

## **SECTION 6.0 COMMENTS ON DEIR, RESPONSES, AND REVISIONS TO THE DEIR**

### **6.1 COMMENT LETTERS RECEIVED**

The comments, the Lead Agency's responses, and the original letters are provided on the pages that follow. The following agencies commented on the Notice of Preparation (NOP).

Letter Dated April 22, 2014  
Donald Vargas, Environmental Analyst  
Imperial Irrigation District

Letter Dated July 7, 2014  
Gayle Totton, Program Analyst  
Native American Heritage Commission

Letter Dated July 8, 2014  
Jacob Armstrong, Branch Chief  
Development Review Branch  
California Department of Transportation

Letter Dated August 18, 2014  
Belen Leon, APC Environmental Coordinator  
Air Pollution Control District

The following agencies commented on the Draft EIR.

Letter Dated April 17, 2015  
Donald Vargas, Environmental Regulatory Compliance Administrator  
Imperial Irrigation District

Letter Dated May 12, 2015  
Monica Soucier, APC Division Manager  
Air Pollution Control District



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Executive-ES

April 22, 2014

Mr. Nick Servin  
City of Calexico Planning Department  
Calexico City Hall  
608 Heber Avenue  
Calexico, California 92231

SUBJECT: NOP of an EIR and Initial Study for the Calexico Gran Plaza Outlets Phase II

Dear Mr. Servin:

On March 27, 2014 we received from the City of Calexico the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) and Initial Study for Phase II of the Calexico Gran Plaza Outlets project. Construction of Phase I of the Calexico Gran Plaza Outlets was recently completed in September 2013. Phase II proposes to construct over 1,069,400 square feet of commercial retail lease space on approximately 100 acres. The project site is located along Second Street just west of the Calexico Downtown Port of Entry and the New River.

The Imperial Irrigation District (IID) has reviewed the NOP and has the following comments:

1. IID Water facilities that will be impacted include the All-American Canal along the western project boundary. The project proponent may not use HD's canal or drain banks to access the project site.
2. It is recommended that fences be installed along the project's western boundaries adjacent to the All-American Canal. The project proponent should consult with IID Water Department Engineering Services prior to finalization of the project's fencing plan. The fencing plan consultation will address IID's right-of-way requirements for safety purposes and for IID operation and maintenance activities access.
3. The project includes a storm-water detention basin. The proposed EIR analysis for surface runoff flows should include a complete description of the area's City of Calexico runoff flows with locations of discharge points. All flows discharging into the New River or an IID drain will have to be in conformance with the laws and regulations of Imperial County and the various State and Federal agencies having jurisdiction over water quality control.
4. To address concerns regarding the project electrical service requirements, proponent should contact IID Energy Customer Operations located at 1699 W. Main St., Suite "A", Valley Plaza in the City of El Centro, CA 92243; (760) 482-3300, and speak with the IID Service Planner/Project Manager assigned to the project.
5. Any construction or operation on IID property or within its existing and proposed right of way or easements will require an encroachment permit, including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all

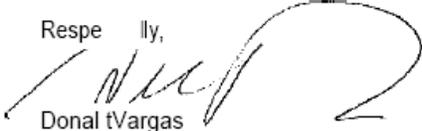
IMPERIAL IRRIGATION DISTRICT  
OPERATING HEADQUARTERS . PO BOX 937 . IMPERIAL, CA 92251

Mr. Nick Servin  
April 22, 2014  
Page 2

water, sewer, storm water, or any other above ground or underground utilities. A copy of the encroachment permit application is included in the IID's *Developer Project Guide 2008*, and can be accessed at: <http://www.iid.corri/Modules/ShowDocument.aspx?documentid=2328>. Furthermore, instructions for the completion of encroachment applications can be found at <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2335>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits.

6. In addition to HD's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending on the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of HD's facilities can be maintained and not impacted. If IID facilities are impacted then the proponent will mitigate. IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
7. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, canals, drains, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

Should you have any questions, please do not hesitate to contact me by phone at 760-482-3609 or by e-mail at [dvargas@iid.com](mailto:dvargas@iid.com). Thank you for the opportunity to comment on this matter.

Respectfully,  
  
Donal tVargas  
Environmental Analyst

Kevin Kelley – General Manager  
Kristine Fontaine – Asst. General Manager & interim Portfolio Management Officer  
Carl Stills – Manager, Energy Dept.  
Ismael Gomez – Interim Manager, Water Dept.  
Vance Taylor – Asst. General Counsel  
Tom King – Deputy Energy Manager, Engineering & Operations  
Paul G. Pesotol – Interim Manager Planning & Engineering, Energy Dept.  
Angela Evans – Manager Distribution Services & Maintenance Operations  
Juan Carlos Sandoval – Asst. Mgr., Transmission Expansion Development, Energy Dept.  
Michael P. Kemp – Superintendent, Real Estate & Environmental  
Shayne Ferber – Asst. Supervisor, Real Estate  
Vikki Dee Bradshaw – Environmental Compliance Officer

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

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July 7, 2014

Mr. Nick Servin  
**CITY OF CALEXICO**  
608 Heber Avenue  
Calexico, CA 92231



RE: SCH#2014061070 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "**Grand Plaza Phase 2 Power Center**" located in the City of Calexico, Imperial County, California

Dear Mr. Servin:

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in(cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

We suggest that this (additional archaeological activity) be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. Any information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources.

California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies." (The California Code is consistent with the Federal Executive Order 12898 regarding 'environmental justice.' Also, applicable to state agencies is Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Gayle Totton  
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

Gran Plaza Phase 2 Power Center  
City of Calexico Final Environmental Impact Report • SCH # 2014061070

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

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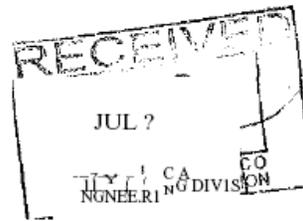
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DEPARTMENT OF TRANSPORTATION

DISTRICT 11, DIVISION OF PLANNING  
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July 8, 2014

11-IMP-111

PM 0.2

Gran Plaza Phase 2 (#2014061070)

Mr. Nick Servin  
City of Calexico  
608 Heber Avenue  
Calexico, CA 92231

Dear Mr. Servin:

The California Department of Transportation (Caltrans) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Gran Plaza Phase 2 project near State Route 111 (SR-111). Caltrans has the following comments:

It should be noted that Caltrans has not received the signed Traffic Mitigation Agreement (TMA) from the project applicant for the fair share mitigation associated with the condition of approval for phase I of the Gran Plaza.

