



**PLANNING COMMISSION
MEETING AGENDA**

TUESDAY, OCTOBER 17, 2023 AT 6:30 PM

**CITY HALL COUNCIL CHAMBERS
1600 WEST BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA**

PLANNING COMMISSION MEMBERS

**VICTOR CUEVAS, CHAIR
ALICIA MORALES, PLANNING COMMISSIONER
NATALIA LOMELI, PLANNING COMMISSIONER
JOELLANN VALDEZ, PLANNING COMMISSIONER
ARMANDO MEDINA, PLANNING COMMISSIONER**

CITY STAFF

**JOSEPH PALOMBI, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
MONICA MERCADO-RODRIGUEZ, PLANNING MANAGER
NVAIR G. DEUKMEJIAN, ASSOCIATE ATTORNEY
ALEXIS HUERTA, SENIOR ADMINISTRATIVE ASSISTANT**

NOTICES

This Planning Commission Meeting will be held in person and will meet at **City Hall – City Council Chambers, 1600 West Beverly Boulevard, Montebello, California**. The meeting will be live streamed and can be watched on the City's website and YouTube Channel via the following link: <https://www.montebelloca.gov>, and may also be viewed on Spectrum Public Access Channel 3 for all Spectrum cable subscribers.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act (ADA) any person with a disability who requires special accommodations in order to participate in a meeting should contact Alexis Huerta at (323) 887-1324 Monday-Thursday from 7:30 a.m.-5:30 p.m. Please call 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II 1203). If you require translation services, please contact us 24 hours before this meeting.

PUBLIC COMMENTS:

In-Person: For those interested in participating during the Public Comment period(s) or public testimony period for Public Hearings of the Planning Commission meetings, you may address the Planning Commission in person the day of the meeting. Speakers will be required to complete a speaker card provided at the door and submit it to Alexis Huerta, Senior Administrative Assistant, prior to each Public Comment announcement period. Staff will number and call each speaker card in the order received.

Via Email: The public may also submit emailed comments via the following email address: pcpubliccomment@montebelloca.gov up until the day of the meeting, Tuesday, October 17, 2023 by 6:00 p.m. These comments will be submitted to all members of the Planning Commission and will not be read aloud, but will be entered into the record of the proceedings to the extent they relate to matters listed on the posted agenda or otherwise address matters/issues within the subject matter jurisdiction of the Planning Commission. Any requests to provide public comment which is submitted after the deadlines indicated above will not be submitted to the Planning Commission, with the exception of non-agenda written item comments which will be held over for the next regularly scheduled meeting.

RULES OF DECORUM:

Pursuant to Section 54957.95 of the Government Code, the presiding member of the legislative body conducting a meeting, or their designee, is authorized to remove, or cause the removal of, an individual for disrupting the meeting. Any such removal will be preceded by a warning to the disruptive individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to promptly cease their disruptive behavior may result in their removal.

AGENDA MATERIALS: The agenda and agenda packet related to items on this agenda are available for public inspection at City's website at: [Agendas, Minutes, and Videos](#).

IN CONSIDERATION OF OTHERS, PLEASE TURN OFF, OR MUTE, ALL CELL PHONES AND PAGERS
THANK YOU FOR YOUR COOPERATION

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CORRECTIONS TO THE AGENDA

PUBLIC COMMENTS (30 MINUTES)

At this time, the general public may address the Commission/Committee on any items listed on the Agenda, including items not listed on the Agenda (Non-Agenda Items) that are within subject matter jurisdiction. Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per person. State Law prohibits the Commission/ Committee from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Chairperson.

STAFF COMMUNICATIONS

PUBLIC HEARING

1. **Zone Variance ("ZV") (Case No. PC-2023-0004-ZV) to deviate from the fence height requirements contained in Montebello Municipal Code Section 17.10.130 located at 1741 Appian Way.**

RECOMMENDATION: It is recommended that the Planning Commission conduct a public hearing and take the following action:

1. ADOPT the Resolution No. 16-23 approving Zone Variance (ZV) Case No. PC-2023-0004-ZV), subject to certain findings and conditions to deviate from the R-1 development standards to allow for a deviation of the fence height requirements ranging from approximately 2-feet to 5-feet in excess of the six-foot limitation located at 1741 Appian Way ("Project Site"); and
 2. DETERMINE AND FIND that the project (ENV No. 03-23-CE) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(e) related to "New Construction or Conversion of Small Structures", a Class 3 Categorical Exemption
2. **General Plan Amendment ("GPA"), Zone Change ("ZC"), and Lot Line Adjustment ("LLA") Case No. PC-2023-0012-GPA-ZC-LLA to reconfigure two lots located at 437 N. Spruce Street ("Project Site") and to amend the General Plan and Zoning designation of the newly configured lots from Boulevard Commercial (General Plan Designation) and Neighborhood Commercial (Zoning designation) to Boulevard Commercial and Neighborhood Commercial for the proposed "Lot A" as well as Low Density Residential and Single Family Residential for the proposed "Lot B". No new construction is proposed in conjunction with this project.**

RECOMMENDATION: It is recommended that the Planning Commission conduct a public hearing and take the following action:

1. ADOPT the attached Resolution recommending the City Council approve a General Plan Amendment (GPA) from Boulevard Commercial to Boulevard Commercial (proposed Lot A) and Low Density Residential (proposed Lot B) as well to approve a Zone Change (ZC) from C-1 (Neighborhood Commercial) to C-1 (proposed Lot A) and R-1 (Single Family Residential) (proposed Lot B) to allow the existing commercial and residential developments at the Project Site to be properly designated, and make related findings that the proposed project is consistent with the Montebello General Plan; and
2. ADOPT the attached Resolution approving Lot Line Adjustment (LLA) Case No. PC-2023-0012-GPA-ZC-LLA with conditions to adjust the boundary lines of the existing two lots at the Project Site; and

3. DETERMINE AND FIND that the project (ENV No. 11-23-CE) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 – Minor Land Divisions.

3. **Zone Variance (“ZV”) (Case No. PC-2023-0013-ZV) to allow the installation of a new internally illuminated pylon sign with an electric LED message board pursuant to Montebello Municipal Code Chapter 17.72 (Variances), on an existing lot located at 900 W Lincoln Ave. within the City of Montebello.**

RECOMMENDATION: It is recommended that the Planning Commission take the following action:

1. ADOPT Resolution No. 14-23 Approving Zone Variance (“ZV”) No. PC-2023-0013-ZV with conditions to allow a new internally illuminated pylon sign with an electronic LED message board with a new concrete footing and pole at an existing church (“Project”) Blake Sign Company, Inc. (“Applicant”) at the property located at 900 W. Lincoln Ave (“Project Site”) pursuant to Montebello Municipal Code (“MMC”) Chapter 17.72 – Variances; and
2. DETERMINE AND FIND that the project (ENV No. 12-23-CE) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section (15311) - Class 11 (Accessory Structures) consists of the construction, or replacement of minor structures accessory to (appurtenant to) existing commercial and/or institutional facilities, including on-premise signs.

4. **General Plan Amendment (“GPA”) (Case No. PC-2023-0016-GPA) to adopt Transportation Guidelines for Vehicle Miles Traveled related to land development, land use planning and transportation projects.**

RECOMMENDATION: It is recommended that the Planning Commission conduct a public hearing and take the following action:

1. ADOPT the attached Resolution recommending City Council approval of threshold of significance and screening criteria for purposes of analyzing transportation impacts under the California Environmental Quality Act (CEQA) related to Vehicle Miles Traveled (VMT) as required by Senate Bill 743 (SB 743), and make related findings that the proposed project is consistent with the Montebello General Plan; and
2. DETERMINE AND FIND that the proposed amendment to establish a threshold of significance and screening criteria based on VMTs to comply with SB 743 is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Section 15378 and is therefore not subject to CEQA.

CONSENT ITEM(S)

5. **Compliance Review for Conditional Use Permit (“CUP”) No. PC-2021-0009-CUP for the sale of alcohol (Type 41 License – On-sale Beer and Wine - Eating Place) within an existing bona fide restaurant (Playas Guayabitos) located at 1418 West Beverly Boulevard (“Project Site”).**

RECOMMENDATION: It is recommended that the Planning Commission of the City of Montebello (“Planning Commission”) review, receive and file this report, attachments, and/or any other supportive evidence to confirm:

1. That Playas Guayabitos Restaurant Inc. (the “Applicant”) has demonstrated compliance with the conditions of approval contained in Resolution No. 12-21/Conditional Use Permit No. PC-2021-0009-CUP (Attachment “A”) for the property located at 1418 West Beverly Boulevard.

PLANNING COMMISSION ORALS

Planning Commission member announcements; requests for future agenda items; conference/meetings reports.

ADJOURNMENT

The City of Montebello Planning Commission will adjourn to the next Regular Meeting on Tuesday, November 7, 2023 at 6:30 p.m. at City Hall Council Chambers located at 1600 W. Beverly Boulevard, Montebello, CA 90640.

I, Alexis Huerta, Senior Administrative Assistant for the City of Montebello hereby certify that a copy of this agenda has been posted on or before Thursday, October 12, 2023 at 5:30 p.m.

Alexis Huerta

Alexis Huerta, Senior Administrative Assistant



ITEM # 1

**CITY OF MONTEBELLO
PLANNING COMMISSION AGENDA STAFF REPORT**

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Grace Hayashi, Assistant Planner

SUBJECT: Zone Variance (“ZV”) (Case No. PC-2023-0004-ZV) to deviate from the fence height requirements contained in Montebello Municipal Code Section 17.10.130 located at 1741 Appian Way.

DATE: October 17, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission conduct a public hearing and take the following action:

1. ADOPT the Resolution No. 16-23 approving Zone Variance (ZV) Case No. PC-2023-0004-ZV), subject to certain findings and conditions to deviate from the R-1 development standards to allow for a deviation of the fence height requirements ranging from approximately 2-feet to 5-feet in excess of the six-foot limitation located at 1741 Appian Way (“Project Site”); and
2. DETERMINE AND FIND that the project (ENV No. 03-23-CE) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(e) related to “New Construction or Conversion of Small Structures”, a Class 3 Categorical Exemption

FISCAL IMPACT:

None.

BACKGROUND:

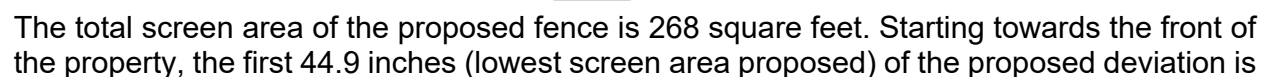
On June 13, 2023, Brian Oshima (“Applicant”), on behalf of Tracy Kitagawa (“Property Owner”), filed an application for a Zone Variance to allow for a deviation from the design

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On June 15, 2023, staff issued a deemed complete letter to the Applicant.

Project Location: 1741 Appian Way
Project Applicant: Brian Oshima
Property Owner: Tracy Kitagawa
General Plan Designation: Low Density Residential
Zoning: R-1 (Single Family Residential)

The Applicant is seeking to deviate from the R-1 zoning development standards contained in the MMC Section 17.10.130 as they apply to the design and height requirements for walls, fences, and gates. The proposed Zone Variance request would permit the east side wall of the project site and allow for a deviation of the height requirements ranging from approximately 2-feet to 5-feet in excess from the six-foot limitation due to the consistent threat of predatory wildlife of the property located at 1741 Appian Way.



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27.5 inches of excess height. The following 22.5 inches (mid-height screen area proposed) is 50.25 inches of excess height. The last 11.1 inches (highest screen area proposed) towards the rear of the property are 68 inches of excess height.

For the proposed project to be approved in compliance with the City's Municipal Code, the Applicant is requesting approval of the following entitlement requests:

- Zone Variance (deviate from the fence height requirements)

PROJECT SITE

The Project Site is zoned for Single-Family Residential (R-1) and is designated Low-Density Residential (LDR) under the Land Use Element of the General Plan. Land uses surrounding the Project Site are primarily Residential uses. The surrounding zoning and land uses are listed as follows:

Direction	Zone	Land Use
North	R-1	Low Density Residential
South	R-1	Low Density Residential
East	R-1	Low Density Residential
West	R-1	Low Density Residential

The lot size of the parcel located at 1741 Appian Way is approximately 6,071 square feet (.14 acres) in the R-1 zone with a three-car garage. The parcel is zoned as a single-family residential property abutting other single-family residences to the North, South, East, and West. The applicant is proposing to deviate from the current fence requirements in the Montebello Municipal Code to screen the east side of their property 2-feet to 5-feet in excess of the six-foot limitation. The proposed screen are compatible with the surrounding area as it is built in good taste.

ZONE VARIANCE

Pursuant to Section 17.72.020 of the MMC, the Planning Commission shall have the authority, subject to the procedures set forth herein to grant variances from any provisions of this code relating to the use and development of land when practical difficulties, unnecessary hardships, or results inconsistent with the general intent and purpose of this code, occurs by reason of the strict and literal interpretation of this code.

This project is proposing to deviate from R-1 development standards pursuant to Section 17.10.130 to allow for a deviation of the fence height requirements ranging from approximately 2-feet to 5-feet in excess of the six-foot limitation. Due to the threat of wildlife, specifically coyotes, the residents at 1741 Appian Way are both threatened and deprived of utilizing their backyard. Pursuant to Section 17.72.060 of the MMC due to special or unusual circumstances, the strict application of the provisions of the code would result in practical difficulties or unnecessary hardships or would deprive such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Pursuant to Section 17.10.130 of the MMC, all fence standards shall conform to the development standards in the R-1 zone. This chapter states that a wall, fence, or hedge not more than six feet in height may be located anywhere on the lot behind the rear line of the required front yard. The Applicant is proposing to deviate from the required fence height contained in Chapter 17.10 of the MMC due to the threat of predatory animals. Pursuant to

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Chapter 17.72 of the MMC, the sole purpose of a variance shall be to ensure that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. No variance shall be granted which would have the same effect of granting a special privilege not shared by other properties in the same vicinity and zone.

Pursuant to Section 17.72.060 of the MMC, before any zone variance shall be granted, all of the following findings must be made:

A. Describe the special or unusual circumstances applicable to the subject property, which do not generally apply to other properties in the vicinity and with the same zoning designation.

The primary reason the Applicant has requested a Zone Variance is due to the real-life threat of predatory wildlife (coyotes in particular) that have access to both the east side and rear end of the subject property. Towards the rear of the property and adjacent properties, there is a topographic condition that creates easier access for wildlife animals to pass between properties. The raised planter along the rear side of the property line makes the six-foot height restriction difficult to comply with in the transition between the upper planter, backyard grass area, and patio level.

In addition, the family dog was attacked in February 2023, which put a tamper on the comfort and safety for their family since. See photos in Attachment (E) of the view of the subject property and adjacent properties parcels locating the "coyote highway".

B. Detail how due to the special or unusual circumstances described above, strict application of the Zoning Code would result in practical difficulties or unnecessary hardships or would deprive the property privilege enjoyed by other properties in the vicinity and with the same zoning designation.

Since the home was purchased in 2020, there has been an increase in coyotes present in and around the backyard of the subject property. There are no built barriers on the upper tier between properties, creating a clear pathway for coyotes to go into the backyard. The owner has never felt comfortable spending time outside with her family since her dog was attacked by a coyote in February of 2023, prior to the installation of the fence extension. Since this situation and knowing herself and family could get attacked coyotes, the fear of what could occur was depriving her family from being able to enjoy outside by activities in the privacy of their own backyard. After the installation of the fence extension, the family has been able to enjoy their backyard like other neighboring properties as it brought a sense of security. When the Applicant would go outside, there were unnecessary precautions that would have to be taken such as checking the yard, bringing an air horn, and bringing a golf club for protection. This situation is not what was envisioned when the property was purchased as the house was bought for the Applicant to grow old in, care for her elderly mother, and babysit her future grandchildren.

C. Explain how the Zoning Variance is necessary for the preservation of a substantial property right to allow a reasonable use of the subject property, which is possessed by other properties in the vicinity and with the same zoning designation.

Due to the property's backyard abutting property at higher elevations, the terraced portion (raised planter area) is retained by utilizing a masonry block retaining wall with a grade at +/- 6'0" above the rear yard level. This condition becomes preventative to build a fence of any reasonable height that would necessarily block or protect the views of any predatory wildlife. Due to the topographic condition at the rear of the property, the increased height is necessary to provide comfort for the family.

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D. Describe how the proposed Zone Variance will not cause an adverse effect on the public welfare or surrounding properties.

The Applicant has provided both architectural and structural engineer plans that prove the screen is both properly secure and will not pose a danger. If this request is approved, the applicant will obtain the needed administrative permits. The requested Zone Variance has also received support from immediate neighbors as shown in Attachment D. (Letters of Support). These are written statements of support in favor of the proposed screening from these neighbors.

E. Describe how the granting of the Zone Variance will be consistent with the general purpose and intent of the Zoning Code and will not adversely affect the General Plan.

By granting this Zone Variance, the Planning Commission would be providing the Applicant's family and property a large sense of security and protection from the constant threat of predator wildlife that can gain access to their backyard. The aesthetics will not adversely affect the General Plan as it is in good taste and complies with the materials in the City of Montebello's Zoning Code. The proposed material of clear-coated red western cedar planking (6"x11' planks) will be attached to a metal frame (City of Montebello Code of Ordinances, Section 17.10.130 (D)).

GENERAL PLAN CONSISTENCY

The General Plan Land Use designation for the Project Site is Low Density Residential (LDR). The following General Plan Land Use Element goals and policies are applicable to the proposed project:

Policy/Goal	Description
Goal 3: Safety Element	Prevent or minimize the loss of life from all hazards
Goal 1: Land Use Element	To formulate a plan which is responsive to the needs of the community, and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development.
Policy 7 (Residential): Land Use Element	Residential neighborhoods should be quiet, safe, and pleasant areas in which to live.

The proposed project conforms to the City of Montebello General Plan Safety and Land Use Elements in that the proposed height deviation for the east side of the fence will allow protection from the coyotes and other wildlife for the residents residing at 1741 Appian Way. General Plan Safety Element Goal #3 explicitly states that it encourages the maintenance or improvement of buildings' structural integrity to protect residents and preserve communities. Given that the residents at the subject property have been directly affected by the wildlife in the comfort of their own backyard, the additional 2-feet to 5-feet of height in excess to the six-foot limitation will provide the protection to the residents at the subject property. Furthermore, the General Plan Land Use Element Goal 1 states that {to formulate a plan which is responsive to the needs of the community, and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development.} The need for this additional height could positively impact the safety and quality of life, found within Goal 1 of the Land Use Element, for both the residents at the subject property and abutting neighbor. Additionally, the property owner's children and dog are deprived of utilizing their backyard space as a residential neighborhood should be quiet, safe, and pleasant to live in as described in Policy 7 (Residential) Land Use Element. Allowing the increased height can

provide the residents of 1741 Appian Way some protection against predatory animals and allow them to enjoy their backyard in a safe and pleasant manner.

ENVIRONMENTAL:

Zone Variance (Case No. PC-2023-0004-ZV) is considered a “project” per the CEQA definition of a “project.” Pursuant to the provisions of the California Environmental Quality Act (CEQA) Section 15303(e), the project is considered covered by “New Construction or Conversion of Small Structures”, a Class 3 Categorical Exemption. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of small structures from one use to another where only minor modifications are made in the exterior of the structure. The Class 3 CEQA exemption section (e) states that “accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences”. The proposed code deviation does not have the potential to degrade the quality of the environment or have a significant effect on the environment in that the wall will be subject to Building review to ensure building codes are satisfied to ensure the safety of the residents and abutting properties.

The proposed project meets all the conditions required to be classified as a “New Construction or Conversion of Small Structures”. The project will be consistent with the applicable general plan and zoning designations, policies, and regulations. The proposed minor modification occurs within city limits on a residential site of .14 acres surrounded by already developed residential uses.

ANALYSIS:

None.

SUMMARY:

REPORTS RECEIVED

On July 5, 2023, the application materials for Case Number PC-2023-0004-ZV were forwarded to the Building and Safety, Public Works, Parks and Recreation, Traffic, and Police Departments for review, comments, and conditions. The department conditions of approval that were provided are included in the resolution found under “Attachment A.”

PUBLIC NOTIFICATION

Pursuant to MMC Section 17.78 (Public Hearings, Notices, and Appeals), the following noticing was performed:

- On October 5, 2023, the Public Hearing Notice was published in the Daily Journal (Whittier Daily News); and
- On October 5, 2023, the Public Hearing Notice was mailed to all property owners within a 300-foot radius from the exterior boundaries of project site.

ATTACHMENT(S)

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1. Resolution No. 16-23
2. 1741 Appian Way NOE
3. Proposed Screen Elevation Plan
4. Letters of Support
5. Exhibits

**CITY OF MONTEBELLO
PLANNING COMMISSION**

RESOLUTION NO. 16-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, APPROVING A ZONE VARIANCE (ZV) (“CASE NO. PC-2023-0004-ZV”) TO DEVIATE FROM R-1 DEVELOPMENT STANDARDS TO ALLOW FOR A DEVIATION OF THE FENCE HEIGHT REQUIREMENTS FOR THE PROPERTY LOCATED AT 1741 APPIAN WAY (“PROJECT SITE”) AND FINDING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES TO BE APPLICABLE (ENV NO. 3-23-CE).

WHEREAS, on June 13, 2023, a Zone Variance (“ZV”) (Case No. PC-2023-0004-ZV) application was filed by Brian Oshima, on behalf of Tracy Kitagawa (“Applicant”) to deviate from the R-1 development fence height requirements for the property located at 1741 Appian Way in the City of Montebello (“City”) the Project Site (“Project”); and

WHEREAS, pursuant to Section 21067 of the Public Resources Code, and Section 15367 of the State California Environmental Quality Act (“CEQA”) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello is the lead agency for the proposed Project; and

WHEREAS, the ZV (PC-2023-0004-ZV) is considered a “project”, per the California Environmental Quality Act definition of a “project”; and

WHEREAS, the project is considered covered by the New Construction or Conversion of Small Structures found under CEQA Section 15303(e), which consist of the construction or conversion of small facilities or structures including “accessory (appurtenant) structures such as garages, carports, patios, swimming pools, and fences”.

WHEREAS, the proposed zone variance does not have the potential to degrade the quality of the environment or have a significant effect on the environment; and

WHEREAS, pursuant to Section 21067 of the Public Resources Code, and Section 15367 of the State California Environmental Quality Act (“CEQA”) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello is the lead agency for the proposed Project; and

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other matters presented at the public hearing and included in the record for this matter, and

WHEREAS, all other legal prerequisites of to the adoption of this Resolution have occurred.

WHEREAS, the Planning Commission of the City of Montebello resolves that:

SECTION 1. RECITALS. Based on staff presentations, testimony, and all other evidence presented to the Planning Commission during the noticed public hearing on this matter, the Planning Commission hereby finds and declares that the foregoing recitals are true and correct, and expressly incorporates them as substantive findings into this Resolution.

SECTION 2. FINDINGS. Pursuant to Section 17.72.060 of the City of Montebello Municipal Code (MMC), the following findings are hereby adopted as the findings of the Planning Commission:

- A. *Describe the special or unusual circumstances applicable to the subject property, which do not generally apply to other properties in the vicinity and with the same zoning designation.*

The primary reason the Applicant has requested a Zone Variance is due to the real-life threat of predatory wildlife (coyotes in particular) that have access to both the east side and rear end of the subject property. Towards the rear of the property and adjacent properties, there is a topographic condition that creates easier access for wildlife animals to pass between properties. The raised planter along the rear side of the property line makes the six-foot height restriction difficult to comply with in the transition between the upper planter, backyard grass area, and patio level.

In addition, the family dog was attacked in February 2023, which put a tamper on the comfort and safety for their family since. See photos in Attachment (E) of the view of the subject property and adjacent properties parcels locating the “coyote highway”.

- B. *Detail how due to the special or unusual circumstances described above, strict*

application of the Zoning Code would result in practical difficulties or unnecessary hardships or would deprive the property privilege enjoyed by other properties in the vicinity and with the same zoning designation.

Since the home was purchased in 2020, there has been an increase in coyotes present in and around the backyard of the subject property. There are no built barriers on the upper tier between properties, creating a clear pathway for coyotes to go into the backyard. The owner has never felt comfortable spending time outside with her family since her dog was attacked by a coyote in February of 2023, prior to the installation of the fence extension. Since this situation and knowing herself and family could get attacked coyotes, the fear of what could occur was depriving her family from being able to enjoy outside by activities in the privacy of their own backyard. After the installation of the fence extension, the family has been able to enjoy their backyard like other neighboring properties as it brought a sense of security. When the Applicant would go outside, there were unnecessary precautions that would have to be taken such as checking the yard, bringing an air horn, and bringing a golf club for protection. This situation is not what was envisioned when the property was purchased as the house was bought for the Applicant to grow old in, care for her elderly mother, and babysit her future grandchildren.

- C. *Explain how the Zoning Variance is necessary for the preservation of a substantial property right to allow a reasonable use of the subject property, which is possessed by other properties in the vicinity and with the same zoning designation.*

Due to the property's backyard abutting property at higher elevations, the terraced portion (raised planter area) is retained by utilizing a masonry block retaining wall with a grade at +/- 6'0" above the rear yard level. This condition becomes preventative to build a fence of any reasonable height that would necessarily block or protect the views of any predatory wildlife. Due to the topographic condition at the rear of the property, the increased height is necessary to provide comfort for the family.

- D. *Describe how the proposed Zone Variance will not cause an adverse effect on the public welfare or surrounding properties.*

The Applicant has provided both architectural and structural engineer plans that prove the screen is both properly secure and will not pose a danger. If this request

is approved, the applicant will obtain the needed administrative permits. The requested Zone Variance has also received support from immediate neighbors as shown in Attachment D. (Letters of Support). These are written statements of support in favor of the proposed screening from these neighbors.

- E. *Describe how the granting of the Zone Variance will be consistent with the general purpose and intent of the Zoning Code and will not adversely affect the General Plan.*

By granting this Zone Variance, the Planning Commission would be providing the Applicant's family and property a large sense of security and protection from the constant threat of predator wildlife that can gain access to their backyard. The aesthetics will not adversely affect the General Plan as it is in good taste and complies with the materials in the City of Montebello's Zoning Code. The proposed material of clear-coated red western cedar planking (6"x11' planks) will be attached to a metal frame (City of Montebello Code of Ordinances, Section 17.10.130 (D)).

SECTION 3. CEQA. The Planning Commission finds that the ZV (PC-2023-0004-ZV) is categorically exempt by the New Construction or Conversion of Small Structures found under CEQA Section §15303(e).

SECTION 4. APPROVAL. The Planning Commission hereby approves ZV (Case No. PC-2023-0004-ZV) subject to compliance with all applicable laws and ordinances of the City as well subject to compliance with the conditions of approval set forth in Section 5.

SECTION 5. CONDITIONS. The Planning Commission finds that the following conditions of approval are necessary and appropriate.

A. Standard Conditions

1. The Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the Applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the Applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity

- provision shall include the Applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceedings.
2. Within thirty (30) days of the Planning Division transmittal of the Acceptance Form, the Applicant shall sign and return a copy of the Acceptance Form, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. Failure to return the Acceptance Form within thirty (30) days shall constitute grounds for terminating the permit.
 3. The Director of Planning & Community Development ("Director"), at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These condition(s) may be modified, or new condition(s) added to reduce any impacts of the proposed signage. Pursuant to section 17.80.020 of the MMC, the Planning Commission may revoke the ZV (Case No. PC-2023-00040ZV/ENV No. 3-23-CE) (enter case number and ENV No.) if sufficient cause is given.
 4. The Applicant or successor in interest shall meet the applicable code requirements and all other City department regulations.
 5. This approval shall not supersede the approval of any other responsible agencies. The Applicant shall comply with all Federal, State and local laws.
 6. The approval of the entitlement shall expire if the rights granted are not exercised within one (1) year from the ZV's effective date. Exercise of right shall mean issuance of a building permit to commence construction or similar activities demonstrating the intent to proceed with the project, as determined by the Director.
 7. A copy of the approved Resolution shall be attached to the construction plans for any site improvement at the submittal of plans for plan check.
 8. In the event the Applicant violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals, or certificate of occupancy shall be issued until such violation(s) has been fully remedied.
 9. Any change, expansion, intensification and/or modification to the proposed plans use, or mode of operations shall be subject to the review and approval by the Director who may take action or call for review by the Montebello Planning Commission ("Planning Commission") at a noticed public hearing.

B. Building Division Conditions

1. The first sheet of the plans shall include a description of the work.
2. The second sheet of building plans shall list all conditions of approval and include a copy of the Planning Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
3. Plans prepared in compliance with the current Building Code shall be submitted to the Building Division for review prior permit issuance. (The current codes are 2022 California Codes with 2023 Los Angeles County amendments).
4. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
5. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
6. No form work or other construction materials will be permitted to encroach into the adjacent property without written approval of the affected property owner.

PASSED AND ADOPTED this 17th day of October 2023 by the Planning Commission.

Chair Cuevas:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Morales:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Valdez:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Lomeli:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Medina:	() AYE () NOE () ABSENT () ABSTAIN

Victor Cuevas, Chair

ATTEST:

Joseph A. Palombi, Director
Planning & Community Development Department

Notice of CEQA Exemption

To:

County of Los Angeles
Registrar-Recorder/County Clerk
12400 Imperial Highway
Norwalk, CA 90650

From:

City of Montebello
Planning & Community Development Department
1600 W. Beverly Blvd.
Montebello, CA 90640

Lead Agency: City of Montebello Planning and Community Development Department

Project Title: Zone Variance

Project Location: 1741 Appian Way

Case Number(s): PC-2023-0004-ZV & ENV No. 3-23-CE

Description of Nature, Purpose, and Beneficiaries of Project: The Applicant, on behalf of Tracy Kitagawa, seeks approval of a Zone Variance to deviate from the R-1 development standards contained in the Montebello Municipal Code Section 17.10.130 to allow for a deviation of the fence height requirements ranging from approximately 2-feet to 5-feet in excess of the six-foot limitation located at 1741 Appian Way.

Name of the Public Agency Approving the Project: City of Montebello

Name of Person or Agency Carrying Out the Project: Brian Oshima on behalf of Tracy Kitagawa

Exempt Status (*check one*)

- ☐ Ministerial (Sec. 21080(b)(1); 15268(b)(3))
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a)).
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)).
☒ Categorical Exemption: "New Construction or Conversion of Small Structures, Class 3, Section 15303(e)"
☐ Statutory Exemptions. State code number:

Justification for Project Exemption:

Pursuant to the provisions of the California Environmental Quality Act (CEQA) Section 15303(e), the project is considered covered by "New Construction or Conversion of Small Structures", a Class 3 Categorical Exemption. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of small structures from one use to another where only minor modifications are made in the exterior of the structure. The Class 3 CEQA exemption section (e) states that "accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences". The proposed code deviation does not have the potential to degrade the quality of the environment or have a significant effect on the environment.

Lead Agency Contact Person: Joseph Palombi, Director of Planning & Community Development

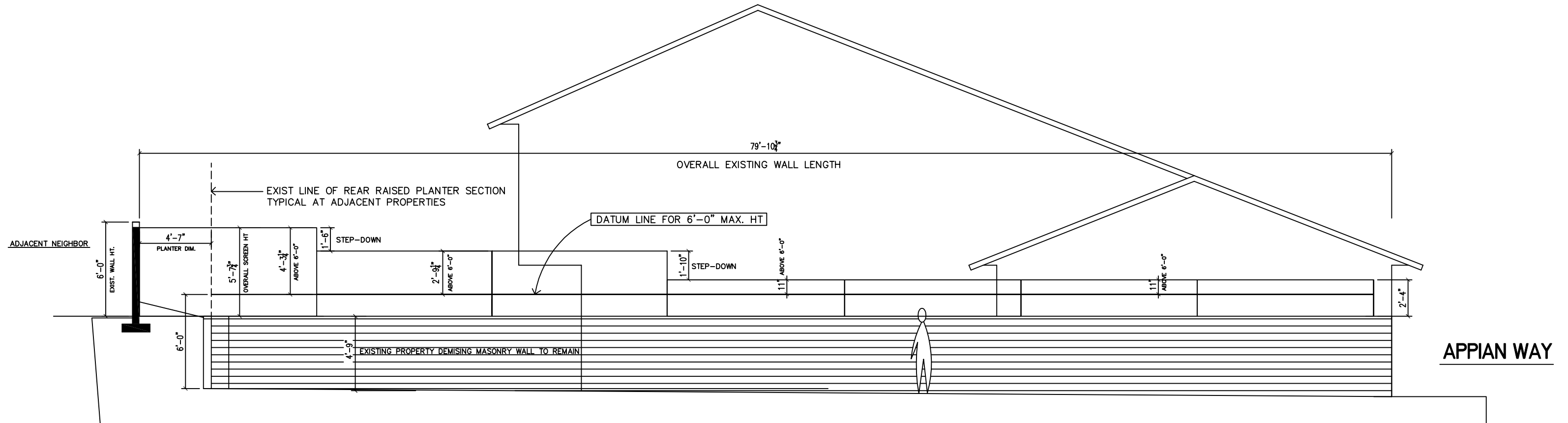
Area Code/Telephone/Extension: (323) 887-1478

If filed by applicant, attach certified document issued by the Planning and Community Development Department stating that the Department has found the project to be exempt.

Signature: _____ **Date:** _____ **Title:** _____

☒ Signed by Lead Agency

☐ Signed by Applicant



EAST ELEVATION FACING NEIGHBOR
PROPOSED SCREEN ELEVATION - W/ DIMENSIONS SHOWING HEIGHT OF PROPOSED ABOVE MAX. ALLOWED (6'-0")

1741 Appian Way Montebello, CA 90640

Letters of Support from Neighbors

Submitted to the City of Montebello, Department of Planning

September 6, 2023

September 01, 2023

City of Montebello
Planning and Community Development
1600 W Beverly Blvd.
Montebello, CA 90640

RE: Support for Variance Request at 1741 Appian Way, Montebello

Attention: Planning Commissioners (Planning Commission Hearing October 03, 2023)

To the City of Montebello Planning Commission Members,

Our house is located at: 1752 Milano Montebello CA 90640.

We are writing in support of Tracy Kitagawa's Variance Request to allow a side yard screen that is higher than the City's 6-foot maximum height for any screen or fencing. She has spoken to us about coyotes entering her backyard and creating an unsafe environment for her family and family pets.

We are aware of this growing problem of cohabitation with wildlife, as we and/or our neighbors have had similar issues with animals entering our properties or have seen them wandering our streets throughout the day.

We do not have any concerns regarding the proposed screening, as we feel it is appropriate in design and function to mitigate potential danger from wildlife entering her property and fully support her request for a variance from the standard building and planning guidelines.

Respectfully submitted,



Printed name: Tony Chien

Printed name: _____

September 01, 2023

City of Montebello
Planning and Community Development
1600 W Beverly Blvd.
Montebello, CA 90640

RE: Support for Variance Request at 1741 Appian Way, Montebello

Attention: Planning Commissioners (Planning Commission Hearing October 03, 2023)

To the City of Montebello Planning Commission Members,

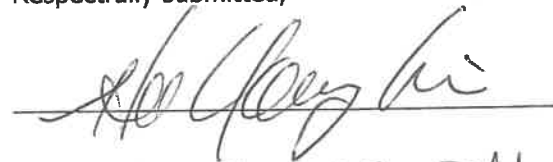
Our house is located at: 1756 Milano, Montebello, CA 90640

We are writing in support of Tracy Kitagawa's Variance Request to allow a side yard screen that is higher than the City's 6-foot maximum height for any screen or fencing. She has spoken to us about coyotes entering her backyard and creating an unsafe environment for her family and family pets.

We are aware of this growing problem of cohabitation with wildlife, as we and/or our neighbors have had similar issues with animals entering our properties or have seen them wandering our streets throughout the day.

We do not have any concerns regarding the proposed screening, as we feel it is appropriate in design and function to mitigate potential danger from wildlife entering her property and fully support her request for a variance from the standard building and planning guidelines.

Respectfully submitted,



Printed name: HEE Y. BAH



Printed name:

September 01, 2023

City of Montebello
Planning and Community Development
1600 W Beverly Blvd.
Montebello, CA 90640

RE: Support for Variance Request at 1741 Appian Way, Montebello

Attention: Planning Commissioners (Planning Commission Hearing October 03, 2023)

To the City of Montebello Planning Commission Members,

Our house is located at: 1612 Appian Way, Montebello 90640.

We are writing in support of Tracy Kitagawa's Variance Request to allow a side yard screen that is higher than the City's 6-foot maximum height for any screen or fencing. She has spoken to us about coyotes entering her backyard and creating an unsafe environment for her family and family pets.

