already considered in the Draft EIR.

**GLOBAL CHANGE:** The Puente Hills Habitat Preservation Authority is sometimes referred to in the EIR as the Puente Hills HPA or the Puente Hills Reserve (which is a land area, not an organization). All references in the EIR to this organization shall mean the entire name of the Puente Hills Habitat Preservation Authority, even if those references are not individually corrected in the EIR.

**GLOBAL CHANGE:** All references to the Puente Hills Reserve (meaning the land area managed by the Puente Hills Habitat Preservation Authority) in the EIR shall be changed to Puente Hills Preserve.

**GLOBAL MAPPING CHANGE:** The Puente Hills Habitat Preservation Authority has indicated there are inconsistencies in the base map depicting the boundaries of the Puente Hills Preserve. They request that all Figures in the DEIR be revised to reflect the current boundaries of those open space lands owned and/or managed by the Habitat Authority, as provided to the City via shapefile on May 21, 2021. Many of these changes may not be visible at the scale of the DEIR maps but these changes are considered to be incorporated into the EIR and subsequent mapping related to biological resources and the General Plan related to the Puente Hills Preserve.

### Draft EIR Section 2, Executive Summary

#### *(Page 2-5, 1<sup>st</sup> paragraph)* D. Zoning Map and Zoning Text Amendments

...The General Plan Update and accompanying zoning map and zoning text amendments include elimination of ~~two Specific Plans: the Whittwood Town Center Specific Plan and the Whittier Boulevard Specific Plan.~~ However, no changes to ~~either~~ the Uptown Whittier Specific Plan, the Whittwood Town Center Specific Plan, or the Lincoln (Nelles) Specific Plan are proposed.

**NOTE: GLOBAL CHANGE** – any references to the Whittwood Town Center shall indicate its Specific Plan will remain intact and **not** be eliminated (even if that reference is not listed in this Errata Section).

### Draft EIR Section 3, Project Description

#### (Page 3.2, 2<sup>nd</sup> paragraph) 3.3 Existing Conditions

...Several freeways and highways provide regional access to the Planning Area; Interstate 605 (I-605) runs along the western boundary; State Route 60 (SR 60) is five miles to the north, and; Interstate 5 (I-5) is approximately six miles to the south. Whittier Boulevard (State Route 72) is a major commercial corridor and bisects Whittier from the northwest to the southeast and provides an alternative to freeway access to downtown Los Angeles and the City of La Habra. Colima Road (County Route N8) runs north-south across the eastern part of Whittier, providing access to the San Gabriel Valley communities to the north.

#### (Page 3-19, 2<sup>nd</sup> paragraph) Zoning Map and Zoning Text Amendments

The General Plan Update and accompanying zoning map and zoning text amendments include elimination of ~~two Specific Plans: the Whittwood Town Center Specific Plan and the Whittier Boulevard Specific Plan~~. However, no changes to ~~either~~ the Uptown Whittier Specific Plan, the Whittwood Town Center Specific Plan, or the Lincoln (Nelles) Specific Plan are proposed. It should be noted that, even though the Whittwood Town Center Specific Plan is being rescinded, the zoning will still allow for a Specific Plan in the MU-3 zone and no overlay is proposed.

### Draft EIR Section 4.1.2, Aesthetics-Regulatory Framework (Local)

(Page 4.1-6) Environmental Resource Management Element (delete underline)

### Draft EIR Section 4.4, Biological Resources

**GLOBAL CHANGE:** The Puente Hills Habitat Preservation Authority is sometimes referred to in this section of the EIR as the Puente Hills HPA or the Puente Hills Reserve (which is a land area, not an organization). All references in the EIR to this organization shall mean the entire name of the Puente Hills Habitat Preservation Authority, even if those references are not individually corrected in this section of the EIR.

**GLOBAL CHANGE:** All references to the Puente Hills Reserve (meaning the land area managed by the Puente Hills Habitat Preservation Authority) in this section of the EIR shall be changed to Puente Hills Preserve.

(Page 4.2-2, last paragraph, 3<sup>rd</sup> sentence) Additionally, the Puente Hills Preserve, which is managed by the Puente Hills Habitat Preservation Authority, provides vegetation complexity and habitats within a relatively small area (Whittier, 2017).

(Page 4.4-2, Table 4.4-1) According to the Puente Hills Habitat Preservation Authority, the Puente Hills Preserve's Resource Management Plan (available at: <https://www.habitatauthority.org/resource-management-plan/>), and biological data collected since that Plan was written, indicate that several species listed in Table 4.4-1 as having low potential of occurrence in the Planning Area have been documented as occurring in the Whittier area within the Puente Hills Preserve and are hereby considered to be reclassified in Table 4.4-1 as occurring in the Planning Area within the Puente Hills Preserve:

- o *Setophaga petechia*, Yellow warbler
- o *Eumops perotis californicus*, Western mastiff bat
- o *Taxidea taxus*, American badger

- o *Lasiurus blossevillii*, Western red bat
- o *Lasiurus xanthinus*, Western yellow bat
- o *Aspidoscelis tigris stenjnegeri*, Coastal whiptail
- o *Calochortus plummerae*, Plummer's mariposa-lily
- o *Calochortus weedii* var. *intermedius*, Intermediate mariposa-lily

(Page 4.4-4, 4<sup>th</sup> paragraph, last sentence) There are three areas of chaparral along the western boundary of the Puente Hills Preserve that are designated as critical gnatcatcher habitat by the federal government (see Exhibit 4.4-1).

(Page 4.2-5, last paragraph, last sentence) Additionally, the Puente Hills Preserve, which is managed by the Puente Hills Habitat Preservation Authority, provides vegetation complexity and habitats within a relatively small area (Whittier, 2017).

(Page 4.4-6, 1<sup>st</sup> paragraph, last sentence) Riparian habitats are located ~~exclusively~~ mainly in the Puente Hills Preserve in the northeastern portion of the Planning area and ~~is~~ are generally not found in urbanized areas in the southwestern portion of the Planning Area. However, isolated areas of riparian or riverine vegetation may be found along drainages in more urban portions of the Planning Area, such as along the La Mirada Creek near 1<sup>st</sup> Street.

(Page 4.4-7, 1<sup>st</sup> paragraph, 4<sup>th</sup> sentence)

Exhibit 4.4-2 (Wetlands and Riparian Habitat) shows the location of wetlands and riparian habitat mainly in the far northern portion of the Planning Area.

(Page 4.4-7, 1<sup>st</sup> paragraph, last sentence)

Riparian habitat is located almost exclusively in the Puente Hills Preserve in the northeastern portion of the Planning Area and is generally not found in the urbanized areas of the Planning Area. However, isolated areas of riparian or riverine vegetation may be found along drainages in more urban portions of the Planning Area, such as along the La Mirada Creek near 1<sup>st</sup> Street.

Page 4.4-18, 3<sup>rd</sup> full paragraph) The Planning Area possesses riparian habitat and some sensitive communities within the Puente Hills Preserve areas, however, these areas are not proposed for changes under the GPU. The remainder of most waterways are channelized within the urbanized area of Whittier, and no specific impacts are identified to these areas in the GPU. However, it should be noted a portion of the La Mirada Creek is not channelized within the Planning Area.

### **Draft EIR Section 4.4.2, Biological Resources-Regulatory Framework**

(Page 4.4-15, new paragraph, just above section 4.4.3, Significance Thresholds)

Whittier Municipal Code, Tree Protection Ordinance (WMC 12.40). This ordinance designates the local director of the parks, recreation, and community services department of this city or his/her authorized designee, i.e., certified arborist or manager as the person responsible for implementing this ordinance. The ordinance states, "It shall be the duty of the director to oversee the duties to plant, trim, prune and care for all trees, shrubs, or plants and to authorize removal of all objectionable trees, shrubs, or plants in and upon any street, park, alley, or public place in the city, subject to the review of the city manager. Subject to said review, the director shall have the power to designate the kind or variety of trees, shrubs or plants to be planted upon any street, park, alley or public place of the city."

### **Draft EIR Section 4.5, Cultural Resources-Existing Conditions**

*(Page 4.5-1, 5<sup>th</sup> paragraph)* The Planning Area contains several registered historic resources landmarks as well as civic/institutional and commercial landmarks resources. ...there are a total of 109 resources. Whittier currently has 140 Landmarks (national, state, and local combined), and hundreds of additional resources within the four historic districts (HD), including Central Park HD (45), Hadley Greenleaf HD (190), College Hills HD (97) and Earlham HD (7), plus the Uptown Specific Plan area, and other adopted surveys.

### **Draft EIR Section 4.5.2, Cultural Resources-Regulatory Framework**

*(Page 4.5-7, new 1<sup>st</sup> paragraph)* National Environmental Policy Act (NEPA). Signed into law in 1970, NEPA requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. The NEPA process usually applies to actions that occur on federal land, actions when approval by a federal agency is required, or when federal funds are used to construct a facility. The range of actions covered by NEPA is broad and includes: making decisions on permit applications; adopting federal land management actions; and constructing highways and other publicly-owned facilities. Using the NEPA process, agencies evaluate the environmental and related social and economic effects of their proposed actions. Agencies also provide opportunities for public review and comment on those evaluations. Coordination with other agencies may require consultation as part of Section 106 of the National Historic Preservation Act (see below).

*(Page 4.15-13, 1<sup>st</sup> paragraph)* See Chapters ~~18.87 and 18.88~~ 18.86 through 18.89 of the Whittier Municipal Code for specific guidelines for the: Earlham Historic District (WMC 18.86); Central Park Historic District (WMC 18.87); the Hadley/Greenleaf Historic District (WMC 18.88); and the College Hills Historic District (WMC 18.89).

*(Page 4.5-13, new 2<sup>nd</sup> paragraph under City of Whittier Municipal Code)* In addition, the Uptown Specific Plan is the guiding document for Whittier's central historic core where hundreds of surveyed and documented historic resources are located, and a plan is in place that guides the protection of these resources.

### **Draft EIR Section 4.5.4, Cultural Resources-Impact Analysis**

*(Page 4.5-16, last paragraph)*

#### **Human Remains**

***Impact CUL-3 – Would the GPU disturb any human remains, including those interred outside of formal cemeteries?***

#### *Analysis of Impacts*

The ~~only~~ largest established currently active cemetery in the immediate area is the Rose Hills Memorial Park and Mortuary, located just north of the City adjacent to the Puente Hills. There is also an original cemetery located at Founders' Park that was abandoned and covered over in 1969. Many graves of founding members of the community still reside there as well as the grave of "George the Greek" who brought camels to the cavalry in California in the 1850s. This grave is a California Registered Landmark. There is also a small cemetery on South Painter Avenue near Telegraph Rd. in the City's Sphere of Influence.

## Draft EIR Section 4.9, Hazards and Hazardous Materials

(Page 4.9-17, 2<sup>nd</sup> full paragraph)

### Transport, Use, and Disposal Hazards

**Impact HAZMAT-1 – Would the GPU create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

#### Analysis of Impacts

Implementation of the proposed General Plan Update would result in an increase in residential dwelling units and commercial square footage within the Planning Area. Construction associated with ~~implementation of the Specific Plan~~ new development in the future under the GPU would likely involve the use and disposal of chemical agents, solvents, paints, and other hazardous materials associated with construction activities. The amount of these chemicals present during construction would be limited, would comply with existing government regulations, and would not be considered a significant hazard.

(Page 4.9-18, 4<sup>th</sup> full paragraph)

### Hazardous Materials

**Impact HAZMAT-2 – Would the GPU create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

#### Analysis of Impacts

As shown in Table 4.9-2, several hazardous materials releases have been reported within the Planning Area. Additionally, there may potentially be other unreported releases within the Planning Area or in areas adjacent to the Planning Area. It is possible that contaminants in soil or groundwater could expose future construction workers, residents, workers or other members of the public to potential hazards. However, the potential for soil contamination would be addressed through the continued application of General Plan Safety Element Policies that address and resolve underground contamination through the City Planning Division Site Plan and Environmental Review processes, and the Building and Safety Division Building Permit Issuance process

In addition, there is a potential risk of upset from leaks, spills, or explosions involving one or more of the existing fuel pipelines that run through the City. However, this is already an existing condition within the City and would not result from implementation of the GPU. It is possible that potential risks could be incrementally higher in areas where higher density housing is constructed under the GPU that would not otherwise have been in that location. Compliance with federal and state laws and regulations, as well as continued careful industry operation and maintenance of such facilities will help minimize potential risks in this regard in the future. Impacts would be less than significant and no mitigation is required.

## Draft EIR Section 4.10, Hydrology and Water Quality

*The following revisions are made to Section 4.10.4, Impacts and Mitigation*

(Page 4.10-20) Table 4.10-1, minor labeling changes (text associated with table remains unchanged)

**Table 4.10-1  
Groundwater Supply Analysis for GPU Population**

<b>Water-Related Characteristic</b>	<b>2020</b>	<b>2040<sup>1</sup></b>	<b>Difference</b>
City-Wide Population (persons)	87,853	106,014	+18,430 / +21%
65 Percent <sup>2</sup> of City-wide Population	57,104	68,909	+11,805 / +20.7%
City UWMP Service Area Assumption <sup>3</sup>	56,900	59,500	+2,600 / +4.6%
UWMP Planning Surplus or Deficit <sup>4</sup>	+204	+9,409	"Surplus"
Water needed to serve "surplus" population (acre-feet or AF) <sup>5</sup>	+47 AF	<b>+1,580 AF</b>	NA
City Water Supply <sup>6</sup>	9,272 AF	9,272 AF	0
City Water Demand <sup>6</sup>	7,569 AF	8,085 AF	+516 AF / +6.8%
Supply Surplus or Deficit	+1,703 AF	<b>+1,187 AF</b>	"Surplus" "Deficit"
Can Water Supply meet the needs of the estimated population growth with GPU?	NA	<b>No</b>	

**NOTES:**  
1 assuming GPU is approved  
2 City UWMP estimates its water service area is 65% of City-wide population  
3 Table 3-1 from City UWMP  
4 Difference of UWMP Service Area Population compared to 65% of City-wide Population Estimate  
A "surplus" means the estimated population under the GPU is **higher** **lower** than the population estimate used for the UWMP  
5 assumes each additional person consumes 150 gallons/person/day and one AF = 236,000 gallons  
6 Table 7-2 from City UWMP

### Draft EIR Section 4.11, Land Use and Planning

(Page 4.11-10, 2<sup>nd</sup> and 5<sup>th</sup> paragraphs) **Specific Plans**

As shown in Exhibit 4.11-4 (Specific Plans) and described below, there are four Specific Plans currently in effect within the Planning Area: the Whittier Boulevard Specific Plan (WBSP), the Uptown Whittier Specific Plan (UWSP), the Whittwood Town Center Specific Plan (WTCSP), and the Lincoln Specific Plan (LSP).

The WTCSP, originally adopted in 2003, was last amended in 2012. The WTCSP grew from the City's desire to revitalize the Whittier Boulevard commercial corridor and landscape treatments in the WTCSP Whittwood Center while creating a sense of place and a central activity focus. The 66.4-acre Whittwood Town Center Specific Plan has been developed into a mixed-use center integrating residential, commercial retail, landscaping, and circulation improvements.

### Draft EIR Section 4.15, Public Services-Police

*The following revisions are made to Section 4.15.4, Impacts and Mitigation:*

(Page 4.15-7, 1<sup>st</sup> paragraph) Law enforcement services in the incorporated areas of the Planning Area are provided by the City of Whittier Police Department (WPD), which operates out of its headquarters adjacent to City Hall at 13200 Penn Street...

(Page 4.15-7, new 2<sup>nd</sup> paragraph) Law enforcement services in the unincorporated communities of South Whittier and West Whittier are provided by the County of Los Angeles Sheriff's Department. The community of South Whittier is served by the Norwalk Sheriff's Station and the community of West Whittier is served by the Pico-Rivera Sheriff's Station. Both of these communities are within the Sphere of Influence of the City of Whittier and the Planning Area. At the time of this writing, the staffing and response times of the Norwalk and Pico-Rivera Sheriff's Stations are not known.



(Page 4.15-19, 1<sup>st</sup> full paragraph) **General Pan Analysis.** In the Planning Area, the Whittier Police Department's average response time for Priority One Calls is 5 minutes and 12 seconds. Priority One calls include robbery, assault with a deadly weapon, traffic collisions with injuries, etc. The average response time for all other calls is 24 minutes and 13 seconds (Lo/Ruiz, 2020). The increased land-use intensity in the Planning Area could increase the frequency of emergency and non-emergency calls to the Whittier Police Department and the Los Angeles County Sheriff's Department, as compared with existing conditions. However, the GPU is not anticipated to increase demand for police protection to the extent that new Police or Sheriff's Department facilities would be required. While new development would increase incremental demand on police and sheriff's protection services, such demand would be offset by increased property tax revenues which can then be used for the maintenance and/or expansion of police protection facilities. Because no development Projects are proposed as part of the General Plan Update, the City and Sheriff's Department do does not anticipate needing to expand existing or build new police facilities as a result of potential population and land-use intensity increases from the GPU. However, future projects developed under the proposed General Plan Update would be required to analyze potential impacts to police and sheriff's department resources and operations resulting from increased demand for law enforcement services.

(Page 4.15-22, Policy RM-9.5) Collaborate with the County of Los Angeles, Southern California Association of Governments, Puente Hills Habitat ~~Conservation~~ Preservation Authority, neighboring cities and communities, and wildlife agencies to improve open space planning and implementation of the resource management policies and promote wildlife conservation within the City and its sphere of influence.

(Page 4.15-22, Policy RM-10.5) Support the efforts of Los Angeles County entities to procure unincorporated lands adjacent to Hellman Park for open space expansion of the park and for preservation purposes in partnership with the Puente Hills Habitat ~~Conservation~~ Preservation Authority.

#### **Draft EIR Section 4.16, Recreation**

(Page 4.16-13, Policy RM-9.5) Collaborate with the County of Los Angeles, Southern California Association of Governments, Puente Hills Habitat ~~Conservation~~ Preservation Authority, neighboring cities and communities, and wildlife agencies to improve open space planning and implementation of the resource management policies and promote wildlife conservation within the City and its sphere of influence.

(Page 4.16-13, Policy RM-10.5) Support the efforts of Los Angeles County entities to procure unincorporated lands adjacent to Hellman Park for open space expansion of the park and for preservation purposes in partnership with the Puente Hills Habitat ~~Conservation~~ Preservation Authority.

(Page 4.16-15, Policy RM-9.5) Collaborate with the County of Los Angeles, Southern California Association of Governments, Puente Hills Habitat ~~Conservation~~ Preservation Authority, neighboring cities and communities, and wildlife agencies to improve open space planning and implementation of the resource management policies and promote wildlife conservation within the City and its sphere of influence.

(Page 4.16-16, Policy RM-10.5) Support the efforts of Los Angeles County entities to procure unincorporated lands adjacent to Hellman Park for open space expansion of the park and for

preservation purposes in partnership with the Puente Hills Habitat ~~Conservation~~ Preservation Authority.

**Draft EIR Section 4.17, Transportation**

(Page 4.17-7, 4<sup>th</sup> paragraph, last sentence) Whittwood Town Center Specific Plan (WTCSP)

The WTCSP’s Circulation Plan describes signage, streetscape landscaping, and internal and external circulation for vehicles and pedestrians. A Specific Plan Amendment is currently being processed for the WTCSP.

(Page 4.17-18, last paragraph) 4.17.3 – Significance Thresholds

Per the CEQA Guidelines, implementation of the ~~Duke realty warehouse~~ Project would have a significant impact related to transportation and traffic if it would:

**Draft EIR Section 4.19, Utilities and Service Systems**

The following revisions are made to Section 4.19.4, Impacts and Mitigation:

(Page 4.19-15, 1<sup>st</sup> paragraph) The Sanitation Districts of Los Angeles County and the Los Angeles County Department of Public Works have jointly established the Household Hazardous and Electronic Waste (E-Waste) Collection Program to provide County residents a legal and cost-free way to dispose of unwanted household chemicals that cannot be disposed of in the regular trash. The Household Hazardous Waste Program allows residents to dispose of the following household chemicals and E-waste.

(Page 4.19-17, 1<sup>st</sup> paragraph) The LACSD is a partnership of 24 independent special districts that serve the wastewater and solid waste management needs of approximately 5.56 million people in Los Angeles County. The LACSDs' service area covers approximately ~~824~~ 850 square miles and encompasses 78 cities and unincorporated territory within the County (LACSD 2021).

(Page 4.19-18) Table 4.19-1, minor labeling changes (text associated with table remains unchanged)

**Table 4.19-1  
Water Supply Analysis for GPU Population**

<b>Water-Related Characteristic</b>	<b>2020</b>	<b>2040<sup>1</sup></b>	<b>Difference</b>
City-Wide Population (persons)	87,853	106,014	+18,430 / +21%
65 Percent <sup>2</sup> of City-wide Population	57,104	68,909	+11,805 / +20.7%
City UWMP Service Area Assumption <sup>3</sup>	56,900	59,500	+2,600 / +4.6%
UWMP Planning Surplus or Deficit <sup>4</sup>	+204	+9,409	“Surplus”
Water needed to serve “surplus” population (acre-feet or AF) <sup>5</sup>	+47 AF	<b>+1,580 AF</b>	NA
City Water Supply <sup>6</sup>	9,272 AF	9,272 AF	0
City Water Demand <sup>6</sup>	7,569 AF	8,085 AF	+516 AF / +6.8%
Supply Surplus or Deficit	+1,703 AF	<b>+1,187 AF</b>	“Surplus” “Deficit”
Can Water Supply meet the needs of the estimated population growth with GPU?	NA	<b>No</b>	

**NOTES:**

- 1 assuming GPU is approved
- 2 City UWMP estimates its water service area is 65% of City-wide population

3	Table 3-1 from City UWMP
4	Difference of UWMP Service Area Population compared to 65% of City-wide Population Estimate A “surplus” means the estimated population under the GPU is <del>higher</del> <b>lower</b> than the population estimate used for the UWMP
5	assumes each additional person consumes 150 gallons/person/day and one AF = 236,000 gallons
6	Table 7-2 from City UWMP

(Page 4.19-27, 1<sup>st</sup> paragraph) The “universe” for consideration of cumulative impacts for the GPU is the portions of east Los Angeles and northwest Orange County surrounding the City of Whittier. Local groundwater is provided to residents and businesses in the region by dozens of local water districts and companies who must maintain UWMPs or similar long-range plans for service including under drought conditions. Regional sewer and wastewater, and storm drain systems are operated by the LACSD which maintains a number of long-range master plans for these services...

### Draft EIR Section 4.20, Wildfire

(Page 4.20-12, Policy PSHN-5.13) Collaborate with the regional fire agencies and the Puente Hills Landfill Habitat Preservation Authority on different strategies available to maintain diverse plant composition (e.g., less combustible native plants), undertake appropriate thinning of vegetation, and maintain fuel breaks without permanently damaging native habitat.

