

The logo for the South Western Council of Air Quality (SWCA) is positioned on the left side of the page. It consists of the letters 'S', 'W', 'C', and 'A' stacked vertically in a large, light blue, serif font. The letters are partially cut off by the left edge of the page.

# 1642 South Central Avenue Project Final Environmental Impact Report SCH# 2021060219

NOVEMBER 2022

PREPARED FOR  
**City of Glendale**

PREPARED BY  
**SWCA Environmental Consultants**

## CONTENTS

<b>Chapter 1. Introduction .....</b>	<b>1-1</b>
1.1 Purpose .....	1-1
1.2 Proposed Project Summary .....	1-1
1.3 Organization of the Final EIR .....	1-1
1.4 Environmental Review Process .....	1-2
1.5 Public Decision-Making Process .....	1-3
1.6 Summary of Impacts and Mitigation Measures .....	1-3
<b>Chapter 2. Responses to Comments on the Draft Environmental Impact Report .....</b>	<b>2-1</b>
2.1 Overview of Chapter 2 .....	2-1
2.2 Organization and Table of Comment Letters .....	2-1
2.3 Comments and Responses .....	2-1
2.3.1 Letter from The Glendale Historical Society, John Schwab-Sims, dated April 22, 2022 .....	2-1
2.3.2 Letter from the Southwest Regional Council of Carpenters, represented by Ronald Giang of Mitchel Tsai, dated April 22, 2022 .....	2-24
<b>Chapter 3. Response to Comments on the Partially Recirculated Draft Environmental Impact Report .....</b>	<b>3-1</b>
3.1 Overview of Chapter 3 .....	3-1
3.2 Organization and Table of Comment Letters .....	3-1
3.3 Comments and Responses .....	3-1
3.3.1 Letter from the Southwest Regional Council of Carpenters, represented by Ronald Giang of Mitchel Tsai, dated September 13, 2022 .....	3-1
<b>Chapter 4. Revisions to Draft EIR and PR-DEIR .....</b>	<b>4-1</b>
4.1 Section 1.0 Introduction .....	4-1
4.2 Section 2.3 Description of Project .....	4-1
4.3 Section 3.2 Cultural Resources .....	4-1
<b>Chapter 5. Report Preparers .....</b>	<b>5-1</b>
5.1 Lead Agency .....	5-1
5.2 Consultants .....	5-1

## Tables

Table 1-1. Summary of Project Impacts Identified in the Draft EIR and PR-DEIR .....	1-5
Table 2-1. Comment Letters Received on the 1642 South Central Avenue Project Draft EIR .....	2-1
Table 3-1. Comment Letters Received on the 1642 South Central Avenue Project PR-DEIR .....	3-1

## Appendices

Appendix A: Notice of Preparation of an Environmental Impact Report, June 10, 2021
Appendix B: Initial Study
Appendix C: Historic Resources Assessment, prepared by SWCA, August 2021
Appendix D: Noise and Vibration Study, prepared by LSA, July 2022
Appendix E: Sanborn Fire Insurance Maps, 1919 and 1925

*This page intentionally left blank.*

# CHAPTER 1. INTRODUCTION

## 1.1 PURPOSE

The City of Glendale (City), the Lead Agency for the 1642 South Central Avenue Project (Project), prepared this Final Environmental Impact Report (Final EIR) in compliance with the provisions of the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) and the CEQA Guidelines (California Code of Regulations Title 14, §15000 et seq.).

As required by State CEQA Guidelines §15132, this Final EIR includes the following information:

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

## 1.2 PROPOSED PROJECT SUMMARY

The Project site is located at 1642 South Central Avenue, within the Tropico neighborhood of the City of Glendale (APN 5640-029-014). The Project site is a 0.23-acre rectangular parcel and is bounded to the north by South Central Avenue, to the west by Gardena Avenue, to the east by an industrial building constructed in 1985, and to the south by a single-family residence constructed in 1947.

The Project site is zoned SFMU (Commercial/Residential Mixed Use) and has been developed with two residential buildings (1642 South Central Avenue and 1608 Gardena Avenue) and a detached garage. The residence located at 1642 South Central Avenue was constructed in 1913, and a second residence located on the same lot but with the address of 1608 Gardena Avenue was constructed in 1920. The Project would demolish both residential buildings and the garage and construct a new 40,240-square-foot, five-story, 31-unit, rental housing building. Parking would be provided in a 16-space one-level subterranean garage. In accordance with Government Code §65915 and Glendale Municipal Code §30.36 (Density Bonus Incentives), three of the residential units would be reserved for very-low-income households.

## 1.3 ORGANIZATION OF THE FINAL EIR

The Final EIR includes the following chapters:

- **Chapter 1** contains an overview of the environmental review process and introduction to the Final EIR.
- **Chapter 2** contains a list of persons, organizations, and public agencies commenting on the Draft EIR; copies of comments received on the Draft EIR; and responses to significant environmental points raised in the review and communication process.



- **Chapter 3** contains a list of persons, organizations, and public agencies commenting on the Partially Recirculated Draft EIR (PR-DEIR); copies of comments received on the PR-DEIR; and responses to significant environmental points raised in the review and communication process.
- **Chapter 4** contains the revisions to the non-recirculated portions of the Draft EIR and the PR-DEIR, based on comments received during and after the public review period and based on staff-initiated text changes.
- **Chapter 5** contains a list of report preparers.

It should be noted that while this Final EIR separates the comments received on the Draft EIR and PR-DEIR, the responses have been crafted based on the most updated information, which could pull from the Draft EIR or the PR-DEIR or a combination of the two, depending on the content of the comment. Specifically, comments related to noise and vibration, alternatives, and the environmental topics covered by the PR-DEIR are responded to using the updated information and revised analyses contained in the PR-DEIR. Comments related to all other topic areas are responded to using the analyses and information included in the Draft EIR. Therefore, both the Draft EIR and PR-DEIR are referenced in the responses to the comments included in Chapters 2 and 3.

## 1.4 Environmental Review Process

CEQA Guidelines §15080 to 15097 set forth the EIR process, which includes multiple phases involving notification and input from responsible agencies and the public. The main steps in this process are described below.

On June 10, 2021, the City published an NOP (Appendix A) that announced its intent to solicit public comments on the scope of the environmental analysis and to prepare and distribute an EIR on the 1642 South Central Avenue Project. The City mailed the NOP to the State Clearinghouse and relevant state and regional agencies; occupants of adjacent properties; property owners and occupants within 300 feet of the Project site; and other potentially interested parties, including neighborhood organizations and others that have requested such notice. Publication of the NOP initiated a 30-day public review and comment period that ended on July 12, 2021. During the NOP public scoping period, the City received a total of two comments: one from the Native American Heritage Commission and one from the Glendale Historic Society. The NOP and comments received during the public review and comment period are contained in Appendix A.

In accordance with CEQA Guidelines §15088.5(d) and 15088.5(f)(3), the City notified all responsible and trustee agencies, interested groups, and individuals that the Draft EIR had been completed and was available for public review and comment. The City published the Draft EIR for a 30-day public review and comment period, from March 24, 2022, until April 22, 2022. The City received two comments during the public comment period. Following the release of the Draft EIR, new information was obtained regarding an occupied residence that is closer to the Project site than was assumed in the Draft EIR's analysis of construction noise and vibration impacts. Using this new information, the analysis of construction noise and vibration impacts showed different results, compared with those presented in the Draft EIR, including two new significant impacts not identified in the Draft EIR. These changes were determined to meet the CEQA Guidelines §15088.5 criteria concerning disclosure of a new significant environmental impact and a substantial increase in the severity of an environmental impact. Therefore, the City determined that the portions of the Draft EIR related to noise and vibration should be revised and that the partial revision to the Draft EIR (Partially Recirculated Draft EIR (PR-DEIR)) should be recirculated for public comment.

The City published the PR-DEIR for a 30-day public review and comment period from August 15, 2022 to September 14, 2022. The PR-DEIR contained revisions to Section 3.2, Noise and Vibration; Chapter 4, Alternatives; and the Mitigation and Monitoring Reporting Program (MMRP) of the Draft EIR, which were affected by the changes made in the updated Noise and Vibration Study Report (Appendix D). The City received one comment during the PR-DEIR public comment period.

## 1.5 PUBLIC DECISION-MAKING PROCESS

As part of the City's demolition clearance and design review process involving historical resources, the Final EIR will be considered by the Historic Preservation Commission (HPC) in a publicly noticed meeting, and then certified as a Final EIR, if deemed adequate. Prior to considering certification of the Final EIR pursuant to CEQA Guidelines §15090, and approving the Project, the HPC will consider the information in the Final EIR in their deliberations on whether to approve, modify, or deny the Project or aspects of the Project. If the Historic Preservation Commission certifies the Final EIR and approves the Project, their certification action must include written Findings of Fact that identify significant Project-related impacts that would result from the Project; discuss mitigation measures or alternatives that have been adopted to reduce significant impacts to less-than-significant levels; and explain reasons for rejecting mitigation measures or alternatives if any are infeasible for legal, social, economic, technological, or other reasons.

The HPC must also adopt a Mitigation Monitoring and Reporting Program (MMRP) as part of the adoption of the CEQA findings and project approvals. The MMRP identifies the measures included in the Project or imposed by the decision-makers as conditions of approval, the entities responsible for carrying out the measures, and the timing of implementation. If significant unavoidable impacts would remain after all feasible mitigation measures are implemented, the approving body, if it elects to approve the Project, must adopt a Statement of Overriding Consideration that makes factual findings and determinations concerning how the Project benefits would outweigh the significant environmental impacts.

## 1.6 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table 1-1 below summarizes the impacts and associated mitigation measures identified in the Draft EIR and PR-DEIR.

The table has four columns: the identified impact under each significance threshold; the level of significance prior to implementation of mitigation; mitigation measures that would avoid or reduce the level of impacts; and the level of significance after implementation of mitigation measures. The levels of significance of impacts before and after implementation of applicable mitigation measures are identified as follows:

- **No Impact (NI)** – No adverse changes (or impacts) to the environment are expected.
- **Less Than Significant (LTS)** – Impact that would not exceed the defined significance criteria or would be eliminated or reduced to a less-than-significant level through compliance with existing local, state, and federal laws and regulations.
- **Less Than Significant with Mitigation (LTSM)** – Impact that is significant but reduced to a less-than-significant level through implementation of the identified mitigation measure(s).
- **Significant and Unavoidable (SU)** – Impact that exceeds the defined significance criteria and cannot be eliminated or reduced to a less-than-significant level through compliance with existing

local, state, and federal laws and regulations, and for which there are no feasible mitigation measures that would bring the level to LTSM.

Table 1-1. Summary of Project Impacts Identified in the Draft EIR and PR-DEIR

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
<i>Legend:</i> NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; LTSM = Significant but mitigable to less than significant impact; SU = Significant and unavoidable adverse impact, no feasible mitigation; N/A = Not Applicable			
<b>Section 3.1, Cultural Resources (Historic Architectural Resources)</b>			
<b>CR-1:</b> The proposed Project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.	S	<p><b>Mitigation Measure M-CR-1: Documentation of Historical Resource</b></p> <p>Prior to issuance of a demolition permit, the Project applicant shall undertake Historic American Building/Historic American Landscape Survey (HABS/HALS) documentation of the building features. The documentation shall be undertaken by a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History, History, or Architecture (as appropriate) to prepare written and photographic documentation of 1642 South Central Avenue. The specific scope of the documentation shall be reviewed and approved by City staff but shall include the following elements:</p> <p><b>Measured Drawings</b> – A set of measured drawings shall be prepared that depict the existing size, scale, and dimension of the historic resource. The Project applicant shall submit original architectural drawings or an as-built set of architectural drawings (e.g., plans, sections, elevations). City staff will assist the consultant in determining the appropriate level of measured drawings.</p> <p><b>Historic American Buildings/Historic American Landscape Survey-Level Photographs</b> – Either Historic American Buildings/Historic American Landscape Survey (HABS/HALS) standard large-format or digital photography shall be used. The scope of the digital photographs shall be reviewed by City staff for concurrence, and all digital photography shall be conducted according to the latest National Park Service (NPS) standards. The photography shall be undertaken by a qualified professional with demonstrated experience in HABS/HALS photography. Photograph views for the data set shall include contextual views; views of each side of the building and interior views, including any original interior features, where possible; oblique views of the building; and detail views of character-defining features.</p> <p>All views shall be referenced on a photographic key. This photographic key shall be on a map of the property and shall show the photograph number with an arrow to indicate the direction of the view. Historic photographs shall also be collected, reproduced, and included in the data set.</p> <p>The Project applicant shall transmit such documentation to the Glendale Public Library, the Glendale Historical Society, the Community Development Department, and the South Central Coastal Information Center. The HABS/HALS documentation scope will determine the requested documentation type for the Project site and the Project applicant will conduct outreach to identify other interested groups. All documentation will be reviewed and approved by City staff before any demolition or site permit is granted for the affected historical resources.</p>	SU
<b>C-CR-1:</b> The proposed Project, in combination with related projects, would not materially alter, in an adverse manner,	LTS	No mitigation measures are required.	N/A

## 1. Introduction

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
<p><i>Legend:</i> NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; LTSM = Significant but mitigable to less than significant impact; SU = Significant and unavoidable adverse impact, no feasible mitigation; N/A = Not Applicable</p> <p>the physical characteristics of historical resources that justify their eligibility for inclusion in the California Register of Historical Resources, resulting in a cumulative impact.</p>			
<b>Section 3.2, Noise and Vibration</b>			
<b>NO-1:</b> Construction of the proposed Project would generate a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the City of Glendale Noise Ordinance or applicable standards of other agencies.	S	<p><b>Mitigation Measure M-NO-1: Construction Noise Control</b></p> <p>Prior to issuance of demolition permits, the Glendale (City) Department of Building and Safety, or designee, shall verify that all construction plans include notes stipulating the following:</p> <ul style="list-style-type: none"> <li>Grading and construction contractors shall use equipment that generates lower vibration levels, such as rubber-tired equipment rather than metal-tracked equipment.</li> <li>Construction haul truck and materials delivery traffic shall avoid <u>Local Streets and Urban, Community and Neighborhood Collectors as defined in the city's Circulation Element residential areas whenever feasible.</u></li> <li>The construction contractor shall place noise- and vibration-generating construction equipment, <u>with exception of equipment needed to complete shoring activities associated with the construction of the subterranean garage, away from sensitive uses</u> and locate construction staging areas away from sensitive uses whenever feasible.</li> <li>The construction contractor shall <u>only</u> use on-site electrical sources to power equipment rather than diesel generators <u>where feasible.</u></li> <li>The construction contractor shall ensure that a minimum 12-foot-high barrier, such as plywood structures or flexible sound control curtains, shall be erected between on the proposed project site and adjacent to the sensitive receptors to minimize the amount of noise during construction. A 12-foot-high construction noise barrier would provide approximately 12 dBA reduction to the closest residential receptors to the south.</li> <li>All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule. A sign legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicate the dates and durations of construction activities, as well as provide a telephone number for the "noise disturbance coordinator.</li> </ul>	SU
<b>NO-2:</b> Construction of the proposed Project would generate excessive groundborne vibration levels.	S	<b>Mitigation Measure M-NO-2: Construction Vibration Control</b>	SU