A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures. The study should use as a guideline the *Caltrans Guide for the Preparation of Traffic Impact Studies*. Minimum contents of the traffic impact study are listed in Appendix "A" of the TIS guide. [www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

The Level of Service (LOS) for operating State highway facilities is based upon Measures of Effectiveness (MOE) identified in the Highway Capacity Manual (HCM). Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities; however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained. In general, the region-wide goal for an acceptable LOS on all freeways, roadway segments, and intersections is "D". For undeveloped or not densely developed locations, the goal may be to achieve LOS "C".

All State-owned signalized intersections affected by this project should be analyzed using the intersecting lane vehicle (ILV) procedure from the Caltrans Highway Design Manual, Topic 406, page 400-21.

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Mr. Nick Servin  
July 8, 2014  
Page 2

The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.

A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacities. A focused analysis may also be necessary if there is an increased risk of a potential traffic accident.

The data used in the TIS should not be more than 2 years old.

Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

Mitigation measures to State facilities should be included in TIS. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

Mitigation measures for proposed intersection modifications are subject to the Caltrans Intersection Control Evaluation (ICE) policy (Traffic Operation Policy Directive 13-02). Alternative intersection design(s) will need to be considered in accordance with the ICE policy; therefore, please refer to the policy for more information and requirements.  
<http://www.dot.ca.gov/hq/traffops/sis/igntech/signdel/policy/13-02.pdf>

The lead agency should monitor impacts to insure that roadway segments and intersections remain at an acceptable LOS. Should the LOS reach unacceptable levels, the lead agency should delay the issuance of building permits for any project until the appropriate impact mitigation is implemented.

Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the lead agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

If you have any questions, please contact Roger Sanchez of the Development Review branch at (619) 688-6494.

Sincerely,



JA B ARMS (•)NG, Branch Chief  
Development Review Branch

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150 SOUTH NINTH STREET  
EL CENTRO, CA 92243-2850

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FAX: (760) 353-9904



August 18, 2014

Mr. Ralph Morales  
Building and Planning Divisions  
608 Heber Avenue  
Calexico, CA 92231

**SUBJECT: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for Calexico Gran Plaza Power Center Phase II**

Dear Mr. Morales,

The NOP to prepare an Draft EIR for the Calexico Gran Plaza Power Center Phase II project has been reviewed by the Imperial County Air Pollution Control District (Air District). As you know, the Air District's established programs to keep the air in Imperial County from declining are found within the Rules and Regulations of the Air District, the California Environmental Quality Act (CEQA), the most current CEQA Air Quality Handbook for Imperial County, the Air District State Implementation Plans (SIP's) for Ozone and PM<sub>10</sub>, and the Air District non-attainment status. Currently, the "moderate" non-attainment status for ozone, "serious" non-attainment status for PM<sub>10</sub>, non attainment for PM<sub>2.5</sub> are the driving criteria in establishing the thresholds for NO<sub>x</sub>, ROG, PM<sub>10</sub>, SO<sub>x</sub> and CO. These thresholds and their significance are explained within the pages of the Imperial County CEQA Air Quality Handbook. Section 6 of the CEQA handbook describes the preparation of the Air Quality Analysis for an Environmental Impact Report (EIR).

The following is a synopsis of the information pertinent to the development of an Air Quality analysis. A **comprehensive Air Quality Analysis** of the construction and operational impacts of the project is required. A thorough analysis should include a description, impacts and health consequences of all air quality and associated emissions. The analysis should be conducted using the Air Districts approved modeling factors.' The analysis should include short and long term emissions as well as daily and yearly emission calculations. Project alternatives should be included along with a thorough emissions analysis per alternative. A description of the Air District attainment status, State and Federal, is required as is describing any regulatory restrictions to the project. All temporary construction and grading impacts should quantify fugitive dust

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\*The most current modeling tool recently adopted is CalEEMod.

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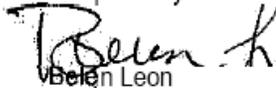
and combustion emissions and propose mitigation measures.

A health risk assessment such as a diesel exhaust screening level should be included for projects anticipating the use of heavy-duty diesel equipment.<sup>2</sup> A health risk assessment should also be conducted for projects locating near already existing facilities with a potential to emit toxics. Typically, these health risk assessments are of a quantitative nature but can be a mixed qualitative and quantitative analysis. In any case, the relative human exposure, location of the project, distance to sensitive receptors all should be considered when developing the risk assessment.

Projects anticipating heavy volumes of traffic should conduct hot spot modeling.<sup>3</sup> Hot spot modeling will help determine compliance with the state CO standard at intersections and roadway links as determined by traffic impact analysis. In addition, existing and proposed projects must have a cumulative impact analysis. For each sub analysis and risk assessment mitigation measures should be identified, quantified for effectiveness and incorporated into the environmental document (i.e. Environmental Impact Report EIR or Environmental Impact Statement EIS). All mitigation measures must follow District Rules and Regulations including the most current CEQA Air Quality Handbook. Consultation with the most recent Clean Air Plans (SIP's), District Rules and Regulations and other Air District approved programs is recommended for effective applicability of standards. When it becomes apparent that on-site mitigation is insufficient to reduce the impacts to insignificance then off-site mitigation should be discussed and appropriately applied. Finally, in accordance with Assembly Bill 32 known as the Global Warming Solutions Act of 2006 and the most recent amendments to the CEQA Guidelines dated March of 2010, a discussion of the impacts from Green House Gas emissions and its relation to Climate Change is required.

Reminder, all construction sites regardless of size must adhere to the requirements of Regulation VIII, Fugitive Dust Control. This regulation is comprised of six individual rules which combined apply Best Available Control Measures to any size construction or earthmoving activity. Aside from the standard of measurement, is the requirement of a dust control plan and notification 10 days prior to the commencement of construction to the Air District is important. The Imperial County Rule book can be found at <http://www.co.imperial.ca.us> under "Air Pollution Control." We encourage all developers, construction companies, cities and interested parties to obtain a copy of the Regulation VIII, Fugitive Dust Control. Should you have any questions please do not hesitate to call the office at 760-482-4606.

Respectfully Submi



Belen Leon  
APC Environmental Coordinator

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<sup>2</sup> Guidelines and procedures as approved by the California Air Resources Board and the Office of Environmental Health Hazard Assessment (OEHHA)

<sup>3</sup> Using APCD approved hot spot modeling such as CALINE4, developed by and available through the California Department of Transportation.



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GS- RE&ERCS

April 17, 2015

Mr. Nick Servin  
Public Works Director/City Engineer  
Public Works Department/Planning Division  
City of Calexico  
608 Heber Avenue  
Calexico, CA 92231

SUBJECT: Gran Plaza Phase II Power Center DEIR

Dear Mr. Servin:

On March 24, 2015, we received from the City of Calexico the Draft Environmental Impact Report, SCH# 2014061070 (DEIR) for the Gran Plaza Phase II Power Center project. Phase I, Calexico Gran Plaza Outlets, was recently completed in September 2013 and Phase II proposes to construct over 1,069,400 square feet of commercial retail lease space on approximately 100 acres. The project site is located along Second Street just west of the Calexico Downtown Port Of Entry and the New River.