(Page 4.20-12, first full paragraph, 2<sup>nd</sup> sentence) Safety Policy PSHN-5.13 indicates the City will collaborate with the regional fire agencies and the Puente Hills Landfill Habitat Preservation Authority to develop effective strategies that will provide the Puente Hills with adequate fire protection while still maintaining diverse plant composition (i.e., habitat diversity) and while still being able to thin out combustible vegetation and maintain fuel breaks without permanently damaging native habitat.

(Page 4.20-14, Policy PSHN-5.13) Collaborate with the regional fire agencies and the Puente Hills Landfill Habitat Preservation Authority on different strategies available to maintain diverse plant composition (e.g., less combustible native plants), undertake appropriate thinning of vegetation, and maintain fuel breaks without permanently damaging native habitat.

(Page 4.20-16, Policy PSHN-5.13) Collaborate with the regional fire agencies and the Puente Hills Landfill Habitat Preservation Authority on different strategies available to maintain diverse plant composition (e.g., less combustible native plants), undertake appropriate thinning of vegetation, and maintain fuel breaks without permanently damaging native habitat.

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## **4.0 PUBLIC CIRCULATION**

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### **Availability and Distribution**

The Notice of Preparation (NOP) was submitted on April 29, 2021, to the State Clearinghouse for distribution to State agencies on the standard notification list maintained by the City of Whittier Community Development Department. The NOP was circulated for a 30-day public review period from April 30 to June 1, 2021. The NOP was published with the Whittier Daily newspaper on April 30, 2021, and was available on the City's website during the entire NOP public review period.

A virtual Scoping Meeting was held on May 17, 2021, with the City Planning Commission for public agencies and the public to ask questions about the EIR and provide input as to important issues that should be addressed in the EIR.

The Notice of Availability (NOA) for the Draft EIR was distributed to all agencies and other entities on the standard notification list via certified mail (see below) and was posted to the Los Angeles County Recorder's Office and published with the Whittier Daily newspaper on July 9, 2021. The NOA was sent to the same agencies and entities that received notification of the NOP. The NOA was sent to government agencies, neighboring cities, and non-governmental interested parties. The NOA and Notice of Completion (NOC) were both submitted electronically to the State Clearinghouse for distribution to State agencies. The NOA and DEIR materials were also available on the City's website during the entire DEIR review period. Notification was also submitted to local Native American Tribal Governments in accordance with CEQA statutes, guidelines, and Assembly Bill (AB) 52.

### **Agency Mailing List**

#### **State of California**

State Clearinghouse  
Department of Transportation District 7  
Caltrans - Planning HQ LD-IGR  
CA Department of Conservation  
Native American Heritage Commission  
Dept. of Toxic Substances Control  
Department of Fish and Wildlife, SouthCoast Region 5  
Office of Emergency Services  
California Highway Patrol

#### **Los Angeles County**

Los Angeles County Department of Regional Planning  
Los Angeles County Sheriff  
Los Angeles County Fire Department  
Consolidated Fire Department of Los Angeles County  
Los Angeles County Public Works Department  
Los Angeles County Sanitation Districts

#### 4.0 Public Circulation

Greater Los Angeles County Vector Control District

#### **Regional**

Regional Water Quality Control Board Los Angeles Region 4  
Gateway Cities Council of Governments  
Puente Hills Habitat Conservation Authority  
Southern California Association of Governments  
South Coast Air Quality Management District CEQA IGR  
Water Replenishment District of Southern California - Board of Directors

#### **Local Cities**

City of La Habra Planning Department  
City of La Habra Heights Planning Department  
City of Montebello Planning Department  
City of Pico Rivera Planning Department  
City of Santa Fe Springs Planning Department

#### **Transportation**

Los Angeles County Metropolitan Transportation Authority  
Athens Services  
Foothill Transit  
Montebello Transit  
Norwalk Transit  
Union Pacific Railroad

#### **Education**

Whittier College  
Rio Hondo Community College  
East Whittier City School District  
South Whittier School District  
Whittier City School District  
Whittier Union High School District  
Los Nietos School District  
Montebello Unified School District

#### **Utilities/Services**

Southern California Edison  
Southern California Gas-Distribution  
Cal Domestic Water Company  
Central Basin Municipal Water District  
Pico Water District  
Suburban Water Systems  
San Gabriel Valley Water Company  
AT&T  
Republic Services  
Crown Castle

Frontier Communications  
Spectrum  
Chevron Pipeline & Power  
Crimson Midstream

**Other**

Homes for Whittier  
Torrance Pipeline Company  
TRC Retail  
Hedman Heddors - Auto Supplies  
CBRE  
Whittier Conservancy  
Lozeau Drury LLP  
Mitchell M. Tsai, Attorney at Law

## **Notice of Preparation Distribution/Consultation**



### **NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF SCOPING MEETING FOR THE CITY-WIDE GENERAL PLAN UPDATE AND HOUSING ELEMENT (2021-2029) UPDATE**

TO: Responsible Agencies, Trustee Agencies, and Interested Parties DATE: April 30, 2021

The City of Whittier is the Lead Agency under the California Environmental Quality Act (CEQA) and will prepare an Environmental Impact Report (EIR) for a project involving updates to the City of Whittier General Plan, including the Housing Element ("Project"). The proposed General Plan Update (GPU) incorporates statutory requirements for general plans and guidance provided in the 2017 General Plan Guidelines; incorporates state law requirements legislated since 2017; coordinates future development and policies with regional planning efforts and serves as the city's fundamental guide in developing strategies to address greenhouse gas reduction, climate change, and climate planning. The Housing Element Update establishes programs, policies and actions to further the goal of meeting the existing and projected housing needs of all income levels of the community, provides evidence of the City's ability to accommodate the Regional Housing Needs Assessment (RHNA) allocation through the year 2029, as established by the Southern California Association of Governments (SCAG), and identifies a rezoning program needed to reach the required housing capacity. More details on the Project are provided below.

The City is requesting identification of environmental issues, environmental impacts, and information that you or your organization believes needs to be considered and analyzed in the EIR, including environmental impacts, mitigation measures, and alternatives.

#### **NOTICE OF SCOPING MEETING**

Pursuant to California Public Resources Code Section 21083.9 and California Code of Regulations, Title 14, Chapter 3 ("CEQA Guidelines") Section 15082(c)(1), the Lead Agency will conduct a public scoping meeting for the purpose of soliciting written comments from interested parties requesting notice, responsible agencies, agencies with jurisdiction by law, trustee agencies, transportation agencies, and involved federal agencies, as to the appropriate scope and content of the EIR.

The Public Scoping Meetings will be held in an online format using Zoom, to share information regarding the Project and the environmental review process, and provide information on how interested parties can provide written comments. City staff and environmental consultants will be available during this meeting. The City encourages all interested individuals and organizations to attend this meeting. Interested parties wishing to provide comments or public



testimony should provide them in writing, as described under “Submittal of Written Comments,” below. No decisions about the Project will be made at the Public Scoping Meeting. A separate public hearing for the update to the City of Whittier General Plan Update will be scheduled after the completion of the EIR. The date, time, and virtual location of the Public Scoping Meeting is as follows:

Consistent with mandates of Executive Order No. N-29-20 (COVID-19), a physical location from which members of the public may observe the meeting or offer public comment will not be made available. For the time being, City Hall will not be open to the public for public meetings; however, viewing and public comment options are provided below.

Date: May 17, 2021 Time: 6:30 PM – 7:30 PM

Place: Virtual Meeting Visit Zoom Webinar

Webinar ID: 923 8665 5514

Join via Smart Phone App or Computer: <https://zoom.us/j/92386655514>

\*Live comments: Use ‘Raise Hand’ feature when public comments begin.

Phone Call-in audio only: (669) 900-9128 and Webinar ID: 923 8665 5514

\*Live comments: press \*9 to ‘Raise Hand’ and then \*6 to unmute yourself when prompted.

## **RESPONSIBLE AND TRUSTEE AGENCIES**

The City requests your agency’s views on the scope and content of the environmental information relevant to your agency’s statutory responsibilities in connection with the Project, in accordance with the CEQA Guidelines, Section 15082(b). Your agency will need to use the EIR prepared by the City when considering any permits or other project approvals that your agency must issue. As such, your responses to this Notice of Preparation (NOP), at a minimum should identify: (1) the significant environmental issues and reasonable alternatives and mitigation measures that your agency will need to have explored in the EIR; and (2) whether your agency will be a responsible or trustee agency for this Project.

## **REVIEW AND RESPONSE PERIOD**

April 30, 2021, to June 1, 2021

Pursuant to CEQA Guidelines Section 15082(b), responses to this NOP must be provided during this response period.

## **SUBMITTAL OF WRITTEN COMMENTS**

Please send your written comments via U.S. mail to:

Sonya Lui, Principal Planner

City of Whittier

Community Development Department, Planning Services Division

13230 Penn Street, Whittier, CA 90602

You may also email your written comments to:

[slui@cityofwhittier.org](mailto:slui@cityofwhittier.org)

If you have any questions regarding the submittal of written comments, please call Sonya Lui at (562) 567-9320.

### **Project Location:**

The Planning Area is in southeast Los Angeles County approximately 12 miles southeast of downtown Los Angeles. The City is bordered by the unincorporated community of Hacienda Heights and the cities of La Habra Heights and Industry to the north/northeast. The City of Pico Rivera lies to the west, La Habra to the southeast and the Cities of Santa Fe Springs, La Mirada, Norwalk, and Orange County to the south. The regional context of Whittier is shown in Exhibit 1 (Regional Context Map) and Exhibit 2 (Planning Area) provides a more detailed view of the Planning Area, including City boundaries and Sphere of Influence areas.

The Planning Area comprises a total of 21.8 square miles. The City of Whittier encompasses 14.6 square miles most of which is developed with urban land uses. The remaining 7.2 square miles are with the City's unincorporated Sphere of Influence and use City services and community facilities. Several freeways and highways provide regional access to the Planning Area; Interstate 605 (I-605) runs along the western boundary, State Route 60 (SR 60) is five miles to the north, and Interstate 5 (I-5) is approximately six miles to the south. Whittier Boulevard is a major commercial corridor that bisects Whittier from the northwest to the southeast and provides an alternative to freeway access to downtown Los Angeles and the City of La Habra. Colima Road runs north-south across the eastern part of Whittier, providing access to the San Gabriel Valley communities to the north.

### **Project Description:**

The comprehensive update of the Whittier General Plan and Housing Element serves as the guide for the City's future growth and development. The General Plan and Housing Element contain goals, policies, and programs that will provide City staff and discretionary bodies with a foundation for decisions for long-range planning related to physical development and public services. The City of Whittier General Plan Update succeeds the last comprehensive general plan adopted in 1994. The City of Whittier Housing Element Update succeeds the last housing element adopted in 2014. The GPU incorporates statutory requirements for general plans and guidance provided in the 2017 General Plan Guidelines; coordinates future development and policies with regional planning efforts and serves as the city's fundamental guide in developing strategies to address greenhouse gas reduction, climate change, and climate planning. The GPU and HE incorporate state law requirements legislated since 2017 as well.

The 2040 planning horizon for the Planning Area is estimated to result in increases of approximately 472 single-family dwellings, 7,023 multifamily dwellings, 828,448 square feet of office space, 193,819 square feet of industrial space, and a reduction of 300,102 square feet of commercial space. An estimated increase of approximately 20,190 residents and 1,396 jobs is projected for the 2040 horizon year.

The EIR incorporates each of the elements goals, policies, and objectives of the following chapters in the adopted General Plan:

- Land Use and Community Character Element
- Mobility and Infrastructure Element
- Housing Element (2021-2029)
- Resources Element
- Public Safety, Noise, and Health Element

- Historic Resources Element

These goals, objectives, and policies are intended to maintain various potential environmental effects of the project at levels that are less than significant and are considered when evaluating the potential environmental impacts of implementing the General Plan. The Housing Element is updated for the 6<sup>th</sup> cycle and planned developments identified in the Land Use Element accommodates the Regional Housing Needs Allocation goal of 3,439 housing units, which represents an 11.5% increase from the existing number of housing units within City boundaries.

### **Project Objectives:**

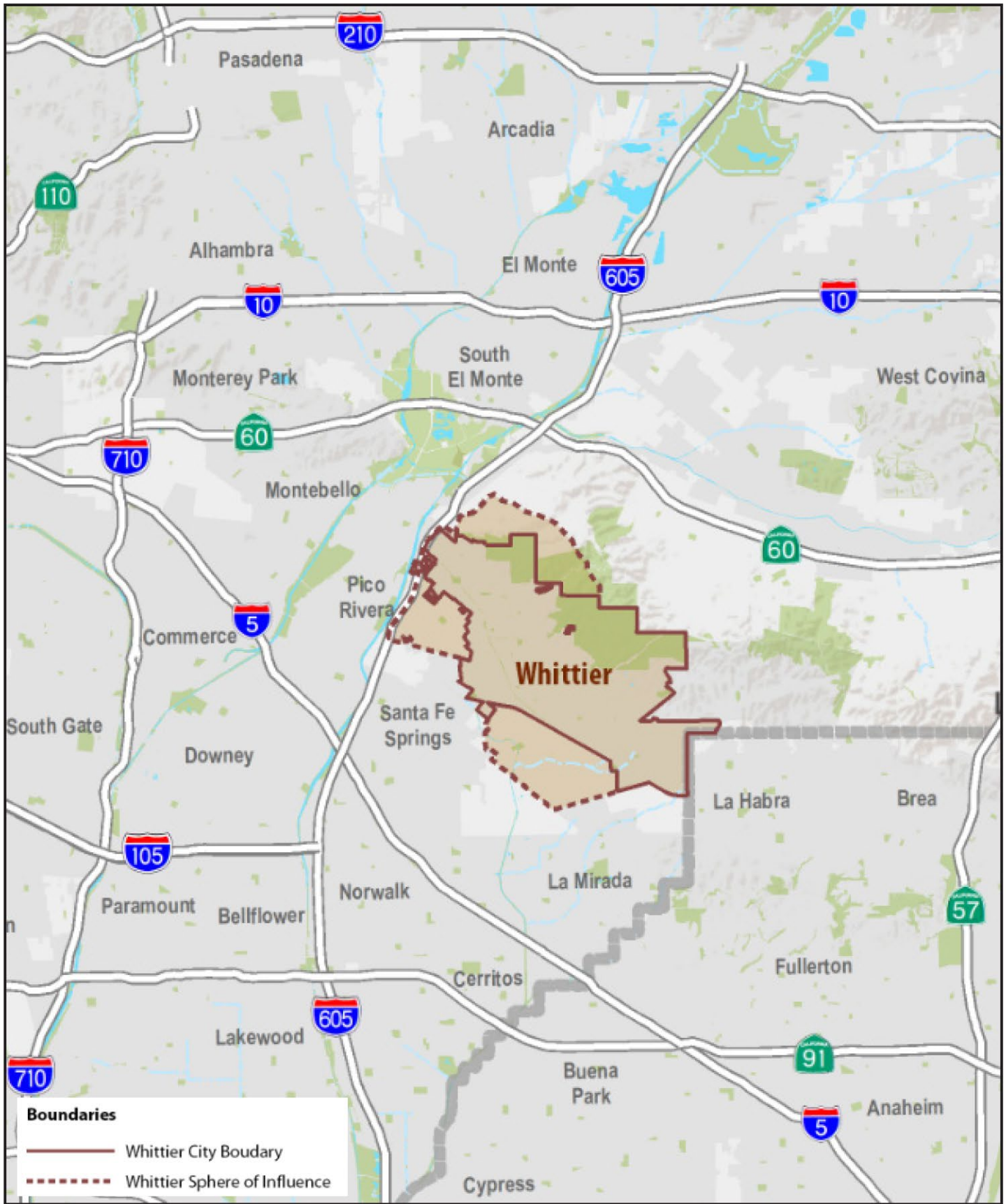
The General Plan Update (GPU) and Housing Element (HE) establish the objectives listed below for the long-term growth and enhancement of the community.

1. Promote healthy and safe neighborhoods with comprehensive approaches that consider best practices around land use, mobility, housing, environmental justice, community services, and design.
2. Create new housing opportunities for a full range of housing types and to increase housing affordability.
3. Strengthen the City's industrial and office sectors.
4. Support a diversified economy with a balance of small and large businesses across a broad range of industries that provide employment, commercial, and experiential opportunities.
5. Strive for a downtown that showcases the City's rich history, celebrates local entrepreneurship, features our civic institutions, and encourages downtown living within a vibrant gathering place for the community.
6. Create an interconnected, active transportation system that recognizes and responds to the critical needs of businesses to move commerce while accommodating the equally important necessity for pedestrians, cyclists, transit users, and motorists to move around the City with convenience and ease.
7. Engage residents and stakeholders in ensuring equitable and inclusive processes, policies, investments, and service systems. Ensure residents in disadvantaged communities have access to healthy foods, parks, mobility options activity, public programs, and safe homes.
8. Protect people, infrastructure, and community assets from evolving climate threats and vulnerabilities, and from natural and human-caused hazards.

### **Programmatic EIR:**

The City of Whittier has determined that the proposed GPU and HE will require preparation of an EIR pursuant to the California Environmental Quality Act (CEQA). The City is the Lead Agency for preparation of a Program Environmental Impact Report (Program EIR) for the proposed GPU and HE. The Program EIR will evaluate the environmental impacts resulting from implementation of the General Plan Update and Housing Element Update and will recommend mitigation measures to avoid or reduce significant impacts, where applicable. The Program EIR also is intended to help the City review future project proposals pursuant to section 15168 (Program EIR) of the CEQA Guidelines. The following environmental topics will be evaluated in the EIR:

- **Aesthetics**
- **Agriculture and Forestry**
- **Air Quality**
- **Biological Resources**
- **Cultural Resources**
- **Energy**
- **Geology and Soils**
- **Greenhouse Gas Emissions and Global Climate Change**
- **Hazards and Hazardous Materials**
- **Hydrology and Water Quality**
- **Land Use and Planning**
- **Mineral Resources**
- **Noise**
- **Population and Housing**
- **Public Services**
- **Tribal Cultural Resources**
- **Transportation and Circulation**
- **Utilities and Service Systems**
- **Wildfire**
- **Cumulative Impacts**
- **Alternatives**



Source: Esri World Terrain Base and Reference, 2020.

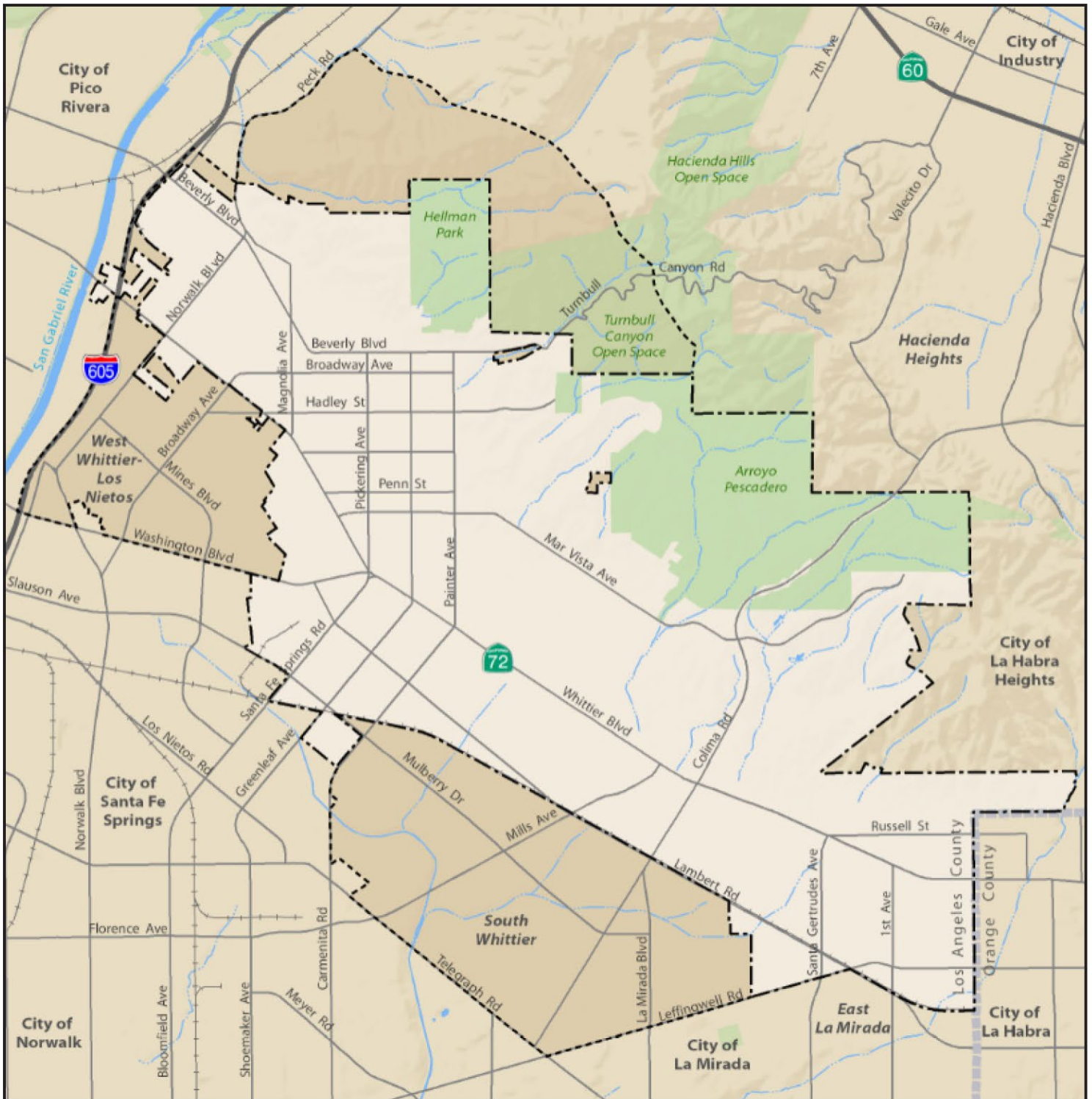
<http://www.mig.com> - 951-787-9222

## Exhibit 1 Regional Context Map

Whittier General Plan Update  
Whittier, California







**Base Map Features**

- Whittier City Boundary
- Whittier Sphere of Influence
- County Boundary
- Major Streets
- Freeways
- Railroads
- River and Creeks
- Waterbodies
- Open Space/Natural Areas

Source: Esri World Terrain Base and Reference, 2020.