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
<p><i>Legend:</i> NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; LTSM = Significant but mitigable to less than significant impact; SU = Significant and unavoidable adverse impact, no feasible mitigation; N/A = Not Applicable</p>			
		<p>Prior to issuance of demolition permits, the Glendale (City) Department of Building and Safety, or designee, shall verify that all construction plans include notes stipulating the following:</p> <ul style="list-style-type: none"> <li> <del>• Maintaining Buffer Distances. Maintain a safe distance between the operation of vibration-generating construction equipment and the potentially-affected building and/or structure to avoid damage to the extent possible as presented in Table I, based on site constraints; and</del> </li> <li> <del>• Alternative Construction Equipment. To the extent feasible, the construction contractor shall use alternative construction techniques or equipment, such as hand excavation to avoid or reduce unnecessary construction vibration.</del> </li> <li>           • Prepare a Monitoring Plan. The property owner shall undertake a monitoring program to avoid or reduce project-related construction vibration damage to adjacent buildings and/or structures and to ensure that any such damage is documented and repaired. The monitoring program shall apply to all potentially affected buildings and/or structures adjacent to the project site. Prior to issuance of any demolition or building permit, the property owner shall submit the construction vibration monitoring plan to the City for approval. The monitoring plan shall include, at a minimum, the following components, as applicable:           <ul style="list-style-type: none"> <li> <del>○ <b>Vibration Analysis Refinement.</b> Once the specific construction equipment list becomes available, potential vibration damage distance contours shall be refined.</del> </li> <li> <b>○ Vibration Monitoring.</b> To ensure that construction vibration levels do not exceed the established standard, an acoustical consultant shall monitor vibration levels at each affected building and/or structure on adjacent properties when heavy construction occurs in close proximity. Based on direction from the acoustical consultant, vibratory construction activities that generate vibration levels in excess of the standard shall be prohibited.               <ul style="list-style-type: none"> <li> <b>○ Alternative Construction Techniques.</b> Should construction vibration levels be observed in excess of the established standard, the contractor(s) shall halt construction and put alternative construction techniques into practice, <del>to the extent feasible</del>. Following incorporation of the alternative construction techniques, vibration monitoring shall recommence to ensure that vibration levels at each affected building and/or structure on adjacent properties are not exceeded.                 </li> </ul> </li> <li> <b>○ Periodic Inspections.</b> A historic architect or qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on non-historic buildings and/or structures) shall conduct regular periodic inspections as specified in the vibration               </li> </ul> </li> </ul>	

## 1. Introduction

Impact	Level of Significance Before Mitigation	Mitigation and Improvement Measures	Level of Significance After Mitigation
<i>Legend:</i> NI = No Impact; LTS = Less than significant or negligible impact, no mitigation required; S = Significant; LTSM = Significant but mitigable to less than significant impact; SU = Significant and unavoidable adverse impact, no feasible mitigation; N/A = Not Applicable			
		monitoring plan of each affected building and/or structure on adjacent properties during vibration generating construction activity on the project site. Should damage to any building and/or structure occur, the building(s) and/or structure(s) shall be remediated to their pre-construction condition at the conclusion of vibration-generating activity on the site.	
<b>NO-3:</b> Operation of the proposed project would generate a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan, or applicable standards of other agencies.	LTS	No mitigation measures are required.	N/A
<b>C-NO-1:</b> Construction noise and vibration as a result of the proposed Project, combined with construction noise and vibration from cumulative projects in the vicinity, would cause a substantial temporary increase in ambient noise levels. Operation of the proposed Project, combined with operation noise from cumulative projects in the vicinity, would not cause a substantial permanent increase in ambient noise levels in the Project vicinity.	LTS	See Mitigation Measure M-NO-1: Construction Noise Control and Mitigation Measure M-NO-2: Construction Vibration Control, above.	LTS

*This page intentionally left blank.*



## CHAPTER 2. RESPONSES TO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

### 2.1 OVERVIEW OF CHAPTER 2

Chapter 2 of this Final EIR presents copies of comments on the Draft EIR received in written form during the public review period from March 24, 2022, until April 22, 2022, and provides the City's responses to those comments. Each comment letter is numbered, and the subjects within each comment letter are identified by brackets and numbers. Comment letters are followed by responses, which are numbered to correspond with the bracketed comment letters.

The City's responses to comments on the Draft EIR represent a good-faith, reasonable effort to address the environmental issues identified by the comments. Under the CEQA Guidelines, the City is not required to respond to all comments on the Draft EIR, but only to those comments that raise environmental issues (refer to CEQA Guidelines §15088[a]). Case law under CEQA recognizes that the City need only provide responses to comments that are commensurate in detail with the comments themselves. In the case of specific comments, the City has responded with specific analysis and detail; in the case of a general comment, the reader is referred to a related response to a specific comment, if possible. The absence of a specific response to every comment does not violate CEQA if the response would merely repeat other responses.

It should be noted that while the comments below were received on the Draft EIR, the responses have been crafted based on the most updated information per environmental topic, which could pull from the Draft EIR, the PR-DEIR, or a combination of the two, depending on the content of the comment.

### 2.2 ORGANIZATION AND TABLE OF COMMENT LETTERS

The City received a total of two comment letters from organizations and individuals. Table 2-1, Comment Letters Received on the Draft EIR provides a list of all comment letters received and the identification number for each letter.

**Table 2-1. Comment Letters Received on the 1642 South Central Avenue Project Draft EIR**

Agency/Entity/Individual	Name of Commenter	Date of Comment	Letter No.
The Glendale Historical Society	John Schwab-Sims	April 22, 2022	1
Attorneys for the Southwest Regional Council of Carpenters	Ronald Giang	April 22, 2022	2

### 2.3 COMMENTS AND RESPONSES

#### 2.3.1 Letter from The Glendale Historical Society, John Schwab-Sims, dated April 22, 2022

1-1 *The comment introduces the Glendale Historical Society.*

The comment is an introductory statement and does not address the adequacy of the Draft EIR or PR-DEIR. No further response is required.

- 1-2     *The comment states, “Both the property’s garage and the residence at 1608 Gardena Avenue must be considered contributing resources. The subject property is a single parcel with three contributing resources.” The commenter cites correspondence for a recent project to support this claim but does not provide a copy of the letter for reference. The commenter goes on to provide examples of guidance from National and state guidance documents that they believe are relevant to the property analysis.*

**Response:** The full quote excerpted from National Register Bulletin 16A states the following regarding the identification of contributing and non-contributing resources:

“The physical characteristics and historic significance of the overall property provide the basis for evaluating component resources. Related information about each resource, such as date, function, association, information potential, and physical characteristics, to the significance of the overall property to determine whether or not the resource contributes.

A contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archaeological values for which a property is significant because:

- It was present during the period of significance, relates to the documented significance of the property, and possess historic integrity, or is capable of yielding important information about the period; or
- It independently meets the National Register criteria.

A non-contributing building, site, structure, or object does not add to the historic architectural qualities, historic associations, or archeological values for which a property is significant because:

- It was not present during the period of significance or does not relate to the documented significance of the property;
- Due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity or is capable of yielding important information about the period; or
- It does not independently meet the National Register Criteria.”<sup>1</sup>

Based upon this guidance published by the National Park Service under National Register Bulletin No. 16A, it is clear that it is not always the case that all resources on a single, shared parcel contribute to a property’s historical significance. Specifically, a contributing resource must “add to the historic associations, historic architectural qualities” and be “present during the period significance, [relate] to the documented significance of the property, and possess historic integrity, or is capable of yielding important information.” Based upon this guidance, the commenter’s assessment that the garage and residence at 1608 Gardena Avenue “must be considered contributing resources” is incorrect and conclusory.

As outlined in the Draft EIR, the residence addressed 1642 South Central Avenue is considered individually eligible for listing in the Glendale Register under Criterion 1 for its associations with the development of the City of Tropic and has an identified period of significance (POS) of 1913, which corresponds to its time of construction and relationship with the development of that early community. Additionally, 1642 South Central Avenue is considered individually eligible for listing in the Glendale Register under Criterion 3 as an excellent example of Craftsman

---

<sup>1</sup> U.S. Department of the Interior, National Park Service, 1997. “Guidelines for Completing National Register of Historic Places Forms, Part A.” Available online at: <https://www.nps.gov/subjects/nationalregister/upload/NRB16A-Complete.pdf>

architecture. The 2021 Historic Resources Assessment prepared by SWCA (HRA) appended to the Draft EIR states that “Under the City of Glendale Criterion 1 findings of significance ..., the duplex at 1642 South Central Avenue is a rare intact example a residence constructed before Glendale annexed Tropic” (Appendix C). Therefore, the period of significance for this finding is 1913, the year 1642 South Central Avenue was constructed.

Under the City of Glendale Criterion 3 findings of significance, the HRA states that the building at 1642 South Central embodies the distinctive characteristics of Craftsman architecture. Therefore, the period of significance for this finding is 1913-1923, which reflects the year of construction (1913) and the addition (1923).” The commenter notes this POS range was identified in the HRA; however, the HRA assessment of the POS for 1642 South Central is not in fact a “range” but two separate dates. A POS “range” was not reflected in the Draft EIR, which correctly states that the POS for the building under this criterion is 1913. This has been clarified in the Final EIR. The relevant POS is 1913, which accounts for the original design and construction of the building. The 1923 addition is somewhat consistent with, and relates back to, the original 1913 construction of 1642 South Central Avenue residence. However, the 1923 addition is modest in both scale and design and is not historically significant in its own right, nor does it significantly contribute to the building’s Craftsman architecture. Its construction, therefore, is not meaningful in a manner that warrants the expansion of the 1913 POS.

Using the established guidance quoted above from National Register Bulletin No. 16A, the residence and garage at 1608 Gardena Avenue and the garage building are neither presumptively contributors, nor do they otherwise qualify as contributors to 1642 South Central Avenue, because they are not related to the historical significance of 1642 South Central Avenue. The 1608 Gardena Avenue residence and garage buildings, although on the same lot, were constructed in 1920 and 1923, respectively, after the POS for 1642 South Central Avenue and after Tropic was annexed by the City of Glendale in 1918. As such, 1608 Gardena Avenue and the garage building they do not contribute to 1642 South Central Avenue under Glendale Register Criterion 1.

With regard to Glendale Register Criterion 3, neither the garage nor the residence at 1608 Gardena Avenue appears to “relate to the documented significance” of 1642 South Central Avenue as an excellent example of Craftsman architecture. The significance of 1642 South Central Avenue under Criterion 3 is embodied through many of its character-defining features that are associated with the style. The residence and garage at 1608 Gardena Avenue do not relate specifically to 1642 South Central Avenue’s ability to convey its historical significance as an excellent example of Craftsman architecture. The demolition and removal of 1608 Gardena and the garage buildings do not materially impact 1642 South Central Avenue’s ability to convey its historicity.

Moreover, as outlined in the HRA and Draft EIR, the residence and garage at 1608 Gardena Avenue do not embody the Craftsman style in a significant manner. Their design and architectural style are different and independent from 1642 South Central Avenue, despite sharing the same parcel. As such, the residence and garage at 1608 Gardena Avenue do not contribute to 1642 South Central Avenue as an excellent example of Craftsman architecture, and do not qualify as eligible for listing in the Glendale Register under Criterion 3.

Therefore, the Project site contains three buildings, one of which (1642 South Central Avenue) is considered a historic resource. The building at 1608 Gardena and the garage are non-contributing to the identified significance of 1642 South Central Avenue as an example of Craftsman

architecture and for its associations with the early development of Tropico and are not considered individual historic resources.

- 1-3 *The comment states, “The property’s appropriate period of significance is between 1913 and 1923. Note that the category is a period rather than a year of significance” and “A single year for a period of significance when the property and its improvements evolved is excessively restrictive and two separate years, a decade apart would not meet the most basic requirements for identification of a period of significance.”*

**Response:** A “Period of significance” as defined in the Glendale Municipal Code section 30.25, and the National Register Bulletin No. 16A, is the span of time during which events and activities significant in the history and development of a [designated or pending historic district overlay zone] historic resource occurred. As illustrated in the Draft EIR and clarified in the Response to Comment 1-2 above, the POS identified for 1642 South Central Avenue is identified as 1913, which is based on the construction (e.g., “development”) of the original building on the Project site. The POS is not required to reflect a range, as suggested by the commenter, rather than the initial construction date unless subsequent changes to the site are historically significant in their own right. The commenter does not provide any evidence to support its contention that a POS range is mandated. Construction dates are often used as the POS for resources that are found significant for their architecture and design. For example, a POS related to Criteria C/3/3, which focuses on specific design or construction date, often identifies the POS solely as the date of construction. If significant alterations or additions to an original site are made over time, these too may be seen as significant if they expand upon or add to the historical meaning of the original construction. However, this is not the case for 1642 South Central Avenue.

