

Kevin Lainez
Ernesto Gonzalez
Annelle Grajeda
Evelyn Serfozo
Johncito Peraza

Chairperson
Vice Chairperson
Commissioner
Commissioner
Commissioner



COMMERCE CITY HALL
Council Chambers
5655 Jilison Street
Commerce, CA 90040
Phone: (323) 722-4805
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AGENDA

ADJOURNED REGULAR MEETING OF THE PLANNING COMMISSION

WEDNESDAY, DECEMBER 18, 2019 – 6:30 P.M.

CALL TO ORDER

Chairperson Lainez

FLAG SALUTE / INVOCATION

Vice Chairperson Gonzalez

ROLL CALL

APPROVAL OF MINUTES

The Commission will review for approval the minutes of the Special Meeting held on June 3, 2019 and the Regular Meeting held on June 26, 2019.

PUBLIC COMMENT

The public is given this opportunity to address the Planning Commission on any matter within its responsibility. Discussion or deliberation will not be entered into at this time in accordance with the Brown Act.

PUBLIC HEARINGS

For each of the following items the public will be given an opportunity to speak. After a staff report, the chair will open the public hearing. At that time the applicant will be allowed to present the case. Members of the public will then be allowed to speak. After all have spoken, the applicant will be allowed to summarize briefly, and then the hearing is closed. Commissioners may ask the speaker questions.

1. Conditional Use Permit No. 538
and Variance No. 19-02
5556 E. Washington Boulevard

Amir Houriani
714 S. Plymouth Boulevard
Los Angeles, CA 90005

A request for a Conditional Use Permit to allow for a drive-through facility with the construction of a new 2,311 square foot fast food restaurant (Popeye's) in the City's C/M-1 zone. In addition to the CUP, the applicant will need a Variance to allow the project on a site that is less than 20,000 square feet in size.

Staff Recommendation: Approval with Conditions

**2. Zone Text Amendment (Citywide) –
Shared Remote Parking and
Remote Parking**

City of Commerce
2535 Commerce Way
Commerce, CA 90040

The Planning Commission will consider a Zone Text Amendment of Sections 19.21.080 Shared Parking and 19.21.090 Remote Parking of the City of Commerce Municipal Code to allow for flexibility in the type of parking analysis required for a proposed land use and provide an administrative review process where a conditional use permit for remote parking.

Staff Recommendation: Approve a Resolution recommending that the City Council adopt the Ordinance.

COMMISSION REPORTS

STAFF REPORTS

ADJOURNMENT

Agenda and written materials are available for public inspection immediately following the posting of this agenda (at least 72 hours prior to a regular Planning Commission meeting) in the **City Clerk's Office, at Commerce City Hall, 2535 Commerce Way, Commerce, California.**

MINUTES
SPECIAL MEETING OF THE PLANNING COMMISSION
OF THE CITY OF COMMERCE HELD ON JUNE 3, 2019 AT 6:30 P.M.,
IN THE CITY HALL COUNCIL CHAMBERS,
5655 JILLSON STREET, COMMERCE, CA 90040

- CALL TO ORDER The meeting was called to order by Chairperson Gonzalez at 6:30 p.m.
- ROLL CALL Commissioners: Gonzalez, Lainez, Grajeda, Peraza, and Serfozo
- Staff: Associate Planner Sonia Griego, Consultant Planner Manuel Acosta, and City Attorney Noel Tapia
- PUBLIC COMMENT None.
- APPROVAL OF
MINUTES Commissioner Peraza motioned, seconded by Commissioner Serfozo to approve the Minutes of the Regular Meetings held on August 22, 2018 and September 26, 2018. The motion carried by the following vote:
- AYES: Chairperson Gonzalez, Vice-Chairperson Lainez, Commissioners Grajeda, Peraza and Serfozo (5)
- SCHEDULED
MATTERS
- Presentation - Laura Stetson with MIG Consulting gave a presentation to the General Plan Update Commission on the General Plan Update.
- The Commission directed some questions to the consultant. Discussion ensued.
- Chairperson Gonzalez motioned, seconded by Commissioner Peraza to receive and file the presentation on the General Plan Update. The motion carried by the following vote:
- AYES: Chairperson Gonzalez, Vice-Chairperson Lainez, Commissioners Grajeda, Peraza and Serfozo (5)
- Home Occupation A request for a Home Occupation Permit to allow the operation Permit No. 310 – 5423 of a home office use in conjunction with a life insurance East Village Drive business. Per the Commerce Municipal Code Chapter 19.39, (continued from the Division 12, a Home Occupation Permit is required to establish a May 29, 2019 a home occupation use in the R-1 (Single Family Residential) Planning Commission Zone. Meeting) Associate Planner Griego presented the report and informed the Commission that staff's recommendation was to approve the request for a Home Occupation Permit.

Home Occupation Permit No. 310 Cont'd Vice Chairperson Lainez motioned, seconded by Commissioner Peraza to approve the request for Home Occupation Permit No. 310. The motion carried by the following vote:

AYES: Chairperson Gonzalez, Vice-Chairperson Lainez, Commissioners Grajeda, Peraza and Serfozo (5)

PUBLIC HEARINGS

Conditional Use Permit No. 534
4341 E. Washington Boulevard
(continued from the May 29, 2019 Planning Commission Meeting)

A request to allow the establishment of a new unmanned Wireless Telecommunications Facility that consists of a seventy-five (75) foot high monopole designed to resemble a pine tree within the City's M-2 Zoning District. Per Section, 19.27.030 of the Commerce Municipal Code, building or ground-mounted cellular, personal communications service ("pcs"), or other wireless antennas are subject to the conditional use permit process.

Associate Planner Griego presented the report and informed the Commission that staff's recommendation was to approve the request for a Conditional Use Permit.

The Commission directed some questions to staff. Discussion ensued.

The public hearing was opened.

Richard Hernandez addressed the Commission to inquire on the exact location of the monopole.

The public hearing was closed.

Commissioner Grajeda motioned, seconded by Vice Chairperson Lainez to approve Conditional Use Permit No. 534 with conditions. The motion carried by the following vote:

AYES: Chairperson Gonzalez, Vice-Chairperson Lainez, Commissioners Grajeda and Serfozo (4)

Commissioner Peraza stepped away and did not vote.

Citadel Outlets Expansion and 10-Acre Development Project (continued from the May 22, 2019 and May 29, 2019 Planning Commission Meetings)

The Applicant requests approval of a Development Agreement and Zone Change to rezone Area 1 and Area 2 from the M-2 Zone to the C-2 Zone; a Development Agreement and Zone Change to rezone Area 3 from the C-2 Zone to the C-2/PF/M2 Zone; and a Master Sign Plan for Area 1, Area 2, and Area 3 (collectively referred to as “the proposed Project”).

Chairperson Gonzalez recused himself at this time and stepped out of the Council Chambers.

A five-minute recess was then called.

Associate Planner Griego announced the item and introduced consultant Mark Blodgett with Blodgett Baylosis Planning to present it to the Commission. He then gave a power-point presentation on the environmental review process that was conducted last Fall to identify issues to be identified in the Environmental Impact Report. He summarized the projects proposed land use and proposed future development.

The Commission directed some questions to staff. Discussion ensued.

Chad Seitz with the Citadel Outlets thanked the Planning Commissioners for considering their project.

The public hearing was opened.

Michael Alti, attorney with Community Legal Advisors on behalf of the Citadel Business Park Owners Association, spoke in regards to letters received by the City about concerns about the Citadel Project for which the City has not responded to.

Bill Ihrke, legal counsel for the Citadel, expressed his appreciation of the time that staff and the consultants have spent working with them.

Sara Dudley, attorney representing CREED LA, addressed the Commission in opposition of the approval of the draft EIR.

Tamara Bernstein of 5828 Smithway Street and member of the Citadel Business Park Owners Association mentioned that they had not received any written notice regarding this item.

Laura Cortez, member/organizer of East Yard Communities for Environmental Justice 2317 Atlantic Blvd, spoke in opposition of recommending the certification of the Final EIR and requested

denial of the Development Agreements.

Jordan Sisson, attorney, spoke in opposition of approval of the draft EIR.

Julian Allen spoke on behalf of resident Daniel Garcia of 1538 S. Concourse Avenue in opposition of the approval of the draft EIR.

Kate Spear representing members of Unite Here Local 11 spoke in opposition of the approval of the draft EIR.

Richard Hernandez, 5050 Nobel Street, spoke in opposition of the approval of the draft EIR.

Gloria Nezahualcoyotl, 7206 Paso Del Rio, spoke in opposition of the Citadel Project and recommended new housing or a supermarket in the City.

At this time, Vice Chairperson Lainez called a brief recess.

After the recess, Vice Chairperson Lainez resumed the public hearing.

Jocelyn Del Real, with East Yards Community for Environmental Justice, spoke in opposition of the approval of the draft EIR and hopes that the community's environmental health is prioritized.

Jimmy Elrod, representative with the Southwest Regional Council of Carpenters, spoke in opposition of approval of the draft EIR.

Chris Cheek, representative from Plumbers Local 78, spoke in opposition of the project due to possible air quality impacts.

Steve Gerdes, representative of Sheet Metal Workers Local 105, spoke in opposition of the project due to possible environmental impacts from the construction and unsafe working environment for construction workers.

Mario Barragan, representative from the Electrical Training Institute located in the City of Commerce, spoke in opposition of the project and requested revision of the EIR.

Gus Torres, representative from Local 250, spoke in opposition of the project due to concern for the health of the construction workers.

Gio Galarza spoke in opposition of the project due to possible

environmental impacts.

April Pappilli spoke in opposition of the project due to possible traffic impacts and requested that there be further review of the EIR.

Teresa Flanagan spoke in opposition of the project due to lack of job opportunities and possible environmental impacts.

Gina Burnett spoke on behalf of CREED LA in opposition of the project due concerns of possible environmental impacts (GHG) and urged the Commission to refrain from adopting a resolution recommending approval of the EIR and Development Agreements.

Jose Pina spoke on behalf of CREED LA in opposition of the project. He expressed that the draft EIR is inadequate and does not contain a correct water supply assessment for the project. He urged the Commission to refrain from adopting a resolution recommending approval of the EIR and Development Agreements.

Godfrey Wachira spoke on behalf of CREED LA in opposition of the project and mentioned the inadequacy of the draft EIR.

The public hearing was closed.

Commissioner Peraza motioned for approval of the draft EIR, recommended a \$50,000 contribution from the Citadel to the City Scholarship fund matching the Casino's contribution, if any additional safety patrol is needed by the Sheriff's, that the Citadel absorb the cost, and hold a community meeting to advise of what will be built. Commissioner Serfozo then made an alternative motion for a revised EIR which takes the community's concerns into consideration. Vice Chairperson Lainez seconded the motion made by Commissioner Peraza. The motion carried by the following vote:

AYES: Vice-Chairperson Lainez, Commissioners Grajeda and Peraza (3)

NOES: Commissioner Serfozo (1)

COMMISSION
REPORTS

None.

STAFF REPORTS

None.

ADJOURNMENT

Commissioner Peraza motioned, seconded by Commissioner Serfozo to adjourn the meeting. The motion carried by the following vote:

AYES: Vice-Chairperson Lainez Commissioners Grajeda, Peraza, and Serfozo (4)

Meeting adjourned at 9:32 p.m.

MINUTES
REGULAR MEETING OF THE PLANNING COMMISSION
OF THE CITY OF COMMERCE HELD ON JUNE 26, 2019 AT 6:30 P.M.,
IN THE CITY HALL COUNCIL CHAMBERS,
5655 JILLSON STREET, COMMERCE, CA 90040

CALL TO ORDER The meeting was called to order by Chairperson Gonzalez at 6:31 p.m.

ROLL CALL Commissioners: Gonzalez, Lainez, Grajeda, Peraza, and Serfozo

Staff: Associate Planner Sonia Griego, Assistant Planner Viviana Esparza, Contract Planner Manuel Acosta, and the City Attorney Noel Tapia

REORGANIZATION Chairperson Gonzalez nominated Vice Chairperson Lainez for the position of Chairperson and Commissioner Peraza seconded the nomination. There being no other nominations, the motion carried.

The meeting was then turned over to new appointed Chairperson Lainez and he opened up the nominations for Vice Chairperson. Commissioner Grajeda nominated Commissioner Gonzalez for Vice Chairperson, Chairperson Lainez seconded the motion. There being no other nominations, the motion carried.

PUBLIC COMMENT Gloria Nezahualcoyotl, 7206 Paseo Del Rio, commented on the request from a Commissioner for Rene Bobadilla to address the Commission on the vision for the City regarding Economic Development.

APPROVAL OF MINUTES Commissioner Peraza mentioned an error in the Adjournment section. Commissioner Serfozo should be removed from the ayes since she is listed as absent and Commissioner Peraza should be added since he was not included. Commissioner Peraza motioned, seconded by Chairperson Lainez to approve the corrected Minutes of the Regular Meeting held on October 24, 2018. The motion carried by the following vote:

AYES: Chairperson Lainez, Vice-Chairperson Gonzalez, Commissioners Grajeda, Peraza, and Serfozo (5)

SCHEDULED MATTERS

Home Occupation Permit No. 311
2583 Boris Avenue

Staff presentation for the operation of a home office use in conjunction with a mobile kettle corn business. Assistant Planner Esparza presented the report and informed the Commission that due to the description provided by the

applicant regarding the type of business to be conducted in the home (administration of paperwork and clerical activities), staff concluded that the City's entitlement process for an HOP would not apply and the applicant was already issued a business license.

The Commission directed questions to staff. Discussion ensued.

Commissioner Grajeda motioned, seconded by Chairperson Lainez to receive and file the presentation. The motion carried by the following vote:

AYES: Chairperson Gonzalez, Vice-Chairperson Lainez,
Commissioners Grajeda (3)

NOES: Commissioner Serfozo (1)

ABSTENTION: Commissioner Peraza (1)

PUBLIC HEARINGS

Plot Plan No. 992 and
Conditional Use
Permit No. 533
6210 Garfield Avenue

A request for approval of a Plot Plan and Conditional Use Permit to allow a self-storage facility and the construction of two storage buildings measuring approximately 213,640 square feet of building area within a 5.39 acre (234,690 square feet) site in the City's M-2 (Heavy Industrial) zoning district. Pursuant to Chapter 19.39 Division 10 (Site Plan Review) of the Commerce Municipal Code (CMC), a Plot Plan Review is required for any new building or structure in excess of 25,000 square feet in area and Pursuant to 19.31.650 of the Commerce Municipal Code, the establishment of any new mini-warehousing, self-storage or public warehousing are subject to the conditional use permit process within the M-2 Zone.

Contract Planner Acosta presented the report and informed the Commission that staff's recommendation was to approve the Plot Plan and Conditional Use Permit.

The Commission directed some questions to staff. Discussion ensued.

Chairperson Lainez then asked that the applicant come up to the podium to speak on the project. Bruce Jordan, architect for the project, informed the Commission that they had conducted a community outreach regarding the project and he gave an overview of the proposed development.

The Commission directed some questions to the architect. Discussion ensued.

The public hearing was opened.

Leonard Mendoza, 2317 Hepworth Avenue, spoke in support of the project as a great addition to the area.

Resident of 6735 Danielson Court spoke in opposition of the project.

Richard Hernandez, 5050 Nobel Street, spoke in support of the project.

The public hearing was closed.

Chairperson Lainez asked the applicant representative to come back up to the podium and he explained some more about the proposed project design and proximity to the residential area.

The Commission asked some more questions. Discussion ensued.

Maggie Xu, spoke on behalf of the owner of Trojan Storage, Brett Henry, and indicated that in previous discussions they have spoken about how they can contribute to the Community and that he has expressed his willingness to make a donation towards the City's College Scholarship Fund. Discussion ensued.

Commissioner Peraza motioned, followed up with a request to provide a donation to the City's College Scholarship fund on an annual basis seconded by Chairperson Lainez to continue the Public Hearing to the next scheduled meeting of July 31, 2019 in order to get a response to the request for an annual contribution to the City. The motion carried by the following vote:

AYES: Chairperson Lainez, Vice-Chairperson Gonzalez,
Commissioner Peraza (3)

NOES: Commissioners Grajeda and Serfozo (2)

Conditional Use
Permit No. 535
5300 East
Washington
Boulevard

A request to allow for on-site sale and consumption of alcoholic beverages (Type 41, On-Sale Beer and Wine, only) at a sit-down restaurant located in the City's C/M1 (Commercial Manufacturing) zoning district. Pursuant to Chapter 19.31, Division 3 of the Commerce Municipal Code (CMC), a CUP is required for on-site consumption of alcoholic beverages in conjunction with food sales.

Assistant Planner Esparza presented the report and informed the Commission that staff's recommendation was to approve the Conditional Use Permit.

The Commission directed questions to staff. Discussion ensued.

Chairperson Lainez asked the applicant to come up to the podium.

Sonia Huitron, representative for El Cafetillito, addressed the Commission.

The public hearing was opened.

No one wished to speak

The public hearing was closed.

Commissioner Peraza motioned, seconded by Commissioner Grajeda to approve the Conditional Use Permit. The motion carried by the following vote:

AYES: Chairperson Lainez, Vice Chairperson Gonzalez, Commissioners Grajeda, Peraza, and Serfozo (5)

COMMISSION REPORTS

Chairperson Lainez congratulated Vice Chairperson Gonzalez for graduating with a Master's Degree in Urban & Regional Planning and on his appointment as Vice Chairperson of the Planning Commission.

Vice Chairperson Gonzalez thanked Chairperson Lainez and congratulated him on his appointment as Chairperson of the Planning Commission. He looks forward to applying what he has learned and the knowledge he has gained in acquiring his Master's Degree in Urban & Regional Planning.

Commissioner Peraza reminded everyone that he is the Co-Chairperson of the AB617 Steering Committee that was established by the South Coast Air Quality Management District and mentioned that they will be meeting tomorrow at 6:00 p.m. at the Senior Center. He encouraged everyone to attend.

STAFF REPORTS

Associate Planner Griego congratulated Vice Chairperson Gonzalez for obtaining his Master's Degree and for his appointment as Vice Chairperson. She also congratulated Chairperson Lainez on his appointment. She also informed the Commission of the following: 1) On July 4th, the General Plan Advisory Committee will have a booth from 2:00 p.m. to 4:00 p.m. at the event being held at Rosewood Park. 2) The Bike & Ped Committee will be meeting at the Fun Run and will also have a booth at the event to reach out to the community.

Vice Chairperson Gonzalez asked about a workshop that was supposed to take place this upcoming Saturday. Associate Planner Griego informed him that it was cancelled due to an expected low turn-out. The booth at the July 4th event will take place instead. Vice Chairperson Gonzalez also asked if participation in the two committees has improved. Discussion ensued. City Attorney Tapia recommended that this topic of community participation be agendized as an item for further discussion.

Commissioner Peraza motioned, seconded by Commissioner Serfozo to agendize an item for discussion on community participation at the next regular meeting. The motion carried by the following vote:

AYES: Chairperson Lainez, Vice Chairperson Gonzalez, Commissioners Grajeda, Peraza, and Serfozo (5)

ADJOURNMENT

Commissioner Peraza motioned, seconded by Commissioner Serfozo to adjourn the meeting. The motion carried by the following vote:

AYES: Chairperson Lainez, Vice-Chairperson Gonzalez, Commissioners Grajeda, Peraza and Serfozo (5)

Meeting adjourned at 8:18 p.m.



STAFF REPORT

CONDITIONAL USE PERMIT NO. 538 AND VARIANCE NO. 19-02

TO: Planning Commission
FROM: Economic Development and Planning
DATE: December 18, 2019
CASE NO.: Conditional Use Permit No. 538 and Variance 19-02

APPLICANT REQUEST:

Conditional Use Permit (CUP) and Variance: A Conditional Use Permit is requested to allow for the drive-through facility with the construction of a new 2,311 square foot fast food restaurant (Popeye's) in the City's C/M-1 zone. Pursuant to Chapter 19.31, Division 10 of the Commerce Municipal Code (CMC), Drive-through Facilities require approval of a Conditional Use Permit (CUP). In addition to the CUP, the applicant will need a Variance to allow the project on a site that is less than 20,000 square feet in size. Pursuant to CMC Section 19.11.040 Development Standards and Section 19.31.350 Drive-through Facilities, a minimum lot size of 20,000 square feet is required. In this case, the proposal is on a lot measuring 18,062 square feet.

LOCATION: 5556 E. Washington Boulevard
Commerce CA 90040

APPLICANT: Southwest Group Properties, LLC

REPRESENTATIVE: Amir Houriani
714 S Plymouth Boulevard
Los Angeles, CA 90005

RECOMMENDATION: Approval with Conditions

PUBLIC HEARING NOTICE:

The Public Hearing Notice was published in the Los Angeles Wave on December 5, 2019 and mailed to property owners within 500 feet of the project site.

ATTACHMENTS:

- A) Specific Findings for Conditional Use Permit and Variance
- B) Conditions of Approval
- C) Initial Study / Traffic Analysis
- D) Mitigation Monitoring and Reporting Program
- E) Project Plans

LAND USE, ZONING AND APPLICABLE REGULATIONS:

Project Site - Land Use & Applicable Regulations	
General Plan Designation:	Commercial Manufacturing
Zoning:	C/M-1 (Commercial Manufacturing)
Possible Applicable Zoning Regulations:	Commerce Municipal Code (CMC) Chapter 19.11 Manufacturing Zones; CMC Section 19.31.350 Drive-through Facilities; CMC Section 19.39.390 Conditional Use Permit; CMC Section 19.39.420 Required Findings; CMC Section 19.39.480 Variance; Required Findings 19.39.510; CMC Section 19.39.430 Conditions of Approval; CMC Chapter 19.21 Off-Street Parking and Loading.