We are aware of this growing problem of cohabitation with wildlife, as we and/or our neighbors have had similar issues with animals entering our properties or have seen them wandering our streets throughout the day.

We do not have any concerns regarding the proposed screening, as we feel it is appropriate in design and function to mitigate potential danger from wildlife entering her property and fully support her request for a variance from the standard building and planning guidelines.

Respectfully submitted,



Printed name: Leslie T. Shima



Printed name: Judy Shima

September 01, 2023

City of Montebello
Planning and Community Development
1600 W Beverly Blvd.
Montebello, CA 90640

RE: Support for Variance Request at 1741 Appian Way, Montebello

Attention: Planning Commissioners (Planning Commission Hearing October 03, 2023)

To the City of Montebello Planning Commission Members,

Our house is located at: 1716 APPIAN WAY, MONTEBELLO, CA 90640.

We are writing in support of Tracy Kitagawa's Variance Request to allow a side yard screen that is higher than the City's 6-foot maximum height for any screen or fencing. She has spoken to us about coyotes entering her backyard and creating an unsafe environment for her family and family pets.

We are aware of this growing problem of cohabitation with wildlife, as we and/or our neighbors have had similar issues with animals entering our properties or have seen them wandering our streets throughout the day.

We do not have any concerns regarding the proposed screening, as we feel it is appropriate in design and function to mitigate potential danger from wildlife entering her property and fully support her request for a variance from the standard building and planning guidelines.

Respectfully submitted,



Printed name: TARD-YIN KWONG

Printed name: _____

September 01, 2023

City of Montebello
Planning and Community Development
1600 W Beverly Blvd.
Montebello, CA 90640

RE: Support for Variance Request at 1741 Appian Way, Montebello

Attention: Planning Commissioners (Planning Commission Hearing October 03, 2023)

To the City of Montebello Planning Commission Members,

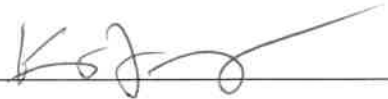
Our house is located at: 1732 Appian way Montebello CA 90640

We are writing in support of Tracy Kitagawa's Variance Request to allow a side yard screen that is higher than the City's 6-foot maximum height for any screen or fencing. She has spoken to us about coyotes entering her backyard and creating an unsafe environment for her family and family pets.

We are aware of this growing problem of cohabitation with wildlife, as we and/or our neighbors have had similar issues with animals entering our properties or have seen them wandering our streets throughout the day.

We do not have any concerns regarding the proposed screening, as we feel it is appropriate in design and function to mitigate potential danger from wildlife entering her property and fully support her request for a variance from the standard building and planning guidelines.

Respectfully submitted,



Printed name: Kwong Wong

Printed name: _____

September 01, 2023

City of Montebello
Planning and Community Development
1600 W Beverly Blvd.
Montebello, CA 90640

RE: Support for Variance Request at 1741 Appian Way, Montebello

Attention: Planning Commissioners (Planning Commission Hearing October 03, 2023)

To the City of Montebello Planning Commission Members,

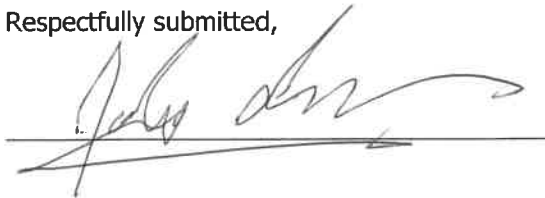
Our house is located at: 1737 APPIAN WAY, MONTEBELLO, CA 90640.

We are writing in support of Tracy Kitagawa's Variance Request to allow a side yard screen that is higher than the City's 6-foot maximum height for any screen or fencing. She has spoken to us about coyotes entering her backyard and creating an unsafe environment for her family and family pets.

We are aware of this growing problem of cohabitation with wildlife, as we and/or our neighbors have had similar issues with animals entering our properties or have seen them wandering our streets throughout the day.

We do not have any concerns regarding the proposed screening, as we feel it is appropriate in design and function to mitigate potential danger from wildlife entering her property and fully support her request for a variance from the standard building and planning guidelines.

Respectfully submitted,



Printed name: JOHNNY LEE

Printed name: _____

September 01, 2023

City of Montebello
Planning and Community Development
1600 W Beverly Blvd.
Montebello, CA 90640

RE: Support for Variance Request at 1741 Appian Way, Montebello

Attention: Planning Commissioners (Planning Commission Hearing October 03, 2023)

To the City of Montebello Planning Commission Members,

Our house is located at: 1745 Appian Way.

We are writing in support of Tracy Kitagawa's Variance Request to allow a side yard screen that is higher than the City's 6-foot maximum height for any screen or fencing. She has spoken to us about coyotes entering her backyard and creating an unsafe environment for her family and family pets.

We are aware of this growing problem of cohabitation with wildlife, as we and/or our neighbors have had similar issues with animals entering our properties or have seen them wandering our streets throughout the day.

We do not have any concerns regarding the proposed screening, as we feel it is appropriate in design and function to mitigate potential danger from wildlife entering her property and fully support her request for a variance from the standard building and planning guidelines.

Respectfully submitted,

D. Pang

Printed name: Daniel Pang

Printed name: _____

September 01, 2023

City of Montebello
Planning and Community Development
1600 W Beverly Blvd.
Montebello, CA 90640

RE: Support for Variance Request at 1741 Appian Way, Montebello

Attention: Planning Commissioners (Planning Commission Hearing October 03, 2023)

To the City of Montebello Planning Commission Members,

Our house is located at: 1741 APPIAN WAY, MONT-BELLO, CA 90640

We are writing in support of Tracy Kitagawa's Variance Request to allow a side yard screen that is higher than the City's 6-foot maximum height for any screen or fencing. She has spoken to us about coyotes entering her backyard and creating an unsafe environment for her family and family pets.

We are aware of this growing problem of cohabitation with wildlife, as we and/or our neighbors have had similar issues with animals entering our properties or have seen them wandering our streets throughout the day.

We do not have any concerns regarding the proposed screening, as we feel it is appropriate in design and function to mitigate potential danger from wildlife entering her property and fully support her request for a variance from the standard building and planning guidelines.

Respectfully submitted,

14/LJ

Printed name: HUNG MIN

Printed name: _____

September 01, 2023

City of Montebello
Planning and Community Development
1600 W Beverly Blvd.
Montebello, CA 90640

RE: Support for Variance Request at 1741 Appian Way, Montebello

Attention: Planning Commissioners (Planning Commission Hearing October 03, 2023)

To the City of Montebello Planning Commission Members,

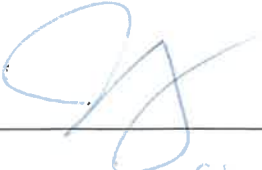
Our house is located at: 1709 Via Roma, Mtb. CA 90640.

We are writing in support of Tracy Kitagawa's Variance Request to allow a side-yard screen that is higher than the City's 6-foot maximum height for any screen or fencing.

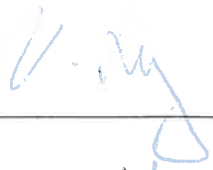
We are aware of this growing problem of cohabitation with wildlife, as we and/or our neighbors have had similar issues with animals entering our properties or have seen them wandering our streets throughout the day. We also feel strongly that the safety of our family and family pets is of utmost importance.

While we have not seen the actual screen, we have seen pictures of it and we feel it will be appropriate in design and function to mitigate potential danger from wildlife entering her property and fully support her request for a variance from the standard building and planning guidelines.

Respectfully submitted,



Printed name: Jeff Leung



Printed name: Vanessa Leung

September 01, 2023

City of Montebello
Planning and Community Development
1600 W Beverly Blvd.
Montebello, CA 90640

RE: Support for Variance Request at 1741 Appian Way, Montebello

Attention: Planning Commissioners (Planning Commission Hearing October 03, 2023)

To the City of Montebello Planning Commission Members,

Our house is located at: 1700 VIA ROMA, MONTEBELLO.

We are writing in support of Tracy Kitagawa's Variance Request to allow a side yard screen that is higher than the City's 6-foot maximum height for any screen or fencing. She has spoken to us about coyotes entering her backyard and creating an unsafe environment for her family and family pets.

We are aware of this growing problem of cohabitation with wildlife, as we and/or our neighbors have had similar issues with animals entering our properties or have seen them wandering our streets throughout the day.

We do not have any concerns regarding the proposed screening, as we feel it is appropriate in design and function to mitigate potential danger from wildlife entering her property and fully support her request for a variance from the standard building and planning guidelines.

Respectfully submitted,



Printed name: SUSAN CORTES

Printed name: _____

1741 Appian Way Montebello, CA 90640

Photographs of property, surroundings and map information as required for
a Zoning Variance Request.

Submitted to the City of Montebello, Department of Planning.
June 12, 2023

Overall View of Site and Adjacent Properties



VIEW FROM WEST



BEFORE (NO SCREEN)



AFTER (WITH SCREEN)



VIEW FROM EAST



VIEW FROM SUBJECT PROPERTY LOOKING TOWARDS EAST ADJACENT NEIGHBOR



VIEW FROM EAST PROPERTY LINE AT 6'-0" AFF LOOKING TOWARDS ADJACENT NEIGHBOR

View of Subject Property and Adjacent Neighbor Parcels



- With respect to the natural topography and access to the backyard areas in my neighborhood, there are many access portals for wildlife.
- I have witnessed coyotes on the move in the highlighted areas and after speaking with other neighbors, the consensus is there is a higher frequency of coyote sightings in the backyard areas lately.
- Additional lines of deterrent and screening would be beneficial especially when the paths have been established.

"Coyote Highway"
(shaded in red)

Photos

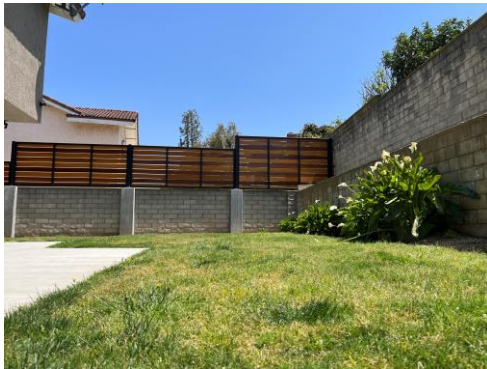


VIEW FROM EAST NEIGHBOR'S SIDE YARD



VIEW FROM EAST NEIGHBOR LOOKING WEST ONTO SUBJECT PROPERTY

Photos (from Chloe's P.O.V.)



- Here are some photos from our dog, Chloe's actual point of view.
- These are taken from her favorite spots in the yard to sit and play.
- Please consider visual blocking would provide a sense of security for both Chloe and my family.



ITEM # 2

**CITY OF MONTEBELLO
PLANNING COMMISSION AGENDA STAFF REPORT**

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Daniel Ruiz, Assistant Planner

SUBJECT: **General Plan Amendment (“GPA”), Zone Change (“ZC”), and Lot Line Adjustment (“LLA”) Case No. PC-2023-0012-GPA-ZC-LLA to reconfigure two lots located at 437 N. Spruce Street (“Project Site”) and to amend the General Plan and Zoning designation of the newly configured lots from Boulevard Commercial (General Plan Designation) and Neighborhood Commercial (Zoning designation) to Boulevard Commercial and Neighborhood Commercial for the proposed “Lot A” as well as Low Density Residential and Single Family Residential for the proposed “Lot B”. No new construction is proposed in conjunction with this project.**

DATE: October 17, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission conduct a public hearing and take the following action:

1. ADOPT the attached Resolution recommending the City Council approve a General Plan Amendment (GPA) from Boulevard Commercial to Boulevard Commercial (proposed Lot A) and Low Density Residential (proposed Lot B) as well to approve a Zone Change (ZC) from C-1 (Neighborhood Commercial) to C-1 (proposed Lot A) and R-1 (Single Family Residential) (proposed Lot B) to allow the existing commercial and residential developments at the Project Site to be properly designated, and make related findings that the proposed project is consistent with the Montebello General Plan; and
2. ADOPT the attached Resolution approving Lot Line Adjustment (LLA) Case No. PC-2023-0012-GPA-ZC-LLA with conditions to adjust the boundary lines of the existing two lots at the Project Site; and
3. DETERMINE AND FIND that the project (ENV No. 11-23-CE) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 – Minor Land Divisions.

FISCAL IMPACT:

None.

BACKGROUND:

On July 31, 2023, Steven Rounds (“Applicant”) filed an application for a General Plan Amendment, Zone Change, and Lot Line Adjustment (PC-2023-0012-GPA-ZC-LLA) to untie and alter the configuration of the two lots located at the Project Site and amend the General Plan and Zoning designations of the newly configured lots from Boulevard Commercial (General Plan Designation) and Neighborhood Commercial (Zoning designation) to Boulevard Commercial and Neighborhood Commercial for the newly created “Lot A” as well as Low Density Residential and Single Family Residential for the newly created “Lot B”. The project proposal will not alter the structures currently existing at the Project Site.

On August 2, 2023, staff issued a deemed complete letter to the Applicant.

PROJECT /APPLICANT INFORMATION

Project Location: 437 N. Spruce Street
Project Applicant: Steven Rounds
Property Owner: Steven Rounds
General Plan Designation: Boulevard Commercial
Zoning: C-1 (Neighborhood Commercial)
Existing Use on Property: Commercial and Residential

PROJECT SITE

The surrounding zoning and land uses are listed as follows:

Direction	Zone	Land Use
North	C-2	Boulevard Commercial
South	R-1	Single-Family Residential
East	C-1	Boulevard Commercial
West	C-1	Boulevard Commercial

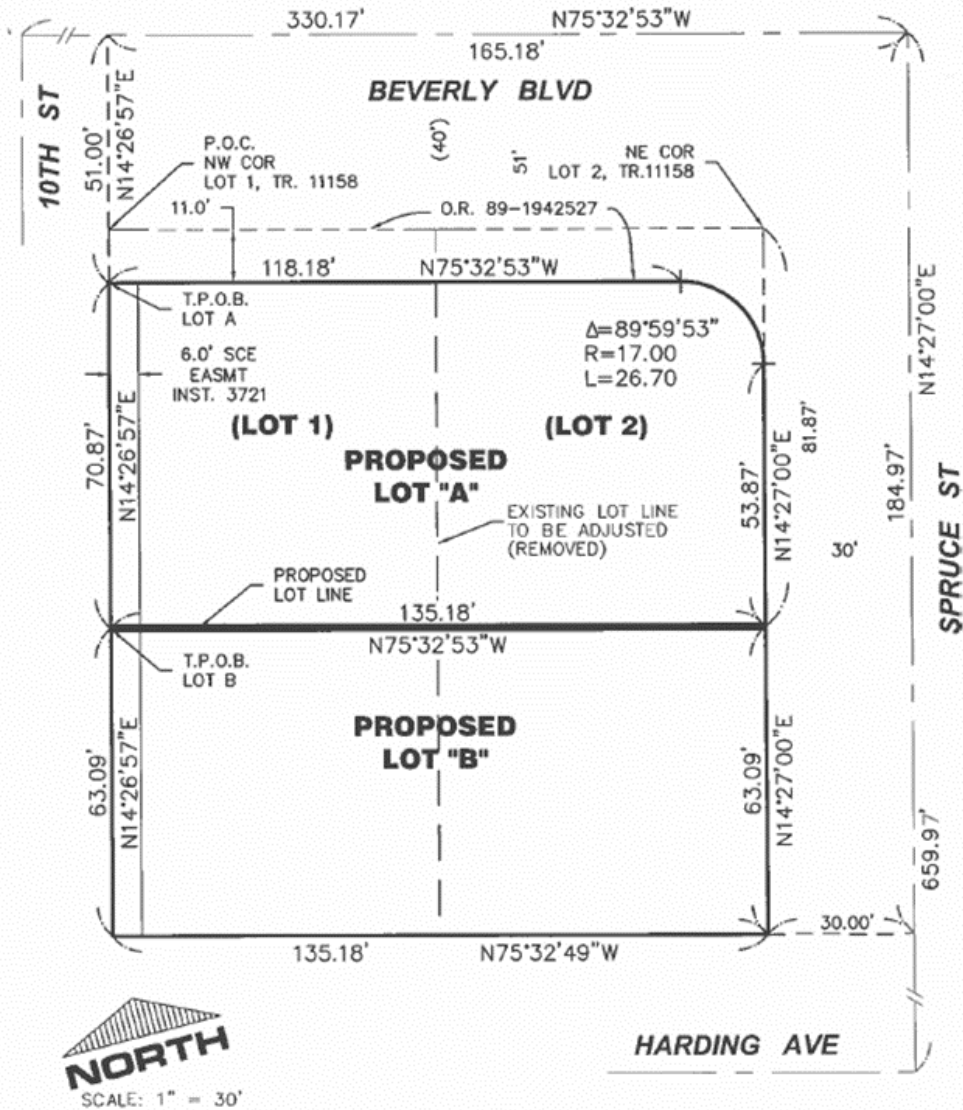
PROJECT DESCRIPTION

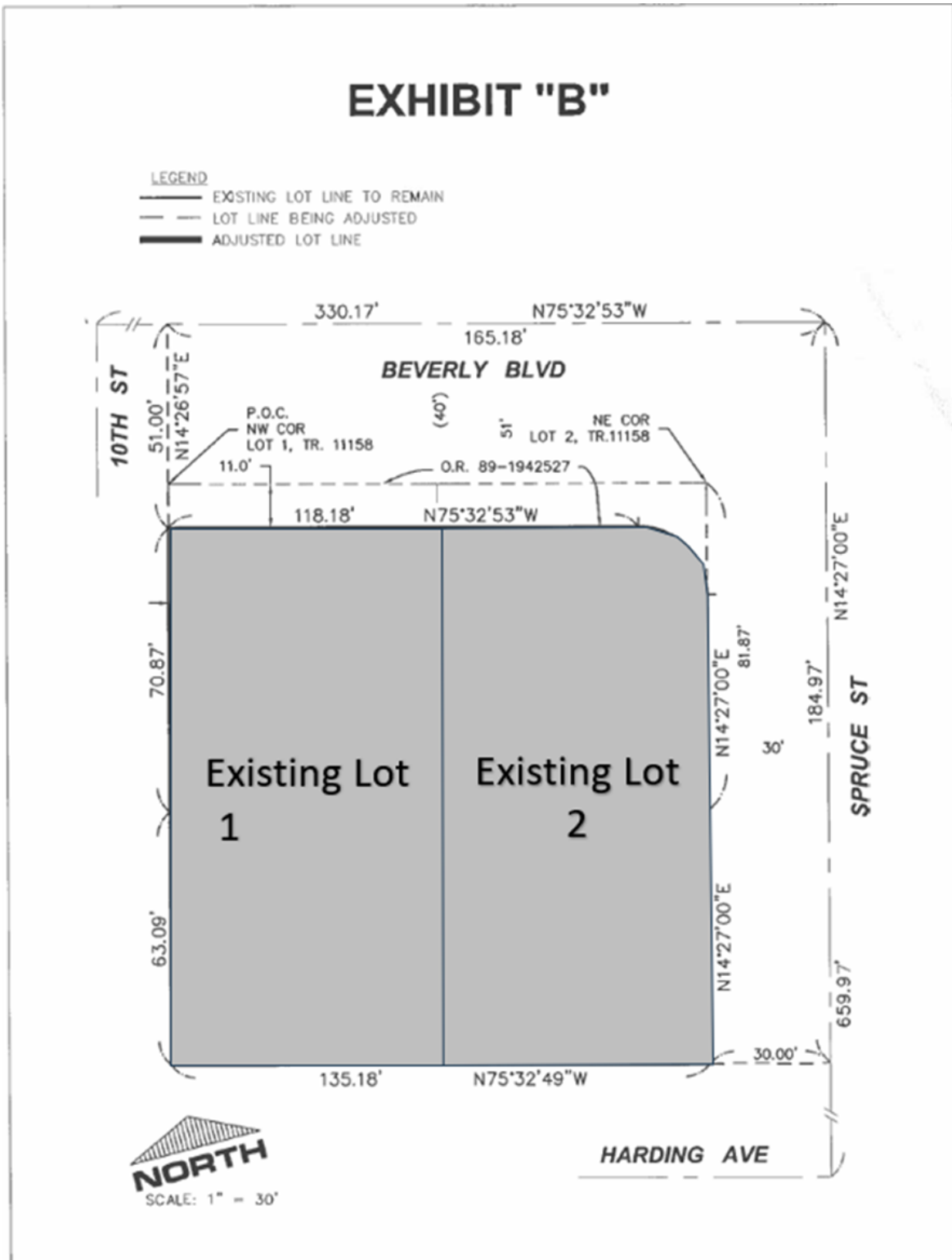
The Applicant is seeking to adjust the lot line boundaries of the two lots which are established at the Project Site. The Project Site is currently developed with a single-family residence totaling 1,396 square feet and a commercial building totaling 2,550 square feet which both cross the existing lot lines. The Project Site consists of one (1) parcel (Assessor’s Parcel Number 6345-004-022) with two (2) tied lots which run vertically as portrayed in “Exhibit B” below.

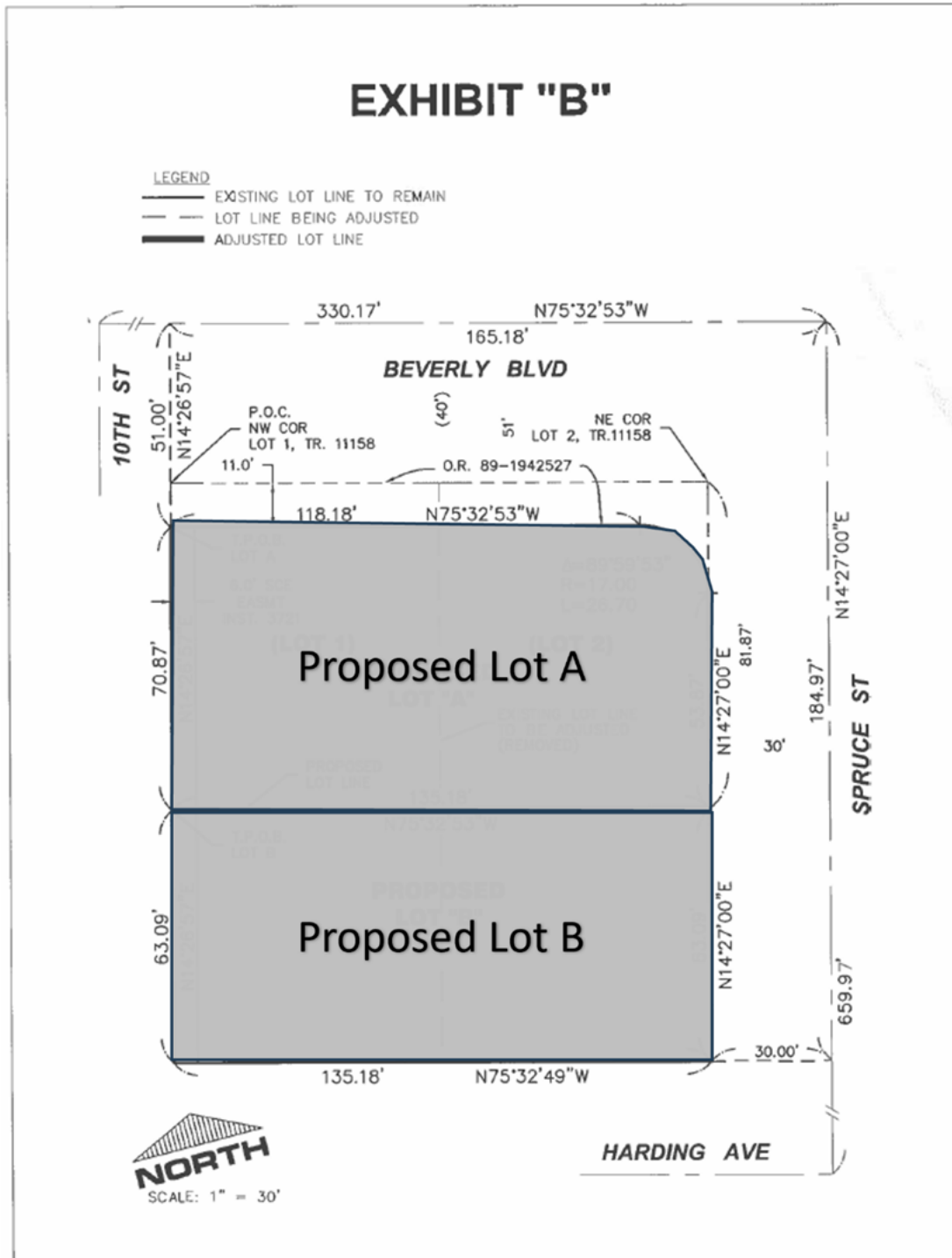
EXHIBIT "B"

LEGEND

-  EXISTING LOT LINE TO REMAIN
-  LOT LINE BEING ADJUSTED
-  ADJUSTED LOT LINE







"Lot 1", as identified in Exhibit B, consists of 9,058 square feet while "Lot 2" consists of 8,990 square feet. By adjusting the existing lot lines to run horizontally instead of vertically, the intent of the Applicant is to allow the existing commercial use to be contained entirely within its own lot ("Proposed Lot "A""), as well as to allow the existing residential use to be contained entirely within its own lot ("Proposed Lot "B""). After readjusting the existing lot lines, the "Proposed Lot "A"", as identified in Exhibit B, will consist of 9,519 square feet in size while the "Proposed Lot "B"" will consist of 8,529 square feet in size. Per the Montebello Municipal Code (MMC) Chapters 17.10 & 17.22, the minimum lot size for a

commercially and residentially zoned lot shall be 5,000 square feet. The proposed lot configuration will meet and exceed the minimum lot size requirements.

In addition to the proposed lot line adjustment, the Applicant is requesting to keep the General Plan and Zoning designations of the "Proposed Lot "A"" as Boulevard Commercial and C-1 (Neighborhood Commercial), as well as requesting to change the General Plan and Zoning Designations of the "Proposed Lot "B"" to Low Density Residential and R-1 (Single-Family Residential). No alterations or modifications are proposed to any of the structures existing at the site. The proposed zoning and general plan amendments are compatible with the surrounding area considering that the site has already been established for years, with the commercial development being situated along the main Beverly Boulevard with other commercial land uses and the residential development being situated near other single family residential developments.

GENERAL PLAN LAND USE ELEMENT

The General Plan Land Use Element designations proposed for the Project Site include the City's Boulevard Commercial and Low-Density Residential land use designations. The following General Plan Land Use Element goals and policies are applicable to the project proposal:

General Plan Land Use Element Goal #1 is "to formulate a plan which is responsive to the needs of the community and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development."

General Plan Land Use Commercial Policy #1 states that "Commercial development in the City should be sited in appropriate locations according to need."

General Plan Land Use Commercial Policy #5 states that "the City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City."

General Plan Land Use Residential Policy #2 states that "residential development of varying densities and housing types should be compatible among themselves and with adjacent commercial and industrial development."

The proposed project conforms to the City of Montebello General Plan Land Use Element in that the residential and commercial developments existing at the project site have been established for well over 60 years, showcasing the compatibility of the different uses at the site. This is in line with the intent of General Plan Land Use Residential Policy #2 related to residential developments being compatible with adjacent commercial development. The single-family residential home at the site was originally built in 1948 while the commercial structure at the site was originally built in 1968. The commercial development at the site includes a barber shop and a beauty salon. These services help to meet the needs of the residents in the surrounding residentially designated areas consistent with General Plan Land Use Element Goal #1. Additionally, the proposed General Plan Amendment, Zone Change, and Lot Line Adjustment would allow the project site to be arranged in a more orderly manner considering that the existing land uses at the site are not fully compatible with the underlying General Plan and Zoning designations.

ZONE CHANGE

PLANNING COMMISSION AGENDA REPORT - MEETING OF OCTOBER 17, 2023

Page 7 of 9

Pursuant to Chapter 17.76 (Zone Changes and Amendments) of the MMC, the application for a zone change shall be made on a form provided by the City. The City's application for zone changes requires the applicant to thoroughly respond to the following items:

A. Describe how the proposed Zone Change is consistent with the objectives and policies of the General Plan;

The zone change is consistent with the objectives and policies of the General Plan in that the land use type and density of the project site is appropriate to the neighborhood and the surrounding uses. The existing commercial development is consistent with the other commercial developments situated along Beverly Boulevard while the existing residential development is consistent with the other single-family residential homes situated along Spruce Street. Additionally, the site is physically suitable for the proposed zone change considering that no new development is being considered in conjunction with the proposal and the existing residential and commercial developments will remain intact with no physical or structural changes. The proposed zone change is not likely to cause any substantial environmental damage, or to cause any serious public health problems. The General Plan Land Use analysis provided above further demonstrates how the proposed zone change is consistent with the objectives and policies of the General Plan.

B. Detail why the proposed Zone Change is necessary;

The Zone Change is necessary because the single-family home which exists at the site is not consistent with the General Plan and Zoning designation of the Project Site. Due to this inconsistency, the Project Site is currently considered non-conforming. By changing the zone of the two lots existing at the site, the Zone Change will bring the property into conformity with the City's General Plan and Zoning Code. The proposed Zone Change will allow for the more reasonable development of the site and allow the property owner increased flexibility in managing and maintaining the site.

C. Describe how the proposed Zone Change will not create problems harmful to the public health, safety, and general welfare;

The residential component of the Project Site has been constructed as a single-family residence since 1948 while the commercial component was constructed in 1958. The Zone Change would not create problems harmful to the public health, safety, and general welfare considering that the scope of the project does not entail any new development and the site will remain the same as it has been for over the past 60 years. Any future development at the site will be reviewed to ensure consistency with the MMC which will ensure that the project will not create problems harmful to the public health, safety, and general welfare.

LOT LINE ADJUSTMENT

A lot line adjustment between four (4) or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, is allowed under the Subdivision Map Act (California Government Code sections 66410 *et seq.*). Furthermore, Section 66412 of the California Government Code specifies that a local agency or advisory agency shall limit its review and approval to a determination of whether or not parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

Title 16 of the MMC pertains to the regulation of subdivisions within the city. Section 16.04.030 of the MMC states that the Planning Commission shall approve Lot Line Adjustments. The findings that must be made by the Planning Commission to approve a Lot Line Adjustment include finding that the proposal is in conformance with and consistent with the City of Montebello's General Plan, the MMC, as well as the Subdivision Map Act.

Before any Lot Line Adjustment shall be granted, all of the following findings must be made:

A. Describe how the proposed Lot Line Adjustment/ Merger, together with its design and improvement, is consistent with the General Plan and with any applicable specific plan; The proposed Lot Line Adjustment, together with the proposed General Plan Amendment and Zone Change, will allow the subject site to be consistent with the General Plan. As it stands, the property currently has both a residential and a commercial component crossing the boundaries of the existing lots. Since the Project Site is primarily designated for commercial uses with a General Plan Land Use Designation of Boulevard Commercial, the residential portion of the property is considered nonconforming. After the reconfiguration of the two lots is complete and the General Plan Amendment and Zone change are finalized, there will be a distinct commercial lot and a distinct residential lot. Aside from the reconfiguration of the lot lines, everything else at the project site will remain the same and no alterations or expansions will be made at the Project Site. Additionally, the Lot Line Adjustment and the project proposal overall are consistent with the General Plan as reflected in the "General Plan Land Use Element" analysis above.

B. Describe how the proposed Lot Line Adjustment/Merger, together with its design and improvement, satisfies the requirements of the Zoning Code and the Subdivision Map Act; The Lot Line Adjustment, together with the proposed General Plan Amendment and Zone Change, satisfy the requirements of the Zoning Code in that the project will allow the underlying uses at the project site to be consistent with the Zoning Code. Typically, residential land uses are not allowed within commercial zones in the City of Montebello. The reconfiguration of the property boundaries through the Lot Line Adjustment will allow for the two newly proposed lots to have their own distinct commercial and residential zoning designations. Furthermore, with the reconfiguration of the lots, each lot will meet and exceed the minimum lot size requirements for a commercial and residentially zoned lot. Additionally, the requirements of the Subdivision Map Act are also satisfied considering that the number of lots at the project site will remain the same and all other requirements of Section 66412 of the Subdivision Map Act are met.

ENVIRONMENTAL:

General Plan Amendment, Zone Change, and Lot Line Adjustment (Case No. PC-2023-0014-GPA-ZC-LLA) is considered a "project," per the California Environmental Quality Act (CEQA) definition of a "project." The project is Categorically Exempt per Section §15315 (Minor Land Divisions) and none of the exceptions found under CEQA Section §15300.2 apply. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to current standards, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The proposed project meets all the conditions required to be classified as a Class 15 CEQA exemption. After the change of zone and general plan amendment, the project will be consistent with the applicable general plan and zoning designations, policies, and regulations.

ANALYSIS:

None.

SUMMARY:

REPORTS RECEIVED

On August 2, 2023, the application materials for Case Number PC-2023-0012-GPA-ZC-LLA were forwarded to the Building, Public Works, Fire, Recreation, and Police Departments for review,

PLANNING COMMISSION AGENDA REPORT - MEETING OF OCTOBER 17, 2023

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comments, and conditions. The department conditions of approval that were provided are included in "Attachment A."

PUBLIC NOTIFICATION

Pursuant to MMC Section 17.78 (Public Hearings, Notices, and Appeals), the following noticing was performed:

- On October 5, 2023, the Public Hearing Notice was published in the Daily Journal (Whittier Daily News); and
- On October 5, 2023, the Public Hearing Notice was mailed to all property owners within a 300-foot radius from the exterior boundaries of project site.

ATTACHMENT(S)

1. Lot Line Adjustment (PC-2023-0012-GPA-ZC-LLA)
2. Resolution No. 20-23 Recommending approval of General Plan and Zone Change
3. CEQA NOE
4. Lot Line Adjustment Exhibits

**CITY OF MONTEBELLO
PLANNING COMMISSION**

RESOLUTION NO. 19-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, APPROVING LOT LINE ADJUSTMENT NO. PC-2023-0012-GPA-ZC-LLA TO RECONFIGURE THE BOUNDARY LINES FOR THE TWO LOTS LOCATED AT 437 N. SPRUCE STREET AND FINDING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT MINOR LAND DIVISIONS EXEMPTION (CEQA SECTION 15315) TO BE APPLICABLE TO THE PROPOSED PROJECT (ENV NO. 11-23-CE)

WHEREAS, a Lot Line Adjustment (“LLA”) (PC-2023-0012-GPA-ZC-LLA) application has been received and accepted; and

WHEREAS, the LLA would allow the lot lines existing at 437 N. Spruce Street (“Project Site”) to be untied and adjusted; and

WHEREAS, on July 31, 2023, Steven Rounds (“Applicant”) filed a LLA application (PC-2023-0012-GPA-ZC-LLA) to adjust the property lines at the Project Site (“Project”); and

WHEREAS, pursuant to Section 21067 of the Public Resources Code, and Section 15367 of the State California Environmental Quality Act (“CEQA”) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello is the lead agency for the proposed Project; and

WHEREAS, the LLA (PC-2023-0012-GPA-ZC-LLA) is considered a "project," as per the CEQA definition of a "project"; and

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other matters presented at the public hearing and included in the record for this matter, and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of Montebello hereby finds, declares and resolves as follows:

SECTION 1. RECITALS. Based on staff presentations, testimony, and all other evidence presented to the Planning Commission during the noticed public hearing on this matter, the Planning Commission hereby finds and declares that the foregoing recitals are true and correct, and expressly incorporates them as substantive findings into this Resolution.

SECTION 2. FINDINGS. Pursuant to Section 16.04.030 of the City of Montebello Municipal Code, the following findings are hereby adopted as the findings of the Planning Commission:

a. The following findings are hereby adopted as the Findings of the Planning Commission:

1. Describe how the proposed Lot Line Adjustment/ Merger, together with its design and improvement, is consistent with the General Plan and with any applicable specific plan;

The proposed Lot Line Adjustment, together with the proposed General Plan Amendment and Zone Change, will allow the subject site to be consistent with the General Plan. As it stands, the property currently has both a residential and a commercial component crossing the boundaries of the existing lots. Since the Project Site is primarily designated for commercial uses with a General Plan Land Use Designation of Boulevard Commercial, the residential portion of the property is considered nonconforming. After the reconfiguration of the two lots is complete and the General Plan Amendment and Zone change are finalized, there will be a distinct commercial lot and a distinct residential lot. Aside from the reconfiguration of the lot lines, everything else at the project site will remain the same and no alterations or expansions will be made at the Project Site. Additionally, the Lot Line Adjustment and the project proposal overall are consistent with the General Plan as reflected in the "General Plan Land Use Element" analysis found within the related staff report.