The HRA does state that the POS for the residence at 1642 South Central Avenue is 1913-1923; however, this “range” is incorrect. The correct POS of 1913 is stated within the Draft EIR and corresponds with the significance of 1642 South Central Avenue under both Glendale Register Criteria 1 and 3. Under Criterion 3, this POS is specific to the development of the resource and its embodiment of the Craftsman style of the subject residence only and does not extend writ large to the entirety of the property, as outlined in the Response to Comment 1-2. The garage and residence buildings at 1608 Gardena Avenue were found to be not significant under Criteria 3/C/3 and have no association with the 1642 South Central Avenue building as an excellent example of early Craftsman architecture in the region. Furthermore, the POS of 1642 South Central Avenue under Glendale Register Criterion 1 as an example of early development in the City of Tropico is identified as also identified as 1913, which is when the building was constructed and reflective of this specific period of development. While an argument could be made for an expanded POS to capture all associations with the City of Tropico, this would extend to the period preceding the 1918 annexation by the City of Glendale. Both the garage and 1608 Gardena Avenue were constructed in 1923 and 1920, respectively, and are outside of the POS associated with the City of Tropico. In this instance under Criterion 1, both the garage and 1608 Gardena Avenue have no historical associations with 1642 South Central Avenue.

Therefore, the residence at 1608 Gardena and garage buildings do not appear to fall within specific City of Glendale Criteria for significance. The FEIR identifies 1913 as the POS for 1642 South Central Avenue, and its eligibility for listing in the Glendale Register of Historic Resources under Criterion 1 for its associations with the early development of Tropico (1913) and Criterion 3 as an excellent example of Craftsman architecture (1913). This clarification is reflected in Chapter 4 below.

- 1-4 *The comment provides a chronology of construction of 1642 South Central Avenue and 1608 Gardena Avenue on the project site.*

**Response:** Please refer to the Response to Comment 1-3. The comment does not address the adequacy or completeness of the Draft EIR or PR-DEIR. No further response is required.

- 1-5 *The comment states the entire property is significant. The commentator also takes issue with the unit counts for the property and suggests there should be three: two for the duplex (main residence) and one for the 1608 Gardena Ave residence and that these numbers should be considered in the Alternatives Analysis.*

**Response:** Please refer to the Response to Comment 1-2 regarding significance, contributing features, and the number of units on site. The number of residential units on the property does not have bearing on the historic significance but has been corrected in Chapter 4 below.

- 1-6 *The comment states that the Noise and Vibration Study Report (June 2020) does not accurately account for sensitive land uses in the project area because residential properties are closer to the project site than as stated in the report. The comment describes the proximity of 1616 Gardena Ave adjacent to the southern property boundary and question the assumptions regarding construction methodology to minimize noise and vibration impacts.*

**Response:** In response to this comment on the Draft EIR, the City prepared an updated Noise and Vibration Study (Appendix D) to analyze the Project's proximity to an additional sensitive receptor. The City recirculated the PR-DEIR on August 15, 2022 with the updated Noise and Vibration Study that accounts for new information - a converted garage used as a residential unit adjacent to the Project. As outlined in the Noise and Vibration Study and PR-DEIR Section 3.2.2.3, Surrounding Land Uses and Sensitive Receptors, land uses are considered noise "sensitive receptors" where low noise levels are necessary to preserve their intended goals such as relaxation, education, health, and general state of well-being. Noise-sensitive receptors include residents, hospitals, convalescent homes, schools, churches, hotels, and motels. The updated analysis accounts for the nearest sensitive receptor within 3 feet of the southern property line of the Project site.

- 1-7 *The comment states that the Draft EIR does not include mitigation measures which require limitations on construction activities to reduce vibration damage. The comment requests a revision of technical reports to reflect existing conditions and surrounding sensitive receptors.*

**Response:** Section 3.2.4, Impact Analysis, of the PR-DEIR analyzes construction vibration impacts under Impact NO-2. Table 3.2.12 of the PR-DEIR presents a summary of potential vibration impacts of the Project construction. Vibration has the potential to cause damage to the commercial building to the north at 1638 South Central Avenue and the residential building to the south at 1616 Gardena Avenue, if large construction equipment operates within 15 feet of the building façade. Additionally, vibration has the potential to cause annoyance to residential uses if large construction equipment operates within 110 feet of the building façade. As recommended in the Noise and Vibration Study, the Project would implement Mitigation Measure M-NO-2 Construction Vibration Control. However, impacts related to construction vibration would remain significant and unavoidable even with this mitigation measure applied.

- 1-8 *Comment states that lack of explanation of methodology for constructing foundation pilings leaves impacts on adjacent properties unresolved. Comment states that 1616 Gardena Ave and "other properties" should be considered sensitive receptors to noise and vibration impacts.*

**Response:** As noted in the Response to Comment 1-6, residences surrounding the Project site are considered sensitive receptors to both noise and vibration impacts. In order to assess the potential for vibration impacts, the vibration analysis in the DEIR and the PR-DEIR uses the distance between the nearest off-site buildings and the Project boundary (assuming the construction equipment would be used at or within 5 feet of the Project boundary). As there is a converted garage located within 5 feet of the Project boundary, vibration damage impacts could occur. As noted in Response to Comment 1-7, impacts from the Project related to construction vibration would remain significant and unavoidable even with mitigation measures applied.

- 1-9 *The comment states that the residence at 343 El Bonito Avenue was not considered for noise and vibration effects. The comment notes the residence may contribute to a previously unevaluated historic district and that the proposed project should have a larger study area.*

**Response:** Please refer to the Responses to Comments 1-6 and 1-7. Residences surrounding the Project site are considered sensitive receptors to both noise and vibration impacts and all sensitive receptors were considered in both the noise and vibration impact analysis in the PR-DEIR. Please refer to the Response to Comment 1-19 below for further discussion related to the unidentified historic district.

- 1-10 *The comment criticizes the location and methodology of the noise measurements taken for the noise and vibration analysis.*

**Response:** The Noise and Vibration Study uses industry standard accepted methodology for conducting noise studies (Appendix D). It includes an overview of the existing sensitive land uses in the Project area and explanation of the selection of the noise measurement locations. The commenter has not provided any information or evidence supporting why the location and methodology are inadequate. The long-term noise measurements were taken at locations representative of the surrounding ambient noise environment, to quantify the range of noise levels experienced in the Project vicinity and by sensitive receptors. The long-term noise measurements captured data in order to calculate the daytime and nighttime equivalent continuous sound level (Leq) and the Average Daily Noise Level (dBA CNEL) at each location, which incorporate the nighttime hours. Sources that dominate the existing noise environment include traffic on adjacent roadways, train traffic on the existing rail line to the east, parking lot activities, and operations from the commercial and industrial uses.

- 1-11 *The comment requests revisions to the mitigation measures within the Draft EIR, including the addition of specific actions, performance standards, and enforceable actions.*

**Response:** Section 3.2.4, Impact Analysis of the PR-DEIR contains the updated Mitigation Measure M-NO-1 Construction Noise Control and Mitigation Measure M-NO-2 Construction Vibration Control. These mitigation measures include specific, enforceable measures (actions) to reduce construction noise and vibration that the City Department of Building and Safety would verify prior to the issuance of demolition permits. The commenter has not provided evidence showing why these mitigation measures, as drafted, are inadequate.

- 1-12 *The comment requests the inclusion of a construction noise and vibration monitor on-site during construction and an engineered noise wall.*

**Response:** Mitigation Measure M-NO-1 Construction Noise Control requires the installation of a minimum 12-foot-high barrier during construction between the Project site and adjacent sensitive receptors to the south. The barrier would be composed of plywood or flexible sound control curtains. This mitigation measure would also provide the nearby residents contact information for

the “noise disturbance coordinator” for the Project. Further, the commenter has not provided any evidence why constructing an engineered noise wall is necessary to provide feasible mitigation. With respect to Project operations post construction, the noise impact from project operations is not considered significant. Accordingly, it is not necessary to require mitigation in the form of an engineered noise wall following project completion, and noise controls are part of the mitigation required during the construction phase.

- 1-13 *The comment further requests revisions to the mitigation measures within the Draft EIR.*

**Response:** Please refer to the Response to Comment 1-11 regarding updated Mitigation Measure M-NO-1 Construction Noise Control and Mitigation Measure M-NO-2 Construction Vibration Control. Implementation of Mitigation Measure M-NO-1 and Mitigation Measure M-NO-2 would reduce construction noise and vibration impacts to the greatest extent feasible; however, the impacts would remain significant and unavoidable.

- 1-14 *The comment questions the enforceable elements of the mitigation measures and the role the noise disturbance coordinator would play.*

**Response:** Please refer to the Response to Comment 1-11 regarding updated Mitigation Measure M-NO-1 Construction Noise Control and Mitigation Measure M-NO-2 Construction Vibration Control. Implementation of Mitigation Measure M-NO-1 and Mitigation Measure M-NO-2 would reduce construction noise and vibration impacts to the greatest extent feasible; however, the impacts would remain significant and unavoidable.

- 1-15 *The comment cites City Municipal Code §8.36.210 related to vibration and questions the enforcement of vibration mitigation measures.*

**Response:** As noted in Section 3.2.3.3, Local Regulations and Guidelines, of the PR-DEIR, the City prohibits operation of any device that creates a vibration that is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property. The City defines the “vibration perception threshold” in Municipal Code §8.36.020 as “...the minimal ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception shall be presumed to be a motion velocity of 0.01 in./sec. over the range of one to one hundred Hz.” As stated in Section 3.2.1.2, Fundamentals of Groundborne Vibration, of the PR-DEIR, the typical background level in residential areas is about 50 vibration decibels (VdB), and most people cannot detect levels below about 65 VdB, and generally do not consider levels below 70 VdB, or approximately 0.1 PPV, to be an annoyance.

Mitigation Measure M-NO-2 requires the creation of a Vibration Monitoring Plan to be submitted to the City prior to the issuance of any demolition or building permits. The monitoring program would apply to all potentially affected buildings and/or structures adjacent to the Project site. The monitoring program would include periodic vibration monitoring by an acoustical consultant and by a historic architect or qualified historic preservation professional. If construction vibration levels in excess of the established standard are observed, the contractor would implement alternative construction techniques.

- 1-16 *The comment notes the proximity to nearby residences and questions the impact conclusions of the Draft EIR.*

**Response:** Please refer to the Responses to Comments 1-6 and 1-7; residences surrounding the Project site are considered sensitive receptors to both noise and vibration impacts. The PR-DEIR addresses all sensitive receptors and has updated the noise and vibration analysis and the mitigation measures.

- 1-17 *The comment questioned the number of HVAC units and requested the correction of the technical reports and Draft EIR conclusions to reflect actual as-built conditions.*

**Response:** Both the PR-DEIR and the Noise and Vibration Study were revised and the revised study states that 31 HVAC units would be distributed across the project's rooftop, approximately 30 to 140 feet from the closest sensitive receptor. The Project would include screening walls around the HVAC units; the operational noise would be below the existing quietest nighttime ambient noise levels. The Project would have less-than-significant impacts related to operational noise.

- 1-18 *The comment notes the residences at 331, 335 and 343 El Bonito Ave date to the City of Tropic era and provide excerpts from the South Glendale Survey regarding the establishment of historic districts and associated integrity criteria.*

**Response:** This comment contains an informational discussion and does not address the adequacy of the Draft EIR or PR-DEIR. No further response is required.

- 1-19 *The comment proposes that the residences at 331, 335 and 343 El Bonito Avenue, with 339 El Bonito as a non-contributor, should be considered a historic district and that "the identified probable historic district on the north side of the 300 block of El Bonito Avenue should be analyzed for effects, if any can be reasonably expected as part of the proposed project's revised future environmental review."*

**Response:** It is the City's responsibility to identify and adopt historic districts. It is outside the scope of this project to evaluate and establish historic properties or districts outside of the proposed Project area. However, it is acknowledged here that the three properties were surveyed as part of the 2019 South Glendale Historic Resources Survey (Survey). Each property was identified as being individually eligible for listing on the Glendale Register of Historic Resources (California Historic Resource Status Code 5S3).

These findings are generally reflected in the HRA and the Draft EIR, which notes, "A few properties in the area were similarly identified as individually eligible for listing in the Glendale Register of Historical Resources..." on page 3.1-21 of the Draft EIR. The Draft EIR goes further, stating that no historic district was identified as part of the Survey, the same document which surveyed the residential properties along El Bonito Avenue and provided the California Historical Resource Status Codes noted above. The Draft EIR also notes that the condition of the overall neighborhood is altered and lacks cohesiveness as a historic district.

The Survey specifically examined Potential Historic Districts and Planning Areas as well as individual buildings, and this El Bonito area was not identified as one of them. The Survey identified several potential historic districts: East Doran Street, Carr Drive/Broadway, Garfield/Windsor, Roads End, Columbia Drive, and a proposed extension to the existing Cottage Grove Historic District.<sup>2</sup> While it may be possible that the three residences along El Bonito Avenue may constitute a historic district, the three buildings that are identified by the

---

<sup>2</sup> Historic Resources Group (HRG), 2019. *City of Glendale, South Glendale Historic Context Statement*, prepared for the City of Glendale Planning Division.



commenters as potential contributors to the district are all individually eligible and already considered historical resources for the purposes of environmental review under CEQA.

- 1-20 *Comment provides brief discussion of architectural style and integrity concerns of the Bonita Ave residences and reasserts that lack of integrity does not preclude the properties from being assembled into a historic district and requests that the historic district be considered in future environmental review.*

**Response:** Please refer to Response to Comment 1-19 regarding the potential El Bonito Historic District.

The Draft EIR notes that the setting of the neighborhood surrounding the Project area has been altered overtime “with the introduction of small industrial buildings, taller multi-family residential buildings, and the Larry Zarian Transit Center Parking lots, which together significantly transformed the neighborhood’s original single family residential character” (page 3.1-14 to 3.1-15). This is true also of the individually eligible resources along El Bonito Avenue and any potential historic district, of which the surrounding area was noted as “too altered for consideration as a cohesive historic district” (page 3.1-21). Using guidance under CEQA, “This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant” (CEQA Guidelines, § 15125, subd. (a)).

As previously noted, the existing environmental setting, which serves as the baseline, contains a mixture of property types, uses, and periods of construction. These conditions define the surrounding blocks and contribute to the dense, dynamic, and intensive urban environment. Therefore, individually eligible residential properties at 331, 335, and 343 El Bonito would not be significantly impacted by the Project.

