Gold Line Phase II
Pasadena to Montclair - Foothill Extension 2A
Final Supplemental
Environmental Impact Report No.2
For Additional Project Refinements
(SCH No. 2003061157)
January 2012
Volume 2: Supplemental EIR Comments and Responses
Readers’ Guidance:

This chapter provides responses to all comments submitted on the Draft Supplemental EIR of November 2011. All comments have been numbered and a corresponding numbered response is shown. Please note that this Supplemental EIR is being issued in order to take actions under the California Environmental Quality Act.
Volume 2. Comments and Responses

2.1 Introduction
This chapter provides responses to comments submitted by persons, agencies, and organizations on the draft Supplemental Environmental Impact Report No. 2 for Additional Project Refinements (the “Supplemental EIR No. 2”), which was issued for comment in November 2011.

Responses were developed to either answer questions raised, or to refer the commenter to the appropriate location in the Supplemental EIR No. 2 where detailed information about the issue raised is found.

2.2 Comments and Responses to Comments
All persons, agencies, and organizations submitting comments were assigned a tracking number shown in Table 1. Numbers were assigned in the order of comments received.

All comments raised in letters or e-mails were assigned numbers under the main tracking number. These numbers were marked on copies of the comment letter and are included in this volume. Individual responses are provided under the corresponding tracking number and directly follow each corresponding comment.
### Table 1: Public Circulation and Hearing Comments and Responses

<table>
<thead>
<tr>
<th>Commenter</th>
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<td>Pierce Law Firm</td>
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<td>Native American Heritage Commission</td>
<td>002</td>
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<td>The City of Duarte</td>
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<td>Governor’s Office of Planning and Research: State Clearinghouse and Planning Unit</td>
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Public Circulation

Comments and Responses
VIA EMAIL & U.S. MAIL  
levybuch@foothillextension.org  
Metro Goldline Extension Construction Authority  
Attention: Lisa Levy Buch, Director of Public Affairs  
406 East Huntington Drive  
Suite 202  
Monrovia, CA 91016

Re: Draft Supplemental Environmental Impact Report No. 2  
Project Refinement No. 2:  
Relocating the Duarte Station Parking Facility in the City of Duarte

Dear Ms. Levy Buch:

This letter provides comments concerning the Goldline Extension Draft Supplemental EIR No. 2 ("Draft SEIR No. 2"). Specifically, these comments are directed to proposed project refinement No. 2, concerning relocating the Duarte Station parking facility.

The facts and circumstances concerning the alternatives to the proposed project refinement are not adequately addressed and do not meet the requirements of the California Environmental Quality Act ("CEQA"). The conclusory comments concerning pedestrian safety are unsupported by even the most basic reference to facts that would impact pedestrian safety. As discussed, below, the relocation of the parking under either of the alternatives creates a direct conflict between pedestrian and vehicular movement patterns that will result in a decrease in pedestrian safety at the Duarte station. Additionally, there are a number of factors that make the no action alternative a superior alternative with respect to relocation of the parking for the Duarte station. As we understand the "no-action alternative" will avoid all of the impacts associated with the project refinements and would result in the parking lot being located at the spot that was previously approved in the Final EIR certified in 2007.

As I am sure you are aware, the discussion of alternatives must include sufficient information about each alternative to allow evaluation, analysis and comparison with the proposed project (14 Cal.Code Reg §15126.6(d)). The conclusory comments in Chapters 2, 3 and 4 of the Draft SEIR No. 2 do not meet the requirement that the discussion of alternatives provide sufficient information for analysis. There is no
discussion concerning the relative safety of pedestrians under any alternatives. Since the purported justification for considering the new sites is in part the safety of pedestrians, some discussion must be set forth to allow the public to analyze the proposed environmental impacts in light of the facts surrounding the rationale for relocation.

The text of the Draft SEIR No. 2, states the asserted justification for relocating the parking is to “support pedestrian accessibility needs and safety, to lessen circulation impacts on surrounding businesses, and to reduce impacts to residential uses.” However, as the map of the proposed site demonstrates, placing the parking along the front of Highland Avenue creates a situation where pedestrians will have to cross an active driveway serving two large commercial buildings to get to the station. The location described in the 2007 Certified Final EIR includes a dedicated protected pedestrian walkway removed from automobile circulation. The approved site is already partially vacant and runs along the edge of the commercial property completely protected from vehicle circulation. An aerial photograph from Google Earth is enclosed for your ease of reference. As can also be seen from the enclosed map, the station site will be near a thriving business district. In fact, the location proposed in the Draft SEIR No. 2 places the parking lot in the center of this business district. The proposed location will have a substantially greater impact on the environment than the approved site.

Currently, the frontage along Highland Avenue where both alternative parking lots are proposed has an existing parking lot serving the existing businesses. Access to these businesses is provided via Highland Avenue. The approved parking location off of Business Center avoids conflict with vehicles accessing these businesses and creates substantially less impact to the surrounding businesses.

The approved parking lot does not encourage trespass parking. In other words the existing parking lots are adequate to serve the existing businesses; however, there is no surplus parking. With the approved parking, passengers are encouraged to park closest to the dedicated pedestrian walkway. There is no incentive to trespass park. However, in the proposed locations, passengers will have a natural incentive to park in the parking lot owned by the property at 1801 Highland Avenue and needed to serve the businesses that operate there, because that parking will be closer to the station site.

The proposed parking disrupts the existing businesses on the site and interferes with access to those businesses. Specifically, and as mentioned above, the proposed parking will create a situation where passengers will walk across the driveway located at 1801 Highland Avenue. Significantly, commuters will be taking the train at the same time as people arriving for work at 1801 Highland.
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Metro Goldline Extension Construction Authority
Attention: Lisa Levy Buch, Director of Public Affairs
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The Draft SEIR No. 2 does not explain how the impacts to the GE business and property will be mitigated. Unless MTA intends to acquire the property and the business, it will also result in a disruption of that business operation.

Although a precise metes and bounds description of the proposed alternative parking lots is not provided, both of the drawings appear to encroach on property rights in the form of access easements that run in favor of the property at 1801 Highland Avenue. Significantly, there is no reason for all of these impacts to the surrounding business community and specifically the 1801 Highland Building. The approved parking location is ideally suited for parking. It does not interfere with access to the existing businesses or buildings, it does not create a conflict between pedestrian and vehicular traffic and with the access point on Business Center Drive, provides access to Goldline parking without impacting circulation at critical work travel times.

Although the Draft SEIR No. 2 makes passing reference to residential impacts, there are no facts identified or analyzed to indicate that the approved parking has any impact on the residential area. In the absence of any facts, the Draft SEIR No. 2 fails in its mandate to provide the public with information concerning the proposed project (in this case proposed project changes) to allow the public to make informed comments on the proposed project to permit the decision makers to make an informed decision.

It is difficult to understand the impetus for relocating the parking. The approved location provides the greatest amount of parking with the least environmental impact. To the extent the Draft SEIR No. 2 is intended as an informational document to provide the public with information concerning the justification for the proposed change and sufficient information concerning the alternatives to allow the public to analyze the proposed changes and alternatives, it fails to do so.