2. Describe how the proposed Lot Line Adjustment/Merger, together with its design and improvement, satisfies the requirements of the Zoning Code and the Subdivision Map Act.

The Lot Line Adjustment, together with the proposed General Plan Amendment and Zone Change, satisfy the requirements of the Zoning Code in that the project will allow the underlying uses at the project site to be consistent with the Zoning Code. Typically, residential land uses are not

allowed within commercial zones in the City of Montebello. The reconfiguration of the property boundaries through the Lot Line Adjustment will allow for the two newly proposed lots to have their own distinct commercial and residential zoning designations. Furthermore, with the reconfiguration of the lots, each lot will meet and exceed the minimum lot size requirements for a commercial and residentially zoned lot. Additionally, the requirements of the Subdivision Map Act are also satisfied considering that the number of lots at the project site will remain the same and all other requirements of Section 66412 of the Subdivision Map Act are met.

SECTION 3. CEQA. The Planning Commission finds that the LLA (Case No. PC-2023-0012-GPA-ZC-LLA) is categorically exempt by the Minor Land Divisions exemption found under CEQA Section 15315.

SECTION 4. APPROVALS. The Planning Commission hereby approves LLA (Case No. PC-2023-0012-GPA-ZC-LLA) for the adjustment of the boundary lines for the property located at 437 N. Spruce Street subject to the conditions of approval set forth in Section 5 of this Resolution.

SECTION 5. CONDITIONS. The Planning Commission finds that the foregoing conditions of approval are necessary and appropriate.

1. The Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the Applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the Applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the Applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceedings.
2. The utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director ("Director")

of the Planning and Community Development Department ("Planning Department") to be in substantial compliance with these provisions.

3. Development of the site shall be consistent with all provisions of the Montebello Municipal Code ("MMC"), Lot Line Adjustment ("LLA") application (PC-2023-0012-GPA-ZC-LLA), and the specifications of the Planning Department.
4. Within 30 days of the Planning Department transmittal of the Acceptance Form, the Applicant shall sign and return a copy of the Acceptance Form, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. Failure to return the Acceptance Form within 30 days shall constitute grounds for terminating the permit.
5. The Applicant shall be responsible for recording with the Los Angeles County Recorder a Certificate of Compliance that has been approved by the City's Planning Manager ("Planning Manager") and the City Engineer. A Grant Deed containing legal descriptions matching the legal descriptions contained in the Certificate of Compliance shall be included in the documents recorded with the Los Angeles County Recorder. Proof of recordation shall be provided to the Planning Manager prior to the issuance of any permits.
6. The approval of the Lot Line Adjustment shall expire if the rights granted are not exercised within one (1) year from the effective date of the Lot Line Adjustment. Exercise of rights shall mean the recording with the Los Angeles County Recorder a Certificate of Compliance that has been approved by the Planning Department Director and the City Engineer or similar activities demonstrating the intent to proceed with the project, as determined by the Planning Department Director. The Planning Commission may extend this period for one (1) year upon receipt of written request by the applicant at least thirty (30) days before the expiration date.
7. The Applicant, Owner, Management and/or successor of the use shall bear full cost (hereinafter referred to as the "Inspection Fees") of all monitoring and inspection activities to be conducted by City staff or its designated consultant representative(s) as necessary to ensure compliance with the conditions of this Resolution.
8. This approval shall not supersede the approval of any other affected agencies. The applicant shall comply with Federal, State, and local requirements.

9. The specifications of the Montebello Public Works Department and the Engineering Division shall be complied with:
- a. The Applicant will continue to work with the Public Works Department and Engineering Division to finalize the certification of the Lot Line Adjustment and will, upon request, provide the Public Works Department with any additional information or documentation required.
10. A site plan showing existing structures set back to the newly created property lines shall be submitted to the Building Official for approval.
11. The applicant shall file an application to formally assign an address for each of the two newly established lots.

PASSED AND ADOPTED this 17th day of October, 2023 by the Planning Commission.

Chair Cuevas:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Lomeli:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Medina:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Morales:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Valdez:	() AYE () NOE () ABSENT () ABSTAIN

Victor Cuevas, Chair

ATTEST:

Joseph A. Palombi, Director
Planning & Community Development Department

**CITY OF MONTEBELLO
PLANNING COMMISSION**

RESOLUTION NO. 20-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT ("GPA") AND ZONE CHANGE ("ZC") ("CASE NO. PC-2023-0012-GPA-ZC-LLA") AMENDING THE GENERAL PLAN AND ZONING DESIGNATION FOR THE PROPERTY LOCATED AT 437 NORTH SPRUCE AVENUE ("PROJECT SITE"), AND FINDING THAT THE GENERAL PLAN AMENDMENT AND ZONE CHANGE ARE STATUTORILY EXEMPT UNDER CEQA SECTION 15061(B)(3) (COMMON SENSE EXEMPTION).

WHEREAS, the City of Montebello ("City") received an application from Steven Rounds ("Applicant") for a General Plan Amendment, Zone Change, and Lot Line Adjustment (Case No. PC-2023-0012-GPA-ZC-LLA) to allow: 1) the General Plan designation to be changed from Boulevard Commercial to Boulevard Commercial and Low Density Residential; 2) the zoning designation to change from C-1 (Neighborhood Commercial) to C-1 and R-1 (Single-family Residential); and 3) the untying and reconfiguration of the lot lines of two existing lots at the property located at 437 North Spruce Street ("Project Site"); and

WHEREAS, pursuant to Montebello Municipal Code ("MMC") Chapter 17.76, the reclassification of specific properties from one zone to another can be initiated by motion of City of Montebello Planning Commission ("Planning Commission") based upon its decision as to whether the public interest, convenience and necessity so requires the change of zone; and

WHEREAS, pursuant to MMC Chapter 17.76, the Planning Commission needs to recommend a specific course of action to the City Council after a public hearing has been conducted on any proposed zone change or amendment; and

WHEREAS, pursuant to Section 21067 of the Public Resources Code, and Section 15367 of the State California Environmental Quality Act ("CEQA") Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello is the lead agency for the proposed Project; and

WHEREAS, the GPA and ZC (PC-2023-0012-GPA-ZC-LLA) are not considered a "project," as per the CEQA definition of a "project" since the activity is statutorily exempt per CEQA Section 15061(b)(3) (Common Sense Exemption); and

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other substantial evidence presented at the public hearing and included in the record for this matter; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of Montebello hereby finds, declares and resolves as follows:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. FINDINGS.

A. Pursuant to Chapter 17.76 (Zone Changes and Amendments) of the MMC, the application for a zone change shall be made on a form provided by the City. The City's application for zone changes requires the applicant to thoroughly respond to the following items, which are hereby incorporated as substantial findings of the Planning Commission:

1. Describe how the proposed Zone Change is consistent with the objectives and policies of the General Plan;

The zone change is consistent with the objectives and policies of the General Plan in that the land use type and density of the project site is appropriate to the neighborhood and the surrounding uses. The existing commercial development is consistent with the other commercial developments situated along Beverly Boulevard while the existing residential development is consistent with the other single-family residential homes situated along Spruce Street. Additionally, the site is physically suitable for the proposed zone change considering that no new development is being considered in conjunction with the proposal and the existing residential and commercial developments will remain intact with no physical or structural changes. The proposed zone change is not likely to cause any substantial environmental damage, or to cause any serious public health problems. The General Plan Land Use analysis provided in the related staff report further demonstrates how the proposed zone change is consistent with the objectives and policies of the General Plan.

2. Detail why the proposed Zone Change is necessary;

The Zone Change is necessary because the single-family home which exists at the site is not consistent with the General Plan and Zoning designation of the Project Site. Due to this inconsistency, the Project Site is currently considered non-conforming. By changing the zone of the two lots existing at the site, the Zone Change will bring the property into conformity with the City's General Plan and Zoning Code. The proposed Zone Change will allow for the more reasonable development of the site and allow the property owner increased flexibility in managing and maintaining the site.

3. Describe how the proposed Zone Change will not create problems harmful to the public health, safety, and general welfare;

The residential component of the Project Site has been constructed as a single-family residence since 1948 while the commercial component was constructed in 1958. The Zone Change would not create problems harmful to the public health, safety, and general welfare considering that the scope of the project does not entail any new development and the site will remain the same as it has been for over the past 60 years. Any future development at the site will be reviewed to ensure consistency with the MMC which will ensure that the project will not create problems harmful to the public health, safety, and general welfare.

SECTION 3. CEQA. The Planning Commission hereby determines and finds that the project is statutorily exempt from CEQA under section 15061(b)(3) (Common Sense Exemption) considering that this section stipulates that CEQA only applies to projects which have the potential for causing a significant effect on the environment. No physical changes will occur as a result of the proposed GPA and ZC. The approval of this resolution is advisory to the City Council and no final action is taken, further justifying this action being exempt from CEQA under section 15061(b)(3). It should be further noted that during the duly noticed public hearing, the Planning Commission also found the related Lot Line Adjustment for the contemplated Project to be Categorically Exempt per CEQA Section §15315 (Minor Land Divisions).

SECTION 4. APPROVALS. The Planning Commission of the City of Montebello hereby finds and determines that the public interest, convenience, and necessity call for the approval of the zone change and recommends City Council approval of the General Plan Amendment and Zone Change (PC-2023-0012-GPA-ZC-LLA) to allow the General Plan designation of the Project Site to be changed from Boulevard Commercial to Boulevard Commercial and Low Density Residential as well as to allow the zone to be changed from C-1 to C-1 and R-1. The General Plan Amendment and Zone Change will allow the newly created lots to have separate land use and zoning designations and

remove the nonconformity for the existing residential use.

SECTION 5. The Director of Planning and Community Development shall certify the adoption of this resolution and shall forward a copy of it to the City Council.

PASSED AND ADOPTED this 17th day of October, 2023 by the Planning Commission.

Chair Cuevas:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Lomeli:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Medina:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Morales:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Valdez:	() AYE () NOE () ABSENT () ABSTAIN

Victor Cuevas, Chair

ATTEST:

Joseph A. Palombi, Director
Planning & Community Development Department

Notice of CEQA Exemption

To:

County of Los Angeles
Registrar-Recorder/County Clerk
12400 Imperial Highway
Norwalk, CA 90650

From:

City of Montebello
Planning & Community Development Department
1600 W. Beverly Blvd.
Montebello, CA 90640

Lead Agency: City of Montebello Planning and Community Development Department

Project Title: 437 N. Spruce Street Lot Line Adjustment

Project Location: 437 N. Spruce Street, Montebello, CA 90640

Case Number(s): PC-2023-0012-GPA-ZC-LLA & ENV No. 11-23-CE

Description of Nature, Purpose, and Beneficiaries of Project: The applicant, Steven Rounds, seeks approval of a Lot Line Adjustment to untie and adjust the existing property boundary lines of the two lots located at 437 N. Spruce Street. Additionally, the project involves amending the General Plan Land Use designation and the Zoning designation of the project site to allow the existing uses at the site to be separated into two distinct lots, one commercial lot and one residential lot.

Name of the Public Agency Approving the Project: City of Montebello

Name of Person or Agency Carrying Out the Project: City of Montebello

Exempt Status (*check one*)

- ☐ Ministerial (Sec. 21080(b)(1); 15268(b)(3))
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: Section 15315 (Minor Land Divisions)
☐ Statutory Exemptions. State code number:

Justification for Project Exemption:

The Project is categorically exempt per §15315 of the CEQA Guidelines (Class 15 - Minor Land Divisions) and none of the exceptions under § 15300.2 apply. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to current standards, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Lead Agency Contact Person: Joseph Palombi, Director of Planning & Community Development

Area Code/Telephone/Extension: (323) 887-1478

If filed by applicant, attach certified document issued by the Planning and Community Development Department stating that the Department has found the project to be exempt.

Signature: _____ **Date:** _____ **Title:** _____

☒ Signed by Lead Agency

☐ Signed by Applicant

EXHIBIT "A"

LEGAL DESCRIPTIONS

EXISTING LOTS

LOTS 1 AND 2 OF TRACT NO. 11158, IN THE CITY OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 201 PAGE 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PROPOSED LOTS

LOT A

PORTIONS OF LOTS 1 AND 2 OF TRACT NO. 11158, IN THE CITY OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 201 PAGE 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY OF SAID LOT 1; THENCE SOUTHERLY

ALONG THE WESTERLY LINE OF SAID LOT 1, SOUTH 14°26'57" EAST, 11.00 FEET TO THE SOUTHWESTERLY CORNER OF THAT CERTAIN DEED RECORDED DECEMBER 4, 1989, AS INSTRUMENT NO. 89-1942527 OF OFFICIAL RECORDS, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID WESTERLY LINE, SOUTH 14°26'57" WEST, 70.87 FEET; THENCE LEAVING SAID WESTERLY LINE, SOUTH 75°32'53" EAST, 135.18 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 2, SAID POINT BEING SOUTH 14°27'00" WEST, 81.87 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE NORTHERLY ALONG SAID EASTERLY LINE, NORTH 14°17'00" EAST, 53.87 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 17.00 FEET, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF THE ABOVE MENTIONED 1989 DEED; THENCE NORTHERLY AND WESTERLY ALONG SAID SOUTHERLY LINE AND TANGENT CURVE THROUGH A CENTRAL ANGLE OF 89°59'53" AN ARC LENGTH OF 26.70 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY LINE AND TANGENT TO LAST MENTIONED CURVE, NORTH 75°32'53" WEST, 118.18 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 9,518 SQUARE FEET, MORE OR LESS

LOT B

PORTIONS OF LOTS 1 AND 2 OF TRACT NO. 11158, IN THE CITY OF MONTEBELLO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 201 PAGE 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY OF SAID LOT 1; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1, SOUTH 14°26'57" EAST, 81.87 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 14°26'57" EAST, 63.09 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE EASTERLY ALONG THE SOUTHERLY LINES OF SAID LOT 1 AND SAID LOT 2, SOUTH 75°32'49" EAST, 135.18 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 2; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 2, NORTH 14°17'00" EAST, 68.09 FEET TO A POINT BEING SOUTH 14°27'00" WEST, 81.87 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE LEAVING SAID EASTERLY LINE, NORTH 75°32'53" WEST, 135.18 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 8,528 SQUARE FEET, MORE OR LESS

As shown on Exhibit "B" attached hereto and made a part hereof

Prepared under my supervision:

David O. Knell 1-26-2023
David O. Knell, PLS 5301 Date



EXHIBIT "B"

LEGEND

-  EXISTING LOT LINE TO REMAIN
-  LOT LINE BEING ADJUSTED
-  ADJUSTED LOT LINE

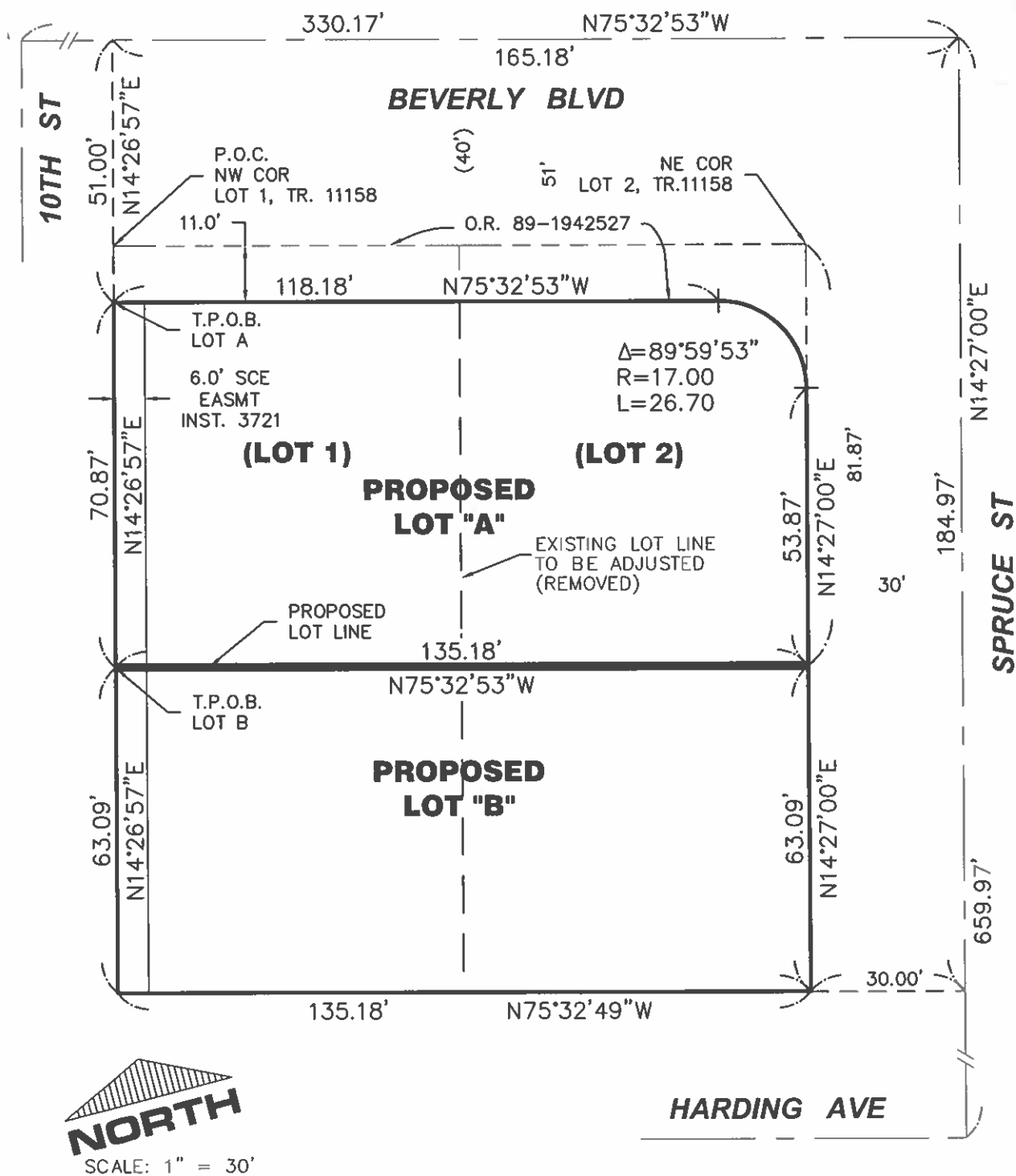
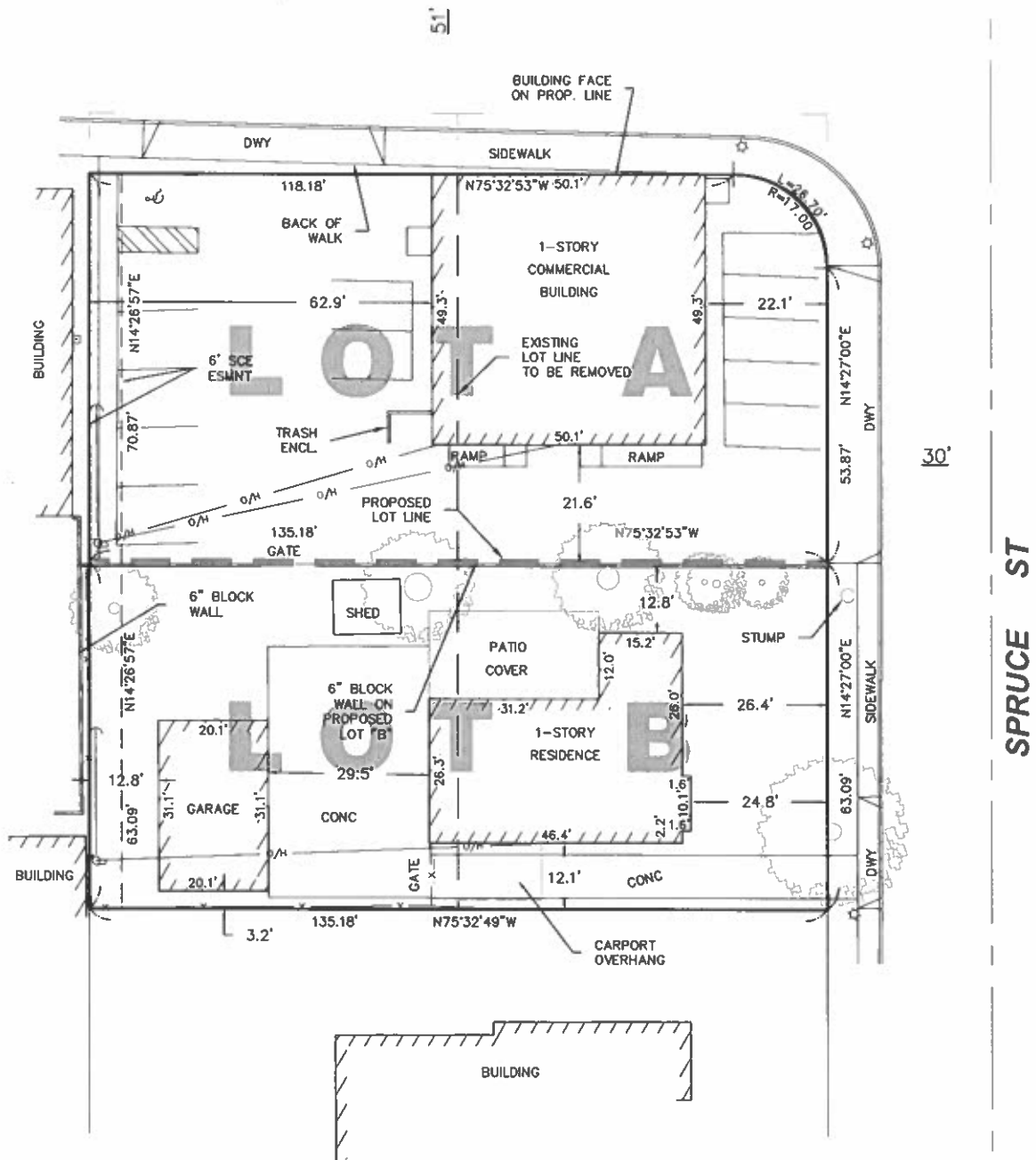


EXHIBIT "C"

TOPOGRAPHIC SKETCH

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BEVERLY BLVD



SYMBOL LEGEND	
	SIGN
	HANDICAP PARKING
	TREE
	STREET LIGHT
	METER
	GAS VALVE
	POWER POLE
	GUY WIRE
	OVERHEAD LINES
	CHAINLINK FENCE

SCALE 1" = 10'

SPRUCE ST



ITEM # 3

**CITY OF MONTEBELLO
PLANNING COMMISSION AGENDA STAFF REPORT**

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Emilie Fernandez, Assistant Planner

SUBJECT: **Zone Variance (“ZV”) (Case No. PC-2023-0013-ZV) to allow the installation of a new internally illuminated pylon sign with an electric LED message board pursuant to Montebello Municipal Code Chapter 17.72 (Variances), on an existing lot located at 900 W Lincoln Ave. within the City of Montebello.**

DATE: October 17, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission take the following action:

1. ADOPT Resolution No. 14-23 Approving Zone Variance (“ZV”) No. PC-2023-0013-ZV with conditions to allow a new internally illuminated pylon sign with an electronic LED message board with a new concrete footing and pole at an existing church (“Project”) Blake Sign Company, Inc. (“Applicant”) at the property located at 900 W. Lincoln Ave (“Project Site”) pursuant to Montebello Municipal Code (“MMC”) Chapter 17.72 – Variances; and
2. DETERMINE AND FIND that the project (ENV No. 12-23-CE) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section (15311) - Class 11 (Accessory Structures) consists of the construction, or replacement of minor structures accessory to (appurtenant to) existing commercial and/or institutional facilities, including on-premise signs.

FISCAL IMPACT:

None.

BACKGROUND:

On August 9, 2023, Pace Kelly, contact person for Blake Sign Company (the “Applicant”) filed a Zone Variance application to allow the installation of an LED message board at 900 W. Lincoln Ave.

On August 14, 2023, staff issued a deemed complete letter to the Applicant.

PROJECT /APPLICANT INFORMATION

Project Location: 900 West Lincoln Ave.
Project Applicant: Blake Sign Company, Inc.
Property Owner: (Sossi Gabriel) Holy Cross Armenian Church
General Plan Designation: One Family Residential
Zoning: R-1 (Single Family Residential Zone)
Existing Use on Property: Holy Cross Armenian Church

PROJECT DESCRIPTION

The Applicant is requesting to allow the installation of a new internally illuminated pylon sign with an electric (24” by 72”) LED message board for the property located at 900 W Lincoln Ave. The pylon sign will include the name of the existing church (Holy Cross Armenian Apostolic Cathedral) as well as the property address (900 W Lincoln Ave). The proposed pylon sign will be a maximum of 10 feet in height and 6 feet in width with a (24” by 72”) LED electronic message board and a four (4) foot tall base. Pursuant to Section 17.62.080 of the MMC, the following signs are permitted in all residential zones:

1. One nonilluminated sign a maximum of twelve square feet in area pertaining only to the sale or lease of a particular building or property upon which it is displayed.
2. Outdoor advertising structures in conjunction with model homes.
3. Temporary architect’s or builders’ signs identifying persons engaged in construction on a site are permitted, as long as construction is in progress.

Holy Cross Armenian Apostolic Cathedral is located within the R-1 Zone, and the proposed sign does not meet any of the categories noted above; therefore, the sign is subject to the review and approval of a Zone Variance by the Planning Commission.

PROJECT SITE

The Project Site is located on the southwest corner of Montebello Boulevard and Lincoln Avenue with a zoning designation of R-1, Single Family residential. The Project Site is approximately 191,569 square feet (4.4 acres) in size. The property is currently developed with two buildings, which include a church and banquet hall. The Holy Cross Armenian Church can be viewed from Lincoln Avenue and the building size is approximately 12,963 square feet. Also located on the lot, directly behind the cathedral is a hall that is used for special events and meals. The hall is approximately 13,285 square feet in size. East of the Project Site is Taylor Ranch Park with a zoning designation of R-1. The properties located north and west of the Project Site are single family residential homes. South of the Project Site is a commercial retail shopping center.

The following table list the zoning designations of the surrounding land uses:

Direction	Zone	Land Use
North	R-1	Single-Family Residential
South	C-2	General Commercial
East	R-1	Single-Family Residential
West	R-1	Single-Family Residential

PROPOSED SIGN

The proposed pylon sign will be constructed of aluminum with a light texcote finish and paint to match the building color. The message board will be a dual full-face color LED display unit installed on a 4-foot-tall support base. The sign will include a custom fabricated cast bronze donor plaque as seen in Exhibit A. The proposed pylon sign will be located at 900 w Lincoln Avenue within an existing landscaped planter west of the entry only driveway. The sign will be double faced and can be viewed when driving east and west of Lincoln Avenue. The sign will not impede the visibility of drivers entering or exiting the parking lot.

The Holy Cross Armenian Church has a one-way entrance and exit only driveway along Lincoln Avenue. Pursuant to MMC Section 17.62.100 pertaining to signs, the sign shall be at least 10 feet from any driveway access. The proposed pylon sign will be located 12 feet from the existing driveway entrance. Additionally, the MMC states that any pylon sign should be located at a minimum distance of at least 25 feet from a lot line of a residentially zoned property; the proposed pylon sign will be located approximately 130 square feet from the nearest residential property. The minimum setback requirement of a new pylon sign shall located at a distance of at least five feet from the street abutting property line, the proposed pylon sign will be located 5 feet from the property line. The MMC states that the total sign area of the monument shall not exceed eighty square feet, with a maximum of forty square feet per individual sign face. The proposed pylon sign will have a total sign area of 39 square feet per individual sign face, which complies with the MMC requirements.

The Applicant has filed a zone variance to deviate from the following requirements:

1. Sign width: The maximum width of a pylon sign shall not exceed 4 feet. The applicant is proposing the pylon sign width of 6 feet.
2. Residential Zone: The Pylon sign does not meet the criteria for a sign allowed in residentially zoned properties. The applicant is proposing an internally illuminated sign at the Holy Cross Armenian church located in a residential zone.

Exhibit A



GENERAL PLAN

Per the Montebello General Plan, the Project conforms to:

General Plan Circulation Element Goal #1 states a goal "To facilitate traffic movement and alleviate congestion in and around the city."

General Plan Circulation Element Goal #2 states "To protect residential areas from through traffic movement."

General Plan Land Use Element Goal #1 states that "To formulate a plan which is responsive to the needs of the community, and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development".

The proposed project conforms to the City of Montebello General Plan Land Use Element in that the proposed use will allow the Montebello community to benefit from the addition of the pylon sign making it possible for patrons to be able to identify the use of the structure, flowing traffic efficiently and leaving any confusion that could slow down traffic and cause distracted driving. The establishment of the proposed sign will be beneficial to those members of the community in search of this specific church. The location of the sign is in an appropriate location given that it will be located along Lincoln Avenue, which is a major thoroughfare in the city. The proposed pylon sign will be installed within an existing landscape planter adjacent to an entry only driveway apron. The pylon sign will be approximately 5 feet from the front property line.

REQUIRED FINDINGS MONTEBELLO MUNICIPAL CODE (MMC)

VARIANCES (MMC Chapter 17.72 et seq.)

The sole purpose of a variance shall be to ensure that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. No variance shall be granted which would have the effect of granting a special privilege not shared by other properties in the same vicinity

and zone.

A Zone Variance is being requested to deviate from the type of signage allowed within an R-1 Zone and the sign width. The applicant would like to install a new internally illuminated pylon sign with an LED message board 6 feet in width. According to the MMC section 17.62.080, there are no circumstances that would allow an illuminated sign in a residential zone. Therefore, the applicant is seeking to deviate from the zoning code by receiving the zone variance to allow for the illuminated sign.

Pursuant to Section 17.72.060 of the MMC, before any variance shall be granted, the Planning Commission shall satisfy itself that the applicant has demonstrated the following facts:

A. Describe the special or unusual circumstances applicable to the subject property, which do not generally apply to other properties in the vicinity and with the same zoning designation.

The Holy Cross is an Armenian Church who desires to provide proper identification to promote their church similar to other churches within the city and assist patrons coming from other cities to be able to locate the existing church. Currently the Church is located within a single-family residential area, limiting the type and size of signage the church can provide for the location. Due to the fact that the church is located within an R-1 zone, in order to add the proposed illuminated sign, the applicant needs to obtain a zone variance that requires approval by the Planning Commission.

B. Detail how due to the special or unusual circumstances described above, strict application of the Zoning Code would result in practical difficulties or unnecessary hardships or would deprive the property privilege enjoyed by other properties in the vicinity and with the same zoning designation.

With the Cathedral being such a large property and a staple of the City of Montebello, obtaining a permit to allow this sign has become extremely difficult, not allowing the property owners to be able to share their church with the community. Along with the ease of new patrons locating the Cathedral, the proposal portion of the sign is that the 24" x 27" message board, is vital for them to assist in getting much needed community activity information out to the patrons in the area.

C. Explain how the Zoning Variance is necessary for the preservation of a substantial property right to allow a reasonable use of the subject property, which is possessed by other properties in the vicinity and with the same zoning designation.

The variance is necessary to deviate from the zoning restrictions, in particular signage requirements that limit the church from installing a 10-foot tall and 4 feet wide pylon sign to aid in welcoming current and new members of the church. The need for exterior identification (a pylon sign) is standard for all cathedrals, churches, and for vehicular traffic to easily locate them.

D. Describe how the proposed Zone Variance will not cause an adverse effect on the public welfare or surrounding properties.

The granting of the variance will not cause an adverse effect on the public welfare or the surrounding properties because the addition of the pylon sign will have a positive affect on the circulation of traffic at the property site and will not have any sort of change to any of the surrounding businesses. The proposed pylon sign will not have any adverse effect on the public welfare or activity in the area since it will be located within the boundaries of the existing church and distanced approximately 130 feet from the nearest residential property to the west. In addition, the proposed pylon sign will be illuminated on both sides, which will face towards Taylor Ranch Park and neighboring residential properties. The proposed pylon sign will be located within a landscape planter located near the middle of the property street adjacent to Lincoln Avenue, and as a result, surpasses the minimum setback of 25 feet from the adjacent residential properties located west of the Project Site.

E. Describe how the granting of the Zone Variance will be consistent with the general purpose and intent of the Zoning Code and will not adversely affect the General Plan.

The proposed sign has been designed to be an extension of the cathedral and building on the property, with similar features and the same color scheme. The addition of the sign will result in a positive outcome, making it easier for local patrons and visitors to be able to identify the use of the structure, and facilitating traffic movement as instead per Goal #1 of the General Plan Circulation Element. In addition, the proposed pylon sign will respond to the needs of the community and provide sufficient areas for reasonable development as stated in the General Plan Land Use Element Goal #1.

ENVIRONMENTAL:

The Conditional Use Permit (Case No. PC-2023-0013-ZV) is considered a “project,” per the CEQA definition of a “project.” The project is Categorically Exempt per Section §15311 (Accessory Structures). Class 11 consists of the construction, or replacement of minor structures accessory to (appurtenant to) existing commercial and/or institutional facilities, including on-premise signs. There will be no expansion to the interior or exterior of the existing facilities in this proposed Project.

ANALYSIS:

None.

SUMMARY:

REPORTS RECEIVED

The application for Case No. PC-2023-0013-ZV was forwarded to the Fire Department, Building Department, Police Department, Parks, and Recreation Department, and Public Works Department for review, comments, and conditions. Below are the conditions that were received.

A. Building Division Conditions

1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
2. Plans prepared in compliance with the current Building Code shall be submitted to the Building Division for review prior permit issuance.
3. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
4. Separate application and plan review is required for Electrical plans.

B. Recreation and community services

5. Note that the installer/ contractor shall not be able to stage construction equipment in the Taulor Ranch parking lot when the project is in construction period.

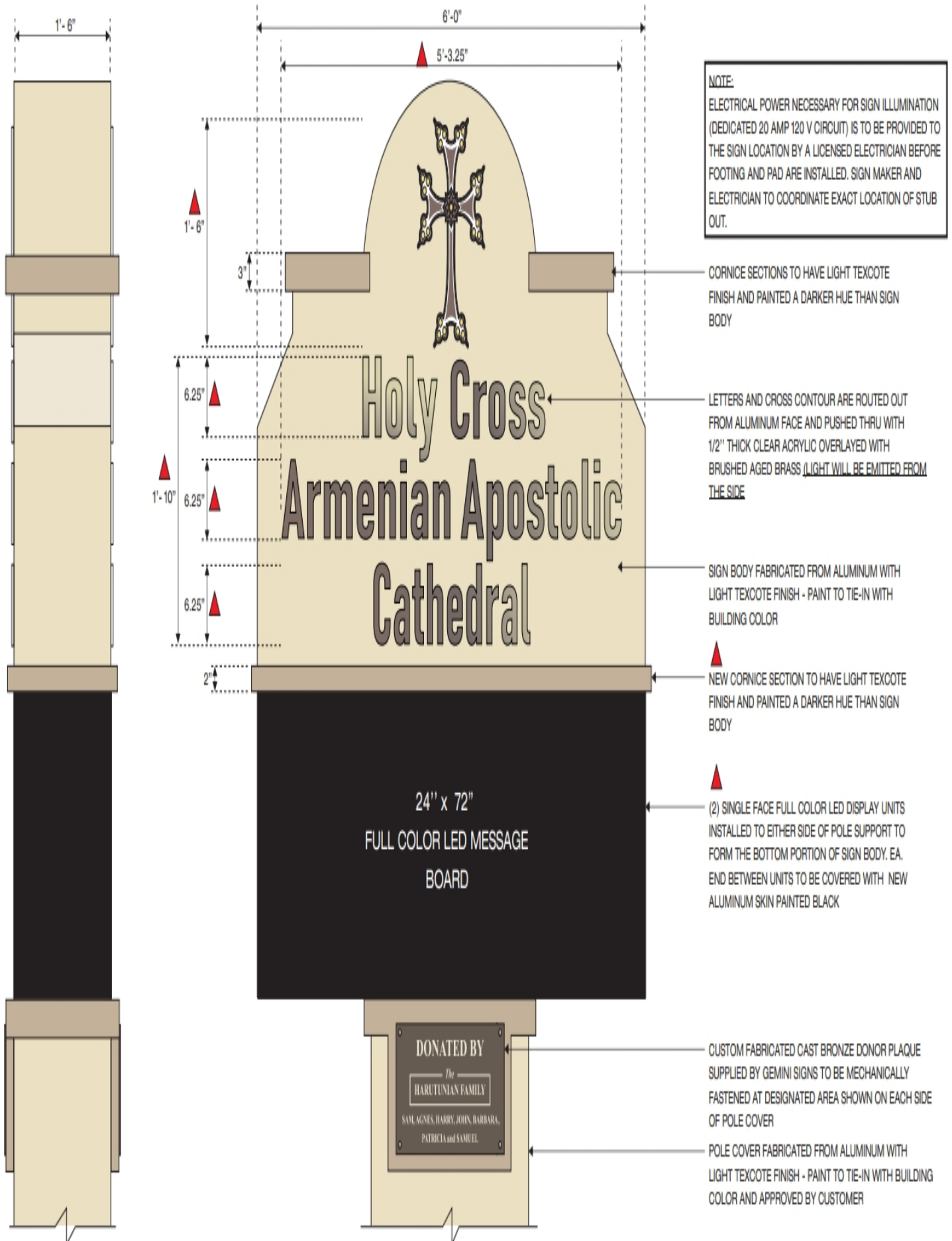
PUBLIC NOTIFICATION

Pursuant to MMC Section 17.78 (Public Hearings, Notices, and Appeals), the following noticing was performed:

- On October 5, 2023, the Public Hearing Notice was mailed to property owners within the 300-foot radius from the exterior boundaries of the subject property.
- On October 5, 2023, the Public Hearing Notice was published in the Daily Journal (Whittier Daily News).