While the Project would introduce a new, taller element within the vicinity of these resources, this new building would be in-keeping with the existing conditions of the surrounding, mixed-use, and dense urban environment and would not further detract from the integrity of setting of any historical resource. As such, the eligibility of the three individual resources along El Bonito Avenue for listing in the Glendale Register would not be affected. Specific to the commenter’s concerns about a potential historic district, which would include these same three resources as contributors, the Project would not change the already altered integrity of setting such that the El Bonito Avenue resources would not qualify as eligible for listing in the Glendale Register.

Specific to a potential historic district along El Bonita Avenue, the sense of place related to the early community of Tropico would be characterized by the current streetscape along the north block face, which continues to evoke the sense of an early twentieth century neighborhood. Beyond this block face, the altered character of the broader neighborhood is firmly apparent as the existing condition. As such, the Project would not alter the existing character of the surrounding neighborhood beyond the established baseline and the broader integrity of setting would remain unchanged from a current, altered state. In accordance with CEQA Guidelines §15064.5(b), any nearby district or its surrounding environment would not be “materially impaired” by the project, thus resulting in less-than-significant impacts. The existing finding of “significant unavoidable impacts” to historical resources would remain.

- 1-21 *The comment states that the Reduced Density (Relocation on Site) Alternative would modify the environmental setting and result in loss of some character-defining features.*

**Response:** The comment does not identify which character-defining features would be “lost.” The commenter presumes that some features of the house may be lost during the move. While

this may actually occur, it is not a given. If character-defining features were to be lost, standard preservation practice that conforms with the Secretary of the Interior's Standards for Rehabilitation would allow for the repair or replacement of any features damaged or lost during in the relocation process. The setting of the original house, already altered by the addition of the garage and house at 1608 Gardena, would be altered in a different manner by the implementation of the Reduced Density Alternative. Accordingly, moving the 1642 South Central Avenue house several feet on the existing lot has to be examined within the existing context of the already altered setting and therefore it should not be presumed that a significant impact on the environmental setting, would occur.

- 1-22 *The comment questions the dismissal of the Reduced Density (Existing Location) Alternative and discusses why the alternative would meet the project objectives.*

**Response:** As indicated in Chapter 4 below, there are two residential units currently on site; both 1642 South Central Avenue and 1608 Gardena Avenue contain one residential unit.

The Reduced Density (Existing Location) Alternative would retain the historic resource located at 1642 South Central Avenue in its existing location on the Project site and demolish the residence at 1608 Gardena Avenue and the existing garage. Therefore, one residential unit would remain, and an additional 12 residential units would be constructed. As noted in Section 4.6.3.2 Impacts of the Reduced Density (Existing Location) Alternative of the PR-DEIR, this alternative would not fulfill the project objectives to the same extent as the Project because 20 fewer new residential units would be built. This Alternative would also require restoration and preservation of the historic resource, and protection from any adverse impacts from construction of the new building. Consequently, mitigation measures requiring construction monitoring would be required, as would the post-construction restoration and rehabilitation of the historic home pursuant to Secretary of Interior Standards.

Ultimately, it was concluded that the Reduced Density (Existing Location) Alternative would eliminate the Project's significant impact from demolition of the resource but would not avoid or substantially reduce significant environmental impacts related to construction noise and vibration. This alternative would achieve the project objectives to a lesser extent due to the reduced residential unit count.

- 1-23 *The comment suggests that offsite relocation alternatives should have been more fully considered and that feasibility should not be limited to owning an alternative site or even being in proximity to the original location.*

**Response:** As stated by the comment letter, to be feasible, an off-site alternative must be "possible for the project proponent to acquire." The property must also be suitable and able to provide a location where the character defining features of the historic resource can be preserved to the highest degree possible. For 1642 South Central Avenue, the character-defining features are those associated with its historical significance as an example of both its Craftsman architecture under Criterion 3, as well as its associations with the early development of Tropic under Criterion 1. With regard to relocated properties, as outlined under the NRHP Criteria Consideration B: Moved Properties, removing significant buildings from their original location is inappropriate when buildings have significance associations with events, patterns of development, and individuals.

However, buildings that are significant for their architecture and design, relocation is seen as a more appropriate approach, although still not recommended. Therefore, while the suggestion that 1642 South Central Avenue could be relocated outside the historic boundaries of Tropic may be

physically feasible, it is not appropriate or serve as feasible mitigation of significant impacts since the significance of the property is tied directly to its association with the city of Tropico. The relocation of the residence would result in a loss of historical integrity and its ability to convey its historical significance under Criterion 1. Although it may be able to convey significance under Criterion 3 as an excellent example of Craftsman architecture, the relocation of the building would still result in a significant and substantial adverse change to 1642 South Central Avenue.

Moreover, there are no suitable properties with proximity to the Project site or within a neighborhood with similar characteristics that are owned by the Project applicant or the City that might serve as a relocation site.

- 1-24 *The comment restates the position that financial infeasibility of the relocation alternative was not adequately supported, and the proposed build alternatives have been demonstrated to satisfy the project objectives, therefore they must each be considered feasible.*

**Response:** Please refer to the Response to Comment 1-23. There are no suitable properties with proximity to the Project site or within a neighborhood with similar characteristics that are owned by the Project applicant or the City that might serve as a relocation site.

- 1-25 *The comment states that the proposed alternatives satisfy the project objectives and therefore, they must each be considered feasible.*

**Response:** The Historic Preservation Commission will consider the information and alternatives presented in the Final EIR in their deliberations and decide whether to approve, modify, or deny the Project or aspects of the Project or Project Alternatives.

- 1-26 *The comment questions the analysis area and requests comparison to other projects throughout the City involving demolition of a Craftsman-era residence, including timelines and other inventory information.*

**Response:** The substance of this comment appears to be questioning the cumulative impact analysis in the Draft EIR for historic resource impacts. The cumulative impacts are defined in 14 Cal Code Regs §15355(b) as the incremental impact of the project added to other "closely related" past, present, and future projects. The CEQA Guidelines also refer to a cumulative impact as the combination of the project's impacts with those of other projects causing "related impacts" 14 Cal Code Regs §15130(a)(1). Cases that have examined the scope of an EIR's discussion of cumulative impacts have focused not on whether related projects are included, but instead on whether the discussion adequately identifies all projects causing related impacts in the area that will be affected by the project. The context for analyzing the cumulative impact of this Project should be on whether there are other Craftsman homes in the Tropico area that were, are or will be slated for demolition. Within that appropriate context, the impacts of the Project within the cumulative radius or vicinity of the Project site would not combine with impacts of the Project because none of the cumulative projects impact historical resources. As noted in Draft EIR Section 3.1.5 Cumulative Impacts, "the significance of 1642 South Central Avenue is not premised on it possessing an intact and cohesive visual or functional relationship with nearby properties. Likewise, and reciprocally, the significance of nearby offsite historical resources is not premised on their having an intact and cohesive visual or functional relationship with the Project site."

Although the City has a Master List of Historic District and Glendale Register Properties, and the City prepared a 2007 Craftsman Survey in high-density multi-family zones (that is therefore not City-wide), the appropriate context for examining impacts, as noted above, is within the former

City of Tropic area.<sup>3</sup> The suggested more widespread analysis is outside the scope of the cumulative analysis required by CEQA and is therefore not implicated for this project-level EIR.

---

<sup>3</sup> City of Glendale, 2022. “Historic Districts.” Available online at:  
<https://www.glendaleca.gov/government/departments/community-development/planning/historic-preservation/historic-districts>

Letter 1: The Glendale Historical Society,  
John Schwab-Sims, April 22, 2022



P.O. Box 4173 Glendale CA 91202  
www.GlendaleHistorical.org

April 22, 2022

Mr. Dennis Joe, Senior Planner  
City of Glendale, Planning Division  
633 East Broadway, Room 103  
Glendale, California 91206-4386  
Sent via e-mail to djoe@glendaleca.gov

RE: Comments on Draft Environmental Impact Report for the 1642 South Central Avenue Project,  
March 2022

Dear Mr. Joe:

The Glendale Historical Society (TGHS) strives to preserve historic resources because they are more than just beautiful buildings; they provide tangible windows into our city's past and allow the opportunity to cast a light on their stories for the benefit of our fellow citizens. We strive for their preservation because they are a limited resource that cannot be replenished. TGHS was designated by the Advisory Council on Historic Preservation as a Preserve America Steward (<https://www.achp.gov/preserve-america/stewards/list>). The Advisory Council, Bureau of Land Management and Department of the Interior cooperatively administer the program as part of the Interagency Preserve America program. The all-volunteer, non-profit recently was honored by the Los Angeles Conservancy for 40 years of effective advocacy. We are grateful for the opportunity to comment on this project. TGHS reviewed the March 2022 Draft Environmental Impact Report (DEIR) for the 1642 South Central Avenue Project and has the following comments regarding errors in the identification of historical resources, expected impacts of the proposed project, adequacy of proposed mitigation measures, technically flawed project alternative analysis and cumulative impacts analysis.

Historic Resource and Contributing Resources

The identification of merely the main residence at 1642 South Central Avenue (subject property) as a historic resource was made in error. Both the property's garage and the residence at 1608 Gardena Avenue must be considered contributing resources. The subject property is a single parcel with three contributing resources. The California Office of Historic Preservation staff has recently weighed in on this subject for another project in Glendale (see letter from F. Smith to V. Zemaitaitis Community Development Department, Comments on Draft Sustainable Communities Environmental Assessment for the Lucia Park Project, March 10, 2022, text pages 1 and 2 and Attachment 1, incorporated herein by reference). For National Register and California Register purposes there is no question in this regard. There is no defensible reason the

The Glendale Historical Society (TGHS) advocates for the preservation of important Glendale landmarks, supports maintaining the historic character of Glendale's neighborhoods, educates the public about and engages the community in celebrating and preserving Glendale's history and architectural heritage, and operates the Doctors House Museum. TGHS is a tax-exempt, not-for-profit 501(c)(3) organization, and donations to TGHS are tax-deductible to the extent permitted by law.

Public

Glendale Register of Historic Resources would be more stringent than the state or federal registers, particularly when the local register has a lower threshold for significance and integrity and the local ordinance does not address contributing resources.

According to the only specific guidance on the subject, National Register Bulletin 16A (page 16) states

A contributing building, site, structure... adds to the historic associations... for which a property is significant because: it was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period.

1-2

The Glendale Historic Preservation Ordinance does not define “contributing resources” to individual properties but historic preservation professional practice and guidance does. We have been told numerous times publicly by city staff that our National Park Service references are only intended for National Register nominations or investment tax credit projects. According to the National Park Service “Because the National Register of Historic Places is a major focus of preservation activities on the Federal, State and local levels, the National Register criteria have been widely adopted not only as required for Federal purposes, but for State and local inventories as well (emphasis added, Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation. “Evaluation Standards: Standard I. Evaluation of the Significance of Historic Properties Uses Established Criteria” 2021 at [https://www.nps.gov/articles/sec\\_stds\\_eval\\_stds.htm](https://www.nps.gov/articles/sec_stds_eval_stds.htm)). That guidance is intended to provide direction for the City of Glendale as well and is germane to the identification of historic resources for the proposed project.

The property’s appropriate period of significance is between 1913 and 1923. Note that the category is a *period* rather than a *year* of significance. The consultant-prepared “Historical Resources Assessment for 1642 S. Central Avenue, City of Glendale and County of Los Angeles, California” states on page 38: “the period of significance for this finding is 1913-1923, which reflects the year of construction (1913) and the addition (1923).” Periods of significance usually commence with the year the first contributing resource was completed and span the timeframe until the last contributing feature was built. A single year for a period of significance when the property and its improvements evolved is excessively restrictive and two separate years, a decade apart would not meet the most basic requirements for identification of a period of significance.

1-3

The extant main residence was completed in 1913 (*Southwest Builder & Manufacturer* 1913). At that time the property’s address was 242 Eulalia Street. In 1918 many of the city’s street names and all address numbers were changed to accommodate the community’s then unprecedented growth. The second residence on the subject property at 1608 Gardena Avenue was completed in 1920 (City of Glendale, Building Permit No. 1701, September 13, 1920). A small addition to the main residence was built in 1923 (Building Permit No. 9514, October 22, 1923). The garage at the south end of the subject property was completed in 1923 (*Southwest Builder & Manufacturer* 1923 and building permit). The period of significance ended when the last remaining contributing feature was built, in 1923. An addition built at the rear of the 1608 Gardena Avenue house in 1953 was after the close of the period of significance, thus that addition does not contribute to the significance of the property (Building Permit No. 45154, July 7, 1953). We appreciate the additional information provided by the project consultant that corroborates these dates and establishes a second, qualified professional judgment that corroborates the 1913-1923 period of significance.

1-4

The subject historic property resource is the main residence with the garage at 1642 South Central Avenue, as well as the residence at 1608 Gardena Avenue. It is the entire property that is significant, not merely one building. In addition, the unit counts are incorrect for the collective property: the main residence is a duplex (2 units) and the residence at 1608 Gardena Avenue is one (1) unit. The property contains three units in total, which should have been considered in the Alternatives Analysis and must be corrected in the Final EIR.

1-5

2

Public

Noise and Vibration Study Report

In the project ‘Noise and Vibration Study Report’ (June 2020) the Introduction incorrectly states under Existing Sensitive Land Uses in the Project Area, “The areas adjacent to the project site include the following uses... South Existing single-family homes, 60 feet away.”

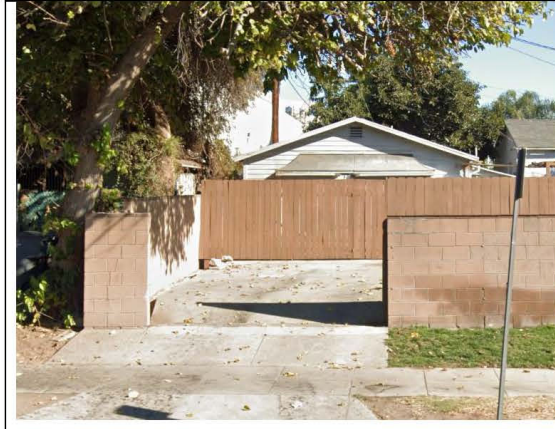
The single-family residence next door to the subject property, at 1616 Gardena Avenue is actually located about three feet from the shared property line with the proposed project. Refer to Figures 1 and 2 below.