An EIR must evaluate the comparative merits of the alternatives identified in the EIR (14 Cal.Code Regs §15126.6(a)). There are several methods for analyzing the alternatives in the EIR and while we understand that the discussion need not be exhaustive, MTA is required to make an objective, good faith effort to compare the project with the alternatives. In this case, MTA has failed to undertake the most basic analysis of the purported safety and circulation concerns identified as justification for seeking new sites. Additionally, these same concerns should be analyzed with respect to the proposed sites to determine if they solve the problem. In this case, it appears to be common sense that the proposed sites increase congestion in circulation and increase the risk of conflicts between vehicles and pedestrians. Accordingly, the Draft SEIR No. 2 fails to meet the standards set forth in CEQA and the California Code of Regulations interpreting CEQA.
An EIR’s analysis of alternatives should “explain in meaningful detail” a range of the alternatives to the proposed project. (Laurel Heights Improvement Assoc. v. Regents of the University of California (1988) 47 Cal.3d 376, 406.) In other words, the information provided must be sufficient to allow an informed comparison of the impacts of the project with those of the alternatives. In Kings County Farm Bureau v. City of Hanford (1992) 21 Cal.App.3d 692, 733 the absence of comparative data precluded meaningful consideration of the alternatives. Here, there is no data that would allow comparison between the approved site in a protected portion of a parking lot, that is already partially vacant, with a dedicated pedestrian walkway to the proposed location occupying a corner of prime commercial frontage displacing existing parking, and requiring pedestrians to cross a driveway at the same time vehicles are bringing people to work at the businesses located on both sides of the proposed parking site.

Significantly, the approved parking site was included in the Certified Final EIR that purportedly undertook an analysis of all of the alternatives at that time. The comments that “the proposed station facility is being investigated due to access issues associated with the relocation of the Duarte Station approximately 400 feet to the east;” relocating the parking “would reduce walking distances between the parking facility and the station, thus increasing patron safety and the ease of accessibility;” and “since the proposed parking facility would be closer to the Duarte Station, there would also be less impact on surrounding residential uses,” are non-sequiturs in the context of the actual site. As indicated above, the proposed site creates pedestrian vehicle conflicts that did not exist in the approved site. At the approved site, pedestrians are not asked to walk through surrounding residential usages. Accordingly, there is no connection between the statement and the proposed relocated parking.

The discussion in Chapter 3 is similarly deficient. The conclusory discussion of hypothetical alternatives is not adequate to provide a meaningful assessment of the alternatives. (See Laurel Heights, supra.) But more to the point is the justification identified in Chapter 3. Specifically, Chapter 3 states that relocating the parking facility is “needed to support pedestrian accessibility and safety, to lessen circulation impacts on surrounding businesses, and to reduce impacts to residential uses.” As noted above, the relocated parking does not achieve any of those goals nor does the Draft SEIR No. 2 explain how the relocated parking would support pedestrian accessibility or lessen the circulation impacts on the surrounding businesses. Both alternative A and alternative B eliminate business parking at the corner of Business Center Drive and Highland Avenue in favor of MTA parking and/or create a conflict between business parking and MTA passenger parking. None of the discussions in the Draft SEIR No. 2 address the obvious problem of MTA passengers parking in the business parking lots not acquired by MTA. At the approved location there is no such risk.
In *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1356 the court found that neither the EIR nor the supporting administrative record contained sufficient information to support the lead agency’s findings. In this case, the feasibility discussion in the Draft SEIR is inaccurate and insufficient. Any approved EIR based on this record will be vulnerable to challenges as not including the required meaningful review of the alternatives. (See, *Save Round Valley Alliance v. County of Indio* (2007) 157 Cal.App.4th 1437.) Clearly, MTA cannot meet this standard with statements such as that found at section 4.4.1.2:

> Furthermore, using the site originally considered for the Duarte station parking facility in the 2007 Final EIR would not compensate for the parking needs of the multiple businesses as it would for GE Aviation. Therefore, alternative A is the more feasible alternative and the environmentally superior alternative.

The CEQA guidelines state that an EIR should briefly discuss the agency’s rationale for selecting the alternatives that are discussed in the report. However, that rationale must be supported by a discussion of facts not conclusions. The conclusory statements about pedestrian safety, circulation impacts on surrounding businesses and impacts to residential uses are factually inaccurate and not supported by any purported facts, discussion or analysis in the Draft SEIR, the document fails to meet the statutory requirements.

The Certified Final EIR provides for parking for the Goldline Station in the location that will have the least environmental impact. The property includes dedicated pedestrian access, vehicle access in a manner that is located away from the surrounding businesses and does not eliminate commercially viable street frontage. The proposed parking creates safety hazards by requiring passengers to walk across business driveways during the hours when employees are coming to and from work; promotes parking trespass by passengers using parking spots that are owned by and used by the businesses located at 1801 Highland; interferes with access to 1801 Highland by creating a stream of pedestrians across the parking lot and driveway and appears to interfere with the property rights of the owner of 1801 Highland Avenue.

Because Draft SEIR No. 2 fails to adequately address the alternatives, including the no action alternative by failing to discuss the facts surrounding each of the alternatives and because the no action alternative is environmentally superior to alternatives A and B based on the facts that are presented, the EIR cannot be certified based on those facts and the Draft SEIR No. 2 that was circulated.
R

Please include my name and address on the list of any future correspondence notices or other activities related to approval or environmental review of the Metro Goldline Foothill Extension or the Duarte Station.

Very truly yours,

Bradley D. Pierce

BDP:tsd
Encl.
Response to Pierce Law Firm

A) This comment does not raise any specific environmental- or Project-related issues. Additional discussion regarding the validity of the alternative analysis related to CEQA requirements and the specific impacts of the Duarte Station parking facility is included in the Response to Comments below.

B) Chapter 4 of the Supplemental EIR No. 2, evaluated the No-Action Alternative, Alternative A, and Alternative B. It was concluded that Alternative B would have impacts on more local businesses by taking parking from a number of nearby businesses. In addition, existing ingress/egress easements between property owners would reduce the feasibility of implementing Alternative B, and as such, that Alternative is not considered environmentally superior. The Supplemental EIR No. 2 discusses that the No-Action Alternative does not achieve the goal of shifting the Duarte Station to the east so it is closer to the Station location. Leaving the parking in the previously approved location results in longer in walking distances and creates inconvenience and potential safety concerns for pedestrians accessing the Duarte Station. As currently proposed in the 2007 Final EIR, the walking distance from the center of the parking facility to the east end of the Duarte Station would be over 2,000 feet, whereas Alternative A would reduce that distance to 600 feet from the center of the proposed parking facility to the east end of the Duarte Station. The City of Duarte and the Authority concluded that a 2000-foot distance may adversely affect pedestrian safety and accessibility from the parking facility to the Duarte Station, and the No-Action Alternative would not fully address the proximity concern. Under the No-Action Alternative, pedestrians could be more exposed to safety threats while walking 2000 feet to reach the Duarte Station compared to the significantly shorter 600-foot walk from the proposed Alternative A parking facility. In addition, moving the proposed Duarte Station parking facility from the 2007 Final EIR-approved site to the Alternative A site would avoid any potential residential area impacts related to a public parking facility that would have operational hours from 5:00 a.m. to 1:00 a.m., seven days a week. In determining the preferred alternative based on feasibility prior to Project initiation, the Authority will design a parking facility that is convenient for pedestrian access, eliminates any potential safety concerns, and minimizes any potential impact to businesses and residents in the area.

C) Given that the 2007 Final EIR-approved site and the Alternative A (east-west orientation) site both meet Project objectives, the Authority seeks the flexibility to proceed with either of these options when reviewing the feasibility of implementation associated with construction and operation of each of these two alternatives. Alternative A is the preferred alternative because the parking facility would be moved closer to Highland Avenue, and the traffic would not be in close proximity to the residential subdivision just west of the 2007 Final EIR-approved site. Further, the walking distance to access the Duarte Station would decrease because the Station has been shifted 400 feet to the east of the 2007 Final EIR-approved station location. In addition, the Authority staff recommends elimination of Alternative B (north-south) from further consideration because of potential encroachment of the proposed parking facility on the areas subject to the easement agreement between GE
Aviation and 1801 Highland Avenue. Encroachment issues are completely avoided by Alternative A, which would eliminate parking impacts to the 1801 Highland Avenue property.