ATTACHMENT(S)

1. Elevation drawings
2. Resolution No. 14-23
3. CEQA Notice of Exemption



2 PYLON SIGN - SIDE VIEW DETAIL
SCALE: 1"= 1'

1 D/F CATHEDRAL I.D. PYLON SIGN - ELEVATION DETAIL
SCALE: 1"= 1'

**CITY OF MONTEBELLO
PLANNING COMMISSION**

RESOLUTION NO. 14-23

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MONTEBELLO APPROVING ZONE VARIANCE (PC-2023-0013-ZV)
WITH CONDITIONS TO PERMIT THE INSTALLATION OF AN
INTERNALLY ILLUMINATED SIGN WITH AN ELECTRIC LED
MESSAGE BOARD AT AN EXISTING CHURCH LOCATED AT 900
WEST LINCOLN BOULEVARD AND ADOPTING A NOTICE OF
EXEMPTION UNDER CEQA 15311 (ACCESSORY STRUCTURES)**

WHEREAS, a Zone Variance (ZV) application has been received and accepted;
and

WHEREAS, the Zone Variance would allow the installation of a new internally illuminated monument sign with an electric LED message board at an existing church located within the single-family residential zone ("Project") for Blake Sign Company ("Applicant") for the property located at 900 West Lincoln Avenue ("Project Site") pursuant to Montebello Municipal Code (MMC) Chapter 17.72 - Variances; and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello ("City") is the lead agency for the proposed Project; and

WHEREAS, the Zone Variance for Case No. PC-2023-0013-ZV/ ENV No. 12-23-CE is considered a "project", as per CEQA's definition of a "project"; and

WHEREAS, the Project is Categorically Exempt per CEQA §15311, Class 11 (Accessory Structures) consists of the construction, or replacement of minor structures accessory to (appurtenant to) existing commercial and/or institutional facilities, including on-premise signs; and

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other matters presented at the public hearing and included in the record for this matter, and all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Montebello hereby resolves that:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. FINDINGS

A. GENERAL PLAN. The Planning Commission of the City of Montebello finds that the proposed Project is consistent with the General Plan.

Per the Montebello General Plan, the Project conforms to:

1. **General Plan Circulation Element Goal #1** states a goal “To facilitate traffic movement and alleviate congestion in and around the city.”
2. **General Plan Circulation Element Goal #2** states “To protect residential areas from through traffic movement.”
3. **General Plan Land Use Element Goal #1** states that “To formulate a plan which is responsive to the needs of the community, and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development”.

The proposed project conforms to the City of Montebello General Plan Land Use Element in that the proposed use will allow the Montebello community to benefit from the addition of the pylon sign making it possible for patrons to be able to identify the use of the structure, flowing traffic efficiently and leaving any confusion that could slow down traffic and cause distracted driving. The establishment of the proposed sign will be beneficial to those members of the community in search of this specific church. The location of the sign is in an appropriate location given that it will be located along Lincoln Avenue, which is a major thoroughfare in the city. The proposed pylon sign will be installed within an existing landscape planter adjacent to an entry only driveway apron. The pylon sign will be approximately 5 feet from the front property line

B. VARIANCES. Pursuant to Section 17.72.060 of the MMC, before any variance shall be granted, the planning commission shall satisfy itself that the applicant has demonstrated the following facts:

1. *Describe the special or unusual circumstances applicable to the subject property, which do not generally apply to other properties in the vicinity and with the same zoning designation.*

The Holy Cross is an Armenian Church who desires to provide proper identification to promote their church similar to other churches within the city and assist patrons coming from other cities to be able to locate the existing church. Currently the Church is located within a single-

family residential area, limiting the type and size of signage the church can provide for the location. Due to the fact that the church is located within an R-1 zone, in order to add the proposed illuminated sign, the applicant needs to obtain a zone variance that requires approval by the Planning Commission.

2. *Detail how due to the special or unusual circumstances described above, strict application of the Zoning Code would result in practical difficulties or unnecessary hardships or would deprive the property privilege enjoyed by other properties in the vicinity and with the same zoning designation.*

With the Cathedral being such a large property and a staple of the City of Montebello, obtaining a permit to allow this sign has become extremely difficult, not allowing the property owners to be able to share their church with the community. Along with the ease of new patrons locating the Cathedral, the proposal portion of the sign is that the 24" x 27" message board, is vital for them to assist in getting much needed community activity information out to the patrons in the area.

3. *Explain how the Zoning Variance is necessary for the preservation of a substantial property right to allow a reasonable use of the subject property, which is possessed by other properties in the vicinity and with the same zoning designation.*

The variance is necessary to deviate from the zoning restrictions, in particular signage requirements that limit the church from installing a 10-foot tall and 4 feet wide pylon sign to aid in welcoming current and new members of the church. The need for exterior identification (a pylon sign) is standard for all cathedrals, churches, and for vehicular traffic to easily locate them.

4. *Describe how the proposed Zone Variance will not cause an adverse effect on the public welfare or surrounding properties.*

The granting of the variance will not cause an adverse effect on the public welfare or the surrounding properties because the addition of the pylon sign will have a positive affect on the circulation of traffic at the property site and will not have any sort of change to any of the surrounding businesses. The proposed pylon sign will not have any adverse effect on the public welfare or activity in the area since it will be located within the boundaries of the existing church and distanced

approximately 130 feet from the nearest residential property to the west. In addition, the proposed pylon sign will be illuminated on both sides, which will face towards Taylor Ranch Park and neighboring residential properties. The proposed pylon sign will be located within a landscape planter located near the middle of the property street adjacent to Lincoln Avenue, and as a result, surpasses the minimum setback of 25 feet from the adjacent residential properties located west of the Project Site.

5. *Describe how the granting of the Zone Variance will be consistent with the general purpose and intent of the Zoning Code and will not adversely affect the General Plan.*

The proposed sign has been designed to be an extension of the cathedral and building on the property, with similar features and the same color scheme. The addition of the sign will result in a positive outcome, making it easier for local patrons and visitors to be able to identify the use of the structure, and facilitating traffic movement as instead per Goal #1 of the General Plan Circulation Element. In addition, the proposed pylon sign will respond to the needs of the community and provide sufficient areas for reasonable development as stated in the General Plan Land Use Element Goal #1.

SECTION 3. CEQA. The Planning Commission approves and adopts the CEQA Categorical Exemption § 15311 (Accessory Structures) Class 11 exemption. A Class 11 exemption under CEQA § 15311 applies to projects that consists of consists of the construction, or replacement of minor structures accessory to (appurtenant to) existing commercial and/or institutional facilities, including on-premise signs. There will be no expansion to the interior or exterior of the existing facilities in the proposed Project.

SECTION 4. APPROVALS. The Planning Commission hereby approves Zone Variance (“ZV”) Case No. PC-2023-0013-ZV with conditions to permit the installation of a new internally illuminated pylon sign with an electric LED message board for Holy Cross Armenian Church (“Project”) for the property located at 900 W Lincoln Avenue (“Project Site”) located within the R-1, single-family residential zone pursuant to MMC Chapter 17.72 – Variances.

SECTION 5. CONDITIONS. The Planning Commission finds that the foregoing conditions of approval are necessary and appropriate:

A. Standard Conditions

1. The Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action,

- or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the Applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the Applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the Applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceedings.
2. Within thirty (30) days of the Planning Division transmittal of the Acceptance Form, the Applicant shall sign and return a copy of the Acceptance Form, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. Failure to return the Acceptance Form within thirty (30) days shall constitute grounds for terminating the permit.
 3. The Director of Planning & Community Development ("Director"), at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These condition(s) may be modified, or new condition(s) added to reduce any impacts of the proposed signage. Pursuant to section 17.80.020 of the MMC, the Planning Commission may revoke the ZV (Case No. PC-2023-0013-ZV/ENV No. 12-23) if sufficient cause is given.
 4. The Applicant or successor in interest shall meet the applicable code requirements and all other City department regulations.
 5. This approval shall not supersede the approval of any other responsible agencies. The Applicant shall comply with all Federal, State and local laws.
 6. The approval of the entitlement shall expire if the rights granted are not exercised within one (1) year from the ZV's effective date. Exercise of right shall mean issuance of a building permit to commence construction or similar activities demonstrating the intent to proceed with the project, as determined by the Director.
 7. A copy of the approved Resolution shall be attached to the construction plans for any site improvement at the submittal of plans for plan check.

8. In the event the Applicant violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals, or certificate of occupancy shall be issued until such violation(s) has been fully remedied.
9. Any change, expansion, intensification and/or modification to the proposed plans use, or mode of operations shall be subject to the review and approval by the Director who may take action or call for review by the Montebello Planning Commission ("Planning Commission") at a noticed public hearing.

B. Building Division Conditions

1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
2. Plans prepared in compliance with the current Building Code shall be submitted to Building Division for review prior permit issuance.
3. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
4. Separate application and plan review is required for Electrical plans.

C. Recreation and community services

1. Note that the installer/ contractor shall not be able to stage construction equipment in the Taylor Ranch parking lot when the project is in construction period.

PASSED AND ADOPTED this 17th day of October 2023 by the Planning Commission.

Commissioner Cuevas: ☐ AYE ☐ NOE ☐ ABSENT ☐ ABSTAIN
 Commissioner Morales: ☐ AYE ☐ NOE ☐ ABSENT ☐ ABSTAIN
 Commissioner Valdez: ☐ AYE ☐ NOE ☐ ABSENT ☐ ABSTAIN
 Commissioner Lomeli: ☐ AYE ☐ NOE ☐ ABSENT ☐ ABSTAIN
 Commissioner Medina: ☐ AYE ☐ NOE ☐ ABSENT ☐ ABSTAIN

Victor Cuevas, Chair

ATTEST:

Joseph A. Palombi, Director
Planning & Community Development Department

Notice of CEQA Exemption

To:

County of Los Angeles
Registrar-Recorder/County Clerk
12400 Imperial Highway
Norwalk, CA 90650

From:

City of Montebello
Planning & Community Development Department
1600 W. Beverly Blvd.
Montebello, CA 90640

Lead Agency: City of Montebello Planning and Community Development Department

Project Title: Zone Variance to allow the installation of a new internally illuminated pylon sign with an electric LED message board.

Project Location: 900 West Lincoln Avenue, Montebello, CA 90640

Case Number(s): PC-2023-0013-ZV & ENV No. 12-23-CE

Description of Nature, Purpose, and Beneficiaries of Project: Zone variance ("ZV") Case No. PC-2023-0013-ZV to allow installation of a new internally illuminated monument sign at an existing church (Holy Cross Armenian Cathedral Church) with an electric LED message board in a single-family residential zone located at 900 West Lincoln. ("Project Site").

Name of the Public Agency Approving the Project: City of Montebello

Name of Person or Agency Carrying Out the Project: Pace Kelly on behalf of Blake Sign Company, Inc (Sossi Gabriel) ("Property Owner") – Holy Cross Armenian Church

Exempt Status (*check one*)

- ☐ Ministerial (Sec. 21080(b)(1); 15268(b)(3))
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: Class 11- CEQA Guidelines Section 15311 (Accessory Structures)
☐ Statutory Exemptions. State code number:

Justification for Project Exemption:

The Project is Categorically Exempt per §15311 - Class 11 (Accessory Structures) of the CEQA Guidelines consisting of the construction, or replacement of minor structures accessory to (appurtenant to) existing commercial and/or institutional facilities, including on-premise signs. The project is consistent with the General Plan as well as applicable zoning designation and regulations being in the C-2 Zone with various permitted uses, the Project occurs within City limits and is on a project site of no more than five (5) acres, and the Project Site has no value as habitat for endangered, rare, or threatened species because it is on an existing developed site. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality and the site can be adequately served by all required utilities and public services.

Lead Agency Contact Person: Joseph A. Palombi, Director of Planning & Community Development

Area Code/Telephone/Extension: (323) 887-1200

If filed by applicant, attach certified document issued by the Planning and Community Development Department stating that the Department has found the project to be exempt.

Signature: _____ **Date:** _____ **Title:** _____

☒ Signed by Lead Agency

☐ Signed by Applicant



ITEM # 4

**CITY OF MONTEBELLO
PLANNING COMMISSION AGENDA STAFF REPORT**

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Monica Mercado-Rodriguez, Planning Manager

SUBJECT: General Plan Amendment (“GPA”) (Case No. PC-2023-0016-GPA) to adopt Transportation Guidelines for Vehicle Miles Traveled related to land development, land use planning and transportation projects.

DATE: October 17, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission conduct a public hearing and take the following action:

1. ADOPT the attached Resolution recommending City Council approval of threshold of significance and screening criteria for purposes of analyzing transportation impacts under the California Environmental Quality Act (CEQA) related to Vehicle Miles Traveled (VMT) as required by Senate Bill 743 (SB 743), and make related findings that the proposed project is consistent with the Montebello General Plan; and
2. DETERMINE AND FIND that the proposed amendment to establish a threshold of significance and screening criteria based on VMTs to comply with SB 743 is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Section 15378 and is therefore not subject to CEQA.

FISCAL IMPACT:

There are no fiscal impacts by adopting Vehicle Miles Traveled thresholds.

BACKGROUND:

Traditionally, agencies, including the City of Montebello, have used the Level of Service (LOS) methodology to assess traffic operations and analyze environmental impacts for

PLANNING COMMISSION AGENDA REPORT - MEETING OF OCTOBER 17, 2023

Page 2 of 6

discretionary projects in accordance with the California Environmental Quality Act (CEQA) Guidelines. The City's current LOS thresholds focus on relieving traffic congestion and improving traffic patterns when analyzing projects.

In 2013, the State adopted Senate Bill (SB) 743, which required public agencies to modify their methodology for analyzing transportation impacts of land use projects subject to CEQA. SB 743 is intended to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.

The Governor's Office of Planning and Research (OPR) took the lead in reviewing different metrics for identifying transportation. Ultimately, OPR established legislation requiring public agencies to rely on Vehicle Miles Traveled (VMT) as the appropriate methodology for measuring transportation environmental impacts pursuant to CEQA. VMT metrics measure the number of vehicle trips generated and the length or distance of those trips. For example, one vehicle traveling one mile would equate to one VMT. The focus from impacts to motorist to the impacts of vehicle travel on the environment is intended to align with the State's goals to reduce greenhouse gas emissions and improve public health by encouraging infill development and active transportation.

Regulatory changes to the CEQA Guidelines (Section 15064.4) to implement SB 743 were approved in December 2018 and cities were encouraged to formally adopt their own threshold of significance prior to certifying any future environmental impact reports. The SB 743 provisions became effective July 1, 2020, statewide as scheduled.

Therefore, in 2020 the City of Montebello, along with other cities within the San Gabriel Valley partnered with the San Gabriel Valley Council of Government (SGVCOG) and took part in the San Gabriel Valley Regional VMT Analysis Model program to develop a VMT analysis framework for the region. The COG prepared multiple interim documents and maps, which resulted in a "Transportation Study Guidelines for Vehicle Miles Traveled and Level of Service Assessment" document for participating member cities in the region, which included Montebello, as well as an online tool which can be used to estimate a land use project's VMT efficiency metrics and impacts. The Planning and Community Development Department has worked closely with Public Works in a collaborative effort in crafting these new transportation guidelines.

DISCUSSION

The document prepared by the SGVCOG established the framework for the region, however, it did not consider the uniqueness of each city and the standard methodologies may not apply or be consistent with the city's goals and policies. Therefore, the City partnered with Kittelson & Associates, Inc., a professional traffic engineering firm, to evaluate SGVCOG recommendations and ensure compliance with OPR for the methodologies, procedures and thresholds for the evaluation of VMT for CEQA purposes and determine appropriate procedures and thresholds specific to the City of Montebello.

As a result, the City of Montebello Transportation Study Guidelines (Attachment A) were prepared and intended to provide guidance on assessment of General Plan Consistency. The City's Transportation Study Guidelines includes transportation assessments for Non-CEQA Level of Service analysis and CEQA-VMT Analysis. The requirements are

intended for any person or entity proposing development in the City and should be used in coordination with the City's local CEQA Guidelines and Municipal Code to guide the development review process.

Non-CEQA- Level of Service (LOS)

CEQA requires jurisdictions to review the impact a project would have on the existing environment and to disclose those impacts to the public and decision makers and as a result address those impacts deemed significant. One of the environmental categories public agencies study for projects under CEQA is transportation and how traffic will be impacted with the new development. CEQA defines a significant impact as, a substantial, or potential change, or adverse impact on the environment.

For the past several years, the manner in which the city analyzed transportation impacts under CEQA consisted of evaluating a project's impacts using intersection and/or roadway segment LOS and determine the level of congestion (vehicle delay) that a project may have on the road or intersection by designating a letter grade. Specifically, a letter grade "A" to "F" was given, with "A" meaning the least amount of vehicle delay and "F" meaning the worst level of vehicle delay.

With the passage of SB 743, LOS analysis is no longer appropriate for CEQA. However, it does not prevent a city from continuing to analyze delay or LOS outside of CEQA. LOS may still be needed as a stand-alone document for project approval for other transportation planning or analysis purpose (i.e. general plans, impact fee programs, corridor studies, ongoing network monitoring). Specifically, a transportation study may be needed as a stand-alone document which is a requirement of project approval.

As indicated in the City of Montebello Transportation Study Guidelines (Attachment B), for any project that includes LOS analysis, a transportation study shall be required for proposed projects that meet any the following criteria:

- When either the weekday AM or PM peak hour trip generation (or study periods, as directed by the City) is expected to exceed 100 vehicle trips from the proposed development;
- Projects that will add more than 50 trips during the weekday AM or PM peak hours to any intersection;
- Any project where variations from the standards and guidelines provided in this manual are being proposed; or
- Determined by the City Traffic Engineer that existing or proposed traffic conditions in the project vicinity warrant evaluation.

Traffic analysis will be required to be prepared by, or under the direction of, a registered Traffic Engineer. The scope of work for traffic analysis, study areas and methodologies shall be determined by the City's Traffic Engineer.

CEQA-VMT Transportation Assessment Guidelines

As specified in the Transportation Guidelines (Attachment B), VMT analysis should be conducted for land use projects as deemed necessary by the City Traffic Engineer and would apply to projects that have the potential to increase the baseline home-based VMT

per capita for residential projects, home-based work VMT per employee for office projects, or total VMT for retail projects.

The City of Montebello Transportation Assessment Guidelines (Attachment B) will align with the city's goals and policies and be consistent with SB 743. The proposed guidelines establish VMT screening criteria and thresholds. Staff will utilize the three-step screening process to screen projects from a detailed project-level VMT assessment or utilize the web-based tool prepared by SVCOG to assist with VMT assessment screening and mitigation recommendations.

The three-step screening method is summarized below:

1. Transit Priority Area (TPA) Screening

TPA is defined as a half mile area around an existing major transit stop or an existing stop along a high-quality transit corridor per the Public Resources Code Section 21099(a)(7). Projects with a TPA are presumed to be less than significant impact. A project is considered to be within a TPA if all parcels within the project site have no more than 25% of their area further than one-mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units (whichever is lower) in the project are further than one-half mile from the stop or corridor. The TPA review can be conducted by utilizing the SGVCOG VMT Assessment tool contained in the Transportation Assessment Guidelines as Attachment B "SGVCOG Assessment Tool User Guide".

2. Low VMT Area Screening

To determine if a project has low VMTs, the analyst can utilize the SGVCOG VMT assessment tool to identify if the project is within a traffic analysis zone (TAZ). The following list are the various types of projects that have been screened out from providing a detailed VMT analysis:

- Residential projects: home-based VMT per capita does not exceed 85% of the SGVCOG regional average VMT per capita.
- Office and other employment-generated projects: projects located within a TAZ area that generates home-based work VMT per employee that does not exceed 85% of the SGVCOG regional average VMT per employee.

3. Project Type Screening

For consistency with SB 743 and guidelines outlined by OPR, the following parameters have been established related to project screening criteria. OPR has identified several project types that can have a less than significant impact as their uses are considered local serving in nature. Below is a list of some of the projects that have been screened out as a less than significant project and no further VMT assessment is necessary. The complete list of screened out projects can be found in the City of Montebello Transportation Study Guidelines, "Project Screening" pages 12-15 of "Attachment B".

Screened-out project types:

- Local serving k-12 schools
- Local parks

- Day care centers
- Local serving retail uses less than 50,000 square feet
- Local serving assembly uses (places of worship, community organizations)
- Community institutions (public libraries, fire stations, local government)
- Affordable, supportive, or transitional housing located within walking distance (a half-mile radius) of transit stops or non-residential uses
- Senior housing
- Student housing projects on or adjacent to a college campus
- Projects generating less than 140 daily vehicle trips

The screening process is enclosed in the Transportation Guidelines as Attachment B, “VMT Analysis Flowchart” to determine whether a project triggers additional VMT analysis.

GENERAL PLAN CONSISTENCY

The new CEQA transportation impact thresholds are consistent with the General Plan Circulation Element Goal #1 which reads:

“To facilitate traffic movement and alleviate congestion in and around the city.”

The adoption of the VMT thresholds will comply with the goals and policies of the General Plan and will provide criteria to assist in the evaluation of discretionary land use projects related to transportation impacts.

ENVIRONMENTAL:

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the adoption of VMT CEQA thresholds of significance is not a project within the meaning of Public Resources Code Section 21065 and State CEQA Guidelines section 15378. The VMT Thresholds would not lead to a direct or a reasonably foreseeable indirect change in the physical environment. The VMT Thresholds are an administrative activity of the City. Specifically, the VMT Thresholds provide guidance to property owners, project developers, applicants, and proponents for determining the significance of transportation impacts of land use projects under CEQA. The VMT Thresholds do not approve any specific development and would not lead to any particular physical change to the environment. Therefore, adoption of VMT thresholds are exempt from CEQA pursuant to Section 15308 of Title 14 of the California Code of Regulations because these actions are undertaken by the City for the protection of the environment and will ensure compliance with State mandate SB 743. Accordingly, City Council will consider the recommendation to find the Resolution exempt from environmental review requirements of CEQA pursuant to Section 15308 of Title 14 of the California Code of Regulations.

ANALYSIS:

None.

SUMMARY:

Based on information from the SGVCOG and an independent analysis conducted by Kittleson & Associates, on behalf of the City, staff recommends that the Planning Commission recommend to the City Council adoption of the proposed City of Montebello Transportation Study Guidelines (Attachment B) for adopting VMT as the primary analytical tool and methodology in determining a project's transportation impact and environmental effect under CEQA.

PUBLIC NOTIFICATION

Pursuant to MMC Section 17.78 (Public Hearings, Notices, and Appeals), the following noticing was performed:

- On October 5, 2023, the Public Hearing Notice was published in the Daily Journal (Whittier Daily News).

ATTACHMENT(S)

1. Resolution No. 17-23 Recommending approval of VMT Thresholds
2. City of Montebello Transportation Study Guidelines for Vehicle Miles Traveled and Level of Service Assessment dated May 2022

RESOLUTION NO. 17-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT THRESHOLD OF SIGNIFICANCE AND SCREENING CRITERIA FOR PURPOSES OF ANALYZING TRANSPORTATION IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) RELATED TO VEHICLE MILES TRAVELED (VMT) AS REQUIRED BY SENATE BILL 743 (SB 743) AND FIND THE ACTION IS EXEMPT FROM CEQA.

WHEREAS, the California Environmental Quality Act Guidelines (“CEQA”) encourage public agencies to develop and publish generally applicable “thresholds of significance” to be used in determining the significance of a project’s environmental effects; and

WHEREAS, CEQA Guidelines section 15064.7(a) defines a threshold of significance as “an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be less than significant”; and

WHEREAS, CEQA Guidelines section 15064.7(b) requires that thresholds of significance must be adopted by ordinance, resolution, rule, or regulations, developed through a public review process, and be supported by substantial evidence; and

WHEREAS, pursuant to CEQA Guidelines section 15064.7(c), when adopting thresholds of significance, a public agency may consider thresholds of significance adopted and recommended by other public agencies provided that the decision of the agency is supported by substantial evidence; and

WHEREAS, Senate Bill 743 (SB 743), enacted in 2013 and codified in Public Resources Code section 21099, required changes to the CEQA Guidelines requiring the criteria for determining the significance of transportation impacts of projects; and

WHEREAS, in 2018, the Governor’s Office of Planning and Research (OPR) proposed, and the California Natural Resources Agency certified and adopted, new CEQA Guidelines section 15064.3 that identifies VMT, meaning that amount and distance of automobile travel attributable to a project, as most appropriate metric to evaluate a project’s transportation impacts; and

WHEREAS, as a result, automobile delays, as measured by “Level of Service” (or “LOS”) and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA; and

WHEREAS, CEQA Guidelines section 15064.3 became effective on July 1, 2020, and it identified vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project’s transportation impacts; and

RESOLUTION NO. 17-23

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WHEREAS, the City of Montebello, following a public hearing process, wishes to adopt VMT thresholds of significance to bring the City's transportation analysis methodology in line with state goals pursuant to SB 743 and that typically would apply to projects within the city that are subject to CEQA; and

WHEREAS, the San Gabriel Valley Council of Government (SGVCOG) worked with participating member cities to develop a VMT analysis framework for the region, which resulted in a "Transportation Study Guidelines for Vehicle Miles Traveled and Level of Service Assessment". Consistent with SB 743, the Guidelines will establish VMT screening criteria and thresholds; and

WHEREAS, while the use of LOS are no longer appropriate for CEQA analysis, the Planning Commissions recommends that the City Council find that such metrics are still valuable to the City in evaluating other non-environmental impacts to traffic, and such metrics are consistent with the adopted General Plan and therefore can be utilized for conditions of approval to discretionary development projects; and

WHEREAS, on October 17, 2023, the Planning Commission held a duly noticed public hearing on the proposed VMT thresholds of significance within the Transportation Study Guidelines and considered all evidence presented by City staff and other interested parties; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Montebello hereby finds, declares, and resolves as follows:

SECTION 1. The Planning Commission finds that the adoption of the VMT thresholds of significance for transportation impacts within the City's Transportation Assessment Guidelines will not have a significant environmental impact on the environment and are exempt from CEQA, pursuant to Section 15308 of Title 14 of the California Code of Regulations because this action is undertaken by the City for the protection of the environment. The VMT thresholds will be compliant with a State mandate (SB 743) and will be used in a regulatory process (CEQA process) that involves procedures for the protection of the environment. Accordingly, the City Council finds the adoption of this Resolution exempt from the environmental review requirements of CEQA, pursuant to Section 15308 of Title 14 of the California Code of Regulations.

SECTION 2. The City of Montebello hereby finds that the VMT thresholds of significance in the Transportation Assessment Guidelines have been developed through a public review process and are supported by substantial evidence, as required by CEQA Guidelines section 15064.7.

SECTION 3. The Planning Commission hereby recommends that the City Council adopt the proposed VMT thresholds of significance and Screening Process contained within the Transportation Assessment Guidelines, attached hereto as Attachment B,

RESOLUTION NO. 17-23

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which includes VMT CEQA Analysis guidelines to ensure consistency with SB 743, and ensures consistency with the City of Montebello Circulation Element.

SECTION 4. The Director of Planning and Community Development may revisit and amend the Transportation Assessment Guidelines as needed, subject to the limitations of CEQA.

SECTION 5. The Director of Planning and Community Development shall certify the adoption of this resolution and shall forward a copy to the City Council.

PASSED AND ADOPTED this 17th day of October, 2023 by the Planning Commission.

Chair Cuevas:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Lomeli:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Medina:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Morales:	() AYE () NOE () ABSENT () ABSTAIN
Commissioner Valdez:	() AYE () NOE () ABSENT () ABSTAIN

Victor Cuevas, Chair

ATTEST:

Joseph A. Palombi, Director
Planning & Community Development Department



City of Montebello Transportation Study Guidelines for Vehicle Miles Traveled and Level of Service Assessment

Revised May 2022

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Attachment A: VMT Analysis Flowchart
Attachment B: SGVCOG VMT Assessment Tool User Guide
Attachment C: Detailed VMT Forecasting Information
Attachment D: VMT Reduction Strategies
Attachment E: Transportation Project Types and VMT Analysis Requirements

Introduction

These guidelines describe the transportation analysis requirements for land development, land use plan, and transportation projects in the City of Montebello. Guidelines are provided for evaluating a project's environmental transportation impacts and effects on the local transportation system.

The purpose of these guidelines is to provide guidance on how to prepare transportation studies in the City of Montebello in conformance with all applicable City and State regulations.

Background Information

Senate Bill 743 (SB 743), signed by the Governor in 2013, has changed the way transportation impacts are identified. Specifically, the legislation directed the Office of Planning and Research (OPR) to look at different metrics for identifying transportation as a California Environmental Quality Act (CEQA) impact. The final OPR guidelines were released in December 2018 and identified vehicle miles traveled (VMT) as the preferred metric moving forward. The Natural Resources Agency completed the rulemaking process to modify the CEQA guidelines in December of 2018. The CEQA Guidelines identified that all lead agencies must use VMT as the new transportation metric for identifying significant transportation impacts beginning in July 2020.

In anticipation of the change to VMT, the San Gabriel Valley Council of Governments (SGVCOG) undertook the SGVCOG SB 743 Implementation Study to assist with answering important implementation questions about the methodology, thresholds, and mitigation approaches for VMT impact analysis in its member agencies. The study includes the following main components.

- *Analysis Methodologies Memorandum* – Identification of potential thresholds that can be considered when establishing thresholds of significance for VMT assessment and recommendations of analysis methodologies for VMT impact screening and analysis
- *Mitigation Memorandum* – Types of mitigation that can be considered for VMT mitigation
- *VMT Assessment Tool* – A web-based tool that can be used for VMT screening and mitigation recommendation

The City of Montebello utilized the information produced by SGVCOG through the Implementation Study to adopt a methodology and significance thresholds for use in CEQA compliance. As noted in CEQA Guidelines Section 15064.7(b) below, lead agencies are encouraged to formally adopt their significance thresholds and this is a key part of the SB 743 implementation process.

(b) Each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence. Lead agencies may also use thresholds on a case-by-case basis as provided in Section 15064(b)(2).

The City has refined the SGVCOG recommendations and produced these Transportation Study (TS) Guidelines to outline the specific steps for complying with the new CEQA expectations for VMT analysis and the applicable general plan consistency requirements related to level of service (LOS).

It should be noted that CEQA requirements may change as the CEQA Guidelines are periodically updated and/or legal opinions are rendered that change how analysis is completed. As such, the City will continually review their guidelines for applicability and consultants should contact the City to ensure the most recent guidelines for project impact assessment are applied.

CEQA Changes

A key element of SB 743 is the elimination of automobile delay, LOS, and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant environmental impacts. This change is intended to assist in balancing the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.

SB 743 includes amendments to current congestion management law that allows cities and counties to opt-out of the LOS standards that would otherwise apply in areas where Congestion Management Plans (CMPs) are still used. Further, SB 743 required OPR to update the CEQA Guidelines and establish criteria for determining the significance of transportation impacts. In December 2018, OPR released their final recommended guidelines based on feedback from the public, public agencies, organizations, and individuals. OPR recommended VMT as the most appropriate measure of project transportation impacts for land use projects and land use plans. For transportation projects, lead agencies may select their own preferred metric but must support their decision with substantial evidence that complies with CEQA expectations. SB 743 does not prevent a city or county from continuing to analyze delay or LOS outside of CEQA review for other transportation planning or analysis purposes (i.e., general plans, impact fee programs, corridor studies, congestion mitigation, or ongoing network monitoring).

Level of Service Policy

While CEQA requirements have changed and LOS no longer constitutes CEQA impacts, LOS may still be used for planning and analysis purposes. The City has vehicle LOS standards for which local infrastructure will strive to maintain. The LOS standards apply to discretionary approvals of new land use and transportation projects. Therefore, these TS guidelines also include instructions for vehicle LOS analysis consistent with City requirements.

Transportation Study Guidelines

State and federal laws require the correlation of Land Use Element building intensities in a General Plan with the Circulation Element capacity. A TS is required by the City so that the impact of land use proposals on the existing and future circulation system can be adequately assessed and to ensure that the CEQA laws and guidelines are met.

The following TS Guidelines identify CEQA based requirements and non-CEQA based requirements intended for any person or entity who is proposing development in the City and should be used in coordination with the City's Local CEQA Guidelines and Municipal Code to guide the development review process.

For the past several decades, the preparation of a transportation impact analysis under the CEQA process primarily consisted of analyzing a project's impacts using intersection and/or roadway segment LOS. However, with the passage of SB 743, LOS analysis is no longer appropriate for CEQA. However, it may still be needed as a stand-alone document for project approval for planning and analysis purposes. Specifically, a transportation study may be needed as a stand-alone document which is a requirement of project approval and will include information for the decision makers that is not required as part of the CEQA process.

The purpose of these TS guidelines is to provide general instructions for analyzing the potential transportation impacts of proposed development projects. These guidelines present the recommended format and methodology that should generally be utilized in the preparation of a TS.

Application of Guidelines

An applicant seeking project approval will submit the proposed project to the City with a planning and land use approval application. After a preliminary review of the project by City Staff, the applicant will be notified by the project planner if a TS is required. The TS should summarize the evaluation of project-related changes in both LOS and VMT.

A TS which includes LOS analysis shall be required for a proposed project when either the weekday AM or PM peak hour trip generation from the proposed development is expected to exceed 100 vehicle trips and for projects that will add more than 50 trips during either the weekday AM or PM peak hours to any intersection. The trip generation methodology is detailed in this document. Analysis of roadway segments around the project site may also be required. Note that a TS may be required for smaller projects based on land use and location, and other days/peak hours of analysis may be required for unique land uses, based on City direction.

See Section "Non-CEQA Transportation Assessment" for details on when LOS analysis is required.

Furthermore, a TS which includes VMT assessment shall be required for a proposed project that does **NOT** satisfy the identified project screening criteria:

- Transit Priority Area Screening
- Low VMT Area Screening
- Project Type Screening

See Section "CEQA Transportation Assessment - VMT Analysis" for details on these screening criteria.

Projects may be screened from VMT analysis and require LOS analysis, or vice-versa. Where insufficient information is available to make a preliminary assessment of a project's effect on traffic, the City Traffic Engineer shall determine whether a TS will be required.

Guidelines Organization

The remainder of this document is organized to provide guidance on assessment for General Plan consistency (e.g., non-CEQA LOS analysis) and CEQA compliance (e.g. VMT analysis), as well as the format for the transportation study.

Transportation Study	
<u>Non-CEQA Transportation Assessment</u> • LOS Analysis	<u>CEQA Transportation Assessment</u> • VMT Analysis • Active Transportation, Public Transit, and Safety Analysis

Non-CEQA Transportation Assessment

Level of Service Analysis Procedure

Traffic analysis should be prepared by, or under the direction of, a registered traffic engineer, registered civil engineer, or qualified transportation planner. To establish a mutually agreeable scope of work for the traffic analysis, the analyst and project applicant shall meet with City staff to identify study area, assumptions, and methodologies for the traffic analysis. All assumptions and methodologies for the LOS analysis are subject to review and approval by the City Traffic Engineer.

A transportation study which includes LOS analysis shall be required for a proposed project that meets any of the following criteria:

- When either the weekday AM or PM peak hour trip generation (or other study periods, per City discretion) is expected to exceed 100 vehicle trips from the proposed development
- Projects that will add more than 50 trips during the weekday AM or PM peak hours (or other study periods, per City discretion) to any intersection
- Any project where variations from the standards and guidelines provided in this manual are being proposed
- When determined by the City Traffic Engineer that existing or proposed traffic conditions in the project vicinity warrant evaluation

Traffic Counts

The traffic analysis should not use traffic counts that are more than two years old without approval of the City Traffic Engineer. If traffic counts taken within the last two years are not available, then new traffic counts shall be collected by a qualified data collection firm. Turning movement data at the study intersections should be collected in 15-minute intervals during the hours of 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM, unless the City Traffic Engineer specifies other hours (e.g., for a signal warrant determination or weekend analysis). Unless otherwise required, all traffic counts should generally be conducted when local schools and colleges are in session, in typical weather conditions, on Tuesdays, Wednesdays or Thursdays during non-summer months, and should avoid being taken on weeks with a holiday.