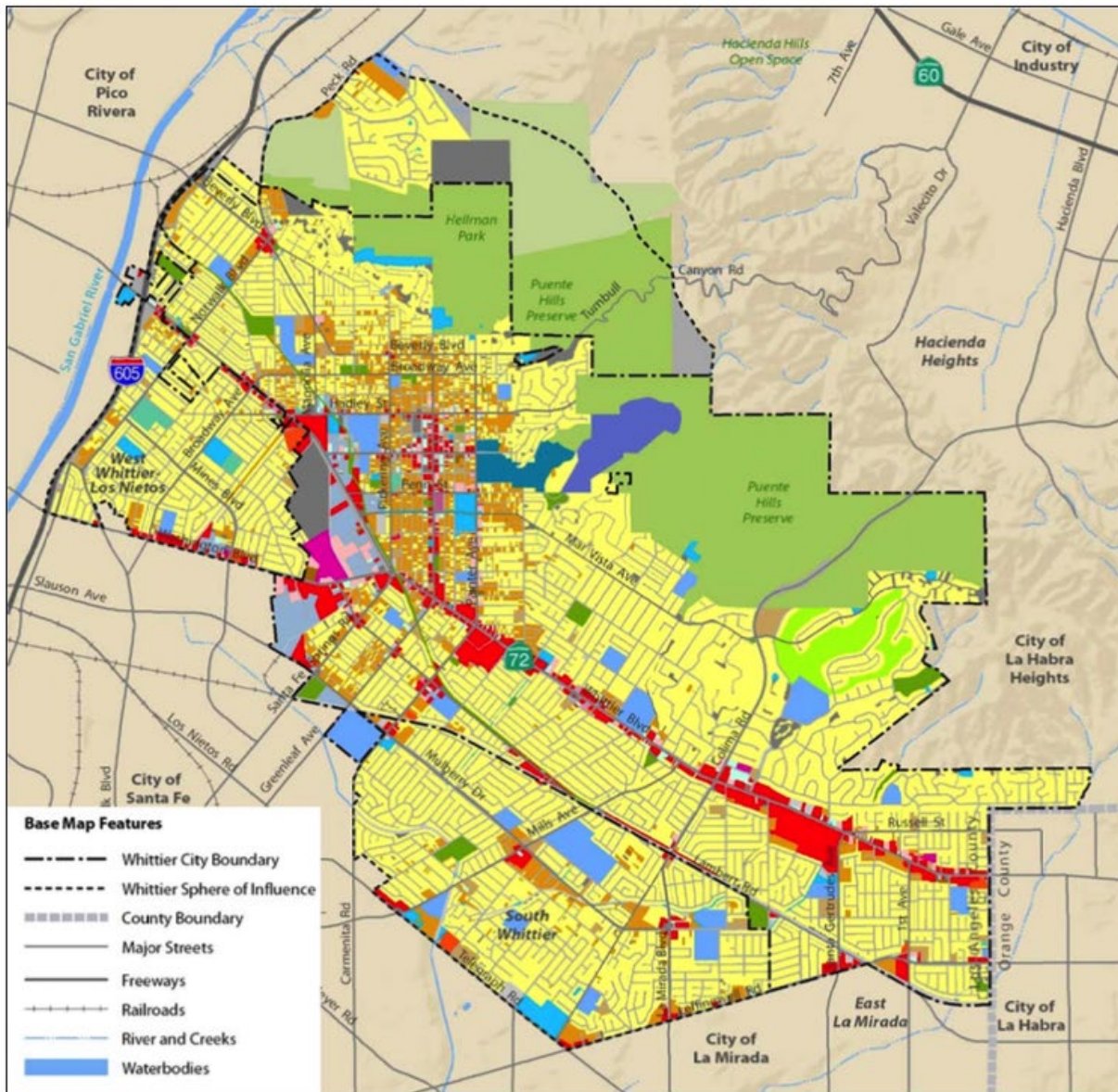
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**Exhibit 2 Planning Area**

Whittier General Plan Update  
Whittier, California







**Existing Land Use (2017)**

- Single Family
- Multi-Family
- Manufactured Housing
- Senior Housing
- Mixed Use
- Commercial
- Office
- Hotel
- Motel
- Hospital
- Industrial
- Park
- Open Space
- Golf Course
- Cemetery
- Landfill
- College
- Public Facility
- Public School
- School (Private)
- Religious Institution
- Parking Facility
- Other
- Vacant



- Base Map Features**
- Whittier City Boundary
  - Whittier Sphere of Influence
  - County Boundary
  - Major Streets
  - Freeways
  - Railroads
  - River and Creeks
  - Waterbodies

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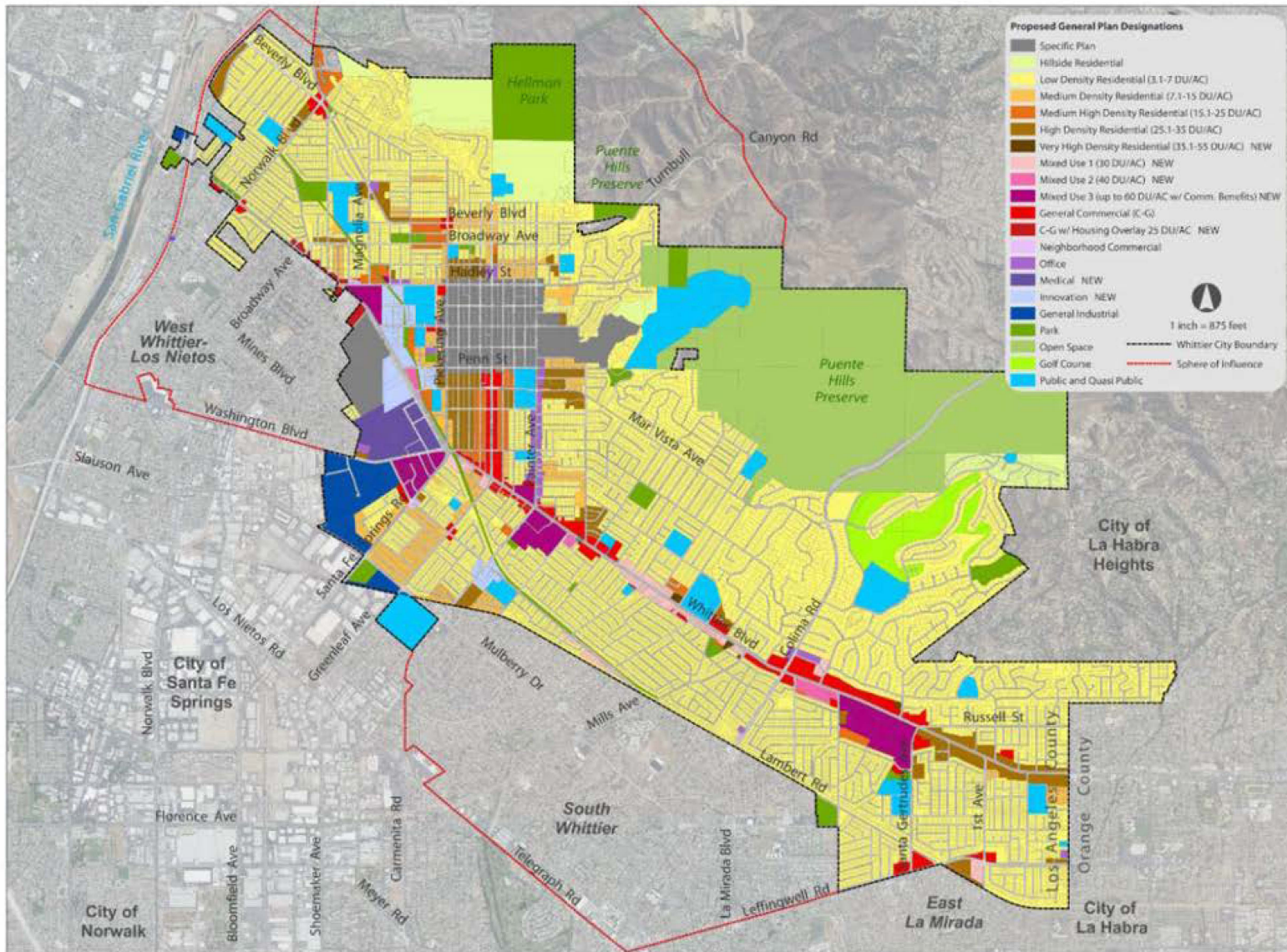


**Exhibit 3 Existing Land Use Plan**

**Whittier General Plan Update**

Whittier, California





**Exhibit 4 Proposed Land Use Plan**  
**Whittier General Plan Update**  
 Whittier, California





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## **5.0 MITIGATION MONITORING AND REPORTING PROGRAM**

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This Mitigation Monitoring and Reporting Program (MMRP) identifies Mitigation Measures incorporated into the Whittier General Plan Update and Zoning Amendment Draft EIR. For each Mitigation Measure, the MMRP identifies the significant impact, the related mitigation measure, the implementation entity, the monitoring and verification entity, and timing requirements.

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IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
<b>AIR QUALITY</b>						
<p>Consistency with SCAQMD Air Quality Management Plan.</p> <p>Cumulatively Considerable Net Increase of Criteria Pollutants.</p> <p>Cause substantial adverse cumulative air quality impacts.</p>	<p><b>AQ-1:</b> Require a Project-Level Construction Assessment for New Discretionary Development Projects. The City shall require applicants to submit a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis for future discretionary development projects. The estimated construction criteria air pollutant and toxic air contaminant emissions shall be compared against the thresholds of significance maintained by the South Coast Air Quality Management District (SCAQMD) and, if emissions are shown to be above SCAQMD thresholds, the City shall require the imposition and implementation of mitigation to reduce emissions below the thresholds that have been exceeded. Mitigation to reduce emissions could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Selection of specific construction equipment (e.g., specialized pieces of equipment with smaller engines or equipment that will be more efficient and reduce engine runtime);</li> <li>• Requiring equipment to use alternative fuel sources (e.g., electric-powered and liquefied or compressed natural gas), cleaner emission standards (e.g.,</li> </ul>	Project Proponent/Applicant	City of Whittier Planning Division and Building Division.	Prior to discretionary project approval.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>U.S. EPA Tier IV Final emissions standards for equipment greater than 50-horsepower), and/or utilizing added exhaust devices (e.g., Level 3 Diesel Particular Filter);</p> <ul style="list-style-type: none"> <li>• Minimizing the idling time of diesel-powered construction equipment to two minutes; and</li> <li>• Application of Low-VOC paints to interior and/or exterior surfaces (e.g., paints that meet SQAQMD Rule 1113 “Low-VOC” or “Super-Compliant” requirements).</li> </ul>					
<p>Consistency with SCAQMP Air Quality Management Plan.</p> <p>Cumulatively Considerable Net Increase of Criteria Pollutants.</p> <p>Cause substantial adverse cumulative air quality impacts.</p>	<p><b>AQ-2:</b> Prohibit the Installation of Natural Gas Hearths in New Residential Development. The City shall prohibit the installation of new natural gas hearths/fireplaces in new residential development. Natural gas hearths/fireplaces may be incorporated into remodels / redevelopment if the existing structure(s) proposed for remodel / redevelopment featured natural gas hearths/fireplaces; however, the quantity of natural gas hearths/fireplaces provided by the new structure(s) may not exceed that present prior to the remodel / redevelopment and must meet the most recent U.S. EPA, CARB, and/or SCAQMD emissions standards in effect at the time of building permit issuance.</p>	<p>City of Whittier Planning Division and Building Division.</p>	<p>City of Whittier Planning Division and Building Division.</p>	<p>Project approval (subject to conditions of approval). Prior to occupancy to verify implementation..</p>		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
<b>GREENHOUSE GAS EMISSIONS</b>						
<p>Generate Significant Greenhouse gas Emissions.</p> <p>Conflict With an Applicable GHG Reduction Plan, Policy or Regulation.</p> <p>Cause Substantial Adverse Cumulative Impacts with Respect to Greenhouse Gases</p>	<p><b>GHG-1:</b> The 2019 CalGreen Code contains several voluntary measures that are not formally required. Within one year of adoption of the General Plan Update, the City shall adopt an ordinance that incorporates, requires and makes mandatory certain Calgreen Code voluntary measures as described below.</p> <p>a. Require new residential tentative tract maps that would allow 17 or more dwelling units to provide electric vehicle infrastructure for each dwelling in compliance with Section A4.106.8.1 of the CalGreen Code, and that each dwelling be equipped with a vehicle charging station that has a similar or better functionality than a Level 2 charging station.</p> <p>b. Require new multifamily projects with 17 or more dwelling units to provide electric vehicle infrastructure for each dwelling in compliance with Section A4.106.8.2 of the CalGreen Code, and that each one of the parking spaces that has such electric vehicle infrastructure be equipped with vehicle charging stations that have a similar or better functionality than a Level 2 charging station.</p> <p>c. Require new non-residential development projects to provide designated parking for any</p>	City of Whittier City Council.	City of Whittier Planning Division and Building Division.	Within one year of the adoption of the General Plan Update.		

5.0 Mitigation Monitoring and Reporting Program

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>combination of low-emitting, fuel efficient, and carpool/van pool vehicles pursuant to the Tier 2 requirements of Table A5.106.5.1.2 of the CalGreen Code. Such parking spaces shall be marked pursuant to Section A5.106.5.1.3 of the CalGreen Code.</p> <p>Require new non-residential development projects to provide electric vehicle charging spaces with electric vehicle infrastructure in compliance with Table A5.106.5.3.2 of the California Green Code and be equipped with vehicle charging stations that have similar or better functionality than a Level 2 charging station. Such spaces shall be marked in compliance with Section A5.106.5.3.3 of the CalGreen Code.</p>					
<p>Generate Significant Greenhouse gas Emissions.</p> <p>Conflict With an Applicable GHG Reduction Plan, Policy or Regulation.</p> <p>Cause Substantial Adverse</p>	<p><b>GHG-2:</b> Within two years of the adoption of the General Plan, The City shall consider and evaluate the feasibility of adopting an ordinance that amends the City’s Municipal Code to require all new residential and/or non-residential development subject to Title 24, Part 6 of the California Building Code to achieve Zero Net Energy (ZNE) standards. If the City finds ZNE technology, programs, and/or other strategies are feasible and cost-effective, the City shall adopt a ZNE ordinance as expeditiously as possible given City resources. As defined by the</p>	<p>City of Whittier City Council, Planning Division and Building Division</p>	<p>City of Whittier Planning Division and Building Division.</p>	<p>Within two years of adoption of the General Plan</p>		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
Cumulative Impacts with Respect to Greenhouse Gases	California Energy Commission (CEC), ZNE standards require the value of the net energy produced by project renewable energy resources equals the value of the energy consumed annually by the project, using the CEC's Time Dependent Valuation (CEC, 2015).					
<b>HYDROLOGY AND WATER QUALITY</b>						
Substantially Deplete Groundwater Supplies.  Conflict With or Obstruct Implementation of Water Quality Control Plan.  Cause Substantial Adverse Cumulative Impacts with Respect to Hydrology or Water Quality.	<b>UTL-1:</b> Water Demand Management. New developments under the General Plan Update that will be served by local water utility providers will not be approved if they increase water use in excess of what is identified for supply in 2040 under the most recent Urban Water Master Plan for the involved local water provider.	Project Proponent	City of Whittier Planning Division and Building Division	Prior to approval of development permits.		
<b>NOISE</b>						
Exposure to Noise Levels in Excess of Standards.	<b>NOI-1:</b> The City shall require new residential and commercial projects located within 200 feet of the Union Pacific railroad track to conduct a freight train ground vibration and vibration noise	Project Proponent	City of Whittier Planning Division and Building	Prior to approval of land use applications or issuance of building permits.		

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
Cause a Substantial Adverse Cumulative Impact with Respect to Noise.	evaluation consistent with approved vibration assessment methodologies (e.g. Caltrans, Federal Transportation Authority).		Division			
<b>TRANSPORTATION</b>						
Conflict with Program Plan, Ordinance or Policy Addressing the Circulation System.  Cause a Substantial Adverse Cumulative Impact with Respect to Transportation.	<b>VMT-1:</b> The City shall seek ways to expand local transit services including but not limited to: (1) adding shuttle routes connecting several destinations such as Uptown Whittier, the Groves, the proposed Lambert Road/Washington Boulevard Station of the Eastside Transit Corridor Phase 2 (L Line, formerly Gold Line), the Quad, and Whittier College; and (2) expand local shuttle operations that would occur on weekdays during on-/off-peak hours, with 15-minute headways and a route and stops serving several areas and key destinations.	City of Whittier in collaboration with transit providers.	Through the annual CIP/General Plan Consistency Review by the Planning Commission and City Council	Progress and accomplishments with respect to expanded transit service to be identified and reviewed annually as part of the CIP/General Plan consistency review.		
Conflict with Program Plan, Ordinance or Policy Addressing the Circulation System.  Cause a Substantial Adverse Cumulative Impact with	<b>VMT-2:</b> The City shall investigate ways to achieve “early buildout” of the bicycle and pedestrian facility network proposed in the City’s Bicycle Master Plan and General Plan. These actions would be in addition to completion of the Whittier Greenway Trail to the eastern City limit for which the City has already designed and secured funding. Such actions would help reduce Total VMT per service population because any trip, whether for	City of Whittier in collaboration with transit providers.	Through the annual CIP/General Plan Consistency Review by the Planning Commission and City Council	Progress and accomplishments with respect to expanded transit service to be identified and reviewed annually as part of the CIP/General Plan consistency review.		



IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
Respect to Transportation.	employment, residential, or other trip purposes, that shifts to utilizing the bicycle or pedestrian network would lead to a reduction in VMT.					
Conflict with Program Plan, Ordinance or Policy Addressing the Circulation System.  Cause a Substantial Adverse Cumulative Impact with Respect to Transportation.	<b>VMT-3:</b> The City will develop specific policies and incentives to encourage telecommuting and alternative work schedules (similar to the shift to telecommuting from Covid-19 and continuing advances in technology). These actions would be applied to selected employment categories such as professional employees and would not be applied to certain other employment categories (e.g., retail employees would still continue to work on-site). For example, the Fehr & Peers Study examined up to one day a week of telecommuting which would reduce the number of commute trips and therefore reduce the total and per capita VMT traveled by employees in that employment category.	City of Whittier Planning Division	City of Whittier Planning Division and Building Division	Within two years of the adoption of the General Plan Update.		
<b>UTILITIES AND SERVICE SYSTEMS</b>						
Relocation or Construction of New or Expanded Water, Wastewater Treatment, Stormwater Drainage, Electric Power, Natural	<b>UTL-1:</b> New developments under the General Plan Update that will be served by local water utility providers will not be approved if they increase water use in excess of what is identified for supply in 2040 under the most recent Urban Water Master Plan for the involved local water provider.	See discussion under Hydrology and Water Quality above.	See discussion under Hydrology and Water Quality above.	See discussion under Hydrology and Water Quality above.		

5.0 Mitigation Monitoring and Reporting Program

IDENTIFIED IMPACT	RELATED MITIGATION MEASURE	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
<p>Gas, or Communications Facilities.</p> <p>Have Sufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development.</p> <p>Cause a Substantial Adverse Cumulative Impact with Respect to Utilities and Service Systems.</p>						

# Whittier General Plan Update & Zoning Amendment

## Final EIR Findings of Fact & Statement of Overriding Considerations

### September 29, 2021

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## 1 OVERVIEW AND INTRODUCTION

These Findings of Fact and this Statement of Overriding Considerations are made with respect to the Environmental Impact Report (EIR) for the Whittier General Plan Update and Zoning Amendment (the “**Project**”), which updates the existing Whittier General Plan, and state the findings of the City Council of the City of Whittier (the “**City**”) relating to the potentially significant environmental effects of the Project.

The following Findings of Fact and Statement of Overriding Considerations are required by the California Environmental Quality Act (“CEQA”), California Public Resources Code Section 21081, 21081.5 and 21081.6, and Title 14, California Code of Regulations (the “CEQA Guidelines”) Sections 15091 through 15093, for the Project.

This document provides the findings required by CEQA and the CEQA Guidelines and the specific reasons for finding the Project acceptable notwithstanding that the Project results in significant adverse and unavoidable impacts that are infeasible to mitigate. Section 7 of this document addresses these unavoidable adverse impacts through a Statement of Overriding Considerations.

### ***Program Environmental Impact Report (EIR)***

According to Section 15168 of the CEQA Guidelines, a program EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project and that are related either geographically or as logical parts in the chain of contemplated actions. Program EIRs may provide a number of advantages, including that they provide occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action, they ensure consideration of cumulative impacts that might be slighted on a case-by-case analysis, they avoid duplicative reconsideration of basic policy considerations, and they allow CEQA Lead Agencies to consider broad policy alternatives and program-wide mitigation measures at an early time when there is greater flexibility to deal with direct and cumulative impacts.

This City Council concludes that the updated Whittier General Plan is a large project, the components of which are related both geographically and as logical parts in the chain of contemplated actions to achieve the City’s future vision and creates the framework for economic development, mobility improvements, and balancing the community’s desires regarding sustainability, City services, public improvements, and public and private amenities within the General Plan area. The City Council, therefore, further concludes that the Whittier General Plan Update is appropriately assessed under CEQA by way of a program EIR, which the City has prepared.

## **2 PROJECT DESCRIPTION**

The City's General Plan was last updated in 1993. The comprehensive update of the City of Whittier General Plan (General Plan Update or GPU) brings the document in conformance with the requirements of Article 5 (Authority for and Scope of General Plans) of California Government Code and addresses changes to the demographic, economic and environmental conditions in Whittier that are anticipated to occur through the year 2040. Article 5 requires that every city and county are required to have a general plan that functions as a comprehensive, long-range policy document.

For cities, the general plan guides the physical development of the incorporated city (e.g., city limit) and any land outside city boundaries (e.g., unincorporated sphere of influence area) that has a relationship to the city's future growth and development. A sphere of influence is a planning boundary outside of a city's legal boundary (such as the city limit line) that designates a city's probable future boundary and service area. The City of Whittier General Plan (General Plan) applies to a Planning Area comprised of the City of Whittier and the unincorporated Los Angeles County communities of West Whittier-Los Nietos and South Whittier. The project analyzed in this program Environmental Impact Report (EIR) is the adoption and long-term implementation of the General Plan.

### **2.1 – PROJECT BACKGROUND**

Under California law (Government Code Section 65300 et seq.), every city and county are required to have a general plan that functions as the overarching, comprehensive, and long-range policy document. For cities, the general plan guides the physical development of the incorporated city and any land outside city boundaries (e.g., city limit) that has a relationship to the city's future growth and development. The City of Whittier General Plan, last updated in 1993, contains eight elements including Land Use, Housing, Transportation, Environmental Resource Management, Air Quality, Public Safety, Noise, and Historical Resources. An implementation chapter accompanies the General Plan Elements. All elements are being comprehensively reevaluated and reorganized as part of the Envision Whittier General Plan Update. For example, the Safety and Noise Elements have been combined into the Safety, Noise, and Health Element, the Open Space and Conservation Element is now the Resource Management Element, and the Circulation Element is now the Mobility and Infrastructure Element. The current General Plan contains 240 goals and policies, all focused on issue statements.