D) Pedestrians traveling between the Duarte Station and the proposed Duarte Station parking facility Alternative A would do so via an existing sidewalk along the west side of Highland Avenue. Based on a parking facility of approximately 125 spaces, the following is an approximation of the distribution of the pedestrian volume expected to cross the driveway at 1801 Highland Avenue. Historically, the morning peak period generates the highest pedestrian volumes. The morning peak period is three hours long (from 6:00 a.m. to 9:00 a.m.), and the distribution of pedestrian volumes within the three hour period is approximately 25 percent in the first and last hours and 50 percent at the 7:00 a.m. peak hour. In addition, approximately 90 percent of parking facility users arrive during the 3-hour peak period. Applying these factors to the proposed Duarte Station parking facility (Alternative A), the result is that less than one person per minute would be crossing the driveway \((125 \times 0.90 \times 0.50)/60 = 0.9375\). While pedestrians would cross over the driveways of existing businesses, this low pedestrian volume would not have a negative impact on the driveway operation access to and from those business via Highland Avenue, and driveway locations would continue to be provided. The presence of additional pedestrian volumes does not alone create any new significant impacts, nor does it restrict access completely to and from the existing businesses. In addition, the signalizing of the Highland Avenue and Business Center Drive intersection would introduce gaps in the vehicular traffic to provide greater opportunity for pedestrians to cross the driveway.

E) The intersection at Highland Avenue and Business Center Drive is not currently signalized. Based on the 2007 Final EIR, the proposed mitigation measure would include signalization of this intersection. The implementation of that traffic signal was assumed in the updated traffic analysis. The traffic signal would provide for good level of service (LOS) A or B operations during peak periods when commute traffic to and from the Duarte Station would be the highest. Access to the proposed parking facility, under either Alternative A or Alternative B, would be on Business Center Drive and not Highland Avenue. Access to and from Highland Avenue, therefore, would be via the planned traffic signal for the adjacent intersection. Adverse impacts to Highland Avenue traffic flow would not be generated by the additional vehicle trips to and from the station.

F) Regarding trespass parking concerns, the Authority believes that construction a parking facility at the Alternative A site would reduce trespass parking as compared to the previously approved site because the parking facility would be located closer to the Duarte Station, rather than the 2,000 foot walking distance pedestrians would have to make from the 2007 Final EIR-approved parking facility. However, to help reduce the potential of trespass parking, Metro has recommended signage that clearly identifies Metro Gold Line parking locations. The Authority would also, with property owner approval, provide signage in the private lots that informs commuters and parking facility users to use the Metro Gold Line parking facilities only. The Authority is committed to working with the existing business to develop the wording, location, and look of the signs, but it is recommend that each sign
notes something to the effect of "PRIVATE PARKING: Violators will be ticketed and/or towed at owner's expense."

Please refer to Response to Comment D) concerning pedestrians traveling between the Duarte Station and the proposed Duarte Station parking facility.

G) Per Section 15126.4 of the CEQA Guidelines, an EIR shall described feasible mitigation measures, “which could minimize significant adverse impacts.” As discussed in Chapter 3 of the Supplemental EIR No. 2, relocating the Duarte Station parking facility in the City of Duarte would not result in significant impacts on noise and vibration, cultural resources, geological and hazardous materials, and traffic and transportation. Therefore, mitigation measures are not required to address each alternative’s less-than-significant impacts on the environment. Furthermore, Alternative A’s less-than-significant impact on GE Aviation parking could be offset by using the site originally considered for the Duarte Station parking facility in the 2007 Final EIR, which would compensate for the loss of GE Aviation parking.

H) It is noted that there is a 20-foot wide easement shared by both GE Aviation and 1801 Highland Avenue located on the northern edge of the 1801 Highland Avenue property from Highland Avenue to the western boundary of the site. The internal layout of the Duarte Station parking facility Alternative A has been reviewed, and modifications have been made to the site plan to address the ingress/egress from Business Center Drive and traffic circulation impacts (Attachment A). Alternative A would not impact this easement, although Alternative B would. Therefore, the Authority has recommended the elimination of Alternative B from further consideration, as noted in Chapter 4 of the Supplemental EIR No. 2, so as to avoid any potential impacts on the easement area and the property at 1801 Highland Avenue. The document has been revised to further clarify this recommendation. As discussed in Chapter 3 of this Supplemental EIR No. 2, the relocation of the Duarte Station parking facility in the City of Duarte would not result in significant impacts on noise and vibration, cultural resources, geological and hazardous materials, or traffic and transportation. GE Aviation is the current owner of the 2007 Final EIR-approved parking facility, as well as the Supplemental EIR No. 2’s proposed parking facility. Alternative A’s less-than-significant impact on GE Aviation parking may be offset by using the site originally considered for the Duarte Station parking facility in the 2007 Final EIR, which would compensate for the loss of GE Aviation parking.

As noted in Response to Comment D), pedestrians traveling between the Duarte Station and the proposed Duarte Station parking facility would do so via an existing sidewalk along the west side of Highland Avenue. Based on a parking facility of approximately 125 spaces, the following is an approximation of the distribution of the pedestrian volume expected to cross the driveway at 1801 Highland Avenue. Historically, the morning peak period generates the highest pedestrian volumes. The morning peak period is three hours long (from 6:00 a.m. to 9:00 a.m.), and the distribution of pedestrian volumes within the three hour period is approximately 25 percent in the first and last hours and 50 percent at the 7:00 a.m. peak hour. In addition, approximately 90 percent of parking facility users arrive during the 3-hour peak period. Applying these factors to the proposed Duarte Station parking facility
(Alternative A), the result is that less than one person per minute would be crossing the driveway \((125 \times 0.90 \times 0.50)/60 = 0.9375\). While pedestrians would cross over the driveways of existing businesses, this low pedestrian volume would not have a negative impact on the driveway operation access to and from those businesses via Highland Avenue, and driveway locations would continue to be provided. The presence of additional pedestrian volumes does not alone create any new significant impacts, nor does it restrict access completely to and from the existing businesses. In addition, the signalizing of the Highland Avenue and Business Center Drive intersection would introduce gaps in the vehicular traffic to provide greater opportunity for pedestrians to cross the driveway.

I) Please refer to Response to Comment B) and C) above.

J) The updated traffic analysis conducted for the two parking facility alternatives verified that the traffic signal to be installed at the Highland Avenue and Business Center Drive intersection would provide for good Level of Service (LOS) A or B operations during the peak periods of commuter traffic at the Duarte Station. This traffic signal would provide for improved access between Business Center Drive and Highland Avenue, while also providing regular breaks in traffic for vehicles exiting the existing parking facility access point on Highland Avenue. The proposed parking facility would have a single point of access (one inbound/outbound driveway), and it will be spaced adequately from the existing parking lot driveway access point on Business Center Drive to provide for separation of vehicle turning movement conflicts between the driveways.

K) Please refer to Response to Comment B) and C) above. Further, CEQA does not require an analysis of alternatives for each individual component of an overall project. Thus, the analysis of the various alternatives for the parking facility is not required by CEQA, but the Authority included this information to further CEQA's policy of informing the public and the decision makers of potential impacts and ways to eliminate or reduce any such impacts.

L) Please refer to Response to Comment B) and C) above.

M) Please refer to Response to Comment B), C), H), and K) above.

N) This comment does not raise any additional environmental- or Project-related issues. Please also refer to Response to Comment B), C), H), and K) above.