Trip Generation

Trip generation rates from the latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) shall be utilized. Analysis for a proposed project with trip generation rates not provided in the ITE Trip Generation Manual may use rates from other agencies or locally approved studies for specific or unique land uses. Documentation supporting the use of these trip generation rates will be required.

The traffic analysis should include justification for trip generation credits such as existing uses, transit, and internal capture. The pass-by traffic credit should be calculated based upon ITE data or special studies approved by the City.

Trip Distribution and Assignment

Description of trip distribution and assignment for vehicle trips to and from the site along specific roadways that will be utilized by project generated traffic is required. The basic methodology and assumptions used to develop trip distribution and assignments must be clearly stated and approved by the City Traffic Engineer. The basis for trip distribution should be linked to the demographic or market data in the area and should consider the project's location relative to the regional roadway system.

The trip assignment for the project should be based on existing and projected travel patterns and the future roadway network and its travel time characteristics. The trip assignment should incorporate the trip generation of the project minus the appropriate credits.

Traffic Forecasts

The traffic analysis should include the total traffic which is expected to occur at buildout of proposed project. This means that the analyst preparing the traffic study should include all the cumulative effects of proposed developments as well. The latest version of the Southern California Association of Governments (SCAG) Travel Demand Model or appropriate sub-area travel demand model should be used to generate future year forecasts. Projects which have been approved, planned, or are under construction in the vicinity of the proposed project should be verified as included in the latest version of the SCAG model or appropriate sub-area model approved by the City Traffic Engineer.

Study Area

In consultation with City staff, intersections and roadway segments within the study area shall be analyzed for effects on intersection operations and roadway capacity. At a minimum, the transportation study should evaluate the following:

- Site access driveways
- Roadways adjacent to the project site
- Intersections in the immediate vicinity of the project site and where the proposed project will add 50 or more peak hour trips
- Roadway segments between study intersections and/or project driveways

Operations Analysis Methodologies

Intersection Analysis

The City will use the latest version of the Highway Capacity Manual (HCM) methodology to evaluate the weekday AM and PM peak hour LOS at signalized and unsignalized intersections. The peak hour will be identified as the highest one-hour period in both weekday AM and PM counted periods, as determined by four consecutive 15-minute count intervals. The following parameters should be used in determining the LOS at the intersections within the City.

- A peak hour factor (PHF) based on observed conditions shall be used for analyzing existing conditions.
- A PHF of 0.95 shall be used for future conditions (consult with City staff if the existing PHF is higher than 0.95).

Pedestrian activity should be considered on a case by case basis using reductions in saturation flow rates for affected lanes as determined by sound engineering judgement. The HCM is the best source of guidance for assessment of pedestrian influences on flow rates.

Table 1 summarizes the range of values and LOS designations.

TABLE 1: INTERSECTION LEVEL OF SERVICE CRITERIA

LOS	Intersection Delay (seconds)		Description
	Signalized Intersection	Unsignalized Intersection	
A	≤10.0	≤10.0	EXCELLENT. Operations with very low delay and most vehicles do not stop.
B	>10.0 and ≤20.0	>10.0 and ≤15.0	VERY GOOD. Operations with good progression but with some restricted movements.
C	>20.0 and ≤35.0	>15.0 and ≤25.0	GOOD. Operations where a significant number of vehicles are stopping with some backup and light congestion.
D	>35.0 and ≤55.0	>25.0 and ≤35.0	FAIR. Operations where congestion is noticeable, longer delays occur, and many vehicles stop. The proportion of vehicles not stopping declines
E	>55.0 and ≤80.0	>35.0 and ≤50.0	POOR. Operations where there is high delay, extensive queueing, and poor progression.
F	>80.0	>50.0	FAILURE. Operations that are unacceptable to most drivers, when the arrival rates exceed the capacity of the intersection.

Source: Highway Capacity Manual 6th Edition

In addition to assessing LOS at study intersections, the transportation study should also evaluate the adequacy of turn pocket storage length at off-site study intersections based on 95th percentile queues.

Roadway Segment Analysis

A roadway segment analysis compares the daily traffic volume along a study roadway segment to the roadway classification and associated design capacity. The results are reflected in a volume to capacity, or V/C, ratio. The City of Montebello has established daily vehicle capacity thresholds for each functional roadway classification. Daily capacity thresholds represent a V/C of 1.00. Table 2 summarizes the roadway segment vehicle capacity thresholds. Table 3 summarizes the range of V/C ratios and LOS values.

TABLE 2: ROADWAY SEGMENT VEHICLE CAPACITY THRESHOLDS

Roadway Classification	Roadway Capacity (Average Daily Traffic)
6 Lanes Major Arterial	60,000
4 Lane Major Arterial	40,000
4 Lane Secondary Arterial	30,000
2 Lane Collector	15,000

TABLE 3: ROADWAY SEGMENT LEVEL OF SERVICE CRITERIA

V/C Ratio	LOS
≤0.60	A
>0.60 and ≤0.70	B
>0.70 and ≤0.80	C
>0.80 and ≤0.90	D
>0.90 and ≤1.00	E
>1.00	F

Analysis Scenarios

The following identifies the analysis scenarios that should be evaluated for LOS analysis (at the discretion of the City Traffic Engineer).

- **Existing Conditions:**

Existing traffic conditions: data must have been collected within the past two years. Otherwise, new traffic counts shall be conducted.

- **Opening Year:**

Existing traffic conditions plus ambient growth and traffic from all the development within the study area for which an application has been submitted ("pending projects"), or that have been approved but not yet constructed. There may be multiple opening years if the project is proposed in phases.

- **Opening Year plus Project:**

Traffic conditions of Opening Year (existing plus ambient growth and approved and pending developments) plus traffic generated by the proposed project.

- **Horizon Year:**

Build-out of City General Plan and circulation system. SCAG build-out projections should be used for this purpose. A General Plan build-out analysis is generally required for any project that requires a General Plan Amendment or otherwise proposes development that exceeds the land use intensity assumed for the General Plan, and/or at the discretion of the City Traffic Engineer.

- **Horizon Year plus Project:**

Traffic conditions of Horizon Year (General Plan build-out) plus traffic generated by the proposed project.

Projects that are to be constructed in more than one phase will require interim year future analyses to address each phase of the development and its associated traffic effects. The year(s) to be analyzed will coincide with the scheduled phasing and will be approved by the City Engineer or designee.

A table shall be included which identifies the forecast LOS for each intersection within the defined study area. This summary table shall present LOS for all scenarios evaluated, including improvements proposed by the project.

Transportation Effects

Signalized or unsignalized intersections may require improvements if one or more of the following conditions are met:

- The addition of project traffic to an intersection results in the degradation of intersection operations from LOS D or better operations to LOS E or F.
- The project-related increase in delay is equal to or greater than 2.0 seconds at an intersection that is already operating at LOS E or F.
- For unsignalized intersections, in addition to meeting one of the two conditions described above, the intersection also meets peak hour signal warrants either caused by project volumes, or project volumes are added at an intersection that meets peak hour signal warrants in the baseline scenario(s). Peak hour signal warrants should be determined based on the latest California Manual on Uniform Traffic Control Devices (CA MUTCD).

Improvements may also need to be identified to address deficiencies related to queuing at study intersections. If the project causes deficiencies or worsens deficiencies, the transportation study

should identify improvements to reduce queues (such as signal timing or dedicated turning phases) or to extend queue storage space.

Thresholds for study roadway segments are based on LOS values linked to V/C ratios. Any study roadway segment that would degrade from LOS D to LOS E or F due to the addition of project-generated traffic may require improvements. In addition, any study roadway segment that already operates at LOS E or F and experiences a V/C ratio increase of greater than 0.02 due to the addition of project-generated traffic may require improvements.

While the minimum acceptable LOS for City facilities is LOS D, at its discretion the City may allow LOS E or F operations at specific locations to encourage mixed-use, infill development that is supportive of transit and active transportation.

The fair share cost for the proposed improvements in the cumulative condition should also be calculated.

On-Site Parking Analysis

The analysis should address the on-site parking supply versus parking required per City code. If the proposed development is mixed-use, a table shall be included presenting each land use, its size and the code parking requirement. This table should clearly indicate how the code parking was calculated and include the proposed on-site parking supply together with the resultant surplus or deficit from code requirements.

Should the on-site parking supply be less than required by the City code, a detailed explanation justifying a reduction to the code requirement must be included. Note that this does not eliminate the need for any zoning code variance. Shared parking evaluations will be considered when appropriate.

The proposed project's on-site bicycle parking supply should also be compared to City code requirements (if applicable).

Access and Circulation Analysis

The project's access points and on-site circulation shall be analyzed. As appropriate, the analysis shall include the following:

- Number of access points proposed for the project site
- Spacing between driveways and intersections
- Potential signalization of driveways
- On-site stacking distance (including uses with a drive thru) and inbound/outbound queuing at project driveways
- Shared access
- Turn conflicts/restrictions

- Adequate sight distance
- Driveway improvements
- Pedestrian connections
- Any other operational characteristics as identified by City staff

If the proposed project is a residential or commercial use with privacy gates, the applicant shall provide a stacking analysis for review and approval. The adequacy of the interface with the arterial network will need to be demonstrated and necessary improvements to adjacent intersections may be required.

The transportation study must also include any additional analysis that is deemed necessary by City staff, to be determined through a scoping meeting. This could include a passenger loading demand analysis, freight loading demand analysis, and/or truck turning templates.

CEQA Transportation Assessment – VMT Analysis

VMT Analysis Methodology

For purposes of SB 743 compliance, a VMT analysis should be conducted for land use projects as deemed necessary by the City Traffic Engineer and would apply to projects that have the potential to increase the baseline home-based VMT per capita for residential projects, home-based work VMT per employee for office projects, or total VMT for retail projects for the City. All assumptions and methodologies of the VMT analysis are subject to review and approval by the City Traffic Engineer.

A flowchart of the VMT analysis process is attached to these guidelines (see Attachment A, "VMT Analysis Flowchart"). A web-based tool has been prepared by SGVCOG to assist with VMT assessment screening and mitigation recommendations.¹ A user guide for use of the web-based tool is attached (see Attachment B, "SGVCOG VMT Assessment Tool Users Guide").

For the purposes of the VMT analysis, the baseline scenario represents the existing conditions at the time of the project's Notice of Preparation (NOP). The cumulative scenario represents the adopted SCAG RTP/SCS horizon year.

Project Screening

There are three types of screening that may be applied to effectively screen projects from a detailed, project-level VMT assessment. These screening steps are summarized below:

Step 1: Transit Priority Area (TPA) Screening

Projects located within a TPA² may be presumed to have a less than significant impact absent substantial evidence to the contrary. This presumption may **NOT** be appropriate if the project:

¹ <https://apps.fehrandpeers.com/SGVCOGVMT/>

² A TPA is defined as a half mile area around an existing major transit stop or an existing stop along a high-quality transit corridor per the definitions below. Public Resources Code § 21099(a)(7)

Pub. Resources Code, § 21064.3 - 'Major transit stop' means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Pub. Resources Code, § 21155 - For purposes of this section, a 'high-quality transit corridor' means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

1. Has a Floor Area Ratio (FAR) of less than 0.75;
2. Includes more parking for use by residents, customers, or employees of the project than required by the City;
3. Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the City or other lead agency, with input from SCAG); or
4. Replaces affordable residential units with a smaller number of moderate- or high-income residential units.

A project should be considered to be within a TPA if all parcels within the project site have no more than 25 percent of their area farther than one-half mile from the stop or corridor and if not more than 10 percent of the residential units or 100 units (whichever is lower) in the project are farther than one-half mile from the stop or corridor.

To identify if the project is in a TPA, the analyst may review the TPA map included in the SGVCOG VMT assessment tool. Additionally, the analyst should confirm with all local transit providers that no recent changes in transit service have occurred in the project area (e.g., addition or removal of transit lines, addition or removal of transit stops, or changes to service frequency) since changes to transit service and/or stops may have occurred since the last time the assessment tool was updated.

At its discretion, the City can also allow a project to screen out of a detailed VMT assessment using proximity to future planned high-quality transit service.

Step 2: Low VMT Area Screening

Residential and office (and other employment-based) projects located within a low VMT-generating area may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition, other employment-related and mixed-use land use projects may qualify for the use of screening if the project can reasonably be expected to generate VMT per capita or per employee that is similar to the existing land uses in the low VMT area.

For this screening criteria, the SCAG travel forecasting model was used to measure VMT performance for individual traffic analysis zones (TAZs). TAZs are geographic polygons similar to Census block groups used to represent areas of homogenous travel behavior. Total daily home-based VMT per capita or home-based work VMT per employee was estimated for each TAZ. This presumption may not be appropriate if the project land uses would alter the existing built environment in such a way as to increase the rate or length of vehicle trips. The project applicant should document whether or not any increase to the trip generation rate or length of vehicle trips is expected.

To identify if the project is in a low VMT-generating area, the analyst should utilize the SGVCOG VMT assessment tool, which maps TAZ averages and compares them to the appropriate regional averages. Residential projects located in a TAZ that generates home-based VMT per capita that

does not exceed 85% of the SGVCOG regional average VMT per capita can be screened out of a detailed VMT analysis; office and other employment-generating projects located in a TAZ that generates home-based work VMT per employee that does not exceed 85% of the SGVCOG regional average VMT per employee can be screened out of a detailed VMT analysis. The tools interpolation function should be utilized to estimate TAZ and regional averages for the existing/NOP year, as appropriate. Additionally, as noted above, the analyst must identify if the project is consistent with the existing land uses (i.e., if the project is proposing single-family housing, there should be existing single-family housing of approximately the same density) within that TAZ and use professional judgement that there is nothing unique about the project that would otherwise be misrepresented utilizing the data from the tool.

Step 3: Project Type Screening

Some project types have been identified as having the presumption of a less than significant impact. The following uses can be presumed to have a less than significant impact absent substantial evidence to the contrary, as their uses are local serving in nature:

- Local-serving K-12 schools
- Local parks
- Day care centers
- Local-serving retail uses less than 50,000 square feet, including:
 - Gas stations
 - Banks
 - Restaurants
 - Shopping Center
- Local-serving hotels (e.g., non-destination hotels)
- Local-serving assembly uses (places of worship, community organizations)
- Community institutions (public libraries, fire stations, local government)
- Affordable,^{3,4} supportive, or transitional housing located within walking distance (a half-mile radius) of transit stops or non-residential uses
- Assisted living facilities
- Senior housing (as defined by HUD)
- Local serving community colleges that are consistent with the assumptions noted in the RTP/SCS
- Student housing projects on or adjacent to a college campus

³ Defined as housing that is affordable to lower income (80% Area Median Income and less) individuals or families.

⁴ If a project contains less than 100 percent affordable housing, the portion that is affordable should be screened out of needing a detailed VMT analysis.

- Other local-serving uses as approved by the City Traffic Engineer
- Projects generating less than 140 daily vehicle trips⁵
 - This generally corresponds to the following “typical” development potentials:
 - 14 single family housing units
 - 20 multi-family, condominiums, or townhouse housing units
 - 12,500 sq. ft. of office
 - 28,500 sq. ft. of light industrial⁶
 - 81,500 sq. ft. of warehousing⁶
 - 99,500 sq. ft. of high cube transload and short-term storage warehouse⁶

Local serving retail projects with a total square footage less than 50,000 square feet may be presumed to have a less than significant impact absent substantial evidence to the contrary. Local serving retail generally improves the convenience of shopping close to home and has the effect of reducing vehicle travel. At its discretion, the City could require the retail projects under 50,000 square feet to provide information in the form of a market study to support the assumption that the project would serve local market demand and its users (employees, customers, visitors) would be existing within the community. The project would not generate new “demand” for the project land uses but would meet the existing demand that would shorten the distance existing residents, employees, customers, or visitors would need to travel. In addition, the City could consider the findings of a market study to provide substantial evidence that a retail project larger than the 50,000 square foot threshold would primarily serve a local population and result in an overall reduction in citywide VMT. Based on the results of the market study and staff discretion, a higher square footage threshold may be considered.

VMT Assessment for Non-Screened Development

Projects not screened through the steps above should complete VMT analysis and forecasting through the SCAG model or appropriate sub-area model to determine if the project has a significant VMT impact. This analysis should include ‘project generated VMT’ for the project TAZ (or TAZs) for the baseline (existing) scenario and ‘project effect on VMT’ estimates under the cumulative (horizon year) scenario below. Project generated VMT shall include the VMT generated by the site compared to the CEQA threshold of significance for the baseline scenario. The project effect on VMT is the total VMT for the city, which is more appropriate to review to evaluate how developments may change travel behavior in the area in the cumulative SCAG RTP/SCS scenario.

⁵ Note that a redevelopment project replacing an existing use would estimate the net increase in trips above trips what already exists.

⁶ This number was estimated using rates from ITE’s Trip Generation Manual. Some industrial and warehousing tenants may generate traffic differently than what is documented in ITE. In these cases, documentation of the project generating less than 140 daily trips will be required for review and approval by the City Traffic Engineer.

- **Baseline Conditions:**

This data is available from the SCAG model or appropriate sub-area model approved by the City Traffic Engineer. This data (for projects analyzed using a VMT efficiency metric) is also available in the SGVCOG VMT Assessment Tool. Baseline conditions typically represent the year of the Notice of Preparation (NOP). Interpolation between the base and future year model will be required to identify the VMT representative of the baseline year.

- **Baseline plus Project:**

The project land use would be added to the project TAZ or a separate TAZ would be created to contain the project land uses. A full base year model run would be performed and VMT changes would be isolated for the project TAZ and across the full model network. The model output must include reasonableness checks of the production and attraction balancing to ensure the project effect is accurately captured. These reasonableness checks are subject to City Traffic Engineer's review. If this scenario results in a less-than-significant impact, then additional cumulative scenario analysis may not be required (more information about this outcome can be found in the Thresholds Evaluation discussion later in this chapter). The SGVCOG VMT assessment tool provides an estimate of the Baseline plus project conditions for projects analyzed using a VMT efficiency metric. This data could be presented in lieu of results from the full model run. However, it is recommended that a base year plus project run always be performed as a check for reasonableness and consistency with the cumulative year results.

- **Cumulative no Project:**

This data is available from the SCAG model or appropriate sub-area model approved by the City Traffic Engineer.

- **Cumulative plus project:**

The project land use would either be added to the project TAZ or a separate TAZ would be created to contain the project land uses. The addition of project land uses should be accompanied by a reallocation of a similar amount of land use from other TAZs; especially if the proposed project is significant in size such that it would change other future developments. Land use projects are often represented in the assumed growth of the cumulative year population and employment. It may be appropriate to remove land use growth that represents a project from the cumulative year model to represent the cumulative no project scenario. If project land uses are simply added to the cumulative no project scenario, then the analysis should reflect this limitation in the methodology and acknowledge that the analysis may overestimate the project's effect on VMT.

Project-generated home-based VMT per capita or home-based work VMT per employee shall be extracted from the travel demand forecasting model using the production-attraction trip matrix. The project-generated VMT metric shall be interpolated between the baseline and cumulative "plus

project” models to the NOP year, while the regional average shall be interpolated to the NOP year using the “no project” models. For retail projects that require a baseline total VMT analysis, the “no project” total citywide VMT (all VMT produced by or attracted to TAZs in the city) shall be interpolated between the “no project” models, while the “plus project” total citywide VMT shall be interpolated between the “plus project models.” If a cumulative total citywide VMT analysis is required, the total citywide VMT from the “no project” and “plus project” cumulative model runs shall be compared with no interpolation or extrapolation.

Other model outputs and VMT data such as total VMT by speed bin may be needed as an input for CEQA air quality, greenhouse gas (GHG), and energy impact analyses.

A detailed description of this process is attached to these guidelines. See Attachment C, “Detailed VMT Forecasting Information.”

The SGVCOG online VMT assessment tool would only be appropriate to use when efficiency metrics such as home-based VMT per capita for residential projects or home-based work VMT per employee for office projects are being estimated; the tool allows the user to estimate VMT for any year between 2012 and 2040. If an analysis requires estimating the change in total VMT (such as a base year analysis of a retail project or a cumulative year analysis of any land use), then use of the SCAG travel demand model is required.

In addition, there may be instances where the use of the online tool is inappropriate for residential and office projects. In particular, a project must have similar land use characteristics to other projects in the model TAZ to utilize the online VMT assessment tool; otherwise, a SCAG model run must be conducted to estimate VMT per capita or employee. For example, use of the online tool may be inappropriate if an office project is proposed in an area that consists entirely of single-family housing.

Uses Other Than Residential, Office, and Retail

While residential, office, and retail projects tend to be the most common land use projects requiring a VMT analysis, projects consisting of other uses may require a VMT analysis. When considering metrics and thresholds for other land uses, the project applicant should consult with City staff. For other uses, the City will make the final determination on the appropriate metric(s) and threshold(s).

Guidance for other land uses is listed below:

- **Industrial:** Use office project metric and threshold
- **Hotel:** Use office project metric and threshold
- **Medical Office:** Use office project metric and threshold
- **School/College:** Use retail project metric and threshold
- **Large Event Centers, Arenas, Convention Centers, and Similar Uses:** Use retail project metric and threshold
- **Recreational Facilities:** Use retail project metric and threshold

- **Churches and Other Religious Institutions:** Use retail project metric and threshold

Mixed Use Projects

For land use projects with a mixed-use component, each use in the project (e.g., residential, office, and retail) should be analyzed separately, taking internalization of trips into account. This approach ensures that the vehicle trip-reducing aspects of such projects are not omitted in the VMT analysis.

Internalization can be calculated using tools such as the ITE methodology, National Cooperative Highway Research Program (NCHRP) Report 684 "Enhancing Internal Trip Capture Estimation for Mixed-Use Developments,"⁷ and the US Environmental Protection Agency (EPA) Mixed-Use Trip Generation Model (MXD).⁸ Such tools can be used to calculate trip reduction rates for individual mixed-use projects in the city. Project applicants should consult with the City to determine which tool to use for estimating internalization. The percentage of internal trips needs to be confirmed with City staff.

Redevelopment Projects

Per CEQA, a redevelopment project that replaces existing uses and results in a net decrease in VMT can be presumed to have a less-than-significant transportation impact and would not require a detailed VMT analysis; a redevelopment project that replaces existing uses and results in a net increase in VMT will require a VMT analysis.

This should be calculated by estimating the total VMT for the previous and proposed land uses using ITE trip generation rates and SGVCOG-area average trip lengths from the California Household Travel Survey (CHTS)⁹ provided below. If a project replaces existing uses and the project leads to a net overall increase in VMT compared to the previous uses, then the appropriate metrics and thresholds should be applied to each proposed use. If the project is a mixed-use project, then internalization should be considered when estimating its total VMT and each component's trip generation should be multiplied by its respective trip length; if the project results in a net increase in VMT, then each individual use should be analyzed under its respective threshold. In addition, the proposed land uses should be analyzed without incorporating a credit or reduction for the displacement of existing land uses at the project site.

The following trip lengths should be used to estimate total VMT:

- **Residential Projects:** 5.46 miles
- **Office/Employment Projects:** 8.31 miles
- **Retail Projects:** 4.94 miles
- **School/Educational Projects:** 3.45 miles

⁷ <http://www.trb.org/Publications/Blurbs/165014.aspx>

⁸ <https://www.epa.gov/smartgrowth/mixed-use-trip-generation-model>

⁹ <https://www.nrel.gov/transportation/secure-transportation-data/tsdc-california-travel-survey.html>

- **Recreational Projects:** 5.25 miles
- **Projects w/ Employment and Customer Attributes (e.g., hospitals):** 6.90 miles

CEQA VMT Impact Thresholds

VMT Impacts

VMT thresholds provided below are to be applied to determine potential significant VMT impacts under CEQA.

A project would result in a significant VMT impact if, in the Existing Plus Project scenario, any of the following conditions are satisfied:

- **Residential Projects:** A significant impact will occur if the project's home-based VMT per capita exceeds a level of 15% below the SGVCOG baseline home-based VMT per capita.
- **Office Projects:** A significant impact will occur if the project's home-based work VMT per employee exceeds a level of 15% below the SGVCOG baseline home-based work VMT per employee.
- **Retail Projects:** A significant impact will occur if the project would result in a net increase the baseline total citywide VMT.

The cumulative no project scenario shall reflect the adopted RTP/SCS; as such, if a project is consistent with the SCAG RTP/SCS, then the cumulative impacts shall be considered less than significant subject to consideration of other substantial evidence. In addition, a project would not require a cumulative analysis if it screens out of a detailed VMT analysis or does not result in an Existing Plus Project VMT impact.

Otherwise, a cumulative impact analysis would be required to determine if the project would result in a net increase in citywide VMT:

- **All Projects:** A significant cumulative impact will occur if the project would result in a net increase in the cumulative total citywide VMT.

VMT Mitigation Measures

To mitigate VMT impacts, the following choices are available to the applicant:

1. Modify the project's built environment characteristics to reduce VMT generated by the project.
2. Implement Transportation Demand Management (TDM) measures to reduce VMT generated by the project.
3. Participate in a VMT fee program and/or VMT mitigation exchange/banking program (if available) to reduce VMT from the project or other land uses to achieve acceptable levels.

As part of the SGVCOG Implementation Study, key TDM measures that are appropriate to the region were identified. Measures appropriate for most of the City are summarized in a table attached to these guidelines. See Attachment D, "VMT Reduction Strategies."

VMT reductions should be evaluated as part of the VMT impact analysis using state-of-the-practice methodologies recognizing that many of the TDM strategies are dependent on building tenant performance over time. As such, actual VMT reduction cannot be reliably predicted and monitoring may be necessary to gauge performance related to mitigation expectations.

When a project is found to have a significant impact under CEQA, the City requires developers and the business community to assist in reducing peak hour and total vehicular trips by implementing TDM plans. The potential of a proposed project to reduce VMT through the use of a TDM plan should be addressed in the traffic study.

If a TDM plan is proposed as a mitigation measure for a project, and the traffic study attributes a reduction in peak and total traffic to the TDM plan, the following information must be provided:

1. A detailed description of the major components of the TDM plan and how it would be implemented and maintained on a continuing basis.
2. Case studies or empirical data that supports the anticipated reduction of traffic attributed to the TDM plan.
3. Additional V/C ratio calculations of study roadway segments that illustrate the circulation benefits of the TDM plan resulting from reduced project vehicle trip generation.
4. Enforcement Measures – how it will be monitored and enforced.
5. How it complies with the South Coast Air Quality Management District Regulations.

Land Use Plans

While new development projects must undergo VMT-based transportation impact analyses under CEQA, citywide or areawide land use plans such as General Plans and Specific Plans, which can result in substantial changes to travel patterns, must also undergo VMT analyses to determine potential impacts. In general, the evaluation of a Plan will be whether it would generate less VMT than existing conditions and compared to the current (or previous) plan.

Land use plans must be analyzed using the SCAG regional travel demand model. The following model runs and scenarios must be conducted:

- Base year model to estimate existing conditions
- Cumulative year model to estimate horizon year conditions for the no project or current plan scenario
- Cumulative year model updated to reflect the proposed project to estimate horizon year conditions with the proposed plan

Home-based VMT per capita and home-based work VMT per employee are the appropriate metrics for assessing land use plans; total VMT per service population (residents and employees) should also be calculated. VMT efficiency metrics must be calculated for the entirety of the plan area. In the case of a general plan, this would consist of trips originating and/or ending in the city; in the case of a specific plan, this would consist of trips originating and/or ending in the plan area.

A significant impact would occur if any of the following conditions take place:

- If the plan generates home-based VMT per capita, home-based work VMT per employee, or total VMT per service population in the horizon year plus project scenario that exceeds the VMT metric under existing conditions.
- If the plan generates home-based VMT per capita, home-based work VMT per employee, or total VMT per service population in the horizon year plus project scenario that exceeds the VMT metric under the horizon year no project/current plan scenario.

If an area plan results in significant impacts, CEQA requires mitigation measures to be implemented to reduce or mitigate impacts. Potential mitigation measures for area plans can include:

- Increasing the density and mix of proposed land uses
- Proposing bicycle, pedestrian, and transit network improvements as opposed to automobile facilities
- Policies to reduce parking supply
- Policies to address promote worker commute reduction programs
- Policies to require on-site TDM strategies for individual projects under the plan

Transportation Projects

In addition to land use projects and plans, transportation infrastructure projects may require a VMT analysis to comply with CEQA requirements. A detailed VMT analysis is required for transportation projects if they are expected to increase VMT; these primarily consist of projects that encourage the use of single-occupant automobile use such as the addition of through travel lanes. Projects that would require a detailed VMT analysis include, but are not limited to, the addition of automobile through lanes.

Projects that are unlikely to lead to increases in vehicular travel are excluded from VMT analysis requirements. These include projects such as roadway rehabilitation, turn lanes, travel lane reductions, transit service, bikeways, and pedestrian facilities. A full list is provided in Attachment E.

A transportation project would be excluded from VMT analysis requirements if it has already undergone VMT analysis as part of a citywide or regional plan. This exemption may be granted if the necessary VMT analysis and potential mitigations have already been identified and quantified at the plan level.

For projects that require a detailed VMT analysis (e.g., increasing vehicular throughput and not analyzed as part of a citywide or regional plan), two tiers of VMT analysis must be conducted: near-term impacts and long-term impacts.

Near-Term VMT Analysis

Near-term VMT analysis must be conducting with the SCAG model in order to estimate near-term changes to citywide VMT due to rerouted trips that could result from a new or expanded facility. The model must be run for two scenarios, with and without the implementation of the transportation project. VMT should be captured using the boundary method, which would provide the total daily VMT on all roads within the City of Montebello. The metric for this analysis would be the net change in total citywide VMT with the transportation project.

Induced Demand Analysis

Long-term VMT analysis must be conducted in order to estimate potential long-term increases in citywide VMT due to induced demand. To capture the long-term effects such as increased travel demand, an induced demand assessment is required using the following formula recommended:

$$[\% \text{ increase in lane miles}] \times [\text{baseline VMT}] \times [\text{elasticity}] = [\text{VMT resulting from the project}]$$

The baseline VMT in the City should be estimated using the boundary method on a model run that does not contain the proposed transportation project. The metric for this analysis would be the net increase in total citywide VMT with the transportation project.

Research indicates an elasticity of 0.75 may be appropriate for arterial roads in the city; City staff shall be consulted before any induced demand analysis is undertaken.

Significant Impact Threshold

Total citywide VMT on roads in the City of Montebello (using the boundary method) is the appropriate VMT metric for assessing transportation projects. A significant impact will occur if a transportation project would result in a net increase in total citywide VMT for any study scenario (near-term or long-term).

Mitigation

If a transportation project would result in significant VMT impacts, CEQA requires mitigation measures to be implemented to reduce or mitigate the impact. Mitigation measures for transportation projects generally seek to reduce VMT by discouraging increased single-occupant vehicle travel or funding TDM measures. The following are potential mitigation measures for transportation projects:

- Bicycle network improvements
- Pedestrian network improvements

- Transit network improvements
- Off-site TDM strategies

In addition, intelligent transportation system (ITS) strategies should be considered in place of additional vehicular through lanes to reduce VMT.

CEQA Assessment – Active Transportation, Public Transit, and Safety Analysis

Potential impacts to public transit, pedestrian facilities and travel, and bicycle facilities and travel can be evaluated using the following criteria:

- A significant impact occurs if the project conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreases the performance or safety of such facilities.

Therefore, the TS should evaluate whether a project is consistent with adopted policies, plans, or programs regarding active transportation or public transit facilities, or otherwise decreases the performance or safety of such facilities and make a determination as to whether it has the potential to conflict with existing or proposed facilities supporting these travel modes.

Impacts related to public transit, bicycles, and pedestrians should be assessed as follows:

- **Transit Impacts:** Examine potential operational impacts to transit routes and facilities (e.g., resulting from increased vehicular conflicts or traffic volumes). Examine potential impacts to transit user safety and accessibility for all existing and planned transit stops or stations adjacent to the project site or within a quarter mile of the project site.
- **Bicyclist Impacts:** Examine potential impacts to bicyclist safety and accessibility for all existing and planned bikeways and other bicycle facilities (including roadways) adjacent to the project site, within a quarter mile of the project site, or connecting to transit stops or stations in the quarter-mile vicinity of the project site.
- **Pedestrian Impacts:** Examine potential impacts to pedestrian safety and accessibility for all existing and planned sidewalks, crosswalks, and other pedestrian facilities adjacent to the project site, within a quarter mile of the project site, or connecting to transit stops or stations in the quarter-mile vicinity of the project site.

The following safety-related impact criteria must also be considered:

- A proposed project will result in a significant impact if it would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- A proposed project will result in a significant impact if it would result in inadequate emergency access.

Transportation Study Format

Each transportation study submitted to the City shall contain each of the following elements unless the topic is not applicable. However, items omitted as “not applicable” shall first be approved by the City.

1. Executive Summary

This portion of the report shall present factual and concise information relative to the major issues. Pertinent information shall include a brief overview of the project, the project’s traffic generation potential, the expected VMT impacts of the project, and a summary of mitigation measures. It should also summarize any deficiencies in LOS and the corresponding proposed improvements.

2. Introduction

The introduction of the report shall include a detailed description of study procedures, a general overview of the proposed project site and study area boundaries, existing and proposed site uses, and existing and proposed roadways and intersections within the defined study area (defined study area to be determined by the City). Exhibits required for this section shall include a regional map showing the project vicinity and a site layout map.

3. Project Description and Location

This section shall expand on information presented in the introduction and shall provide a detailed development scenario and specific project location. Exhibits in this section shall include, at a minimum, a clear illustration of the project in terms of a site plan, its density, adjacent roadways, on-site parking supply, proposed traffic circulation within the project, gross square footage, number of rooms/units, and other descriptors as appropriate.

4. Methodology and Thresholds

Identify the methodology used to calculate LOS and VMT. Include the criteria used for screening projects from project-level VMT analysis, if applicable. Identify the impact threshold for VMT, and the City’s LOS standards for roadways and intersections.

5. Operations Analysis

This should include the Traffic Generation Forecast, Traffic Distribution and Assignment, Traffic Analysis, and identify required improvements as described in the Level of Service Analysis Procedure section.

6. On-Site Parking, Access, and Circulation Analysis

Refer to the On-Site Parking Analysis section and Access and Circulation Analysis section.

7. Active Transportation, Public Transit, and Safety Analysis

Refer to the Active Transportation, Public Transit, and Safety Analysis section.

8. Vehicle Miles Traveled (VMT) Analysis

Present the applicable “no project” and “plus project” VMT metrics for all study scenarios. Data should be presented in tabular format. If the project meets the City’s VMT screening criteria, this should be documented. All VMT impacts should be identified in accordance with the VMT Impact Thresholds described in these guidelines. Proposed VMT mitigation measures shall be identified, if needed.

9. Findings and Recommendations

Present the CEQA impact findings and mitigation measures as well as any recommended improvements based on the non-CEQA transportation assessment.

10. Appendix

Detailed appendix material shall be supplied as part of the report. If the main report is too large to include an appendix, such material shall be provided under a separate and identifiable cover. Typical material in this regard includes VMT and TDM calculations, traffic counts, LOS calculation sheets, completed signal warrants, accident diagrams at high accident locations, sketches of proposed roadway improvements, and other information necessary for the City’s review of the report.