The Project analyzed in this program Environmental Impact Report (EIR) is the adoption and long-term implementation of the updated City of Whittier General Plan and any subsequent amendments to Title 18 (Zoning) of the Whittier Municipal Code (Zoning Code) adopted to implement the updated General Plan. This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, § 15000 et seq.). This EIR is a Program EIR prepared in accordance with State CEQA Guidelines Section 15168. Section 15168 allows for the preparation of a Program EIR for a series of actions that can be characterized as a single project.

## **2.2 – PROJECT LOCATION**

The Planning Area is in southeast Los Angeles County approximately 12 miles to the southeast of downtown Los Angeles. The City is bordered by the unincorporated community of Hacienda Heights and the cities of La Habra Heights and Industry to the north/northeast. The City of Pico Rivera lies to the west, La Habra to the southeast, and the Cities of Santa Fe Springs, La Mirada, Norwalk, and Orange County to the south. The regional context of Whittier is shown in Exhibit 3-1 and Exhibit 3-2 provides a more detailed view of the Planning Area, including City boundaries and Sphere of Influence areas.

## **2.3 – EXISTING CONDITIONS**

### **Environmental Setting**

The Planning Area comprises a total of 21.8 square miles. The City of Whittier encompasses 14.6 square miles, most of which is developed with urban land uses. The remaining 7.2 square miles are with the City's unincorporated Sphere of Influence and use City services and community facilities. Several freeways and highways provide regional access to the Planning Area; Interstate 605 (I-605) runs along the western boundary; State Route 60 (SR 60) is five miles to the north; and, Interstate 5 (I-5) is approximately six miles to the south. Whittier Boulevard is a major commercial corridor and bisects Whittier from the northwest to the southeast and provides an alternative to freeway access to downtown Los Angeles and the City of La Habra. Colima Road runs north-south across the eastern part of Whittier, providing access to the San Gabriel Valley communities to the north.

Whittier is served by several transit providers: Metro, Norwalk Transit, Foothill Transit, Sunshine Shuttle, and Montebello Bus. Montebello Bus and Metro provide regional connections to East Los Angeles and downtown Los Angeles, and Los Angeles International Airport, respectively. Norwalk Transit provides a north-south connection between El Monte in the north to Norwalk in the south. Norwalk Transit Route 7 stops at El Monte Station, which is a transfer point for the Metro Silver Line, Foothill Transit, El Monte Transit, and Greyhound Bus. Foothill Transit provides more localized service, with connections from Whittier to Baldwin Park and the City of Industry. Sunshine Shuttle, operated by the Los Angeles County Department of Public Works, provides local service with routes that connect centers within Whittier and Santa Fe Springs.

Elevations in the Planning Area range from 150 to 1,417 feet above sea level. The Planning Area's southeast area has low elevation. This region is almost completely developed. The northeast side of the City against the Puente Hills steadily increases in elevation. The Puente Hills Preserve extends from 400 to 1,417 feet above sea level. Terrain in the Puente Hills Preserve varies from moderate to very steep slopes covered in dense vegetation as depicted in Exhibit 3-3. The steep terrain and dense natural vegetation present potential wildland fire and slope failure hazards. The Puente Hills are geologically young in origin and tend to have unstable soils. North of the City, the Whittier earthquake fault zone runs northwest to southeast.

Whittier's storm drain system is operated by the Los Angeles County Flood Control District (LACFCD). Stormwater endpoint discharge is the Pacific Ocean via the San Gabriel River and its tributaries -- Coyote Creek, La Mirada Creek, Leffingwell Creek, and Verde Creek. The San Gabriel River is impaired by pollutants, including metals (copper, lead, zinc) and selenium that are carried by stormwater. Metals are common stormwater pollutants associated with roads and parking lots. Other sources of these pollutants include building materials (such as galvanized steel) that are exposed to rain. The City is a co-permittee in the Los Angeles County National

Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. Limited portions of the Planning Area are mapped as flood hazard zones with 0.2 percent annual chance of inundation. These areas include portions of Whittier Boulevard, Hadley Street, Palm Avenue, and Jacmar Avenue.

Table 3-1 shows existing and projected demographics for the Planning Area including a separate breakdown for the City and areas with its Sphere of Influence. The estimated population for the Planning Area is 141,102 with 87,583 within the current corporate boundaries of the City and 53,518 in the Sphere of Influence. There are an estimated 33,764 jobs in the Planning Area with 26,133 in the City and 7,631 in the Sphere of Influence.

### **Existing Land Use**

The City of Whittier contains nearly 34,000 parcels encompassing almost 7,915 acres (not including street rights-of-way). The Sphere of Influence adds an additional 4,591 acres to the Planning Area. Most development in the Planning Area is residential (6,979 acres), which accounts for more than half (53.8 percent) of the total land area. Park and open space uses make up more than one-quarter of the Planning Area (25.2 percent). Commercial and industrial land uses total 542 acres (4.3 percent) and 148 acres (1.2 percent), respectively. Table 3-2 provides a detailed acreage breakdown of existing land uses in the Planning Area.

Whittier has a variety of neighborhoods, each with a different feel and character. Uptown Whittier is characterized by tree-lined, narrow roads and is considered the de facto “downtown” or city center for Whittier. Typical buildings in the Uptown core include main floor retail uses, which often have office/commercial uses on upper floors. Residential development in Uptown is predominately smaller-scale multi-family buildings. Uptown is the oldest part of Whittier; many structures date to the late 1800s and early 1900s. Like Uptown, the westernmost portion of the City also has a concentration of older structures around Whittier Boulevard (west of Magnolia Street), many of which were built in the 1930s and 1940s. The northern hillside neighborhoods consist of lower-density, single-family residential developments, and natural open spaces. The Friendly Hills Country Club Golf Course is a prominent feature in the Friendly Hills area (near Colima Road, north of Whittier Boulevard). These areas have lot sizes larger than the more urbanized parts of the City, and very little commercial development is located in any of these areas. Commercial development outside of these areas generally occurs along Whittier Boulevard, Washington Boulevard, and Lambert Road. The neighborhoods behind these corridors are primarily single-family residential with a lower-density, suburban feel. Homes in the eastern part of the City are newer, with many structures built in the 1950s and 1960s. While Whittier is mostly built out, clusters of vacant land can be found in Uptown along Hadley Avenue and scattered smaller lots along Greenleaf Avenue.

Making up the largest land use category (55.8 percent of the Planning Area or 6,979 acres), residential uses are found throughout Whittier. Single-family (one unit) residential uses make up the bulk of the residential category (6,176 acres). Multi-family residential uses (more than one unit per development/lot) can also be found in various parts of the City but are clustered in the area generally north of Whittier Boulevard and east of College Avenue. South of Whittier Boulevard, multi-family housing exists east of Painter Avenue. In other parts of the City, multi-family housing generally occurs along major roads and key intersections. Senior housing and manufactured (mobile home) developments make up a very small proportion of all land uses (0.3 percent combined).

Commercial areas in the incorporated areas make up 6.1 percent of all land uses (482 acres) and 4.3 percent in the Planning Area land uses. Most commercial uses are located along Whittier and Washington Boulevards and in Uptown around Greenleaf Avenue. Commercial clusters are also found at major intersections. Office uses occur in these same areas, with a concentration along Painter Avenue north of Whittier Boulevard. The most prevalent commercial uses are retail establishments and shopping centers, followed by office uses. Major shopping centers along Whittier Boulevard include the Whittwood Town Center (at Santa Gertrudes Avenue), the Quad (at Painter Avenue), and the Marketplace (between Philadelphia and Hadley Streets). Most industrial land in the Planning Area is located within City limits, comprises 138.4 acres, and is dedicated to general industrial, light and heavy manufacturing, and warehouse, distribution, and storage uses.

Parks and open space make up one-quarter of the land use acreage in the Planning Area and include the Puente Hills open space, City parks, Whittier Greenway Trail, and the Friendly Hills Country Club golf course. The City of Whittier park system has 23 parks, 444.6 acres of parkland, and the 4.5-mile Whittier Greenway Trail. In addition to City parks, a State-owned park and three Los Angeles County parks provide open space easily accessible to Whittier residents. Residents also have access to an extensive trail system— Puente Hills Preserve —that lies along the northern border of Whittier and its Sphere of Influence.

Other public and quasi-public uses include schools (public and private), churches, hospitals, government offices, and utilities. The total land area devoted to public facilities and institutional uses is 960.4 acres or 7.7 percent of the Planning Area. Public and private schools (K-12) occupy 436.7 acres or 3.5 percent of the Planning Area. Whittier College, located along Painter Avenue and encompassing 72 acres, is the only college in the Planning Area. The Savage Canyon Landfill, located in the north-central area of the City, just east of Whittier College, covers 129.2 acres. Hospital and clinic uses total 34.9 acres with two major hospitals, PIH Health Hospital (28 acres) and Whittier Hospital Medical Center (3.7 acres) making up the majority of that total. Several nursing/convalescent homes and other hospital support facilities are scattered citywide and make up the remaining 3.2 percent of hospital and clinic uses in the Planning Area.

Vacant land totals 337.9 acres or 2.7 percent of land in the Planning Area. Vacant properties are located primarily in single-family residential areas in the northern hillsides.

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**Table 3-1  
Whittier General Plan 2040 Projections**

City of Whittier (Incorporated)	Residential Units and Population						Non-Residential Building Square Footage, Jobs, Lodging Rooms, Students											
	Single Family		Multi-Family		Total		Commercial		Office		Industrial		Hotels/Motels		Public Facilities		Total	
	Units	Pop	Units	Pop	Units	Pop	Bldg SF	Jobs	Bldg SF	Jobs	Bldg SF	Jobs	Rooms	Jobs	Students	Jobs	Bldg SF	Jobs
Existing Conditions (Existing/Base - 2019)	19,512	57,062	10,156	30,521	29,668	87,583	4,111,213	9,764	1,562,118	7,413	1,707,949	3,416	742	668	14,936	4,261	9,683,017	26,133
Proposed Land Use (Future - 2040)	19,884	57,485	16,603	48,529	36,487	106,014	3,667,733	8,744	2,218,631	9,535	1,853,466	3,707	967	870	12,869	2,820	9,509,576	26,525
Change	373	423	6,447	18,007	6,819	18,430	-443,480	-1,020	656,513	2,122	145,517	291	225	202	-2,067	-1,441	-173,441	392
Percent Change	2%	1%	63%	59%	23%	21%	-11%	-10%	42%	29%	9%	9%	30%	30%	-14%	-34%	-2%	2%

Sphere of Influence (Unincorporated)	Residential Units and Population						Non-Residential Building Square Footage, Jobs, Lodging Rooms, Students											
	Single Family		Multi-Family		Total		Commercial		Office		Industrial		Hotels/Motels		Public Facilities		Total	
	Units	Pop	Units	Pop	Units	Pop	Bldg SF	Jobs	Bldg SF	Jobs	Bldg SF	Jobs	Rooms	Jobs	Students	Jobs	Bldg SF	Jobs
Existing Conditions (Existing/Base - 2018)	13,122	43,678	3,364	9,841	16,487	53,518	851,680	2,023	749,416	2,410	186,054	372	54	49	9,089	2,704	3,236,116	7,631
Proposed Land Use (Future - 2040)	13,221	44,008	3,941	11,270	17,162	55,278	995,058	2,363	921,350	2,902	234,356	469	0	0	9,423	2,675	3,584,793	8,635
Change	99	330	576	1,429	676	1,759	143,378	341	171,935	492	48,302	97	-54	-49	334	-29	348,677	1,004
Percent Change	1%	1%	17%	15%	4%	3%	17%	17%	23%	20%	26%	26%	0%	0%	4%	-1%	11%	13%

Planning Area	Residential Units and Population						Non-Residential Building Square Footage, Jobs, Lodging Rooms, Students											
	Single Family		Multi-Family		Total		Commercial		Office		Industrial		Hotels/Motels		Public Facilities		Total	
	Units	Pop	Units	Pop	Units	Pop	Bldg SF	Jobs	Bldg SF	Jobs	Bldg SF	Jobs	Rooms	Jobs	Students	Jobs	Bldg SF	Jobs
Existing Conditions (Existing/Base - 2018)	32,634	100,740	13,521	40,362	46,155	141,102	4,962,893	11,787	2,311,533	9,823	1,894,003	3,788	796	716	24,025	6,965	12,919,133	33,764
Proposed Land Use (Future - 2040)	33,106	101,493	20,543	59,799	53,649	161,291	4,662,791	11,108	3,139,981	12,437	2,087,822	4,176	967	870	22,292	5,494	13,094,369	35,160
Change	472	753	7,023	19,437	7,495	20,190	-300,102	-679	828,448	2,614	193,819	388	171	154	-1,733	-1,470	175,236	1,396
Percent Change	1%	1%	52%	48%	16%	14%	-6%	-6%	36%	27%	10%	10%	21%	21%	-7%	-21%	1%	4%

**Table 3-2  
Existing Land Uses**

Land Uses	Whittier		Sphere of Influence		Planning Area Total	
	Acres	% of Land Uses	Acres	% of Land Uses	Acres	% of Land Uses
<b>Residential</b>	<b>4,258.2</b>	<b>53.8%</b>	<b>2,720.9</b>	<b>59.3%</b>	<b>6,979.1</b>	<b>55.8%</b>
Residential, Single-Family	3,663.0	46.3%	2,513.8	54.8%	6,176.7	49.4%
Residential, Duplexes and Triplexes	240.8	3.1%	57.0	1.3%	297.7	2.4%
Residential, 4+ Units	332.9	4.3%	117.4	2.6%	450.2	3.6%
Homes for Aged and Others	11.9	0.2%	0.6	0.0%	12.4	0.1%
Manufactured Housing	8.9	0.1%	18.0	0.4%	26.9	0.2%
Other Residential	0.8	0.0%	14.2	0.3%	15.0	0.1%
<b>Commercial</b>	<b>482.2</b>	<b>6.1%</b>	<b>59.8</b>	<b>1.3%</b>	<b>542.1</b>	<b>4.3%</b>
Retail and Commercial Services	125.2	1.6%	19.3	0.4%	144.5	1.2%
Shopping Centers	148.1	1.9%	16.1	0.4%	164.3	1.3%
Restaurants, Fast Food	34.0	0.4%	5.5	0.1%	39.4	0.3%
Auto Services/Service Stations	46.7	0.6%	6.2	0.1%	52.9	0.4%
Office (Professional/Medical)	86.7	1.1%	4.1	0.1%	90.7	0.7%
Financial Institutions (Banks)	9.3	0.1%	-	0.0%	9.3	0.1%
Public Storage	15.6	0.2%	6.9	0.2%	22.5	0.2%
Hotel/Motel	9.1	0.1%	1.7	0.0%	10.8	0.1%
Parking Lots (Associated with Commercial)	4.9	0.1%	-	0.0%	4.9	0.0%
Other Commercial	2.7	0.0%	-	0.0%	2.7	0.0%
<b>Industrial</b>	<b>138.4</b>	<b>1.7%</b>	<b>9.9</b>	<b>0.2%</b>	<b>148.3</b>	<b>1.2%</b>
General Industrial	7.5	0.1%	0.4	0.0%	7.9	0.1%
Light Manufacturing	59.8	0.8%	9.3	0.2%	69.1	0.6%
Heavy Manufacturing	21.2	0.3%	0.2	0.0%	21.5	0.2%
Warehousing, Distribution, Storage	47.8	0.6%	-	0.0%	47.8	0.4%
Other Industrial	2.1	0.0%	-	0.0%	2.1	0.0%

**Table 3-2  
Existing Land Uses Continued**

Land Use	Whittier		Sphere of Influence		Planning Area Total	
	Acres	% of Land Uses	Acres	% of Land Uses	Acres	% of Land Uses
<b>Parks and Open Space</b>	<b>1,995.9</b>	<b>25.2%</b>	<b>1,280.3</b>	<b>27.9%</b>	<b>3,276.2</b>	<b>26.2%</b>
Parks	140.2	1.8%	15.2	0.3%	155.4	1.2%
Open Space	1,711.6	21.6%	579.0	12.6%	2,290.6	18.3%
Golf Course	144.1	1.8%	-	0.0%	144.1	1.2%
Cemetery	-	0.0%	686.2	14.9%	686.2	5.5%
<b>Public Facilities and Institutions</b>	<b>664.7</b>	<b>8.3%</b>	<b>295.8</b>	<b>6.4%</b>	<b>960.4</b>	<b>7.70%</b>
Government Facilities	80.5	1.0%	63.9	1.4%	144.4	1.2%
Utilities	9.0	0.1%	1.6	0.0%	10.6	0.1%
Hospitals and Clinics	34.2	0.4%	0.7	0.0%	34.9	0.3%
Religious Institutions/Facilities	87.0	1.1%	44.2	1.0%	131.1	1.0%
Landfill	129.2	1.6%	-	0.0%	129.2	1.0%
Other	0.4	0.0%	1.1	0.0%	1.5	0.0%
Public Schools	247.0	3.1%	157.7	3.4%	404.7	3.2%
Private Schools	5.4	0.1%	26.6	0.6%	32.0	0.3%
Colleges	72.0	0.9%	-	0.0%	72.0	0.6%
<b>Other</b>	<b>150.3</b>	<b>1.9%</b>	<b>111.7</b>	<b>2.4%</b>	<b>262.0</b>	<b>2.1%</b>
Mixed Use	5.7	0.1%	1.6	0.0%	7.2	0.1%
Parking Lots	51.6	0.7%	5.8	0.1%	57.4	0.5%
Club, Lodge Hall, Fraternal Organization	7.6	0.1%	-	0.0%	7.6	0.1%
Other Uses	85.4	1.1%	104.3	2.3%	189.7	1.5%
<b>Vacant</b>	<b>225.4</b>	<b>2.8%</b>	<b>112.5</b>	<b>2.5%</b>	<b>337.9</b>	<b>2.7%</b>
Vacant Residential	98.0	1.2%	11.3	0.2%	109.3	0.9%
Vacant Government Property	74.3	0.9%	-	0.0%	74.3	0.6%
Vacant Open Space	21.8	0.3%	93.2	2.0%	115.0	0.9%
Vacant Other	31.3	0.4%	8.0	0.2%	39.3	0.3%
<b>Total</b>	<b>7,915</b>	<b>100%</b>	<b>4,591</b>	<b>100.0%</b>	<b>12,506</b>	<b>100%</b>

Source: MIG existing land use survey, Los Angeles County Assessor data, and the City of Whittier, 2017.

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### **3 PROJECT OBJECTIVES**

The comprehensive update of the Whittier General Plan serves as the guide for the City's future growth and development. The General Plan contains goals, policies, and programs that will provide City staff and discretionary bodies with a foundation for decisions for long-range planning related to physical development and public services. The General Plan Update establishes the objectives listed below for the long-term growth and enhancement of the community.

1. Promote healthy and safe neighborhoods with comprehensive approaches that consider best practices around land use, mobility, housing, environmental justice, community services, and design.
2. Create new housing opportunities for a full range of housing types and to increase housing affordability.
3. Strengthen the City's industrial and office sectors.
4. Support a diversified economy with a balance of small and large businesses across a broad range of industries that provide employment, commercial, and experiential opportunities.
5. Strive for a downtown that showcases the City's rich history, celebrates local entrepreneurship, features our civic institutions, and encourages downtown living within a vibrant gathering place for the community.
6. Create an interconnected, active transportation system that recognizes and responds to the critical needs of businesses to move commerce while accommodating the equally important necessity for pedestrians, cyclists, transit users, and motorists to move around the City with convenience and ease.
7. Engage residents and stakeholders in ensuring equitable and inclusive processes, policies, investments, and service systems. Ensure residents in disadvantaged communities have access to healthy foods, parks, mobility options activity, public programs, and safe homes.
8. Protect people, infrastructure, and community assets from evolving climate threats and vulnerabilities, and from natural and human-caused hazards.

#### **3.5 –GENERAL PLAN UPDATE**

The General Plan Update is intended to achieve the land use, transportation, housing, and other goals of the City that reflect the community's growth over the long term. Table 3-1 compares existing and projected 2040 land use and demographic information for the City of Whittier, the Sphere of Influence, and the overall Planning Area. The 2040 planning horizon for the Planning Area is estimated to result in increases of approximately 472 single-family dwellings, 7,023 multifamily dwellings, 828,448 square feet of office space, 193,819 square feet of industrial space, and a reduction of 300,102 square feet of commercial space. An estimated increase of approximately 20,190 residents and 1,396 jobs is projected for the 2040 horizon year.

## **General Plan Elements**

The City of Whittier General Plan Update succeeds the last comprehensive general plan adopted in 1993. The General Plan Update incorporates statutory requirements for general plans and guidance provided in the Office of Planning and Research 2017 General Plan Guidelines; coordinates future development and policies with regional planning efforts and serves as the city's fundamental guide in developing strategies to address greenhouse gas reduction, climate change, and climate planning.

The EIR incorporates each of the elements' goals, policies, and objectives of the following chapters in the adopted General Plan:

- Land Use and Community Character Element
- Mobility and Infrastructure Element
- Housing Element Update (2021-2029)
- Resource Management Element
- Public Safety, Noise, and Health Element
- Historic Resources Element
- Environmental Justice Element (Incorporated Throughout)

These goals, objectives, and policies are intended to maintain various potential environmental effects of the project at levels that are less than significant and are considered when evaluating the potential environmental impacts of implementing the General Plan. Chapter 4 of this document list goals, policies, and objectives from the General Plan. The Housing Element is updated for the 6<sup>th</sup> cycle and planned developments identified in the Land Use Element accommodates the Regional Housing Needs Allocation goal of 3,439 housing units, which represents a 11.5 percent increase from the existing number of housing units within City boundaries.

### Land Use and Community Character Element

The Land Use and Community Character Element directs Whittier's long-term growth and physical development through the year 2040 by designating the future use of land within the corporate City limits and Whittier's designated sphere of influence. The element identifies the planned locations, types, and intensity of housing, businesses, industries, open spaces, public buildings, and institutions. Policies intertwine land use and urban form by addressing building heights and orientation, design of the public realm (the space between buildings, including streets), and the public realm relationship to adjacent buildings. The Land Use and Community Character Element serves as a guide for decision-makers, residents, stakeholders, business owners, and property owners as it identifies and describes the type, intensity, and general distribution of land for housing, businesses, industries, and public facilities. Land use designations identify the general categories of activities permitted throughout the city. The Land Use and Community Character Element frames all other General Plan elements since the use of land affects:

- The design, location, and extent of the circulation system (Mobility and Infrastructure Element)
- Where new housing development occurs (Housing Element)
- The conservation and utilization of natural resources, including the allocation of parks and open space resources (Resource Management Element)

- The city’s identity with distinctive architecture, preservation, and restoration of landmarks, historic homes, and structures (Historic Resources Element)
- Quality of life indicators such as rates of chronic disease, local air quality, natural hazards, and exposure to contaminants (Safety, Noise, and Health Element)
- Extent of urban services and utilities (Mobility and Infrastructure Element)

In this element, the definition of each land use category includes not just the land use intent but also the three-dimensional aspects of development required to implement the vision for a district or neighborhood. For example, much of Whittier Boulevard is planned to accommodate mixed-use development at varying densities, dependent upon the location along the boulevard. To implement the vision for an integrated, visually and physically connected mix of uses and attractive streetscape, the land use designations indicate the required urban design approaches. More specific implementing strategies—including the details for the community benefits incentives—are set forth in the zoning code and applicable specific plans. The goals and policies contained in the Land Use and Community Character Element provide guidance to plan for orderly growth, promote economic development, and protect natural resources. Exhibit 3-4 shows the existing General Plan Land Use Map and Exhibit 3-5 shows the proposed General Plan Land Use Map.