SURROUNDING ZONING AND LAND USES:

Direction	Zoning	Land Use
North	C/M-1	Commercial/Manufacturing
South	C/M-1	Commercial/Manufacturing
East	C/M-1	Commercial/Manufacturing
West	C/M-1	Commercial/Manufacturing

ENVIRONMENTAL ASSESSMENT:

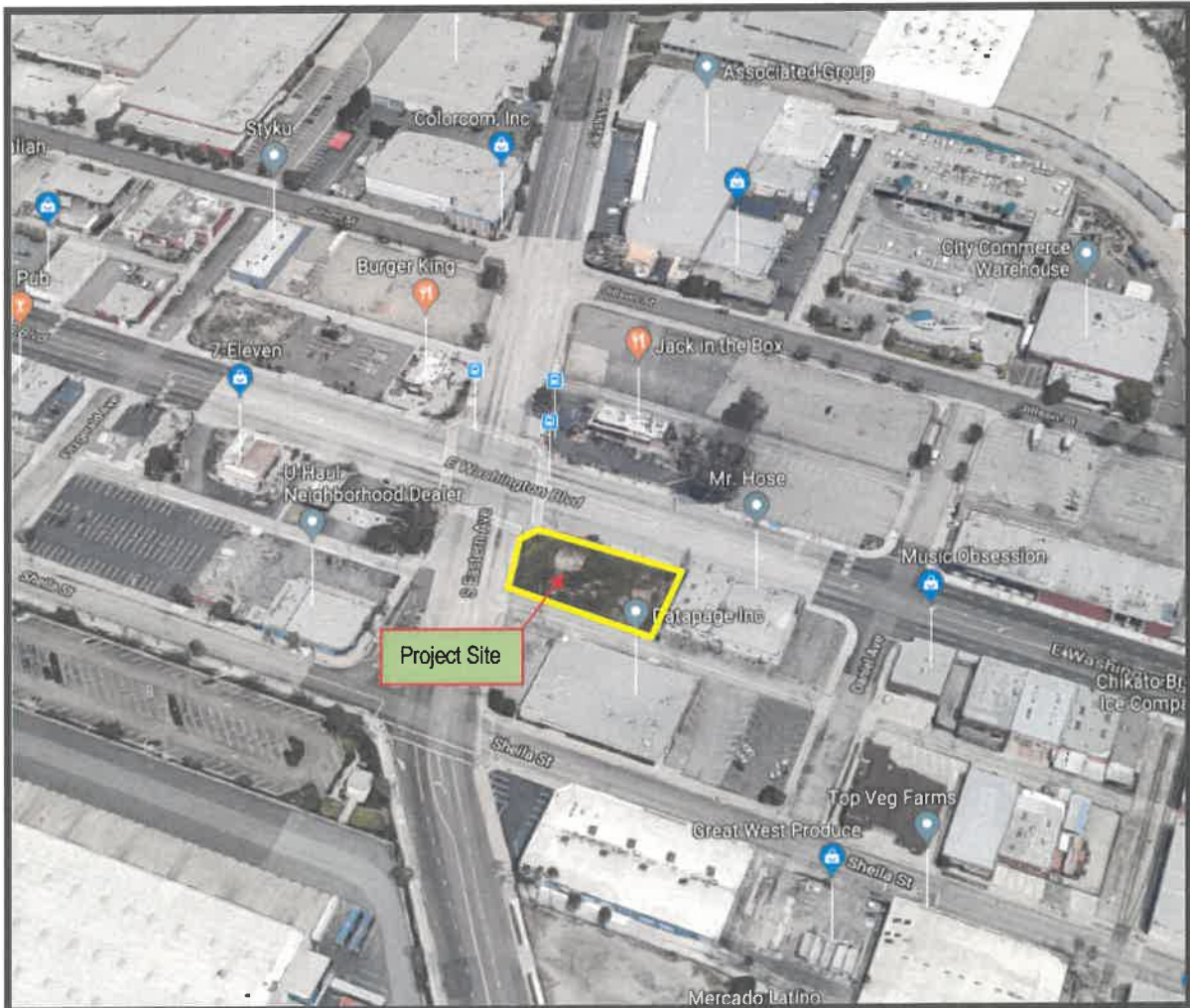
Environmental review indicates that there could be adverse effects on the environment, but that these effects could be mitigated to a level of less than significant. Therefore, a Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

Where the environmental assessment identifies adverse environmental impacts (Aesthetics, Cultural Resources, Public Services, and Transportation), mitigation measures have been provided. The mitigation measures were designed to reduce the severity of the environmental impacts to levels less than significant, as defined by CEQA. The mitigation measures are listed at the end of this report and in the attached CEQA analysis.

In addition, the applicant was provided a copy of the Initial Study and the Mitigated Negative Declaration for review and comment. The applicant confirmed that the project description was accurate and agreed to all mitigation measures.

DESCRIPTION OF PROPERTY:

The subject property is flat in nature and has a slightly irregular shape. The property has a land area of approximately 18,062 square feet (0.41 acres) and is situated in the City's Commercial Manufacturing Zoning District (C/M-1). The project site is currently vacant, though the site was formerly occupied by a service station from 1956 to 1999. All structures on-site have been demolished. The property is bounded on the west by Eastern Avenue and on the south by an alleyway. The project site is located in the midst of the Washington Boulevard corridor that includes a mix of commercial and smaller industrial uses. The project site is shown on the image below, outlined in yellow:



ANALYSIS:

Background

The applicant is requesting to construct a new 2,311 square foot Popeye's fast food restaurant with a single lane drive-through on a property site that has a land area of 18,062 square feet.

Pursuant to Chapter 19.31, Division 10 of the CMC, Drive-through Facilities require approval of a Conditional Use Permit (CUP). In addition to the CUP, the applicant is requesting a Variance to allow the project on a site that is less than 20,000 square feet in size. Pursuant to CMC Section 19.11.040 Development Standards and Section 19.31.350, Drive-through Facilities, a minimum lot size of 20,000 square feet is required. In this case, the proposal is on a lot measuring 18,062 square feet.

Conditional Use Permit

Pursuant to the Commerce Municipal Code (CMC), Chapter 19.11 under Table 19.11.030A, eating places with drive-through services requires the consideration of a conditional use permit within the zoning districts. A CUP allows a city to ensure that drive-through facilities do not result in adverse impacts on adjacent properties and residents or on surrounding neighborhoods. The purpose of the CUP process is to analyze uses that due to their operating characteristics may have the potential to impact surrounding properties. The CUP process also allows staff to tailor conditions of approval to ensure the land use will not negatively impact the general vicinity of such use. In this case, the applicant is proposing to construct a new 2,311 square foot Popeye's fast food restaurant with a single lane drive-through.

Variance

A Variance is required in order to grant relief from the zoning provisions when, because of special situations related to a property, including size, shape, topography, location, or surroundings. For the proposed development to occur on site, a minimum lot size of 20,000 square feet is required per CMC Chapter 19.11 under Table 19.11.040A Development Standards for the C/M-1 Zone and Section 19.31.350, Drive-through Facilities. Therefore, a variance is required for the minimum lot size to allow the drive through facility with the fast food restaurant. In order to allow for the project, approval of a Conditional Use Permit along with the Variance to deviate from the lot size is needed.

When considering a Variance for relief from the Zoning Code requirements, staff has to determine if there is a special circumstances applicable to a property, including size, shape, topography, location, or surroundings, for which the strict

application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

In this case, the subject property does not comply with the minimum lot size due to the street widening of Eastern Avenue. The widening of the street reduced the original lot size from approximately 22,880 square feet to 18,062 square feet. Only two lots along Eastern Avenue were affected by the street widening project. The street widening project caused these two lots to have irregular shapes and caused the subject site to decrease in size. The Los Angeles County Office of the Assessor shows the parcel map for Parcel No. 51 where it identifies the land that was taken away from the subject property for the widening of Eastern Avenue. The parcel map shown below, (circle in green) shows the dash lines in the middle of Eastern Avenue where the portion of land was taken away from the subject property:

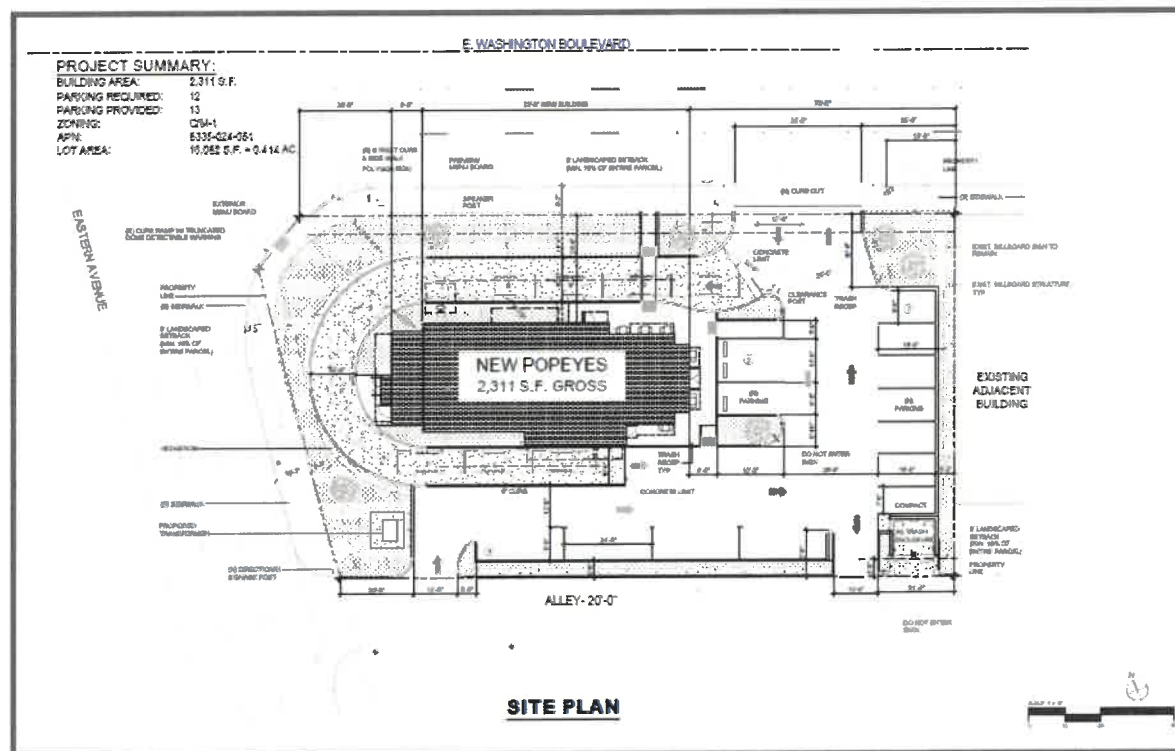
Exhibit A



Furthermore, the property is enclosed by developed properties on east and south side, and a street (Eastern Avenue) on the west side. As such, the applicant has limited recourse to acquire the necessary square footage needed to comply with the minimum lot size. As proposed, the new single lane drive-through restaurant is designed to meet all the applicable development standards, except for the minimum lot size. Because of this condition, staff is of the opinion that a recommendation in the affirmative to allow the development of a new single lane drive-through restaurant on a parcel that is not able to meet the minimum lot size for such use can be made. The analysis in support of approving the requested variance is located in Exhibit A.

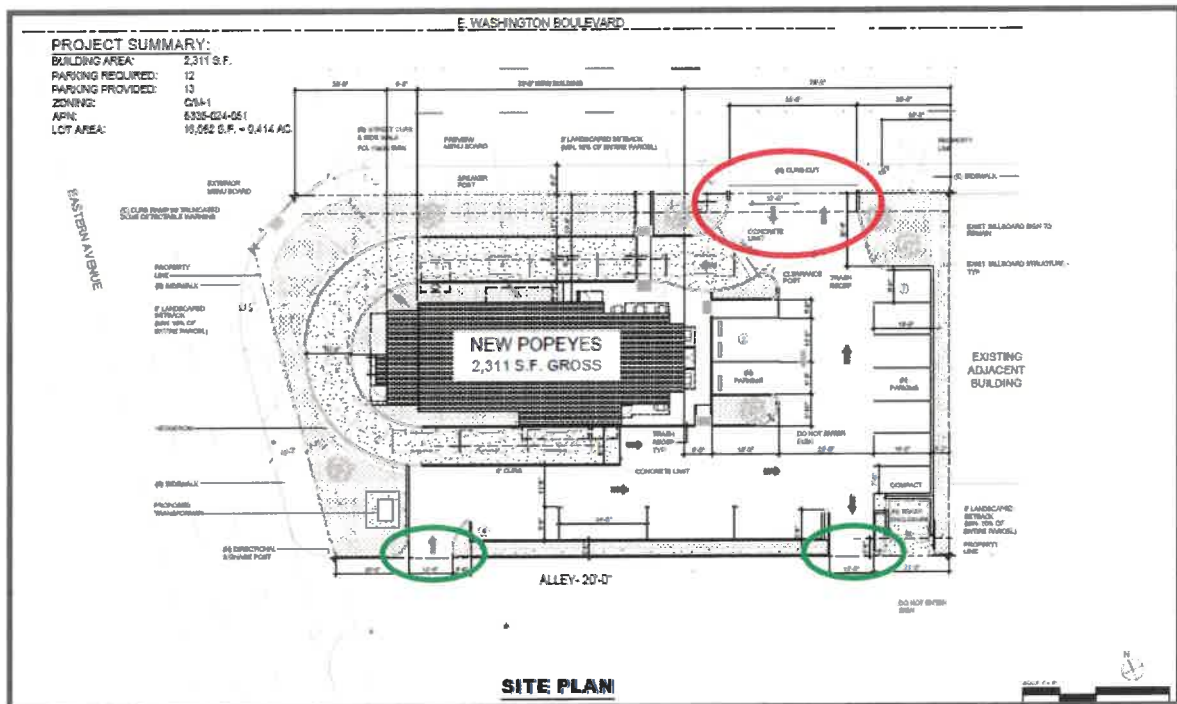
Project Description

The Popeye's single lane drive-through restaurant will consist of a single-level building of 21 feet high to the parapet with a total floor area of 2,311 square feet. Of this total, approximately 600 square feet will be devoted to indoor seating. The seating capacity for the restaurant will be 34 seats (22 indoor seats and 12 outdoor seats). The drive-through access will be located on the north elevation of the building and continues along its west side and ending on the south side where the pick-up window is located. The main entrance to the restaurant is located on the east side elevation facing the parking area. The project site plan is shown below:



The Popeye's fast food restaurant hours of operation will be seven days a week between 10:00 AM to 10:00 PM. The restaurant will employ approximately 30 employees. All truck deliveries of food merchandise will be made in the morning when the restaurant is closed to the customers, allowing the truck to park on-site with no interfering with the customers.

The primary vehicular access (both ingress & egress) to the project site will be provided by a 35-foot wide driveway along E. Washington Boulevard. This driveway will also provide access to the drive-thru lane. Secondary access will be provided by two separate 12-foot wide driveways (one for ingress and one for egress) on the south side of the property that has access to the alley, which leads to Eastern Avenue. The site plan below shows the proposed driveways for the fast food restaurant, the driveway circle in red is the primary access to the site and the two driveways circle in green are the driveways leading to the alleyway:



Development Standards, Parking and Maneuvering

The proposed 2,311 square foot Popeye's fast food restaurant with a single lane drive-through will comply with all of the City's basic development standards. As such, the footprint of the building will be within the limits afforded by the Zoning Ordinance. The fast food restaurant building will provide the minimum setbacks, conform to building height and will comply with both the lot coverage and floor area ratio requirements. The table below shows the minimum requirements pursuant to the CMC, as well as what the applicant is proposing:

DEVELOPMENT STANDARD	REQUIRED	PROPOSED
Minimum Lot Area	20,000 square feet	18,062 square feet
Maximum Building Height	90 feet or 6 stories, whichever is less	21 feet
Minimum Front Yard	5 feet	29 feet 6 inches
Minimum Side Yard	10 feet	Approx. 25 feet
Minimum Rear Yard	None Required	36 feet
Maximum Lot Coverage	50%	13%

As part of its review, staff has to determine that the use will conform to the permissible parking requirements identified in Chapter 19.21 of the Zoning Ordinance. The purpose of the parking requirements is to ensure all land uses in the City provide adequate off-street parking facilities, loading areas, and vehicle movement areas associated with a use. The intent of these regulations is to ensure that the use of land does not interfere adversely with the circulation of public rights-of-way, that private on-site circulation does not pose a potential safety issue, and that surrounding uses are protected from the noise and traffic impacts associated with off-street parking and loading activities.

The proposed restaurant would measure approximately 2,311 square feet. Pursuant to the Commerce Municipal Code, 1 parking space is required for every 200 square feet of restaurant space. The square footage and parking breakdown for the subject project is shown below:

PROPOSED USE	SQUARE FOOTAGE	PARKING REQUIRED
Popeye's Restaurant	2,311	12
Total Parking Spaces Required		12
Total Parking Spaces Provided		13

As shown above, the project site will provide the necessary parking as required by the CMC. Besides meeting all parking requirements, the proposed project would also meet all setback, lot coverage, floor area, landscaping and queuing distance for menu board requirements.

CMC Section 19.31.350 requires that any drive-through facilities shall meet the minimum of 80 feet queuing distances from the entrance to the drive-through to the menu board. The project will be providing the 80 feet of queuing distance per CMC.

Design and Compatibility

Chapter 19.19 of the CMC includes some general development standards and design guidelines. The purpose of these standards is to protect and improve the environment and the appearance of the community, and to deter blighting and nuisance conditions. In particular, these guidelines address items such as, but not limited to, contextual design, landscaping, architectural treatments, and circulation. The proposed fast food restaurant will meet the City's site planning criteria and design guidelines set forth in the CMC. The architectural design on the building will enhance the appearance of the area and will include a number of different measures to ensure compatibility. Staff has worked closely with the applicant on extra architectural treatments to enhance all sides of the walls on the building. The site has been designed and conditioned to ensure compatibility and prevent impacts to surrounding properties. Below are the elevations for the proposed fast food restaurant for the site:

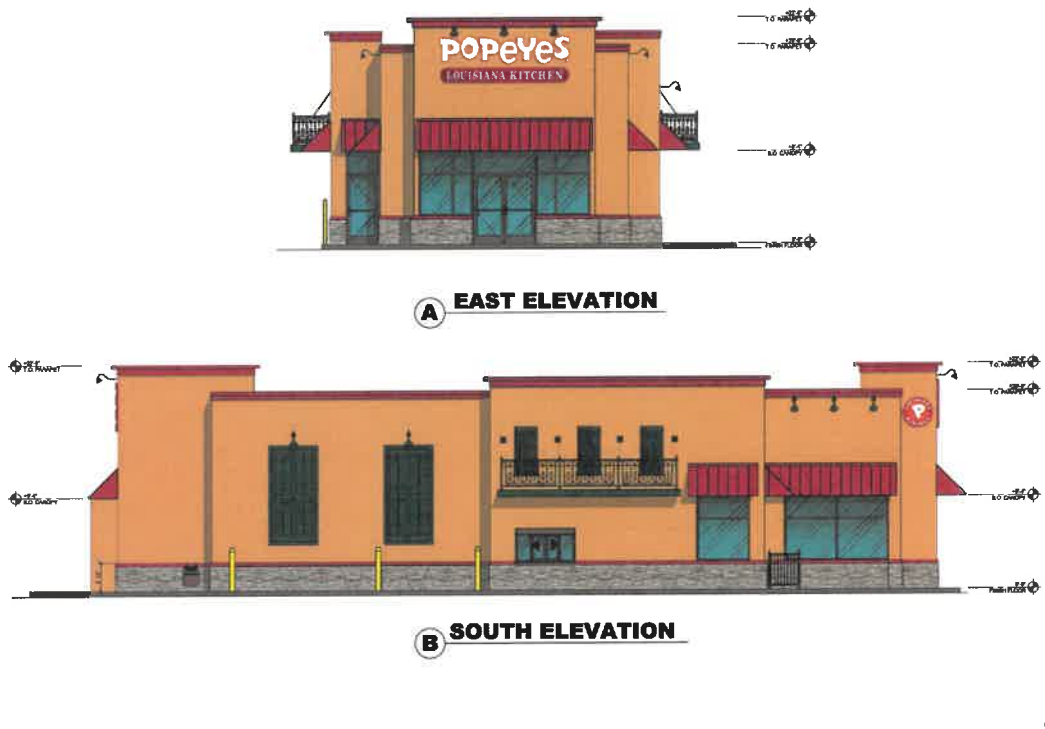


C WEST ELEVATION



D NORTH ELEVATION





Initial Study

Environmental analysis was conducted pursuant to the California Environmental Quality Act (CEQA). After undergoing an initial study, it was determined that a Mitigated Negative Declaration was the appropriate document to prepare for the purpose of identifying and evaluating the potential impacts that could occur with the development. It is the intent of the document to identify the potential environmental impacts that can be expected to occur with the construction of the project and feasible mitigation measures to reduce impacts to less than significant levels. The document was prepared for the development of the drive-through restaurant.