Attachments

ATTACHMENT A: VMT ANALYSIS FLOWCHART

Montebello VMT Assessment Flowchart

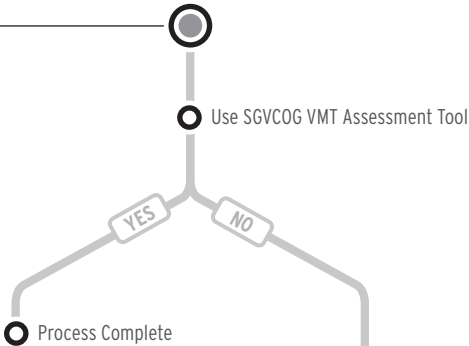


Steps	Project Questions	Procedural Flowchart
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Step 1 Screening

Type A TPA Screening

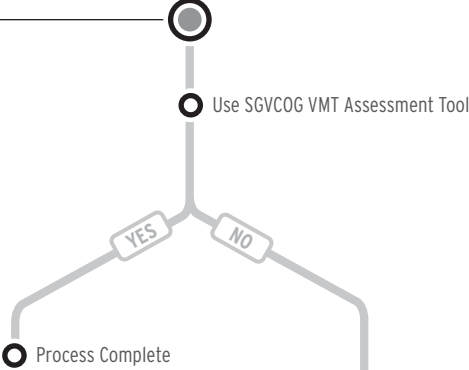
1. Is the project in a Transit Priority Area?
2. Are the following requirements met?
 - Must have a total FAR greater than or equal to 0.75
 - Cannot provide more parking than the City Municipal Code Requirement
 - Must be consistent with SCAG RTP/SCS
 - Cannot replace affordable units with a smaller number of moderate- or high-income residential units



Type B Low VMT Area Screening (Residential and Employment Projects)

1. Is the project located in a low VMT area?
2. Are the following requirements met?
 - The project is composed of similar land use types and of a similar density to the land uses within the project TAZ
 - The project is assumed to generate VMT per person similar to those existing uses

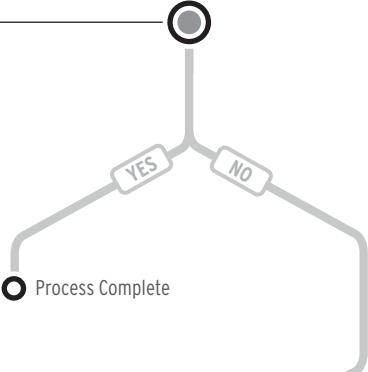
Note: Review City's thresholds of significance for definition of low VMT area.



Type C Project Type Screening

- Is the project a local-serving project as noted in the Project Type Screening project list in the TIA Guidelines?
- These projects include but are not limited to:
 - Local serving K-12 schools
 - Local-serving retail uses less than 50,000 square feet
 - Community and Religious Assembly Uses
 - Public Services
 - Affordable or supportive housing
 - Projects generating less than 140 daily vehicle trips
 - Other projects as approved by the City Traffic Engineer

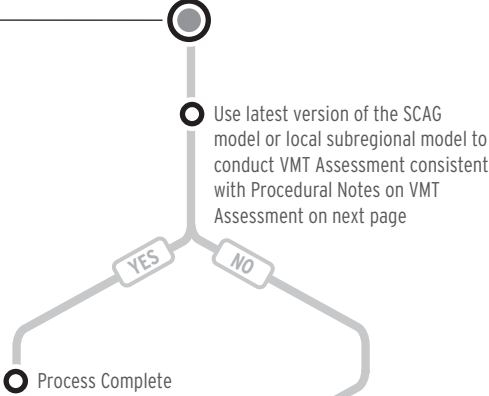
Note: Refer to the City's guidelines for a complete list of local-serving project types.



Step 2 VMT Assessment

- What is the project-level VMT and its effect on VMT assessment?
Does the project have a less than significant impact?

Details for VMT Assessment are provided in Transportation Study guidelines.

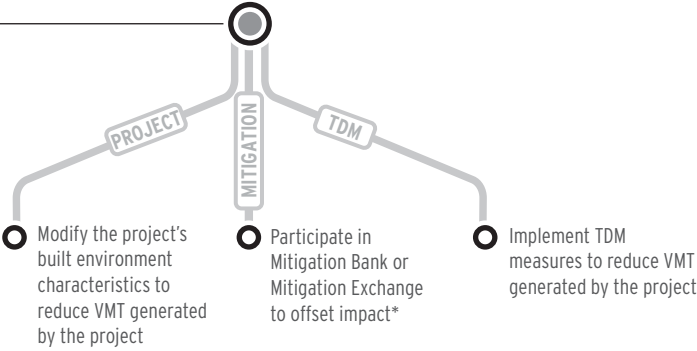


Note: If the project is not screened from assessment in Step 1, the project will require a full VMT assessment to disclose potential significant impacts.

Step 3 Developing Mitigation Measures

- What are the options to mitigate VMT impacts?
- Note: VMT reductions associated with proposed TDM mitigation measures can be estimated with:
 - CAPCOA reduction equations
 - Use of OCTAM and the PA Methodology to isolate commute VMT
 - The SGVCOG VMT Assessment Tool TDM module can be utilized to estimate VMT reduction potential associated with TDM measures

*Please note that a Mitigation Bank or Mitigation Exchange program may not be readily available. Check with City staff.



Abbreviations

CAPCOA = California Air Pollution Control Officers Association	TDM = Transportation Demand Management
FAR = Floor Area Ratio	TIA = Traffic Impact Analysis
PA = Production-Attraction	TPA = Transit Priority Area
RTP = Regional Transportation Plan	VMT = Vehicle Miles Traveled
SCAG = Southern California Association of Governments	
SCS = Sustainable Communities Strategy	
SGVCOG = San Gabriel Valley Council of Governments	

ATTACHMENT B: SGVCOG VMT ASSESSMENT TOOL USER GUIDE

SGVCOG VMT Tool: Quick Start Guide

(August 18, 2020)

Led by the San Gabriel Valley Council of Governments (SGVCOG) at the direction of 27 of the 30 member cities that constitute SGVCOG, this tool is an outcome of the VMT implementation process whereby the participating cities adopted new significance thresholds for analyzing transportation impacts pursuant to Senate Bill 743 (SB 743). The tool covers the following SGVCOG cities:

Alhambra	Industry	Rosemead
Arcadia	Irwindale	San Dimas
Azusa	La Canada Flintridge	San Gabriel
Baldwin Park	La Puente	San Marino
Claremont	Laverne	Sierra Madre
Covina	Monterey Park	South El Monte
Diamond Bar	Montebello	Temple City
Duarte	Monrovia	Walnut
El Monte	Pomona	West Covina

The tool can be accessed at <https://apps.fehrandpeers.com/SGVCOGVMT/>. Each of the cities has unique thresholds of significance, and the methodologies for VMT screening may vary slightly due to the different development patterns and geographic location of each community. Please coordinate with the respective city when using this tool for development purposes.

WHAT DOES THIS TOOL DO?

The SGVCOG VMT Tool is designed to assist you in screening and estimating project-generated VMT for certain types of land use projects in the San Gabriel Valley and calculating VMT reductions associated with certain VMT-reducing measures. The tool is intended for use on four primary land uses:

- Residential
- Office
- Industrial
- Commercial (e.g. retail, restaurant, and entertainment uses)

The tool evaluates projects with one or a combination of these uses.

LIMITATIONS OF THE VMT EVALUATION TOOL

The VMT Evaluation Tool only covers some of the possible screening criteria that a city or county may establish for land use project VMT analysis per California Senate Bill 743. The Tool is limited to providing estimates based on data provided in the model, whereby if a proposed project is of a land use type that is not reflected in the Traffic Analysis Zone (TAZ) either now or in the future, the Tool is not capable of estimating the VMT efficiency rate for that land use type. Other land uses types, large, complex and/or

mixed-use projects, or long-range land use plans should be analyzed using the Boundary Method, which requires running the SCAG RTP Model. Before making any decisions based on the information provided by the VMT Evaluation Tool, it is recommended that you contact the city in which the proposed development is located.

RUNNING THE VMT EVALUATION TOOL – 4 BASIC STEPS

The following are the four basic steps involved in running the VMT Evaluation Tool:

Page 1: Select Project Area

Step 1: Jurisdiction

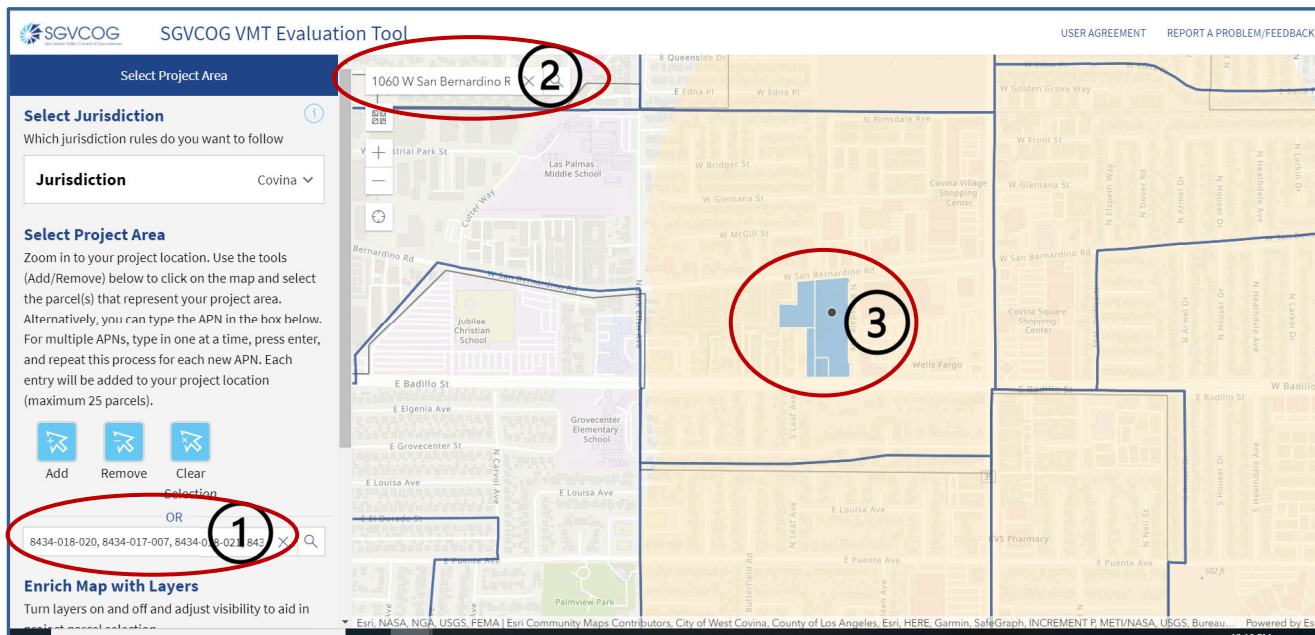
Using the drop-down box, select the city where the project is located. This is required.

Step 2: Select Parcel(s)

There are three ways to locate the parcels associated with a proposed project:

1. Type in the Assessor Parcel Number(s) (APN). The APN requires a dash between each grouping of numbers (XXXX-XXX-XXX).
2. Type in the Project Address; or,
3. Zoom into the map

To select the parcel, click on “Add”.



Page 2: Determine Screening Inputs

• Project Information

- **Project Name:** Must type in a project name (required field) – max 250 characters
- **Project Description:** Required field – max 250 characters
- **APNs:** Auto-populated from Page 1

- **Select Base Data:** Auto-populated
- **Analysis Methodology:** Auto-populated
- **Select Baseline Year:** The tool has the capability of providing baseline VMT between 2012 and 2040 pursuant to the 2016 SCAG RTP Model. To select a baseline year, click on the timeline and slide the point to the preferred baseline year.
- **VMT Metric Specification for Land Use 1-3:** The tool is capable of evaluating up to three land use types per project. The tool is also capable of evaluating the difference in VMT Metrics for one land use type. For the latter, select the same land use type for Land Use 1 and Land Use 2 and select different VMT Metrics.

The screenshot shows the 'SGVCOG VMT Evaluation Tool' interface. The 'APN Number(s)' field contains '8434-018-020, 8434-017-007, 8434-018-021, 8434-017-008'. The 'Select Base Data' section shows 'Data Version' as 'SCAG Regional Travel Demand Model 2016 RTP Base Year 2012'. The 'Analysis Methodology' section shows 'Method' as 'Traffic Analysis Zone (TAZ) Method'. The 'Select Baseline Year' section features a timeline slider from 2012 to 2040, with the 'Selected Value' set to 2020.

- **Land Use Type:** Select 1) Residential, 2) Office, 3) Industrial, or 4) Commercial.
- **VMT Metric:** Select Home-based VMT per Capita/Home-based VMT per Worker or Total VMT per Service Population
- **Jurisdictional Average for Baseline:** Pre-set (based on City preferences)
- **Threshold:** Pre-set (based on City preferences)
- **Project Screening Only** versus **Continue to VMT Reduction Factors:** Option to screen first without VMT reductions. The tool provides a mechanism to return to this page and select reductions.

The screenshot shows the 'Tool' interface with various settings. The 'VMT Metric' is set to 'Total VMT per Service Population'. The 'Jurisdictional Average for Baseline' is set to 'Subarea Average'. The 'Threshold (% reduction from baseline year)' is set to '-15%'. The 'VMT Metric Specification for Land Use 3' section shows 'Land Use Type' as 'Residential', 'VMT Metric' as 'Home-based VMT per Capita', 'Jurisdictional Average for Baseline' as 'Subarea Average', and 'Threshold (% reduction from baseline year)' as '-15%'. At the bottom, there are two buttons: 'PROJECT SCREENING ONLY' and 'CONTINUE TO VMT REDUCTION FACTORS'.

Page 4: Project Screening Results (without VMT Reduction Strategies)

SGVCOG VMT Evaluation Tool Report

Project Details
 Timestamp of Analysis: August 31, 2020, 02:20:08 PM
 Project Name: Covina Mixed-Use Project
 Project Description: Mixed-use office, retail and residential

Project Location
 Jurisdiction: Covina
 Inside a TPA? Yes (Pass)
 Map showing project location in Covina, CA.

Project Land Use
 Residential:
 Single Family DU: 132
 Multifamily DU: 132
 Total DUs: 132
 Non-Residential:
 Office KSF: 6
 Local Serving Retail KSF: 6
 Industrial KSF:
 Residential Affordability (percent of all units):
 Extremely Low Income: 0 %
 Very Low Income: 0 %
 Low Income: 0 %
 Parking:
 Motor Vehicle Parking: 324
 Bicycle Parking:

Page 4 (VMT Screening Results): From this page with Project Screening Results, there is an option at the top left of the page to “Edit Inputs”. Click this to return to Page 3.

Page 3: Click on **Continue to VMT Reduction Strategies** to test VMT reduction strategies. Details about the VMT Reduction Strategies are provided in Appendix D of the Transportation Assessment Guidelines.

Page 4 (Land Use Info and VMT Reduction Strategies): On this page, populate the project details. Note that the light blue “i” in a circle can be clicked on for additional information, as demonstrated below.

Residential Affordability (percent of all units)

Extremely Low Income

Very Low Income

Low Income

Information tooltip: Residential Affordability (percent of all units). Enter the affordability levels of the residential units (if applicable).

- Project Land Use Information**

- The left-hand entry boxes contain up/down arrows for increasing/decreasing values, but by clicking to the left of the up/down arrows, you may also type in a value, as shown below. Please note that all square-footage values are calculated in

Non-Residential

Office KSF

the tool in terms of one thousand square feet (KSF) so for a 6,000 square-foot office, the field would be populated with a “6”, as shown below.

- **VTM Reduction Strategies**

- Select the desired VMT Reduction Strategies by first clicking the box next to the strategy. In some cases, additional inputs will be required, such as the example below for Tier 3 Parking (PK01 Limit Parking Supply)

Tier 2 Multimodal Infrastructure ▼

Tier 3 Parking ▲

☒ **PK01 Limit Parking Supply**

Minimum Parking Required by City Code

60

i

Total Parking Spaces Available to Employees

20

Does the surrounding street parking have RPP, meters, or time limits?

Yes

No

i

☐ **PK02 Provide Bike Facilities**

Bicycle Parking Spaces Provided by Project

Project Provides Additional End-of-trip Facilities Beyond Parking?

- **A number of reduction strategies overlap with each other.** For instance, a strategy may consist of a basket of measures which may overlap with some of the measures in another strategy. Therefore, the SGVCOG VMT Evaluation Tool logic has been coded to reflect these dependencies, so that if one measure is chosen, other overlapping measures are not allowed. The dependencies in the tool are summarized below and are shown in the Tool by greying out certain reductions so that they cannot be selected.

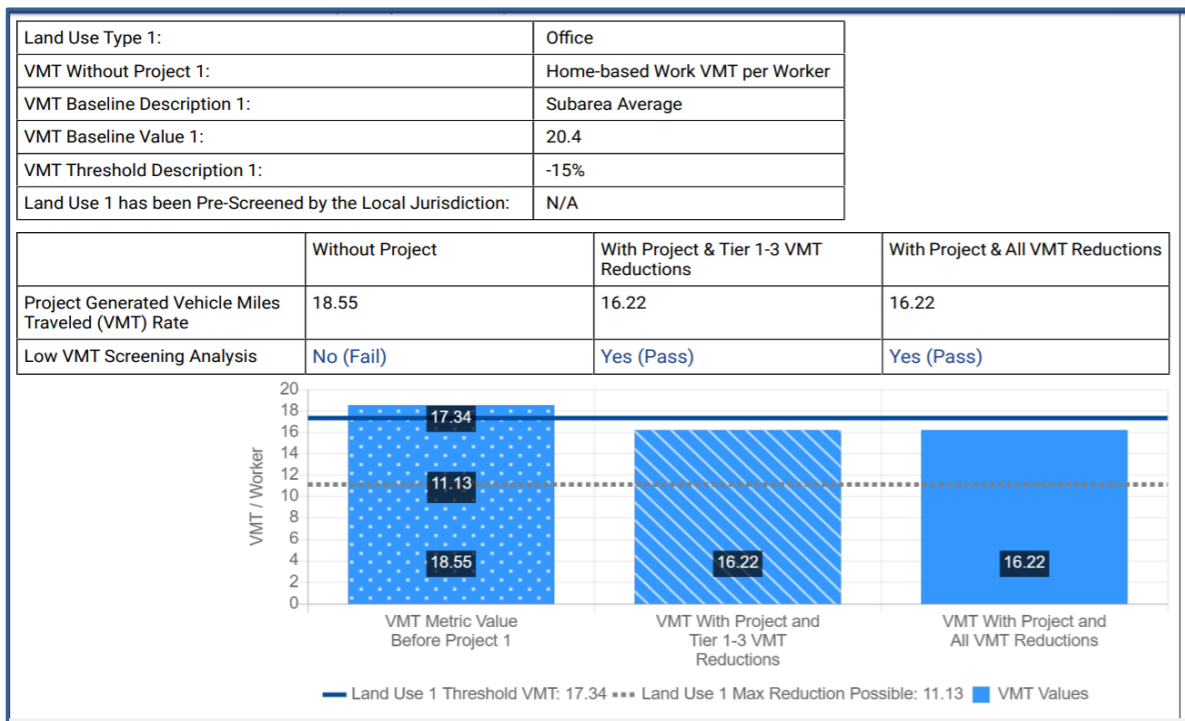
If this strategy is chosen...	This strategy is not allowed...
PK 02 Provide Bike Facilities	TP 05 Implement CTR Program
TP 04 CTR Marketing and Education	TP 05 Implement CTR Program TP 15 Travel behavior Change TP 18 Voluntary Travel Behavior Change Program
TP 05 Implement CTR Program	PK 02 Provide Bike Facilities TP 04 CTR Marketing and Education TP 08 Telecommuting and Alternative Work Schedules TP 13 Ride-Sharing Programs TP 15 Behavioral Intervention TP 17 Vanpool Incentives TP 18 Voluntary Travel Behavior Change Program
TP 06 Employee Parking Cash-Out	TP 10 Price Workplace Parking
TP 07 Subsidized Transit Program	TP 11 Alternative Transportation Benefits
TP 08 Telecommuting and Alternative Work Schedules	TP 05 Implement CTR Program
TP 09 Free Door-to-Door Transit Fleet	TP 13 Ride-Sharing Programs TP 17 Vanpool Incentives
TP 10 Price Workplace Parking	TP 06 Employee Parking Cash-Out
TP 11 Alternative Transportation Benefits	TP 07 Subsidized Transit Program
TP 13 Ride-Sharing Programs	TP 05 Implement CTR Program TP 09 Free Door-to-Door Transit Fleet TP 17 Vanpool Incentives
TP 15 Behavioral Intervention	TP 04 CTR Marketing and Education TP 05 Implement CTR Program TP 18 Voluntary Travel Behavior Change Program
TP 17 Vanpool Incentives	TP 05 Implement CTR Program TP 09 Free Door-to-Door Transit Fleet TP 13 Ride-Sharing Programs
TP 18 Voluntary Travel Behavior Change Program	TP 04 CTR Marketing and Education TP 05 Implement CTR Program TP 15 Behavioral Intervention

- Project Screening Results (with VMT Reduction Strategies):** The results of the Project Screening are summarized in this report. The Tool does not screen based on 110-daily trips. Screening for this factor must be completed outside of the tool using the ITE Trip Generation Manual. This Tool screens projects based on their location within a TPA and/or a Low VMT Area. The Screening Results provides the following information about these two screening criteria.

1. **Transit Priority Area (TPA):** Page 1 of the SGVCOG VMT Evaluation Tool Report

Project Location						
Jurisdiction:	APN	TAZ	8434-018-020	22327200	8434-018-021	22327200
Covina	8434-017-007	22327200	8434-017-008	22327200		
Inside a TPA?						
Yes (Pass)						

2. **Low VMT Area:** Page 2 of the SGVCOG VMT Evaluation Tool Report provides details about the VMT generation in the area of the proposed project. The table in the figure below indicates the Home-based VMT per Employee Baseline (20.4), and the dark blue line indicated in the bar chart (17.34) indicates the threshold of 15 percent below the Baseline. The gray dotted line in the bar chart indicates the maximum potential VMT reduction (16.22) that could be available through the strategies in the tool.



READING THE REPORT & EXPORT FILES

The VMT Evaluation Tool produces two types of outputs: a formatted report, which shows up on the Results screen and can be downloaded as a PDF file, and data tables including all the user-provided inputs and the back-end data which can be downloaded as CSV files.

Key things to look for in the report / PDF:

- **Whether the project falls in proximity to transit** (within ½ mile of a Major Transit Stop, or ½ mile of a stop along a High-Quality Transit Corridor as defined in state law): Look for the 'Inside TPA?' question on Page 1 of the report.

Project Location			
Jurisdiction:	APN	TAZ	
Campbell	27938075	21	
Inside Transit Priority Area (TPA)?			
Yes (Pass)			

- **Whether the project falls in a low-VMT area** (i.e., below the VMT threshold specified by the city/town/county): Look for the 'Low VMT Screening Analysis' row on the Screening Results page(s) of the report, starting on page 2. There will be Low-VMT Screening results for each land use you select.

	Without Project	With Project and Tier 1-3 VMT Reductions	With Project and All VMT Reductions
Project Generated Vehicle Miles Traveled (VMT) Rate	14.69	14.53	11.75
Low VMT Screening Analysis	No (Fail)	No (Fail)	Yes (Pass)

The CSV files are intended to help the user understand how the VMT reduction results were obtained; the data in the files, along with the formulas in forthcoming User Manual, should help confirm the results.

TIPS FOR SUCCESS

- Look for the “tool-tips”  across the tool to help understand fields where inputs are required.
- The tool may take 1 - 2 minutes to run a report; if it takes much longer, refresh and try again.
- If you are running variations on the same site and project, use the back arrows in the upper-left of the screen (such as ) to go back, vary some inputs, and run the report again.
- To start a completely new analysis while staying in the tool, use the button in the upper-right of the Results screen. 
- The tool is optimized for Chrome, Firefox, Edge or Safari on a Windows or Mac computer, although you may also access it from a tablet or another browser. If you encounter unexpected issues, try clearing your browser cache and cookies and running again.
- Please fill out the short feedback form by clicking on the link  in the upper-right of the tool. You may report errors, rate the tool, and offer suggestions for future improvements.

FOR MORE INFORMATION

SGVCOG will be providing further documentation of the VMT Evaluation Tool in Fall 2020, including a User Manual and Frequently Asked Questions (FAQ) sheet.

If you have questions about the VMT Evaluation Tool, you may email j.hayes@fehrandpeers.com.

For any inquiries about how the tool may be applied in a land use review and approval process, please contact staff at the city/town/county in which the project is located.

ATTACHMENT C: DETAILED VMT FORECASTING INFORMATION

This attachment provides detailed VMT forecasting instructions for use with the 2016 RTP/SCS version of the Southern California Association of Governments (SCAG) Travel Demand Model. Please note that SCAG periodically updates the travel demand model and while these instructions are for use of the 2016 RTP/SCS version of the model, the City should be consulted to determine the appropriate model or tool to utilize for travel demand forecasting and transportation analyses.

The SCAG travel demand model is a trip-based model that generates daily person trip-ends for each transportation analysis zone (TAZ) across various trip purposes (e.g., home-based-work, home-based-other, and non-home-based) based on population, household, and employment variables.

Production and attraction trip-ends are separately calculated for each zone, and generally production trip-ends are generated by residential land uses and attraction trip-ends are generated by non-residential land uses. Focusing on residential and employment land uses, the first step to forecasting VMT requires translating the land use into model terms, the closest approximations are:

- Residential: home-based production trips
- Employment: home-based work attraction trips

For retail uses, total VMT (accounting for all production and attraction trip types) is calculated and examined.

VMT Forecasting Instructions

The approach described below is for calculating home-based VMT and home-based work VMT using standard SCAG model output files. The major steps of this approach are listed as follows:

- Sum production-attraction (PA) matrices by time period and mode to calculate daily trips.
- Multiply distance skim matrices by PA trip matrices by purpose to estimate home-based production VMT (sum of home-based work, home-based school, and home-base non-work production VMT) and home-based work attraction VMT for individual TAZs.
- The home-based VMT per capita for a TAZ can be obtained by dividing the TAZ's home-based product VMT by the number of residents in the TAZ; home-based work VMT per employee can be obtained by dividing home-based work attraction VMT by the number of employees. VMT per capita or VMT per employee for an area (e.g., city) can be calculated by aggregating the relevant VMT for all TAZs in the area, aggregating residents or employees, and dividing VMT by residents or employees to obtain the desired metric.

The approach described below is for calculating total VMT using standard SCAG model output files. The major steps of this approach are listed as follows:

- Sum all production-attraction (PA) matrices to calculate daily trips.
- Multiply distance skim matrices by daily PA trip matrices.
- The total VMT can be calculated by aggregating the row or column totals for all TAZs that are within the desired geography (e.g., citywide or regional).

Appropriateness Checks

The estimated results should be checked against the results from an original/unmodified model run to understand the degree of accuracy. Note that these custom processes may or may not apply to special generators trips (e.g., airport or stadium) and the City should be consulted to determine if the model and these methods are appropriate.

When calculating VMT for comparison at the study area, citywide, or regional geography, the same methodologies that were used to estimate project-specific VMT at the TAZ level should be used, aggregating VMT and population/employment totals for all zones that are within the desired geography.

ATTACHMENT D: VMT REDUCTION STRATEGIES

Attachment D: VMT Mitigation Strategies

Comparison of CAPCOA Strategies Versus New Research Since 2010

CAPCOA Category	CAPCOA #	CAPCOA Strategy	CAPCOA Reduction	Strength of Substantial Evidence for CEQA Impact Analysis?	Applicable to Individual Land Use Projects?	New Information Since CAPCOA Was Published in 2010		
						New information	Change in VMT reduction compared to CAPCOA	Literature or Evidence Cited
Land Use/Location	3.1.1	LUT-1 Increase Density	0.8% - 30% VMT reduction due to increase in density	Adequate	Yes - however, the project must increase residential or employment density by at least 10%.	Increasing residential density is associated with lower VMT per capita. Increased residential density in areas with high jobs access may have a greater VMT change than increases in regions with lower jobs access. The range of reductions is based on a range of elasticities from -0.04 to -0.22. The low end of the reductions represents a -0.04 elasticity of demand in response to a 10% increase in residential units or employment density and a -0.22 elasticity in response to 50% increase to	0.4% -10.75%	Primary sources: Boarnet, M. and Handy, S. (2014). Impacts of Residential Density on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/sb375/policies/policies.htm Secondary source: Stevens, M. (2017). Does Compact Development Make People Drive Less? Journal of the American Planning Association, 83(1), 7-18.
Land Use/ Location	3.1.3	LUT-3 Increase Diversity of Urban and Suburban Developments	9%-30% VMT reduction due to mixing land uses within a single development	Adequate	Yes	1) VMT reduction due to mix of land uses within a single development. Mixing land uses within a single development can decrease VMT (and resulting GHG emissions), since building users do not need to drive to meet all of their needs. 2) Reduction in VMT due to regional change in entropy index of diversity. Providing a mix of land uses within a single neighborhood can decrease VMT (and resulting GHG emissions), since trips between land use types are shorter and may be accommodated by non-auto modes of transport. For example when residential areas are in the same neighborhood as retail and office buildings, a resident does not need to travel outside of the neighborhood to meet his/her trip needs. At the regional level,	1) 0%-12% 2) 0.3%-4%	1) Ewing, R. and Cervero, R. (2010). Travel and the Built Environment - A Meta-Analysis. Journal of the American Planning Association, 76(3), 265-294. Cited in California Air Pollution Control Officers Association. (2010). Quantifying Greenhouse Gas Mitigation Measures. Retrieved from: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf Frank, L., Greenwald, M., Kavage, S. and Devlin, A. (2011). An Assessment of Urban Form and Pedestrian and Transit Improvements as an Integrated GHG Reduction Strategy. WSDOT Research Report WA-RD 765.1. Washington State Department of Transportation. Retrieved from: http://www.wsdot.wa.gov/research/reports/fullreports/765.1.pdf Nasri, A. and Zhang, L. (2012). Impact of Metropolitan-Level Built Environment on Travel Behavior. Transportation Research Record. Journal of the Transportation Research Board, 2323(1), 75-79. Sadek, A. et al. (2011). Reducing VMT through Smart Land-Use Design. New York State Energy Research and Development Authority. Retrieved from: https://www.dot.ny.gov/divisions/engineering/technical-services/trans-r-and-d-repository/C-08-29%20Final%20Report_December%202011%20%282%29.pdf Spears, S. et al. (2014). Impacts of Land-Use Mix on Passenger Vehicle Use and Greenhouse Gas Emissions- Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/sb375/policies/policies.htm 2) Zhang, Wengia et al. "Short- and Long-Term Effects of Land Use on Reducing Personal Vehicle Miles of
Land Use/Location	3.1.4	LUT-4 Increase Destination Accessibility	6.7%-20% VMT reduction due to decrease in distance to major job center or downtown	Adequate	Yes	Reduction in VMT due to increased regional accessibility (jobs gravity). Locating new development in areas with good access to destinations reduces VMT by reducing trip lengths and making walking, biking, and transit trips more feasible. Destination accessibility is measured in terms of the number of jobs (or other attractions) reachable within a given travel time, which tends to be highest at central	0.5%-12%	Primary sources: Handy, S. et al. (2014). Impacts of Network Connectivity on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/sb375/policies/policies.htm Handy, S. et al. (2013). Impacts of Regional Accessibility on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/sb375/policies/policies.htm Secondary source: Holtzclaw, et al. (2002.) Location Efficiency: Neighborhood and Socioeconomic Characteristics Determine Auto
Land Use/ Location	3.1.5	LUT-5 Increase Transit Accessibility	0.5%-24.6% reduce in VMT due to locating a project near high- quality transit	Adequate	Yes - the project must include the TOD design features.	1) VMT reduction when transit station is provided within 1/2 mile of development (compared to VMT for sites located outside 1/2 mile radius of transit). Locating high density development within 1/2 mile of transit will facilitate the use of transit by people traveling to or from the Project site. The use of transit results in a mode shift and therefore reduced VMT. 2) Reduction in vehicle trips due to implementing TOD. A project with a residential/commercial center designed around a rail or bus station, is called a transit-oriented development (TOD). The project description should include, at a minimum, the following design features: • A transit station/stop with high-quality, high-frequency bus service located within a 5-10 minute walk (or roughly 1/4 mile from stop to edge of development), and/or • A rail station located within a 20 minute walk (or roughly 1/2 mile from station to edge of	1) 0%-5.8% 2) 0%-7.3%	1) Lund, H. et al. (2004). Travel Characteristics of Transit-Oriented Development in California. Oakland, CA: Bay Area Rapid Transit District, Metropolitan Transportation Commission, and Caltrans. Tal, G. et al. (2013). Policy Brief on the Impacts of Transit Access (Distance to Transit) Based on a Review of the Empirical Literature. California Air Resources Board. Retrieved from: https://www.arb.ca.gov/cc/sb375/policies/transitaccess/transit_access_brief120313.pdf 2) Zamir, K. R. et al. (2014). Effects of Transit-Oriented Development on Trip Generation, Distribution, and Mode Share in Washington, D.C., and Baltimore, Maryland. Transportation Research Record: Journal of the Transportation Research Board, 2413, 45-53. DOI: 10.3141/2413-05
Land Use/ Location	3.1.6	LUT-6 Integrate Affordable and Below Market Rate Housing	0.04%-1.20% reduction in VMT for making up to 30% of housing units BMR	Weak - Should only be used where supported by local data on affordable housing trip	Potentially yes - the use of this strategy would need to be supported by local data.	Observed trip generation indicates substantial local and regional variation in trip making behavior at affordable	N/A	"Draft Memorandum: Infill and Complete Streets Study, Task 2.1: Local Trip Generation Study." Measuring the Miles: Developing new metrics for vehicle travel in LA. City of Los Angeles, April 19, 2017.
Land Use/Location	3.1.9	LUT-9 Improve Design of Development	3.0% - 21.3% reduction in VMT due to increasing intersection density vs. typical ITE suburban development	Adequate	Yes	No update to CAPCOA literature; advise applying CAPCOA measure only to large developments with significant internal street	Same	N/A