#### Mobility and Infrastructure Element

Whittier’s model for mobility in the 21st century deviates from traditional transportation planning. We propose to shift circulation and associated land-use planning toward options that will improve environmental quality, encourage healthier lifestyles, support economic development, and provide options for safe alternative modes of transportation. To ensure a balanced, multi-modal transportation network, the Mobility and Infrastructure Element organizes streets and other transportation facilities according to typologies that consider the context and prioritize different travel modes for each street. Together, the typologies provide a network of “complete streets” to accommodate all types of local transportation modes. These typologies will guide the development of standards to ensure transportation plans and improvements consider relationships to surrounding land uses, appropriate travel speeds, and the need to accommodate multiple travel modes and various users. This Element’s overarching mobility goal is to establish and maintain a balanced, multi-modal transportation network that gets us where we want to go safely and minimizes environmental and neighborhood impacts.

The infrastructure component of this Element addresses the physical facilities needed for the conveyance of vital services and functions such as water storage and distribution, wastewater collection and treatment, and storm drainage and flood control. These infrastructure systems represent the vital support network upon which we rely to maintain our daily activities. To preserve high levels of service in Whittier, ongoing maintenance, improvement, and replacement is required; and new development must ensure that new needs are met without burdening the current users.

#### Housing Element Update (2021-2029)

As required for every California jurisdiction, the City of Whittier updates its General Plan Housing Element on an eight-year cycle. In November and December 2020, the City hosted five community workshops to collect input on housing challenges, needs, and strategies from a board cross-section of residents and stakeholders. Due to the constraints on public gathering imposed by the Center for Disease Control, as a result of the novel COVID-19 virus pandemic, the workshops were held through an online platform and were divided amongst Whittier’s four

districts. The Housing Element presentations focused on legislative intent of housing law, population and housing characteristics in Paramount, how affordable housing is defined, and how can the City accommodate its Regional Housing Needs Assessment (RHNA) of 3,439 units. Workshops were advertised using City social media platforms (Facebook, Twitter, and Instagram), email blasts, and city website

#### Resource Management Element

The Open Space and Conservation Element focuses on preserving, protecting, conserving, reusing, and efficiently using Whittier's natural resources. Natural resources include the lands, fossil fuels, water, wildlife, plants and trees, air, and other resources obtained from the Earth. Some resources are managed, such as landscaped parks. Other resources are meant to flourish through conservation, such as the varied habitats in the Puente Hills Preserve. This Element examines baseline conditions including water resources; air quality, greenhouse gases, and associated health effects; tribal resources; oil and gas resources; parks and open space; and urban forestry. The Element sets forth goals and policies that address natural resource conservation, preservation of scenic resources, protecting water resources, managing energy resources, reducing greenhouse gas emissions, protecting historic preservation and cultural resources, and promoting sustainable building practices.

#### Public Safety, Noise, and Health Element

The purpose of the Safety, Noise, and Health Element is to identify and minimize risks associated with natural and human-generated hazards through land-use decisions and allocation of City resources. A dual-purpose is to shape the physical environment and public services in ways that allow community members to thrive and reach their greatest potential. A dual-purpose is to shape the physical environment and public services in ways that allow community members to thrive and reach their greatest potential. By proactively addressing potential hazards, the City looks to diminish threats posed to residents, businesses, and the local economy associated with flooding, earthquakes, wildfires, climate change, and its effects, excessive noise levels, and the presence of hazardous materials. The Public Safety, Noise, and Health Element is categorized into six topic areas: emergency preparedness and safety services, natural hazards, pollution exposure, climate adaptation, environmental justice and community health, and noise. Emergency preparedness and safety services address emergency preparedness and police and fire services. Natural hazards address seismic hazards, wildfire hazards, and flood and dam inundation. Pollution exposure addresses hazardous materials, oil production, and contaminated sites. Climate adaptation is responding to climate change and long-term shifts in global or regional climate patterns. Environmental justice and community health address disadvantaged communities, pollution and population characteristics, community health and livability, and healthy homes. This element's noise section examines the local noise environment and establishes standards to encourage noise-compatible land-use patterns. Noise concerns focus on stationary sources like manufacturing and construction as well as roadway noise.

#### Historic Resources Element

The 1993 Whittier General Plan included an Historic Resources Element, the Envision Whittier General Plan updates the earlier Element. The City has chosen to include an Historic Resources because the community values its history and culture and seeks to identify goals and policies that promote the preservation of historic and cultural resources. With a rich past worthy of preservation, the City has acted proactively with regard to historic preservation policies, as evidenced by the adoption of an optional Historic Resources Element in 1993. Efforts as early as the late 1970s worked toward the revitalization of Uptown. Additionally, the City has received consistently high ratings from the non-profit, historic preservation county-wide advocacy organization the Los Angeles Conservancy in its *Historic Preservation Report Card*, last updated



in 2014. The Historic Resources Element allows Whittier to consider its current programs, policies, and practices and establish a path to implement goals and policies that will continue its tradition of best practices in Historic Preservation.

#### Environmental Justice Element (Integrated Throughout)

As mandated by State law, the Environmental Justice Element must identify policies and objectives related to addressing and identifying health risks associated with overconcentration and proximity of industrial and polluting land uses to residences, reducing health risks through promotion of physical activities, improved housing conditions, and food access. The Whittier General Plan Update takes a holistic approach to this topic by incorporating environmental justice issues into each of the updated General Plan elements described above. Environmental justice issues are defined as those that promote community engagement in the public decision-making process, reduce the unique or compounded health risks in disadvantaged communities, and prioritize improvements and programs to address the needs of disadvantaged communities. Disadvantaged communities as defined by the State of California are communities (area, neighborhoods, or parts of neighborhoods) that are disproportionately burdened by multiple sources of pollution and with population characteristics that make them more sensitive to pollution. Some of Whittier's western neighborhoods are considered by the State to be disadvantaged communities in CalEnviroScreen Version 3.0. For all of Whittier, especially those western neighborhoods, it is critical that environmental justice be considered at every level of Envision Whittier's implementation. Like sustainability, environmental justice is also integrated into every Element. Envision Whittier policies and programs supporting the environmental justice goal through reducing pollution exposure; promoting public facilities, food access, safe and sanitary homes, physical activity, and adaptation to climate change; and promoting civil engagement are marked with a green global community symbol.

#### **Zoning Map and Zoning Text Amendments**

Title 17 (Subdivisions) and Title 18 (Zoning) of the Whittier Municipal Code is the primary tool for implementing the goals, objectives, and policies of the General Plan Update, pursuant to the mandated provisions of the State Planning and Zoning Law (Government Code Section 65000 et seq.), State Subdivision Map Act (Government Code Section 66410 et seq.), California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and other applicable state and local requirements. The subdivision regulations, zoning map, zoning regulations, standards, permits and procedures that are contained in Title 17 and Title 18 and other parts of the Whittier Municipal Code, as applicable, will be revised following the adoption of the General Plan Update to be consistent with its the goals, policies, exhibits and texts. The General Plan Update and accompanying zoning map and zoning text amendments include elimination of the Whittier Boulevard Specific Plan. However, no changes to either the Whittwood Town Center Town Center Specific Plan, Uptown Whittier Specific Plan or the Lincoln (Nelles) Specific Plan are proposed. It should be noted that, even though the Whittwood Town Center Specific Plan is being rescinded, the zoning will still allow for a Specific Plan in the MU-3 zone and no overlay is proposed.

### **City of Whittier Discretionary Approvals**

Implementation of the General Plan update would require, but is not limited to, the following discretionary approvals by the City of Whittier:

- Certification of the Final EIR
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of the General Plan update
- Rezoning of properties to achieve consistency with the General Plan
- Updating and approval of Specific Plans and other development plans and planning documents
- Review and approval of general plan amendments, specific plans, and zone changes
- Approval of tentative maps, variances, conditional use permits, and other land use permits and entitlements
- Approval of development agreements
- Approval of facility and service master plans and financing plans
- Approval and funding of public improvements projects
- Approval of resource management plans
- Issuance of permits and other approvals necessary for implementation of the General Plan
- Issuance of permits and other approvals necessary for public and private development projects

### **Other Government Agency Approvals**

Future individual public and private development proposals in the General Plan area would be expected to also require review or approvals from other jurisdictional agencies, including, but not limited to:

- Los Angeles County Local Agency Formation Commission (LAFCO)
- Los Angeles County Flood Control and Water Conservation District
- Los County Metropolitan Transportation Authority
- Southern California Association of Governments (SCAG)
- California Department of Fish and Wildlife

- California Department of Conservation
- California Department of Housing and Community Development (HCD)
- California Department of Transportation (Caltrans)
- California Department of Toxic Substance Control
- Regional Water Quality Control Board, Los Angeles Region
- South Coast Air Quality Management District
- U.S. Fish and Wildlife Service

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#### **4 RECORD OF PROCEEDINGS**

For purposes of CEQA and these Findings of Fact and Statement of Overriding Considerations, the Record of Proceedings for the Project consists, without limitation, of the following documents:

- The Notice of Preparation (“NOP”) and all other public notices issued by the City in conjunction with the Project; dated April 30, 2021;
- All comments submitted by public agencies or members of the public during the 30-day public comment period for the NOP that began on April 30, 2021, and ended on June 1, 2021;
- The Whittier General Plan Update Draft Environmental Impact Report (sometimes referred to herein as the “DEIR,”) dated July 9, 2021;
- All comments submitted by public agencies or members of the public during the 45-day public comment period for the DEIR that began on July 9, 2021, and ended on August 23, 2021;
- The Whittier General Plan Update Final Environmental Impact Report (including Response to Comments), dated September 20, 2021;
- The Mitigation Monitoring and Reporting Program (MMRP) for the Project which is included as part of the FEIR;
- All findings and resolutions adopted by City decision-makers in connection with the Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, staff reports, maps, exhibits, illustrations, diagrams or other planning materials relating to the Project prepared by the City, or by consultants to the City, or responsible or trustee agencies that were submitted to the City with respect to the City’s compliance with the requirements of CEQA and with respect to the City’s actions on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project;
- Minutes, as available, of all public meetings and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- Matters of common knowledge within the City, including, but not limited to those cited above; and
- Any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

*Findings of Fact and Statement of Overriding Considerations*

The City Council has relied on all of the documents listed above in reaching its decision on the Project. The Draft EIR, Final EIR, and administrative record for the Whittier General Plan update project are available for review upon request at:

City of Whittier  
Community Development Department  
13230 Penn Street  
Whittier, CA 90602

## **5 FINDINGS OF FACT**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project where an Environmental Impact Report (“EIR”) has been certified that identifies one or more significant impacts on the environment that would occur if the project is approved or carried out unless the public agency makes one or more findings for each of those significant impacts, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

With respect to significant effects which were subject to finding (3) above, the public agency must find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

References for discussion of environmental impacts within the Final EIR are noted with each finding. Impact numbers refer to the section number and the threshold letter referenced in the Draft EIR where the full discussion of impacts is included. The Findings of Fact are presented on the following pages.

### **A. Effects Determined to Have No Impact or a Less than Significant Impact**

The evaluation prepared in the Whittier General Plan Update EIR found and provided substantial evidence that certain environmental issues related to the Whittier General Plan Update would have no impact or have impacts that are less than significant. The City Council agrees with the characterization of the FEIR with respect to all of the Whittier General Plan Update impacts identified as resulting in “no impact” or “less than significant” impacts and finds that those impacts have been described and analyzed accurately and are supported by substantial evidence as described in the FEIR, including the Draft EIR. Reference should be made to the DEIR and FEIR for a more complete description of the findings regarding these impacts. T

This finding applies to the evaluation of the potential impacts for the following items, as further described in the DEIR, that the project will either have no impact or a less than significant impact

**Aesthetics**

- AES-1: Have a substantial adverse effect on a scenic vista.
- AES-2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- AES-3: Substantially degrade the existing visual character or quality of public views of the site/planning area or its surroundings.
- AES-4: Create a new source of substantial light or glare which would adversely affect day or nighttime.
- AES-5: Cause substantial adverse cumulative impacts with respect to aesthetics.

**Agricultural Resources**

- AG-1: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- AG-2: Conflict with existing zoning for agricultural use, or a Williamson act contract.
- AG-3: Conflict with existing zoning for, or cause rezoning of, forest (as defined in Public Resources Code Section 12220 (g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104 (g)).
- AG-4: Result in loss of forest land or conversion of forest land to non-forest use.
- AG-5: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.
- AG-6: Cause substantial adverse cumulative impacts with respect to Agriculture and Forestry Resources.

**Air Quality**

- AIR-4: Result in other emissions such as those leading to odors adversely affecting a substantial number of people.

**Biological Resources**

- BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.



- BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- BIO-3: Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- BIO-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- BIO-5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- BIO-6: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
- BIO-7: Cause substantial adverse impacts with respect to biological resources.

### ***Cultural Resources***

- CUL-1: Cause a substantial adverse change in the significance of a historic resource as defined by CEQA Guidelines Section 15064.5.
- CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5.
- CUL-3: Disturb any human remains, including those interred outside of dedicated cemeteries.
- CUL-4: Cause substantial adverse cumulative impacts with respect to cultural resources.

### ***Energy***

- ENG-1: Significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
- ENG-2: Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.
- ENG-3: Cause substantial adverse cumulative impacts with respect to energy.

### **Geology and Soils**

- GEO-1: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. (Division of Mines and Geology Special Publication 42)
  - Strong seismic ground shaking.
  - Seismic-related ground failure, including liquefaction.
  - Landslides.
- GEO-2: Result in substantial soil erosion or the loss of topsoil.
- GEO-3: Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
- GEO-4: Be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code creating substantial direct or indirect risks to life or property.
- GEO-5: Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- GEO-6: Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.
- GEO-7: Cause substantial adverse cumulative impacts with respect to geology and soils, including paleontological resources.

### **Hazardous and Hazardous Materials**

- HAZMAT-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- HAZMAT-2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- HAZMAT-3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- HAZMAT-4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

- HAZMAT-5: For a development located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, resulting in a safety hazard or excessive noise for people residing or working in or outside the GPU area.
- HAZMAT-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- HAZMAT-7: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.
- HAZMAT-8: Cause substantial cumulative impacts with respect to hazards and hazardous materials.

### ***Hydrology and Water Quality***

- HYDRO-1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- HYDRO-3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would; (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or offsite; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows.
- HYDRO-4: In flood hazard, tsunami, or seiche zones, risk release of pollutants due to GPU inundation.
- HYDRO-5: Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
- HYDRO-6: Cause substantial adverse cumulative impacts with respect to hydrology and water quality.

### ***Land Use and Planning***

- LAND-1: Physically divide an established community;
- LAND-2: Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- LAND-3: Cause substantial adverse cumulative impacts with respect to land use and planning.

### ***Mineral Resources***

### *Findings of Fact and Statement of Overriding Considerations*

- MINERAL-1: Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- MINERAL-2: Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land-use plan.
- MINERAL-3: Cause substantial adverse cumulative impacts with respect to mineral resources.

### **Noise**

- NOISE1: Would the GPU result in generation of a substantial temporary increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- NOISE-2: Would the GPU result in generation of a substantial permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- NOISE-4: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the GPU expose people residing or working in the area to excessive noise levels.
- NOISE-5: Cause substantial adverse cumulative impacts with respect to noise or vibration.

### **Population and Housing**

- POP-1: Induce substantial unplanned population growth either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).
- POP-2: Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.
- POP-3: Cause substantial adverse cumulative impacts with respect to population and housing.

### **Public Services**

- PS-1: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:
  - Fire protection
  - Police protection

- Schools
- Parks
- Other public facilities.
- PS-2: Cause substantial adverse cumulative impacts with respect to public services.

**Recreation**

- REC-1: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- REC-2: Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.
- REC-3: Cause substantial adverse cumulative impacts with respect to parks and recreation facilities.

**Transportation**

- TRANS-1: Conflict with program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- TRANS-3: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- TRANS-4: Result in inadequate emergency access.

**Tribal Cultural Resources**

- TCR-1: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
- TCR-2: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

*Findings of Fact and Statement of Overriding Considerations*

- TCR-3: Cause substantial adverse cumulative impacts with respect to tribal cultural resources.

**Utilities and Service Systems**

- UTS-3: Result in a determination by the wastewater treatment provider which serves or may serve the GPU that it has adequate capacity to serve the projected demand in addition to the provider's existing commitments.
- UTS-4: Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- UTS-5: Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.
- UTS-6 Cause substantial adverse cumulative impacts with respect to Utilities and Service Systems.

**Wildfire**

- WIL-1: Substantially impair an adopted emergency response plan or emergency evacuated plan.
- WIL-2: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- WIL-3: Require the installation or maintenance of associated infrastructure such as roads fuel breaks, emergency water sources, power lines or other utilities that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- WIL-4: Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff post-fire slope instability, or drainage changes Sensitive receptors to substantial pollutant concentrations.
- WIL-5: Cause substantial adverse cumulative impacts with respect to wildfire.

In addition, the EIR determined that potential impacts with respect to growth-inducing effects and irreversible environmental changes would be less than significant.

## B. Impacts Determined to Be Less than Significant with Mitigation Incorporated

The Final EIR (including the Draft EIR) identifies the following significant environmental impacts associated with the Project. Based on the environmental analysis of the Project and the identification of feasible mitigation measures, potentially significant impacts have been determined by the City to be reduced to a level of less than significant, and the City has found in accordance with Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1) that “changes or alterations have been required in, or incorporated into, the project which mitigates or avoid the significant effects on the environment.” The descriptions of the impacts in these findings are summary statements. Mitigation Measures are numbered to correspond to listings in the Draft EIR and Final EIR. Reference should be made to the Draft EIR and Final EIR for a more complete description.

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### **Impact HYDRO-2 – Would the GPU substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the GPU may impede sustainable groundwater management of the basin?**

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#### **Substantial Evidence**

The City’s primary source of water is groundwater. The following analyzes the City’s projected groundwater supply and demand to determine if there are any critical water supply issues that result from the increased population under the GPU. The City’s water system is the most appropriate to analyze as it provides water service to the greatest number of people within the Planning Area<sup>1</sup>. The City’s Urban Water Management Plan (UWMP) assumes 65 percent of the City’s population is within its UWMP service area for 2015 through 2040. The UWMP indicates it is based on population projections obtained from the Southern California Association of Governments (SCAG) which incorporates demographic trends, existing land-use, General Plan land use policies, and input and projections from the Department of Finance (DOF) and the US Census Bureau. The City owns and operates three active wells in the Main Basin (No. 13, No. 15, and No. 16) and two active wells in the Central Basin (No. 8 and No. 14). To date, the City has not experienced water supply constraints or deficiencies, and management of the City’s primary groundwater supplies is based on legal adjudications of the groundwater basins. The UWMP states the City will be able to rely on the Main Basin, the Central Basin, and recycled water for adequate supply over the next 26 years under single year and multiple year droughts based on current management practices. However, Table 4.10-1 (from the DEIR) indicates the projected population increase under the proposed GPU would exceed the 2040 population estimate upon which the UWMP projected future service. The table also shows the amount of water that could be consumed by the projected population under the GPU (1,580 acre-feet) would be greater than the surplus water supply for 2040 (1,187 acre-feet) estimated in the UWMP.

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<sup>1</sup> 54 percent based on a City UWMP 2020 service population of 57,104 compared to the total Planning Area 2020 population of 106,014 persons.

**Table 4.10-1  
Groundwater Supply Analysis for GPU Population**

<b>Water-Related Characteristic</b>	<b>2020</b>	<b>2040<sup>1</sup></b>	<b>Difference</b>
City-Wide Population (persons)	87,853	106,014	+18,430 / +21%
65 Percent <sup>2</sup> of City-wide Population	57,104	68,909	+11,805 / +20.7%
City UWMP Service Area Assumption <sup>3</sup>	56,900	59,500	+2,600 / +4.6%
UWMP Planning Surplus or Deficit <sup>4</sup>	+204	+9,409	"Surplus"
Water needed to serve "surplus" population (acre-feet or AF) <sup>5</sup>	+47 AF	<b>+1,580 AF</b>	NA
City Water Supply <sup>6</sup>	9,272 AF	9,272 AF	0
City Water Demand <sup>6</sup>	7,569 AF	8,085 AF	+516 AF / +6.8%
Supply Surplus or Deficit	+1,703 AF	<b>+1,187 AF</b>	"Deficit"
Can Water Supply meet the needs of the estimated population growth with GPU?	NA	<b>No</b>	
<b>NOTES:</b>			
1 assuming GPU is approved			
2 City UWMP estimates its water service area is 65% of City-wide population			
3 Table 3-1 from City UWMP			
4 Difference of UWMP Service Area Population compared to 65% of City-wide Population Estimate			
A "surplus" means the estimated population under the GPU is <b>lower</b> than the population estimate used for the UWMP			
5 assumes each additional person consumes 150 gallons/person/day and one AF = 236,000 gallons			
6 Table 7-2 from City UWMP			

It should also be noted the 1993 General Plan projected the Planning Area’s population to be approximately 96,023 persons in 2018 and the current population of the Planning Area in 2019 was 141,102 persons. This indicates the City has outpaced the growth assumptions for the 1993 General Plan upon which the various UWMPs for the Planning Area were based. Even if the three other water suppliers could meet the future needs of the residents and businesses within their respective portions of the Planning Area, the projected deficit of the City’s water supply represents a potentially significant impact that requires mitigation.

The UWMPs were last prepared around 2015-16 and must be updated every five years according to state law, so they are all due to be revised in the near future. When the UWMPs are next updated, the latest projections from the GPU will need to be incorporated. Since the City only manages a portion of its (ground)water supply, it cannot fully control or mitigate the increased need for water under the GPU until the four UWMPs have been updated as planned. Until the City and other water serving agencies update their UMWPs to incorporate the new growth projections, the proposed GPU may have significant short- or long-term impacts regarding water service which may result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects.

In addition to the proposed GPU Mobility and Infrastructure Element Goal C10 and its policies on water service, Mitigation Measure UTL-1 (from the Utilities Chapter – 4.19) will reduce potential impacts related to groundwater supplies to less than significant levels

**UTL-1 Water Demand Management.** New developments under the General Plan Update that will be served by local water utility providers will not be approved if they increase water use in excess of what is identified for supply in 2040 under the most recent Urban Water Management Plan for the involved local water provider.