1-6

Review of the Project Plans appended to the DEIR reveals that the proposed project would be built 5’-0” from that common property boundary (sheets A-2.0 and A-2.1), leaving approximately eight feet between the proposed and extant buildings, not 60 feet, as described. The considerable difference is 52 feet. That baseline assumption in the technical report and therefore its conclusions are incorrect. Please correct the technical reports to reflect the actual as-built conditions. See Figure 3 below on the next page.





**Figure 3:** Photograph of single-family residence at 1616 Gardena Avenue. The proposed project would be built immediately next door to the small residence, at the left side of wall that runs parallel with the driveway. View north-east from Gardena, January 2020. Source: Google Maps 2022.

1-6

Similarly, in the “Short-Term Off-Site Construction Vibration Impacts” section, the technical report states

The closest buildings to the proposed construction activities are the existing auto body shop located immediately adjacent to the east and existing single-family residences 65 feet to the south. *It is assumed that all activities associated with demolition of the existing buildings and construction of the new buildings within 5 feet of any existing nearby buildings would be carried out using hand tools and any large equipment such as a dump truck to carry debris away would remain more than 5 feet from the existing buildings* (emphasis added, page 18).

Because the single-family residence that immediately abuts the south property boundary at 1616 Gardena Avenue is an estimated three feet from the proposed project construction activities (as described), there is no basis for such an “assumption,” nor an established mitigation measure or any requirement that the contractor be limited to hand tools or any other restrictions within 5 feet of the shared property line. The conclusion is not based in fact. Heavy equipment expected to be used for demolition, clearing and grubbing, grading, other site preparation, pile installation and other construction activities that would cause considerable noise and vibration would take place within roughly three feet from the described single-story residence and can be expected to cause an impact that would thus far not be mitigated to a level of less than significance.

We bring to your attention the fact that review of the Mitigation Measures on page 1-4 of the DEIR demonstrates that no such requirement or limitation “associated with demolition of the existing buildings and construction of the new buildings within 5 feet of any existing nearby buildings would be carried out using hand tools” or closely related mitigation measures to ensure against vibration damage are prescribed in MM-M-NO-1. The technical report including analysis of impacts must be revised in the next iteration of environmental review to reflect the actual existing conditions of the surrounding sensitive receptors.

1-7

Furthermore, there is no identification or mention of any methodology for constructing the pilings that are expected to be a necessary component of the proposed project’s foundation. Absent that crucial information, the project Noise and Vibration Study Report, and its conclusions in the DEIR are not resolved or addressed. That small residence at 1616 Gardena Avenue was completed in 1947, according to the Los Angeles County Assessor, which would make it probably wood-frame construction with plaster interior walls. As a single-family residence immediately abutting the proposed project’s southern property line, it and other properties that can be expected to be affected should be considered sensitive receptors to both noise and vibration impacts.

1-8

4

Public



The residence at 343 El Bonito Avenue was not considered for noise or vibration effects either. We note that it is one of six Arts & Crafts style residences on a block of seven single family homes and a contributor to what seems to be a previously unevaluated historic district. The proposed project should have a far more generous study area for impacts than merely the subject property in keeping with professional practice. Kindly refer to additional information under the Bonita Avenue Historic District heading in this letter.

1-9

No ambient noise readings or existing vibration levels at the sensitive receptors surrounding the proposed project site were provided for comparison in the DEIR or the Noise and Vibration technical reports. The Long Term Noise Level Effects described in the tech report (page XX) were taken from two locations that are not sensitive receptors. Review of Appendix A in the Noise and Vibration Study report reveals that the Noise Measurement Surveys were taken from sites LT-1 at "1642 Central Avenue, in tree along Gardena Avenue" and LT-2 at "1642 Central Avenue, in tree along Central Avenue," neither of which is a sensitive receptor on June 9, 2020. None were taken from the immediately adjacent single-family residences at 1616 Gardena Avenue or next door at 343 El Bonito Street. The trees cannot be expected to be affected by long- or short-term noise because they are not sensitive receptors. Thus, other than repetition of a large amount of boilerplate background information, with no existing condition real baseline measurements for noise or vibration at the sensitive receptors located close to the proposed project provided in the Noise and Vibration Study Report for analysis purposes it could not have triggered a requirement for meaningful mitigation measures to protect those properties. We nonetheless believe that much more robust mitigation measures to reduce noise as well as vibration will be necessary to reduce or avoid impacts to those sensitive receptors.

1-10

Although project-related noise impacts are considered significant in the DEIR, the mitigation measures for Construction Noise and Vibration Control presented in M-NO-1 consist of little more than standard plan review for the proposed new units, which are not the identified sensitive receptors. Other ambiguous statements intended to serve as mitigation measures are: "Prior to issuance of demolition permits, the Glendale (City) Department of Building and Safety, or designee, shall verify that all construction plans include notes stipulating the following:

- "Construction haul truck and materials delivery traffic shall avoid residential areas *whenever feasible*"
- "The construction contractor shall place noise- and vibration-generating construction equipment and locate construction staging areas away from sensitive uses *whenever feasible*"
- "The construction contractor shall use on-site electrical sources to power equipment rather than diesel generators *where feasible*" (DEIR page 1-4)

1-11

None of the above-described or other noise mitigation measures would reduce the impacts in demonstrable ways, and none of them has any described performance standards. The repetition of the ambiguous phrases "whenever feasible" and "where feasible" raises further concerns that the DEIR would improperly defer mitigation, which TGHS also raised in relation to the project at 512 West Doran Street and the proposed project at 534-538 North Kenwood Street, each also in Glendale. Mitigation measures must be specific regarding future actions to be accomplished if they are designed to reduce and avoid impacts, which should be their specific purpose. The mitigation measures must establish performance standards to be met and specify methods in order to comply with requirements in CEQA. In addition, the proposed mitigation measures described are not fully enforceable as required by CEQA Guidelines, Section 15126.4(a)(2). Because the DEIR uses vague language about feasibility of mitigation measures, the Lead Agency is conceding that such mitigation may not in fact take place and thus the impacts would then not be mitigated.

Our questions, comments and recommendations are: How would the General Contractor understand how to identify a sensitive receptor? The requirement for technically qualified continuous noise and vibration monitors during construction with the power to stop work and identified lower noise or vibration measures such as alternate, smaller motors and/or hand tools would be an example of how these impacts are generally

1-12

reduced or avoided for projects that are expected to cause impacts. Also, the required incorporation of engineered noise walls and offering temporary relocation of surrounding residents to safe, decent and secure alternate lodging at the expense of the applicant are other often-used mitigation measures used to reduce this type of expected impacts.

1-12

We bring to your attention the fact that what is proposed in the DEIR thus far to reduce noise and vibration cannot be considered meaningful mitigation. That is partly based on the fact that there are no clear identified impacts being analyzed without appropriate ambient noise or existing vibration measurements or analysis at the sensitive receptors we have identified. Second, because the City is responsible for ensuring that substantial adverse impacts would not be caused as a result of construction; it is not sufficient that the applicant be expected to self-report, cease construction where necessary and keep the City abreast of substantial adverse impacts that might already have taken place. The proposed mitigation measures other than the plan check requirement that is not designed to protect surrounding sensitive receptors, are speculative (they *might* reduce noise) and would constitute deferred mitigation. It leaves unknown what the actual impacts or the real mitigation that would reduce those impacts would be.

1-13

As we have previously pointed out, mitigation measures are not merely expressions of hope. If the described mitigation is not, in fact feasible, then the project would result in a significant adverse impact. Mitigation measures for significant adverse impacts, through an Environmental Impact Report, can only be rejected if the City makes findings, supported by substantial evidence, that the measure is economically infeasible and prepares a statement of overriding considerations. No such language is included in the DEIR.

The last two noise and vibration impacts are similarly mentioned but would not be reduced to a level of insignificance, despite the claim regarding these impact that the effects would be “less than significant with mitigation” (page 1-4). Those are:

- “All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule. A sign legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicate the dates and durations of construction activities, as well as provide a telephone number for the “noise disturbance coordinator.”

1-14

Would the identified noise disturbance coordinator have the authority to stop the project? Would less noise-intensive construction methods be required to be used after identification has been made of levels above certain thresholds? What are those levels? Who or what agency would perform these duties and oversight and what would their required professional expertise be? Would there be a requirement for weekly reporting? To whom? None of these questions is answered in the proposed largely unenforceable mitigation measures regarding noise and vibration.

The Noise and Vibration technical report asserts that “Heavy equipment similar to that of bulldozers shall not be used within 5 feet of any existing neighboring structure” (page 18). Who would enforce that concept and what would the basis be for any identifying impacts beyond the 5-foot radius and somehow being otherwise protected from construction noise or vibration from occurring? Neither noise nor vibration impacts are conscripted or limited to a 5-foot range, both can travel far longer distances.

1-15

The local ordinance is cited “Section 8.36.210 of the Municipal Code prohibits operation of any device that creates a vibration that is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at 150 feet from the source if on a public space or public right of way.” Apparently the 5-foot limit that is not reflected in the mitigation measures is superseded in the City’s ordinance. That begs the following rhetorical questions: Does Glendale have vibration police? Is our police force or other city staff trained in preparing vibration readings?

One single-family residence (1616 Garden Avenue) is about three feet away from the proposed project. At least three other properties (343, 349, and 335 El Bonito Street) may well be within the city ordinance-pre-

1-16

scribed 150-foot limits. As described herein, the proposed mitigation measures in the DEIR are not adequate to reduce the expected impacts roughly alluded to in the DEIR that would be caused by construction noise and/or vibration to a level of less than significance.

1-16

Long-Term Off Site Impacts

The Noise and Vibration Study Report's description of a total of 28 HVAC units for the proposed project is not corroborated in the plans appended to the DEIR. Moreover, 31 units in total are proposed. Would the three very low-income units not be equipped with air-conditioning? That is unconscionable in this climate and is likely not permitted under local requirements.

The Noise and Vibration Study Report states that "The site plan identifies 28 HVAC units that would vary in distance from 70 feet to 190 feet from the closest single-family home façade. To be conservative, it was assumed that all units would be in operation simultaneously at the average distance to the receptor of 130 feet" (page 18). Not only are the distances to the neighboring single-family residences incorrect (with one building and its façade about 3 feet from the proposed project), but the analysis makes the unsupported assumption that it would somehow be residence *façades*, rather than those buildings' residents that would be sensitive receptors to the noise and vibration expected to be caused by the proposed project's 28 HVAC systems. Sheet A-1.0, Site/Roof Plan in the project plans ("Roadway Apartments" Alajian Marcoosi Architects, Inc. January 2, 2020) contain no references or graphic depiction of the described HVAC units as described in the technical reports. Please correct the technical reports and DEIR conclusions to reflect actual as-built conditions, ensure that future technical reports agree with the plans presented for consideration and that the proposed project mechanical systems' placement or operation would not place undue noise of vibration burdens on any surrounding sensitive receptors.

1-17

El Bonito Historic District

We note that the residences at 331, 335 and 343 El Bonito Avenue each date from the City of Tropic era between 1906 and 1918. The South Glendale Survey asserts in the "Context: Early Development & Town Settlement (1872-1918)" section under "Town Settlement: Integrity Considerations" that

In order to be eligible for listing at the federal, state, or local levels, a property must retain sufficient integrity to convey its historic significance under the Town Settlement and Late 19th Century Development context. Properties and features from this period are rare and represent some of the earliest development in Glendale; therefore a greater degree of alteration may be acceptable.

Establishment of historic districts in Glendale do not require that each property retain high integrity. The Survey further states, establishing registration requirements that

1-18

It is unlikely that there is a collection of residential or commercial buildings dating solely from this period that are linked geographically. Because of the nature of South Glendale's development, smaller clusters that span a portion of a block or one side of the street may be evaluated as potential historic districts, or they may be identified for consideration in local planning moving forward. In order for a historic district to be eligible for designation, the majority of the components that add to the district's historic character must possess integrity, as must the district as a whole. A contributing property must retain integrity of location, design, setting, feeling, and association to adequately convey the significance of the historic district. Alterations to individual buildings, such as replacement roof materials, replacement garage doors, and replacement of windows (within original openings) may be acceptable as long as the district as a whole continues to convey its significance. Major alterations such as substantial additions that are visible from the public right of-way or alter the original roofline would not be acceptable.

TGHS participates in, and advocates on behalf of the establishment of local historic districts in Glendale on one side or another of many streets and note that there is no minimum number of properties in the City Historic Preservation Ordinance. Alterations are permitted to historic district contributors with a far lower

1-19

level of expectations for integrity than individual landmarks in Glendale and elsewhere. Using that professional practice and established precedent, the identified probable historic district on the north side of the 300 block of El Bonito Avenue should be analyzed for effects, if any can be reasonably expected as part of the proposed project's revised future environmental review. The three contributing properties would be 331, 335 and 343 El Bonito Avenue, with 339 El Bonito Avenue considered a non-contributor. The period of significance of the proposed historic could be limited to 1912-1913, the period when the three contributors were completed, and when Tropico was a separate city.

Figure 4 below demonstrates the probable historic district boundaries along with its very close proximity to the proposed project.

**Figure 4:** Annotated Assessor's portal map of the proposed project (in red), the family residence at 1616 Gardena Avenue in dashed green and the potential El Bonito Avenue Historic District with addresses and dates of construction in the yellow highlighted boundary. Note how proximate the proposed project is to each of the other properties. Source: Los Angeles County, Assessor Property Portal 2022.



The Draft South Glendale Survey found each of the three Arts & Crafts style residences to be locally eligible (Survey, Appendix B, page 26, January 9, 2018). Each of the residences is one to two stories in height. The proposed project is four-above grade stories and would tower over the low scale district, further degrading its larger setting and dwarfing the small residences that characterize early Tropico development. The property at 343 El Bonito Avenue somehow was not included in the last edition of the South Glendale Survey, despite its identified additional "Architecture and Design: Craftsman" significance and its only described alteration in the Survey "Security door added." We note that the residence also has replacement windows in original openings on the secondary elevation, wall-hung air conditioner units and removable security bars which should each be permissible as described in the Survey "Alterations to individual buildings, such as replacement roof materials, ... and replacement of windows (within original openings) may be acceptable as long as the district as a whole continues to convey its significance." The Bonita Avenue Historic District should be considered in future environmental review for the proposed project.