Neighborhood Site Enhancements	3.2.1	SDT-1 Provide Pedestrian Network Improvements	0%-2% reduction in VMT for creating a connected pedestrian network within the development and connecting to nearby destinations	Adequate	No - this strategy would require a project to integrate into a larger overall network of pedestrian facilities that would require local and/or regional agency coordination to implement. Current research supports city and neighborhood level VMT reductions, but none of the literature addressed existing and new destinations.	VMT reduction due to provision of complete pedestrian networks. Only applies if located in an area that may be prone to having a less robust sidewalk network.	0.5%-5.7%	Handy, S. et al. (2014). Impacts of Pedestrian Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/sb375/policies/policies.htm
Neighborhood Site Enhancements	3.2.2	SDT-2 Provide Traffic Calming Measures	0.25%-1% VMT reduction due to traffic calming on streets within and around the development	Adequate	Potentially yes - The requirements for the project-level definition must be met. In general, this strategy would require a project to integrate into a larger overall network of bicycle facilities that would require local and/or regional agency coordination to implement.	Reduction in VMT due to expansion of bike networks in urban areas. Strategy only applies to bicycle facilities that provide a dedicated lane for bicyclists or a completely separated right-of-way for bicycles and pedestrians. Project-level definition: Enhance bicycle network citywide (or at similar scale), such that a building entrance or bicycle parking is within 200 yards walking or bicycling distance from a bicycle network that connects to at least one of the following: at least 10 diverse uses; a school or employment center, if the project total floor area is 50% or more residential; or a bus rapid transit stop, light or heavy rail station, commuter rail station, or ferry	0%-1.7%	Zahabi, S. et al. (2016). Exploring the link between the neighborhood typologies, bicycle infrastructure and commuting cycling over time and the potential impact on commuter GHG emissions. Transportation Research Part D: Transport and Environment. 47, 89-103.
Neighborhood Site Enhancements	3.2.3	SDT-3 Implement an NEV Network	0.5%-12.7% VMT reduction for GHG-emitting vehicles, depending on level of local NEV penetration	Weak - not recommended without supplemental data.	No - the evidence supporting this strategy is limited.	Limited evidence and highly limited applicability. Use with supplemental data only.	N/A	City of Lincoln, MHM Engineers & Surveyors, Neighborhood Electric Vehicle Transportation Program Final Report, Issued 04/05/05, and City of Lincoln, A Report to the California Legislature as required by Assembly Bill 2353, Neighborhood Electric Vehicle Transportation Plan Evaluation, January 1, 2008. Cited in: California Air Pollution Control Officers Association. (2010). Quantifying Greenhouse Gas Mitigation Measures. Retrieved from: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf
Parking Pricing	3.3.1	PDT-1 Limit Parking Supply	5%-12.5% VMT reduction in response to reduced parking supply vs. ITE parking generation rate	Weak - not recommended. Fehr & Peers has developed new estimates for residential land use only that may be used.	Yes - evidence is only available to support taking these reduction high-transit urban areas.	CAPCOA reduction range derived from estimate of reduced vehicle ownership, not supported by observed trip or VMT reductions. Evidence is available for mode shift due to presence/absence of parking in high-transit urban areas; additional investigation ongoing	Higher	Fehr & Peers estimated a linear regression formula based on observed data from multiple locations. Resulting equation produces maximum VMT reductions for residential land use only of 30% in suburban locations and 50% in urban locations based on parking supply percentage reductions.
Parking Pricing	3.3.2	PDT-2 Unbundle Parking Costs from Property Cost	2.6%-13% VMT reduction due to decreased vehicle ownership rates	Adequate - conditional on the agency not requiring parking minimums and pricing/managing on street parking (i.e., residential parking permit districts, etc.).	Yes - however, the project must be in a location that does not require parking minimums and has priced or permitting on-street parking.	Reduction in VMT, primarily for residential uses, based on range of elasticities for vehicle ownership in response to increased residential parking fees. Does not account for self-selection. Only applies if the city does not require parking minimums and if on-street parking is priced and managed (i.e., residential	2%-12%	Victoria Transport Policy Institute (2009). Parking Requirement Impacts on Housing Affordability. Retrieved March 2010 from: http://www.vtpi.org/park-hou.pdf .
Parking Pricing	3.3.3	PDT-3 Implement Market Price Public Parking	2.8%-5.5% VMT reduction due to "park once" behavior and disincentive to driving	Adequate	Yes - however, the VMT reductions would only apply to visitor or customer trips.	Implement a pricing strategy for parking by pricing all central business district/employment center/retail center on-street parking. It will be priced to encourage park once" behavior. The benefit of this measure above that of paid parking at the project only is that it deters parking spillover from project supplied parking to other public parking nearby, which undermine the vehicle miles traveled (VMT) benefits of project pricing. It may also generate sufficient area-wide mode shifts to justify increased transit service to the area. VMT reduction applies to VMT from visitor/customer trips only. Reductions higher than top end of range from CAPCOA report apply only in conditions with highly	2.8%-14.5%	Clinch, J.P. and Kelly, J.A. (2003). Temporal Variance Of Revealed Preference On-Street Parking Price Elasticity. Dublin: Department of Environmental Studies, University College Dublin. Retrieved from: http://www.ucd.ie/gpep/research/workingpapers/2004/04-02.pdf . Cited in Victoria Transport Policy Institute (2017). Transportation Elasticities: How Prices and Other Factors Affect Travel Behavior. Retrieved from: http://www.vtpi.org/tm/tm1.htm Hensher, D. and King, J. (2001). Parking Demand and Responsiveness to Supply, Price and Location in Sydney Central Business District. Transportation Research A. 35(3), 177-196. Millard-Ball, A. et al. (2013). Is the curb 80% full or 20% empty? Assessing the impacts of San Francisco's parking pricing experiment. Transportation Research Part A. 63(2014), 76-92. Shoup, D. (2011). The High Cost of Free Parking. APA Planners Press. p. 290. Cited in Pierce, G. and Shoup, D. (2013). Getting the Prices Right. Journal of the American Planning Association. 79(1), 67-81.
Commute Trip Reduction	3.4.1	TRT-1 Implement CTR Program - Voluntary	1.0%-6.2% commute VMT reduction due to employer-based mode shift program	Adequate - Effectiveness is building/tenant specific. Do not use with "TRT-2 Implement CTR Program - Required Implementation/Monitoring" or with CAPCOA strategies TRT-3.4.3 through TRT-3.4.9.	Yes - however, the effectiveness of a voluntary CTR program would be building tenant specific and may require monitoring to evaluate the program's effectiveness.	Reduction in vehicle trips in response to employer-led TDM programs. The CTR program should include all of the following to apply the effectiveness reported by the literature: • Carpooling encouragement • Ride-matching assistance • Preferential carpool parking • Flexible work schedules for carpools • Half time transportation coordinator • Vanpool assistance	1.0%-6.0%	Boarnet, M. et al. (2014). Impacts of Employer-Based Trip Reduction Programs and Vanpools on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/sb375/policies/policies.htm
Commute Trip Reduction	3.4.2	TRT-2 Implement CTR Program - Required Implementation/Monitoring	4.2%-21.0% commute VMT reduction due to employer-based mode shift program with required monitoring and reporting	Adequate - Effectiveness is building/tenant specific. Do not use with "TRT-1 Implement CTR Program - Voluntary" or with CAPCOA strategies TRT-	Yes - however, the effectiveness of a CTR program would be building tenant specific and may require monitoring to evaluate the program's effectiveness.	Limited evidence available. Anecdotal evidence shows high investment produces high VMT/vehicle trip reductions at employment sites with monitoring requirements and specific targets.	Same	Nelson/Nygaard (2008). South San Francisco Mode Share and Parking Report for Genentech, Inc. (p. 8) Cited in: California Air Pollution Control Officers Association. (2010). Quantifying Greenhouse Gas Mitigation Measures. Retrieved from: http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf

Commute Trip Reduction	3.4.3	TRT-3 Provide Ride-Sharing Programs	1%-15% commute VMT reduction due to employer ride share coordination and facilities	Adequate - Effectiveness is building/tenant specific. Do not use with "TRT-1 Implement CTR Program - Voluntary" or "TRT-2 Implement CTR Program - Required Implementation/Monitoring."	Yes - however, the effectiveness of the ride-sharing programs is building tenant specific and may require monitoring to evaluate the program's effectiveness.	Commute vehicle trips reduction due to employer ride-sharing programs. Promote ride-sharing programs through a multi-faceted approach such as: • Designating a certain percentage of parking spaces for ride sharing vehicles • Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles	2.5%-8.3%	Victoria Transport Policy Institute. (2015). Ridesharing: Carpooling and Vanpooling. Online TDM Encyclopedia. Retrieved from: http://vtpi.org/tdm/tdm34.htm
Commute Trip Reduction	3.4.4	TRT-4 Implement Subsidized or Discounted Transit Program	0.3%-20% commute VMT reduction due to transit subsidy of up to \$6/day	Adequate - Effectiveness is building/tenant specific. Do not use with "TRT-1 Implement CTR Program - Voluntary" or "TRT-2 Implement CTR Program - Required Implementation/Monitoring."	Yes - however, the effectiveness of a transit subsidy program would be building tenant specific and may require monitoring to evaluate the program's effectiveness.	1) Reduction in vehicle trips in response to reduced cost of transit use, assuming that 10-50% of new bus trips replace vehicle trips; 2) Reduction in commute trip VMT due to employee benefits that include transit 3) Reduction in all vehicle trips due to reduced transit fares system- wide, assuming 25% of VMT reduction due to adoption of telecommuting. Alternative work schedules could take the form of staggered starting times, flexible schedules, or compressed work weeks.	1) 0.3%-14% 2) 0-16% 3) 0.1% to 6.9%	1) Victoria Transport Policy Institute. (2017). Understanding Transport Demands and Elasticities. Online TDM Encyclopedia. Retrieved from: http://www.vtpi.org/tdm/tdm11.htm 2) Carolina, P. et al. (2016). Do Employee Commuter Benefits Increase Transit Ridership? Evidence from the NY-NJ Region. Washington, DC: Transportation Research Board, 96th Annual Meeting. 3) Handy, S. et al. (2013). Impacts of Transit Service Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/sb375/policies/policies.htm
Commute Trip Reduction	3.4.6	TRT-6 Encourage Telecommuting and Alternative Work Schedules	0.07%-5.5% commute VMT reduction due to reduced commute trips	Adequate - Effectiveness is building/tenant specific. Do not use with "TRT-1 Implement CTR Program - Voluntary" or "TRT-2 Implement CTR Program - Required Implementation/Monitoring."	Yes - however, the effectiveness of telecommuting and alternative work schedules is building tenant specific and may require monitoring to evaluate the program's effectiveness.	VMT reduction due to adoption of telecommuting. Alternative work schedules could take the form of staggered starting times, flexible schedules, or compressed work weeks.	0.2%-4.5%	Handy, S. et al. (2013). Policy Brief on the Impacts of Telecommuting Based on a Review of the Empirical Literature. California Air Resources Board. Retrieved from: https://www.arb.ca.gov/cc/sb375/policies/telecommuting/telecommuting_brief120313.pdf
Commute Trip Reduction	3.4.7	1) TRT-7 Implement CTR Marketing 2) Launch Targeted Behavioral Interventions	0.8%-4.0% commute VMT reduction due to employer marketing of alternatives	Adequate - Effectiveness is building/tenant specific. Do not use with "TRT-1 Implement CTR Program - Voluntary" or "TRT-2 Implement CTR Program - Required Implementation/Monitoring."	Yes - however, the effectiveness of CTR marketing and behavioral intervention programs is building tenant specific and may require monitoring to evaluate the program's effectiveness.	1) Vehicle trips reduction due to CTR marketing; 2) Reduction in VMT from institutional trips due to targeted behavioral intervention programs	1) 0.9% to 26% 2) 1%-6%	1) Pratt, Dick. Personal communication regarding the Draft of TCRP 95 Traveler Response to Transportation System Changes - Chapter 19 Employer and Institutional TDM Strategies. Transit Cooperative Research Program. Cited in California Air Pollution Control Officers Association. (2010). Quantifying Greenhouse Gas Mitigation Measures. Retrieved from: http://www.capco.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf Dill, J. and Mohr, C. (2010). Long-Term Evaluation of Individualized Marketing Programs for Travel Demand Management. Portland, OR: Transportation Research and Education Center (TREC). Retrieved from: http://pdxscholar.library.pdx.edu/usp_fac 2) Brown, A. and Ralph, K. (2017). "The Right Time and Place to Change Travel Behavior: An Experimental
Commute Trip Reduction	3.4.9	TRT-9 Implement Car-Sharing Program	0.4% - 0.7% VMT reduction due to lower vehicle ownership rates and general shift to non-driving modes	Adequate	No - this strategy would require local and/or regional agency coordination to implement.	Vehicle trip reduction due to car-sharing programs; reduction assumes 1%-5% penetration rate. Implementing car-sharing programs allows people to have on-demand access to a shared fleet of vehicles on an as-needed basis, as a supplement to trips made by non-SOV modes. Transit station-based programs focus on providing the "last-mile" solution and link transit with commuters' final destinations. Residential-based programs work to substitute entire household based trips. Employer-based programs provide a means for business/day trips for alternative mode commuters and provide a guaranteed ride	0.3%-1.6%	Lovejoy, K. et al. (2013). Impacts of Carsharing on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/sb375/policies/policies.htm Need to verify with more recent UCD research.
Commute Trip Reduction	3.4.10	TRT-10 Implement a School Pool Program	7.2%-15.8% reduction in school VMT due to school pool implementation	Adequate - School VMT only.	Not applicable, unless if the project being evaluated is a school.	Limited new evidence available, not conclusive	Same	Transportation Demand Management Institute of the Association for Commuter Transportation. TDM Case Studies and Commuter Testimonials. Prepared for the US EPA. 1997. (p. 10, 36-38) WayToGo 2015 Annual Report. Accessed on March 12, 2017 from
Commute Trip Reduction	3.4.11	TRT-11 Provide Employer-Sponsored Vanpool/Shuttle	0.3%-13.4% commute VMT reduction due to employer-sponsored vanpool and/or shuttle service	Adequate - Effectiveness is building/tenant specific.	Yes - however, the effectiveness of the employer-sponsored vanpool/shuttle programs is dependent on the building tenant specific and the quality of the vanpool/shuttle service being provided. This reduction strategy may require monitoring to evaluate the	1) Reduction in commute vehicle trips due to implementing employer-sponsored vanpool and shuttle programs; 2) Reduction in commute vehicle trips due to vanpool incentive programs; 3) Reduction in commute vehicle trips due to employer shuttle programs	1) 0.5%-5.0% 2) 0.3%-7.4% 3) 1.4%-6.8%	1) Concas, Sisinnio, Winters, Philip, Wambalaba, Francis. (2005). Fare Pricing Elasticity, Subsidies, and Demand for Vanpool Services. Transportation Research Record: Journal of the Transportation Research Board, 1924, pp 215-223. 2) Victoria Transport Policy Institute. (2015). Ridesharing: Carpooling and Vanpooling. Online TDM Encyclopedia. Retrieved from: http://vtpi.org/tdm/tdm34.htm 3) ICF. (2014). GHG Impacts for Commuter Shuttles Pilot Program.
Commute Trip Reduction	3.4.13	TRT-13 Implement School Bus Program	38%-63% reduction in school VMT due to school bus service implementation	Adequate - School VMT only.	Not applicable, unless if the project being evaluated is a school.	VMT reduction for school trips based on data beyond a single school district. School district boundaries are also a factor to consider. VMT reduction does not appear to be a factor that was considered in a select review of CA boundaries. VMT reductions apply to school trip VMT only.	5%-30%	Wilson, E. et al. (2007). The implications of school choice on travel behavior and environmental emissions. Transportation Research Part D: Transport and Environment 12(2007), 506-518.
Commute Trip Reduction	3.4.14	TRT-14 Price Workplace Parking	0.1%-19.7% commute VMT reduction due to mode shift	Adequate - Effectiveness is building/tenant specific.	Yes - however, the effectiveness of pricing workplace parking could be building tenant specific and may require monitoring to evaluate the program's effectiveness.	Reduction in commute vehicle trips due to priced workplace parking; effectiveness depends on availability of alternative modes. Workplace parking pricing may include: explicitly charging for parking, implementing above market rate pricing, validating parking only for invited guests, not providing employee parking and transportation allowances, and educating employees about available	0.5%-14%	Primary sources: Concas, S. and Nayak, N. (2012). A Meta-Analysis of Parking Price Elasticity. Washington, DC: Transportation Research Board, 2012 Annual Meeting. Dale, S. et al. (2016). Evaluating the Impact of a Workplace Parking Levy on Local Traffic Congestion: The Case of Nottingham UK. Washington, DC: Transportation Research Board, 96th Annual Meeting. Secondary sources: Victoria Transport Policy Institute. (2017). Understanding Transport Demands and Elasticities. Online TDM Encyclopedia. Retrieved from: http://www.vtpi.org/tdm/tdm11.htm Spears, S. et al. (2014). Impacts of Parking Pricing on Passenger Vehicle Use and Greenhouse Gas Emissions -
Commute Trip Reduction	3.4.15	TRT-15 Employee Parking Cash-Out	0.6%-7.7% commute VMT reduction due to implementing employee parking cash-out	Weak - Effectiveness is building/tenant specific. Research data is over 10 years old (1997).	Yes - however, the effectiveness of employee parking cash-out could be building tenant specific and may require monitoring to evaluate the	Shoup case studies indicate a reduction in commute vehicle trips due to implementing cash-out without implementing other trip-reduction strategies.	3%-7.7%	Shoup, D. (1997). Evaluating the Effects of Cashing Out Employer-Paid Parking: Eight Case Studies. Transport Policy. California Air Resources Board. Retrieved from: https://www.arb.ca.gov/research/apr/past/93-308a.pdf . This citation was listed as an alternative literature in CAPCOA.

Transit System	3.5.3	TST-3 Expand Transit Network	0.1-8.2% VMT reduction in response to increase in transit network coverage	Adequate	No - expanding the transit network would require local and/or regional agency coordination to implement.	Reduction in vehicle trips due to increased transit service hours or coverage. Low end of reduction is typical of project-level implementation (payment of impact fees)	0.1%-10.5%	Handy, S. et al. (2013). Impacts of Transit Service Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/sb375/policies/policies.htm
Transit System	3.5.4	TST-4 Increase Transit Service Frequency/Speed	0.02%-2.5% VMT reduction due to reduced headways and increased speed and reliability	Adequate	No - increasing the quality of transit service would require local and/or regional agency coordination to implement.	Reduction in vehicle trips due to increased transit frequency/decreased headway. Low end of reduction is typical of project-level implementation (payment of impact fees)	0.3%-6.3%	Handy, S. et al. (2013). Impacts of Transit Service Strategies on Passenger Vehicle Use and Greenhouse Gas Emissions - Policy Brief and Technical Background Document. California Air Resources Board. Retrieved from: https://arb.ca.gov/cc/sb375/policies/policies.htm
Transit System	3.5.1	TST-1 Provide a Bus Rapid Transit System	0.02%-3.2% VMT reduction by converting standard bus system to BRT system	Adequate	No - the conversion of standard bus system to BRT would require local and/or regional agency coordination	No new information identified.	Same	N/A
Not Applicable - not a CAPCOA strategy	Not Applicable - not a CAPCOA strategy	Not Applicable - not a CAPCOA strategy	Not Applicable - not a CAPCOA strategy	Not Applicable - not a CAPCOA strategy	No - evidence currently does not show a project-specific VMT reductions, the current studies have shown city-wide VMT reductions from changes in travel modes.	Bikeshare car trip substitution rate of 7- 19% based on data from Washington DC, and Minneapolis/St. Paul. Annual VMT reduction of 151,000 and 57,000, respectively. Includes VMT for rebalancing and maintenance. VMT reduction of 0.023 miles per day per bikeshare member estimated for Bay Area bikeshare, utilizing Minneapolis/St. Paul data	57,000-151,000 annual VMT reduction, based on two large US cities. VMT reduction of 0.023 miles per day per member, based on one large US city estimate.	Fishman, E., Washington, S., & Haworth, N. (2014). Bike share's impact on car use: Evidence from the United States, Great Britain, and Australia. Transportation Research Part D: Transport and Environment, 31, 13-20. TDM Methodology: Impact of Carsharing Membership, Transit Passes, Bikesharing Membership, Unbundled Parking, and Parking Supply Reductions on Driving. Center for Neighborhood Technology, Peter Haas and Cindy Copp, with Transform staff, May 5, 2016.

ATTACHMENT E: TRANSPORTATION PROJECT TYPES AND VMT ANALYSIS REQUIREMENTS

Project types that would likely lead to a measurable and substantial increase in vehicle travel generally include:

- Addition of through lanes on existing or new highways, including general purpose lanes, HOV lanes, peak period lanes, auxiliary lanes, or lanes through grade-separated interchanges.

Projects that would not likely lead to a substantial or measurable increase in vehicle travel, and therefore generally should not require an induced travel analysis, include:

- Rehabilitation, maintenance, replacement, safety, and repair projects designed to improve the condition of existing transportation assets (e.g., highways; roadways; bridges; culverts; Transportation Management System field elements such as cameras, message signs, detection, or signals; tunnels; transit systems; and assets that serve bicycle and pedestrian facilities) and that do not add additional motor vehicle capacity
- Roadside safety devices or hardware installation such as median barriers and guardrails
- Roadway shoulder enhancements to provide "breakdown space," dedicated space for use only by transit vehicles, to provide bicycle access, or to otherwise improve safety, but which will not be used as automobile vehicle travel lanes
- Addition of an auxiliary lane of less than one mile in length designed to improve roadway safety
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left, right, and U-turn pockets, two-way left turn lanes, or emergency breakdown lanes that are not utilized as through lanes
- Addition of roadway capacity on local or collector streets provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit
- Conversion of existing general purpose lanes (including ramps) to managed lanes or transit lanes, or changing lane management in a manner that would not substantially increase vehicle travel
- Addition of a new lane that is permanently restricted to use only by transit vehicles
- Reduction in number of through lanes
- Grade separation to separate vehicles from rail, transit, pedestrians or bicycles, or to replace a lane in order to separate preferential vehicles (e.g., HOV, HOT, or trucks) from general vehicles
- Installation, removal, or reconfiguration of traffic control devices, including Transit Signal Priority (TSP) features
- Installation of traffic metering systems, detection systems, cameras, changeable message signs and other electronics designed to optimize vehicle, bicycle, or pedestrian flow
- Timing of signals to optimize vehicle, bicycle, or pedestrian flow
- Installation of roundabouts or traffic circles
- Installation or reconfiguration of traffic calming devices
- Adoption of or increase in tolls
- Addition of tolled lanes, where tolls are sufficient to mitigate VMT increase

- Initiation of new transit service
- Conversion of streets from one-way to two-way operation with no net increase in number of traffic lanes
- Removal or relocation of off-street or on-street parking spaces
- Adoption or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)
- Addition of traffic wayfinding signage
- Rehabilitation and maintenance projects that do not add motor vehicle capacity
- Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way
- Addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve non-motorized travel
- Installation of publicly available alternative fuel/charging infrastructure
- Addition of passing lanes, truck climbing lanes, or truck brake-check lanes in rural areas that do not increase overall vehicle capacity along the corridor



ITEM # 5

**CITY OF MONTEBELLO
PLANNING COMMISSION AGENDA STAFF REPORT**

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Emilie Fernandez, Assistant Planner

SUBJECT: **Compliance Review for Conditional Use Permit (“CUP”) No. PC-2021-0009-CUP for the sale of alcohol (Type 41 License – On-sale Beer and Wine - Eating Place) within an existing bona fide restaurant (Playas Guayabitos) located at 1418 West Beverly Boulevard (“Project Site”).**

DATE: October 17, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission of the City of Montebello (“Planning Commission”) review, receive and file this report, attachments, and/or any other supportive evidence to confirm:

1. That Playas Guayabitos Restaurant Inc. (the “Applicant”) has demonstrated compliance with the conditions of approval contained in Resolution No. 12-21/Conditional Use Permit No. PC-2021-0009-CUP (Attachment “A”) for the property located at 1418 West Beverly Boulevard.

FISCAL IMPACT:

None.

BACKGROUND:

- On August 12, 2021, the Applicant (Eduardo & Victoria Garcia – Las Islas Marias) filed a Conditional Use Permit application (PC-2021-0009-CUP) to allow the on-sale dispensing of beer and wine at the Project Site.

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- On October 19, 2021, the Planning Commission approved Resolution No. 12-21 (Attachment “A”), with conditions, allowing for the on-sale dispensing of beer and wine (Type 41 License) for the property located at 1418 West Beverly Blvd.
- Pursuant to Condition No. 8 of Resolution No. 12-21, the Applicant is required to demonstrate compliance with the conditions of approval in the form of an annual compliance review starting from the date of issuance of an Alcoholic Beverage Control (“ABC”) license. The report is due annually for the first three (3) years of alcohol sales.
- On March 8, 2022, a Type 41 ABC license was issued by the CA Department of Alcoholic Beverage Control. The first compliance report would have been initiated in March 2023, however, to allow the applicant to establish their alcohol license and provide the applicant sufficient time to furnish the required reports, the compliance review was postponed. The next compliance report will be due on October 19, 2024.
- On August 17 2023, the Type 41 ABC License was transferred to Playas Guayabitos.
- On August 1, 2023, Planning Division staff conducted a site visit to confirm compliance with the conditions of approval outlined in Resolution No. 12-21.

PROJECT/APPLICANT INFORMATION

Project Location: 1418 W. Beverly Blvd
Project Applicant: Playas Guayabitos
Property Owner(s): DM Property Group LLC
General Plan Designation: Boulevard Commercial
Zoning: C-2 (General Commercial)
Existing Use on Property: Multiple Commercial Uses

PROJECT SITE

Direction	Zone	Land Use
North	R-1	Low Density Commercial
South	C-1, C-2	Boulevard Commercial
East	C-2	Boulevard Commercial
West	R-3	Multifamily Residential

COMPLIANCE REPORT

Pursuant to Condition No. 8 of Resolution No. 12-21, “[t]he applicant and operator shall prepare and submit an annual project compliance report. This report is due annually for the first three (3) years of alcohol sales, starting one-year from the date of issuance” of an ABC license. Additionally, Condition No. 8 states that “the Director shall transmit the annual project compliance report to the Planning Commission to either receive and file or take any other action as deemed necessary”. The Planning Commission adopted Resolution No. 12-21 on October 19, 2021 and the Applicant was issued an ABC license on March 8, 2022. On July 20th 2023, the ABC license was transferred temporarily to Playas Guayabitos by ABC and on August 16th 2023 the ABC license transfer was finalized to Playas Guayabitos. The restaurant opened for operation on July 1st, 2023.

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The compliance report (Attachment "B") received from the Applicant has been reviewed by Planning staff. Staff has confirmed that the compliance report demonstrates compliance with the conditions of approval.

Based on staff's inspection conducted on August 1, 2023 and based on the information provided by the Applicant, the following provides status of compliance with the conditions of approval:

- Conditions No. 1-43 outlined in the approved Resolution No. 12-21 have been met.

ENVIRONMENTAL:

None.

ANALYSIS:

None.

SUMMARY:

The results of the compliance review for Playas Guayabitos show that the restaurant is in compliance with the conditions contained in Resolution No. 12-21/Conditional Use Permit No. PC-2021-0009-CUP. Based on the findings and attachments contained in this report, it is recommended that this information be received and filed.

Pursuant to Resolution No. 12-21/Conditional Use Permit No. PC-2021-0009-CUP, the next quarterly compliance report is due on October 19, 2024.

Police Calls for Service

The Montebello Police Department (MPD) has confirmed calls for service between the dates of October 19, 2021 to July 24, 2023. There has been one call for service report received by the MPD, as shown in Attachment D.

ATTACHMENT(S)

1. Planning Commission Resolution No. 12-21 (approved October 19th, 2021)
2. Compliance Report
3. Compliance Report Attachments
4. Police Report

**CITY OF MONTEBELLO
PLANNING COMMISSION**

RESOLUTION NO. 12-21

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MONTEBELLO APPROVING CONDITIONAL USE PERMIT NO. PC-2021-0009-
CUP TO ALLOW THE ON-SALE DISPENSING OF BEER AND WINE FOR THE
PROPERTY LOCATED AT 1418 WEST BEVERLY BOULEVARD**

WHEREAS, a Conditional Use Permit ("CUP") (PC-2021-0009-CUP) application has been received and accepted; and

WHEREAS, the CUP would allow on-sale dispensing of beer and wine within a bona fide restaurant at the property located at 1418 West Beverly Boulevard ("Project Site"); and

WHEREAS, on August 12th, 2021, Eduardo & Victoria Garcia – Las Islas Marias ("Applicant") filed a CUP application (PC-2021-0009-CUP) to allow the on-sale dispensing of beer and wine at the Project Site; and

WHEREAS, the establishment meets the definition of a "bona fide restaurant" contained in MMC Section 17.61.020; and

WHEREAS, per MMC Section 17.61.030, approval of a CUP by the Planning Commission is required to allow the sale of alcoholic beverages for on-sale consumption; and

WHEREAS, pursuant to Section 21067 of the Public Resources Code, and Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello is the lead agency for the proposed Project; and

WHEREAS, the CUP (PC-2021-0009-CUP) is considered a "project," as per the California Environmental Quality Act definition of a "project"; and

WHEREAS, the project is Categorically Exempt per CEQA Section §15301, Class 1 (Existing Facilities); and

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other matters presented at the public hearing and included in the record for this matter, and all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of Montebello hereby finds, declares and resolves as follows:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. FINDINGS.

a. Per MMC 17.61.050 the proposed use must meet CUP findings and determine if the use:

1. *The site for the proposed use would not adversely affect the general welfare of the surrounding property owners;*

The project is located within the General Commercial (C-2) zone and Boulevard Commercial land use designation. The zoning district is intended to offer a large variety of commercial opportunities serving the local communities. Some of the identified commercial uses include, but are not limited to, retail, professional offices, restaurants and/or specialty shops. The current use at the Project Site is an existing restaurant and the proposal will allow the Applicant to sell alcohol for on-site consumption to be served with a meal. Las Islas Marias is a family restaurant with no intent on selling alcohol to anyone not ordering a meal.

The restaurant is located adjacent to commercial uses and is in close proximity to residential uses via walking or public transit. Consistent with MMC Section 17.61.070 "Mandatory conditions of approval for on-sale alcoholic beverage establishments," the proposed sale of alcohol for on-site consumption requires imposition of strict, mandatory conditions addressing operational and alcohol-related issues to ensure that the service will not be disruptive to the community or jeopardize the safety and welfare of the community. In addition, the mandatory conditions will also offer a consistent experience to the returning guests of the local community and visitors to the area when dining at the establishment.

2. *Would not result in an undesirable concentration of premises for the sale of alcoholic beverages, including beer and wine, in the area;*

The "Project Site" is located in Census Tract 5300.06, which permits four (4) on-sale license types and two (2) off-sale license types. Census Tract 5300.06 currently has six (6) on-sale type licenses and four (4) off-sale type license, therefore this census tract would continue to be over concentrated with a proposed total of seven (7) on-sale type licenses. The commercial center in which the "Project Site" is located in currently has two tenant spaces that both serve or sell alcohol – *BJs Pizzeria* holds a Type 41 License (On-sale Beer & Wine – Eating Place) and *Super Star Liquor Inc* holds a Type 21 License (Off-Sale General).

By State law, Alcoholic Beverage Control ("ABC") may only grant a limited number of alcohol licenses based on a "per census-tract" quantity. Meaning that only a

certain number of licenses types are granted in any given census tract area to avoid undue concentration of alcohol sales. As a result, the approval of PC-2021-0009-CUP does not guarantee that the Applicant will receive an alcohol license from the State. As the sole alcohol licensing and enforcement agency, ABC will ultimately determine the appropriate license types and requirements at the proposed Project Site. To help with that determination, California Business and Professions Code Sections 23958 and 23858.4 (and as codified in Section 17.61.060 of the MMC) requires that the Applicant provide evidence allowing the Planning Commission to make the additional finding that the proposed CUP is necessary for public convenience or necessity, which is outlined in finding letter F of this Staff Report (below).

The establishment is a family friendly environment with a focus on serving the community and ultimately improving the City as a whole. Food establishments offer a convenient service to the local residents, working population and visitors to the area. The City of Montebello is consistently developing commercial enhancements. The proposed request supports the community's progress, adding to the growth of the City. Any operational, training, or security conditions placed on the approval of the request will safeguard the public's welfare and further protect the integrity of the community.

3. *Would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to other on-sale or off-sale alcoholic beverage establishments, residential districts and uses, schools (public or private), day care centers, public parks, playgrounds and other recreational facilities, churches and other places of religious worship, hospitals, clinics or other health care facilities;*

If operated in accordance with the law and the mandatory conditions of approval, the primary use of the subject site as a family restaurant should not be problematic to surrounding sensitive uses because the conditions of approval will contain mitigation measures including, but not limited to, noise levels limits, adequate lighting, security measures imposed by Montebello Police Department, alcohol awareness training for staff, and an annual compliance review. Additionally, the Applicant may be required to meet further conditions of approval that the Planning Commission sees fit to impose with respect to the business operation and surrounding uses. The family restaurant meets the MMC definition of a "bona fide restaurant" and will not contain a bar or serve alcohol to customers coming in solely for a drink. The restaurant's goal is to keep the establishment friendly and safe for families to enjoy a meal.

4. *Would not aggravate existing problems created by the sale of alcohol (e.g., littering, loitering, noise, public drunkenness, calls for service, and sales to minors);*

The Applicant is requesting a CUP to allow on-site alcohol sales to complement its primary use as a Mexican seafood restaurant. As a compliment to the primary use, the potential to aggravate any existing problems created by the sale of alcohol is minimal. The restaurant will not have live entertainment, a dance floor, or a designated bar area. The mandatory conditions of approval will also help mitigate any potential issues related to noise, lighting, and operation. In addition, Montebello Police Department is requiring the installation of additional security cameras for interior and exterior monitoring as indicated in "Attachment D", a mandatory employee training program related to the sale of alcohol, no promotional events or live band, and hours of operation from 10:00 AM to 9:00 PM.

5. *Is in conformance with the goals, policies, and objectives of the general plan and the purpose and intent of this code and any applicable specific plan;*

Each of the General Plan Elements establishes policies that provide for the regulatory environment in managing the City and for addressing concerns and problems. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the MMC or the General Plan. The restaurant is located within an existing structure with no plans to expand or alter the exterior or interior. The proposed use conforms with the City of Montebello Land Use Element, Goal #1, "To formulate a plan which is responsive to the needs of the community and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development;" Objective #3, "cluster" type commercial development is preferential to proliferation of strip commercial;" Policy Commercial #1, "Commercial development in the City should be sited in appropriate locations according to need," and Policy Commercial #5, "The City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City"; because the proposed use will add an additional service to an existing business that will increase the taxable revenue from this business to the City and that the site is in an appropriate location.

6. *Serves the public convenience or necessity based upon factors outlined in Section 17.61.060 of the MMC. This finding shall only apply to conditional use permit applications for bars, off-sale alcoholic beverage establishments, and any other applications that the State Department of Alcoholic Beverage Control determines are located in an area of undue concentration as defined by state law (California Business and Professions Code Section 23958.4.). The factors outlined in Section 17.61.060 of the MMC are:*

- *Whether the proposed use will result in a net employment gain in the city (especially of local residents);*

Many Mexican seafood restaurants offer the option to order alcohol with a meal and having that option at this location will attract more customers,

subsequently leading to an increase in sales and demand, and resulting in the hiring of additional employees. All of the employees are local and the “applicant” would continue to hire locally.

- *Whether the proposed use will result in a substantial increase in business taxes;*

Offering the sale of alcohol with a seafood meal will result in an increase in tax revenues because more customers will be choosing to dine at Las Islas Marias resulting in an increase in business revenue. This past year has been tough for many businesses due to the pandemic. Obtaining an on-sale license to sell alcohol will help the restaurant continue to grow and generate additional tax revenues for the City. This proposal will also help retain paying customers within the City instead of losing customers to surrounding cities.

- *Whether the proposed establishment is a unique business addition to the community;*

The restaurant is an existing establishment that is fairly new, but has been able to survive the tumultuous conditions brought upon by the pandemic and would like to continue to be a part of the Montebello business community. Aside from Las Islas Marias, there currently is no other Mexican style seafood restaurant within close proximity.

- *Whether the proposed use will contribute to the long-term economic development goals of the community;*

The Applicant’s restaurant adds to the vitality of the commercial center in which it is located and to the City as a whole since it provides a neighborhood serving amenity that is enjoyed by nearby residents and visitors. Additionally, it contributes positively to the City’s economic health due to the fact that the restaurant provides jobs and provides taxable revenues that can help provide essential services within the City.

- *Whether the aesthetic character ambiance of the proposed use will result in an overall positive upgrade in the area and community;*

The restaurant is an existing establishment and approval of the proposed use will only help continue its operation as a family-oriented restaurant. As mentioned, there is no bar on-site and the business does not want to create the type of problems often associated with the sale of alcohol at bars and similar establishments. The business seeks to offer its customers the full experience and cater to each individual as much as possible.

- *The viability of the business to operate profitable without alcohol sales.*

While the business operations of Las Islas Marias does not require alcohol sales in order to sustain itself, the revenue earned through such sales is always a benefit that only ensures the business's success and longevity.

SECTION 3. CEQA. The Planning Commission approves and adopts the CEQA Categorical Exemption §15301 (Existing Facilities) Class 1 exemption, as the proposed use constitutes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structure involving negligible or no expansion of use. There will be no expansion to the interior or exterior of the existing facilities in this proposed Project.

SECTION 4. APPROVALS. The Planning Commission hereby approves CUP (PC-2021-0009-CUP) for the on-sale dispensing of beer and wine subject to the conditions of approval set forth in Section 5 of this Resolution.

SECTION 5. CONDITIONS. The Planning Commission finds that the foregoing conditions of approval are necessary and appropriate.

1. The Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the Applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the Applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the Applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceedings.
2. The utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director of Planning and Community Development ("Director") Department ("Planning Department") to be in substantial compliance with these provisions.
3. Development of the site shall be consistent with all of the provisions of the Montebello Municipal Code ("MMC") and Conditional Use Permit ("CUP") (PC-2021-0009-CUP), and the specifications of the Planning Department.
4. Within 30 days of the Planning Department transmittal of the Acceptance Form, the Applicant shall sign and return a copy of the Acceptance Form, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute

grounds for potential revocation of the permit approval. Failure to return the Acceptance Form within 30 days shall constitute grounds for terminating the permit.

5. The Director at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These condition(s) may be modified, or new condition(s) added to reduce any impacts of the use. The Planning Commission may revoke the CUP (PC-2021-0009-CUP) if sufficient cause is given.
6. Existing and/or proposed table layout shall meet the minimum aisle clearance as determined by the Building and Safety Division and City of Montebello Fire Department ("Fire Department").
7. In the event the Applicant violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals, or certificate of occupancy shall be issued until such violation(s) has been fully remedied.
8. The applicant and operator shall prepare and submit an annual project compliance report. This report is due annually for the first three (3) years of alcohol sales, starting one-year from the date of issuance of an Alcoholic Beverage Control ("ABC") license. The compliance report must be submitted to the Director to demonstrate compliance with the Conditions of Approval. The Director shall transmit the annual project compliance report to the Planning Commission to either receive and file or take any other action as deemed necessary.
9. In the event of a change of ownership, business name, or transfer of ABC License, the conditional use permit will be brought back to the Planning Commission for review. The Planning Department shall be notified within 30 days of said changes.
10. Any outdoor entertainment activities or sponsored events shall be subject to a Temporary Use Permit pursuant to Chapter 12.16 *et seq.*, of the MMC.
11. The kitchen shall be open and serving food during all hours of operation in all dining areas of the establishment. Menus are subject to review and approval from the Planning Department as part of the annual compliance review.
12. The business shall be operated as a "bona fide restaurant" at all times, as defined in Section 17.61.020 of the MMC. A full menu shall be available to all patrons during all hours of operation. There shall be no restriction on the age of customers except as stated in the conditions of approval.
13. Prior to the commencement of alcohol sales, all employees who will sell alcoholic beverages shall be required to attend either ABC LEAD training or a comparable in-house training program approved by the Director. Any employees hired after the commencement

of alcohol sales shall be required to attend LEAD training or the approved in-house training within thirty (30) days of their hire date.