## Finding

Mitigation measure UTL-1 will ensure that potential impacts to groundwater supplies will be less than significant. It will ensure that long-term water demand from the project will not exceed the capability of water providers to make water supplies available. Based on substantial evidence in the EIR and the public record regarding impacts to groundwater supply, the City hereby finds that *changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment*. Further evidence supporting the fact that the environmental effects related to groundwater supply will be reduced to a less than significant level is provided in Chapter 4.10 of the EIR.

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### **IMPACT UTS-1 – Would the GPU require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

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## Substantial Evidence

There are four water providers that serve the Planning Area. The City of Whittier Public Works Department Water Division operates and maintains a water pumping plant in Pico Rivera that produces 8,000,000 gallons of water per day that fill 11 reservoirs in Whittier. The Whittier Public Works Department provides water service to 48,000 customers in the western half of the Planning Area. The San Gabriel Valley Water Company is an investor-owned water utility that provides water service to the West Whittier-Los Nietos area. Suburban Water Systems is a public utility water company that provides water services to the eastern half and southern portion of the Planning Area. The Orchard Dale Water District primarily serves residential customers in the southern portion of the Planning Area (Whittier, 2017).

The 2021 GPU will substantially increase the projected number of housing units and the population in the City over those projected in the 1993 General Plan. Conversely, the GPU projects substantially less growth in non-residential uses (e.g., commercial, office, light industrial) compared to that projected in the 1993 General Plan. The UWMPs of the four local water serving agencies were based in large part on the land uses and growth projections of the 1993 General Plan. The GPU Planning Area's baseline (2019) service population (residents plus employees) equals 174,866 persons while the growth projected under the GPU would yield a future (2040) service population of 196,451 persons. If each of these additional 21,585 residents and employees consumed an additional 150 gallons per person per day<sup>2</sup>, the City's growth would eventually require an additional 3.2 million gallons of water per day which would need to be provided by the City and the other three serving agencies. Also, see Table 4.10 above under IMPACT HYDRO-2.

The UWMPs for the City's four water providers were last prepared around 2015-16 and must be updated every five years according to state law, so they are all due to be revised in the near future. When the UWMPs are next updated, the latest projections from the GPU will need to be incorporated. Since the City only manages a portion of its water supply, it cannot fully control or mitigate the increased need for water under the GPU until the four UWMPs have been updated as planned. Until the City and other water serving agencies update their UMWPs to incorporate the new growth projections, the proposed GPU may have significant short- or long-term impacts

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<sup>2</sup> Estimate from City UWMP

regarding water service which may result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects. In addition to the proposed GPU Goals C10 and C15 and their policies on water service, Mitigation Measure UTL-1 (also referenced under Impact Hydro-2, above) will reduce potential impacts related to water service to less than significant levels.

**UTL-1 Water Demand Management.** New developments under the General Plan Update that will be served by local water utility providers will not be approved if they increase water use in excess of what is identified for supply in 2040 under the most recent Urban Water Management Plan for the involved local water provider.

### **Finding**

The proposed GPU may have potentially significant impacts on water consumption in the future but impacts to sewer/wastewater treatment, storm drainage, and other utility services in the Planning Area are expected to be less than significant. Mitigation Measure UTL-1 is proposed to reduce potential impacts to future water demand. Therefore, the GPU will not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Mitigation measure UTL-1 will ensure that potential impacts related to the relocation or construction of new or expanded water, facilities will be less than significant. It will ensure that long-term water demand from the project will not exceed the capability of water providers to make the capital improvements necessary to meet such demand. Based on substantial evidence in the EIR and the public record regarding potential impacts to water treatment and transmission facilities, the City hereby finds that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. Further evidence supporting the fact that the environmental effects related to new or expanded water facilities will be reduced to a less than significant level is provided in Chapter 4.19 of the EIR.

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### **IMPACT UTS-2 – Would the GPU have insufficient water supplies available to serve the GPU and reasonably foreseeable future development during normal, dry, & multiple dry years?**

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#### **Substantial Evidence**

The 2021 GPU will substantially increase the projected number of housing units and the population in the City over those projected in the 1993 General Plan. Conversely, the GPU projects substantially less growth in non-residential uses (e.g., commercial, office, light industrial) compared to that projected in the 1993 General Plan. The UWMPs of the four local water serving agencies were based on the land uses and growth projections of the 1993 General Plan.

The GPU Planning Area's baseline (2019) service population (residents plus employees) equals 174,866 persons while the growth projected under the GPU would yield a future (2040) service population of 196,451 persons. If these additional 21,585 residents and employees consumed an additional 150 gallons per person per day of water, the City's growth would eventually require an additional 3.2 million gallons of water per day which would need to be provided by the City and the other three serving agencies. At present, the four UWMPs serving the Planning Area do not indicate they have that additional amount of water available to them at this time. Discussion under

IMPACT HYDRO-2, and IMPACT UTS-1, above, also demonstrate that future water supplies within the City may not be adequate for growth projected under the proposed GPU.

The UWMPs were last prepared around 2015-16 and must be updated every five years according to state law, so they are all due to be revised in the near future. When the UWMPs are next updated, the latest projections from the GPU will need to be incorporated. Since the City only manages a portion of its water supply, it cannot fully control or mitigate the increased need for water under the GPU until the four UWMPs have been updated as planned. Until the City and other water serving agencies update their UMWPs to incorporate the new growth projections, the proposed GPU may have significant short- or long-term impacts regarding water supply for reasonably foreseeable future development during normal, dry, and multiple dry years. In addition to the proposed GPU Goals C10 and C15 and their policies on water service, Mitigation Measure UTL-1 is recommended to help assure future water demand does not exceed available or planned water supplies within the Planning Area.

**UTL-1 Water Demand Management.** New developments under the General Plan Update that will be served by local water utility providers will not be approved if they increase water use in excess of what is identified for supply in 2040 under the most recent Urban Water Management Plan for the involved local water provider.

### **Finding**

Mitigation measure UTL-1 will ensure that potential impacts related to sufficient water supplies available to serve the GPU and reasonably foreseeable future development during normal, dry, & multiple dry years will be less than significant. It will ensure that long-term water demand from the project will not exceed the capability of water providers to supply the water necessary to meet such demand. Based on substantial evidence in the EIR and the public record regarding potential impacts to water supply, the City hereby finds that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment. Further evidence supporting the fact that the environmental effects related to new or expanded water facilities will be reduced to a less than significant level is provided in Chapter 4.19 of the EIR.

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### **IMPACT NOI-3: Generation of excessive groundborne vibration or groundborne noise levels.**

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#### **Substantial Evidence**

The proposed GPU could facilitate the future development and construction of mixed-use projects at the intersection of Lambert Road and 1<sup>st</sup> Avenue, adjacent to the existing Union Pacific railroad corridors along Lambert Road. The FTA's Transit Noise and Vibration Impact Assessment document was utilized in the EIR to evaluate recommended ground-borne vibration criteria for general environmental assessments (sensitivity of the land use and frequency of vibration events). Based on the vibration prediction curves outlined in the FTA's Transit Noise and Vibration Impact Assessment, proposed residential development within approximately 80 feet of a freight line could be exposed to vibration levels that exceed the FTA's recommended threshold of 80 Velocity Decibels (VdB). In addition, other proposed land uses within approximately 60 feet of the freight rail line could be exposed to vibration levels that exceed the FTA's recommended threshold of 83 VdB for land uses with primarily daytime occupancy. The proposed GPU contains no policies to address potential excessive vibration levels from freight train operations and that is considered a potentially significant impact requiring mitigation.

Through the incorporation of Mitigation Measure NOI-1, projects near the Union Pacific rail corridor would be required to assess and minimize freight train impacts such that disturbance to building occupants would not occur. In result, the impact would be considered less than significant with the implementation of Mitigation Measure NOI.

**NOI-1** The City shall require new residential and commercial projects located within 200 feet of the Union Pacific railroad track to conduct a freight train ground vibration and vibration noise evaluation consistent with approved vibration assessment methodologies (e.g., Caltrans, Federal Transportation Authority).

### **Finding**

Mitigation measure NOI-1 will ensure that potential train vibration impacts will be less than significant by requiring an evaluation of such potential impacts for new residential and commercial projects. Based on substantial evidence in the EIR and the public record regarding potential impacts to water supply, the City Council hereby finds that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid significant effects on the environment. Further evidence supporting the fact that the environmental effects related to train vibration will be reduced to a less than significant level is provided in Chapter 4.13 of the EIR.

### **C. Effects Determined to Be Significant, Adverse, and Unavoidable**

As presented in the Whittier General Plan Update EIR, the City finds that adverse impacts identified below pertaining to Air Quality, Greenhouse Emissions, and Transportation/VMT cannot be mitigated to less than significant levels because no feasible mitigation is available.

#### ***Air Quality***

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**IMPACT AIR-1: *Would the GPU conflict with or obstruct implementation of the applicable air quality plan?***

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#### **Substantial Evidence**

The City of Whittier is within the South Coast Air Basin, which is under the jurisdiction of the SCAQMD and subject to the requirements outlined in the SCAQMD CEQA Air Quality Handbook, which affirms consistency with the AQMP if a Project:

1. Is consistent with the growth assumptions in the AQMP; and
2. Does not increase the frequency or severity of an air quality standards violation, or cause a new one.

Criterion 1 refers to the assumptions included in the 2016 AQMP, including the growth forecast in the 2016 SCAG RTP/SCS. The 2016 AQMP was designed to achieve attainment for all criteria air pollutants within the Basin while still accommodating growth in the region. Projects that are consistent with the AQMP growth assumptions would not interfere with attainment of air quality standards, because this growth is included in the projections used to formulate the AQMP.

As shown in Table 4.3-6, the anticipated population growth under implementation of the proposed GPU would exceed the 2016 RTP/SCS, while the new employment would not. Therefore, from a population growth standpoint, the proposed GPU would be inconsistent with the AQMP and inconsistent with Criterion 1.

**Table 4.3-6  
RTP/SCS and General Plan Update Growth Assumptions**

Scenario	Net New Population Growth	Net New Employment
Proposed GPU		
City	18,430	392
Sphere of Influence	1,759	1,004
Planning Area Total	20,190	1,396
RTP/SCS Growth 2012 – 2040	11,000	4,800
Within Growth Assumptions?	No	Yes
Source: SCAG, 2016; City of Whittier 2021.		

Consistency Criterion 2 refers to the California Ambient Air Quality Standards (CAAQS) and the National Ambient Air Quality Standards (NAAQS). The South Coast Air Basin is designated nonattainment for national and state Ozone (O<sub>3</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub> standards. The analyses of potential emissions under Impact Air-2 (see below) indicates the GPU could result in significant emissions during construction activities. Some of these pollutants, such as Oxides of Nitrogen (NO<sub>x</sub>) and Reactive Organic Gases (ROG), are ozone precursor pollutants, and the region is designated non-attainment for ozone. The analysis contained under Impact Air-2 also indicates the unmitigated operational NO<sub>x</sub> emissions associated with implementation of the proposed GPU would exceed the SCAQMD-recommended CEQA thresholds of significance, which have been designed to bring the region into attainment for CAAQS and NAAQS.

The analysis conducted under Impact Air-2 demonstrates that the unmitigated net change in operational emissions between existing land uses in 2040 and those proposed by the GPU would exceed the SCAQMD’s operational NO<sub>x</sub> CEQA threshold of significance. Construction activities would also have the potential to exceed SCAQMD-recommended thresholds of significance. Because these pollutants would exceed the SCAQMD’s thresholds, they would increase the frequency or severity of air quality standards violations and therefore be inconsistent with Criterion 2.

Shown below are Mitigation Measures AQ-1 and AQ-2 which reduce operational and construction emissions

**AQ-1 Require a Project-level Construction Assessment for New Discretionary Development Projects.** The City shall require applicants to submit a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis for future discretionary development projects. The estimated construction criteria air pollutant and toxic air contaminant emissions shall be compared against the thresholds of significance maintained by the South Coast Air Quality Management District (SCAQMD) and, if emissions are shown to be above SCAQMD thresholds, the City shall require the imposition and implementation of mitigation to reduce emissions below the thresholds that have been exceeded. Mitigation to reduce emissions could include, but are not limited to:

- Selection of specific construction equipment (e.g., specialized pieces of equipment with smaller engines or equipment that will be more efficient and reduce engine runtime);
- Requiring equipment to use alternative fuel sources (e.g., electric-powered and liquefied or compressed natural gas), meet cleaner emission standards (e.g., U.S. EPA Tier IV Final emissions standards for equipment greater than 50-horsepower), and/or utilizing added exhaust devices (e.g., Level 3 Diesel Particular Filter);
- Minimizing the idling time of diesel-powered construction equipment to two minutes; and
- Application of Low-VOC paints to interior and/or exterior surfaces (e.g., paints that meet SCAQMD Rule 1113 “Low-VOC” or “Super-Compliant” requirements).

**AQ-2 Prohibit the Installation of Natural Gas Hearths in New Residential Development.**

The City shall prohibit the installation of new natural gas hearths/fireplaces in new residential development. Natural gas hearths/fireplaces may be incorporated into remodels / redevelopment if the existing structure(s) proposed for remodel / redevelopment featured natural gas hearths/fireplaces; however, the quantity of natural gas hearths/fireplaces provided by the new structure(s) may not exceed that present prior to the remodel / redevelopment and must meet the most recent U.S. EPA, CARB, and/or SCAQMD emissions standards in effect at the time of building permit issuance

The population growth that could occur under the Project by 2040 would be inconsistent with the 2016 RTP/SCS growth forecast. As discussed under Impact Air-2, the incorporation of Mitigation Measure AQ-2 would reduce the net change in operational NOx emissions to a level that is below the SCAQMD-recommended threshold of significance. Therefore, from a long-term operational standpoint, the proposed GPU would not substantially change emissions compared to if the existing land uses continued their operation in the Year 2040. Nonetheless, because it cannot be definitively known or stated at this time that construction emissions would be able to be mitigated such that all criteria air pollutant emissions would be below SCAQMD-recommended thresholds of significance, implementation of the proposed GPU could still increase the frequency and/or severity of air quality violations in the Basin or otherwise impede attainment of air quality standards in the Basin. The impact is considered significant and unavoidable.

**Finding**

Based on substantial evidence in the EIR and the public record regarding impacts related to inconsistency with applicable air quality plans, the City Council hereby finds that no feasible mitigation measures or alternatives exist to mitigate the above-discussed potentially significant impacts to less than significant levels. The impact would remain significant and unavoidable. As described in the Statement of Overriding Considerations in Section 7, specific social, economic, and environmental benefits of the project outweigh the identified potential unavoidable significant impacts.

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**IMPACT AIR-2: Would the GPU result in a cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment under an applicable federal or state ambient air quality standard?**

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## Substantial Evidence

The proposed General Plan Update would set forth the City's vision for the types of development which would occur over the next 20 years. Implementation of the General Plan would result in short-term construction and long-term operational emissions of regulated air pollutants. The SCAQMD has not adopted plan-level-level significance thresholds; however, in developing its CEQA significance thresholds, the SCAQMD considered the emission levels at which a project's individual emissions would be cumulatively considerable.

### *Construction Emissions*

The GPU would not directly result in construction of any development or infrastructure; however, future development supported by the GPU would result in short-term construction-related criteria pollutant emissions that have potential to have an adverse effect on air quality. Short-term criteria air pollutant emissions would occur during demolition, site preparation, grading, building construction, paving, and architectural coating activities associated with specific, new development projects. ROG and NO<sub>x</sub> emissions are primarily associated with gas and diesel equipment exhaust and the application of architectural coatings. Fugitive dust emissions (PM<sub>10</sub> and PM<sub>2.5</sub>) are primarily associated with site preparation and vary as a function of such parameters as soil silt content, soil moisture, wind speed, acreage of disturbance area, and VMT by construction vehicles on- and off-site.

With the City of Whittier primarily being built out, many projects would require the demolition of existing structures to construct new structures. Fugitive dust (PM<sub>10</sub>) emissions would typically be greatest during building demolition, site preparation, and grading due to the disturbance of soils and transport of material. NO<sub>x</sub> emissions would also result from the combustion of diesel fuels used to power off-road heavy-duty pieces of equipment (e.g., backhoes, bulldozers, excavators, etc.). ROG emissions would generally be greatest during architectural coating activities. Given the speculative nature of construction activities that could occur under implementation of the proposed GPU, it is not possible at this time to accurately assess the level of emissions that would be generated by future development and redevelopment activities in the City. Overall, project implementation would increase residential dwelling units and non-residential square footage in the City under year 2040 growth conditions. Growth under the Project would result in long-term regional emissions of criteria air pollutants associated with the operation of area sources, energy sources, and mobile sources.

Construction emissions associated with future development activities facilitated under implementation of the proposed GPU could exceed SCAQMD-recommended CEQA significance thresholds for regional criteria air pollutant emissions. This is considered a **potentially significant impact**.

Operational Emissions

Table 4.3-7 of the EIR indicates that the project would not exceed the SCAQMD pollutant thresholds except for NOx. NOx area sources (gas fireplaces and landscaping equipment) and mobile sources account for nearly 89% of the NOx emissions estimated to occur with buildout of the proposed GPU. The TIA prepared by Fehr & Peers for the proposed GPU indicates that the proposed land uses in the GPU would result in a significant VMT impact if left unmitigated. Mitigation Measures VMT-1, VMT-2 and VMT-3 (see text below under Transportation Impacts) have been incorporated into the Project to reduce the magnitude of the VMT impact and consist of expanding the local transit network, improving the bicycle and pedestrian network as envisioned in the City’s Bicycle Master Plan and General Plan, and promoting telecommuting and alternative work schedules. The VMT reductions attributable to Mitigation Measures VMT-1, VMT-2 and VMT-3 have not been incorporated into the mobile source emissions estimates provided in Table 4.3-7; however, the increase in emissions from area sources alone would be significant if left unmitigated. Approximately 94% (114 pounds per day) of the net change in NOx emission from area sources would be from operation of gas fireplaces, while the remaining 6% (7 pounds per day) would be from landscaping equipment.

**Table 4.3-7  
2040 Project Growth Forecast Operational Emissions**

Emissions Scenario	Maximum Daily Pollutant Emissions (Pounds per Day) <sup>(A)</sup>									
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>			PM <sub>2.5</sub>		
					Dust	Exhaust	Total	Dust	Exhaust	Total
<b>Project Growth Forecast Operational Emissions in Year 2040</b>										
Area Sources	13,599	1,123	26,653	58	0	3,368	33,688	0	3,368	3,367
Energy Sources	39	339	157	2	0	27	27	0	27	27
Mobile Source	1,058	1,579	10,790	40	4,204	21	4,225	1,051	20	1,071
<i>Total<sup>(B)</sup></i>	<i>14,697</i>	<i>3,041</i>	<i>37,600</i>	<i>100</i>	<i>4,204</i>	<i>3,416</i>	<i>7,620</i>	<i>1,051</i>	<i>3,415</i>	<i>4,466</i>
<b>Existing Land Uses Year 2040 Condition<sup>(D)</sup></b>										
Area Sources	13,919	1,001	27,265	60	0	3,547	3,547	0	3,547	3,547
Energy Sources	43	367	168	2	0	30	30	0	30	30
Mobile Source	1,001	1,493	10,202	38	3,975	20	3,995	994	19	1,013
<i>Total<sup>(B)</sup></i>	<i>14,963</i>	<i>2,862</i>	<i>37,635</i>	<i>100</i>	<i>3,975</i>	<i>3,596</i>	<i>7,571</i>	<i>994</i>	<i>3,595</i>	<i>4,589</i>
<b>Net Change in Emissions Levels</b>										
Area Sources	-320	122	-612	-2	0	-179	30,141	0	-179	-180
Energy Sources	-4	-28	-11	0	0	-3	-3	0	-3	-3
Mobile Source	57	86	588	2	229	1	230	57	1	58
<i>Total<sup>(B)</sup></i>	<i>-266</i>	<i>179</i>	<i>-35</i>	<i>0</i>	<i>229</i>	<i>-180</i>	<i>49</i>	<i>57</i>	<i>-180</i>	<i>-123</i>
SCAQMD CEQA Threshold	75	100	550	150	150			55		
Threshold Exceeded?	No	<b>Yes</b>	No	No	No			No		
Source: MIG, 2021 (see Appendix D) and SCAQMD 2019b.										
(A) Emissions estimated using CalEEMod, V 2016.3.2. Estimates are based on default model assumptions unless otherwise noted in this document. Maximum daily ROG, CO, SO <sub>x</sub> emissions occur during the summer. Maximum daily NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> emissions occur during the winter.										
(B) Totals may not equal due to rounding.										
(C) See Table 4.3-3.										



### *Operational Emissions.*

As shown in Table 4.3-7, the modeled, maximum daily operational emission associated with potential 2040 growth under the Project would result in NOx emissions that exceed SCAQMD-recommended CEQA significance thresholds. This is considered a **potentially significant impact**. All other potential Project emissions would be below SCAQMD-recommended CEQA significance thresholds.

### *Significance With Mitigation Measures*

Mitigation Measures AIR-1 and AIR-2, which have been included in the EIR to reduce air pollutant emissions are provided below.

**AQ-1 Require a Project-level Construction Assessment for New Discretionary Development Projects.** The City shall require applicants to submit a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis for future discretionary development projects. The estimated construction criteria air pollutant and toxic air contaminant emissions shall be compared against the thresholds of significance maintained by the South Coast Air Quality Management District (SCAQMD) and, if emissions are shown to be above SCAQMD thresholds, the City shall require the imposition and implementation of mitigation to reduce emissions below the thresholds that have been exceeded. Mitigation to reduce emissions could include, but are not limited to:

- Selection of specific construction equipment (e.g., specialized pieces of equipment with smaller engines or equipment that will be more efficient and reduce engine runtime);
- Requiring equipment to use alternative fuel sources (e.g., electric-powered and liquefied or compressed natural gas), meet cleaner emission standards (e.g., U.S. EPA Tier IV Final emissions standards for equipment greater than 50-horsepower), and/or utilizing added exhaust devices (e.g., Level 3 Diesel Particulate Filter);
- Minimizing the idling time of diesel-powered construction equipment to two minutes; and
- Application of Low-VOC paints to interior and/or exterior surfaces (e.g., paints that meet SCAQMD Rule 1113 “Low-VOC” or “Super-Compliant” requirements).

**AQ-2 Prohibit the Installation of Natural Gas Hearths in New Residential Development.**

The City shall prohibit the installation of new natural gas hearths/fireplaces in new residential development. Natural gas hearths/fireplaces may be incorporated into remodels / redevelopment if the existing structure(s) proposed for remodel / redevelopment featured natural gas hearths/fireplaces; however, the quantity of natural gas hearths/fireplaces provided by the new structure(s) may not exceed that present prior to the remodel / redevelopment and must meet the most recent U.S. EPA, CARB, and/or SCAQMD emissions standards in effect at the time of building permit issuance.