#### Alternatives Analysis

##### Reduced Density (Relocation on Site) Alternative

The DEIR confirms that the Reduced Density (Relocation on Site) Alternative would satisfy the applicant's objectives, as described in the DEIR on page 4-5. The Reduced Density (Relocation on Site) Alternative would result in a project with more units than the Reduced Density (Existing Location) Alternative, however the expected impacts caused by relocation of the historic resource are not fully taken into consideration. Although the historic resource would be retained, as with the other alternative and the proposed project, the Reduced Density (Relocation on Site) Alternative would modify the setting, and inevitably result in the loss and replacement of at least some character-defining features of the historic resource. As described in the DEIR, the Reduced Density (Relocation on Site) Alternative would meet the stated Project objectives.

##### Reduced Density (Existing Location) Alternative

The Project applicant's objectives, as described in the DEIR on pages 1-1 and 4-3 are to:

- 1) Contribute to the health of the City through an economically viable infill project that would provide an increase in residential units to help meet housing demand in the City and better meet the Regional Housing Needs Assessment (RHNA) requirements for the region.
- 2) Construct a new multi-family residential building with new architectural designs and energy efficient building systems that promote energy conservation that furthers the City's policy goals expressed in the Greener Glendale Plan
- 3) Provide new residential opportunities that offer multi-modal opportunities taking advantage of the close proximity to Larry Zarian Transportation Center.
- 4) Enhance the general welfare of the public by offering affordable housing opportunities and help meet the City's affordable housing goals and needs outlined in the City's Housing Element.
- 5) Develop new residential opportunities close to the existing retail amenities within South Glendale.

Despite the conclusion in the DEIR (*Ability to Meet Project Objectives*, section 4.6.3.2) that *Reduced Density (Existing Location) Alternative* would not fulfill the project objectives "to the same extent" as the proposed project "because fewer new units would be built and it would not maximize the potential residential units on the Project site" (page 4-6), the alternative was not analyzed correctly. The main residence at 1642 South Central Avenue contains two units, thus rather than only 11 new units, implementation of that alternative would result in a total of at least 13 residential units, including the existing main residence. Because no plans or sketches were included in the DEIR, it is not known whether the additional residential unit on the subject property would be retained, but it counts as one more unit.

That alternative would create 11 new units, which would "Contribute to the health of the City through an economically viable infill project that would provide an [11-unit] increase in residential units to help meet housing demand in the City and better meet the Regional Housing Needs Assessment (RHNA) requirements for the region" (Objective number 1)." The "economic viability" question was litigated more than two decades ago. The conclusion was that when economics are used as a factor to support a finding of infeasibility, the fact that an alternative may be more expensive than the project does not necessarily make it infeasible (see *Citizens of Goleta Valley v. Board of Supervisors* (1988); *Association of Irrigated Residents v. County of Madera* (2003)). The Lead Agency must support the finding with specific data that shows the additional cost or lost profits are great enough to make it impractical to proceed with the project (see again *Citizens of Goleta Valley v. Board of Supervisors* (1988)); *Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002)). No substantial evidence was presented in the record to demonstrate that a fair argument could be made to support the Lead Agency's conclusion that the costs and expected profits for the Reduced Density Alternative would render this alternative financially infeasible.

The second objective was to "Construct a new multi-family residential building with new architectural designs and energy efficient building systems that promote energy conservation that furthers the City's policy goals expressed in the Greener Glendale Plan." Similarly, the Reduced Density Alternative would meet each of those that requirements. The proposed project would be "a new multi-family residential building" it would clearly express "new architectural designs" and by code requirements would have "energy efficient building systems" that would "promote energy conservation that furthers the City's policy goals expressed in the Greener Glendale Plan."

The third objective, to "Provide new residential opportunities that offer multi-modal opportunities taking advantage of the close proximity to Larry Zarian Transportation Center" would be met as the proposed project and the Reduced Density Alternative would be a "new residential opportunity" that would "offer multi-modal opportunities" including walking, cycling, riding feeder transportation systems and the use of private

9

Public

1-22



vehicles, with the same distance to the cited transportation center as the proposed project (see US Department of Transportation, Multimodal Access to Transportation 2022) .

Objective number 4, to “Enhance the general welfare of the public by offering affordable housing opportunities and help meet the City’s affordable housing goals and needs outlined in the City’s Housing Element” would also be satisfied by the Reduced Density Alternative. There is no discussion of how many of the 11 new units in the 15 total for this alternative would be affordable. We bring to your attention the fact that the proposed project is subject to the Inclusionary Zoning Ordinance that requires 15 percent of the total units be affordable. The proposed project does not meet the 15 percent requirement; it would provide 13 percent affordable units, with payment of an in lieu fee, so the proposed project would not, in fact, meet the stated objective (page 2-5). It would inarguably enhance general welfare in the same way as the proposed project by “offering affordable housing opportunities” and could meet and exceed the 15 percent requirement by providing two (1.65%) affordable units. There is no reason presented in the DEIR that would make setting aside two affordable units of the 11 not possible. The Reduced Density Alternative would ultimately provide at least 13 units including the main residence.

The fifth objective, to “Develop new residential opportunities close to the existing retail amenities within South Glendale” would also be satisfied by the Reduced Density Alternative. Its implementation would develop at least 11 new residential opportunities, that, like the proposed project would be nearby existing retail establishments and would be in South Glendale.

Based on this analysis, we assert that the Reduced Density (Existing Location) Alternative would, in fact meet the stated project objectives as described above and should be undertaken in place of the proposed project to avoid the identified historic resources impacts. Its undisclosed benefits would be retaining the historic resource, the environmentally friendly benefits of reusing rather than demolishing existing housing, and additionally avoid the necessity to undertake the built environment mitigation measures and adopt a Statement of Overriding Considerations.

#### Alternative Considered but Rejected- Relocation Alternative

Offsite relocation alternatives should have been more fully considered. Zoning, environmental conditions, and availability are obviously significant factors in evaluating offsite alternatives. To be analyzed in the DEIR, the offsite alternative must be “feasible”, and it must be possible for the project proponent to acquire the property, they need not already own the property. The DEIR states “This alternative is infeasible as neither the project applicant nor the City owns or controls a relocation site or any other property near the Project site to which the duplex could be relocated” (page 4-5). While such an alternative location in Tropico would be preferable, it need not be located in that closely circumscribed areas to be considered feasible. The Alternative Considered but Rejected section further states “The ability and cost of acquiring a suitable alternative site cannot be determined” neither of which can be suitable reasons for its rejection (pages 4-6 and -7).

As previously described, when economics are a factor to support a finding of infeasibility, the fact that an alternative may be more expensive than the project does not necessarily make it infeasible (see *Citizens of Goleta Valley v. Board of Supervisors* (1988); *Association of Irrigated Residents v. County of Madera* (2003)). The Lead Agency is required to support the finding with specific data that shows the additional cost or lost profits are great enough to make it impractical to proceed with the project (see again *Citizens of Goleta Valley v. Board of Supervisors* (1988)); *Foundation for San Francisco’s Architectural Heritage v. City and County of San Francisco* (1980); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002)). No substantial evidence was presented in the record to demonstrate that a fair argument could be made to support the Lead Agency’s conclusion that the costs for the Relocation Alternative would render it financially infeasible.

1-22

1-23

1-24

10

Public

Each of the proposed build alternatives have been demonstrated herein to satisfy the project objectives, therefore they must each be considered feasible. Further analysis of the Relocation Alternative, as a last resort may also be found to be feasible in the FEIR for this project. Both of the build alternatives would not only achieve the project objectives of the project but more importantly would substantially lessen the significant effects of the project. Identification of these feasible alternatives to the proposed project will foster informed decision-making as well as encourage public participation. A fundamental mandate of CEQA is that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project” (California Public Resources Code Sections 21002, 21081).

1-25

Cumulative Impact Analysis

The decision to analyze the cumulative expected impacts of the proposed project only within a one-mile range is curious. Because the most significant impact from the proposed project would be the demolition of an Arts & Crafts style residence constructed in 1912, we assert that it should be compared to other projects, past and future where Craftsman-era homes were or are proposed to be demolished. Such an analysis would likely demonstrate that the cumulative impact those projects would cause change in the environment which would result from the incremental impact of the proposed project when added to other closely related past, present, and reasonably foreseeable probable future projects. “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time projects” (CEQA Guidelines, Section 15355). A timeline including projects from the past decade in Glendale, with known proposed projects would most likely identify cumulatively considerable impacts to the rapidly diminishing and non-renewable stock of Craftsman-era homes in Glendale. TGHS members may be able to provide records to assist with this more meaningful and far more closely related cumulative impact analysis which is expected to demonstrate that the impact expected to be caused by demolition of the subject property would be cumulatively considerable.

1-26

We appreciate the opportunity to comment and sincerely believe that an alternative to the proposed project should and can be carried forward that would retain the historic resource while achieving the project objectives with the incorporation of more robust and meaningful mitigation measures. Please ensure that this letter is entered into the administrative record for this project.

Sincerely,



John Schwab-Sims  
Vice President – Preservation Advocacy  
The Glendale Historical Society

cc: Aram Adjemian, City Clerk  
Roubik Golanian, City Manager  
Steve Hunt, President, The Glendale Historical Society

### 2.3.2 Letter from the Southwest Regional Council of Carpenters, represented by Ronald Giang of Mitchel Tsai, dated April 22, 2022

2-1 *This comment introduces the Southwest Regional Council of Carpenters (SWRCC).*

**Response:** The comment is an introductory statement and does not address the adequacy of the Draft EIR or PR-DEIR. No further response is required.

2-2 *The comment requests they be provided with any and all notices referring or related to the Project per provisions of CEQA [California Public Resources Code §21092.2 and 21167(f)] and the California Planning and Zoning Law (California Government Code 65092).*

**Response:** As outlined in Section 1.4, Environmental Review Process, above, in accordance with CEQA Guidelines §15088.5(d) and 15088.5(f)(3), the City notified all responsible and trustee agencies, interested groups, and individuals that the Draft EIR and PR-DEIR had been completed and was available for public review and comment. Copies of all prior notices and environmental documents are also available on the City's website:

<https://www.glendaleca.gov/government/departments/community-development/planning/current-projects/environmental-review>.

2-3 *The commenter suggests requiring the use of local hires that meet certain training requirements. The comment discusses the local economic and environmental benefits of establishing these requirements.*

**Response:** This comment does not address the adequacy of the Draft EIR or PR-DEIR. No further response is required.

2-4 *The commenter elaborates on the benefits of establishing skilled and trained workforce requirements by stating it would yield sustainable economic development and would result in emissions reduction.*

**Response:** This comment does not address the adequacy or completeness of the Draft EIR or PR-DEIR. No further response is required.

2-5 *The commenter elaborates on the potential environmental benefits of requiring local workers such as emissions reduction from the shortened vehicle trips and increased likelihood of workers commuting via transit, walking, or bicycling. The commenter also connects local hire mandates and skill training as a strategy to ultimately reduce vehicle miles traveled.*

**Response:** This comment makes a statement about local hires having an impact on VMTs, but it does not address the adequacy or completeness of the Draft EIR or PR-DEIR.

2-6 *The commenter suggests "the Project be built to standards exceeding the current 2019 California Green Building Code" to further promote environmental benefits.*

**Response:** The building would be built to exceed the 2019 California Green Building Code. City Ordinance No. 5937 adopted the 2019 California Building Code (California Code of Regulations, Title 24) as Volume IA of the Glendale Building and Safety Code 2020 and the 2019 California Green Building Standards Code as Volume IX of the Glendale Building and Safety Code 2020. These City standards will be updated to reflect the 2022 California Building Standards Code,



which go into effect on January 1, 2023. The 2022 Glendale Building & Safety Code and local implementation of Reach Codes will require all new buildings to be electrical (non-gas appliances), include solar PV, and electrical vehicle charging facilities which would exceed the 2019 California Green Building Code.

- 2-7 *The comment discusses the purpose and objectives of CEQA. The comment also discusses CEQA's information disclosure requirements and states the courts must only use relevant, adequate, and supported studies in their review, and that the studies or analysis offer varied positions of support toward the proposed project.*

**Response:** This comment contains a generalized discussion of CEQA and does not address the adequacy or completeness of the Draft EIR or PR-DEIR. No further response is required.

- 2-8 *The commenter discusses the purpose of an EIR to inform both government officials and the public of the potential environmental impacts of a project and provide an opportunity for the public to comment on the information.*

**Response:** As outlined in Section 1.4, Public Participation and Public Decision-Making Process, above, in accordance with CEQA Guidelines §15088.5(d) and 15088.5(f)(3), the City notified all responsible and trustee agencies, interested groups, and individuals that the Draft EIR and PR-DEIR had been completed and was available for public review and comment. This comment contains a generalized discussion of CEQA and does not address the adequacy or completeness of the Draft EIR or PR-DEIR. No further response is required.

- 2-9 *The commenter expresses concern over the increased risk of community spread COVID-19 during construction of the project and believes this should be reflected in the mandatory finding of significance. The commenter recommends additional CEQA mitigation measures be implemented to reduce risk. The commenter also requests other safe construction site work practices and suggests specific requirements to establish related to construction site design, testing procedures, and planning.*

**Response:** Public health risks related to the transmission of COVID-19 through construction work are not an environmental topic analyzed under the CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations). CEQA Guidelines §15131 states that economic or social effects of a project shall not be treated as significant effects on the environment, and analysis of these effects is not required in an EIR. Although this comment is noted, it does not address the adequacy of the Draft EIR or PR-DEIR. No further response is required.

- 2-10 *The commenter reiterates that all construction workers should be required to undergo COVID-19 Training and Certification.*

**Response:** This comment does not address the adequacy of the Draft EIR or PR-DEIR. No further response is required.

- 2-11 *The comment discusses prior litigation related to CEQA and the importance of providing evidence to support impact findings.*

**Response:** This comment contains a generalized discussion of CEQA and does not specifically address the adequacy or completeness of the Draft EIR or PR-DEIR. No further response is required.