Traffic Study

In order to accurately assess future traffic conditions with the proposed project, trip generation estimates were developed for the project by Translutions Inc. Trip generation for the proposed project is based on trip generation rates from the Institute of Transportation Engineers' (ITE) *Trip Generation* (10th Edition) and are based on Land Use 934 - "Fast-Food Restaurant with Drive-Through Window". Retail uses will typically draw some of its trips from the adjacent street traffic, so that some of the project trips are not actually "new" trips to the adjacent circulation system. These trips are referred to as "pass-by" trips. Pass-by trips are trips that are on the roadway immediately adjacent to the retail center which make

intermediate stops on the way from an origin to a primary trip destination without route diversion. Pass-by trips for Land Use 934 "Fast-Food Restaurant with Drive-Through Window" were calculated using rates from ITE *Trip Generation Handbook* (3rd Edition). Table A below shows the calculation of the project trip generation for the a.m. peak hour, p.m. peak hour, and weekday. As shown in Table A, the proposed project is forecast to generate 47 net new trips in the a.m. peak hour, 38 net new trips in the p.m. peak hour, and 1,004 net new daily trips.

TABLE A

Land Use	Units	A.M. Peak			P.M. Peak			Daily
		In	Out	Total	In	Out	Total	
		Fast-food Restaurant Trip Generation Rate	20.50	19.69	40.19	16.99	15.68	
Trip Generation	2,311 ksf	47	46	93	39	37	76	1,088
Pass-by Trips	49% AM/ 50% PM	23	23	46	19	19	38	84
Total Net Trips		24	23	47	20	18	38	1,004
Total Net Trip Generation		24	23	47	20	18	38	1,004

Notes: TSF = Thousand Square Feet

1. Trip generation based on rates for Land Use 934 - "Fast-Food Restaurant with Drive-Through Window" from Institute of Transportation Engineers' (ITE) *Trip Generation* (10th Edition).
2. Pass-By rates based on rates for Land Use 934 "Fast-Food Restaurant with Drive-Through Window" from ITE *Trip Generation Handbook* (3rd Edition).

Project Trip Distribution

As stated earlier, access to the project will be provided by a right-in/right-out driveway on Washington Boulevard, one full access inbound and one full access outbound driveways on the Alley. The intersection of the Alley and Eastern Avenue will not allow left turns. It should be noted that based on observations at the intersection of the Alley and Eastern Avenue during the p.m. peak hours, Translutions staff did not see any vehicles on the segment of the alley between Eastern Avenue and the proposed driveway. This is potentially due to the fact that vehicles from adjacent properties were observed to travel east on the alley to Daniel

Avenue and then to Sheila Street which has a signalized intersection with Eastern Avenue.

Conclusion of the Traffic Study

The City of Commerce requires a transportation impact analysis at all intersections where the proposed project will add 50 or more trips during either the a.m. or p.m. peak hour. Based on the project trip generation, the project is forecast to generate 47 net new trips during the a.m. peak hour, 38 net new trips during the p.m. peak hour, and 1,004 net new daily trips. The project provides more parking than is required by City code, and our review of the project access and on-site circulation did not identify any circulation issues.

General Plan and Zoning Ordinance

The Commerce General Plan and Zoning Ordinance establishes the permitted land uses and the corresponding development standards within the City. The project area is currently designated as Commercial Manufacturing in the Commerce General Plan and is zoned Commercial/Manufacturing (C/M-1). This zone was established to provide for a wide variety of commercial uses and limited, compatible light industrial uses. The intent of the zone is to concentrate these uses along major arterials and in other areas that provide easy access. Commercial or industrial uses that might create offensive level of noise, air pollution, glare, radio activity, or other nuisances are prohibited from this zone. The project site is an area that is home to different types of uses including commercial and industrial. The proposed restaurant is similar to and compatible with other uses in the immediate vicinity, as well as the City's vision for the area.

Therefore In order to grant the applicant's CUP, the Planning Commission must grant the aforementioned variance, which would require making specific findings. Granting a variance may be supported by a finding that the strict or literal interpretation and application of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Code. The granting of a variance must not be contrary to the public welfare, inconsistent with the General Plan, or unduly injurious to surrounding properties. The Commission must consider whether a literal interpretation of the Code would deprive the applicant of rights commonly enjoyed by other properties in the vicinity and zone. The Commission may not grant special privileges that are denied to other lands, structures, and buildings in the same vicinity and zone.

CONCLUSION:

Staff believes that the Planning Commission can make the necessary findings for granting the requested Conditional Use Permit and Variance to allow the construction of a single lane drive-through fast food restaurant within the C/M-1 zoning district. The site is surrounded by a mixture of commercial and industrial uses and will be operated in harmony with these uses. Also, as demonstrated in the building analysis, the overall building layout and design will meet the minimum building requirements as set forth in the Zoning Ordinance. The applicant faces unique hardships, which do not generally apply to other properties in the zone. Without the variances, the proposed use will not be permitted to proceed due solely to the lack of the lot size. In order to allow for the project, approval of a Conditional Use Permit along with the Variance to deviate from the lot size is needed.

Therefore, staff recommends that the Planning Commission approve Conditional Use Permit No. 538 and Variance No. 19-02 with the Specific Findings in Attachment A, the Conditions of Approval in Attachment B, Initial Study/Traffic Analysis Attachment C and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Attachments C and D.

Prepared by: Sonia S. Griego
Associate Planner

Reviewed by: Noel Tapia
City Attorney

**ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT NO. 538 AND
VARIANCE 19-02**

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

1. The proposed project *will not* have a significant effect on the environment.
2. The proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals.
3. The proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity.
4. The proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly.
5. A Mitigation Reporting and Monitoring Program *will be* required.

In addition to the above finding, Commerce Municipal Code Section 19.39.420 requires that before granting a Conditional Use Permit, the Planning Commission must satisfy itself by making the following findings:

1. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Title 19. ***The proposed drive-through restaurant is conditionally permitted within the C/M-1 zone pursuant to the Commerce Municipal Code. The subject project will allow for the establishment of a use intended to provide a variety of goods and services necessary to meet the needs of the resident and business populations.***
2. The proposed use would not impair the integrity and character of the zone in which it is to be located. ***The proposed use is consistent with other uses in the immediate vicinity and throughout the C/M-1 zone. The project site is located on a corner lot in the City and will serve to further the City's vision for the area. The project site is currently vacant and the subject project will enhance the aesthetics of the area. Therefore, the proposed use will not impair the integrity and character of the C/M-1 zone.***

3. The subject site is physically suitable for the type of land use being proposed. ***The subject project will meet the lot coverage, floor area and drive through queuing distance requirements, and all required parking will be provided on-site. The project was designed in a way that will not serve to overpower its location or other surrounding uses. Therefore, the subject site is physically suitable for the proposed restaurant use.***
4. The proposed use is compatible with the land uses presently on the subject property. ***The project site is surrounded by other commercial and industrial uses. The use is one that is conditionally permitted in the zone and will serve to further enhance the City's vision for the area. The proposed use is compatible with adjacent uses and combined with other uses in the C/M-1 zone, will serve to help provide a variety of goods and services necessary to meet the needs of the resident and business populations.***
5. The proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located. ***The use is one that is conditionally permitted in the zone and will serve to further enhance the City's vision for the area. The proposed use is compatible with existing uses and the future land uses for the area in the C/M-1 zone.***
6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to the public health and safety. ***The project site is located in an urbanized area where similar uses exist. It will be located immediately adjacent to uses that have adequate provision for water, sanitation and public utilities. Similar access to utilities will be provided to the project and therefore adequate provisions are in place.***
7. There would be adequate provisions for public access to serve the subject proposal. ***The project site will have accessed via a new 35 foot driveway along Washington Boulevard and two single driveways abutting alley on the southerly property line. The entrances are adequate to serve the subject project and additional pedestrian access ways will be provided to allow entry off the adjacent street. Therefore, adequate provisions for public access will be provided.***
8. The proposed use is consistent with the objectives, policies, general, uses, and programs of the Commerce General Plan. ***The proposed use is consistent with the objectives, policies, general land uses, and programs of the Commerce General Plan. The Commerce General Plan designates the project area as Commercial Manufacturing. This project is consistent with the General Plan in that it contributes to help establish an orderly pattern of development and a wide range of***

commercial activities. The project will also continue to promote the improvement of an existing commercial area along Washington Boulevard.

9. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare. **The proposed use will be maintained in a safe and efficient manner while providing services, in accordance with the imposed conditions. The conditions imposed will ensure that the public interest, health, safety and convenience or welfare is served. Therefore, the proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare.**
10. The proposed design and elevations preserve and maximize the image, character, and visual quality of the neighborhood. **The proposed use will serve to enhance the character and visual quality of the area. The subject project is consistent with those existing uses in the area and the City's vision of continued promotion and improvement of existing commercial areas.**

Commerce Municipal Code Section 19.39.510 requires that before granting of a variance, the Planning Commission must mthe following findings:

1. That the strict or literal interpretation and application of this Title 19 would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Title 19, or would deprive applicants of privileges granted to others in similar circumstances. **The applicant faces unique hardships, which do not generally apply to other properties in the zone. The limitation on available land is such that the applicant could not use the site for any development. Without the variance, the proposed use will not be permitted to proceed due solely of not meeting the minimum lot size. In this circumstance, that would yield unduly harsh consequences that would seemingly deprive the owner of use of the property despite a reasonable plan for operation. Staff is not aware of any other property owner in the immediate area who is deprived use of their property due to minimum lot size. Further, Title 19 and the General Plan seek to foster economic development and development of desirable uses. The applicant here seeks to develop a use that will provide a drive-through fast food restaurant within the City, and permissible within the C/M-1 zone.**
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property that do not apply generally to other properties in the same zone. **This property experiences exceptional circumstances because the property is located on the corner of Washington Boulevard and Eastern Avenue and the property is enclosed by developed property on one**

side and the street (Eastern Avenue) on the other. As such, the applicant has limited recourse to acquire the necessary square footage needed to comply with the minimum lot size.

3. That the granting of such variance will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the vicinity classified in the same zone. ***The property is able to meet all of the development standards as required for the C/M-1 zone, pursuant to Commerce Municipal Code, Chapter 19.11, however except the minimum lot size due to the widening of Eastern Avenue, it reduced the original lot size from approximately 22,880 square feet to 18,062 square feet only two lots along Eastern Avenue were affected and caused these two lots to have irregular shape and not comply with the minimum lot size.***
4. That the granting of such variance will not be materially detrimental to the public health, safety, or general welfare or injurious to property or improvements in the zone or neighborhood in which the property is located. ***The proposed use would not be detrimental to the public health, safety, or general welfare, nor injurious to the property or improvements in the C/M-1 zone or neighborhood in which the property is located because the front, rear, side yard setbacks, and on-site parking are in compliance with the zoning code. The construction will also increase the aesthetics of the area.***
5. That the granting of such variance will not create any inconsistency with any objective contained in the General Plan. ***The Commerce General Plan serves as the blueprint for future planning and development in the City. The General Plan indicates the city's vision for the future through policies and plans. In this case, the following policies apply to this proposal: Community Development Policy 3.1 – The City of Commerce will continue to promote the maintenance and preservation of commercial activities and business that contribute to the city's economic and employment base; and Community Development Policy 3.3 – The City of Commerce will encourage the continued revitalization of the city's commercial districts to accommodate economic development and growth. The use will also promote the improvement of a location where reinvestment and revitalization is needed. Furthermore, the project will provide a needed service to the community. Therefore the proposal will meet the objectives of the General Plan and will not create any inconsistency therewith.***

**ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 538 AND
VARIANCE 19-02**

STAFF RECOMMENDATION:

1. A Conditional Use Permit approval and a Variance is valid and in effect and granted pursuant to the provisions of Title 19 of the Commerce Municipal Code and shall be valid only on the property for which it was granted and only for the improvements for which it is granted and further, shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.
2. All conditions shall be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of certificates of occupancy; and shall restrict and limit the construction, location, and use and maintenance of all land and structures within the development.
3. This permits (CUP and Variance) and all rights hereunder shall terminate within twelve months of the effective date of the permit unless operations are commenced or a written time extension is granted, based on a written request submitted prior to the expiration of the one-year period as provided in Section 19.39.460 of the Commerce Municipal Code.
4. The abandonment or non-use of this approval for a period of one year shall terminate the approval without further action of the Planning Commission or City Council, and any privileges granted thereunder shall become null and void.
5. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the use and development of said property as set forth by this permit together with all conditions, which are a part thereof.
6. All parking areas shall be clearly identified. The surface parking area must be striped to clearly indicate the location and extent of vehicle parking, maneuvering areas, and drive aisles.
7. Parking for all patrons must be provided on-site.
8. During construction, all roadways shall be kept open to traffic.
9. Equipment used for construction activities shall be properly tuned to reduce exhaust emissions.

10. Roads adjacent to the project site shall be swept as needed to reduce fugitive dust from the proposed project site.
11. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
12. Contractors and subcontractors engaged in the construction activities of the project shall obtain a business license and all required permits from the City of Commerce.
13. Three (3) sets of landscaping and irrigation plans shall be prepared by a landscape architect and submitted to the City for review and approval. All designated landscaping areas shall be fully planted prior to the issuance of building permit final inspection and maintained at all times.
14. The project shall comply with the Low Impact Development (LID) Ordinance that the City of Commerce adopted to comply with requirements of Clean Water Act and the MS4 Stormwater and Urban Runoff Permit.
15. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
16. If the Director of Economic Development and Planning determines that a situation detrimental to the public health, safety, and welfare has arisen due to the subject operation, the Director may require changes to the operation, additional studies to be undertaken, and the implementation of additional measures to protect the public's interest.
17. The project will be required to comply with all programs adopted by the City for the reduction of solid waste.
18. The Director of Economic Development and Planning shall have the authority to initiate proceedings to suspend or revoke a Conditional Use Permit approval pursuant to provisions set forth in Sections 19.39.240 through 19.39.250, inclusive, of the Commerce Municipal Code, Chapter 19.39 if sufficient cause is given.
19. The operation must comply with all pertinent South Coast Air Quality Management District (SCAQMD) regulations. The applicant and future tenants shall be required to obtain all pertinent operating permits from the SCAQMD. Proof of permits or proof of exemption shall be provided prior to issuance of a building permit from the City of Commerce.

20. A City of Commerce Business License shall be obtained and renewed as required by the City of Commerce to reflect the proposed land use.
21. All required permits by all permitting agencies shall be obtained for operation of said use and any construction associated with the subject request.
22. Construction activities shall be permitted between the hours of 7:00 a.m. to 6:00 p.m.
23. Storage of building materials related to construction activities shall be contained within the project site.
24. The project site shall be cleared of all debris prior to the issuance of a Building Department final inspection.
25. Southern California Edison (SCE) requires the following conditions for any SCE services:
 - a. The applicant is responsible for contacting Southern California Edison (SCE) and arranging any electrical service at the appropriate stage of construction. The electrical design for the newly installed service shall be designed by SCE and approved by City of Commerce Building and Safety Division (CCBSD).
 - b. All on-site electrical service connections to the proposed improvements shall be designed using an underground (UG) design method. This avoids an overhead service connection.
 - c. All required SCE "equipment" needed to provide service to the proposed improvements (PME Switches, Transformers, and/or Capacitors) shall be installed in a "padmounted" configuration sitting above finished grade upon an approved SCE structure.
 - d. All required SCE "Cable" needed to provide service to the proposed improvements shall be installed utilizing UG conduits or cable trench as designed by SCE.
 - e. There shall be no newly installed overhead (OH) facilities across private property without the approval from the CCBSD.
26. If applicable, the contractor under the observation of the soil engineer shall conduct all clearing, site preparation, or earthwork performed on the project.
27. If applicable, the soils engineer shall provide inspection for site clearing and grading in order to certify that the grading was done in accordance with approved plans and grading specifications.

28. Soils binders shall be utilized on construction sites for unpaved roads and/or parking areas.
29. The project will be required to comply with all programs adopted by the City for the reduction of solid waste.
30. The project applicant shall install energy-efficient electrical appliances and equipment in accordance with the State of California's Energy Efficiency Standards (Title 24).
31. A minimum of one outdoor trash receptacle shall be provided on-site adjacent to each driveway exit. At least one additional on-site outdoor trash receptacle shall be provided for every ten required parking spaces.
32. Employees shall collect on-site and off-site litter including food wrappers, containers, and packaging from restaurant products generated by customers within a radius of three hundred feet of the property at least once per business day.
33. The Applicant is required to install artwork or pay an in-lieu fee subject to the City's Art in Public Places Ordinance. The cost of the artwork or in-lieu fee shall be equal to 1% of the projects valuation.
34. Violation of any of the conditions of the approval shall be cause for revocation and termination of all rights thereunder.
35. The Director of Economic Development and Planning or his/her designee is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
36. The Applicant shall sign, notarize, and return to the Economic Development and Planning Department an affidavit accepting all Conditions of Approval within 10 days from the date of the approval, unless appealed. The Applicant acknowledges and understands that all conditions set forth in this Resolution are conditions precedent to the grant of approval and failure to comply with any condition contained herein shall render this Condition Use Permit non-binding as against the City and shall confer Applicant no legal rights under the law.
37. 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, 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.

DEPARTMENT OF BUILDING & PUBLIC WORKS CONDITIONS:

The following work items are to be designed, installed, and completed at the sole expense of the applicant/developer/property owner.

GENERAL REQUIREMENT FEES:

1. Prior to issuance of grading, building or other permits as appropriate, the applicant shall pay all necessary and nominal fees to the City.
2. Sewer fee will be required in addition to the fees paid to the Sanitation Districts of Los Angeles County, and shall be paid prior to building permit issuance.
3. Water service connection fees will be required and paid to California Water Service (Cal Water).
4. Separate public encroachment permit and Public Works inspection fees payment are required for all work in the public rights-of-way in the City.

BUILDING & SAFETY CONDITIONS AND CODE REQUIREMENTS:

1. The second sheet of building plans is to list all City of Commerce 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. School Developmental Fees shall be paid to the School District prior to the issuance of the building permit.
3. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.

4. Projects with a valuation in excess of \$250,000 shall provide Art Work or pay in-lieu contribution equal to 1% of the total project cost.
5. The building shall be addressed 5556 Washington Boulevard.
6. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
7. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
8. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
 - a) Observation of cleared areas and benches prepared to receive fill;
 - b) Observation of the removal of all unsuitable soils and other materials;
 - c) The approval of soils to be used as fill material;
 - d) Inspection of compaction and placement of fill;
 - e) The testing of compacted fills; and
 - f) The inspection of review of drainage devices.
9. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.
10. Prior to permit issuance the pdf copy of the soils report shall be provided by the applicant.
11. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
12. Redevelopment project with land disturbing activity that would result in the replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories shall comply with LID requirements per City Ordinance.

13. Where redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction storm quality control requirements, only the alteration shall comply with LID requirements.
14. All State of California disability access regulations for accessibility and adaptability shall be complied with.
15. Approval is required from the Los Angeles County Health Department for restaurants.
16. The building permit will not be issued until the property has been surveyed and the boundaries marked by a land surveyor licensed by the State of California.
17. Foundation inspection will not be made until the excavation has been surveyed and the depth of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
18. Project shall comply with the CalGreen Non Residential mandatory requirements.
19. Demolition permit is required for any existing buildings, which are to be demolished.

PUBLIC WORKS CONDITIONS / REQUIREMENT :

- I- Separate plans for improvements within the public right-of-way are not required. However, prior to issuance of a building and/or grading permit, all necessary improvements within the public right-of-way shall be shown on building or grading plans in accordance with established City standards or as directed by the City Engineer or his/her designee and the work shall be done at the sole expense of the developer and/or permittee.

WASHINGTON BOULEVARD:

- PW1. Install new driveway approach in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.
- PW2. Remove and replace broken and off grade sidewalk in accordance with SPPWC standard plan 113-2, and as directed by the City Engineer or his/her designee.
- PW3. Remove and replace broken and off grade curb and gutter in accordance

with SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee.

PW4. Should the proposed work generate a street cut into the street, paving shall be as directed by the Public Works Inspector.

EASTERN AVENUE:

PW5. Install new sidewalk along the length of the property frontage in accordance with SPPWC Standard Plan 113-2, and as directed by the City Engineer and/or his/her designee.

PW6. Install new curb and gutter along the length of the property frontage in accordance with SPPWC standard plan 120-2, and as directed by the City Engineer or his/her designee.

PW7. Should the proposed work generate a street cut into the street, paving shall be as directed by the Public Works Inspector.

ALLEY:

PW8. Install new driveway approach in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.

PW9. Rehabilitate existing AC street pavement along the length of the property frontage to the centerline of the alley as directed by the City Engineer or his/her designee.

II- Project shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of permits. The designer should consider the largest design vehicle that is likely to use that facility with some frequency in determining the radii needed at intersections, turning roadways, and driveways. Scaled turning templates shall be used, for any type of vehicle other than a passenger car to show the swept width and or tracking width of a design vehicle as an overlay.

III- The following are general requirements for off-site improvements:

A. Any existing improvements in the public right of way that is damaged, made off-grade during construction, including but not limited to the following: traffic signals, light standards, aprons, sidewalk, curb ramps, curb, and/or gutter, shall be removed and replaced with the appropriated SPPWC Standard or as directed by the Public Works Department.