O) This comment does not raise any additional environmental- or Project-related issues. Please also refer to Response to Comment B), C), H), and K) above.

P) As currently proposed and designed, the walking distance from the center of the parking facility to the end of the Duarte Station would be over 2,000 feet. The City of Duarte and the Authority concluded that the distance from the 2007 Final EIR-approved site to the Duarte Station may adversely impact pedestrian safety and accessibility from the parking facility to the Station, which is discussed further in Response to Comment B) and C) above. As Project design continues to develop, pedestrian safety would be evaluated to ensure that safety standards are met for either the 2007 Final EIR-approved site or the proposed
Alternative A site. In addition, proper tow-away signage would be posted to deter trespass parking under either the 2007 Final EIR-approved parking facility or the proposed Alternative A parking facility because this issue may arise under either alternative. As noted in Response to Comment B) and H) above, Alternative A would not encroach on the easement agreement between GE Aviation and the owner of 1801 Highland Avenue. Regarding concerns over access and potential pedestrian and vehicular conflicts, please refer to Response to Comment D) above.

Q) This comment does not raise any additional environmental- or Project-related issues. Please also refer to Response to Comment B), C), and K) above.

R) This comment does not raise any specific environmental- or Project-related issues. However, the firm will be added to the Authority's list of those who receive notices regarding the Project.
Attachment A
Dear Habib Balian:

The Native American Heritage Commission (NAHC), the State of California "Trustee Agency" for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the area of potential effect (APE), and if so, to mitigate that effect.

The NAHC Sacred Lands File (SLF) search resulted as follows: Native American cultural resources were identified within the project area identified (e.g. area of potential effect or APE). Also, the absence of archaeological resources does not preclude their existence. California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to
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California Government Code §6254 (r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the Tribal Consultation requirements of the California 2006 Senate Bill 1058: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 106-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C. 4371 et seq, and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1982 Secretary of the Interior's Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordinated & consultation) and 13007 (Sacred Sites) are helpful, supportive guidelines for Section 106 consultation. The aforementioned Secretary of the Interior's Standards include recommendations for all lead agencies to consider the historic context of proposed projects and to "research" the cultural landscape that might include the "area of potential effect."

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254 (r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archaeological resources during construction and mandate the processes to be
followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-8251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List
California Native American Contacts
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November 30, 2011

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Gabrieno-Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693
Gabrieno Tongva
San Gabriel, CA 91776
GTTRBouncil@aol.com
(626) 286-1632
(626) 286-1756 - Home
(626) 286-1262 - FAX

Gabrieno-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles, CA 90067
Gabrieno Tongva
tcandelaria1@gabrienotribe.org
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This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.99 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2003061157; CEQA Notice of Completion; Supplemental Environmental Impact Report (SEIR) for the Metro Gold Line Foothill Extension Phase 2A, Additional Project Refinements; located in the San Gabriel Valley, Los Angeles County, California.
California Native American Contacts
Los Angeles County
November 30, 2011

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

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

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7059.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.99 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2003061157; CEQA Notice of Completion; Supplemental Environmental Impact Report (SEIR) for the Metro Gold Line Foothill Extension Phase 2A, Additional Project Refinements; located in the San Gabriel Valley; Los Angeles County, California.
Response to Native American Heritage Commission

A) Upon receiving a copy of the Native American Heritage Commission’s comment letter, nine local Native American representatives on the Native American Heritage Commission’s referral list for more specific information on Native American cultural resources in the Project area were contacted (see Attachment A to this response). At this time, only Andrew Salas, Chairperson of the Gabrieleno Band of Mission Indians, has responded to requests for comments. In an email dated January 1, 2012, Mr. Salas states that the Project area lies in a highly-sensitive area for Native American cultural resources, where six Gabrieleno/Tongva villages are known to have been located, including Sisitcanogna, Akuuranga, and Aleupkinga in the present-day City of Arcadia area, Azucesangna in the cities of Azusa and Monrovia, and Haramoknga in the City of Pasadena. Therefore, Mr. Salas recommends that a certified Native American monitor be on site during any ground-disturbing activities associated with the Project. As noted in the 2007 Final EIR, Mitigation Measure CR-1 states that should “cultural resources be uncovered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can visit the site of discovery and assess the significance of the archaeological resource.” CR-1 further states that “provisions for the disposition of recovered prehistoric artifacts shall be made in consultation with culturally affiliated Native Americans.” Accordingly, the Project has procedures in place to ensure that any potential culture resource impacts are avoided and mitigated.

B) During the preparation of the 2007 Final EIR and as described in Chapter 6 of the 2007 Final EIR, a letter was sent to the Native American Heritage Commission on October 10, 2003, requesting the contact information for tribal representatives who may have an interest in the Project. The Native American Heritage Commission responded with the information requested, and the Native American representatives were placed on the Scoping Mailing list, thus receiving Notices of Preparation and Initial Study checklists. This Supplemental EIR No. 2 tiers off of the 2007 Final EIR, evaluating additional Project Refinements of the previously-certified 2007 Final EIR. In addition, nine Native American representatives were contacted, as discussed in Response to Comment A) above. The Authority will continue to consult with the Native American Heritage Commission and other interested tribal parties in and around the Project area.

C) Refer to Response to Comment B) above. Additionally, the Authority will continue to provide pertinent Project information to the Native American Heritage Commission and other interested tribal parties.

D) Previously approved mitigation measures are in place to ensure that any potential, unknown, and undetected cultural resource is not disturbed during Project construction. Specific to the concerns of the Native American Heritage Commission, the 2007 Final EIR Mitigation Measure CR-1 explicitly states that should “cultural resources be uncovered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can visit the site of discovery and assess the significance of the
archaeological resource.” CR-1 further states that “provisions for the disposition of recovered prehistoric artifacts shall be made in consultation with culturally affiliated Native Americans.”

E) This comment does not raise any additional environmental- or Project-related issues. Refer also to Response to Comment B) above. The Authority has considered the historical context of the Project; has researched the cultural landscape in and around the Project area in previous environmental documents; and has developed and is currently adhering to all applicable mitigation measures that mitigate potential impacts on cultural resources related to Project construction. The Authority will adhere to these mitigation measures, to the extent that they apply.

F) This comment does not raise any additional environmental- or Project-related issues. Refer also to Response to Comment D) above.

G) Refer to Response to Comment D) above. Concerning the discovery of human remains during Project construction, Mitigation Measure CR-1 states that “in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery, the steps and procedures specified in Health and Safety Code 7050.5, CEQA 15064.5(e), and the Public Resources Code 5097.98 shall be implemented.”

H) This comment does not raise any additional environmental- or Project-related issues. Refer also to Response to Comment B) above. The Authority will continue to consult and coordinate with the Native American Heritage Commission throughout Project construction as required under the 2007 Final EIR Mitigation Measure CR-1.
January 9, 2012

John Skoury, Vice President
Hill International, Inc.
18100 Von Karman Avenue, Suite 700
Irvine, CA 92612

Re: Consultations with Local Native American Representatives
Supplemental EIR No. 2 for Additional Project Refinements
Metro Gold Line Foothill Extension Project, Phase 2A
Cities of Arcadia, Azusa, Duarte, Monrovia, and Pasadena
Los Angeles County, California
CRM TECH Contract #2985

Dear Mr. Skoury:

At your request, CRM TECH pursued consultations with local Native American representatives regarding the project referenced above. As you know, the Metro Gold Line Foothill Extension Construction Authority (MGLFCA) previously requested the State of California Native American Heritage Commission to conduct a Sacred Lands File records search in order to identify any Native American cultural resources within the project boundaries. In response, the commission reports in a letter dated November 30, 2011, that the Sacred Lands File indicates the presence of unidentified Native American cultural resources within the project area, and recommends that local Native American groups be contacted for further information.