The Imperial Irrigation District (IID) has reviewed the DEIR and has the following comments:

1. IID's electrical distribution infrastructure is limited in this area and will require significant upgrades to accommodate the requirements of the project. IID cannot reliably serve the project (or any additional loads) without upgrading the existing Pruett substation. A portion of the cost associated with the upgrade is the responsibility of Gran Plaza, LP; the project developer. IID will not proceed with upgrades at the Pruett substation until a cost sharing agreement with the project developer is finalized in which Gran Plaza, LP will contribute to the cost of necessary substation expansion work, and other related transmission and distribution system upgrades, based on the anticipated system-loading created by the project. Although the project developer has been in discussion with the IID regarding the required upgrades and their respective costs, as of yet nothing has been resolved. Hence it is important to note these events given that the DEIR does not mention improvements or upgrades to IID electrical system to support the project and disregarding this concern could have serious consequences to the project.
2. Any construction or operation on IID property or within its existing and proposed right of way or easements will require an encroachment permit, including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities (e.g. power lines). A copy of the encroachment permit application is included in the District's *Developer Project Guide 2008*, and can be accessed at the IID website: <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2328>. Instructions for the completion of an IID encroachment application can be found at the following website: <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2335>. The IID Real

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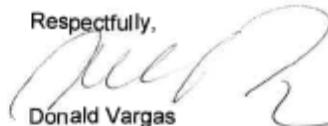
Mr. Nick Servin  
April 17, 2015  
Page 2

Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits.

3. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
4. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, canals, drains, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

Should you have any questions, please do not hesitate to contact me by phone at 760-482-3609 or by e-mail at [dvargas@iid.com](mailto:dvargas@iid.com). Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas  
Environmental Regulatory  
Compliance Administrator

Kevin Kelley – General Manager  
Kristine Fontaine – Asst. General Manager  
Tina Shields – Interim Planning and Water Conservation Manager, Water Dept.  
Mike Pacheco – Interim Operations and Maintenance Manager, Water Dept.  
Carl Sills – Manager, Energy Dept.  
Vance Taylor – Asst. General Counsel  
Tom King – Deputy Energy Manager, Engineering & Operations  
Paul G. Peschel – Manager Planning & Engineering, Energy Dept.  
Angela Evans – Manager Distribution Services & Maintenance Operations  
Oscar Kebriti – Supt. Gen. Project Implementation, Energy Dept.  
Michael P. Kemp – Superintendent, Real Estate & Environmental  
Shayne Ferber – Supervisor, Real Estate  
Bruce Wilcox – Manager Environmental and Salton Sea Programs  
Wikki Dee Bradshaw – Environmental Compliance Officer

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May 12, 2015

Mr. Nick Servin  
Public Works Director/City Engineer  
City of Calexico  
608 Heber Avenue  
Calexico, CA 92231

SUBJECT: Notice of Intent to Adopt EIR for the Proposed Gran Plaza Phase 2 Power Center SCH#2014061070

Dear Mr. Servin:

The Imperial County Air Pollution Control District (Air District) has finalized its review of the Environmental Impact Report proposed for the Gran Plaza Phase 2 Power Center. The APCD reviewed the proposed EIR for consistency with current rules, regulations and policies of the Air District. The Air District currently is guided by three different State Implementation Plans (SIPs), one for Ozone, PM<sub>10</sub> and PM<sub>2.5</sub>. These documents set the emissions inventory, regulation control measures and population growth allowances for each categorical pollutant. In addition, the Air District has adopted policies and procures meant to compliment SIPs to assure emission of these criteria pollutants remain below the national and state standards. Finally, the Imperial County CEQA Air Quality Handbook provides guidance for those development projects that choose to build within Imperial County.

The information provided to the Air District either as a link or as a reference for review contained information dating back to 2008 and 2010. Because the analysis of the project occurred at a date at least 5 years back the Air District reviewed the whole of the project and the information provided in light of any of the new developments, regulations and/or policies that have been newly adopted or revised. The finding of the project, a less than significant impact, is determined by the application of identified mitigation measures 3.1-1 and 3.1-2 for the criteria pollutants and Green House Gases. However, studies conducted by the Air District have determined that in order to properly assure findings of less than significant made by an environmental document and to protect the public health the following mitigations are required.

- 1) While the project is listing the standard mitigation measures for construction the project must submit a "Construction" Dust Control Plan at least 14 working days prior to any earthmoving activities.
- 2) The project must submit a Construction Notification Form 10 days prior to any earthmoving activities.

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- 3) In order to assure that NOx emissions remain less than significant the project proponent must submit a current list of off-road equipment to be utilized during construction with the following minimum information, Make, Model, Horsepower, Year, hours of daily use and the total number of that piece of equipment.
- 4) The list of off-road equipment must be updated periodically but no later than every 2 weeks.
- 5) An analysis of the use of the equipment will be analyzed by the air district and compared to the NOx emissions that are resulting. Any emissions in excess of the NOx emission thresholds found in the CEQA handbook will need to be mitigated with either an off-site project or in accordance with Policy 5.

Operationally and Cumulatively

- 6) Rule 310 fees must be paid prior to the issuance of a building permit.

On a final note, the entire rule book for the Imperial County can be found at <http://www.co.imperial.ca.us> under "Air Pollution." We encourage all developers, construction companies, cities and interested parties to obtain a copy of the newly proposed Regulation VIII, Fugitive Dust Control. Should you have any questions please do not hesitate to call.

Sincerely,



Monica Soucier  
APC Division Manager

## **SECTION 6.2 COMMENTS AND RESPONSES TO COMMENTS**

Letter Dated April 22, 2014 concerning the NOP  
Donald Vargas, Environmental Analyst  
Imperial Irrigation District

### **Comment #1.**

On March 27, 2014, we received, from the City of Calexico, the Notice of Preparation (NOP) for an Environmental Impact Report (EIR) and Initial Study for Phase II of the Calexico Gran Plaza Outlets project. Construction of Phase I of the Calexico Gran Plaza Outlets was recently completed in September 2013. Phase II proposes to construct over 1,069,400 square feet of commercial retail lease space on approximately 100 acres. The project site is located along Second Street just west of the Calexico Downtown Port of Entry and the New River.

### **Response #1.**

Comment noted. No response is needed.