- B. Site Drainage not retained on site shall be collected and deposited in the adjacent gutter, alley, storm drain or similar structure or device, and if necessary, filtered per NPDES regulations. Site storm and/or nuisance water shall not flow across the city sidewalk.
- C. All new and existing, non-complying driveway aprons shall be constructed in accordance with SPPWC standards and shall provide a minimum 4 feet wide path of travel at no more than 2% cross-slope at the top of apron. Where limited parkway width occurs, the sidewalk shall be depressed at the back of apron to provide a disable access complying path of travel across the driveway apron. Top of driveway apron X shall be 5 feet minimum from any trees, power poles, traffic signal controllers, electric services, or similar improvements in the public right-of-way.
- D. All existing driveways aprons to be closed shall be removed and replaced with new curb, gutter, and sidewalk constructed in accordance with SPPWC standards.
- E. All damaged or off-grade curb, gutter, and sidewalk shall be removed and replaced in accordance with SPPWC standards.
- F. All necessary permits, including encroachment permits, utility connection permits, etc., shall be first secured from the City of Commerce, and any other responsible or underlying agency, before any work can commence within the public right of way.
- G. All work in the public right-of-way shall be done in accordance with established City standards or as directed by the Director of Public Works and/or the City Engineer

TRAFFIC ANALYSIS CONDITIONS:

1. The outbound drive aisle for the Washington Blvd shall be striped with a Right Turn Arrow (CA MUTCD Figure 3B-24 (CA) and a Right Turn Only sign. To complement the assumption that the project traffic exiting onto Washington Blvd will be restricted to right turns in and out.
2. At the Washington Blvd driveway there will also be posted a sign facing Washington Blvd for NO LEFT TURNS (R3-2). Although most drivers would not attempt to make the left turn into the site over 3 through lanes and a WB left turn pocket, it is surprising how many do which will set up vehicles for the potential for rear-ends or broadside collisions.

3. The applicant will provide a sign to be posted at the alleyway facing Eastern Avenue for NO LEFT TURNS (R3-2) into the alley. It is not enough to assume that “the intersection of the alley and Eastern Avenue will not allow left turns”. Posting the sign will allow PD to ticket any vehicle sitting in SB travel lanes blocking traffic waiting for a small gap to turn and risking the potential for rear-end collisions. This will also improve left turn access into the project driveway that is only 30 feet from Eastern Avenue. Since the alley is within City right of way, the City will need to install the sign.

**ATTACHMENT C
INITIAL STUDY / TRAFFIC ANALYSIS FOR
CONDITIONAL USE PERMIT NO. 538 AND VARIANCE NO 19-02**

INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

**CITY OF COMMERCE
POPEYE'S FAST FOOD RESTAURANT
5556 EAST WASHINGTON BOULEVARD**



LEAD AGENCY:

**CITY OF COMMERCE
PUBLIC WORKS AND DEVELOPMENT SERVICES DEPARTMENT,
PLANNING DIVISION
2535 COMMERCE WAY
COMMERCE, CALIFORNIA 90040**

REPORT PREPARED BY:

**BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING
2211 SOUTH HACIENDA BOULEVARD, SUITE 107
HACIENDA HEIGHTS, CALIFORNIA 91745**

NOVEMBER 27, 2019

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Popeye's Fast Food Restaurant

PROJECT ADDRESS: 5556 East Washington Boulevard

APPLICANT: Amir Houriani, Commerce Properties, LLC; 714 South Plymouth Boulevard, Los Angeles, California 90005

CITY AND COUNTY: Commerce, Los Angeles County.

DESCRIPTION: The City of Commerce Public Works and Development Services Department, in its capacity as the Lead Agency, is reviewing a request by Amir Houriani of Commerce Properties LLC to construct a Popeye's fast food restaurant with a single drive-thru lane. The new fast food restaurant will be constructed on a property site consisting of 18,062 square feet (0.41 acres) located at 5556 E. Washington Boulevard. The site is located on the southeastern corner of the intersection of East Washington Boulevard and S. Eastern Avenue. The new single-level building will have a total floor area of 2,311 square feet. Of this total, approximately 600 square feet will be devoted to seating for the restaurant patrons. The floor plan indicates that 22 seats inside the restaurant will be provided and 12 seats outside the restaurant will be provided for a total of 34 seats. The total seating capacity of the restaurant will accommodate 34 patrons. According to the site plan, the drive-thru lane will have a "stacking capacity" of eleven cars, though the actual stacking capacity will be less (approximately nine cars). The drive-thru window will be located on the north-facing elevation of the restaurant building. The proposed project site is currently vacant, though the site was formerly occupied by a gasoline station. Landscaping will total 4,600 square feet with the majority located along the street frontages. The proposed project will provide 13 parking spaces. Access to the site will be provided by a driveway located along E. Washington Boulevard. Secondary access will be provided by two curb-cuts (one for ingress and one for egress) with the alley that extends along the project site's south side. The project site's zoning designation is Commercial Manufacturing (C/M-1).

FINDINGS: The environmental analysis provided in the attached Initial Study indicates that the proposed project will not result in any potentially significant environmental impacts. For this reason, the City of Commerce determined that a *Mitigated Negative Declaration* is the appropriate CEQA document for the proposed project. The following findings may also be made based on the analysis contained in the attached Initial Study:

- The proposed project *will not* have the potential to degrade the quality of the environment.
- The proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the City.
- The proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly.

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SECTION 1 INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

The City of Commerce Public Works and Development Services Department, in its capacity as the Lead Agency, is reviewing a request by Amir Houriani of Commerce Properties LLC to construct a Popeye's fast food restaurant with a single drive-thru lane. The new fast food restaurant will be constructed on a property site consisting of 18,062 square feet (0.41 acres) site located at 5556 E. Washington Boulevard. The site is located on the southeastern corner of the intersection of E. Washington Boulevard and S. Eastern Avenue. The new single-level building will have a total floor area of 2,311 square feet of floor area. The seating capacity for restaurant patrons will be 34 seats (22 indoor seats and 12 outdoor seats). The drive-thru lane will have a "stacking capacity" of eleven cars according to the site plan, though a more realistic stacking capacity will be between eight to nine vehicles. The drive-thru window will be located on the north-facing elevation. The proposed project site is currently vacant though it was previously occupied by a gasoline station which has been demolished. Landscaping will total 4,600 square feet. The proposed project will provide 13 parking spaces. Access to the site will be provided by a primary driveway connection with E. Washington Boulevard (providing both ingress and egress). Secondary access will be provided by one full access inbound driveway on the Alley and a full access outbound driveway on the Alley. The project site's zoning designation is Commercial Manufacturing (C/M-1). The project Applicant is Amir Houriani, Commerce Properties, LLC; 714 S. Plymouth Boulevard, Los Angeles, California 90005.

The City of Commerce is the designated *Lead Agency* for the proposed project and will be responsible for the project's environmental review.¹ The construction of the proposed project will require the approval of a Conditional Use Permit to allow for a drive-thru lane. The aforementioned discretionary action, together with the proposed development, are considered to be a project pursuant to the California Environmental Quality Act (CEQA).²

As part of the proposed project's environmental review, the City of Commerce authorized the preparation of this Initial Study.³ Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and analysis of the City of Commerce, in its capacity as the Lead Agency. Pursuant to the CEQA Guidelines, purposes of this Initial Study include the following:

- To provide the City information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration;
- To facilitate the project's environmental assessment early in the design and development of the project;
- To eliminate unnecessary EIRs;

¹ California, State of. *California Public Resources Code, Division 13, Chapter 2.5. Definitions.* as Amended 2001. §21067.

² California, State of. *Title 14. California Code of Regulations, Chapter 3. Guidelines for the Implementation of the California Environmental Quality Act.* as Amended 1998 (CEQA Guidelines). §15060 (b).

³ California, State of. *California Environmental Quality Act (CEQA) Guidelines § 15050.* As Amended.

- To determine the nature and extent of any impacts associated with the proposed project; and,
- To enable the modification of the project to mitigate adverse impacts of the project.

Based on the results of this Initial Study, the City determined that a Mitigated Negative Declaration (MND) is the appropriate environmental document for the project's environmental review pursuant to CEQA. This Initial Study and Mitigated Negative Declaration (IS/MND) and the *Notice of Intent to Adopt a Mitigated Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. The City contact person for this project is identified below:

Ms. Sonia Griego, Associate Planner
Public Works and Development Services Department, Planning Division
2535 Commerce Way
Commerce, CA 90040

The Notice of Intent to Adopt a Mitigated Negative Declaration that is attached to this IS/MND, indicates public review period, including the deadline for comments on IS/MND.

1.2 INITIAL STUDY'S ORGANIZATION

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 Introduction*, provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- *Section 2 Project Description*, provides an overview of the existing environment as it relates to the project area and describes the proposed project's physical and operational characteristics.
- *Section 3 Environmental Analysis*, includes an analysis of potential impacts associated with the proposed project's construction and the subsequent operation.
- *Section 4 Findings*, indicates the conclusions of the environmental analysis and the Mandatory Findings of Significance. In addition, this section also includes the Mitigation Monitoring and Reporting Program (MMRP).
- *Section 5 References*, identifies the sources used in the preparation of this Initial Study.

1.3 INITIAL STUDY CHECKLIST

The environmental analysis provided in Section 3 of this Initial Study indicates that the proposed project will not result in any unmitigable, significant impacts on the environment. For this reason, the City of Commerce determined that a MND is the appropriate CEQA document for the proposed project. The findings of this Initial Study are summarized in Table 1-1 provided on the following pages.

**Table 1-1
Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.1 AESTHETICS				
3.1.A. Have a substantial adverse effect on a scenic vista?			X	
3.1.B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				X
3.1.C. In non urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publically accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X
3.1.D. Create a new source of substantial light or glare which would adversely affect day- or night-time views in the area?		X		
SECTION 3.2 AGRICULTURE & FORESTRY RESOURCES				
3.2.A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
3.2.B. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?				X
3.2.C. Conflict with existing zoning for or cause rezoning of, forest land (as defined in Public Resources Code section §12220(g)), timberland (as defined by Public Resources Code section §4526), or timberland zoned Timberland Production (as defined by Government Code section §51104(g))?				X
3.2.D. Would the project result in the loss of forest land or the conversion of forest land to a non-forest use?				X
3.2.E. Involve other changes in the existing environment which, due to their location or nature, could result in the conversion of farmland to non-agricultural use or the conversion of forest land to a non-forest use?				X
SECTION 3.3 AIR QUALITY				
3.2.A. Conflict with or obstruct implementation of the applicable air quality plan?			X	

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
3.2.B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
3.3.C. Expose sensitive receptors to substantial pollutant concentrations?			X	
3.3.D. Result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?				X
SECTION 3.4 BIOLOGICAL RESOURCES				
3.4.A. Have a substantial adverse effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Service?				X
3.4.B. Have a substantial adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
3.4.C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
3.4.D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
3.4.E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
3.4.F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
SECTION 3.5 CULTURAL RESOURCES				
3.5.A. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				X
3.5.B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
3.5.C. Disturb any human remains, including those interred outside of dedicated cemeteries?			X	

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.6 ENERGY				
3.6.A. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
3.6.B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	
SECTION 3.7 GEOLOGY & SOILS				
3.7.A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. Strong seismic ground-shaking? Seismic-related ground failure, including liquefaction? Landslides?			X	
3.7.B. Result in substantial soil erosion or the loss of topsoil?			X	
3.7.C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
3.7.D. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
3.7.E. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
3.7.F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
SECTION 3.8 GREENHOUSE GAS EMISSIONS				
3.9.A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
3.9.B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
SECTION 3.9 HAZARDS & HAZARDOUS MATERIALS				
3.9.A. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
3.9.B. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
3.9.C. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
3.9.D. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
3.9.E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
3.9.F. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
3.9.G. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wild land fire?				X
SECTION 3.10 HYDROLOGY & WATER QUALITY				
3.10.A. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
3.10.B. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
3.10.C. Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows?				X
3.10.D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
3.10.E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.11 LAND USE & PLANNING				
3.11.A. <i>Physically divide an established community?</i>				X
3.11.B. <i>Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?</i>				X
SECTION 3.12 MINERAL RESOURCES				
3.12.A. <i>Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?</i>				X
3.12.B. <i>Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</i>				X
SECTION 3.13 NOISE				
3.13.A. <i>Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i>				X
3.13.B. <i>Generation of excessive ground-borne vibration or ground-borne noise levels ?</i>			X	
3.13.C. <i>For a project located within the vicinity of a private airstrip or- an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</i>				X
SECTION 3.14 POPULATION & HOUSING				
3.14.A. <i>Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</i>				X
3.14.B. <i>Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?</i>				X
SECTION 3.15 PUBLIC SERVICES				
3.15.A. <i>Would the project in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for: Fire protection services; Police protection; Schools; Parks; other Governmental facilities?</i>		X		

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.16 RECREATION				
3.16.A. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
3.16.B. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
SECTION 3.17 TRANSPORTATION				
3.17.A. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				X
3.17.B. Conflict or be inconsistent with CEQA Guidelines §15064.3 subdivision (b)?			X	
3.17.C. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		
3.17.D. Result in inadequate emergency access?				X
SECTION 3.18 TRIBAL CULTURAL RESOURCES				
3.18.A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe5020.1(k)?			X	
SECTION 3.19 UTILITIES & SERVICE SYSTEMS				
3.19.A. Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities or relocation of which could cause significant environmental impacts?				X

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
3.19.B. <i>Have sufficient water supplies available to serve the project and the reasonably foreseeable future development during normal, dry, and multiple dry years?</i>			X	
3.19.C. <i>Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments</i>			X	
3.19.D. <i>Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</i>			X	
3.19.E. <i>Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?</i>				X
SECTION 3.20 WILDFIRE				
3.20.A. <i>Substantially impair an adopted emergency response plan or emergency evacuation plan?</i>				X
3.20.B. <i>Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</i>			X	
3.20.C. <i>Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</i>				X
3.20.D. <i>Expose people or structures to significant risks, including down slope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</i>				X
SECTION 3.21 MANDATORY FINDINGS OF SIGNIFICANCE				
3.21.A. <i>Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>				X
3.21.B. <i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</i>				X

Table 1-1
Initial Study Checklist

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
3.21.C. <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>				X

SECTION 2 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

The City of Commerce Public Works and Development Services Department, in its capacity as the Lead Agency, is reviewing a request by Amir Houriani of Commerce Properties LLC to construct a Popeye's fast food restaurant with a single drive-thru lane. The new fast food restaurant will be constructed on a property site consisting of 18,062 square feet (0.41 acres) located at 5556 E. Washington Boulevard. The site is located on the southeastern corner of the intersection of E. Washington Boulevard and S. Eastern Avenue.

The new single-level building will have a total floor area of 2,311 square feet. The seating capacity for the restaurant will be 34 seats (22 indoor seats and 12 outdoor seats). The site plan indicates the drive-thru lane will have a "stacking capacity" of eleven cars, though a more realistic capacity will be eight to nine vehicles. The drive-thru window will be located on the north-facing elevation of the restaurant building. The proposed project site is currently vacant though it was formerly occupied by a gasoline station. Landscaping will total 4,600 square feet with the majority of the landscaping located along the street frontages.

The proposed project will provide 13 parking spaces. Access to the site will be provided by driveway connections with E. Washington Boulevard and the alleyway located along the site's north side. The project site's zoning designation is Commercial Manufacturing (C/M-1).⁴ The project is described in greater detail in Section 2.4.

2.2 PROJECT LOCATION

The project site is located in the central part of the City of Commerce. The City of Commerce is located approximately six miles southeast of downtown Los Angeles and is bounded by Montebello on the east, unincorporated East Los Angeles on the north, the cities of Vernon, Bell, and Maywood on the west, and the City of Bell Gardens on the south.⁵ Regional access to the City of Commerce is provided by the Santa Ana Freeway (I-5) and the Long Beach Freeway (I-710).⁶ The project site's legal address is 5556 East Washington Boulevard. The site's corresponding Assessor Parcel Number (APN) is 6335-024-051.⁷

Major streets located in the vicinity of the project site includes: E. Washington Boulevard, that extends along the site's north side, and S. Eastern Avenue, located along the site's west side. The project site is also located 0.58 miles north from Bandini Boulevard and 1.55 miles west of Garfield Boulevard. The location of the City of Commerce in a regional context is shown in Exhibit 2-1. An area wide map is shown in Exhibit 2-2. Finally, a vicinity map is provided in Exhibit 2-3.

⁴ Amor Architectural Corporation. *Architectural Drawings and Site Plans Prepared for Popeye's Single Drive -Thru, Commerce, California*. May 23, 2018.

⁵ United States Geological Survey. *Los Angeles 7½ Minute Quadrangle*.

⁶ Google Earth. Website accessed on January 10, 2019.

⁷ City of Commerce. Plot Plan and Site Plan Form.

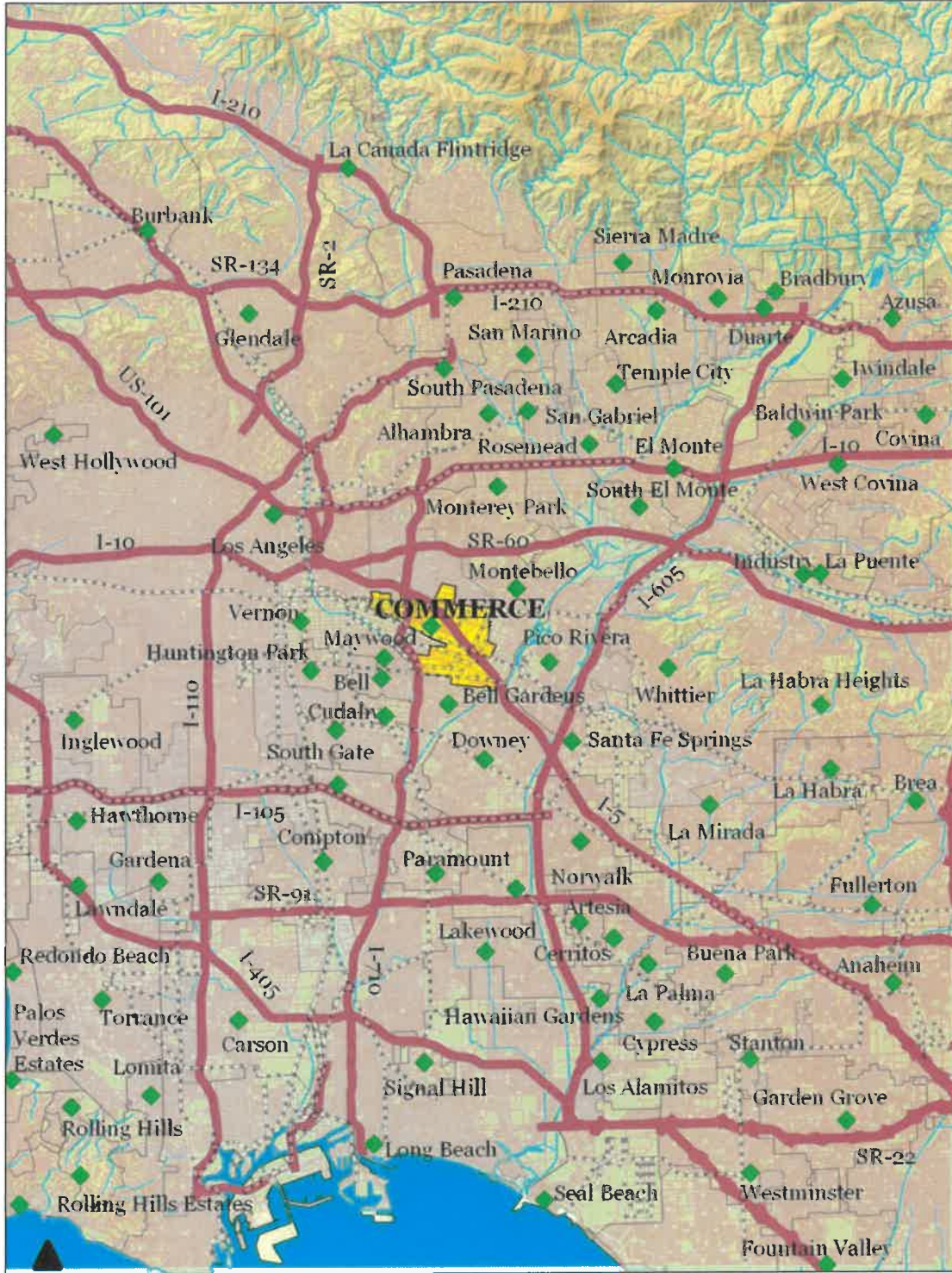


EXHIBIT 2-1
REGIONAL MAP
SOURCE: QUANTUM GIS

CITY OF COMMERCE • INITIAL STUDY & MITIGATED NEGATIVE DECLARATION
POPEYE'S FAST FOOD RESTAURANT • 5556 EAST WASHINGTON BLVD