Upon receiving a copy of the Native American Heritage Commission’s response letter from the MGLFCA, on December 21 CRM TECH contacted in writing a total of nine local Native American representatives on the commission’s referral list for more specific information on Native American cultural resources in the project vicinity (see attached sample letter). As of this time, only Andrew Salas, Chairperson of the Gabrieleno Band of Mission Indians, has responded to CRM TECH’s request for comments.

In an e-mail dated January 1, 2012 (see attached), Mr. Salas states that the project area lies in a highly sensitive area for Native American cultural resources, where six Gabrieleno/Tongva villages are known to have been located, including Sisicamanga, Akutamanga, and Aleyklisha in the present-day Arcadia area, Azusamanga in Azusa and Monrovia, and Hanamokiga in Pasadena. Therefore, Mr. Salas recommends that a certified Native American monitor be on site during any ground-disturbing activities associated with the proposed project.

The other eight local Native American representatives are yet to respond to CRM TECH’s request for comments. Based on past experience, if and when they do reply, comments and requests similar to Mr. Salas’ may be expected. At this time, we will
continue to collect local Native American input should any be forthcoming, and any new correspondences will be forwarded to you and, through your firm, to the MGLFECIA immediately.

Sincerely,

[Signature]

Bill "Tom" Tang
Principal, CRM-TECH
December 23, 2011

Bernie Acuna  
Gabrielino-Tongva Tribe  
1875 Century Park East, Suite 1500  
Los Angeles, CA 90067  

RE: Metro Gold Line Foothill Extension Phase 2A, Additional Project Refinements  
In the Cities of Arcadia, Azusa, Duarte, Monrovia, and Pasadena,  
Los Angeles County, California  
CRM TECH Contract #2885

Dear Mr. Acuna:

The Metro Gold Line Foothill Extension Authority is proposing the relocation of a parking facility and the removal of a sound barrier in the City of Duarte, the construction of traction power substations in the Cities of Arcadia, Azusa, and Pasadena, and a vibration impact study on a single-family residence in the City of Azusa, Los Angeles County, California. The accompanying maps, based on the USGS Azusa, Baldwin Park, and Mt. Wilson, Calif., 7.5' quadrangles, depicts the locations of the project areas within portions of the Rancho Santa Anita, Rancho Azusa (Dalton) and Rancho Azusa (Duarte) land grants in Township 1 North, Ranges 10-11 West, SB8M.

In a letter dated November 30, 2011, the Native American Heritage Commission reports that the sacred lands record search identified Native American cultural resources in the project vicinity and recommends that local Native American groups be contacted for further information. Therefore, as part of the cultural resources study for this project, I am writing to request your input on potential Native American cultural resources in or near the project areas.

According to records on file at the South Central Coastal Information Center, located on the campus of the California State University, Fullerton, there are no known archaeological sites within the boundaries of the any of the project areas. Systematic field surveys of the project areas between June 25, 2010, and July 21, 2011, encountered no potential historical resources within or adjacent to the project boundaries.

Please respond at your earliest convenience if you have any specific knowledge of sacred/religious sites or other sites of Native American traditional cultural value within or near the project areas. Any information or concerns regarding Native American cultural resources or sacred sites may be forwarded to CRM TECH by telephone, e-mail, facsimile, or standard mail. Requests for documentation or information we cannot provide will be forwarded to our client and/or the lead agency, which is the Metro Gold Line Foothill Extension Construction Authority for CEQA-compliance purposes. We would also like to clarify that CRM TECH, as the cultural resources consultant for

Phone: 909 824 6400  Fax: 909 824 6405
the project, is not conducting government-to-government consultations. Thank you for the time and effort in addressing this important matter.

Sincerely,

Nina Gallardo
CRM TECH
E-mail: ngallardo@crmtech.us

Enc.: project location maps
Subject: Metro Gold Line Foothill Extension Phase 2A Additional Project Refinements In
the Cities of Arcadia, Azusa, Duarte, Monrovia and Pasadena Los Angeles County,
California CRM TECH Contract #2585

Date: Sunday, January 1, 2012 10:39 PM
From: andysalas <gabrielenoindians@yahoo.com>
Reply-To: gabrielenoindians@yahoo.com
To: ngallardo@crmtech.us, Christina Swindall <christinaswindall@yahoo.com>, Tim
Mighuel <timmiguel@sbcglobal.net>, NAHC Dave Singleton
<de_nahc@paebell.net>, Albert Acuna <albertacuna57@yahoo.com>, Al Perez
<Cedarez@aol.com>

Dear Nina Gallardo,

This email is in response to your letter dated Dec 23, 2011 in regards to the above subject
project. The proposed project is within highly culturally sensitive areas our Native Villages
are within your Project areas. The Villages of (Sisitcanogna, Akuuranga, Aleupkinga now
"Arcadia" Rancho Santa Anita) (Azucsangna "Azusa" Monrovia) (Haramokng"A Pasadena") and in order to protect our resources we're requesting one of our experienced
& certified Native American monitors to be on site during all ground disturbances.

In all cases, when the NAHC states there are "no records of sacred sites" in the subject area;
they always refer the contractors back to the Native American Tribes whose tribal territory
the project area is in. This is due to the fact, that the NAHC is only aware of general
information on each California Tribe they are NOT the "experts" on our Tribe. Our
Elder Committee & Tribal Historians are the experts and is the reason why the NAHC will
always refer contractors to the local tribes. Please contact our office regarding this project
to coordinate a NA monitor to be present. Thank you for respecting our Concerns.

Sincerely,
Andy Salas
Chairman Of The Gabrieleno Band Of Mission Indians
Of the Los Angeles Basin
www.gabrielenoindians.org
Comments and Responses

December 19, 2011

Lisa Levy Bunch
Director of Public Affairs
Metro Gold Line Foothill Extension Construction Authority
406 E. Huntington Drive, Suite 202
Monrovia, CA 91016

RE: COMMENTS RELATED TO NOVEMBER 2011 SEIR NO. 2

Dear Ms. Bunch:

The City of Duarte has reviewed the November 2011 SEIR No. 2 for the proposed Metro Gold Line Foothill Extension 2A. Many of the environmental concerns expressed in this letter were previously discussed with Authority Staff in a letter sent to the Authority, dated October 26, 2011. Although, we are hopeful that many of the City's concerns discussed in the October letter will be addressed by the Authority outside the SEIR process, it is important to formally acknowledge the direct environmental concerns in this correspondence and receive appropriate responses from the Authority.

The City is concerned with several aspects of the SEIR. The City's comments are as follows:

1. The City is encouraged to see the parking lot conceptually relocated to the new location. Even though some design clarifications need to still occur, the new location is a much better parking choice and increases usability for transit riders, mitigates neighborhood compatibility issues with the previous design that abutting residential properties and helps to facilitate TOD plans.

However, as currently drafted, we believe the proposed design creates potential vehicular and pedestrian circulation issues, has not been architecturally designed to adequately handle anticipated traffic and the incorporation of City development standards, has yet to thoroughly consider access rights and desires of the adjacent property owner and is missing key information on how replacement parking for GE will be provided. Without addressing these issues, the realization of this parking lot may not be achievable or accepted by the City.

a. The ingress/egress from Business Center Drive is not the City's preferred access location and creates potential safety issues. The proposed driveway is designed to serve both entering and exiting vehicles and leads directly into a row of parked cars. This design creates inherent vehicular conflict at the entrance by requiring turning movements of both entering and exiting vehicles, while also involving cars reversing and entering the parking row immediately in front of the lot's only driveway. In the event there is queuing entering this driveway, it would occur within the public street, creating hazardous traffic issues at this location.