Construction Emissions: Even with implementation of Mitigation Measure AIR-1, it cannot be definitively known or stated at this time that all future development projects occurring under implementation of the proposed GPU would be able to reduce potential criteria air pollutant

emissions to levels that are below SCAQMD thresholds, and the impact is considered **significant and unavoidable**.

Operational Emissions: The Implementation of Mitigation Measure AQ-2 would reduce the estimated net change in NOx emissions by at least 114 pounds per day, resulting in a new net change in total NOx emissions of approximately 65 pounds per day. This new mitigated emissions level would be below the SCAQMD-recommended operational NOx threshold of 100 pounds per day. Therefore, with the incorporation of Mitigation Measure AQ-2, operational criteria air pollutant emissions associated with the proposed GPU would be **less than significant**.

## **Finding**

Based on substantial evidence in the EIR and the public record regarding **construction** impacts related to cumulatively considerable net increase of criteria pollutants for which the region is non-attainment under an applicable federal or state ambient air quality standard, the City Council hereby finds that, except for Mitigation Measure AIR 1, no feasible mitigation measures or alternatives exist to mitigate impacts to less than significant levels, and such impacts would remain significant and unavoidable, even with the application of Mitigation Measure AIR 1. As described in the Statement of Overriding Considerations in Section 7, specific social, economic, and environmental benefits of the project outweigh the identified potential unavoidable significant impacts.

The City Council further finds based on substantial evidence in the EIR and the public record regarding **operational** impacts related to cumulatively considerable net increase of criteria pollutants for which the region is non-attainment under an applicable federal or state ambient air quality standard, that, with the application of Mitigation Measure AIR 2, impacts would be less than significant. In addition, the City Council hereby finds that changes or alterations have been required in, or incorporated into, the project which mitigate or avoid significant effects on the environment.

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### **IMPACT AIR-3: *Would the GPU expose sensitive receptors to substantial pollutant concentrations?***

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## **Substantial Evidence**

Growth projected to occur under the Project could expose existing and new sensitive receptors to substantial concentrations of criteria air pollutants and TAC emissions that pose adverse health effects. The potential for the proposed GPU to expose sensitive receptors to substantial pollutant concentrations is evaluated below.

### *CO Hotspots*

Based on the Transportation Impact Analysis (TIA) prepared for the proposed GPU (see Appendix D of the EIR), the maximum number of vehicles moving through any study analysis zone under the Project's 2040 growth project would be 5,670 vehicles through the intersection of Whittier Boulevard and Colima Road (during AM and PM peak hours). This level of traffic is substantially below the screening threshold of 44,000 vehicles per hour for a CO hotspot analysis. Therefore, the Project would not cause or significantly contribute to CO concentrations that exceed State or Federal ambient air quality standards for CO. This impact would be less than significant.

### Construction Emissions

Future development activities facilitated under implementation of the proposed GPU would generate emissions, including emissions of Diesel Particulate Matter (DPM) which is a TAC, during construction activities. These emissions would occur intermittently over the approximately 20-year growth period associated with the Project. Although specific details regarding project development within the Planning Area are not known at this time, it is possible that one or more projects developed under implementation of the proposed GPU could have the potential to exceed SCAQMD Local Significance Threshold (LSTs) and thresholds of significance for cancerogenic and non-cancerogenic health risks.<sup>3</sup>

### Operational Emissions

As shown in Table 4.3-7 of the EIR (included under Impact Air-2, above), implementation of the proposed GPU would generally reduce the quantity of criteria air pollutants emitted by land uses within the City. As discussed previously, the SCAQMD's CEQA thresholds were developed to attain the CAAQS and NAAQS. In developing the CAAQS and NAAQS, the U.S. EPA and CARB considered scientific evidence linking exposure to air pollutants to health risks. Although each individual's health characteristics, environment, and pre-disposition to adverse respiratory health effects are different, compliance with the CAAQS and NAAQS is intended to protect the most sensitive individuals. As described under Impact Air-2 of the EIR, the proposed GPU's operational emissions would be able to be mitigated such that no SCAQMD CEQA threshold for criteria air pollutants would be exceeded. Therefore, the proposed GPU would not generate operational emissions such that receptor exposure to substantial pollutant concentrations would occur. Even if operational emissions were to have exceeded the SCAQMD's thresholds, a significant impact would likely have not occurred. In the amicus brief filed by the SCAQMD on the California Supreme Court's decision in *Sierra Club versus County of Fresno*, the SCAQMD noted that, "[it] takes a large amount of additional precursor emissions [e.g., NOx] to cause a modeled increase in ambient ozone levels... a project emitting only 10 tons per year of NOx or VOC is small enough that its regional impact on ambient ozone levels may not be detected in the regional air quality models used to determine ozone levels..." (SCAQMD, 2015). The proposed GPU primarily focuses new / redevelopment along Whittier Boulevard; it does not reimagine the City in a manner that would substantially increase the quantity of highly polluting land uses (e.g., industrial facilities). Therefore, the changes in land use proposed by the GPU do not have the potential to alter the city-wide emissions profile in a manner that could exacerbate or contribute to significant health risks at or in proximity of the Planning Area.

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<sup>3</sup> In addition to criteria air pollutant emissions on a regional scale and TAC emissions on a local scale, receptor exposure to elevated concentrations of criteria air pollutants (e.g., CO, O<sub>3</sub>, and PM) is capable of causing adverse health effects on heart, lung, and other organ systems. As described under Section 4.3.3 of the EIR, the LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable Federal or State ambient air quality standards, which would result in significant adverse localized air quality impacts.

### *Exacerbation of Existing Sources of Pollutants*

Project growth would add new residential development in the city and could place new, sensitive receptors in proximity to existing sources of emissions such as Whittier Boulevard and local stationary sources of emissions.

Per the recent ruling by the California Supreme Court in *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal.4th 369 (2015), projects are not required to analyze how existing conditions might impact a project's future users or residents. As such, this analysis does not focus on potential, future receptor exposure to existing emissions from existing sources of pollutants in and near the City. Rather, it focuses on the incremental increase in pollutant concentrations and associated impacts (including adverse health impacts) that could occur if existing operations were to change as a result of Project growth.

Under the 2040 growth projection, the proposed GPU would increase the number of residents in the Planning Area from approximately 141,102 people to approximately 161,291 people, an increase of approximately 20,190 people (14% increase). The proposed GPU would also result in a net increase of approximately 175,236 square feet of non-residential building square footage. Although this growth would occur throughout the City, it would occur primarily in areas focused for redevelopment, such as Whittier Boulevard. The growth envisioned under the Project would generate long-term emissions, primarily associated with area and mobile sources that would combust natural gas or gasoline. As described under Impact Air-2 of the EIR, emissions of operations-related criteria air pollutants would be below SCAQMD significance thresholds after mitigation and would not result in, nor substantially exacerbate, substantial pollutant concentrations at sensitive receptor locations.

### **Additional Information on Existing Sources of Pollutants**

The proposed GPU could result in new sensitive receptors being exposed to significant sources of TAC emissions. The CARB *Air Quality and Land Use Handbook* recommends avoiding the siting of new sensitive land uses (e.g., residences, schools, etc.) within:

- 300 feet of large gasoline fueling stations (with a throughput of more than 3.6 million gallons of gasoline per year);
- Within 300 feet of dry cleaning operations;
- Within 500 feet of freeways, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day; and
- Within 1,000 feet of a major rail service or maintenance yard.

The County of Los Angeles Department of Public Health, in its *Air Quality Recommendations for Local Jurisdictions*, also recommends a buffer of at least 500 feet between freeways and sensitive land uses.

A review for gas stations and dry-cleaning facilities within the Planning Area indicates there may be eight (8) dry cleaning facilities and approximately 14 gas station facilities located within the City. The gas stations are generally located along Greenleaf Avenue and Whittier Boulevard. There are existing, residential receptors near these facilities, in some cases within 300 feet. The proposed GPU would locate some new residences within 300 feet of these locations, but incorporates General Plan Program RM 35, which would require that any development project that houses sensitive receptors include design features and equipment, as necessary, to mitigate any significant negative air quality impact on project occupants from the existing environment. I-605 is also a major roadway with an ADT of more than 100,000 near the City; however, the Project does not propose siting new sensitive receptors within 500 feet of this roadway.

Although the potential exists for the Project to result in new sensitive residential receptors near existing sources of emissions, the Project would not exacerbate pollutant concentrations or health risks associated with emissions sources and, therefore, would not materially change the existing environmental risks present in the project area.

Based on the analysis in the EIR potentially significant impacts with respect to exposure of sensitive receptors to substantial pollutant concentrations, would occur only for construction emissions. There is uncertainty regarding the specific nature of construction activities that would be facilitated under implementation of the proposed GPU. Despite the implementation of Mitigation Measure AQ-1, which requires the preparation of project-specific air quality analysis prior to the construction of any new development and incorporation of mitigation if emissions levels are shown to be above SCAQMD-recommended thresholds of significance for cancerogenic and non-cancerogenic risks, as well as SCAQMD LSTs, it cannot be definitively known or stated at this time that all future development projects occurring under implementation of the proposed GPU would be able to reduce potential risks and localized construction air pollutant emissions to levels that are below SCAQMD thresholds. Therefore, with regard to localized criteria air pollutant and TAC emissions generated during future construction activities, this impact would be **significant and unavoidable** even with the incorporation of feasible mitigation measures.

### Finding

Based on substantial evidence in the EIR and the public record regarding **construction** impacts related to exposure of sensitive receptors to substantial pollutant concentrations, the City Council hereby finds that, except for Mitigation Measure AIR 1, no feasible mitigation measures or alternatives exist to mitigate impacts to less than significant levels, and such impacts would remain significant and unavoidable, even with the application of Mitigation Measure AIR 1. As described in the Statement of Overriding Considerations in Section 7, specific social, economic, and environmental benefits of the project outweigh the identified potential unavoidable significant impacts.

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**Impact GHG-1- Would the GPU generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?**

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**Substantial Evidence**

GPU implementation would result in construction and operational activities that would generate GHG emissions. As described in more detail below, the GHG emissions generated by the growth envisioned under the GPU would exceed SCAQMD thresholds and result in a significant and unavoidable impact even with the inclusion of feasible mitigation measures.

The greenhouse gas emissions generated by the growth envisioned under the General Plan Update would exceed SCAQMD thresholds and result in a significant and unavoidable impact even with the inclusion of feasible mitigation measures. The growth anticipated through the GPU would result in construction activities that would generate GHG emissions primarily from combustion in equipment during demolition, site preparation, grading, building, construction, paving, and architectural activities and in worker, vendor, and haul trips, although there is uncertainty to the timing and methods of construction activities which could occur for future development projects.

The existing and proposed land uses envisioned by the GPU would result in operational GHG emissions, primarily from mobile sources such as from vehicle trips to and from land uses resulting in CO<sub>2</sub> emissions, energy (if electricity is generated through non-renewable sources), and area sources (such as solid waste and landfill uses).

The total unmitigated GHG emissions estimated to occur under projected 2040 growth conditions are shown below in Table 4.8-4 from the EIR and compared against the potential GHG emissions that could exist in 2040 if the GPU were not approved.<sup>4</sup> As described above, the SCAQMD recommends the use of an efficiency threshold for plan-level analysis in which potential emissions levels are considered in terms of how many GHG emissions would be produced by each resident and employee using a project's facilities. Thus, the adjusted 2040 project-level efficiency target of 2.6 metric tons of CO<sub>2</sub> equivalent per year per service population (MTCO<sub>2</sub>e/yr/SP) is the primary contextual factor considered in evaluating the significance of the GPU's GHG emissions changes.

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<sup>4</sup> Although CEQA generally requires an evaluation of impacts associated with project implementation against the conditions that exist at the time the Notice of Preparation (NOP) is published, CEQA Guidelines Section 15125(a)(2) allows a lead agency to, "...use projected future conditions (beyond the date of project operations) baseline as the sole baseline for analysis only if it demonstrates with substantial evidence that use of existing conditions would be either misleading or without informative value to decision-makers and the public." Existing conditions GHG emissions for Year 2019 (current baseline conditions) and Year 2040 (future conditions) have been provided in Section 4.3.1. As shown in Table 4.8-4 and described in Section 4.3.1, the existing land uses within the Plan Area would benefit from regulatory actions at the State level (i.e., vehicle and fuel efficiency standards and cleaner electricity), which would continue to reduce emissions over the next approximately 20 years, even if the GPU is not approved or implemented. Therefore, to provide a conservative assessment of emissions associated with implementation of the proposed GPU, GHG emissions associated with operation of the existing land uses in 2040 are compared against those proposed under the GPU in 2040 to paint a more accurate picture of how the land uses proposed by the GPU could change emissions in the Planning Area. This provides a more conservative assessment of emissions because the emissions "gap" between existing land uses (future conditions 2040) and the GPU (2040) is less than that compared to existing land uses (current conditions 2019) and the GPU (2040).

**Table 4.8-5  
Mitigated GPU GHG Emissions**

Source	GHG Emissions (MTCO <sub>2</sub> e / Year)		
	Existing Land Uses (2040) <sup>(A)</sup>	Proposed GPU Land Uses (2040)	Net Change
Area	10,682	10,812	130
Energy	110,921	96,440	-14,481
Mobile	602,963	607,043	10,552
Waste	18,243	19,539	1,296
Water	11,055	10,492	-563
Total <sup>(B)</sup>	753,864	744,327	-3,065
Service Population (SP)	174,866	196,451	21,585
MTCO <sub>2</sub> e/yr/SP	4.3	3.8	-0.5
SCAQMD Tier 4 Adjusted 2040 Plan Level Efficiency Threshold	--	2.6	--
<b>Exceeds Threshold?</b>	--	<b>Yes</b>	--
Source: MIG, 2021 (see Appendix D).			
(A) See Table 4.8-3 for existing GHG emissions in the Planning Area.			
(B) Totals may not equal due to rounding.			

Per Table 4.8-5, the General Plan Update's 2040 growth projections would result in Greenhouse Gas Emissions that would exceed the adjusted SCAQMD derived plan-level efficiency metric which is considered a potentially significant impact and would require mitigation (refer to GHG-1 and GHG-2 below). Mitigation GHG-1 would require the City to adopt an ordinance that amends the City's Municipal Code to require new residential and non-residential entitlements to install electric vehicle (EV) charging stations. Mitigation GHG-2 would require the City to consider the feasibility of adopting an ordinance which would mandate all new residential and/or non-residential construction in the City meet ZNE standards, as feasible.

The text of Mitigation Measures GHG-1 and GHG-2 are shown below.

**GHG-1** The 2019 CalGreen Code contains several voluntary measures that are not formally required. Within one year of adoption of the General Plan Update, the City shall adopt an ordinance that incorporates, requires and makes mandatory certain CalGreen Code voluntary measures as described below.

- a. Require new residential tentative tract maps that would allow 17 or more dwelling units to provide electric vehicle infrastructure for each dwelling in compliance with Section A4.106.8.1 of the CalGreen Code, and that each dwelling be equipped with a vehicle charging station that has a similar or better functionality than a Level 2 charging station.
- b. Require new multifamily projects with 17 or more dwelling units to provide electric vehicle infrastructure for each dwelling in compliance with Section A4.106.8.2 of the CalGreen Code, and that each one of the parking spaces that has such electric

vehicle infrastructure be equipped with vehicle charging stations that have a similar or better functionality than a Level 2 charging station.

- c. Require new non-residential development projects to provide designated parking for any combination of low-emitting, fuel efficient, and carpool/van pool vehicles pursuant to the Tier 2 requirements of Table A5.106.5.1.2 of the CalGreen Code. Such parking spaces shall be marked pursuant to Section A5.106.5.1.3 of the CalGreen Code.
- d. Require new non-residential development projects to provide electric vehicle charging spaces with electric vehicle infrastructure in compliance with Table A5.106.5.3.2 of the California Green Code and be equipped with vehicle charging stations that have similar or better functionality than a Level 2 charging station. Such spaces shall be marked in compliance with Section A5.106.5.3.3 of the CalGreen Code.

**GHG-2** - Within two years of the adoption of the General Plan, The City shall consider and evaluate the feasibility of adopting an ordinance that amends the City's Municipal Code to require all new residential and/or non-residential development subject to Title 24, Part 6 of the California Building Code to achieve Zero Net Energy (ZNE) standards. If the City finds ZNE technology, programs, and/or other strategies are feasible and cost-effective, the City shall adopt a ZNE ordinance as expeditiously as possible given City resources. As defined by the California Energy Commission (CEC), ZNE standards require the value of the net energy produced by project renewable energy resources equals the value of the energy consumed annually by the project, using the CEC's Time Dependent Valuation (CEC, 2015).

The Project would also be subject to mitigation measures AQ-2, VMT-1, VMT-2, and VMT-3, which are provided under Air Quality and Transportation Impacts included in this section.

Per Table 4.8-5, the mitigated GPU GHG emissions would continue to exceed the adjusted SCAQMD derived plan-level efficiency metric and the Project's effect on GHG emissions would remain significant and unavoidable. Specifically, it is unknown how many projects would be subject to Mitigation Measure GHG-1 and it is uncertain at this time if adopting the ZNE provisions in Mitigation Measure GHG-2 would be feasible. Since the GHG emissions reductions attributable to Mitigation Measures GHG-1 and GHG-2 cannot be definitively assessed at this time, and since the GHG emissions reductions associated with Mitigation Measure AQ-2 and VMT-1, VMT-2, and VMT-3 do not meet the interpolated SCAQMD efficiency metric of 2.6 MTCO<sub>2</sub>e/yr/SP, this impact would be **significant and unavoidable**.

### **Finding**

Based on substantial evidence in the EIR and the public record the City Council finds that the Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and that even with the application of all feasible mitigation measures such impacts would remain significant and unavoidable. As described in the Statement of Overriding Considerations in Section 7, specific social, economic, and environmental benefits of the project outweigh the identified potential unavoidable significant impacts.



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**Impact GHG-2- The proposed GPU would conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases.**

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**Substantial Evidence**

*CARB Scoping Plan*

As discussed under Section 4.8.2, the 2017 Climate Change Scoping Plan is CARB's primary document used to ensure State GHG reduction goals are met. The plan identifies an increasing need for coordination among State, regional, and local governments to achieve the GHG emissions reductions that can be gained from local land use planning and decisions. The major elements of the 2017 Climate Change Scoping Plan, which is designed to achieve the State's 2030 GHG reduction goal, are listed in Section 4.8.2. Nearly all of the specific measures identified in the 2017 Climate Change Scoping Plan would be implemented at the state level, with CARB and/or another state or regional agency having the primary responsibility for achieving required GHG reductions. The Project, therefore, would have limited ability to directly conflict with any of the specific measures identified in the 2017 Climate Change Scoping Plan. Nonetheless, the overarching goal of the 2017 Climate Change Scoping Plan is to achieve a 40 percent reduction in GHG emissions below 1990 levels by the Year 2030. To achieve this statewide goal, the 2017 Climate Change Scoping Plan recommends a statewide efficiency metric of six metric tons per capita by 2030 and two metric tons per capita by 2050. These statewide per capita targets are based on the statewide GHG emissions inventory that includes all emissions sectors in the State. Under an unmitigated scenario, implementation of the proposed GPU is estimated to result in a GHG emission efficiency of 4.8 MTCO<sub>2e</sub> per capita; with mitigation, the proposed GPU is estimated to result in a GHG emission efficiency of 4.6 MTCO<sub>2e</sub> per capita. Project growth would result in emissions that exceed the 2017 Climate Change Scoping Plan adjusted statewide 2040 metric of four MTCO<sub>2e</sub> per capita employed for this EIR.<sup>5</sup> To meet the interpolated CARB Scoping Plan efficiency target of four MTCO<sub>2e</sub> per capita, the City would need to further reduce its GPU Year 2040 GHG emissions presented in Table 4.8-5 by approximately 105,750 MTCO<sub>2e</sub>.

*SCAG 2020 RTP/SCS*

The primary goal of SCAG's 2020-2045 RTP/SCS is to reduce GHG emissions from automobiles and light trucks by 19% per capita by 2035. Table 4.8-6 (Transportation GHG Emissions and VMT Per Capita), below, compares the existing 2019 and 2040 VMT and transportation-related GHG emissions per capita in the Planning Area.

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<sup>5</sup> The GPU plans for growth through Year 2040. Therefore, the 2040 statewide efficiency metric is linearly derived from the State's 2030 (6 MTCO<sub>2e</sub> per capita) and 2050 (2 MTCO<sub>2e</sub> per capita) targets.

**Table 4.8-6  
Transportation GHG Emissions and VMT Per Capita**

<b>Metric</b>	<b>2019</b>	<b>2040 Growth</b>	<b>Percent Change</b>
<b>GPU Unmitigated VMT and Transportation GHG</b>			
Population	141,102	161,291	+14%
Annual VMT	1,991,622,809	2,042,308,058	+3%
Annual VMT per capita	14,115	12,662	-10%
Transportation GHG	874,557	635,939	+16%
Transportation GHG per capita	6.2	3.9	-36%
<b>GPU Mitigated VMT and Transportation GHG</b>			
Population	141,102	161,291	+14%
Annual VMT <sup>(A)</sup>	1,991,622,809	1,944,852,672	-2%
Annual VMT per capita	14,115	12,058	-15%
Transportation GHG	874,557	607,043	+16%
Transportation GHG per capita	6.2	3.8	-39%
Source: Fehr and Peers, 2021 and MIG, 2021 (see Appendix D of the EIR)			

As shown in Table 4.8-6, under unmitigated 2040 conditions, the proposed GPU would result in an approximately 10 percent reduction in VMT per capita and an approximately 36 percent reduction in transportation GHG per capita, as compared to 2019 conditions. Year 2005 conditions are not known but are presumed to have a higher (i.e., less efficient) per capita consumption value than 2019 conditions. Under mitigated 2040 conditions, the proposed GPU would result in an approximately 15 percent reduction in VMT per capita and an approximately 39 percent reduction in transportation GHG per capita, as compared to 2019 conditions.

Although the GPU would result in a per capita transportation GHG emission reduction that would exceed the 2040 goal identified by CARB (21 percent reduction in transportation GHG emissions per capita as compared to 2005 conditions), the GPU would be inconsistent with the SCAG 2020 RTP/SCS because the growth envisioned in the GPU exceeds the growth envisioned in the SCAG 2020 RTP/SCS. As shown in Table 4.3-6 of the Air Quality Section, the GPU's growth far exceeds the population growth assumptions contained in the SCAG 2016 RTP/SCS. The GPU's increase in population (approximately 20,190 people) in the Planning Area by 2040 also exceeds the 2020 RTP/SCS population growth assumptions for the City (+11,800 people from 2016 to 2045); however, the GPU's increase in employment in Planning Area (approximately 1,400 workers) is within the 2020 RTP/SCS employment growth assumption (+3,000 workers from 2016 to 2045).