### **Comment #2.**

[The] IID Water facilities that will be impacted include the All-American Canal along the western project boundary. The project proponent may not use IID's canal or drain banks to access the project site.

### **Response #2.**

The potential impacts are addressed in the Draft EIR. All access to the project site will be via driveway connections with Second Street. As a result, the proposed project will comply with this requirement.

### **Comment #3.**

It is recommended that fences be installed along the project's western boundaries adjacent to the All-American Canal. The project proponent should consult with IID Water Department Engineering Services prior to finalization of the project's fencing plan. The fencing plan consultation will address IID's right-of-way requirements for safety purposes and for IID operation and maintenance activities access.

### **Response #3.**

Fences will be provided along the westerly portion of the project site located adjacent to the All-American Canal. The project Applicant will consult with the IID regarding the installation and design of the proposed fence.

**Comment #4.**

The project includes a storm-water detention basin. The proposed EIR analysis for surface runoff flows should include a complete description of the area's City of Calexico runoff flows with locations of discharge points. All flows discharging into the New River or an IID drain will have to be in conformance with the laws and regulations of Imperial County and the various State and Federal agencies having jurisdiction over water quality control.

**Response #4.**

The proposed project has prepared a Hydrology study. The storm-water runoff measures will comply with all pertinent county, State, and Federal requirements governing storm-water runoff and water quality control measures.

**Comment #5.**

To address concerns regarding the project electrical service requirements, proponent should contact IID Energy Customer Operations located at 1699 W. Main St., Suite "A", Valley Plaza in the City of El Centro, CA 92243; (760) 482-3300, and speak with the IID Service Planner/Project Manager assigned to the project.

**Response #5.**

Comment noted.

**Comment #6.**

Any construction or operation on IID property or within its existing and proposed right-of-way or easements will require an encroachment permit, including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities. A copy of the encroachment permit application is included in the IID's *Developer Project Guide 2008*, and can be accessed at: <http://www.iid.corri/Modules/ShowDocument.aspx?documentid=2328>. Furthermore, instructions for the completion of encroachment applications can be found at <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2335>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits.

**Response #6.**

The project contractors will comply with all IID requirements that require an encroachment permit.

**Comment #7.**

In addition to HD's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending on the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of HD's facilities can be maintained and not impacted. If IID facilities are impacted then the proponent will mitigate. IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.

**Response #7.**

Comment noted. The project Applicant will consult with the IID in future phases of planning and design.

**Comment #8.**

Any new, relocated, modified, or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, canals, drains, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis, and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. Any and all mitigation necessary as a result of the construction, relocation, and/or upgrade of IID facilities is the responsibility of the project proponent.

**Response #8.**

Comment noted.

**Letter Dated July 7, 2014 concerning the NOP**

**Gayle Totton, Program Analyst**

**Native American Heritage Commission**

**Comment #1.**

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

**Response #1.**

Comment noted.

**Comment #2.**

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

**Response #2.**

The Draft EIR includes the following mitigation measure that addresses the above comment:

*Cultural Resources Mitigation Measure No. 1.* If previously unidentified cultural materials are unearthed during construction, work shall cease within 50 feet of the find and the project applicant shall retain a qualified archaeologist, approved by the City, to assess the significance of the find. If a find is determined to be significant, the Lead Agency and the archaeologist, in consultation with Native American representatives, will meet to determine appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered will be, as necessary and at the discretion of the qualified archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Additional archaeological survey will be needed if project limits are extended beyond the present survey limits.

*Cultural Resources Mitigation Measure No. 2.* A professionally qualified archaeological monitor, retained by the project Applicant and approved by the City, shall be present during proposed construction activities anticipated to breach a depth of 12 feet, such as grading, trenching, or

infrastructure installation. If previously unidentified cultural materials are unearthed during construction, work shall cease within 50 feet of the find and the significance of the find shall be assessed by a qualified archaeologist retained by the project Applicant and approved by the City. If a find is significant, the Lead Agency and the archaeologist, in consultation with Native American representatives, will meet to determine appropriate avoidance measures or other appropriate mitigation.

**Comment #3.**

We suggest that this (additional archaeological activity) be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. Any information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

**Response #3.**

As indicated under the previous response, the project Applicant will retain the services of a qualified archaeologist during site excavation phases.

**Comment #4.**

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources.

**Response #4.**

Comment noted. This consultation list will be retained by the Lead Agency for future reference.

**Comment #5.**

California Government Code Section 65040.12(e) defines “environmental justice” to provide “fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies.” (The California Code is consistent with the Federal Executive Order 12898 regarding ‘environmental justice.’ Also, applicable to State agencies is Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

**Response #5.**

As part of the proposed project’s implementation, the Lead Agency will continue its coordination with Native American representatives.

**Comment #6.**

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

**Response #6.**

The Draft EIR indicated that no recorded sites were located within the project boundaries. Nevertheless, mitigation has been identified in the Draft EIR (the mitigation is cited above in Response #2). The Lead Agency, the Applicant, and project contractors will adhere to all pertinent protocols.

**Comment #7.**

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

**Response #7.**

Comment noted. These requirements have been incorporated into the above-referenced mitigation measures.

**Letter Dated July 8, 2014 concerning the NOP**  
**Jacob Armstrong, Branch Chief**  
**Development Review Branch**  
**California Department of Transportation**

**Comment #1.**

The California Department of Transportation (Caltrans) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Gran Plaza Phase 2 project near State Route 111 (SR-111). Caltrans has the following comments:

**Response #1.**

Comment noted. No response is needed.

**Comment #2.**

It should be noted that Caltrans has not received the signed Traffic Mitigation Agreement (TMA) from the project Applicant for the fair share mitigation associated with the condition of approval for Phase I of the Gran Plaza.

**Response #2.**

The comment is no longer valid. The Applicant has executed a traffic mitigation agreement (TMA No. D-11-2014-01) with Caltrans. The agreement was dated December 11, 2014.

**Comment #3.**

A traffic impact study (TIS) is necessary to determine this proposed project's near-term and long-term impacts to the State facilities – existing and proposed – and to propose appropriate mitigation measures. The study should use as a guideline the *Caltrans Guide for the Preparation of Traffic Impact Studies*. Minimum contents of the traffic impact study are listed in Appendix “A” of the TIS guide. [www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

**Response #3.**

A complete traffic impact study (TIS) was prepared for the Phase 2 project. The TIS was incorporated into the Draft EIR, and the stand-alone TIS was included in the Technical Appendix.

**Comment #4.**

The Level of Service (LOS) for operating State highway facilities is based upon Measures of Effectiveness (MOE) identified in the Highway Capacity Manual (HCM). Caltrans endeavors to maintain a target LOS at the transition between LOS “C” and LOS “D” on State highway facilities;

however, Caltrans acknowledges that this may not always be feasible and recommends that the Lead Agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained. In general, the region-wide goal for an acceptable LOS on all freeways, roadway segments, and intersections is “D.” For undeveloped or not densely developed locations, the goal may be to achieve LOS “C.”