The City has previously suggested a single point of access to the Gold Line parking lot, likely from the existing Business Center driveway. This revised design concept would address many of the issues related to the Authority proposed design, including expediting traffic movements by tunneling cars into the parking lot without competing turning movements from either exiting traffic or reversing cars, providing
queuing within private property, and eliminating the need for a second ingress/egress driveway along Business Center Drive. If so desired, by using the City's recommended concept, a second egress only driveway could be constructed on Business Center to expedite exiting cars.

b. The SEIR has yet to consider how the removal of the current GE parking stalls will be replaced. Without indicating how these stalls will be replaced, it is left uncertain where and how parking demand for the GE building will be met. Without replacement stalls, the GE property will provide inadequate parking capacity, leading to serious environmental concerns in regards to how these issues can be addressed without impacting public streets or adjacent properties. Furthermore, replacement stalls must be designed to meet Duarte Development Code and ITE standards.

c. It has been brought to the City's attention that there are easements and/or reciprocal access agreements between the GE property and the abutting Rexford Industrial (Schwimmer) property. Without addressing these private property rights, it is uncertain that the proposed parking lot can be built. The SEIR needs to elaborate on how the Authority plans to resolve this issue and facilitate the development of the lot with respect for existing private easements.

d. The proposed light rail parking lot will increase pedestrian traffic along the Highland Avenue sidewalk. This sidewalk is currently six-feet (6') wide, but has tree wells that restrict the width to three-feet (3') at multiple locations. The 3' dimension does not meet ADA standards and potentially exposes all agencies to liability. Furthermore, with the added foot traffic, a sidewalk of at least eight-feet (8') will need to be provided to accommodate the increased pedestrian demand.

In conclusion, the SEIR as currently drafted is inadequate and incomplete. It fails to fully evaluate the impacts or feasibility of the proposed parking lot modifications and simply does not address many of the significant impacts derived from the proposed design.

Based upon the inadequacies of the SEIR, the City encourages the Authority to analyze the comments, revise the SEIR and circulate a revised SEIR for additional comment.

The City of Duarte appreciates the Authority's review of our concerns and looks forward to resolution of these issues. If at any time we may answer questions or be of assistance, please feel free to call me at 626-357-7931.

Very truly yours,

Jason Golding
Senior Planner

cc: Darrell George, City Manager
    Craig Hensley, Community Development Director
    Dominic Milano, City Engineer
    Steve Lisbetske, Engineering Division Manager
Response to the City of Duarte

A) This comment does not raise any specific environmental- or Project-related issues. While additional comments were received outside of the official comment period, the Authority will continue to coordinate with the City of Duarte, affected property owners, and others throughout the development of the Project.

B) Additional discussion regarding comments related to the specific impacts of the Duarte Station parking facility is discussed further in the Response to Comment C) below.

C) The internal layout of the Duarte Station parking facility Alternative A parking lot has been reviewed, and modifications have been made to the site plan to address the ingress/egress from Business Center Drive and traffic circulation impacts (see Attachment A to this response).

D) As discussed in Chapter 3 of this Supplemental EIR No. 2, the relocation of the Duarte Station parking facility in the City of Duarte would not result in significant impacts on noise and vibration, cultural resources, geological and hazardous materials, or traffic and transportation. GE Aviation is the current owner of the 2007 Final EIR-approved parking facility, as well as the Supplemental EIR No. 2’s proposed parking facility. Alternative A’s less-than-significant impact on GE Aviation parking could be offset by using the site originally considered for the Duarte Station parking facility in the 2007 Final EIR, which would compensate for the loss of GE Aviation parking.

E) The Authority has researched the easement between GE Aviation and Rexford Industrial and has determined that Alternative A does not encroach on the easement (see Attachment A to this response). However, it was determined that Alternative B would encroach on the easement. As such, the Authority intends to eliminate Alternative B to avoid issues concerning the easement agreement and to minimize parking impacts to the Rexford Industrial property.

F) The Authority would coordinate with the City of Duarte to provide pedestrian access from the proposed parking facility to the Duarte Station. This pedestrian access will meet Americans with Disabilities Act (ADA) requirements and will be located within the City of Duarte right-of-way.

G) The commenter states an opinion about this Supplemental EIR No. 2, and while the Authority disagrees with the commenter’s opinion that this Supplemental EIR No. 2 is not adequate, the comment itself does not raise any additional environmental or Project-specific issues that have not already been addressed in Response to Comment B), C), D), E), and F). In addition, while the commenter suggests that recirculation is required, no recirculation is necessary because the Authority has further refined the ingress/egress to Business Center Drive and the proposed circulation of the Alternative A parking facility (see Attachment A to this response). The Authority has addressed all of the commenter’s issues, and no
recirculation of this Supplemental EIR No. 2 is required because the further refinements are all within the “envelope” of what was analyzed in the draft Supplemental EIR No. 2.
Attachment A
From: Brandi Jones <bjoness@ci.irwindale.ca.us>
To: Lisa Levy Buch <LLevyBuch@foothillextension.org>
Cc: Ken Lee <klee@ci.irwindale.ca.us>, Paula Kelly <paulakelly@ci.irwindale.ca.us>
Sent: Thu, Dec 22, 2011 00:18:04 GMT+00:00
Subject: Metro Gold Line Phase II Draft Supplemental EIR No. 2

Dear Ms. Buch,

Thank you for providing the City of Irwindale with the opportunity to review and comment on the above-referenced environmental document. Staff has found that the potential impacts of the proposal to the City of Irwindale are less than significant.

Thank you,

Brandi M. Jones
Associate Planner
City of Irwindale
5050 Irwindale Avenue
Irwindale, CA 91706
626.430.2280 (p)
626.962.2018 (f)

From: Brandi Jones [mailto:bjoness@ci.irwindale.ca.us]
Sent: Wednesday, December 21, 2011 4:11 PM
To: Lisa Levy Buch
Cc: Ken Lee; Paula Kelly
Subject: Metro Gold Line Phase II Draft Supplemental EIR No. 2

Importance: High

Dear Ms. Buch,

Thank you for providing the City of Irwindale with the opportunity to review and comment on the above-referenced environmental document. Staff has found that the potential impacts of the proposal to the City of Irwindale are less than significant.

Thank you,

Brandi M. Jones
Associate Planner
City of Irwindale
5050 Irwindale Avenue
Irwindale, CA 91706
626.430.2280 (p)
626.962.2018 (f)
Response to the City of Irwindale

A1) This comment does not raise any specific environmental- or Project-related issues.

A2) This comment does not raise any specific environmental- or Project-related issues.
December 22, 2011

Habib Balian
Metro Gold Line Foothill Extension Construction Authority
Pasadena Metro Gold Line Construction Authority
406 E. Huntington Dr., Suite 202
Monrovia, CA 91016

Subject: Metro Gold Line Foothill Extension: Phase 2A Additional Project Refinements
SCHE # 2003064157

Dear Habib Balian:

The State Clearinghouse submitted the above-named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your project. The review period closed on December 21, 2011, and the comments from the responding agency (ies) are (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project’s ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that: “A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. These comments shall be supported by specific documentation.”