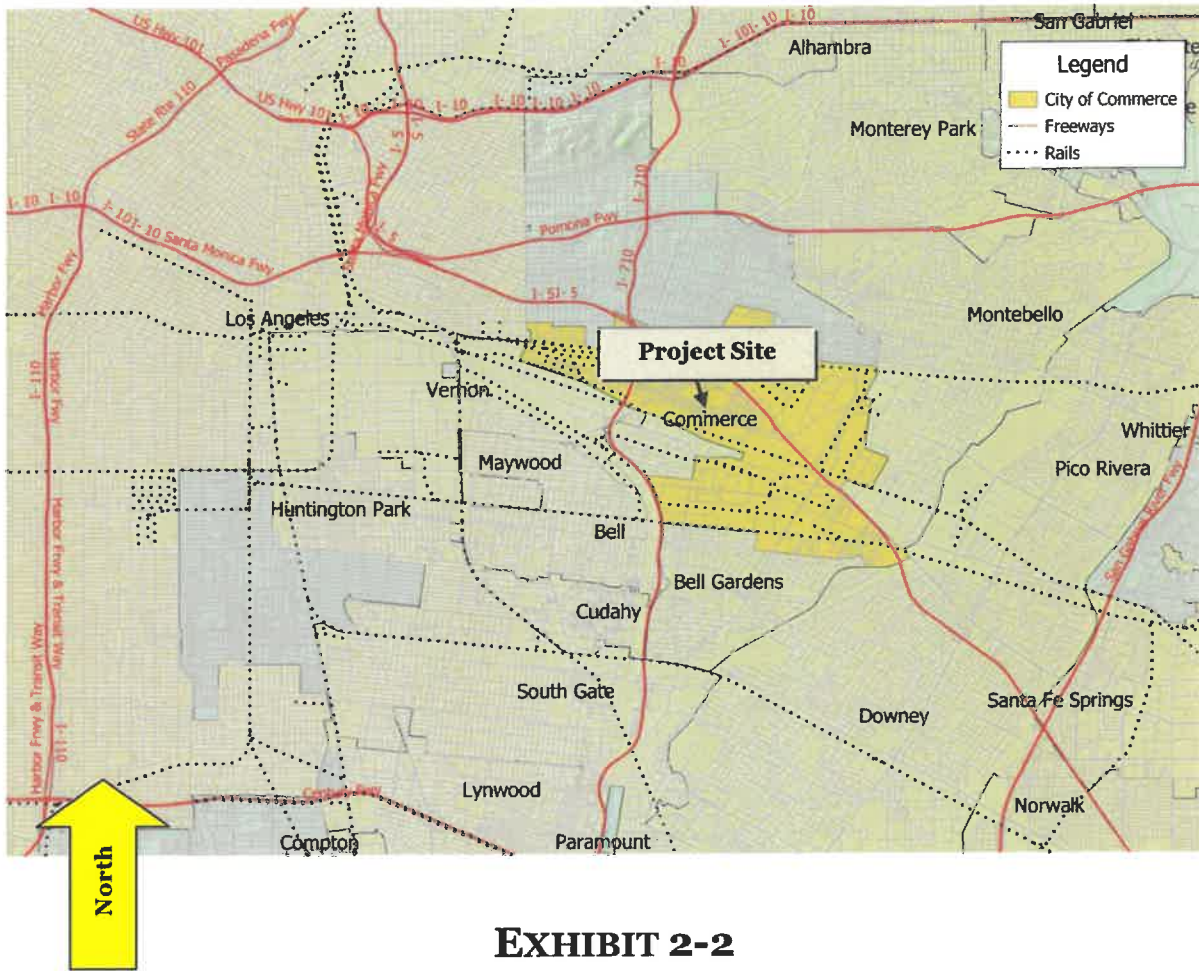


EXHIBIT 2-2
AREA WIDE MAP
SOURCE: QUANTUM GIS



EXHIBIT 2-3
VICINITY MAP
SOURCE: QUANTUM GIS

2.3 ENVIRONMENTAL SETTING

The project area is located along a primary commercial corridor located in the central portion of the City. The following land uses and development are located near the project site:

- *North of the project site.* E. Washington Boulevard extends along the north side of the project site. A Jack in the Box is located further north on the north side of E. Washington Boulevard.
- *South of the project site.* The project site is bounded by an alley located on the south side. Various industrial uses such as Datapage Inc, are located along the north side of Shiela Street, and Great Produce, Inc, which is located along the south side of Shiela Street.
- *East of the project site.* Industrial uses that abut the project site to the east include a Mr. Hose, Inc. Uses located further east, on the west side of E. Washington Boulevard include a Music Obsession Store and an U.S. Post Office.
- *West of the project site.* S. Eastern Avenue extends along the west side of the project site. Uses located west of S. Eastern Avenue include a 7-11 liquor store and a U Haul Neighborhood Dealer.⁸

The site is currently vacant.⁹ An aerial photograph is provided in Exhibit 2-4. Photographs of the project site are provided in Exhibits 2-5 and 2-6.

2.4 PROJECT DESCRIPTION

2.4.1 PHYSICAL CHARACTERISTICS

The proposed project involves the construction of a new Popeye's fast food restaurant with a single drive-thru restaurant within a 0.41 acre (18,062 square feet) site. The project elements are described below:¹⁰

- *Project Site.* The project site has a maximum lot depth (north to south) of 100 feet and a maximum lot width (east to west) of 143 feet. The proposed development will have a lot coverage of 13% and a floor area ratio (FAR) of 0.13 to 1.00.
- *Proposed Building.* The Popeye's single drive-thru restaurant will consist of a new single-level building with a total floor area of 2,311 square feet. Of this total, approximately 600 square feet will be devoted to indoor seating for the restaurant patrons. The total seating capacity will be 34 seats including 22 indoor seats and 12 outdoor seats. The maximum height of the single level building is 21 feet to the parapet.

⁸ Blodgett Baylosis Environmental Planning. *Site survey*. Survey was conducted on July 31, 2019.

⁹ Los Angeles County Tax Assessor. <https://portal.assessor.lacounty.gov/parceldetail/6335024051>. Website accessed on July 30, 2019

¹⁰ Amor Architectural Corporation. *Architectural Drawings and Site Plans Prepared for Popeye's Single Drive -Thru, Commerce, California*. May 23, 2018.



EXHIBIT 2-4
AERIAL PHOTOGRAPH
Source: Google Maps



View of north of the project site, facing north

View of the southern end of the project site, facing north

EXHIBIT 2-5
PHOTOGRAPHS OF THE PROJECT SITE
Source: Blodgett/Baylosis Environmental Planning



View of the southern end of the project site, facing west

View of east of the project site, facing east

EXHIBIT 2-6
PHOTOGRAPHS OF THE PROJECT SITE
Source: Blodgett/Baylosis Environmental Planning

- *Parking.* A total of 13 parking spaces will be provided. The parking spaces will be located in the eastern and southern portion of the site.
- *Access and Circulation.* Primary vehicular access (both ingress and egress) to the project site will be provided by a 35 foot wide driveway located on the southern side of E. Washington Boulevard. This driveway will also provide access to the drive-thru lane. Secondary access will be provided by two separate drive way connections (one for ingress and one for egress) on the south side of the Alley that extends along the project site's south side. The two driveways on the Alley will have a width of 12-feet.
- *Drive-thru Lane.* A 12 foot wide drive-thru lane will be provided and will contain between eight to nine spaces. The entrance to the drive-thru lane will be located near the main entrance located along E. Washington Boulevard. The drive-thru lane will have a length of 195 feet of queuing space for cars entering the drive-thru and 80 feet of queuing distance from the menu board. The speaker order post is located near the building's southeast corner. The order pick-up window is located midpoint on the building's north-facing elevation. The site plan indicates the drive-thru lane has a stacking capacity of eleven vehicles, though a capacity of eight to nine vehicles is more realistic.
- *Landscaping.* The proposed project will include approximately 4,600 square feet of landscaping.

The proposed project is summarized in Table 2-1, which is shown below. The proposed site plan is provided in Exhibit 2-7 and the building elevations are provided in Exhibit 2-8.

**Table 2-1
 Project Summary Table**

Project Element	Description
Site Area	18,062 sq. ft. (0.414 ac).
Total Building Floor Area	2,311 sq. ft.
Lot Coverage	13%
FAR	0.13 to 1.0
Maximum Building Height	Single level 21 ft.
Seating	22 indoor seats and 12 outdoor seats
Landscaping	4,600 sq. ft (10% of site)
Parking	13 spaces

Source: Amor Architectural Corporation.

2.4.2 CONSTRUCTION CHARACTERISTICS

The construction of the phase for the proposed project would take approximately six months to complete. The key construction phases are outlined below:

- **Site Preparation.** The project site will then be readied for the construction of the proposed project. Finally, the project site will also undergo finished grading during this phase. This phase will take approximately one month to complete.

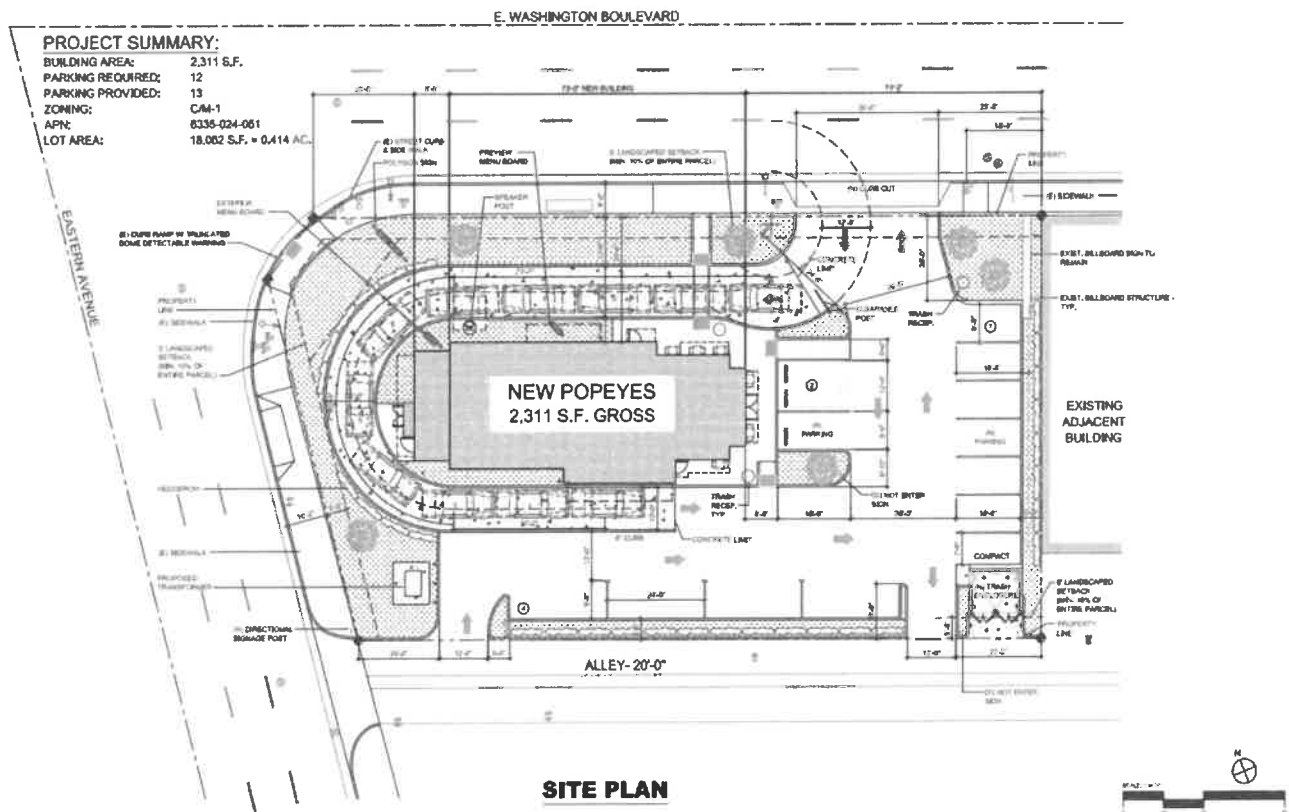


EXHIBIT 2-7
PROPOSED SITE PLAN
SOURCE: AMOR ARCHITECTURAL CORPORATION



A EAST ELEVATION



B SOUTH ELEVATION



C WEST ELEVATION



D NORTH ELEVATION

EXHIBIT 2-8
PROPOSED BUILDING ELEVATIONS
SOURCE: AMOR ARCHITECTURAL CORPORATION

- *Construction.* This phase will take approximately three months to complete.
- *Paving.* This phase will involve the paving of the site. This phase will take approximately one month to complete.
- *Landscaping and Finishing.* This phase will involve the installation of the landscaping and the completion of the on-site improvements. This phase will take approximately one month to complete.

2.4.3 OPERATIONAL CHARACTERISTICS

The Popeye's fast food restaurant's hours of operation will be seven days a week between 10:00 AM to 10:00 PM. The Popeye's fast food restaurant will employ approximately 30 employees.

2.5 DISCRETIONARY ACTIONS AND REQUIRED FINDINGS

A Discretionary Action is an action taken by a government agency (for this project, the government agency is the City of Commerce) that calls for an exercise of judgment in deciding whether to approve a project. The proposed project will require the approval of the following discretionary actions:

- The approval of a Conditional Use Permit (CUP) to permit the operation of a drive-thru lane;
- The approval of a Zone Variance to allow 18,062 square feet, which requires a minimum lot size of 20,000 square feet.
- Approval of the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP).

The variance is required since the lot size has been reduced due to the street widening of Eastern Avenue. This widening reduced the original lot size from 22,880 square feet to 18,062 square feet (only two lots along Eastern were so affected). In granting the variance, the Planning Commission must make all of the following findings of the Commerce Municipal Code (CMC), Section 19.39.510 (Required Findings):

- A. That the strict or literal interpretation and application of this Title 19 would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Title 19, or would deprive applicants of privileges granted to others in similar circumstances; and
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property that do not apply generally to other property in the same zone; and
- C. That the granting of such variance will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the vicinity classified in the same zone; and

- D. That the granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located; and
- E. That the granting of such variance will not create any inconsistency with any objective contained in the general plan.

The City's required findings with respect to the proposed Conditional Use Permit are listed below:

- A. The planning commission may approve and/or modify a conditional use permit in whole or in part, with or without conditions; provided that all of the following findings of fact are made:
 - 1. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Title 19, including, but not limited to, those set forth in Chapter 19.19 (Site Planning and General Development Standards);
 - 2. The proposed use would not impair the integrity and character of the zone in which it is to be located;
 - 3. The subject site is physically suitable for the type of land use being proposed;
 - 4. The proposed use is compatible with the land uses presently on the subject property;
 - 5. The proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located;
 - 6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety;
 - 7. There would be adequate provisions for public access to serve the subject proposal;
 - 8. The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan;
 - 9. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare; and
 - 10. The proposed design and elevations preserve and maximize the image, character, and visual quality of the neighborhood.
- B. 1. This subsection shall apply only to the uses identified in this subsection. This subsection shall not invalidate any conditional use permit for an operating facility, but shall be complied with prior to issuance of a building permit for all projects for which no building permit has been issued upon the effective date of this provision.

2. In addition to findings required in Section 19.39.420(A), the Planning Commission shall find that the proposed use does not have a disproportionately high and adverse human health or environmental effect on minority and low-income populations. Such findings must be made for the following uses:

- a. Solid waste facilities, as defined in Public Resources Code 40194, to the extent not prohibited by Section 19.31.470 of this Title 19.
- b. Auto wrecking or salvage yards.
- c. Yards for the disposal and/or salvage of demolition or construction waste.
- d. Recycling facilities.
- e. Incinerators of any type.

C. Additional findings shall be made for specific uses as required by Chapter 19.31 (Standards for Specific Land Uses) of this Title 19.

Other permits will be required as part of the proposed project's approval. These other permits will include, but may not be limited to, a Grading Permit, a Building Permit, and an Occupancy Permit.



SECTION 3 ENVIRONMENTAL ANALYSIS

This section of the Initial Study prepared for the proposed project analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include the following:

- Aesthetics (Section 3.1);
- Agriculture and Forestry Resources (Section 3.2);
- Air Quality (Section 3.3);
- Biological Resources (Section 3.4);
- Cultural Resources (Section 3.5);
- Energy (Section 3.6);
- Geology and Soils (Section 3.7);
- Greenhouse Gas Emissions (Section 3.8);
- Hazards and Hazardous Materials (Section 3.9);
- Hydrology and Water Quality (Section 3.10);
- Land Use and Planning (Section 3.11);
- Mineral Resources (Section 3.12);
- Noise (Section 3.13);
- Population and Housing (Section 3.14);
- Public Services (Section 3.15);
- Recreation (Section 3.16);
- Transportation (Section 3.17);
- Tribal Cultural Resources (Section 3.18);
- Utilities and Service Systems (Section 3.19);
- Wildfire (Section 3.20); and,
- Mandatory Findings of Significance (Section 3.21).

The analysis considers both the short-term (construction-related) and long-term (operational) impacts associated with the proposed project's implementation, and where appropriate, the cumulative impacts. To each question, there are four possible responses:

- *No Impact.* The proposed project will not result in any adverse environmental impacts.
- *Less than Significant Impact.* The proposed project may have the potential for affecting the environment, although these impacts will be below levels or thresholds that the City of Commerce or other responsible agencies consider to be significant.
- *Less than Significant Impact with Mitigation.* The proposed project may have the potential to generate a significant impact on the environment. However, the level of impact may be reduced to levels that are less than significant with the implementation of the recommended mitigation measures.
- *Potentially Significant Impact.* The proposed project may result in environmental impacts that are significant. This finding will require the preparation of an environmental impact report (EIR).

3.1 AESTHETICS

3.1.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. Would the project, except as provided in Public Resources Code Section 21099, have a substantial adverse effect on a scenic vista? • Less than Significant Impact?*

The proposed project is a request from Amir Houriani of Commerce Properties LLC to construct a new Popeye's single drive-thru restaurant with a total floor area of 2,311 square feet within a 0.41-acre site (18,062 square feet). The single-level building of 2,311 square feet will be located on the southeast corner of the intersection of E. Washington Boulevard and S. Eastern Avenue of the project site. The site was previously occupied by a gasoline station.

The project site is located in the midst of an urban environment with no notable topographical features in the vicinity, and the overall topography of the area is generally level. The San Gabriel Mountains are located approximately 15 miles to the north and are visible from the property on clear days. Other topographical features in the area include the Montebello Hills located six miles to the north; the Puente Hills located 5.5 miles to the northeast; the Los Angeles River located 4.6 miles to the west; and the Rio Hondo River located 6.7 miles to the south. The City of Commerce City Hall is located 0.3 miles to the northeast. Once constructed, the new single-level building will not obstruct any views from the industrial uses located on E. Washington Boulevard and S. Eastern Avenue since the new building will have a height of 21 feet and will be comparable in height with the existing buildings located in the immediate area. As a result, no impacts will occur.

- B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? • No Impact.*

According to the California Department of Transportation (Caltrans), East Washington Boulevard is not a designated scenic highway.¹¹ In addition, there are no trees or plants located on-site and the project site does not contain any scenic rock outcroppings.¹² Lastly, the project site does not contain any buildings listed in the State or National registrar (refer to Section 3.5). In addition, the proposed use must comply with the City's Graffiti Control Ordinance. As a result, no impacts will occur.

- C. Would the project's location, in a non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publically accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? • No Impact.*

The site is currently vacant. The project site is enclosed with chainlink fencing and contains debris that will require maintenance. Once complete, the project will represent a substantial visual improvement over the existing conditions. The new development will feature modern architecture, building

¹¹ California Department of Transportation. *Official Designated Scenic Highways*. www.dot.ca.gov

¹² Blodgett Baylosis Environmental Planning. *Site survey*. Survey was conducted on July 31, 2019.

materials, and façade treatments. As indicated previously, the project site is vacant and is covered over in unmaintained vegetation. As a result, no impacts will occur.

D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? • Less than Significant Impact with Mitigation.

Exterior lighting can be a nuisance to adjacent land uses that are sensitive to this lighting. This nuisance lighting is referred to as *light trespass* which is typically defined as the presence of unwanted light on properties located adjacent to the source of lighting. Future sources of light emanating from the project site include vehicular headlights, interior lighting, and exterior lighting including street security and parking area lighting. The proposed project will be required to adhere to Section 19.19.130 of the City's municipal code, which states the following: "All lights shall be directed, oriented, and shielded to prevent light from shining onto adjacent properties, onto public rights-of-way, and into driveway areas in a manner that would obstruct drivers' vision. Landscape lighting shall be low-level, unobtrusive fixtures."¹³

From the southern boundary of the project site, there are industrial uses to the southeast and a 7-11 liquor store to the west of the project site. The nearest sensitive receptors include the homes that are located 1,212.53 feet from the project site.¹⁴ As indicated there are no residential units nearby that would be affected by light glare. As a result, no impacts will occur. The following mitigation measures will be required to ensure that light trespass and spillover will not adversely affect the housing units:

- The Applicant must also submit an exterior lighting plan for review and approval by the Public Works and Development Services Department prior to the issuance of building permits.
- The signs must not include flashing, intermittent or moving lights, and must not emit light that may obstruct or impair the vision of any driver.
- The security and parking area lighting must be designed so as to prevent spillover lighting and/or glare that could affect the vision of drivers on S. Eastern Avenue and E. Washington Boulevard. on the adjacent residential properties.

With adherence to the above mitigation measures, the project's potential impacts would be less than significant.

3.1.2 MITIGATION MEASURES

The following mitigation measures will be required to ensure that light trespass and spillover will not adversely affect the housing units:

Mitigation Measure No. 1 (Light and Glare Impacts). The Applicant must also submit an exterior lighting plan for review and approval by the Public Works and Development Services Department prior to the issuance of building permits.

¹³ City of Commerce Municipal Code. *Section 19.19.130(F)*.

¹⁴ Google Earth. Website accessed on July 30, 2019

Mitigation Measure No. 2 (Light and Glare Impacts). The signs must not include flashing, intermittent or moving lights, and must not emit light that may obstruct or impair the vision of any driver.

Mitigation Measure No. 3 (Light and Glare Impacts). The security and parking area lighting must be designed so as to prevent spillover lighting and/or glare that could affect the vision of drivers on South Eastern Avenue and East Washington Boulevard.

3.2 AGRICULTURE & FORESTRY RESOURCES

3.2.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? • No Impact.*

The site is currently vacant. The project site will be occupied by a single drive-thru restaurant with a total floor area of 2,311 square feet within a 0.41-acre (18,062 square feet).¹⁵ According to the California Department of Conservation, the project site does not contain any areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.¹⁶ The project site is located within a largely developed area of the City and there are no areas in close proximity to the project site that are classified as “Prime Farmland.” Since the implementation of the proposed project will not involve the conversion of prime farmland, unique farmland, or farmland of statewide importance to urban uses, no impacts will occur.

B. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract? • No Impact.*

The project site is currently zoned as (C/M-1) *Commercial Manufacturing*.¹⁷ The project's implementation will not require a zone change though a variance will be required for the lot size requirement. Therefore, no loss in land zoned for agriculture will occur. The site is currently vacant, and there are no ongoing agricultural activities located within either property. According to the California Department of Conservation Division of Land Resource Protection, the project site is not subject to a Williamson Act Contract.¹⁸ Thus, no impacts on existing Williamson Act Contracts or land zoned for agricultural use will occur.

C. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in*

¹⁵ Los Angeles County Tax Assessor. <https://portal.assessor.lacounty.gov/parceldetail/6335024051>. Website accessed on July, 30, 2019

¹⁶ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program. *Important Farmland in California 2014*. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/ora14.pdf>.

¹⁷ City of Commerce Zoning Map. Website accessed on August 14, 2019.

¹⁸ California Department of Conservation. *State of California Williamson Act Contract Land*. ftp://ftp.consrv.ca.gov/pub/dlrp/WA/2012%20Statewide%20Map/WA_2012_8x11.pdf. Website accessed on July 23, 2018

Public Resources Code section 12220(g)), timberland (as defined in Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? • *No Impact.*

The site is currently vacant. The project site is located in the midst of a larger urban area and no forest lands are located within the site. There are no timberland resources present on-site. As a result, no impacts on forest land or timber resources will result from the proposed project's implementation.

D. Would the project result in the loss of forest land or conversion of forest land to a non-forest use? • *No impact.*

No forest lands are located within the vicinity of the project site. As a result, no loss or conversion of forest lands will result from the proposed project's implementation and no impacts will occur and no mitigation is required.

E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? • *No Impact.*

The project would not result in a loss of farmland to non-agricultural use or conversion of forest land to non-forest use because the project site is not located in close proximity to farm land or forest land. As a result, no impacts will result from the implementation of the proposed project.

3.2.2 MITIGATION MEASURES

The analysis determined that there are no agricultural or forestry resources in the project area and that the implementation of the proposed project would not result in any impacts on these resources. As a result, no impacts on agriculture or forestry resources will occur and no mitigation is required.

3.3 AIR QUALITY

3.3.1 THRESHOLDS OF SIGNIFICANCE

The SCAQMD has established thresholds of significance for the following criteria pollutants:

- *Ozone (O₃)* is a nearly colorless gas that irritates the lungs, damages materials, and vegetation. Ozone is formed by photochemical reaction (when nitrogen dioxide is broken down by sunlight).
- *Carbon monoxide (CO)* is a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain and is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust.
- *Nitrogen oxides (NO_x)* are a yellowish-brown gas, which at high levels can cause breathing difficulties. NO_x is formed when nitric oxide (a pollutant from internal combustion processes) combines with oxygen.

- *Sulfur dioxide (SO₂)* is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms and difficulty in breathing for children.
- *PM₁₀ and PM_{2.5}* refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily cause irritation.

Projects in the South Coast Air Basin (SCAB) generating construction-related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA:

- 75 pounds per day of reactive organic compounds;
- 100 pounds per day of nitrogen oxides;
- 550 pounds per day of carbon monoxide;
- 150 pounds per day of PM₁₀;
- 55 pounds per day of PM_{2.5}; or,
- 150 pounds per day of sulfur oxides.

A project would have a significant effect on air quality if any of the following operational emissions thresholds for criteria pollutants are exceeded:

- 55 pounds per day of reactive organic compounds;
- 55 pounds per day of nitrogen oxides;
- 550 pounds per day of carbon monoxide;
- 150 pounds per day of PM₁₀;
- 55 pounds per day of PM_{2.5}; or,
- 150 pounds per day of sulfur oxides.

A. *Would the project conflict with or obstruct implementation of the applicable air quality plan? • Less than Significant Impact.*

The City of Commerce is located within the South Coast Air Basin (SCAB), which includes a 6,600 square-mile area within Los Angeles County and the non-desert portions of Los Angeles County, Riverside County, and San Bernardino County. Air quality in the SCAB is monitored by the South Coast Air Quality Management District (SCAQMD) at various monitoring stations located throughout the area.¹⁹

The SCAQMD's Air Quality Handbook refers to the following criteria as a means to determine a project's conformity with the AQMP:²⁰ *Consistency Criteria 1* refers to a proposed project's potential for resulting in an increase in the frequency or severity of an existing air quality violation or its potential for contributing to the continuation of an existing air quality violation. *Consistency Criteria 2* refers to a proposed project's potential for exceeding the assumptions included in the AQMP or other regional

¹⁹ South Coast Air Quality Management District, *Final 2016 Air Quality Plan*, Adopted March 10, 2017.

²⁰ South Coast Air Quality Management District. *CEQA Air Quality Handbook*. April 1993.

growth projections relevant to the AQMP's implementation.²¹ In addition, the project's operational emissions are well within the emissions projections identified in the 2016 AQMP. In terms of Criteria 1, the proposed project's long-term (operational) airborne emissions will be below levels that the SCAQMD considers to be a significant impact (refer to the analysis included in the next section where the long-term stationary and mobile emissions for the proposed project are summarized in Table 3-2). The construction emissions would be below the thresholds of significance established by the SCAQMD (the project's construction emissions are summarized in Table 3-1).

The proposed project would also conform to Consistency Criteria 2 since it would not exceed the housing, population, and employment assumptions presented in the 2016 AQMP. According to the AQMP, the SCAG region is projected to see a 12% growth in population, 16% growth in housing units, 23% growth in employment, and eight percent growth in vehicle miles traveled between 2012 and 2031. The SCAG region is expected to add two million new residents through the year 2031. Furthermore, the proposed project will not conflict with the regional population forecast presented in the 2016-2040 RTP/SCS prepared by SCAG. According to the RTP/SCS Demographics and Growth Forecast Appendix, the City of Commerce is expected to add approximately 4,500 new jobs through the year 2040.²² This increased employment has been accounted for by SCAG growth projections and the AQMP.²³ Since the proposed project would not be in violation of either Consistency Criteria, the project's potential impacts are considered to be less than significant.

B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? • Less than Significant Impact.

Commerce Properties, LLC is proposing to construct a new single-level building with a total floor area of 2,311 square feet of floor area within a 0.41-acre (18,062 square feet). The project site is located in a non-attainment area for ozone and particulates. Additionally, the project will be required to adhere to all SCAQMD regulations related to fugitive dust generation and other construction-related emissions. According to SCAQMD Regulation 403, all unpaved demolition and construction areas shall be regularly watered up to three times per day during excavation, grading, and construction as required (depending on temperature, soil moisture, wind, etc.). Watering could reduce fugitive dust by as much as 55 percent. Rule 403 also requires that temporary dust covers be used on any piles of excavated or imported earth to reduce wind-blown dust. In addition, all clearing, earthmoving, or excavation activities must be discontinued during periods of high winds (i.e. greater than 15 mph), so as to prevent excessive amounts of fugitive dust. The aforementioned SCAQMD regulations are standard conditions required for every construction project undertaken in the City as well as in the cities and counties governed by the SCAQMD.

²¹ South Coast Air Quality Management District. *CEQA Air Quality Handbook*. April 1993.

²² Southern California Association of Governments. *Regional Transportation Plan/Sustainable Communities Strategy 2016-2040. Demographics & Growth Forecast*. April 2016.

²³ South Coast Air Quality Management District, *Final 2016 Air Quality Plan*, Adopted March 10, 2017.

The entire construction period for the proposed project is expected to last approximately six months to completion (refer to Section 2.4.2) and would include site preparation, and the finishing of the project (pavement areas, painting, and planting of landscaping). The analysis of daily construction and operational emissions was prepared utilizing the California Emissions Estimator Model (CalEEMod V.2016.3.2). The assumptions regarding the construction phases and the length of construction followed those also identified herein in Section 2.4.3. As shown in Table 3-1, daily construction emissions are not anticipated to exceed the SCAQMD's thresholds.

**Table 3-1
 Estimated Daily Construction Emissions**

Construction Phase	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
Site Preparation (on-site)	0.68	8.43	4.09	--	0.86	0.36
Site Preparation (off-site)	0.02	0.01	0.20	--	0.05	0.01
Total Site Preparation	0.70	8.44	4.29	--	0.91	0.37
Grading (on-site)	0.86	7.87	7.62	0.01	1.22	0.85
Grading (off-site)	0.04	0.03	0.40	--	0.11	--
Total Grading	0.90	7.90	8.02	0.01	1.33	0.85
Building Construction (on-site) 2020	0.86	8.85	7.38	0.01	0.52	0.48
Building Construction (off-site) 2020	0.16	0.11	0.14	--	0.04	0.01
Total Building Construction 2020	1.02	8.96	7.52	0.01	0.56	0.49
Paving	0.83	7.22	7.11	0.01	0.39	0.36
Paving	0.08	0.05	0.73	--	0.20	0.05
Total Paving	0.91	7.27	7.84	0.01	0.59	0.41
Architectural Coatings (on-site)	4.81	1.68	1.83	--	0.11	0.11
Architectural Coatings (off-site)	--	--	0.04	--	0.01	--
Total Architectural Coatings	4.81	1.68	1.87	--	0.12	0.11
Maximum Daily Emissions	4.82	8.96	8.03	0.01	0.33	0.88
Daily Thresholds	75	100	550	150	150	55
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2016.3.2. (the worksheet are included herein in Appendix A)

The long-term air quality impacts associated with the proposed project include mobile emissions from vehicular traffic; area emissions from cleaning products and the operation of landscaping equipment; and off-site stationary emissions associated with the off-site energy generation and consumption (natural gas). The analysis of long-term operational impacts summarized in Table 3-2, also used the CalEEMod computer model developed for the SCAQMD. The analysis summarized in Table 3-2 indicates that the operational (long-term) emissions will be below the SCAQMD's daily emissions thresholds.

**Table 3-2
 Estimated Operational Emissions in lbs/day**

Emission Source	ROG	NO_x	CO	SO₂	PM₁₀	PM_{2.5}
Area-wide (lbs/day)	0.05	--	--	--	--	--
Energy (lbs/day)	0.01	0.14	0.12	--	0.01	0.01
Mobile (lbs/day)	2.05	9.18	15.84	0.05	3.77	1.03
Total (lbs/day)	2.12	9.32	15.97	0.05	3.78	1.04
Daily Thresholds	55	55	550	150	150	55
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2016.3.2. (the worksheet is included herein in Appendix A)

Since the cumulative air quality emissions are under the thresholds of significance established by the SCAQMD, the potential air quality impacts are considered to be less than significant.

C. Would the project expose sensitive receptors to substantial pollutant concentrations? • Less than Significant Impact.

The areas surrounding the most congested intersections are often found to contain high levels of CO that exceed applicable standards and are referred to as *hot-spots*. Three variables influence the creation of a CO hot-spot: traffic volumes, traffic congestion, and the background CO concentrations for the source receptor area.

As indicated in Section 3.17, the project generated less than 50 peak hour trips at the study intersections and project trips did not result in a significant impact at the study intersections.²⁴ Since the project will not result in a degradation of any other study intersection's level of service, the likelihood of a CO hot-spot developing at this intersection is considered remote. Therefore, the project's impacts would be less than significant with respect to CO hot-spots.

Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality and typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate.²⁵ No residential uses are located within the project site nor are any proposed under the City's General Plan. The nearest sensitive receptors include residential homes that are 1,212 feet to 1,599 feet from the project site. These residential homes are located on the northeastern corner of Harbor Street and S Eastern Avenue; residential homes located further east of the project site on Jillson Street and Commerce Way. Exhibit 3-1 indicates the location and extent of sensitive receptors to the project site and their distance.

²⁴ Institute of Transportation Engineers' Trip Generation (10th Edition). *Fast-Food Restaurant with Drive Through Window Development: Trip Generation Estimates Report*. January 2019.

²⁵ South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9*. As amended 2017.

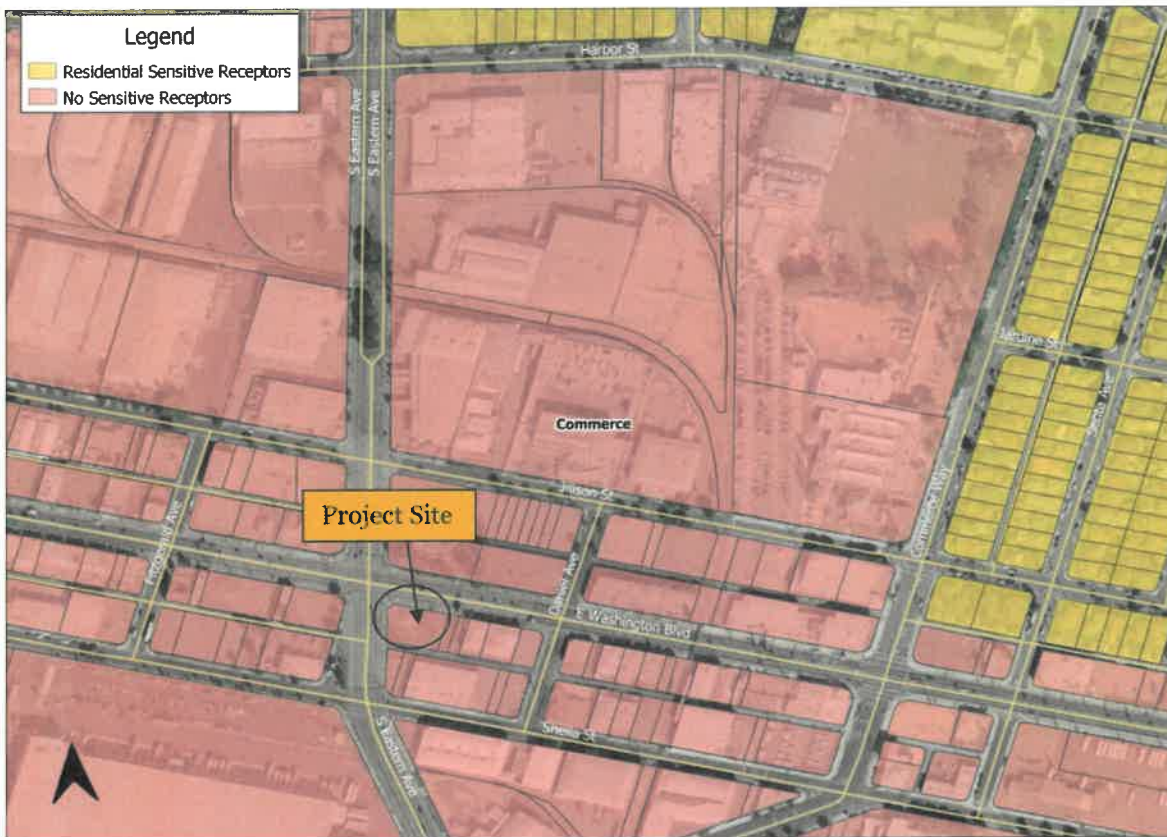


EXHIBIT 3-1
SENSITIVE RECEPTORS MAP
SOURCE: QUANTUM GIS

The SCAQMD requires that CEQA air quality analyses indicate whether a proposed project will result in an exceedance of *localized emissions thresholds* or LSTs. LSTs only apply to short-term (construction) emissions at a fixed location and do not include off-site or area-wide emissions. The pollutants that are the focus of the LST analysis include the conversion of NO_x to NO₂; carbon monoxide (CO) emissions from construction; PM₁₀ emissions from construction; and PM_{2.5} emissions from construction. For purposes of the LST analysis, the receptor distance used was 200 meters. Since the project site is located 354 meters west of the nearest sensitive receptor, it is within the allowable emissions threshold.

**Table 3-3
 Local Significance Thresholds Exceedance SRA 5 for 1-Acre Site**

Emissions	Project Emissions (lbs/day)	Type	Allowable Emissions Threshold (lbs/day) and a Specified Distance from Receptor (in meters)				
			25	50	100	200	500
NO ₂	8.96	Construction	80	81	94	123	192
CO	8.03	Construction	571	735	1,088	2,104	6,854
PM ₁₀	1.33	Construction	4	13	30	66	173
PM _{2.5}	0.88	Construction	3	4	8	19	86

Based on the analysis of LST impacts summarized above in Table 3-3, the potential impacts will be less than significant.

D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? • No Impact.

The SCAQMD has identified those land uses that are typically associated with odor complaints. These uses include activities involving livestock, rendering facilities, food processing plants, chemical plants, composting activities, refineries, landfills, and businesses involved in fiberglass molding.²⁶ The proposed project involves the construction and subsequent occupancy as a single-drive-thru restaurant with a total floor area of 2,311 square feet within the 0.41-acre site (18,062 square feet). As designed, the proposed project will not be involved in any of the aforementioned odor-generating activities.

3.3.2 MITIGATION MEASURES

The analysis of air quality impacts indicated that no impacts on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required. The emissions will be reduced through the implementation of the standard SCAQMD regulations, including the following:

- *SCAQMD Rule 402* prohibits a person from discharging from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

²⁶ South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9*. As amended 2017.

- *SCAQMD Rule 403* governs fugitive dust during construction and operation activities. Compliance with this rule is achieved through application of standard Best Management Practices, such as application of water or chemical stabilizers to disturbed soils, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 miles per hour, sweeping loose dirt from paved site access roadways, cessation of construction activity when winds exceed 25 mph, and establishing a permanent ground cover on finished sites. Rule 403 requires that fugitive dust be controlled with best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source.
- *SCAQMD Rule 481* applies to all spray painting and spray coating operations and equipment. The rule states that a person shall not use or operate any spray painting or spray coating equipment unless one of the specific conditions are met.
- *SCAQMD Rule 1108* governs the sale, use, and manufacturing of asphalt and limits the volatile organic compound (VOC) content in asphalt used in the South Coast Air Basin. This rule would regulate the VOC content of asphalt used during construction. Therefore, all asphalt used during construction of the project must comply with SCAQMD Rule 1108.
- *SCAQMD Rule 1113* governs the sale, use, and manufacturing of architectural coating and limits the VOC content in paints and paint solvents. This rule regulates the VOC content of paints available during construction. As of January 1, 2014, VOC content in architectural coatings will be limited to no more than 50 grams per liter. Therefore, all paints and solvents used during construction of the project must comply with SCAQMD Rule 1113.
- *SCAQMD Rule 1143* governs the manufacture, sale, and use of paint thinners and solvents used in thinning of coating materials, cleaning of coating application equipment, and other solvent cleaning operations by limiting their VOC content. This rule regulates the VOC content of solvents used during construction.
- *SCAQMD Rule 1186* limits the presence of fugitive dust on paved and unpaved roads and sets certification protocols and requirements for street sweepers that are under contract to provide sweeping services to any federal, state, county, agency or special district such as water, air, sanitation, transit, or school district.
- *SCAQMD Rule 1303* governs the permitting of re-located or new major emission sources, requiring Best Available Control Measures and setting significance limits for PM₁₀ among other pollutants.
- *SCAQMD Rule 1401*, New Source Review of Toxic Air Contaminants, specifies limits for maximum individual cancer risk, cancer burden, and non-cancer acute and chronic hazard index from new permit units, relocations, or modifications to existing permit units, which emit toxic air contaminants (TACs).

All pertinent SCAQMD Rules are standard conditions required for every construction project undertaken in the City as well as in the cities and counties governed by the SCAQMD.

3.4 BIOLOGICAL RESOURCES

3.4.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? • No Impact.*

The proposed project is a request from Amir Houriani of Commercial Properties, LLC to construct on a property site consisting of 18,062 square feet within the 0.41-acre site. The new single level building will consist of a single drive-thru of 2,311 square feet. The project site is located on the southwestern corner of E. Washington Boulevard and the alleyway located along the site's south side. With the exception of limited trees and shrubs located along the parkways, the property contains limited vegetation. All of this existing vegetation consists of common introduced and/or ruderal species.

A review of the California Department of Fish and Wildlife California Natural Biodiversity Database (CNDDDB) Bios Viewer for the Los Angeles Quadrangle (the City of Commerce is located within the aforementioned quadrangle) indicated that 33 special-status species have the potential to occur in the Los Angeles Quadrangle, five of which are either threatened or endangered.²⁷ Nevertheless, there is no wetland or riparian habitat on site. The lack of wetland or riparian habitat precludes the presence of threatened or endangered species on site.

A search was conducted using the California Native Plant Society's Inventory of Rare and Endangered Plants to ascertain any rare or endangered plant species which may occur in the Los Angeles Quadrangle. The following five plants have been identified in the Los Angeles Quadrangle: Davidson's Saltscale, Los Angeles Sunflower, Mesa Horkelia, Prostrate Vernal Pool Navarretia, and the Great's Aster.²⁸ None of these plants were encountered during the site visit. As a result, no impacts on any candidate, sensitive, or special status species would result from the proposed project's implementation.

B. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? • No Impact.*

The site is currently vacant. The field survey indicated that there are no wetlands or riparian habitat present on-site or in the surrounding areas. This conclusion is also supported by a review of the U.S. Fish and Wildlife Service National Wetlands Inventory, Wetlands Mapper.²⁹ In addition, there are no designated "blue line streams" located within the project area. As a result, no impacts on natural or riparian habitat will result from the proposed project's implementation.

²⁷ California Department of Fish and Wildlife. *Bios Viewer*. <https://map.dfg.ca.gov/bios/?tool=cnddbQuick>

²⁸ California Native Plant Society, Rare Plant Program. 2018. *Inventory of Rare and Endangered Plants of California*. <http://www.rareplants.cnps.org>.

²⁹ United States Fish and Wildlife Service. *National Wetlands Inventory*. <https://www.fws.gov/Wetlands/data/Mapper.html>.

C. *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? • No Impact.*

As indicated in the previous subsection, the project site and the adjacent developed properties do not contain any natural wetland and/or riparian habitat.³⁰ As a result, the proposed project will not impact any protected wetland area or designated blue-line stream and no impacts will occur.

D. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? • No Impact.*

The site is currently vacant. The site is surrounded by development and lacks suitable riparian habitat.³¹ Furthermore, the site contains no natural hydrological features. As a result, no impacts to migratory species will occur.

E. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? • Less than Significant Impact.*

Chapter 12.06 – City Trees serves as the City's tree preservation ordinance. Trees located within the public right-of-way are considered to be the property of the City. There are no trees located within the segment of the E. Washington Boulevard located in front of the project site. With the exception of limited trees and shrubs located along the parkways, the property itself contains limited vegetation. All of this existing vegetation consists of common introduced and/or invasive ruderal species. As a result, the potential impacts are considered to be less than significant.

F. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? • No Impact.*

The project site is located within an urbanized setting and no natural habitats are found within the proposed project sites or in adjacent areas. The project site is not located within an area governed by a habitat conservation or community conservation plan. As a result, no impacts on local, regional, or State habitat conservation plans will result from the proposed project's implementation.

3.4.2 MITIGATION MEASURES

The analysis determined that the proposed project will not involve any incremental loss or degradation of protected habitat. As a result, no impacts will occur and no mitigation is required.

³⁰ United States Fish and Wildlife Service. *National Wetlands Inventory*. <https://www.fws.gov/Wetlands/data/Mapper.html>.

³¹ Blodgett Baylois Environmental Planning. *Site Survey*. The site visit was conducted on August 1, 2019.

3.5 CULTURAL RESOURCES

3.5.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? • No Impact.*

The site is currently vacant. The proposed project is a request from Amir Houriani of Commercial Properties, LLC to construct a project on a site consisting of 18,062 square feet (0.41 acres). The new building will consist of a single drive-thru of 2,311 square feet. The project site will be located on the southeastern corner of the intersection of E. Washington Boulevard and S. Eastern Avenue. Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a local general plan or historic preservation ordinance. The State, through the State Historic Preservation Office (SHPO), maintains an inventory of those sites and structures that are considered to be historically significant. Finally, the U.S. Department of Interior has established specific Federal guidelines and criteria that indicate the manner in which a site, structure, or district is to be defined as having historic significance and in the determination of its eligibility for listing on the National Register of Historic Places.³²

The State regulations that govern historic resources and structures include Public Resources Code Section 5024.1 and CEQA Guidelines Sections 15064.5(a) and 15064.5(b). There are three historic sites in Commerce including: the former Uniroyal Tire Plant facade (now a part of the Citadel shopping center/office complex), the Pillsbury Mill, and the Union Pacific Train Depot. None of these sites will be impacted by the proposed project. The site is currently vacant. None of these existing structures meet the aforementioned criteria. As a result, no impacts to historic structures will result.

- B. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? • Less than Significant Impact with Mitigation.*

The Gabrieleño-Kizh tribe has lived in this region for around 7,000 years.³³ Before European contact, approximately 5,000 Gabrieleño-Kizh people lived in villages throughout the Los Angeles Basin.³⁴ Archaeological sites are often located along creek areas, ridgelines, and vistas.³⁵ Formal Native American consultation was provided in accordance with AB-52. AB-52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation. According to the AB-52 consultation, the project site is not situated in an area of high archaeological significance, no significant impacts. As a result, the following mitigation is required:

³² U.S. Department of the Interior, National Park Service. *National Register of Historic Places*. <http://nrhp.focus.nps.gov>. 2010.

³³ City of Commerce Community Development Department. *Citywide Historic Preservation Plan*. Plan dated May 2010.

³⁴ Rancho Santa Ana Botanical Garden. *Tongva Village Site*. <http://www.rsabg.org/tongva-village-site-1>.

³⁵ McCawley. *The First Angelinos, the Gabrieleño Indians of Los Angeles County*. 1996.

- The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The Native American Monitor(s) will complete monitoring logs on a daily basis. The monitor(s) will photo-document the ground disturbing activities. The monitor(s) must also have Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) will be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k). The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.

Adherence to the abovementioned mitigation will reduce potential impacts to levels that are less than significant.

C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries? • Less than Significant Impact.

The southern portion of the City includes four ethnic cemeteries: the Mount Olive Cemetery, the Russian Molokian Cemetery, the Mount Carmel Cemetery, and the Park Lawn Cemetery. These four cemeteries are located approximately 3 miles to the southeast of the project site. Notwithstanding, in the unlikely event that remains are uncovered by construction crews, all excavation and grading activities shall be halted and the Los Angeles County Sheriff's Department would be contacted (the Department would then contact the County Coroner). This is a standard condition under California Health and Safety Code Section 7050.5(b). In addition, Title 14; Chapter 3; Article 5; Section 15064.5 of CEQA would apply in terms of the identification of significant archaeological resources and their salvage. Therefore, the potential impacts are considered to be less than significant.

3.5.2 MITIGATION MEASURES

According to the AB-52 consultation, the project site is situated in an area of high archaeological significance. As a result, the following mitigation is required:

Mitigation Measure No. 4 (Cultural Resources Impacts). The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The Native

American Monitor(s) will complete monitoring logs on a daily basis. The monitor(s) will photo-document the ground disturbing activities. The monitor(s) must also have Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) will be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k). The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.

3.6 ENERGY

3.6.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? • Less than Significant Impact.*

The site is currently vacant. The proposed project is a request from Amir Houriani of Commercial Properties, LLC to construct a project on a site consisting of 18,062 square feet (0.41 acres). The project site will be located on the southeastern corner of the intersection of E. Washington Boulevard and S. Eastern Avenue.

Table 3-4, shown below, provides an estimate of electrical and natural gas consumption for the proposed project. As indicated in the table, the project is estimated to consume approximately 4.20 kilowatts (kWh) of electricity and 209.98 British therms (kBtu) of natural gas on an annual basis.

**Table 3-4
 Estimated Annual Energy Consumption**

Project	Consumption Rate	Total Project Consumption
Future Uses (2,211 square feet of fast food restaurant)		
Electrical Consumption	14.06 kWh/sq. ft./year	40.20 kBtu/ft2/year total
Natural Gas Consumption	2.90 thems/sq. ft./year	209.98 kBtu/ft2/year total

Source: CEC End-Use Survey.

According to the California Commercial End-Use Survey that was prepared for the California Energy Commission, the biggest single end use with restaurant is interior lighting, followed by cooling and ventilation.³⁶ The report also indicates that heating accounts for most of the gas consumption. It is important to note that the project will include energy efficient fixtures. In addition, the energy consumption rates do not reflect the more stringent 2016 California Building and Green Building Code requirements. The proposed project will be in accordance with the City's Building Code and with Part 6 and Part 11 of Title 24 of the California Code of Regulations. The project will include new light standards and fixtures that will be used as operational and security lighting. Adherence to the above-mentioned regulations, the impacts will be less than significant.

³⁶ Intron. *California Commercial End-Use Survey*. Report dated March 2006.

- B. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? • Less than Significant Impact.*

The California Code of Regulations (CCR) Title 24, Part 11: California Green Building Standards (Title 24) became effective to aid efforts to reduce GHG emissions associated with energy consumption. Title 24 now require that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. As indicated previously, the project will be involved in fast food service. A majority of the energy that will be consumed by daily operations will be related to lighting. Therefore, mitigation was proposed in the previous subsection that would be effective in reducing wasteful energy consumption. Adherence to the aforementioned mitigation measures will ensure conformance with the State's goal of promoting energy and lighting efficiency. As a result, the potential impacts are considered to be less than significant.

3.6.2 MITIGATION MEASURES

The analysis determined that the proposed project's energy-related impacts would not be significant. As a result, no mitigation would be required.

3.7 GEOLOGY & SOILS

3.7.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42), strong seismic ground-shaking, seismic-related ground failure, liquefaction, or landslides? • Less than Significant Impact.*

Amir Houriani of Commercial Properties, LLC will construct a Popeye's fast food restaurant with a single drive-thru on a 18,062 square feet (0.41 acres) site located at 5556 East Washington Boulevard. The site is on the southeastern corner of the intersection of E. Washington Boulevard and S. Eastern Avenue. The new single-level building will have a total floor area of 2,311 square feet.

The City of Commerce is located in a seismically active region. Earthquakes from several active and potentially active faults in the Southern California region could affect the project site. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake.³⁷ According to recent studies completed by the State of California Geological Survey Seismic Hazard Zones Mapping Program, the project site is located just inside an area subject to potential liquefaction risk as indicated in Exhibit 3-2.³⁸ The site will also be subject to strong ground motion in the event of a major earthquake. The nearest fault is the E. Montebello Fault, located

³⁷ California Department of Conservation. *What is the Alquist-Priolo Act.*
<http://www.conservation.ca.gov/cgs/rghm/ap/Pages/main.aspx>.

³⁸ California Division of Mines and Geology. *Preliminary Map of Seismic Hazard Zones.* 1998

approximately 5 miles to the east of the project site. The potential impacts from fault rupture are considered no greater for the project site than for the surrounding areas.

The potential impacts resulting from fault rupture are anticipated to be less than significant. The potential impacts in regards to ground shaking would also be considered to be less than significant. The intensity of ground shaking depends on the intensity of the earthquake, the duration of shaking, soil conditions, type of building, and distance from epicenter or fault. The proposed project will be constructed in compliance with the 2016 Building Code, which contains standards for building design to minimize the impacts from ground shaking. Other potential seismic issues include ground failure and liquefaction. Ground failure is the loss in stability of the ground and includes landslides, liquefaction, and lateral spreading. The project site is located just inside an area that may subject to liquefaction. Lastly, the project site is not subject to the risk of landslides because there are no hills or mountains within the vicinity of the project site. The underlying soils are not prone to shrinking and swelling (refer to Section 3.6.2.D). As a result, the potential seismic impacts on the proposed project are less than significant.

B. Would the project result in substantial soil erosion or the loss of topsoil? • Less than Significant Impact.

The United States Department of Agriculture's (USDA) Web Soil Survey was consulted to determine the nature of the soils that underlie the project site. The United States Department of Agriculture's (USDA) Web Soil Survey was consulted to determine the nature of the soils that underlie the project site. According to the USDA Web Soil Survey, the site is underlain by Biscailuz-Hueneme, drained, 0 to 2% slopes have a moderate runoff and moderate slow permeability.³⁹ In addition, the Biscailuz-Hueneme complex soils are described as being suitable for urban development, as evident by the surrounding land uses. The site is, and would continue to be level and no slope failure or landslide impacts are anticipated to occur. Once operational, the project site would be paved over and landscaped, which would minimize soil erosion.

³⁹ United States Department of Agriculture. *Web Soil Survey*. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

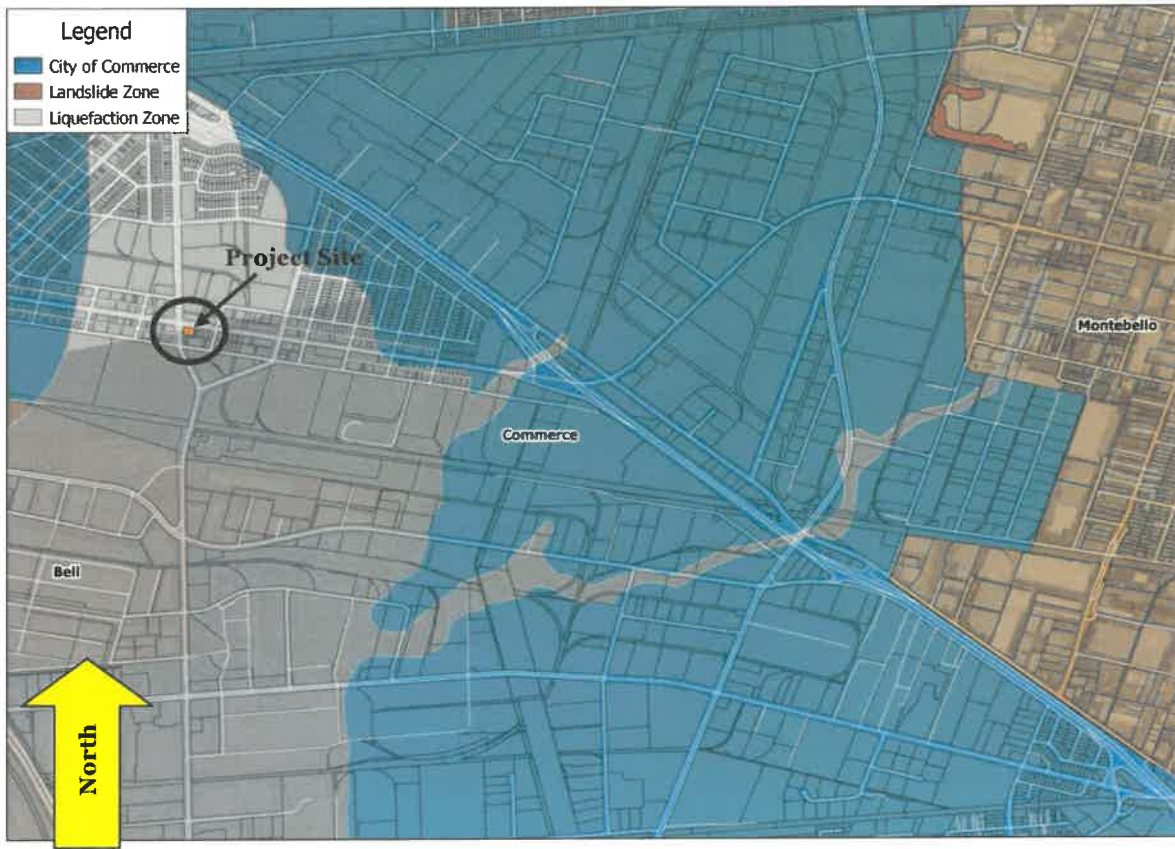


EXHIBIT 3-2 SEISMIC HAZARDS MAP

SOURCE: QUANTUM GIS AND CALIFORNIA DEPARTMENT OF CONSERVATION

The project Applicant will be required to prepare a Stormwater Pollution Prevention Program (SWPPP) pursuant to Federal NPDES regulations since the project would be required to comply with the pertinent MS4 permit requirements. The SWPPP is required to apply for an NPDES General Industrial Activities Storm Water Permit (GIASP). The SWPPP will contain construction best management practices (BMPs) that will restrict the discharge of sediment into the streets and local storm drains. In addition, the project's contractors must adhere to any construction BMPs identified in the City's development construction program. As a result, the impacts are considered to be less than significant.

C. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? • Less than Significant Impact.

The project site is underlain by Biscailuz and Hueneme complex soils. Biscailuz and Hueneme complex soils are well-drained, have a slight to moderate erosion risk, have a low to medium runoff rate, and are primarily used for urban development.⁴⁰ Once complete, the project will not destabilize the new soils since the site will be graded, leveled, and covered over with pavement and landscaping. In addition, the surrounding area is relatively level and is at no risk for landslides. Lateral spreading is a phenomenon that is characterized by the horizontal, or lateral, movement of the ground. Lateral spreading could be liquefaction induced or can be the result of excess moisture within the underlying soils. Liquefaction induced lateral spreading will not affect the proposed project because the site is located just inside an area that is subject to liquefaction. The project contractors will be required by the City to adhere to the design recommendations provided by the project's civil engineer. Lastly, the new buildings will be constructed with adherence to the most recent and stringent building code requirements. As a result, the potential impacts are considered to be less than significant.

D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property? • Less than Significant Impact.

The underlying soils consist of Biscailuz and Hueneme soils, which exhibit certain shrink swell characteristics. The shrinking and swelling of soils is influenced by the amount of clay present in the underlying soils.⁴¹ Up to 20% of Biscailuz soils consist of clay loam, while drained clay loam comprises up to 15% of Hueneme soils.⁴² Due to the small amounts of clay, a slight subsidence potential may exist. If soils consist of expansive clay, damage to foundations and structures may occur. The local and state regulations mentioned throughout this section will minimize potential geological impacts. Therefore, no impacts related to expansive soils are expected. As a result, the potential impacts are considered to be less than significant.

⁴⁰ United States Department of Agriculture. *Web Soil Survey*. <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

⁴¹ Natural Resources Conservation Service Arizona. *Soil Properties Shrink/Swell Potential*. http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/az/soils/?cid=nrcs144p2_065083

⁴² UC Davis. *SoilWeb: Soil Survey Browser*. https://casoilresource.lawr.ucdavis.edu/soil_web/property_with_depth_table.php?cokey=14296138. And UC Davis. *SoilWeb: Soil Survey Browser*. https://casoilresource.lawr.ucdavis.edu/soil_web/property_with_depth_table.php?cokey=14296139

E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? • No Impact.

No septic tanks will be used as part of proposed project. The project will be connected to the existing sanitary sewer system. As a result, no impacts associated with the use of septic tanks will occur as part of the proposed project's implementation.

F. Would the project, directly or indirectly, destroy a unique paleontological resource or site or unique geologic feature? • No Impact.

No paleontological resources or geologic features are anticipated to be encountered during the project's construction phase. The soils that underlie the project site are alluvial in nature. Alluvial deposits are typically quaternary in age (from two million years ago to the present day) and span the two most recent geologic epochs, the Pleistocene and the Holocene.⁴³ As a result, no impacts to paleontological resources will occur.

3.7.2 MITIGATION MEASURES

The analysis herein determined that the proposed project would not result in significant impacts related to ground shaking, liquefaction, landslides, soil erosion, lateral spreading, or subsidence. As a result, no mitigation is required for the proposed project.

3.8 GREENHOUSE GAS EMISSIONS

3.8.1 ENVIRONMENTAL ANALYSIS

A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? • Less than Significant Impact.

Amir Houriani of Commerce Properties LLC is proposing to construct a Popeye's fast food restaurant with a single drive-thru lane. The new fast food restaurant will be constructed on a property site consisting of 18,062 square feet (0.41 acres) site located at 5556 E. Washington Boulevard. The site is on the southeastern corner of the intersection of E. Washington Boulevard and S. Eastern Avenue.

The State of California requires CEQA documents to include an evaluation of greenhouse gas (GHG) emissions, or gases that trap heat in the atmosphere. GHG are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). The accumulation of GHG in the atmosphere regulates the earth's temperature. Without these natural GHG, the Earth's surface would be about 61°F cooler.⁴⁴ However, emissions from fossil fuel combustion have elevated the concentrations of GHG in the atmosphere to above natural levels. The SCAQMD has established

⁴³ United States Geological Survey. *What is the Quaternary?* http://geomaps.wr.usgs.gov/sfgeo/quaternary/stories/what_is.html

⁴⁴ California, State of. OPR Technical Advisory – CEQA and Climate Change: Addressing Climate Change through the California Environmental Quality Act (CEQA) Review. June 19, 2008.

multiple draft thresholds of significance. These thresholds include 1,400 metric tons of CO₂E (MTCO₂E) per year for commercial projects, 3,500 MTCO₂E per year for residential projects, 3,000 MTCO₂E per year for mixed-use projects, and 7,000 MTCO₂E per year for industrial projects. Table 3-5 summarizes annual greenhouse gas (CO₂E) emissions from the proposed project. Carbon dioxide equivalent, or CO₂E, is a term that is used for describing different greenhouses gases in a common and collective unit. As indicated in Table 3-5, the CO₂E total for the project is 901 MTCO₂E, which is below the aforementioned thresholds.

**Table 3-5
 Greenhouse Gas Emissions Inventory**

Source	GHG Emissions (Lbs/Day)			
	CO ₂	CH ₄	N ₂ O	CO ₂ E
Long-term Area Emissions	--	--	--	--
Long-term Energy Emissions	171.88	--	--	172.91
Long-term Mobile Emissions	5,260.41	0.30	--	5,267.94
Total Long-term Emissions	5,432.29	0.30	--	5,440.85
Total Long-term Emissions (MTCO ₂ e)				901 MTCO₂E per year
Thresholds of Significance				1,400 MTCO₂E per year

Source: CalEEMod V.2016.3.2

The proposed project is an “infill” development, which is seen as an important strategy in combating the release of GHG emissions. Infill development provides a regional benefit in terms of a reduction in Vehicle Miles Traveled (VMT) since the project is consistent with the regional and State sustainable growth objectives identified in the State’s Strategic Growth Council (SGC).⁴⁵ Infill development reduces VMT by recycling existing undeveloped or underutilized properties located in established urban areas. When development is located in a more rural setting, such as further east in the desert areas, employees, patrons, visitors, and residents may have to travel farther since rural development is often located a significant distance from employment, entertainment, and population centers. Consequently, this distance is reduced when development is located in urban areas since employment, entertainment, and population centers tend to be set in more established communities. As a result, the potential impacts are considered to be less than significant.

B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases? • Less than Significant Impact.

The City of Commerce does not presently have an adopted Climate Action Plan. AB-32 requires the reduction of GHG emissions to 1990 levels, which would require a minimum 28% reduction in “business as usual” GHG emissions for the entire State. The proposed project will not involve or require any variance from the aforementioned policies. The proposed project will not introduce any conflicts with adopted initiatives that are designed to control future GHG emissions. The project is an “infill development” and is seen as an important strategy in reducing regional GHG emissions. As a result, the

⁴⁵ California Strategic Growth Council. <http://www.sgc.ca.gov/Initiatives/infill-development.html>. Promoting and enabling sustainable infill development is a principal objective of the SGC because of its consistency with the State Planning Priorities and because infill furthers many of the goals of all of the Council’s member agencies.

impacts related to conflicts with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases are considered to be less than significant.

3.8.2 MITIGATION MEASURES

As indicated in the preceding analysis, the project's GHG emissions are below thresholds considered to represent a significant impact. Therefore, no mitigation measures are required.