**Response #4.**

The City of Calexico General Plan accepts LOS C on roadway segments and at intersections. It should be noted that the City of Calexico will accept LOS D at roadway segments if the intersections along the segment operate at LOS D or better during the peak hour. The County of Imperial accepts LOS C at roadway segments and intersections. Signalized intersections were analyzed for the weekday AM and PM peak hour weekday conditions. Average vehicle delay was determined using the methodology found in Chapter 16 of the 2000 Highway Capacity Manual (HCM), using the Traffix (version 7.9) computer software. The delay values (represented in seconds) were qualified with a corresponding intersection level of service. Unsignalized intersections were also analyzed for the weekday AM and PM peak hour conditions. The vehicle delay and levels of service were determined based upon the procedures found in Chapter 17 of the 2000 Highway Capacity Manual (HCM), using the Traffix (version 7.9) computer software. The left-turn minor street delay or minor street approach was reported for the unsignalized intersections.

**Comment #5.**

All State-owned signalized intersections affected by this project should be analyzed using the intersecting lane vehicle (ILV) procedure from the Caltrans Highway Design Manual, Topic 406, page 400-21.

**Response #5.**

The Draft EIR acknowledged that Caltrans requires that State-owned intersections be analyzed using Intersecting Lane Vehicles (ILV) methodology as described in the Department Highway Design Manual. The Draft EIR also indicated that the ILV methodology is based on the concept that the capacity of intersecting lanes of traffic is 1,500 vehicles per hour. For the typical local street interchange there is usually a critical intersection impact is considered significant using the ILV methodology if the project traffic issues the intersection to operate over capacity.

**Comment #6.**

The geographic area examined in the traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 peak hour trips. State highway facilities that are experiencing noticeable delays should be analyzed in the scope of the traffic study for projects that add 50 to 100 peak hour trips.

**Response #6.**

Based on the anticipated distribution of the project traffic and recommendations made by the City of Calexico staff, the specific study area analyzed in the Draft EIR included the following intersections and street segments:

- Dogwood Road / SR-86 (Heber Road), (Unsignalized Intersection);
- Kloke Road / Cole Road, (Unsignalized Intersection);
- Cesar Chavez Boulevard / SR-98 (Birch Street), (Unsignalized Intersection);
- Cesar Chavez Boulevard / 2<sup>nd</sup> Street, (Unsignalized Intersection);
- Rockwood Street / 2<sup>nd</sup> Street, (Unsignalized Intersection);
- Dogwood Road / SR-98 (Birch Street), (Signalized Intersection);
- Kloke Road / SR-98 (Birch Street), (Signalized Intersection);
- Cesar Chavez Boulevard / Grant Street, (Signalized Intersection);
- SR-111 / McCabe Road, (Signalized Intersection);
- SR-111 / SR-86 (Heber Road), (Signalized Intersection);
- SR-111 / Jasper Road, (Signalized Intersection);
- SR-111 / Cole Street, (Signalized Intersection);
- SR-111 / SR-98 (Birch Street), (Signalized Intersection);
- SR-111 / Grant Street (8<sup>th</sup> Street), (Signalized Intersection);
- SR-111 / 7<sup>th</sup> Street, (Signalized Intersection);
- SR-111 / 5<sup>th</sup> Street, (Signalized Intersection); and,
- SR-111 / 2<sup>nd</sup> Street, (Signalized Intersection).

Street segments analyzed in the Draft EIR included the following:

- Second Street, west of Cesar Chavez Boulevard;
- Second Street, between SR-111 to Bowker Road;
- Cesar Chavez Boulevard, between SR-98 to Grant Street;
- Cesar Chavez Boulevard, between, Grant Street to 2<sup>nd</sup> Street;
- West Imperial Avenue, between SR-98 to Camacho Road;
- Scaroni Road, between Camacho Road to Cole Road;
- State Route 98, between Dogwood to Kloke Road;
- State Route 98, between Kloke Road to SR-111;
- State Route 98, between SR-111 to Andrade Avenue;
- State Route 98, between Andrade Avenue to Bowker Road;
- State Route 98, between Bowker Road to Barbara Worth Road;
- State Route 98, between Barbara Worth Road to SR-7;
- Jasper Road, between Dogwood Road to Scaroni Road;
- Jasper Road, between Scaroni Road to SR-111;

- Jasper Road, between SR-111 to Yourman Road;
- Jasper Road, between Yourman Road to Bowker Road;
- Cole Road, between Kloke Road to SR-111;
- Cole Road, between Rockwood Avenue to Bowker Road;
- State Route 111, between Jasper Road to Cole Road;
- State Route 111, between Cole Road to SR-98; and,
- State Route 111, between SR-98 to Grant Street/8<sup>th</sup> Street.

**Comment #7.**

A focused analysis may be required for project trips assigned to a State highway facility that is experiencing significant delay, such as where traffic queues exceed ramp storage capacities. A focused analysis may also be necessary if there is an increased risk of a potential traffic accident.

**Response #7.**

All of the study intersections were found to be currently operating at LOS C or better under the City's jurisdiction and at LOS D or better under Caltrans' jurisdiction except the following: Cesar Chavez Boulevard / SR-98 – LOS F/E during the AM/PM peak hours, respectively. The City is currently widening Cesar Chavez Boulevard from four travel lanes to six travel lanes. The ILV analysis that was conducted for the study intersections under current (existing) conditions. As shown in Table 3-15 included in the Draft EIR, all study intersections were calculated to currently operate at under capacity for both the AM and PM peak hours. Table 3-16 shows that under existing conditions all of the study area *street segments* are calculated to currently operate at LOS C or better on a daily basis with the following exceptions: SR-111 between SR-98 and Grant Street – LOS E.

**Comment #8.**

The data used in the TIS should not be more than 2 years old.

**Response #8.**

The existing baseline data used in the TIS was collected in 2013 and is under the two-year limit.

**Comment #9.**

Caltrans endeavors that any direct and cumulative impacts to the State Highway System be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards.

**Response #9.**

The mitigation measures identified in the Draft EIR will reduce the level of impact to below levels that are less than significant.

**Comment #10.**

Mitigation measures to State facilities should be included in TIS. Mitigation identified in the traffic study, subsequent environmental documents, and mitigation monitoring reports, should be coordinated with Caltrans to identify and implement the appropriate mitigation. This includes the actual implementation and collection of any "fair share" monies, as well as the appropriate timing of the mitigation. Mitigation improvements should be compatible with Caltrans concepts.