- 2-12 *The commenter states the Draft EIR omits information in its Noise Analysis, specifically the updated dBA that would result from the mitigation measures.*

**Response:** The City prepared an updated Noise and Vibration Study (Appendix D) to correct and analyze the proximity to sensitive receptors. As discussed in the PR-DEIR Section 3.2.4, Impact Analysis, construction noise would be higher than the daytime ambient noise in the Project vicinity and exceed daytime construction thresholds. The average noise levels at the nearest noise-sensitive use, the single-family home to the south at 1616 Gardena Avenue, would range from 69 dBA Leq to 83 dBA Leq. These noise levels depend on construction phase and are based on an average distance of 85 feet from the center of construction activities on the Project site. Therefore, the noise impacts would not exceed the 90 dBA Leq 1-hour construction noise level criteria established by the Federal Transit Administration for residential uses based on the average condition. However, when construction activities occur near the property line, noise levels could approach 104 dBA Leq and exceed construction noise level criteria. The implementation of Mitigation Measure M-NO-1 would reduce construction noise to the greatest extent feasible. As noted within Mitigation Measure M-NO-1, a 12-foot-high construction noise barrier would provide an approximately 12 dBA reduction to the closest residential receptors to the south. However, Impact NO-1, related to construction noise impacts, would remain significant and unavoidable.

- 2-13 *The comment states the Draft EIR fails to include analysis for transportation, air quality, and greenhouse gas emissions, specifically the negative impacts to air quality and greenhouse gas emissions caused by the increase in traffic.*

**Response:** Section C, Air Quality and Section H, Greenhouse Gas Emissions, of the Initial Study prepared for the Project analyzed the potential impacts related to air quality and greenhouse gas emissions (Appendix B). The Project is within the South Coast Air Quality Management District and is consistent with the 2016 Air Quality Management Plan (AQMP). Projects that are considered to be consistent with the AQMP would not interfere with air quality standards attainment because the population growth associated with the Project is included in the projections used in the formulation of the AQMP. The California Emissions Estimator Model (CalEEMod version 2016.3.2) concluded the Project would not exceed air quality thresholds for construction, area, or operational impacts. Impacts related to air quality and greenhouse gas emissions would be less than significant.

At the time of preparation of the Initial Study in 2020, project impacts related to transportation were measured and analyzed using estimated vehicle trips and levels of service standard. The City had not yet adopted vehicle miles traveled (VMT) as a method of measuring transportation impacts as required by Senate Bill 743. The City published the Transportation Analysis Guidelines on October 30, 2020, a VMT analysis as part of transportation analysis and environmental review for development projects in the City.<sup>4</sup> The City's updated Transportation Analysis Guidelines specify that projects that generate fewer than 145 daily vehicle trips and/or are located in a high-quality transit area can be presumed to have a less-than-significant transportation impact and would not require a detailed VMT analysis. A high-quality transit area is defined as a located within a half mile of an existing transit stop or an existing stop along a high-quality transit corridor. The Project would generate less than 50 vehicle trips during both the AM and PM peak periods (Appendix B). In addition, the Project site is located approximately 315 feet east of the City's Larry Zarian Transportation Center. The existing transportation center is

---

<sup>4</sup> City of Glendale, 2020. "Transportation Analysis Guidelines." Available online at: <https://www.glendaleplan.com/transportation-guidelines>

defined as a high-quality transit stop as it is an existing rail corridor that carries both passenger trains (Amtrak and Metrolink) and freight trains (Union Pacific Railroad, formerly known as Southern Pacific Lines). Therefore, given the limited number of vehicle trips and the adjacency to high-quality transit, the Project can be presumed to cause a less-than significant transportation impact and would not require a detailed VMT analysis.

- 2-14 *The comment discusses the required preparation of a General Plan and consistency with the General Plan.*

**Response:** This comment contains a generalized background of State Planning and Zoning Law and CEQA consistency; it does not address the adequacy or completeness of the Draft EIR or PR-DEIR. No further response is required.

- 2-15 *The commenter argues the Draft EIR fails to analyze the Project's consistency with the City's General Plan, City's Regional Housing Needs Assessment targets, Sustainable Community Strategy, and Regional Transportation Plan.*

**Response:** Section K, Land Use and Planning, of the Initial Study analyzed the Project's potential conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Appendix B). The proposed Project is consistent with the existing zoning designation of Commercial/Residential Mixed Use (SFMU) and the General Plan designation of Mixed Use. Section N of the Initial Study, Population and Housing, analyzed the project's consistency with the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy and determined that development of the Project site would not induce direct or indirect substantial population growth.

- 2-16 *The commenter concludes the argument by requesting that the City revise and recirculate the Draft EIR for public comment to address these concerns.*

**Response:** As summarized in PR-DEIR Section 1.2, CEQA Standards for Recirculation of EIR, CEQA Guidelines §15088.5 establishes that a lead agency is required to recirculate an EIR when significant new information is added to the EIR after it is released for public review but before certification. New information added to an EIR 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. Following the release of the Draft EIR from March 24, 2022, until April 22, 2022, new information was obtained regarding an occupied residence that is closer to the Project site than was assumed in the Draft EIR's analysis of construction noise and vibration impacts. These new information and updated analysis met the CEQA Guidelines §15088.5 criteria concerning disclosure of a new significant environmental impact and substantial increase in the severity of an environmental impact. The updated analysis resulted in two significant and unavoidable impacts related to construction and vibration that were not identified in the Draft EIR. Therefore, the City determined that the revised portions of the Draft EIR related to noise and vibration would be recirculated for public comment.

Letter 2: Southwest Regional Council of  
Carpenters, represented by Ronald  
Giang of Mitchel Tsai, April 22, 2022



P: (626) 381-9248  
F: (626) 389-5414  
E: [info@mitschtsailaw.com](mailto:info@mitschtsailaw.com)

**Mitchell M. Tsai**  
Attorney At Law

139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101

**VIA E-MAIL**

April 22, 2022

Dennis Joe, Senior Planner  
City of Glendale  
633 East Broadway, Room 103  
Glendale, CA 91206  
Em: [djoe@glendaleca.gov](mailto:djoe@glendaleca.gov)

RE: 1642 South Central Avenue DEIR (SCH#: 2021060219).

Dear Dennis Joe,

On behalf of the Southwest Regional Council of Carpenters (“**Southwest Carpenters**” or “**SWRCC**”), my Office is submitting these comments on the City of Glendale (“**City**” or “**Lead Agency**”) Draft Environmental Impact Report (“**DEIR**”) (SCH No. 2021060219) for the 1642 South Central Project (“**Project**”).

The Southwest Carpenters is a labor union representing more than 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.

SWRCC 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.

SWRCC incorporates by reference all comments raising issues regarding the DEIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

2-1

City of Glendale – 1642 South Central Avenue Project  
 April 22, 2022  
 Page 2 of 14

Moreover, SWRCC requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“CEQA”), Cal Public Resources Code (“PRC”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

2-2

The City should require the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

2-3

[A]ny 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.

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

City of Glendale – 1642 South Central Avenue Project  
April 22, 2022  
Page 3 of 14

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, 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

2-4

<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).



City of Glendale – 1642 South Central Avenue Project  
April 22, 2022  
Page 4 of 14

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>

2-4

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

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:

2-5

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

<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).

<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>.

City of Glendale – 1642 South Central Avenue Project  
 April 22, 2022  
 Page 5 of 14

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.

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.

2-5

2-6

**I. 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>8</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 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.

2-7

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

<sup>8</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.



City of Glendale – 1642 South Central Avenue Project  
 April 22, 2022  
 Page 6 of 14

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 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).

2-7

2-8

City of Glendale – 1642 South Central Avenue Project  
April 22, 2022  
Page 7 of 14

B. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.<sup>9</sup>

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

**Construction Site Design:**

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.

<sup>9</sup> Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

2-9

City of Glendale – 1642 South Central Avenue Project  
April 22, 2022  
Page 8 of 14

- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

**Testing Procedures:**

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.

2-9

City of Glendale – 1642 South Central Avenue Project  
April 22, 2022  
Page 9 of 14

- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

### **Planning**

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.<sup>10</sup>

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

<sup>10</sup> See also The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at [https://www.cpwr.com/wp-content/uploads/publications/NABTU\\_CPWR\\_Standards\\_COVID-19.pdf](https://www.cpwr.com/wp-content/uploads/publications/NABTU_CPWR_Standards_COVID-19.pdf); Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at [https://dpw.lacounty.gov/building-and-safety/docs/pw\\_guidelines-construction-sites.pdf](https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf).

..

City of Glendale – 1642 South Central Avenue Project  
 April 22, 2022  
 Page 10 of 14

## II. THE DEIR IS INADEQUATE

### 1. The DEIR Fails to Support Its Findings with Substantial Evidence

When new information is brought to light showing that an impact previously discussed in the DEIR 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 DEIR 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 DEIR 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.

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).

#### 1. *The DEIR Omits Information in its Noise Analysis*

Section 15126.4(a)(1)(B) of the CEQA Guidelines states “[f]ormulation of mitigation measures shall not be deferred until some future time.” While specific details of

2-11

2-12

City of Glendale – 1642 South Central Avenue Project  
 April 22, 2022  
 Page 11 of 14

mitigation measure may be deferred, an agency is required to (1) commit itself to mitigation, (2) adopt specific performance standards the mitigation will achieve, and (3) identify the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. *See Preserve Wild Santee v. City of Santee* (2012) 210 Cal. App. 4th 260, 281; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645, 671.

2-12

The DEIR establishes there would be a significant impact on short-term construction noise impact. The DEIR establishes impact pile driver at 101 dBA and concrete/industrial saw at 90 dBA at 50 feet away. Both of these are above the 90 dBA Leq 1-hour construction noise level established for residential uses. The DEIR presents mitigation measures but fail to demonstrate the dBA that would result from the mitigation measures. Rather, the DEIR just claims it would reduce the noise level but fails to demonstrate how and at what dBA.

2. *The DEIR fails to include analysis for Transportation, Air Quality and Greenhouse Gas emissions*

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).

2-13

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.

The DEIR does not account for impacts to Traffic, Air Quality and Green House Gas. The Project would be the demolishing of two residential buildings for the

City of Glendale – 1642 South Central Avenue Project  
 April 22, 2022  
 Page 12 of 14

construction of a new 40,240 square foot, five story, 31 unit rental housing building. In addition, there would be 16 parking spaces. Already this is a drastic change from the previous use which are two residential buildings and a detached garage. There would be more cars due to this change. However, the DEIR doesn't take into account the increase in traffic nor does it take into account the affects traffic has to air quality and greenhouse gases. As such, the DEIR should be revised to include analysis of traffic, greenhouse gas emissions and air quality.

2-13

## II. 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 future development. *Leshner 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.

2-14

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



City of Glendale – 1642 South Central Avenue Project  
 April 22, 2022  
 Page 13 of 14

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).

1. The DEIR is Required to Review the Project’s Consistency with Regional Housing Plans, Sustainable Community Strategy and Regional Transportation Plans

CEQA Guidelines section 15125(d) requires that an environmental document “discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. See also *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543. The DEIR should thoroughly evaluate the consistency of this Project with the City’s General Plan, City’s Regional Housing Needs Assessment targets, Sustainable Community Strategy and Regional Transportation Plan. The DEIR fails to analyze the Project’s consistency with any of these applicable plans.

III. CONCLUSION

SWRCC request that the City revise and recirculate the DEIR for public comment to address the aforementioned concerns.

2-14

2-15

2-16



City of Glendale – 1642 South Central Avenue Project  
April 22, 2022  
Page 14 of 14

If the City has any questions or concerns, feel free to contact my Office.

Sincerely,



Ronald Giang

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);

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

*This page intentionally left blank.*

# CHAPTER 3. RESPONSE TO COMMENTS ON THE PARTIALLY RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

## 3.1 OVERVIEW OF CHAPTER 3

Chapter 3 of this Final EIR presents the comment letter on the PR-DEIR received during the public review period from August 15, 2022, to September 14, 2022, and it provides the City's responses to those comments. The comment letter is numbered and the subjects within the comment letter are identified by brackets and numbers. The responses are numbered to correspond with the bracketed comments.

The PR-DEIR included three primary components:

- (1) An introduction to recirculation of an EIR;
- (2) The revised Chapter 3, Noise and Vibration Noise and Chapter 4, Alternatives in their entirety; and
- (3) A revised Noise and Vibration Study (2022) (Appendix D).

## 3.2 ORGANIZATION AND TABLE OF COMMENT LETTERS

As shown in Table 3-1, Comment Letters Received on the PR-DEIR, the City received one public comment letter on the PR-DEIR.

**Table 3-1. Comment Letters Received on the 1642 South Central Avenue Project PR-DEIR**

Agency/Entity/Individual	Name of Commenter	Date of Comment	Letter No.
Attorneys for the Southwest Regional Council of Carpenters	Ronald Giang	September 13, 2022	R-1

## 3.3 COMMENTS AND RESPONSES

### 3.3.1 Letter from the Southwest Regional Council of Carpenters, represented by Ronald Giang of Mitchel Tsai, dated September 13, 2022

R1-1 *This comment introduces the Southwest Regional Council of Carpenters (SWRCC).*

**Response:** The comment is an introductory statement and does not address the adequacy of the Draft EIR or PR-DEIR. No further response is required.

R1-2 *The commenter requests they be provided with any and all notices referring or related to the Project per provisions of CEQA [California Public Resources Code §21092.2 and 21167(f)] and the California Planning and Zoning Law (California Government Code 65092).*

**Response:** As outlined in Section 1.4 Public Participation and Public Decision-Making Process above, in accordance with CEQA Guidelines §15088.5(d) and 15088.5(f)(3), the City notified all

responsible and trustee agencies, interested groups, and individuals that the Draft EIR and Partially Recirculated Draft EIR (PR-DEIR) had been completed and was available for public review and comment. Copies of all prior notices and environmental documents are also available on the City's website: <https://www.glendaleca.gov/government/departments/community-development/planning/current-projects/environmental-review>. Per the commenter's request, the commenter was added to the list of persons and agencies to which any and all notices referring or related to the Project would be provided.

- R1-3 *The comment suggests requiring the use of local hires that meet certain training requirements. The comment discusses the local economic and environmental benefits of establishing these requirements. The commenter elaborates on the benefits of establishing skilled and trained workforce requirements by stating it would yield sustainable economic development and would result in emissions reduction.*

**Response:** The comment is an introductory statement and does not address the specific adequacy of the Draft EIR or PR-DEIR. No further response is required.