Since the growth envisioned in the GPU is inconsistent with the conditions under which the SCAG 2020 RTP/SCS was developed, the additional, transportation-related GHG emissions generated as a result of GPU implementation could exceed that considered during development of the SCAG 2020 RTP/SCS. As such, the overall, per capita transportation GHG emission reductions that would need to be achieved by the GPU would have to far exceed those originally identified for the region by CARB (i.e., more growth in the GPU means more emissions, therefore a greater reduction would have to occur in the city for the per capita transportation GHG emissions to meet the same mass emissions benchmark).

As discussed above the GPU's unmitigated GHG emissions would: 1) not be consistent with the CARB Scoping Plan's interpolated per capita GHG efficiency metric. This is considered a **potentially significant** impact. As discussed under Impact GHG-1 the proposed Project would be required to implement Mitigation Measures AQ-2, GHG-1, GHG-2, and VMT-1, VMT-2, and VMT-3, which would reduce GHG emissions in the city. However, these measures do not reduce GHG emissions to levels that meet the interpolated GHG emissions efficiency metric of four MTCO<sub>2e</sub> per capita associated with the CARB 2017 Scoping Plan. Therefore, the GPU would conflict with the overarching goal of the CARB Scoping Plan, which is designed to achieve the State's 2030 GHG reduction goal and set the State's course for meeting additional, future GHG emission reduction goals. This impact would be **significant and unavoidable**.

### **Finding**

Based on substantial evidence in the EIR and the public record the City Council finds that the Project would conflict with the CARB 2017 Scoping Plan, which was adopted for the purposes of reducing the emissions of greenhouse gases, and that even with the application of all feasible mitigation measures such impacts would remain significant and unavoidable. As described in the Statement of Overriding Considerations in Section 7, specific social, economic, and environmental benefits of the project outweigh the identified potential unavoidable significant impacts.

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### **Impact GHG-3 – Would the GPU cause substantial adverse cumulative impacts with respect to greenhouse gases?**

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#### **Substantial Evidence**

The increase in Greenhouse Gas emissions is considered a worldwide impact and the impacts generated by a single project would not generate enough GHG emissions to influence global climate change. As outlined in Impacts GHG-1 and GHG-2, the Project would result in GHG emissions that would exceed the significance thresholds applied in the General Plan Update EIR and would conflict with the CARB2017 Climate Change Scoping Plan. Even with the application of mitigation measures (AQ-2, GHG-1, GHG-2, and VMT-1, VMT-2, and VMT-3), the impact generated would still be considered significant and unavoidable.

### **Finding**

Based on substantial evidence in the EIR and the public record the City Council finds that the Project would cause substantial adverse cumulative impacts with respect to greenhouse gases, and that even with the application of all feasible mitigation measures such impacts would remain significant and unavoidable. As described in the Statement of Overriding Considerations in Section 7, specific social, economic, and environmental benefits of the project outweigh the identified potential unavoidable significant impacts.

## Transportation

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### Impact TRANS-2 Would the GPU conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)?

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#### Substantial Evidence

Senate Bill 743 (SB 743) was passed by the legislature and signed into law by the governor in the fall of 2013 which identified that congestion or delay-based metrics such as roadway capacity and Level of Service (LOS) will no longer be the performance measure used for determining transportation impacts of projects. Rather, the new performance measure such as Vehicle Miles Traveled (VMT) will be used. The VMT growth associated with both land use and transportation projects is part of the adopted regional transportation plans (RTPs), regional transportation plans/sustainable communities strategies (RTP/SCSs), and general plans. The plans typically consider the acceptability of VMT growth at a cumulative or programmatic level.

The Project (General Plan Update) went through a detailed analysis and the methodology for determining VMT transportation impacts was obtained from the City of Whittier's Transportation Study Guidelines (TSG) which outlines the following process for performing a VMT analysis:

- 1) Determine if VMT analysis is necessary by comparing project characteristics for each land use to the City's screening criteria;
- 2) If a project component does not meet the screening criteria, perform VMT analysis for the component(s) that do not meet the screening criteria to determine that component's VMT (using the appropriate metric based on land-use type).
- 3) Compare the project component VMT to the significance criteria to determine if there is VMT transportation impact.
- 4) If there is an impact, identify mitigation measures to reduce the project impact.

The Southern California Association of Government (SCAG) Regional Travel Demand Model (hereinafter, "*SCAG Model*"), to estimate a project's VMT. VMT is presented in numerous different forms depending on the analysis being conducted. "Home-Based VMT" per capita is used for residential projects and "Home-Based Work VMT" per employee for office projects. For general plans, Total VMT per service population is used to determine potential impacts. The VMT for the GPU included "project generated VMT" for the project Transportation TAZs and project effect on VMT estimates under the conditions consisting of the existing/baseline 2019 conditions, the cumulative base 2040 conditions which represent the 2016-2040 SCAG Regional Transportation Plan/Sustainable Communities Strategies (RTP/SCS) and the Cumulative Plus Project 2040 Conditions represent the updated General Plan scenario.

Based on State guidance and the City's impact thresholds, as outlined in Table 4.17-8 of the EIR (shown below), the City will achieve double a 15 percent reduction for Total VMT per Service Population trips, in addition, Table 4.17-8 also shows that by 2040 the City will not quite achieve a 15 percent or more reduction for two of the major trip types which are expected to occur within the City; Home-Based VMT per Capita (14.5) and Home-Based Work VMT per Employee (14.7) criteria. Although the total service population VMT achieves the 15 percent reduction; however,

to err on the side of caution, this is still considered a potentially significant impact which would require mitigation.

**Table 4.17-8  
2040 Plus Project VMT Compared to 2040 Baseline**

<b>VMT Metrics</b>	<b>2040 Base</b>	<b>2040 Plus Project</b>	<b>Percent Difference</b>
Total VMT per Service Population	29.5	30.0	1.6%
Home-Based VMT per Capita	14.7	14.5	-1.5%
Home-Based Work VMT per Employee	14.5	14.7	0.8%
Source: Table 5, F&P 2021			

All three VMT metrics (i.e., Baseline VMT and Thresholds, 2040 Plus Project VMT Compared to Existing Baseline, and 2040 Plus Project VMT Compared to 2040 Baseline) were analyzed and it was determined that all three VMT metrics perform better than the City’s baseline. The State’s guidance and the City’s adopted VMT approach required that the VMT metrics would need to perform 15 percent better than the City’s baseline average to not exceed the significant impact threshold. Mitigation strategies for Home-Based VMT per Capita and Total VMT per Service Population analyzed strategies to expand local transit, bicycle master plans, and telecommuting/alternative work schedules. Based on the analysis performed, it has been determined that the City cannot achieve a 15 percent or more reduction in VMT at this time even with implementation of all feasible mitigation strategies. The proposed Project is not consistent with the State guidance and the City’s own VMT impact thresholds.

The proposed GPU does not meet the total service area VMT reduction goal of 15 percent established in the Mobility and Infrastructure Element of the Whittier General Plan, therefore its VMT impacts are significant and adverse even with the implementation of all feasible mitigation measures. In addition, uncertainty about funding availability with respect to the timing of implementation and construction of the improvements outlined in the mitigation measures make it difficult to gauge the efficiency of these measure in advance of the 2040 time horizon for the GPU.

*Mitigation Measures*

**VMT-1 Expand Local Transit.** The City shall seek ways to expand local transit services including but not limited to: (1) adding shuttle routes connecting several destinations such as Uptown Whittier, the Groves, the proposed Lambert Road/Washington Boulevard Station of the Eastside Transit Corridor Phase 2 (L Line, formerly Gold Line), the Quad, and Whittier College; and (2) expand local shuttle operations that would occur on weekdays during on-/off-peak hours, with 15-minute headways and a route and stops serving several areas and key destinations.

**VMT-2 Bicycle Master Plan.** The City shall investigate ways to achieve “early buildout” of the bicycle and pedestrian facility network proposed in the City’s Bicycle Master Plan and General Plan. These actions would be in addition to completion of the Whittier Greenway Trail to the eastern City limit for which the City has already designed and secured funding. Such actions would help reduce Total VMT per service population because any trip, whether for employment, residential, or other trip purposes, that shifts to utilizing the bicycle or pedestrian network would lead to a reduction in VMT.

**VMT-3 Telecommuting/Alternative Work Schedules.** The City will develop specific policies and incentives to encourage telecommuting and alternative work schedules (similar to the shift to telecommuting from Covid-19 and continuing advances in technology). These actions would be applied to selected employment categories such as professional employees and would not be applied to certain other employment categories (e.g., retail employees would still continue to work on-site). For example, the Fehr & Peers Study examined up to one day a week of telecommuting which would reduce the number of commute trips and therefore reduce the total and per capita VMT traveled by employees in that employment category.

**Finding**

Based on substantial evidence in the EIR and the public record the City Council finds that the Project would be inconsistent with CEQA guidelines section 15064.3, subdivision (b), and that even with the application of all feasible mitigation measures such impacts would remain significant and unavoidable. As described in the Statement of Overriding Considerations in Section 7, specific social, economic, and environmental benefits of the project outweigh the identified potential unavoidable significant impacts.

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**Impact TRANS-5 – Would the GPU cause substantial adverse cumulative impacts with respect to transportation and traffic?**

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**Substantial Evidence**

The traffic study prepared for the General Plan Update (GPU) evaluated the cumulative VMT impacts in 2040 and determined that the City will achieve greater than a 15 percent reduction for cumulative Home-Based VMT per Capita trips (-17%) and Home-Based Work VMT per Employee trips (-21%) by 2040 with mitigation. The GPU would not quite achieve a 15 percent or greater reduction for Total VMT per Service Population trips (-13 percent) by 2040 even with mitigation (see Table 4.17-9).

**Table 4.17-9  
2040 Plus Project VMT With Mitigation**

<b>VMT Metrics</b>	<b>2040 Plus Project</b>	<b>2040 Plus Project with Mitigation</b>	<b>Percent Difference</b>
Total VMT per Service Population	30.0	28.6	-13%
Home-Based VMT per Capita	14.5	13.5	-17%
Home-Based Work VMT per Employee	14.7	14.2	-21%
Source: Table 7, F&P 2021			

The Traffic Study also analyzed the cumulative conditions in terms of traffic volumes against City Mobility and Infrastructure Element standards, which analyzed the expected changes in traffic over existing conditions from ambient growth in existing traffic volumes due to the effects of overall regional growth and development outside the Planning Area. The overall negative growth factor between the existing base and future year no project scenario is attributable to future regional transportation network improvements and transportation demand management (TDM) factors. The TDM factors are consistent with the planned and regional projects and the SCAG RTP/SCS.

Impact TRA-2 above concluded the GPU would have a significant and unavoidable VMT impact even with recommended mitigation (see **Mitigation Measures VMT-1 through VMT-3**). Therefore, the GPU would also make an incremental but significant contribution to a regional (cumulative) VMT impact and would not be fully consistent with the General Plan (Mobility and Infrastructure Element) in that regard.

**Finding**

Based on substantial evidence in the EIR and the public record the City Council finds that the Project would result in substantial and significant adverse cumulative impacts with respect to transportation and traffic and that even with the application of all feasible mitigation measures such impacts would remain significant and unavoidable. As described in the Statement of Overriding Considerations in Section 7, specific social, economic, and environmental benefits of the project outweigh the identified potential unavoidable significant impacts.

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## 6 ALTERNATIVES

This section contains a discussion of the alternatives considered and rejected in the Whittier General Plan Update DEIR, including the No Project - Existing General Plan Development Capacity Alternative (Alternative 1); the Reduced (25%) Overall Development Alternative (Alternative 2); and the Reduced (40%) Residential Alternative (Alternative 3). Since the Whittier General Plan Update focuses on methods to redevelop and improve the entire Plan area, considering alternatives at different locations outside Whittier is not practical or necessary. Therefore, no off-site alternatives were evaluated.\

### Project Objectives

In accordance with CEQA Guidelines section 15126.6(a), this EIR does not evaluate every conceivable alternative. A feasible range of alternatives that will allow decision-makers to make a reasoned choice and that meet most of the Project's guiding principles has been evaluated.

The project guiding principles are:

1. Promote healthy and safe neighborhoods with comprehensive approaches that consider best practices around land use, mobility, housing, environmental justice, community services, and design.
2. Create new housing opportunities for a full range of housing types and to increase housing affordability.
3. Strengthen the City's industrial and office sectors.
4. Support a diversified economy with a balance of small and large businesses across a broad range of industries that provide employment, commercial, and experiential opportunities.
5. Strive for a vibrant uptown, celebrates local entrepreneurship, features our civic institutions, and encourages downtown living within a vibrant gathering place for the community.
6. Create an interconnected, active transportation system that recognizes and responds to the critical needs of businesses to move commerce while accommodating the equally important necessity for pedestrians, cyclists, transit users, and motorists to move around the City with convenience and ease.
7. Engage residents and stakeholders in ensuring equitable and inclusive processes, policies, investments, and service systems. Ensure residents in disadvantaged communities have access to healthy foods, parks, mobility options activity, public programs, and safe homes.
8. Protect people, infrastructure, and community assets from evolving climate threats and vulnerabilities, and from natural and human-caused hazards.

### ***Alternative 1: No Project -Existing General Plan Development Capacity***

#### **Substantial Evidence**

The No Project/Existing General Plan Alternative (No Project Alternative) assumes that development would occur within the Planning Area, but only in the locations and at the densities allowed or anticipated under the 1993 General Plan.

The No Project Alternative assumes a continuation of the existing 1993 General Plan. As this alternative would result in a reduction in the amount of development, and would not include any

of the updated goals and policies included in the GPU, it would generally meet the following project objectives, but not at the same level as the Project:

1. Promote healthy and safe neighborhoods with comprehensive approaches that consider best practices around land use, mobility, housing, environmental justice, community services, and design.
2. Create new housing opportunities for a full range of housing types and to increase housing affordability.
3. Strengthen the City's industrial and office sectors.
4. Support a diversified economy with a balance of small and large businesses across a broad range of industries that provide employment, commercial, and experiential opportunities.
5. Strive for a downtown that showcases the City's rich history, celebrates local entrepreneurship, features our civic institutions, and encourages downtown living within a vibrant gathering place for the community.
6. Create an interconnected, active transportation system that recognizes and responds to the critical needs of businesses to move commerce while accommodating the equally important necessity for pedestrians, cyclists, transit users, and motorists to move around the City with convenience and ease.
7. Engage residents and stakeholders in ensuring equitable and inclusive processes, policies, investments, and service systems. Ensure residents in disadvantaged communities have access to healthy foods, parks, mobility options activity, public programs, and safe homes.
8. Protect people, infrastructure, and community assets from evolving climate threats and vulnerabilities, and from natural and human-caused hazards.

## **Finding**

Given the foregoing facts, as more fully delineated in the Project EIR, this City Council finds that the No Project - Existing General Plan Development Capacity Alternative is less desirable than the proposed Project and therefore rejects the alternative. Public Resources Code § 21081(a)(3); CEQA Guidelines, §15091(a)(3).

### **Alternative 2: Reduced (25%) Overall Development Substantial Evidence**

The Reduced Overall Development Alternative assumes that overall development associated with the Project would be reduced by twenty-five percent. This alternative assumes that policies and goals associated with the General Plan Update would be applicable to development under this alternative.

The Reduced Overall Development Alternative assumes a general twenty-five percent reduction of development within the Planning Area when compared to the Project. Additionally, goals and policies within the GPU would be applicable to this alternative. This alternative would generally meet the following project objectives, similar to the Project:

1. Promote healthy and safe neighborhoods with comprehensive approaches that consider best practices around land use, mobility, housing, environmental justice, community services, and design.
2. Create new housing opportunities for a full range of housing types and to increase housing affordability.
3. Strengthen the City's industrial and office sectors.
4. Support a diversified economy with a balance of small and large businesses across a broad range of industries that provide employment, commercial, and experiential opportunities.
5. Strive for a downtown that showcases the City's rich history, celebrates local entrepreneurship, features our civic institutions, and encourages downtown living within a vibrant gathering place for the community.
6. Create an interconnected, active transportation system that recognizes and responds to the critical needs of businesses to move commerce while accommodating the equally important necessity for pedestrians, cyclists, transit users, and motorists to move around the City with convenience and ease.
7. Engage residents and stakeholders in ensuring equitable and inclusive processes, policies, investments, and service systems. Ensure residents in disadvantaged communities have access to healthy foods, parks, mobility options activity, public programs, and safe homes.
8. Protect people, infrastructure, and community assets from evolving climate threats and vulnerabilities, and from natural and human-caused hazards.

## **Finding**

Given the foregoing facts, as more fully delineated in the Project EIR, this City Council finds that the Reduced Overall Development Alternative is less desirable than the proposed Project and therefore rejects the alternative. Public Resources Code § 21081(a)(3); CEQA Guidelines, §15091(a)(3).

### ***Alternative 3: Reduced (40%) Residential***

#### **Substantial Evidence**

The Reduced Residential Alternative assumes that residential development would be restricted to areas included in already approved Specific Plans or urbanized areas that include existing infrastructure. This would result in a substantial reduction in residential and population growth; non-residential and hotel/motel development would be similar to the Project. not associated with this alternative. This alternative assumes that policies and goals associated with the General Plan Update would be applicable to development under this alternative.

The Reduced Residential Alternative assumes a reduction in residential development population growth within the Planning Area, but a similar level of non-residential growth as associated with

the Project. This alternative assumes GPU goals and policies would be applicable. It would generally meet the following project objectives, similar to the Project:

1. Promote healthy and safe neighborhoods with comprehensive approaches that consider best practices around land use, mobility, housing, environmental justice, community services, and design.
2. Create new housing opportunities for a full range of housing types and to increase housing affordability.
3. Strengthen the City's industrial and office sectors.
4. Support a diversified economy with a balance of small and large businesses across a broad range of industries that provide employment, commercial, and experiential opportunities.
5. Strive for a downtown that showcases the City's rich history, celebrates local entrepreneurship, features our civic institutions, and encourages downtown living within a vibrant gathering place for the community.
6. Create an interconnected, active transportation system that recognizes and responds to the critical needs of businesses to move commerce while accommodating the equally important necessity for pedestrians, cyclists, transit users, and motorists to move around the City with convenience and ease.
7. Engage residents and stakeholders in ensuring equitable and inclusive processes, policies, investments, and service systems. Ensure residents in disadvantaged communities have access to healthy foods, parks, mobility options activity, public programs, and safe homes.
8. Protect people, infrastructure, and community assets from evolving climate threats and vulnerabilities, and from natural and human-caused hazards.

## **Finding**

Given the foregoing facts, as more fully delineated in the Project EIR, this City Council finds that the Reduced Residential Alternative is less desirable than the proposed Project and therefore rejects the alternative. Public Resources Code § 21081(a)(3); CEQA Guidelines, §15091(a)(3).

## 7 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires that a Lead Agency balance the benefits of a project against its adverse and unavoidable effects in determining whether to approve the project. If the benefits outweigh the unavoidable adverse effects, those effects may be considered “acceptable” pursuant to State CEQA Guidelines Section 15093(a). CEQA requires that a Lead Agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the Environmental Impact Report (EIR) or elsewhere in the administrative record pursuant to State CEQA Guidelines Section 15093(b). The Lead Agency’s written reasons are referred to as a Statement of Overriding Considerations. For those significant impacts that cannot be mitigated to below a level of significance, the Lead Agency is required to find that the specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant impacts on the environment.

Regarding a Statement of Overriding Considerations, Section 15093 of the CEQA Guidelines provides the following:

1. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits including region-wide or statewide environmental benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits including region-wide or statewide environmental benefits or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
2. When the lead agency approves a project that will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
3. If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The City will approve the Whittier General Plan Update and Zoning Amendments and has prepared a Final EIR that satisfies the requirements of CEQA. The following adverse impacts of the project are considered significant and unavoidable based on the analysis in the Draft EIR (DEIR), Final EIR (FEIR), and the Findings of Fact.

- Impact AIR-1: Conflict with or Obstruct Implementation of Applicable Air Quality Plans because it would exceed the growth assumption of the 2016 South Coast Air Quality Management Plan (AQMP), and Nitrogen Oxides (NOx) emissions would exceed SCAQMD’s regional threshold, thereby impeding AQMP attainment.
- Impact AIR-2: Result in a cumulatively considerable net increase of non-attainment criteria pollutants for which the project region is in non-attainment (including NOx).

*Findings of Fact and Statement of Overriding Considerations*

- Impact AIR-3: Expose sensitive receptors to substantial pollutant concentrations.
- Impact AIR-5: Cause adverse substantial adverse cumulative impacts with respect to air quality (Cumulative Impact).
- Impact GHG-1: Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.
- Impact GHG-2: Conflict with the growth assumptions of the SCAG 2020 RTP/SCS.
- Impact GHG-3: Cause a substantial adverse cumulative impact with respect to greenhouse gas emissions (Cumulative Impact).
- Impact TRANS-2: Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), related to Vehicle Miles Travelled (VMT).
- Impact TRANS-5: Cause substantial adverse cumulative impacts with respect to transportation and traffic.

The City has determined that the unavoidable adverse environmental impacts identified above are acceptable because those impacts are outweighed by the economic, social, technological, and other benefits of the Project, listed below.

- The project will allow the City to accommodate its Regional Housing Needs Allocation and comply with State Housing Element legal requirements.
- The project will increase badly needed housing opportunities and provide a wide range of housing types. This positive effect on housing will contribute to housing affordability in Whittier.
- The project will maintain the City's economic viability and productivity over the long term by encouraging an efficient and sustainable pattern of development.
- The project increases the potential for employment generating uses, thereby increasing employment opportunities within Whittier.
- The project provides for a dynamic mix of businesses, uses, and employment that sustains a strong local economy, with design qualities that contribute to their success.
- The project provides for the development and maintenance of a citywide bicycle network of off-street bike paths, on-street bike lanes, and bike streets. Including.
- The project supports a connected, balanced, integrated, safe, and multi-modal transportation system that accommodates all travel options.
- The project promotes the use of transit within the City as a means of reducing local traffic congestion, achieving greenhouse gases reduction targets, and connecting the community physically and socially.

- The project includes energy efficiency and conservation measures that reduce air pollution and greenhouse gas emissions.
- The project will increase the potential for retail and other revenue-generating land uses for the City.
- The project will concentrate mixed-use development at designated nodes and catalyst sites along Whittier Boulevard and Lambert Road to provide opportunities for clustering similar and compatible uses, support economic development, create and maintain vibrant pedestrian-oriented spaces and experiences and reduce VMT and greenhouse gas emissions.
- The project will promote development surrounding the Metro L Line station that provides transit-supportive housing types/densities and businesses that contribute to a lively living environment and reduce VMT and Greenhouse Gas emissions.
- The project will establish development standards and design guidelines that promote high-quality project designs that are attractive, functional, and create a sense of place.

The City Council hereby finds that the foregoing benefits provided to the public through the approval of the project outweigh the identified significant adverse environmental impacts of the project that cannot be mitigated. The City Council finds that each of the Project benefits separately and individually outweighs all of the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable. The City Council further finds that no feasible alternative exists that both would provide all of the foregoing benefits to the public and reduce environmental impacts when compared to the Project.

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