**Response #10.**

Mitigation measures were identified in the Draft EIR for all of those intersections and roadway segments where a significant adverse impact was anticipated.

**Comment #11.**

Mitigation measures for proposed intersection modifications are subject to the Caltrans Intersection Control Evaluation (ICE) policy (Traffic Operation Policy Directive 13-02). Alternative intersection design(s) will need to be considered in accordance with the ICE policy; therefore, please refer to the policy for more information and requirements: <http://www.dot.ca.gov/hq/traffops/signtech/signdel/policy/13-02.pdf>.

**Response #11.**

Comment noted.

**Comment #12.**

The Lead Agency should monitor impacts to insure that roadway segments and intersections remain at an acceptable LOS. Should the LOS reach unacceptable levels, the Lead Agency should delay the issuance of building permits for any project until the appropriate impact mitigation is implemented.

**Response #12.**

The Lead Agency will update the TIS in the event that there is a delay in the project's implementation.

**Comment #13.**

Mitigation conditioned as part of a local agency's development approval for improvements to State facilities can be implemented either through a Cooperative Agreement between Caltrans and the Lead Agency, or by the project proponent entering into an agreement directly with Caltrans for the mitigation. When that occurs, Caltrans will negotiate and execute a Traffic Mitigation Agreement.

**Response #13.**

The comment is noted for the record.

**Letter Dated August 18, 2014 concerning the NOP  
Belen Leon, APC Environmental Coordinator  
Air Pollution Control District**

**Comment #1.**

The NOP to prepare a Draft EIR for the Calexico Gran Plaza Power Center Phase II project has been reviewed by the Imperial County Air Pollution Control District (Air District). As you know, the Air District's established programs to keep the air in Imperial County from declining are found within the Rules and Regulations of the Air District, the California Environmental Quality Act (CEQA), the most current CEQA Air Quality Handbook for Imperial County, the Air District State Implementation Plans (SIP's) for Ozone and PM<sub>10</sub>, and the Air District non-attainment status. Currently, the "moderate" non-attainment status for ozone, "serious" non-attainment status for PM<sub>10</sub>, non-attainment for PM<sub>2.5</sub> are the driving criteria in establishing the thresholds for NO<sub>x</sub>, ROG, PM<sub>10</sub> SO<sub>x</sub>, and CO. These thresholds and their significance are explained within the pages of the Imperial County CEQA Air Quality Handbook. Section 6 of the CEQA handbook describes the preparation of the Air Quality Analysis for an Environmental Impact Report (EIR).

**Response #1.**

The Imperial County CEQA Air Quality Handbook was consulted in the preparation of the air quality analysis for the project. The Draft EIR also cited the Imperial County CEQA Air Quality Handbook as a primary reference in the document.

**Comment #2.**

The following is a synopsis of the information pertinent to the development of an Air Quality analysis. A comprehensive Air Quality Analysis of the construction and operational impacts of the project is required. A thorough analysis should include a description, impacts, and health consequences of all air quality and associated emissions. The analysis should be conducted using the Air Districts approved modeling factors. The analysis should include short and long term emissions as well as daily and yearly emission calculations. Project alternatives should be included along with a thorough emissions analysis per alternative. A description of the Air District attainment status, State and Federal, is required as is describing any regulatory restrictions to the project. All temporary construction and grading impacts should quantify fugitive dust and combustion emissions and propose mitigation measures.

**Response #2.**

The Draft EIR included all of the aforementioned elements. As indicated in Table 3-3 of the Draft EIR, the proposed project's maximum daily construction emissions will exceed thresholds for ROG and NO<sub>x</sub>. According to the AQAP, if a Tier II project exceeds the construction thresholds, the project would be

considered potentially significant and would require implementation of all applicable ICAPCD rules and regulations as well as standard, discretionary, and enhanced mitigation measures identified in the ICAPCD CEQA Air Quality Handbook. The proposed Gran Plaza Phase 2 is a Tier II project and will be subject to the aforementioned Tier II mitigation requirements. Adherence to these requirements would reduce the construction related impacts to levels that are less than significant.

As shown in Table 3-4 of the Draft EIR, the proposed project would generate emissions that would exceed the long-term thresholds for ROG, NO<sub>x</sub>, CO, and PM<sub>10</sub>. As a result, the proposed project's short-term (construction-related) emissions and long-term (operational emissions) would exceed the daily thresholds established by the ICAPCD. The proposed project will be required to adhere to the Tier II control measures. Adherence to these requirements would reduce the construction related impacts to levels that are less than significant.

**Comment #3.**

A health risk assessment such as a diesel exhaust screening level should be included for projects anticipating the use of heavy-duty diesel equipment. A health risk assessment should also be conducted for projects locating near already existing facilities with a potential to emit toxics. Typically, these health risk assessments are of a quantitative nature but can be a mixed qualitative and quantitative analysis. In any case, the relative human exposure, location of the project, distance to sensitive receptors all should be considered when developing the risk assessment.

**Response #3.**

The proposed project involves a commercial retail development as opposed to an industrial use that is permitted under the current Zone designation. In addition, a significant number of patrons (50% to 60%) will use shuttle service or walk to the center from the U.S./Mexico Border crossing. Larger truck traffic will be limited to those trucks making deliveries to the individual stores. The existing industrial zoning would allow for manufacturing and warehouse development potentially generating existing volumes of truck traffic. Truck traffic, in turn, will generate NO<sub>x</sub> emissions associated with diesel engines. Finally, industrial uses will not benefit from the high pedestrian traffic volumes that are contemplated with the project. The Draft EIR concluded that the proposed project will result in less operational emissions compared to that possible under the General Plan's industrial land use designation.

**Comment #4.**

Projects anticipating heavy volumes of traffic should conduct hot-spot modeling. Hot-spot modeling will help determine compliance with the state CO standard at intersections and roadway links as determined by traffic impact analysis. In addition, existing and proposed projects must have a cumulative impact analysis. For each sub analysis and risk assessment mitigation measures should be identified, quantified for effectiveness, and incorporated into the environmental document (i.e.

Environmental Impact Report EIR or Environmental Impact Statement EIS). All mitigation measures must follow District Rules and Regulations including the most current CEQA Air Quality Handbook. Consultation with the most recent Clean Air Plans (SIP's), District Rules and Regulations, and other Air District approved programs is recommended for effective applicability of standards. When it becomes apparent that on-site mitigation is insufficient to reduce the impacts to insignificance then off-site mitigation should be discussed and appropriately applied. Finally, in accordance with Assembly Bill 32 known as the Global Warming Solutions Act of 2006 and the most recent amendments to the CEQA Guidelines dated March of 2010, a discussion of the impacts from Green House Gas emissions and its relation to Climate Change is required.