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 18th Street, P.O. Box 3044, Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018  www.spc.ca.gov

Attachments
### Project Details

**Project Title:** Metro Gold Line Foothill Extension Phase 2A Additional Project Refinements  
**Lead Agency:** Pasadena Metro Blue Line Construction Authority  
**Type:** SIR - Supplemental EIR  
**Description:** The Lead Agency, Pasadena Metro Blue Line Construction Authority, has opted to prepare a new Supplemental Environmental Impact Report (SIR) to address proposed additional Project refinements (referred to as the "Project Refinements") for the Gold Line Foothill Extension Project (the "Project") that have been added since the Gold Line Phase I: Pasadena to Monrovia-Foothill Extension Final Environmental Impact Report (the "2007 Final EIR") and the Gold Line Phase II: Pasadena to Monrovia-Foothill Extension Final Supplemental EIR (the "2011 Supplemental EIR No. 1"). Phase 2A spans from the cities of Pasadena to Azusa and includes 11.3 miles of track through six cities (Pasadena, Arcadia, Monrovia, Duarte, Irwindale, and Azusa), six stations, and the construction of a new Maintenance and Operations Facility (M&O Facility).

#### Lead Agency Contact
- **Name:** Habbie Balian  
- **Agency:** Metro Gold Line Foothill Extension Construction Authority  
- **Phone:** (626) 471-0050  
- **Fax:**  
- **Address:** Pasadena Metro Blue Line Construction Authority  
- **City:**  
- **State:** CA  
- **Zip:** 91015  
- **Email:**  

#### Project Location
- **County:** Los Angeles, San Bernardino  
- **City:** Pasadena, Arcadia, Monrovia, Duarte, Irwindale, Azusa, ...  
- **Region:**  
- **Lat/Long:**  
- **Cross Streets:** S. California Avenue, Duarte Road, Shamrock Avenue, Irwindale Avenue, Alameda Avenue  
- **Parcel No.:** multiple  
- **Township:**  
- **Range:**  
- **Section:**  
- **Base:**

#### Proximity to:
- **Highways:** I-210, 605  
- **Airports:** No  
- **Trails:** No  
- **Waterways:** San Gabriel River, Santa Anita Wash  
- **Schools:** No  
- **Land Use:** Industrial, Residential, Transportation/Utilities, Commercial, and Vacant

#### Project Issues
- Archaeological/Historic; Noise; Toxic/Hazardous; Traffic/Circulation; Cumulative Effects; Other Issues

#### Reviewing Agencies
- Resources Agency; Department of Fish and Game, Region 5; Office of Historic Preservation;  
- Department of Parks and Recreation; Department of Water Resources; Caltrans, District 7; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy; California Highway Patrol

#### Date Details
- **Date Received:** 11/07/2011  
- **Start of Review:** 11/07/2011  
- **End of Review:** 12/21/2011

**Note:** Blanks in data fields result from insufficient information provided by lead agency.
Comments and Responses

The Native American Heritage Commission (NAHC), the State of California "Trustee Agency" for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal. App. 3d 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including...objects of historic or aesthetic significance. In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the area of potential effect (APE), and if so, to mitigate that effect.

The NAHC Sacred Lands File (SLF) search resulted as follows: Native American cultural resources were identified within the project area identified (e.g. area of potential effect or APE). Also, the absence of archaeological resources does not preclude their existence. California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to...
California Government Code § 6254(r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC “Sacred Sites,” as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.84(a) and §6779. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code § 6254(r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or buildings whose a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g., APE). We strongly urge you to make contact with the list of Native American Contacts on the list of Native American contacts to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the Tribal Consultation requirements of the California 2008 Senate Bill 1080, enabling legislation to the Federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non-federally recognized) where electric transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) & .5, the President’s Council on Environmental Quality (CQSE, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 Secretary of the Interior’s Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11993 (preservation of cultural environment), 13176 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior’s Standards include recommendations for all “Lead Agencies” to consider the historic context of proposed projects and to “research” the cultural landscape that might include the “area of potential effect.”

Confidentiality of “historic properties of religious and cultural significance” should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1993) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.96, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be
Response to the State Clearinghouse

A) This comment does not raise any specific environmental- or Project-related issues.
December 21, 2011

VIA EMAIL & U.S. MAIL
levybuch@foothillextension.org
Metro Goldline Extension Construction Authority
Attention: Lisa Levy Buch, Director of Public Affairs
406 East Huntington Drive
Suite 202
Monrovia, CA 91016

Re: Draft Supplemental Environmental Impact Report No. 2
Project Refinement No. 2:
Relocating the Duarte Station Parking Facility in the City of Duarte

Dear Ms. Levy Buch:

This letter is from Rexford Industrial as it manages the property impacted by the proposed project. 1801 Highland Ave. Duarte (“Highland Industrial”). We would like to provide our concerns regarding the Goldline Extension Draft Supplemental EIR No. 2 (“Draft SEIR No. 2”). Specifically, these concerns are directed to the proposed project refinement No. 2, concerning relocating the Duarte Station parking facility. The Parking should not be relocated to either alternative. It should remain at the location identified in the EIR already certified.

The relocation of the parking under either of the alternatives creates a direct conflict between pedestrian and vehicular movement patterns that will result in a decrease in pedestrian safety at the Duarte station. There is no discussion concerning the relative safety of pedestrians under any alternative. Since the purported justification for considering the new sites is in part the safety of pedestrians, some discussion must be set forth to allow the public to analyze the proposed environmental impacts in light of the facts surrounding the rationale for relocation. Placing the parking along the front of Highland Avenue creates a situation where pedestrians will have to cross an active driveway serving two large commercial buildings to get to the station. The location described in the 2007 Certified Final EIR includes a dedicated protected pedestrian walkway removed from automobile circulation.

Relocation of the parking will encourage trespass parking at Highland Industrial. The approved parking lot does not encourage trespass parking. In other words the existing parking lots are adequate to serve the existing businesses; however, there is no surplus parking. With the approved parking, passengers are encouraged to park closest to the dedicated pedestrian walkway. There is no incentive to trespass park. However, in the proposed locations, passengers will have a natural incentive to park in the parking lot owned by Highland Industrial and needed to serve the businesses that operate there, because that parking will be closer to the station site. This issue is not addressed.

The proposed parking lots also disrupt the existing businesses on our site and interfere with access to our tenants’ businesses. Specifically, and as mentioned above, the proposed parking will create a situation where passengers will walk across the driveway located at Highland Industrial. Significantly, commuters will be taking the train at the same time as people arriving for work at Highland Industrial. In addition to the safety problems with pedestrian and vehicle conflicts, the proposed lots will create circulation problems for people coming and going to and from their place of business while waiting for train commuters to cross the driveway. This will not occur if parking is placed at the approved location.

Although a precise metres and bounds description for the proposed alternative parking lots is not provided, both of the drawings appear to encroach on property rights in the form of access easements that run in favor of the property at Highland Industrial. Significantly, there is no reason for all of these impacts to the surrounding business community and specifically Highland Industrial and its tenants. The approved parking location is ideally suited for commuter parking. It does not interfere with access to the existing businesses or buildings; it does not create a conflict between pedestrian and vehicular traffic; it does not interfere with the access point on Highland because access is via Business Center Drive. The approved location provides access to Goldline parking without impacting circulation at critical work travel times.
The Certified Final EIR provides for parking for the Goldline Station in the location that will have the least environmental impact. The property includes dedicated pedestrian access, vehicle access in a manner that is located away from the surrounding businesses and does not eliminate commercially viable street frontage. The proposed parking creates safety hazards by requiring passengers to walk across business driveways during the hours when employees are coming to and from work; promotes parking trespass by passengers using parking spots that are owned by and used by the businesses located at Highland Industrial; interferes with access to Highland Industrial by creating a stream of pedestrians across the parking lot and driveway and appears to interfere with the property rights of the owner of Highland Industrial.