- R1-4 *The commenter suggests requiring the use of local hires that meet certain training requirements. The comment discusses the local economic and environmental benefits of establishing these requirements. The commenter elaborates on the benefits of establishing skilled and trained workforce requirements by stating it would yield sustainable economic development and would result in emissions reduction.*

**Response:** The comment is an introductory statement and does not address the specific adequacy of the Draft EIR or PR-DEIR. No further response is required.

- R1-5 *The commenter states the Project should be built to standards exceeding the current 2019 California Green Building Code to mitigate the Project's environmental impacts.*

**Response:** See Response to Comment 2-6.

- R1-6 *The comment discusses the background purpose and objectives of CEQA. The comment also discusses CEQA's information disclosure requirements and states the courts must only use relevant, adequate, and supported studies in their review, and that the studies or analysis offer varied positions of support toward the proposed project.*

**Response:** The comment is an introductory statement and does not address the adequacy of the Draft EIR or PR-DEIR. No further response is required.

- R1-7 *The commenter expresses concern over the increased risk of community spread COVID-19 during construction of the project and believes this should be reflected in the mandatory finding of significance. The commenter recommends that additional CEQA mitigation measures be implemented to reduce risk. The commenter also requests other safe construction site work practices and suggests specific requirements to establish related to construction site design, testing procedures, and planning.*

**Response:** Public health risks related to the transmission of COVID-19 through construction work are not an environmental topic analyzed under the CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations). CEQA Guidelines §15131 states that economic or social effects of a project shall not be treated as significant effects on the environment, and analysis of these effects is not required in an EIR. Although this comment is noted, it does not address the adequacy of the Draft EIR or PR-DEIR. No further response is required.

- R1-8 *The commenter reiterates that all construction workers should be required to undergo COVID-19 Training and Certification before working on project construction.*

**Response:** Public health risks related to the transmission of COVID-19 through construction work are not an environmental topic analyzed under the CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations). Although this comment is noted, it does not address the adequacy of the Draft EIR or PR-DEIR. No further response is required.

- R1-9 *The comment states the PR-DEIR fails to support its findings with substantial evidence and notes “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.”*

**Response:** This comment contains a generalized discussion of CEQA and does not state which section of the PR-DEIR fails to support its findings with substantial evidence. No further response is required.

- R1-10 *The comment states the Draft EIR failed to analyze transportation impacts and that the “CEQA Guidelines § 15064.3(b) require analysis of a Project’s vehicle miles traveled (VMT) impacts as part of the environmental document’s transportation impacts analysis.”*

**Response:** Please refer to Comment 2-13 for further information related to the transportation analysis.

- R1-11 *The comment discusses the required preparation of a General Plan and consistency with the General Plan.*

**Response:** This comment contains a generalized discussion of CEQA and does not address the adequacy or completeness of the Draft EIR or PR-DEIR. No further response is required.

- R1-12 *The commenter argues the Draft EIR fails to analyze the Project’s consistency with the City’s General Plan, City’s Regional Housing Needs Assessment targets, Sustainable Community Strategy, and Regional Transportation Plan.*

**Response:** Please refer to Comment 2-15 for further information related to Project consistency with the General Plan and with regional land use plans.

- R1-13 *The commenter concludes the argument by requesting the City revise and recirculate the Draft EIR for public comment to address these concerns.*

**Response:** As outlined in Section 1.4 Public Participation and Public Decision-Making Process above, CEQA Guidelines Section 15088.5 establishes that a lead agency is required to recirculate an EIR when significant new information is added to the EIR after it is released for public review under Section 15087 but before certification. New information added to an EIR 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. “Significant new information” requiring recirculation includes the following:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

2. 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.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

The concerns expressed in the comment letter are addressed in the responses to comments and do not include significant new information requiring recirculation.

Letter R1: Southwest Regional Council of  
Carpenters, represented by Ronald Giang  
of Mitchel Tsai, September 13, 2022



P: (626) 381-9248  
F: (626) 389-5414  
E: [info@mitschtsailaw.com](mailto:info@mitschtsailaw.com)

**Mitchell M. Tsai**  
Attorney At Law

139 South Hudson Avenue  
Suite 200  
Pasadena, California 91101

**VIA E-MAIL**

September 13, 2022

Dennis Joe, Senior Planner  
City of Glendale  
633 East Broadway, Room 103  
Glendale, CA 91206  
Em: [djoe@glendaleca.gov](mailto:djoe@glendaleca.gov)

RE: **1642 South Central Avenue Recirculated DEIR**

Dear Mr. Joe,

On behalf of the Southwest Regional Council of Carpenters (“**Southwest Carpenters**” or “**SWRCC**”), my Office is submitting these comments on the City of Glendale (“**City**” or “**Lead Agency**”) Recirculated Draft Environmental Impact Report (“**RDEIR**”) (SCH No. 2021060219) for the 1642 South Central Project (“**Project**”).

The Southwest Carpenters is a labor union representing more than 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.

SWRCC 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.

SWRCC incorporates by reference all comments raising issues regarding the DEIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 (finding that any party who has objected

R1-1

City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 2 of 13

to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, SWRCC requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“CEQA”), Cal Public Resources Code (“PRC”) § 21000 *et seq.*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

R1-2

The City should require the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

R1-3

[A]ny 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.



City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 3 of 13

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

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, 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

R1-3

<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).

City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 4 of 13

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>

R1-3

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

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:

R1-4

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

<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).

<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>.

City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 5 of 13

negotiating corporate participation in First Source as a condition of approval for development permits.

R1-4

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.

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.

R1-5

# **I. 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>8</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 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.

R1-6

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

<sup>8</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.

City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 6 of 13

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 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).

R1-6

City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 7 of 13

B. Due to the COVID-19 Crisis, the City Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. PRC § 21083(b)(3); CEQA Guidelines § 15065(a)(4).

Public health risks related to construction work requires a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.<sup>9</sup>

SWRCC recommends that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project's construction activities. SWRCC requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon SWRCC's experience with safe construction site work practices, SWRCC recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.

R1-7

<sup>9</sup> Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 8 of 13

- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

**Testing Procedures:**

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.

R1-7



City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 9 of 13

- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

#### **Planning**

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.<sup>10</sup>

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

<sup>10</sup> See also The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at [https://www.cpwr.com/wp-content/uploads/publications/NABTU\\_CPWR\\_Standards\\_COVID-19.pdf](https://www.cpwr.com/wp-content/uploads/publications/NABTU_CPWR_Standards_COVID-19.pdf); Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at [https://dpw.lacounty.gov/building-and-safety/docs/pw\\_guidelines-construction-sites.pdf](https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf).

..

R1-7

R1-8

City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 10 of 13

## II. THE RDEIR IS INADEQUATE

### 1. The RDEIR Fails to Support Its Findings with Substantial Evidence

When new information is brought to light showing that an impact previously discussed in the RDEIR but found to be insignificant with or without mitigation in the RDEIR's analysis has the potential for a significant environmental impact supported by substantial evidence, the RDEIR 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 RDEIR 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.

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).

### 1. *The DEIR fails to Analyze VMT for its Transportation Analysis*

Section 15126.4(a)(1)(B) of the CEQA Guidelines states “[f]ormulation of mitigation measures shall not be deferred until some future time.” While specific details of

R1-9

R1-10



City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 11 of 13

mitigation measure may be deferred, an agency is required to (1) commit itself to mitigation, (2) adopt specific performance standards the mitigation will achieve, and (3) identify the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. *See Preserve Wild Santee v. City of Santee* (2012) 210 Cal. App. 4th 260, 281; *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App. 4th 645, 671.

R1-10

The DEIR incorporates the IS/MND in stating that there would not be any significant impact because a Traffic Generation Memorandum expects the Project to generate 11 net new vehicle trips during AM peak period and 12 net new vehicle trips during PM peak period. However, CEQA Guidelines § 15064.3(b) requires analysis of a Project's vehicle miles traveled (VMT) impacts as part of the environmental document's transportation impacts analysis. There is none here, only number of trips generated.

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

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

R1-11

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

City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 12 of 13

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).

1. The DEIR is Required to Review the Project’s Consistency with Regional Housing Plans, Sustainable Community Strategy and Regional Transportation Plans

CEQA Guidelines section 15125(d) requires that an environmental document “discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans. See also *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal. App. 5th 467, 543. The DEIR should thoroughly evaluate the consistency of this Project with the City’s General Plan, City’s Regional Housing Needs Assessment targets, Sustainable Community Strategy and Regional

R1-11

R1-12

City of Glendale – 1642 South Central Avenue Project  
September 13, 2022  
Page 13 of 13

Transportation Plan. The DEIR fails to analyze the Project's consistency with any of these applicable plans.

↑  
R1-12

#### **IV. CONCLUSION**

SWRCC request that the City revise and recirculate the DEIR for public comments to address the aforementioned concerns. If the City has any questions or concerns, feel free to contact my Office.

↑  
R1-13

Sincerely,



---

Ronald Giang  
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);

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

## CHAPTER 4. REVISIONS TO DRAFT EIR AND PR-DEIR

In accordance with §15132(a) of the State CEQA Guidelines, this section of the Final EIR provides changes to the non-recirculated portions of the Draft EIR and PR-DEIR that have been made to clarify, correct, or supplement the environmental impact analysis for the Project. These changes represent additional information or revisions that do not significantly alter the proposed project, change the significance conclusions, or result in a conclusion that significantly more severe environmental impacts will result from the proposed Project.

Changes are identified below by the corresponding Draft EIR or PR-DEIR section and subsection, if applicable, and the page number. Additions are underlined, and deletions are shown in ~~strike through~~ format.

### 4.1 SECTION 1.0 INTRODUCTION

The follow revision has been incorporated on page 1-1 of the Draft EIR.

The Project site is zoned SFMU (Commercial/Residential Mixed Use) and developed with two residential buildings (1642 South Central Avenue and 1608 Gardena Avenue) and a detached garage. Although previously converted to a duplex, the building at 1642 South Central Avenue is currently a single-family home.

### 4.2 SECTION 2.3 DESCRIPTION OF PROJECT

The follow revision has been incorporated on page 2-5 of the Draft EIR.

The Project proposes to the demolish the two existing residential ~~buildings dwellings~~ and accessory building (garage) on the Project site and construct a new 40,240-square-foot, five-story building with 31 units of rental housing and a one-level subterranean garage.

### 4.3 SECTION 3.2 CULTURAL RESOURCES

The follow revision has been incorporated on page 3.1-14 of the Draft EIR.

~~Based on the construction of the residential building at 1642 South Central Avenue, The period of significance for 1642 South Central Avenue under GR Criterion 1 and 3 the property~~ The period of significance for 1642 South Central Avenue under GR Criterion 1 and 3 the property is therefore determined to be 1913, which corresponds to the building's construction as a Craftsman style residence and its relationship with the development of the city of Tropic.

Related to the discussion of a potential El Bonito Historic District, the following revisions have been incorporated in the Historic District Consideration section on page 3.1-21 of the Draft EIR.

The project site is not within a designated historic district, a potential historic district or planning area identified by the 2019 South Glendale Historic Resource Survey (Survey).<sup>5</sup> ~~A few properties~~ Three properties in the area, 343 El Bonito Avenue (built in 1912), 331 El Bonito (built in 1912), and 335 El Bonito Avenue (built in 1913), were all identified eligible for local listing or designation, receiving 5S3 designations. ~~the overall neighborhood is too altered for consideration as a cohesive historic~~

---

<sup>5</sup> Historic Resources Group (HRG), *City of Glendale, South Glendale Historic Context Statement*, prepared for the City of Glendale Planning Division, 2019.

district The Survey specifically examined Potential Historic Districts and Planning Areas as well as individual buildings, and this El Bonito area was not identified as one of them. The Survey identified several potential historic districts: East Doran Street, Carr Drive/Broadway, Garfield/Windsor, Roads End, Columbia Drive, and a proposed extension to the existing Cottage Grove Historic District.

The collection of the three individually eligible 331, 335, and 343 El Bonito Avenue – all located on the north block face along with 339 El Bonito Avenue, are not within the Survey’s identified potential historic district or planning areas, and none of the property owners have requested initiation of an historic district. Accordingly, it is not therefore reasonably foreseeable that this area is or would be a future historic district. However, potential impacts to the three buildings as individually eligible resources are taken into consideration.

Supplemental analysis related to the adjacent historical resources has been incorporated into the Impact CR-1 section on Page 3.1-21 to 3.1-22 of the Draft EIR:

There is no evidence the Project would significantly impact the properties located at 331, 343, 335 El Bonito. The immediate setting of Project consists of a mix of single and multifamily residential buildings, light industrial, and commercial buildings, as well as the Larry Zarian Transit Center and its expansive surface parking lots. With the existing conditions of the dynamic and urban setting of the surrounding neighborhood as a baseline, the Project will not alter the immediate setting of these El Bonito residences, nor would the Project materially impair the eligibility or historicity of the El Bonito buildings. Therefore, the Project would not affect the eligibility for listing in the Glendale Register of Historic Resources of the three residences at 331, 343, 335 El Bonito Avenue, resulting in less-than-significant impacts. However, an overall finding of significant and unavoidable impacts to historical resources would remain with the demolition of 1642 South Central Avenue.

## **CHAPTER 5. REPORT PREPARERS**

### **5.1 LEAD AGENCY**

**Community Development Department, Planning Division, City of Glendale**  
633 E. Broadway, Rm. 103  
Glendale, CA 91206

**Deputy Director of Community Development** Erik Krause

**Senior Planner** Dennis Joe

**Principal Urban Designer** Jay Platt

**Chief Assistant City Attorney** Gillian van Muyden

### **5.2 CONSULTANTS**

**SWCA Environmental Consultants**  
51 West Dayton Street  
Pasadena, CA 91105

**Project Manager** Ian Todd, AICP

**Project Planner** Kara Laurenson-Wright

**Architectural Historian** Dan Herrick

**Architectural Historian** Stephanie Cimino

**Noise** Carlos M. Ituarte-Villarreal

**GIS Analyst** Anna Belk

**Technical Editor** Heidi Orcutt-Gachiri