**Response #4.**

Currently, there are no sensitive receptors within 1,000 feet of the project site that are located within Calexico. In addition, there are no future sensitive land uses planned in the City of Calexico adjacent to the project site. There are sensitive receptors (residential uses) located within the City of Mexicali that are located within 80 feet of the U.S.-Mexico Border and approximately 145 feet from the project site (refer to Exhibit 3-1 included in the Draft EIR).

California Air Resources Board (CARB) has declared that DPM from diesel engine exhaust is a toxic air contaminant (TAC). Additionally, the California Office of Environmental Health Hazard Assessment (OEHHA) has determined that chronic exposure to DPM can cause carcinogenic and non-carcinogenic health effects. Health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. *Individual Cancer Risk* is the likelihood that a person exposed to concentrations of TACs over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology. Given the construction schedule of approximately one year for Phase 1 and one year for Phase 2, the proposed project would not result in a long-term (i.e., 70-years) substantial source of TAC emissions with no residual emissions after construction and corresponding individual cancer risk. As such, long-term project-related toxic emission impacts during construction would not be significant. In addition, the implementation of *Air Quality Mitigation Measures 1 and 2* identified in the previous sections would further reduce emissions from construction activities. For operations, there are no major industrial operations proposed or significant sources of TACs or DPM. As a result, the operational impacts are considered to be less than significant.

The Draft EIR did include an analysis of greenhouse gas emissions. The proposed project would contribute to the emissions of GHGs, primarily CO<sub>2</sub>, emitted by construction and operational activities. GHG impacts generally are considered to be cumulative impacts from a climate change perspective. The Draft EIR indicated the project would not conflict with the State goals in AB 32 and, therefore, this impact would be less than significant. Mitigation measures were added to further reduce the proposed project's GHG impacts.

**Comment #5.**

Reminder, all construction sites regardless of size must adhere to the requirements of Regulation VIII, Fugitive Dust Control. This regulation is comprised of six individual rules which combined apply Best Available Control Measures to any size construction or earthmoving activity. Aside from the standard of measurement, is the requirement of a dust control plan and notification 10 days prior to the commencement of construction to the Air District is important. The Imperial County Rule book can be found at <http://www.co.imperial.ca.us> under "Air Pollution Control." We encourage all developers, construction companies, cities and interested parties to obtain a copy of the Regulation VIII, Fugitive Dust Control. Should you have any questions please do not hesitate to call the office at 760-482-4606.

**Response #5.**

The ICAPCD's dust control measures referred to in the above comment were incorporated into the Draft EIR.

**Letter Dated April 17, 2015 concerning the Draft EIR  
Donald Vargas, Environmental Regulatory Compliance Administrator  
Imperial Irrigation District**

**Comment #1.**

On March 24, 2015, we received from the City of Calexico the Draft Environmental Impact Report, SCH# 2014061070 (DEIR) for the Gran Plaza Phase II Power Center project. Phase I, Calexico Gran Plaza Outlets, was recently completed in September 2013 and Phase II proposes to construct over 1,069,400 square feet of commercial retail lease space on approximately 100 acres. The project site is located along Second Street just west of the Calexico Downtown Port Of Entry and the New River. The Imperial Irrigation District (IID) has reviewed the DEIR and has the following comments:

**Response #1.**

Comment noted. No response is required.

**Comment #2.**

IID's electrical distribution infrastructure is limited in this area and will require significant upgrades to accommodate the requirements of the project. IID cannot reliably serve the project (or any additional loads) without upgrading the existing Pruett substation. A portion of the cost associated with the upgrade is the responsibility of Gran Plaza, LP; the project developer. IID will not proceed with upgrades at the Pruett substation until a cost sharing agreement with the project developer is finalized in which Gran Plaza, LP will contribute to the cost of necessary substation expansion work, and other related transmission and distribution system upgrades, based on the anticipated system-loading created by the project. Although the project developer has been in discussion with the IID regarding the required upgrades and their respective costs, as of yet nothing has been resolved. Hence it is important to note these events given that the DEIR does not mention improvements or upgrades to IID electrical system to support the project and disregarding this concern could have serious consequences to the project.

**Response #2.**

The Draft EIR acknowledges that the project would result in an increase in energy consumption, primarily electricity and natural gas associated with the proposed project's operation. Electricity and/or natural gas energy would be used for space heating, cooling and ventilation equipment; water heaters; cooking and refrigeration units; interior and exterior lighting of the buildings, parking lot lighting, office and cash register equipment; and other miscellaneous fixtures. The Draft EIR continues by recognizing that the planning for energy-efficient retail buildings starts in the design stages and should involve careful consideration for lighting, refrigeration, cooking, and space-conditioning systems and how they

integrate together. As indicated in the above comment, the project Applicant is cooperating with the IID in identifying the required upgrades to the Pruett Substation. In addition, the physical impact associated with the upgrading of the Pruett Substation was considered in the EIR prepared for the Phase 1 project. In conclusion, the project Applicant will comply with the IID's requirements concerning these upgrades.

**Comment #3.**

Any construction or operation on IID property or within its existing and proposed right of way or easements will require an encroachment permit, including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities (e.g. power lines). A copy of the encroachment permit application is included in the District's *Developer Project Guide 2008*, and can be accessed at the IID website: <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2328>. Instructions for the completion of an IID encroachment application can be found at the following website: <http://www.iid.com/Modules/ShowDocument.aspx?documentid=2335>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits.

**Response #3.**

The comment is noted for the record. The Applicant and/or contractors will comply with all pertinent encroachment requirements.

**Comment #4.**

In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.

**Response #4.**

The comment is noted for the record. The Applicant and/or contractors will consult with the IID prior to any construction activities located adjacent to an existing IID facility.

**Comment #5.**

Any new, relocated, modified, or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, canals, drains, etc.) need to be included as part of the project's CEQA and/or NEPA documentation,

environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

**Response #5.**

As indicated in the Draft EIR, the project site is currently vacant and undeveloped. As a result, no IID facilities are located within the project site boundaries. The future reconstruction of Second Street may necessitate the removal and/or relocation of existing IID infrastructure. The project Applicant and the City will coordinate any relocation with the IID. The Applicant understands that any upgrading required to serve the project will be the responsibility of the project for implementation.