These issues are not addressed in the Draft Supplemental EIR and therefore, the document does not address the environmental impacts. The Certified EIR addressed environmental impacts and the project was approved with the parking located in the best place – the location of the No Action alternative in Draft Supplemental Environmental Impact Report No. 2. The no action alternative is superior and must be approved.

Thank you for your time and consideration.

Sincerely,

Highland Industrial

Howard Schwimmer
Managing Member
Response to the Rexford Industrial

A) This comment does not raise any specific environmental- or Project-related issues. Additional discussion regarding the concerns of the commenter are included in the Response to Comments below.

B) The Supplemental EIR No. 2 discusses that the No-Action Alternative does not achieve the goal of shifting the Duarte Station to the east so it is closer to the Station location. Leaving the parking in the previously approved location results in longer in walking distances and creates inconvenience and potential safety concerns for pedestrians accessing the Duarte Station. As currently proposed in the 2007 Final EIR, the walking distance from the center of the parking facility to the east end of the Duarte Station would be over 2,000 feet, whereas Alternative A would reduce that distance to 600 feet from the center of the proposed parking facility to the east end of the Duarte Station. The City of Duarte and the Authority concluded that a 2000-foot distance may adversely affect pedestrian safety and accessibility from the parking facility to the Duarte Station, and the No-Action Alternative would not fully address the proximity concern. Under the No-Action Alternative, pedestrians could be more exposed to safety threats while walking 2000 feet to reach the Duarte Station compared to the significantly shorter 600-foot walk from the proposed Alternative A parking facility. In addition, moving the proposed Duarte Station parking facility from the 2007 Final EIR-approved site to the Alternative A site would avoid any potential residential area impacts related to a public parking facility that would have operational hours from 5:00 a.m. to 1:00 a.m., seven days a week. In determining the preferred alternative based on feasibility prior to Project initiation, the Authority will design a parking facility that is convenient for pedestrian access, eliminates any potential safety concerns, and minimizes any potential impact to businesses and residents in the area.

Furthermore, pedestrians traveling between the Duarte Station and the proposed Duarte Station parking facility Alternative A would do so via an existing sidewalk along the west side of Highland Avenue. Based on a parking facility of approximately 125 spaces, the following is an approximation of the distribution of the pedestrian volume expected to cross the driveway at Highland Industrial. Historically, the morning peak period generates the highest pedestrian volumes. The morning peak period is three hours long (from 6:00 a.m. to 9:00 a.m.), and the distribution of pedestrian volumes within the three hour period is approximately 25 percent in the first and last hours and 50 percent at the 7:00 a.m. peak hour. In addition, approximately 90 percent of parking facility users arrive during the 3-hour peak period. Applying these factors to the proposed Duarte Station parking facility (Alternative A), the result is that less than one person per minute would be crossing the driveway ((125 x 0.90 x 0.50)/60 = 0.9375). While pedestrians would cross over the driveways of existing businesses, this low pedestrian volume would not have a negative impact on the driveway operation access to and from those business via Highland Avenue, and driveway locations would continue to be provided. The presence of additional pedestrian volumes does not alone create any new significant impacts, nor does it restrict access completely to and from the existing businesses. In addition, the signalizing of the
Highland Avenue and Business Center Drive intersection would introduce gaps in the vehicular traffic to provide greater opportunity for pedestrians to cross the driveway.

C) The Authority believes that construction a parking facility at the Alternative A site would reduce trespass parking as compared to the previously approved site because the parking facility would be located closer to the Duarte Station, rather than the 2,000 foot walking distance pedestrians would have to make from the 2007 Final EIR-approved parking facility. However, to help reduce the potential of trespass parking, Metro has recommended signage that clearly identifies Metro Gold Line parking locations. The Authority would also, with property owner approval, provide signage in the private lots that informs commuters and parking facility users to use the Metro Gold Line parking facilities only. The Authority is committed to working with the existing business to develop the wording, location, and look of the signs, but it is recommend that each sign notes something to the effect of "PRIVATE PARKING: Violators will be ticketed and/or towed at owner's expense."

D) Regarding the concern over access and potential pedestrian and vehicular conflicts, please refer to Response to Comment B) above.

E) It is noted that there is a 20-foot wide easement shared by both GE Aviation and Highland Industrial located on the northern edge of the Highland Industrial property from Highland Avenue to the western boundary of the site. The internal layout of the Duarte Station parking facility Alternative A has been reviewed, and modifications have been made to the site plan to address the ingress/egress from Business Center Drive and traffic circulation impacts (Attachment A). Alternative A would not impact this easement, although Alternative B would. Therefore, the Authority has recommended the elimination of Alternative B from further consideration, as noted in Chapter 4 of the Supplemental EIR No. 2, so as to avoid any potential impacts on the easement area and Highland Avenue. The document has been revised to further clarify this recommendation. As discussed in Chapter 3 of this Supplemental EIR No. 2, the relocation of the Duarte Station parking facility in the City of Duarte would not result in significant impacts on noise and vibration, cultural resources, geological and hazardous materials, or traffic and transportation. GE Aviation is the current owner of the 2007 Final EIR-approved parking facility, as well as the Supplemental EIR No. 2’s proposed parking facility. Alternative A’s less-than-significant impact on GE Aviation parking may be offset by using the site originally considered for the Duarte Station parking facility in the 2007 Final EIR, which would compensate for the loss of GE Aviation parking.

As noted in Response to Comment B), pedestrians traveling between the Duarte Station and the proposed Duarte Station parking facility would do so via an existing sidewalk along the west side of Highland Avenue. Based on a parking facility of approximately 125 spaces, the following is an approximation of the distribution of the pedestrian volume expected to cross the driveway at 1801 Highland Avenue. Historically, the morning peak period generates the highest pedestrian volumes. The morning peak period is three hours long (from 6:00 a.m. to 9:00 a.m.), and the distribution of pedestrian volumes within the three hour period is approximately 25 percent in the first and last hours and 50 percent at the 7:00 a.m. peak hour. In addition, approximately 90 percent of parking facility users arrive during the 3-hour
peak period. Applying these factors to the proposed Duarte Station parking facility (Alternative A), the result is that less than one person per minute would be crossing the driveway \((125 \times 0.90 \times 0.50)/60 = 0.9375\). While pedestrians would cross over the driveways of existing businesses, this low pedestrian volume would not have a negative impact on the driveway operation access to and from those businesses via Highland Avenue, and driveway locations would continue to be provided. The presence of additional pedestrian volumes does not alone create any new significant impacts, nor does it restrict access completely to and from the existing businesses. In addition, the signalizing of the Highland Avenue and Business Center Drive intersection would introduce gaps in the vehicular traffic to provide greater opportunity for pedestrians to cross the driveway.

F) As currently proposed and designed, the walking distance from the center of the parking facility to the end of the Duarte Station would be over 2,000 feet. The City of Duarte and the Authority concluded that the distance from the 2007 Final EIR-approved site to the Duarte Station may adversely impact pedestrian safety and accessibility from the parking facility to the Station, which is discussed further in Response to Comment B). As Project design continues to develop, pedestrian safety would be evaluated to ensure that safety standards are met for either the 2007 Final EIR-approved site or the proposed Alternative A site. In addition, proper tow-away signage would be posted to deter trespass parking under either the 2007 Final EIR-approved parking facility or the proposed Alternative A parking facility because this issue may arise under either alternative. As noted in Response to Comment E), Alternative A would not encroach on the easement agreement between GE Aviation and the owner of Highland Industrial. Regarding concerns over business access and potential pedestrian and vehicular conflicts, please refer to Response to Comment B) above.

G) This comment does not raise any additional environmental- or Project-related issues. Please also refer to Response to Comment B) above.
Attachment A