14. No more than 50% of total gross revenues per year shall be from alcohol sales. The Applicant shall maintain records of gross revenue sources which shall be submitted to the Director and/or ABC upon request.
15. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking, and other actions. Site project management ("Management") shall patrol the business premises and the surrounding vicinity, including the public rights-of-way to the property, during all hours of operation. Management shall ensure that no littering, loitering, or consumption of alcohol occurs in and around the project site.
16. Permitted hours of operation shall be 10:00 AM to 9:00 PM Monday through Sunday.
17. No sale of alcohol shall be allowed prior to 30 minutes before closing.
18. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that occurs on the site shall be removed within 24 hours at Applicant, Site Owner ("Site Owner"), and/or Operator's own expense.
19. That a decorative masonry wall of six feet in height be constructed around the parking area of such establishments when said area is adjacent to properties zoned or used for residential purposes or any other sensitive use, such as schools, churches, parks, etc.
20. That the noise levels generated by the operation of such establishment shall not exceed sixty-five (65) dBA between the hours of seven (7) a.m. to ten (10) p.m., and not exceed sixty (60) dBA between the hours of ten (10) p.m. to seven (7) a.m., so as to mitigate the impact of adjoining properties zoned or used for residential purposes. The measurement of noise levels shall be taken at the location of the shared property line.
21. That exterior lighting of the parking area shall be kept at an intensity of between one (1) and two (2) foot candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be screened from adjacent properties and from the sky.
22. That the sale of alcoholic beverages for consumption outside or off the premises shall be prohibited; except, that this provision shall not apply to bona fide restaurants with approved outdoor or sidewalk dining, or to a bona fide restaurant with an approved CUP and an approved license with the ABC for off-sale consumption.

23. That adequate security measures shall be provided as specified by the Police Department, including, but not limited to, retaining trained staff and security personnel and providing security devices such as surveillance or burglar alarm systems.
24. All bona fide restaurants shall possess a supply of food and goods adequate to make substantial food sales and comply with Section 23038 of the Business and Professions Code. All food must be maintained in a sanitary condition and comply with all Health Department regulations. Failure to serve food (for any reason) shall result in the automatic suspension of all alcoholic beverage sales that are served for on-site consumption until food sales are resumed.
25. The sorting of empty bottles and other recyclable products shall be limited to the hours between 8:00 a.m. to 9:00 p.m. daily.
26. That no signs shall be installed on the site until a sign permit has been approved by the Planning Department and Building & Safety Division in conformance with the provisions set forth in Chapter 17.62 ("Signs") of the MMC.
27. As stated in Section 9.04.010 ("Drinking in Public") of the MMC, no person shall drink any intoxicating liquor in or upon any public street or public place within the City. Signs shall be posted on the premises both inside and outside specifically citing "Section 9.04.010 - Drinking in Public" of the MMC.
28. That premises shall be kept clean and the Applicant, Operator, and/or Management of the establishment shall insure that no trash or litter originating from the site is deposited onto neighboring properties or onto the public right-of-way.
29. The Applicant, Operator and/or Management of the establishment shall take the necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises.
30. The Applicant/Operator/Management of the establishment shall maintain all required State and/or local permits and/or licenses for the sale of alcoholic beverages in good standing.
31. No person shall sell alcoholic beverages for on-site consumption if there has been any lapse or breach in good standing of any one or more of the permits and/or licenses required for such sale.
32. In addition to the conditions enumerated above, any other condition may be imposed by City staff.
33. No alcoholic beverages shall be served in any disposable container such as disposable plastic or paper cups.

34. No outside alcoholic beverages shall be brought into the establishment, Project Site, or premises for personal use or consumption.
35. Any outstanding violations of the MMC shall be remedied prior to the issuance of a Certificate of Occupancy or commencement of alcohol sales, as applicable. The Applicant, Operator, Site Owner, and/or Management shall be responsible for remedying outstanding Code Enforcement issues. When corrective action requires the issuance of a building permit, the building permit must be issued within 12 months of the effective date of this approval. Corrective action that does not require a building permit shall be remedied within one month of the effective date of this approval. The Director may grant an extension to these time frames, but such extensions shall not extend more than one (1) year from the date of this approval.
36. Exterior signage and window signs advertising brands of alcoholic beverages or other signage advertising alcoholic beverages shall not be visible from public right-of-way.
37. All windows of the facility shall be treated with anti-graffiti film. It is the responsibility of the Applicant, Site Owner, Operator and/or Management, at their sole expense and cost, to have all graffiti on the site removed within 24 hours of its appearance, or be subject to citations from the City Code Enforcement Division ("Code Enforcement").
38. All outdoor utilities, machinery and equipment, including roof-mounted equipment, shall be completely screened from public right-of-way, in a manner that is compatible with the structure. The method of screening shall be subject to the review and approval of the Planning Department prior to the issuance of building permits.
39. The approval of the entitlement shall expire if the rights granted are not exercised within one (1) year from the conditional use permit's effective date. Exercise of right shall mean issuance of a building permit to commence construction, issuance of alcohol license from ABC, or similar activities demonstrating the intent to proceed with the project, as determined by the Director.
40. Prior to commencement of alcohol sales, the Applicant/Operator/Management shall post a notice in a conspicuous location within the building stating that the site is regulated by a CUP and the Acceptance Form, which includes the establishment's conditions of approval, is available upon request. This notice shall remain posted at all times the establishment is in operation.
41. The Applicant, Operator, Management and/or successor of the use shall bear full cost (hereinafter referred to as the "Inspection Fees") of all monitoring and inspection activities to be conducted by City staff or its designated consultant representative(s) as necessary to ensure compliance with the conditions of this Resolution

42. This approval shall not supersede the approval of any other affected agencies. The applicant shall comply with Federal, State, and local requirements.
43. The following on-site requirements of the MMC and/or the specifications of the Police Department and Code Enforcement Division shall be complied with at all times:
- a. Live entertainment (i.e. musician(s), disc jockey, comedy acts, pay-per-view sporting broadcasts, recitals, seminars and other live acts) is authorized during permitted hours unless expressly stated otherwise in this Resolution. The Applicant, Operator and/or Management of the establishment is required to notify the City and obtain the Director's approval for live entertainment.
 - b. Promoter produced parties or events shall be prohibited. These events include private parties with outside promoters who profit from organizing and/or drawing attendees to the events. Any and all type of advertisements and promotions which promote events or operations in violation of this CUP and conditions of approval shall be subject to citation(s) from the Code Enforcement Division.
 - c. All live entertainment (when permitted) shall cease no later than 30 minutes prior to closing time.
 - d. Fundraisers for non-profit organizations registered with the federal government shall be permitted provided that they are open to the public and fall within the conditions of this CUP.
 - e. Adult entertainment of any nature is strictly prohibited. Televised and/or recorded adult entertainment is prohibited. The Police Department and regulations contained in the MMC shall determine what constitutes "adult" entertainment and where it is allowed.
 - f. There shall be no bottle service provided, except for wine.
 - g. Dial-A-Ride and taxicab phone numbers shall be posted in conspicuous locations throughout the establishment at all times.
 - h. The availability of a variety of non-alcoholic beverages shall be made known and offered to the customers.
 - i. Licensed private patrol officers or security guards may be required for any events that trigger a Temporary Use Permit pursuant to MMC Chapter 12.16 – Temporary Permits for Outdoor Activities.

- j. Should a line form outside the restaurant, the line shall be kept quiet and orderly at all times. Lines which block the entrances to any other open business or any parking space or any part of the public-right-of way are prohibited.
- k. No promotional or reduced drink specials shall be allowed all day on Saturday and/or Sunday, and/or after 8:00 p.m. Monday through Friday, and/or when dancing and/or live entertainment are occurring in any area.
- l. A copy of the ABC license, business license, health permit, seller's permit, and all other required licenses shall be posted and made readily available to any licensing, code enforcement, public health, and law enforcement officer.
- m. The premises shall be subject to inspection by members of the Police Department, Fire Department, Code Enforcement, Los Angeles County Department of Public Health or, any other law enforcement officer at any time without warrant.
- n. A responsible person over the age of 21 must be on the premises at all times while the business is open. This person must possess valid identification.
- o. No gambling of any type shall be allowed on the premises.
- p. The Police Department reserves the right to review this CUP at any time if there are excessive calls for service or if the Police Department feels that the operation of the establishment is a risk to public health, safety, welfare, or morals.
- q. The Police Department reserves the right to close the business if it appears that the continued operation would create an unsafe environment for the employees, patrons, bystanders, or emergency personnel. Examples would include, but not limited to, patrons fighting, overcrowding, unruly crowds, threats to public health and welfare, etc.
- r. The business owner shall install, maintain, and obtain City permits for a burglary and robbery alarm system. The Police Department shall approve the plans for the alarm system and placement of the panic buttons prior to the issuance of a Certificate of Occupancy or commencement of alcohol sales, as applicable.
- s. Doors that are not utilized for customer access shall be locked from the outside and have alarmed panic hardware.
- t. If police or fire services are required at the location, the Applicant will be responsible for reimbursing the City for all related costs.

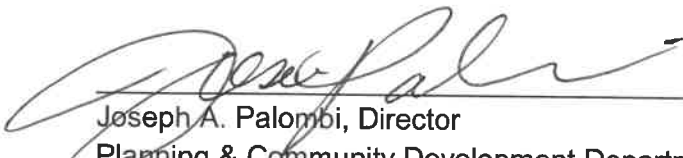
- u. If Code Enforcement is required due to any code violations and/or violations of the conditions of this CUP, the applicant will be responsible to reimburse the City for all inspections and costs.
- v. An approved Emergency Access Plan shall be provided, subject to review and approval of the Police and Fire Departments prior to issuance of the Certificate of Occupancy or commencement of alcohol sales, as applicable.
- w. A signed copy of the Acceptance Form shall be kept at the business and presented to any law enforcement officer on demand.
- x. Any violation of the conditions of this permit may cause the revocation of the subject CUP.

PASSED AND ADOPTED this 19th day of October, 2021 by the Planning Commission.

Chair Briseno:	(x) AYE () NOE () ABSENT () ABSTAIN
Vice Chair Ramirez:	(x) AYE () NOE () ABSENT () ABSTAIN
Commissioner Alikasianian:	(x) AYE () NOE () ABSENT () ABSTAIN
Commissioner Lomeli:	(x) AYE () NOE () ABSENT () ABSTAIN
Commissioner Cuevas:	() AYE () NOE (x) ABSENT () ABSTAIN


 Alexandra Briseno, Chair

ATTEST:


 Joseph A. Palombi, Director
 Planning & Community Development Department

PLAYAS GUAYABITOS

Conditions

1	The Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the Applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the Applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the Applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceedings.	In compliance we understand the condition
2	The utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director of Planning and Community Development ("Director") Department ("Planning Department") to be in substantial compliance with these provisions.	In compliance with this condition
3	The utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director of Planning and Community Development ("Director") Department ("Planning Department") to be in substantial compliance with these provisions.	In compliance with this condition
4	Within 30 days of the Planning Department transmittal of the Acceptance Form, the Applicant shall sign and return a copy of the Acceptance Form, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. Failure to return the Acceptance Form within 30 days shall constitute grounds for terminating the permit.	See EXHIBIT 5 Signed acceptance of affidavit Will comply with this condition

5	The Director at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These conditions(s) may be modified, or new condition(s) added to reduce any impacts of the use. The Planning Commission may revoke the CUP (PC-2021-0009-CUP) if sufficient cause is given.	Will comply with this condition
6	Existing and/or proposed table layout shall meet the minimum aisle clearance as determined by the Building and Safety Division and City of Montebello Fire Department ("Fire Department").	In compliance, fire department has inspected and approved building See floor plan, EXHIBIT 7
7	In the event the Applicant violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals, or certificate of occupancy shall be issued until such violations) has been fully remedied.	In undertandance of this condition
8	The applicant and operator shall prepare and submit an annual project compliance report. This report is due annually for the first three (3) years of alcohol sales, starting one-year from the date of issuance of an Alcoholic Beverage Control ("ABC") license. The compliance report must be submitted to the Director to demonstrate compliance with the Conditions of Approval. The Director shall transmit the annual project compliance report to the Planning Commission to either receive and file or take anyother action as deemed necessary.	Will comply with this condition
9	In the event of a change of ownership, business name, or transfer of ABC License, the conditional use permit will be brought back to the Planning Commission for review. The Planning Department shall be notified within 30 days of said changes.	Will comply with this condition
10	Any outdoor entertainment activities or sponsored events shall be subject to a Temporary Use Permit pursuant to Chapter 12. 16 et seq., of the MMC.	In compliance with this condition
11	The kitchen shall be open and serving food during all hours of operationin all dining areas of the establishment. Menus are subject to review and approval from the Planning Department as part of the annual compliance review.	See EXHIBIT 4 Agreed, in compliance

12	The business shall be operated as a "bona fide restaurant" at all times, as defined in Section 17.61.020 of the MMC. A full menu shall be available to all patrons during all hours of operation. There shall be no restriction on the age of customers except as stated in the conditions of approval.	In compliance with this condition
13	Prior to the commencement of alcohol sales, all employees who will sell alcoholic beverages shall be required to attend either ABC LEAD training or a comparable in-house training program approved by the Director. Any employees hired after the commencement of alcohol sales shall be required to attend LEAD training or the approved in-house training within thirty (30) days of their hire date.	See EXHIBIT 6 In compliance with this condition AND see EXHIBIT 11 for RBS training
14	No more than 50% of total gross revenues per year shall be from alcohol sales. The Applicant shall maintain records of gross revenue sources which shall be submitted to the Director and/or ABC upon request.	See EXHIBIT 8 In compliance with this condition
15	The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking, and other actions. Site project management ("Management") shall patrol the business premises and the surrounding vicinity, including the public rights-of-way to the property, during all hours of operation. Management shall ensure that no littering, loitering, or consumption of alcohol occurs in and around the project site.	In compliance with this condition
16	Permitted hours of operation shall be 10:00 AM to 9:00 PM Monday through Sunday.	Our hours of operations are currently set to reflect this condition. In Compliance with this condition
17	No sale of alcohol shall be allowed prior to 30 minutes before closing.	In compliance with this condition
18	The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that occurs on the site shall be removed within 24 hours at Applicant, Site Owner ("Site Owner"), and/or Operator's own expense.	See EXHIBIT 9 In compliance with this condition
19	That a decorative masonry wall of six feet in height be constructed around the parking area of such establishments when said area is adjacent to properties zoned or used for residential purposes or any other sensitive use, such as schools, churches, parks, etc.	In compliance with this condition

20	That the noise levels generated by the operation of such establishment shall not exceed sixty-five (65) dBA between the hours of seven (7) a.m. to ten (10) p.m., and not exceed sixty (60) dBA between the hours of ten (10) p.m. to seven (7) a.m., so as to mitigate the impact of adjoining properties zoned or used for residential purposes. The measurement of noise levels shall be taken at the location of the shared property line.	In compliance with this condition
21	That exterior lighting of the parking area shall be kept at an intensity of between one (1) and two (2) foot candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be screened from adjacent properties and from the sky.	In compliance with this condition
22	That the sale of alcoholic beverages for consumption outside or off the premises shall be prohibited; except, that this provision shall not apply to bona fide restaurants with approved outdoor or sidewalk dining, or to a bona fide restaurant with an approved CUP and an approved license with the ABC for off-sale consumption.	In compliance with this condition
23	That adequate security measures shall be provided as specified by the Police Department, including, but not limited to, retaining trained staff and security personnel and providing security devices such as surveillance or burglar alarm systems.	SEE EXHIBIT 10 In compliance with this condition
24	All bona fide restaurants shall possess a supply of food and goods adequate to make substantial food sales and comply with Section 23038 of the Business and Professions Code. All food must be maintained in a sanitary condition and comply with all Health Department regulations. Failure to serve food (for any reason) shall result in the automatic suspension of all alcoholic beverage sales that are served for on-site consumption until food sales are resumed.	In compliance with this condition
25	The sorting of empty bottles and other recyclable products shall be limited to the hours between 8:00 a.m. to 9:00 p.m. daily.	In compliance with this condition
26	That no signs shall be installed on the site until a sign permit has been approved by the Planning Department and Building & Safety Division in conformance with the provisions set forth in Chapter 17.62 ("Signs") of the MMC.	In compliance with this condition

27	As stated in Section 9.04.010 ("Drinking in Public") of the MMC, no person shall drink any intoxicating liquor in or upon any public street or public place within the City. Signs shall be posted on the premises both inside and outside specifically citing "Section 9.04.010 - Drinking in Public" of the MMC.	In compliance with this condition, SEE EXHIBIT 1
28	That premises shall be kept clean and the Applicant, Operator, and/or Management of the establishment shall insure that no trash or litter originating from the site is deposited onto neighboring properties or onto the public right-of-way.	In compliance with this condition
29	The Applicant, Operator and/or Management of the establishment shall take the necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises.	In compliance with this condition
30	The Applicant/Operator/Management of the establishment shall maintain all required State and/or local permits and/or licenses for the sale of alcoholic beverages in good standing.	In compliance with this condition
31	No person shall sell alcoholic beverages for on-site consumption if there has been any lapse or breach in good standing of any one or more of the permits and/or licenses required for such sale.	In compliance with this condition
32	In addition to the conditions enumerated above, any other condition may be imposed by City staff.	No other conditions have been imposed by the city
33	No alcoholic beverages shall be served in any disposable container such as disposable plastic or paper cups.	In compliance with this condition
34	No outside alcoholic beverages shall be brought into the establishment, Project Site, or premises for personal use or consumption.	See EXHIBIT 3 In compliance with this condition

35 Any outstanding violations of the MMC shall be remedied prior to the issuance of a Certificate of Occupancy or commencement of alcohol sales, as applicable. The Applicant, Operator, Site Owner, and/or Management shall be responsible for remedying outstanding Code Enforcement issues. When corrective action requires the issuance of a building permit, the building permit must be issued within 12 months of the effective date of this approval. Corrective action that does not require a building permit shall be remedied within one month of the effective date of this approval. The Director may grant an extension to these time frames, but such extensions shall not extend more than one (1) year from the date of this approval.

In compliance with this condition

36 Exterior signage and window signs advertising brands of alcoholic beverages or other signage advertising alcoholic beverages shall not be visible from public right-of-way.

See EXHIBIT 9 In compliance with this condition

37 All windows of the facility shall be treated with anti-graffiti film. It is the responsibility of the Applicant, Site Owner, Operator and/or Management, at their sole expense and cost, to have all graffiti on the site removed within 24 hours of its appearance, or be subject to citations from the City Code Enforcement Division ("Code Enforcement").

In compliance with this condition, See Exhibit 2

38 All outdoor utilities, machinery and equipment, including roof-mounted equipment, shall be completely screened from public right-of-way, in a manner that is compatible with the structure. The method of screening shall be subject to the review and approval of the Planning Department prior to the issuance of building permits.

In compliance with this condition

39 The approval of the entitlement shall expire if the rights granted are not exercised within one (1) year from the conditional use permit's effective date. Exercise of right shall mean issuance of a building permit to commence construction, issuance of alcohol license from ABC, or similar activities demonstrating the intent to proceed with the project, as determined by the Director.

In compliance with this condition

40	Prior to commencement of alcohol sales, the Applicant/Operator/Management shall post a notice in a conspicuous location within the building stating that the site is regulated by a CUP and the Acceptance Form, which includes the establishment's conditions of approval, is available upon request. This notice shall remain posted at all times the establishment is in operation.	In compliance with this condition, See Exhibit 3
41	The Applicant, Operator, Management and/or successor of the use shall bear full cost (hereinafter referred to as the "Inspection Fees") of all monitoring and inspection activities to be conducted by City staff or its designated consultant representatives) as necessary to ensure compliance with the conditions of this Resolution	In compliance we understand the condition
42	This approval shall not supersede the approval of any other affected agencies. The applicant shall comply with Federal, State, and local requirements.	In compliance we understand the condition
43	The following on-site requirements of the MMC and/or the specifications of the Police Department and Code Enforcement Division shall be complied with at all times:	
a	Live entertainment (i.e. musician(s), disc jockey, comedy acts, pay-per-view sporting broadcasts, recitals, seminars and other live acts) is authorized during permitted hours unless expressly stated otherwise in this Resolution. The Applicant, Operator and/or Management of the establishment is required to notify the City and obtain the Director's approval for live entertainment.	In compliance with this condition
b	Promoter produced parties or events shall be prohibited. These events include private parties with outside promoters who profit from organizing and/or drawing attendees to the events. Any and all type of advertisements and promotions which promote events or operations in violation of this CUP and conditions of approval shall be subject to citation(s) from the Code Enforcement Division.	No promoter parties/ events are being done at this place of business
c	All live entertainment (when permitted) shall cease no later than 30 minutes prior to closing time.	In compliance with this condition
d	Fundraisers for non-profit organizations registered with the federal government shall be permitted provided that they are open to the public and fall within the conditions of this CUP.	In compliance with this condition
e	Adult entertainment of any nature is strictly prohibited. Televised and/or recorded adult entertainment is prohibited. The Police Department and regulations contained in the M C shall determine what constitutes "adult entertainment and where it is allowed.	In compliance with this condition

f	There shall be no bottle service provided, except for wine.	In compliance with this condition
g	Dial-A-Ride and taxicab phone numbers shall be posted in conspicuous locations throughout the establishment at all times.	In compliance with this condition. See Exhibit 3
h	The availability of a variety of non-alcoholic beverages shall be made known and offered to the customers.	In compliance with this condition
i	Licensed private patrol officers or security guards may be required for any events that trigger a Temporary Use Permit pursuant to MMC Chapter 12.16 - Temporary Permits for Outdoor Activities.	In compliance with this condition
j	Should a line form outside the restaurant, the line shall be kept quiet and orderly at all times. Lines which block the entrances to any other open business or any parking space or any part of the public-right-of way are prohibited.	In compliance with this condition
k	No promotional or reduced drink specials shall be allowed all day on Saturday and/or Sunday, and/or after 8:00 p.m. Monday through Friday, and/or when dancing and/or live entertainment are occurring in any area.	In compliance with this condition
l	A copy of the ABC license, business license, health permit, seller's permit, and all other required licenses shall be posted and made readily available to any licensing, code enforcement, public health, and law enforcement officer.	In compliance with this condition
m	The premises shall be subject to inspection by members of the Police Department, Fire Department, Code Enforcement, Los Angeles County Department of Public Health or, any other law enforcement officer at any time without warrant	In compliance we understand the condition
n	A responsible person over the age of 21 must be on the premises at all times while the business is open. This person must possess valid identification.	In compliance we understand the condition
o	No gambling of any type shall be allowed on the premises.	In compliance with this condition
p	The Police Department reserves the right to review this CUP at any time if there are excessive calls for service or if the Police Department feels that the operation of the establishment is a risk to public health, safety, welfare, or morals.	In compliance we understand the condition
q	The Police Department reserves the right to close the business if it appears that the continued operation would create an unsafe environment for the employees, patrons, bystanders, or emergency personnel. Examples would include, but not limited to, patrons fighting, overcrowding, unruly crowds, threats to public health and welfare, etc.	In compliance we understand the condition

r	The business owner shall install, maintain, and obtain City permits for a burglary and robbery alarm system. The Police Department shall approve the plans for the alarm system and placement of the panic buttons prior to the issuance of a Certificate of Occupancy or commencement of alcohol sales, as applicable.	In compliance with this condition
s	Doors that are not utilized for customer access shall be locked from the outside and have alarmed panic hardware.	In compliance with this condition
t	If police or fire services are required at the location, the Applicant will be responsible for reimbursing the City for all related costs.	In compliance we understand the condition
u	If Code Enforcement is required due to any code violations and/or violations of the conditions of this CUP, the applicant will be responsible to reimburse the City for all inspections and costs.	In compliance we understand the condition
v	An approved Emergency Access Plan shall be provided, subject to review and approval of the Police and Fire Departments prior to issuance of the Certificate of Occupancy or commencement of alcohol sales, as applicable.	In compliance we understand the condition
w	A signed copy of the Acceptance Form shall be kept at the business and presented to any law enforcement officer on demand.	In compliance with this condition
x	Any violation of the conditions of this permit may cause the revocation of the subject CUP.	In compliance we understand the condition

EXHIBIT 1



EXHIBIT 2



EXHIBIT 3



Bebidas

Soda lata	\$2.00
Coca-Cola de Mexico	\$4.00
Jarritos mexicanos	\$3.00
Sunny D	\$2.00
Gatorede	\$3.00
Clamato preparado	\$8.00
Agua de botella	\$1.50



Bar

Sangria	\$3.00	Cerveza (Modelo, pacifico,	\$5.00
Sidral	\$3.00	corona, Tecate, victoria,	
Limonada preparada	\$7.00	Coors light, miller lite)	
Aguas Frescas	\$5.00	Micheladas	\$10.00
(Horchata, Jamaica y		Micheladas dobles	\$15.00
Limón con pepino)		Margaritas	\$8.00
		Cantaritos	\$8.00



Playas
Guayabitos

Mariscos estilo Nayarit



Menu

Cockteles en copa

Cazuelas

Calientes o Frios		Small	Large
Camarón	\$20.00	Ceviche de camarón	\$20.00 \$35.00
Camarón con pulpo	\$20.00	Ceviche de camarón con pulpo	\$25.00 \$45.00
Campechana	\$20.00	Ceviche mixto	\$20.00 \$35.00
Vuelve a la vida	\$22.00	Ceviche de pescado	\$20.00 \$35.00
		Marlin	\$20.00 \$35.00
		Camarón y callo	\$30.00 \$45.00
		Ceviche Mitotero	\$40.00
		Ceviche de jaiba	\$35.00



Kids menu

extra

Chicken nuggets with Fries	\$6.00	Arroz	\$4.00
Quesadilla with fries	\$8.00	Papas	\$4.00
Hamburguesa with fries	\$10.00	Frijoles	\$4.00
		Ensalada	\$6.00
		Aguacate	\$4.00
		Guacamole	\$10.00
		Salsa verde	\$2.00



Tostadas

Pescado

Ceviche de camarón	\$8.00	Jaiba	\$7.00	zarandeado	\$30.00
Ceviche de camarón y pulpo	\$15.00	Mixta	\$12.00	Huerfanito	\$45.00
		Camarón y callo	\$18.00	Mojarra frita	\$15.00
Camarón cocido	\$10.00	Marlin	\$6.00	Mojarra al mojo de ajo	\$16.00
Camarón cocido con pulpo	\$18.00	Callo	\$15.00	Mojarra zarandeada	\$20.00
Pescado		Mitotero	\$10.00	Filete (empanizado,	\$18.00
		Aguachile	\$12.00	mantequilla, mojo de ajo...)	



Platillos



Camarones (a la diablo, al mojo de ajo, a la cucaracha, empanizados, rancheros, mantequilla veracruzanos)	\$18.00	Langostinos	\$30.00
Costa azul		Botana de camarón (al ajo, cucaracha, diablo, al vapor, zarandeados)	\$30.00
Zarandeados	\$20.00	Púlpitos fritos	\$30.00
Langostinos	\$20.00	Mejillones	\$28.00
	\$20.00	Pulpo	\$30.00
		Chicharrón de pescado	\$30.00



Sugerencias del chef

Empanadas de Camarón(2)	\$5.00	Ensalada islas marías	\$35.00	Camarón (2)	\$6.00
Empanadas de Camarón con queso (2)	\$6.00	Ensalada de callo	\$35.00	Pescado (2)	\$6.00
Patas de jaiba (2)	\$24.00	Pasta con camarones	\$25.00	Marlin (2)	\$6.00
Ensalada de camarón cocido y pulpo	\$35.00	Pasta Alfredo plain	\$10.00	Gobernador (1)	\$6.00
Ensalada de Aguachile	\$28.00	Molcajete Cora	\$35.00	Pulpo (1)	\$6.00
				Asada (1)	\$3.50



Botanas



Tacos



Pura Vida

Ostiones en su concha (1 doz)	\$20.00	Ostiones Preparados (1 doz)	\$35.00
Ostiones en su concha (1/2 doz)	\$10.00	Ostiones Preparados (1/2 doz)	\$17.50
		Ostiones Playa Guayabitos (1 doz+ 2 shots)	\$45.00
		Shot de Ostión	\$6.00
		Consome	\$5.00

Aviso importante: El comer ostras crudas puede causar una enfermedad grave y hasta la muerte en las personas que padecen enfermedades del hígado(por ejemplo cirrosis alcohólica cancer u otras enfermedades crónicas de debilitan el sistema inmunológico) Si usted come ostras crudas y se enferma, debe buscar atención medica inmediatamente. Si usted esta en peligro, debe de consultar a su medico.



Caldos

Siete mares	\$22.00	Carne asada	\$18.00
Camarón	\$20.00	Bistec encebollado	\$18.00
Pescado	\$20.00	Bistec ranchero	\$18.00
Caldo mixto	\$20.00	Quesadilla de carne asada	\$18.00
Caldo al gusto	Varía	Quesadilla de camarones	\$12.00



1418 W Beverly Blvd Montebello C.A. 90640
Teléfono (323)530 - 0388
Síguenos en nuestras redes sociales como: @playas_guayabitos

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Exhibit 5



CITY OF MONTEBELLO
Planning & Community Development Department
Planning Division
1600 W. Beverly Boulevard
Montebello CA 90640
www.cityofmontebello.com

AFFIDAVIT OF ACCEPTANCE

1418 W. Beverly Boulevard.
CASE NO. PC-2021-0009-CUP

I, Nahum Jesus Hernandez – Playas Guayabitos, declare that I am the Applicant of Conditional Use Permit (PC-2021-0009-CUP) for the property located at 1418 West Beverly Boulevard for which a Conditional Use Permit for the on-sale dispensing of beer and wine has been approved by the Planning Commission.

I have read and am aware of, and accept, all of the conditions set forth in Planning Commission Resolution No. 12-21, approved by the Montebello Planning Commission on October 19, 2021, copies of which I have received, read and accepted pursuant to Montebello Municipal Code Section 17.70.090 (Acceptance of conditions).

Signed: Nahum Hernandez
Nahum Jesus Hernandez – Playas Guayabitos

Dated: 08-09-2023

Please sign and return the signed form to City of Montebello Planning Division, 1600 W. Beverly Boulevard, Montebello, CA 90640

Exhibit 6



lesly erazo

Has Completed the
Department of Alcoholic Beverage Control's
LICENSEE EDUCATION ON ALCOHOL AND DRUGS
Online Training Program

A handwritten signature in black ink, appearing to read 'EH', is positioned above a horizontal line.

Eric Hirata, Director

Date of Completion:08/09/2023



marco Hernandez

Has Completed the
Department of Alcoholic Beverage Control's
LICENSEE EDUCATION ON ALCOHOL AND DRUGS
Online Training Program

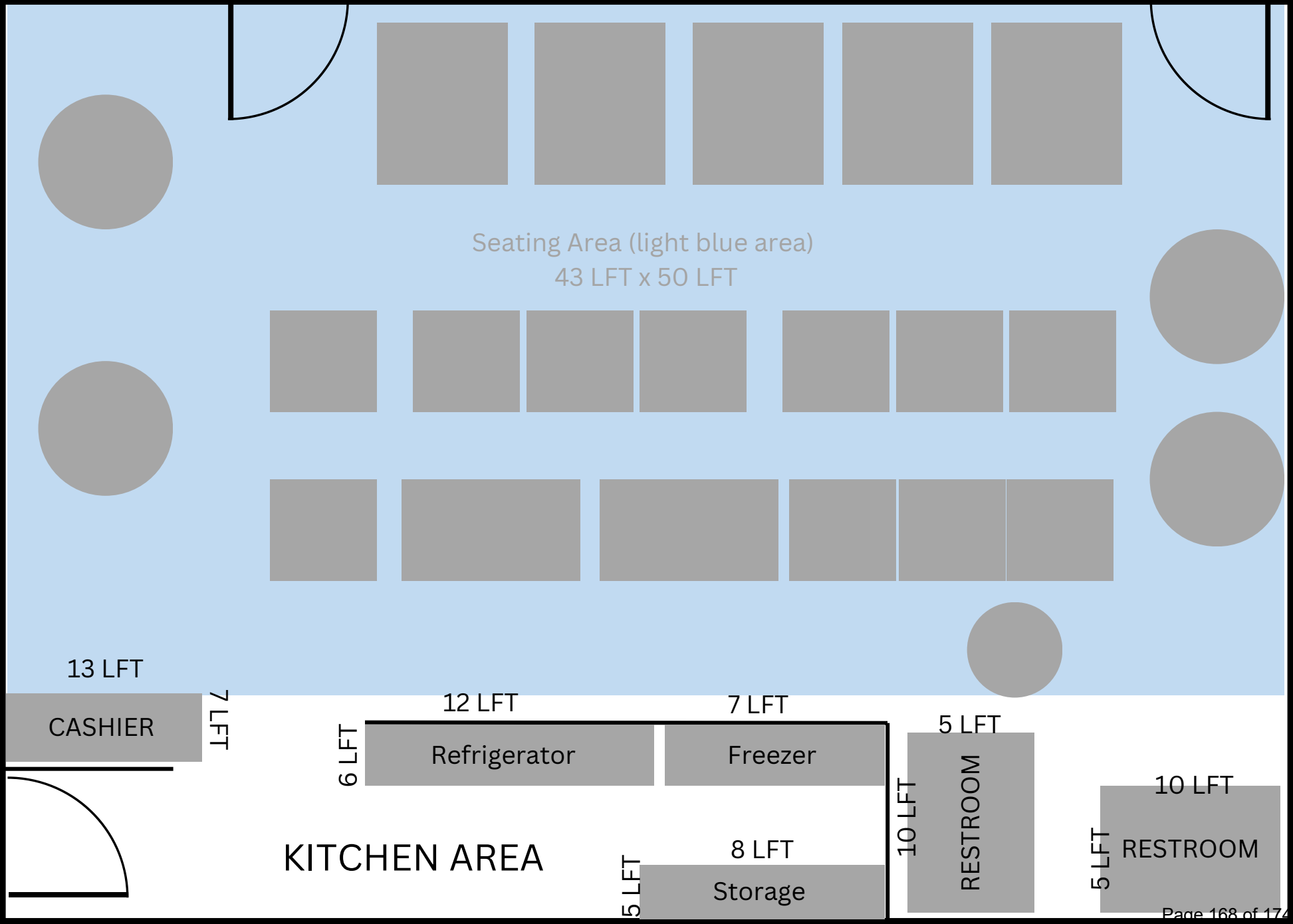
Eric Hirata, Director

Date of Completion:08/15/2023

Exhibit 7

50 LFT

50 LFT



Playas Guayabitos - August 2023

	Total Sales	Percentage of Sales
Beer	4355	10%
Beverage	2975.15	7%
Food	31586.05	74%
Liquor	2851.93	7%
Non-Sales Revenue	939.3	2%
Totals	42707.43	100%

Exhibit 8



Exhibit 9



INSTRUCTIONS: To search for a specific Server in your Roster, type either their First Name, Last Name, or both names in the specified name fields, then click the SEARCH button. To clear the name fields, click on the CLEAR button. To remove a Server from the Roster, click on the trash can icon.

Filter By First Name

Filter By Last Name

CLEAR

SEARCH

Name ↑	Server ID	Training Received	Status	Expiration Date	
Erazo, Lesly	313376664	09/08/2023	Certified	09/07/2026	
Hernandez, Marco ...	313376663	09/07/2023	Certified	09/09/2026	

Rows per page:

25 ▼

 1-2 of 2

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Exhibit 11



Cleared Call Search Results

Report Time: 10/05/2023 09:27:37 **Login ID:** RIVERAN **Jurisdiction:**
Incident Number: **Call Number:** **Agencies:** Police, Fire, EMS
From Date: 07/01/2023 00:00:00 **To Date:** **Phone Number:**
Last Name: **First Name:** **Location:** 1418 W BEVERLY BLVD, MONTEBELLO
Plate #: **Plate State:** **Include Canceled:** No
Type: **Priority:** **Source:**
Disposition: **Unit:** **Officer:**
Narrative:

		Call					Case
Call Number	Create Date/Time	Type	Location		Primary Incident	Number	Beat
8430	8/11/2023 9:32	459R	1418 W	BEVERLY BLVD, MONTEBELLO	2023-00021408		B