**Letter Dated May 12, 2015 concerning the Draft EIR**  
**Monica Soucier, APC Division Manager**  
**Air Pollution Control District**

**Comment #1.**

The Imperial County Air Pollution Control District (Air District) has finalized its review of the Environmental Impact Report proposed for the Gran Plaza Phase 2 Power Center. The APCD reviewed the proposed EIR for consistency with current rules, regulations and policies of the Air District. The Air District currently is guided by three different State Implementation Plans (SIPs), one for Ozone, PM<sub>10</sub> and PM<sub>15</sub>. These documents set the emissions inventory, regulation control measures and population growth allowances for each categorical pollutant. In addition, the Air District has adopted policies and procures meant to compliment SIPs to assure emission of these criteria pollutants remain below the national and state standards. Finally, the Imperial County CEQA Air Quality Handbook provides guidance for those development projects that choose to build within Imperial County.

**Response #1.**

The comment is noted for the record. The Imperial County CEQA Air Quality Handbook was consulted as part of the air quality analysis that was included in the Draft EIR.

**Comment #2.**

The information provided to the Air District either as a link or as a reference for review contained information dating back to 2008 and 2010. Because the analysis of the project occurred at a date at least 5 years back the Air District reviewed the whole of the project and the information provided in light of any of the new developments, regulations and/or policies that have been newly adopted or revised. The finding of the project, a less than significant impact, is determined by the application of identified mitigation measures 3.1-1 and 3.1-2 for the criteria pollutants and Green House Gases. However, studies conducted by the Air District have determined that in order to properly assure findings of less than significant made by an environmental document and to protect the public health the following mitigations are required.

- 1) While the project is listing the standard mitigation measures for construction the project must submit a "Construction" Dust Control Plan at least 14 working days prior to any earthmoving activities.
- 2) The project must submit a Construction Notification Form 10 days prior to any earthmoving activities.
- 3) In order to assure that NO<sub>x</sub> emissions remain less than significant the project proponent must submit a current list of off-road equipment to be utilized during construction with the following minimum information, Make, Model, Horsepower, Year, hours of daily use and the total number of that piece of equipment.
- 4) The list of off-road equipment must be updated periodically but no later than every 2 weeks.
- 5) An analysis of the use of the equipment will be analyzed by the air district and compared to the NO<sub>x</sub> emissions that are resulting. Any emissions in excess of the NO<sub>x</sub> emission thresholds

found in the CEQA handbook will need to be mitigated with either an off-site project or in accordance with Policy 5.

Operationally and Cumulatively

- 6) Rule 310 fees must be paid prior to the issuance of a building permit.

**Response #2.**

The Final EIR will include, by reference, the following the mitigation measures that were recommended by the Air District in their comment letter. This additional mitigation will include the following measures:

- While the project is listing the standard mitigation measures for construction the project must submit a "Construction" Dust Control Plan at least 14 working days prior to any earthmoving activities.
- The project must submit a Construction Notification Form 10 days prior to any earthmoving activities.
- In order to assure that NO<sub>x</sub> emissions remain less than significant the project proponent must submit a current list of off-road equipment to be utilized during construction with the following minimum information: Make, Model, Horsepower, Year, hours of daily use and the total number of that piece of equipment.
- The list of off-road equipment must be updated periodically but no later than every two weeks.
- An analysis of the use of the equipment will be analyzed by the air district and compared to the NO<sub>x</sub> emissions that are resulting. Any emissions in excess of the NO<sub>x</sub> emission thresholds found in the CEQA handbook will need to be mitigated with either an off-site project or in accordance with Policy 5.
- The project Applicant will pay all pertinent Rule 310 fees prior to the issuance of a building permit.

## 6.3 REVISIONS TO THE DRAFT EIR

The Final EIR will include, by reference, the following the mitigation measures that were recommended by the Air District in their comment letter. This additional mitigation will include the following measures:

- The project Applicant must submit a "Construction" Dust Control Plan at least 14 working days prior to any earthmoving activities.
- The project Applicant must submit a Construction Notification Form 10 days prior to any earthmoving activities.
- In order to assure that NO<sub>x</sub> emissions remain less than significant the project Applicant must submit a current list of off-road equipment to be utilized during construction with the following minimum information: Make, Model, Horsepower, Year, hours of daily use and the total number of that piece of equipment.
- The list of off-road equipment must be updated periodically but no later than every two weeks.
- The use of the equipment will be analyzed by the air district and compared to the NO<sub>x</sub> emissions that are resulting. Any emissions in excess of the NO<sub>x</sub> emission thresholds found in the CEQA handbook will need to be mitigated with either an off-site project or in accordance with Policy 5.
- The project Applicant will pay all pertinent Rule 310 fees prior to the issuance of a building permit.

In addition to the above revised mitigation, there were a number of minor corrections that were made to EIR document. These corrections were identified in the Final EIR and include the following:

**Page 8.** Pursuant to Section 15105 of the *CEQA Guidelines*, the Draft EIR was circulated for public review for a period of 45 days, beginning March 26, 2015 and ending May 12, 2015. Copies of both the Draft EIR and Final EIR have been provided to interested agencies and the public. The document is also available on the City's website: [http:// www.calexico.ca.gov/index.php](http://www.calexico.ca.gov/index.php).

**Page 47.** The rear (south) sides of the buildings will face the International Border with a 90-foot ~~security zone~~ setback that includes a required 60 foot setback required by the U.S. Border Patrol and an addition 30-foot wide rear access road. This ~~zone~~ access road will ~~also~~ serve as the loading and truck circulation point for the retail buildings facing north.

**Page 47.** Consideration of the proposed project's conformity with the Calexico International Airport Land Use Compatibility Plan. The Federal Aviation Administration (FAA) requires the project Applicant submit the development plans for an aeronautical review pursuant to the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, Part 77 to obtain a "Determination of No Hazards to Air Navigation" approval. Because the project includes a GPA and Zone change within an Airport Land Use Plan (ALUP), the action must also be referred to the Airport Land Use Commission (ALUC) for a consistency finding under Public Utilities Code Section 21676.

The proposed project's compatibility with the airport has been considered and the proposed project's conformity was approved by the ALUC.

**Pages 167 and 169, Tables 3-17 and 3-18.** The reference to “Factory Outlet” has been changed to “Power Center.”

**Page 417.** The traffic study included in the Appendix indicated driveways #1, #3, and #4 would be signalized. It was subsequently determined that Driveways #1 and #3 would be signalized as a project design feature after the traffic report was completed. The Draft EIR correctly indicated the driveways that would be signalized.

## SECTION 7.0 REFERENCES

### 7.1 PREPARERS

BLODGETT/BAYLOSIS ENVIRONMENTAL PLANNING  
16388 E. Colima Road, Suite 206J  
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### 7.2 REFERENCES

Documents may be viewed at the offices of Blodgett/Baylosis Environmental Planning (BBEP) at 16388 Colima Road, Hacienda Heights, CA. The BBEP office is open for business Monday through Friday, 8:00 AM to 5:00 PM. Review of reference information at BBA can be arranged by appointment. Please call (626) 336-0033.

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