3.9 HAZARDS & HAZARDOUS MATERIALS

3.9.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? • Less than Significant Impact.*

The project site is not located on the California Department of Toxic Substances Control's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List).⁴⁶ In addition, the project site is not identified on any Leaking Underground Storage Tank database (LUST).⁴⁷ The Phase 1 Assessment conducted by Pacific City Bank indicates that twenty four leaking underground storage tank (LUST) sites were identified within ½ mile from the project site (refer to Appendix D). The proximity of these locations to the project site would not result adverse impacts to the implementation of the proposed project. A search through the California Department of Toxic Substances Control's Envirostor database indicated that the project site was not included on any Federal or State clean up or Superfund lists.⁴⁸ The United States Environmental Protection Agency's multi-system search was consulted to determine whether the project site is identified on any Federal Brownfield list; Federal Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) List; Federal Resource Conservation and Recovery Act (RCRA) Treatment, Storage, and Disposal (TSD) Facilities List; and/or Federal RCRA Generators List.

Once operational, the project will not create a significant hazard to the public or the environment since no hazardous materials will be stored on-site. As a result, the potential impacts will be less than significant.

B. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? • Less than Significant Impact.*

The hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. Due to the

⁴⁶ CalEPA. *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*. http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm

⁴⁷ California State Water Resources Control Board. *GeoTracker*. <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=commerce.ca>

⁴⁸ CalEPA. *Envirostor*. https://www.envirostor.dtsc.ca.gov/public/map/?global_id=&x=-119&y=37&z1=18&ms=640,480&mt=m&findaddress=True&city=commerce

nature of the proposed project, no hazardous materials will be used on-site beyond those which are used for routine cleaning and maintenance. As a result, the potential impacts are considered to be less than significant.

C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? • No Impact.

The project site is located within an industrial area and no schools are located within ¼ mile of the site.⁴⁹ The nearest school to the site is Rosewood Park School, located approximately 0.6 miles to the northeast of the site. Because of the nature of the proposed use, no hazardous or acutely hazardous materials will be emitted. As a result, no impacts are anticipated.

D. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? • No Impact.

The “Cortese List,” also referred to as the Hazardous Waste and Substances Sites List or the California Superfund List, is a planning document used by the State and other local agencies to comply with CEQA requirements that require the provision of information regarding the location of hazardous materials release sites. California Government Code section 65962.5 requires the California Environmental Protection Agency to develop and update the Cortese List on annually basis. The list is maintained as part of the DTSC's Brownfields and Environmental Restoration Program referred to as EnviroStor. The database was consulted in July of 2019. A search of the Envirostor Hazardous Waste and Substances Site List website was completed to identify whether the project site is listed in the database as a Cortese site. The site was not identified on the list.⁵⁰ Therefore, no impacts will result with the implementation of the proposed project.

E. Would the project for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? • No Impact.

The project site is not located within two miles of an operational public airport. The nearest airport is Compton-Woodley Airport, a general aviation airport located 14.3 miles to the southwest in the City of Compton.. The Long Beach airport is located approximately 19 miles to the southeast. Los Angeles International Airport (LAX) is located approximately 21 miles to the southwest. As a result, the proposed project will not present a safety hazard related to aircraft or airport operations at a public use airport and no impacts will occur.

⁴⁹ State of California Dept. of Conservation Division of Oil, Gas, and Geothermal Resources. *Regional Wildcat Map 101*. 1990.

⁵⁰ CalEPA. *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*. http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.

F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? • No Impact.

At no time will East Washington Boulevard be completely closed to traffic. All construction staging must occur on-site. As a result, no impacts are associated with the proposed project's implementation.

G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wild land fire? • No Impact.

As indicated previously, the adjacent properties are urbanized and there are no areas of native or natural vegetation found within the vicinity of the project site. The project site is located outside of any wildfire risk designation area.⁵¹ As a result, no risk from wildfire is anticipated with the approval and subsequent occupation of the proposed project.

3.9.2 MITIGATION MEASURES

The analysis herein also determined that the implementation of the proposed project will not result in any significant impacts related to hazards and/or hazardous materials. As a result, no mitigation is required.

3.10 HYDROLOGY & WATER QUALITY

3.10.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? • Less than Significant Impact.

Construction activities such as site preparation and grading may have the potential to result in the discharge of sediment, oils, residual diesel fuel, rubbish, or other contaminants of concern into the local streets and/or stormwater infrastructure. The discharge of contaminated runoff from construction will be minimized since the Applicant will be required to prepare a Stormwater Pollution Prevention Program (SWPPP) pursuant to General Construction Activity NPDES regulations since the project would be required to comply with the pertinent MS4 permit. The SWPPP would contain additional construction Best Management Practices (BMPs) that would be the responsibility of the project Applicant to implement. Furthermore, the Applicant would also be required to submit a Notice of Intent to comply with the General Construction Activity NPDES Permit to the State Water Resources Control Board. The mandatory SWPPP plan would identify operational Best Management Practices (BMPs) that would both reduce the volume of water discharged into the local storm drains and filter out any contaminants present in the stormwater runoff. The mandatory SWPPP plan may recommend the use of stormwater detention chambers, grate inlet filters, and bioswales as well as other mechanisms for reducing runoff and removing potential contaminants. Adherence to the aforementioned City mandated requirements would ensure that all potential impacts remain at a level that is less than significant.

⁵¹ Cal Fire. *Fire Hazard Severity Zone in SRA for Los Angeles County.*
http://frap.fire.ca.gov/webdata/maps/los_angeles/fhszs_map.19.pdf

- B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? • Less than Significant Impact.*

The grading that will be done will not extend to depths required to encounter groundwater. As a result, no dewatering will occur as part of the proposed project's construction. Therefore no direct construction related impacts to groundwater supplies or groundwater recharge activities will occur. The project will continue to be connected to the City's water lines and will not result in a direct decrease in underlying groundwater supplies. Furthermore, the project's contractors will be required to adhere to the applicable BMPs for the construction site. Adherence to the required BMPs will restrict the discharge of contaminated runoff into the local storm drain system. As a result, the impacts are anticipated to be less than significant.

- C. Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows? • No Impact.*

The project's construction will be restricted to the designated project site and the project will not alter the course of any stream or river that would lead to on- or off-site siltation or erosion. The Los Angeles River is the closest body of water to the project site. The Los Angeles River is located 1.13 miles to the southwest of the project site and is channelized at this location for flood control.⁵² Once implemented, the proposed project will change the site's drainage characteristics. Predevelopment, the entire site is covered over in earth and pervious surfaces. Following development, the majority of the site, with the exception of the landscaped areas consisting of 4,600 square feet, will be covered over in impervious surfaces. These impervious surfaces will include the paved parking and internal drive aisles and the building. Following development, approximately 25.5% of the site will consist of impervious surfaces. There are no lakes or streams within the project site or within the immediate area. The project site has undergone disturbance and no natural stream channels remain within the project site or in the immediate area. As a result, no impacts are anticipated.

- D. Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? • No Impact.*

According to the Federal Emergency Management Agency (FEMA) flood insurance map obtained from the Los Angeles County Department of Public Works, the proposed project site is located in Zone X.⁵³

⁵² Google Earth. Website accessed August 5, 2019.

⁵³ Los Angeles County Department of Public Works. *Flood Zone Determination Website*.
<http://dpw.lacounty.gov/wmd/floodzone/>

This flood zone has an annual probability of flooding of less than 0.2% and represents areas outside the 500-year flood plain. Thus, properties located in Zone X are not located within a 100-year flood plain.⁵⁴

The proposed project site is not located in an area that is subject to inundation by seiche or tsunami. A seiche in the Los Angeles River is not likely to happen due to the current level of channelization and volume of water present. In addition, the project site is located inland approximately 16 miles from the Pacific Ocean and the project area would not be exposed to the effects of a tsunami.⁵⁵ Portions of the City are located within the inundation area of the Garvey Reservoir, Sepulveda Reservoir, and the Hansen Reservoir. The project site is located within the potential inundation area of the Sepulveda Reservoir and the Garvey Reservoir. Potential overflow from the Los Angeles River may affect areas of the City though these flows are not expected to reach the project site. As a result, the project will not be subject to flood hazard impacts.

E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? • No Impact.

The proposed project will be in compliance with Chapter 19.33 of the City's Municipal Code. Chapter 19.33 is responsible for implementing the NPDES and MS4 stormwater runoff requirements. Furthermore, the project's contractors will be required to implement the construction BMPs identified in the mandatory SWPPP. As a result, no other impacts are anticipated and no mitigation is required.

3.10.2 MITIGATION MEASURES

The analysis determined that the implementation of the proposed project would not result in any impacts related to water and hydrology impacts. As a result, no cumulative impacts are anticipated.

3.11 LAND USE & PLANNING

3.11.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project physically divide an established community? • No Impact.

Amir Houriani of Commercial Properties, LLC is proposing to construct a single drive-thru restaurant totaling 2,311 square feet of floor area within a 0.41-acre site (18,062 square feet). The site is currently vacant. The project area is located in the central part of the City of Commerce. Major streets located in the vicinity of the project site include E. Washington Boulevard, that extends along the site's north side, and S. Eastern Avenue extends along the site's west side, located directly northwestern from the project site. The project site is also located 0.58 miles north from Bandini Boulevard and 1.55 miles west of Garfield Boulevard. The following land uses and development are located near the project site::

- *North of the project site.* E. Washington Boulevard extends along the north side of the project site. A Jack in the Box is located further north, on the north side of E. Washington Boulevard.

⁵⁴ FEMA. *Flood Zones, Definition/Description*. <http://www.fema.gov/floodplain-management/flood-zones>

⁵⁵ Google Earth. Website accessed August 7, 2019.

- *South of the project site.* The project site is bounded by an alley on the south side. Various industrial uses include Datapage Inc, located along the north side of Shiela Street, and Great Produce, Inc, which is located along the south side of Shiela Street.
- *East of the project site.* Industrial uses that are located to the site's east side includes: a Mr. Hose Inc, Music Obsession Store, and an U.S. Post Office.
- *West of the project site.* S. Eastern Avenue extends along the west side of the project site. Uses located west of S Eastern Avenue include a 7-11 liquor store and a U Haul Neighborhood Dealer.⁵⁶

The site is currently vacant. The site will have a total floor area of 2,311 square feet. As a result, no impacts related to the division of an established residential neighborhood will occur as part of the proposed project's implementation. As a result, the project will not lead to any division of an existing established neighborhood and no impacts will occur.

B. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? • No Impact.

The project site is currently zoned as (C/M-1) Commercial Manufacturing. In addition, the project site's General Plan land use designation is *Commercial Manufacturing*. The project site's zoning and general plan land use designations are shown in Exhibit 3-3 and Exhibit 3-4, respectively. The project's implementation will require a variance to permit development of a project site that does not meet the minimum lot size. The proposed project's conformity with key elements of the City of Commerce Zoning Code is outlined in Table 3-6.

**Table 3-6
 General Plan/Zoning Conformity Issues**

Issue^a	Description	Findings
Land Use	The proposed project will be required to conform to the City's Zoning Ordinance.	The proposed use is conditionally permitted under the current C/M-1 zoning.
Floor Area Ratio	The maximum FAR for the site is 1.0 pursuant to the applicable zoning code requirements.	The FAR for the proposed project is 0.13 to 1.0 which is permitted under the current Zoning.
Building Height	The maximum height of the new development cannot exceed 90 feet or 6 stories.	The building's height overall will be approximately 21 feet
Landscaping	The applicable zoning calls for 5% of the total lot area to be landscaped.	Landscaping will total 4,600 sq ft 10.5% of the total site area which exceeds the City requirement.
Building Setbacks	The applicable zoning requires a 5-foot front setback. The applicable zoning requires a 10 foot side setback.	The front yard setback will be 29 feet and 6 inches; The side yard setback will be 25 feet.

Source: City of Commerce Zoning Code. 2019.

The table indicates that, overall, the project is in conformance to the City of Commerce Zoning Code.

⁵⁶ Blodgett Baylosis Environmental Planning. *Site survey*. Survey was conducted on August 01, 2019.

Based on the aforementioned findings of this analysis, the proposed use will not result in any impacts on the applicable General Plan and Zone designations and no impacts will occur.

3.11.2 MITIGATION MEASURES

The analysis determined that the proposed project will not result in any significant land use impacts. As a result, no mitigation is required for the project.

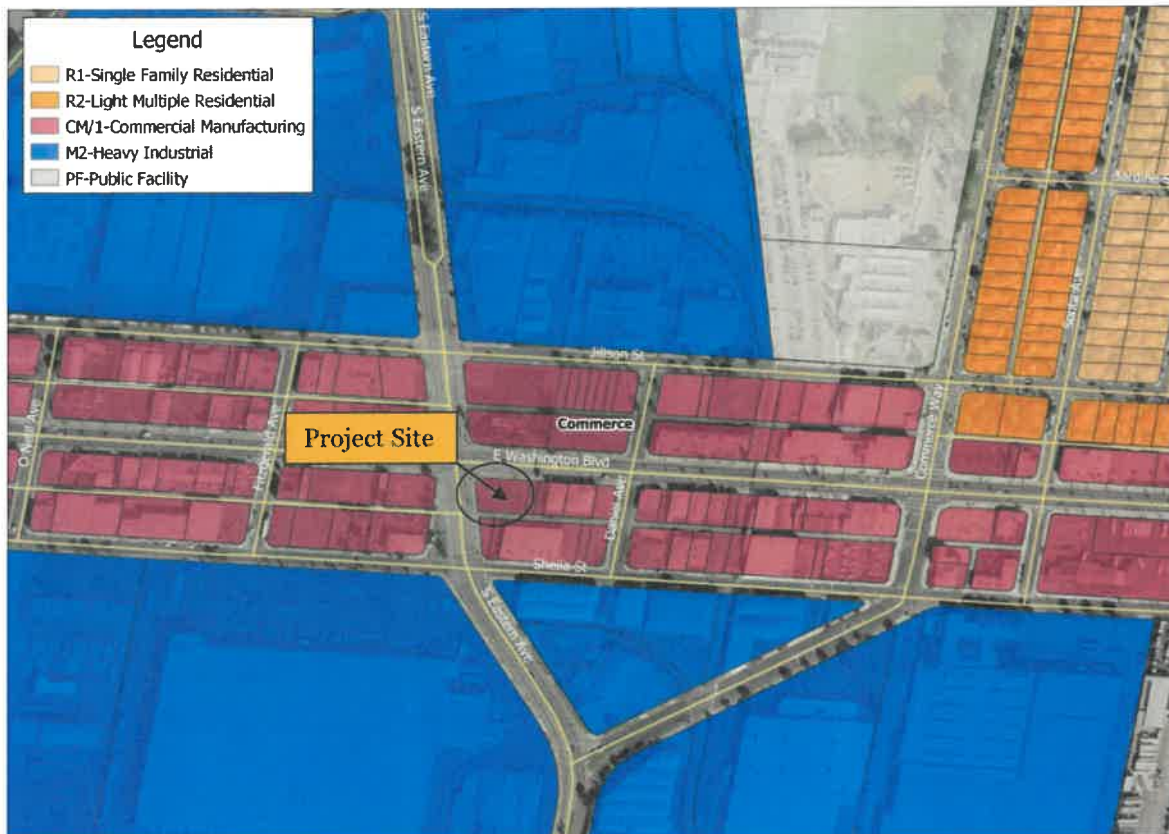


EXHIBIT 3-3 ZONING MAP

SOURCE: CITY OF COMMERCE AND QGIS

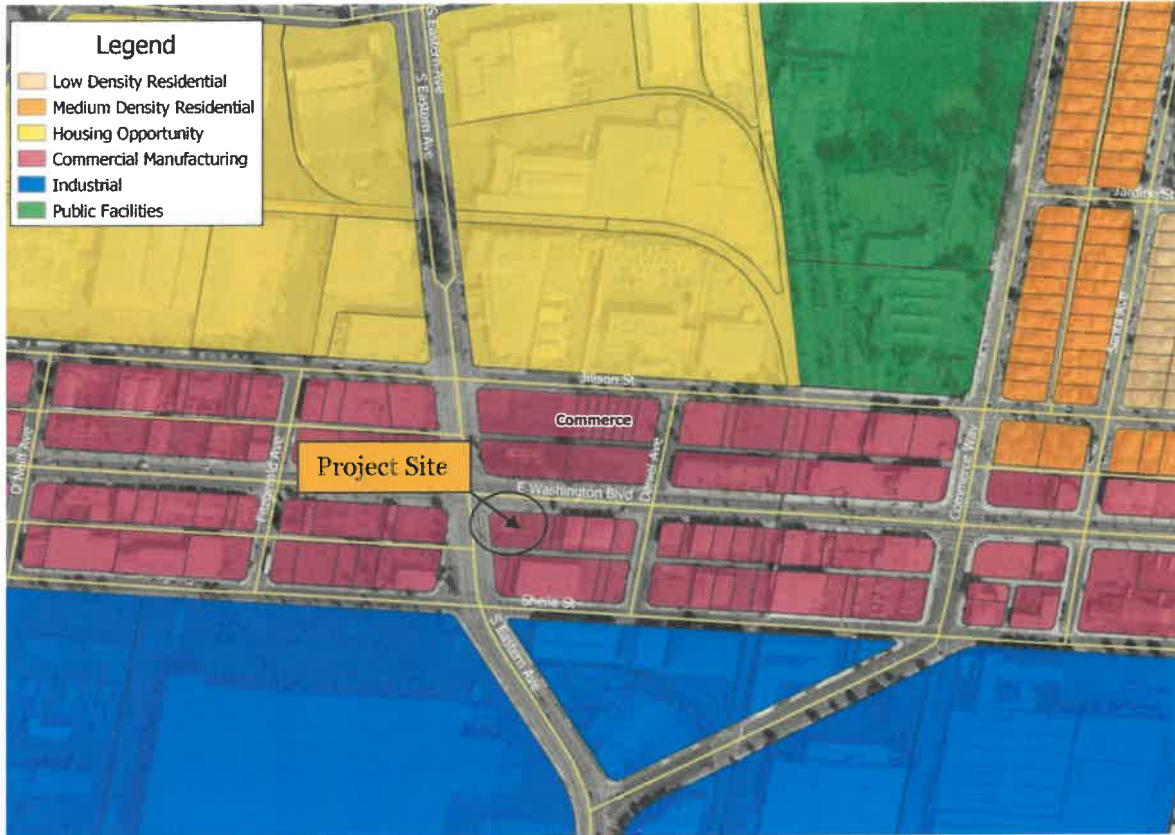


EXHIBIT 3-4
GENERAL PLAN MAP
SOURCE: CITY OF COMMERCE AND QGIS

3.12 MINERAL RESOURCES

3.12.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? • No Impact.*

The project site is not located in a Significant Mineral Aggregate Resource Area (SMARA) nor is it located in an area with active mineral extraction activities. A review of California Division of Oil, Gas, and Geothermal Resources well finder indicates that there are no wells located in the vicinity of the project site.⁵⁷ In addition, according to the Significant Mineral Aggregate Resource Area (SMARA) study area maps prepared by the California Geological Survey, the City of Commerce is located within the larger San Gabriel Valley SMARA (identified as the Portland cement concrete-grade aggregate). However, as indicated in the San Gabriel Valley P-C region MRZ-2 map, the project site is not located in an area where there are significant aggregate resources present. In addition, the project sites are not located in an area with active mineral extraction activities. As a result, no impacts will occur.

- B. *Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? • No Impact.*

As previously mentioned, no mineral, oil, or energy extraction and/or generation activities are located within the boundaries of the project site. Review of maps provided by the State Department of Conservation indicates there are no active or abandoned wells within the project site. The resources and materials used in the construction of the proposed project will not include any materials that are considered rare or unique. Thus, the proposed project will not result in any significant adverse effects on mineral resources in the region. Moreover, the proposed project will not interfere with any resource extraction activity. Therefore, no impacts will result from the implementation of the proposed project.

3.12.2 MITIGATION MEASURES

The analysis determined that the proposed project would not result in any impacts on mineral resources. As a result, no project mitigation is required relative to mineral resources.

⁵⁷ California, State of. Department of Conservation. *California Oil, Gas, and Geothermal Resources Well Finder*. <https://maps.conservation.ca.gov/doggr/wellfinder/#close>. Site accessed on July 30, 2019

3.13 NOISE

3.13.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in a generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? • No Impact.*

Noise levels may be described using a number of methods designed to evaluate the "loudness" of a particular noise. The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. Noise levels that are associated with common, everyday activities are illustrated in Exhibit 3-5. Typical construction noise levels are shown in Exhibit 3-6.

Construction noise levels would decline as one move away from the noise source in phenomenon known as *spreading loss*. Noise subject to spreading loss experiences a 6.0 dBA reduction for every doubling of the distance beginning with the initial 50-foot distance. A point source such as construction operation and the parking lot would decrease in "loudness" when the distance increases.

Interior noise associated with the drive-through restaurant will not affect the aforementioned sensitive receptors as they are not located within the project area and the operation noise of the restaurant will be subject to spreading loss.

Noise generated within the parking lot will include people laughing/shouting, which averages 64.5 dBA; car door slamming, which averages 62.5 dBA, car idling, which averages 61 dBA, car starting, which averages 59.5 dBA; and people talking, which averages 41 dBA. In addition, noise will be generated by the drive-thru lane, which will include cars entering the drive-thru, patrons ordering from the speaker box, and cars exiting the site.

Distributed noises from automobile traffic and industrial uses would typically attenuate at a lower rate. A point sound source would drop approximately 6 dB every time the distance from the source doubles. Additionally, it would affect the sounds' direction. The noise level would lower to 36.dBA if one is 64 feet away from the project site. The nearest sensitive receptors to the project site include the residential neighborhood that is located more than 1,200 feet northeast of the project site. As indicated previously, there are no residential uses located nearby that would be affected by construction related noise.

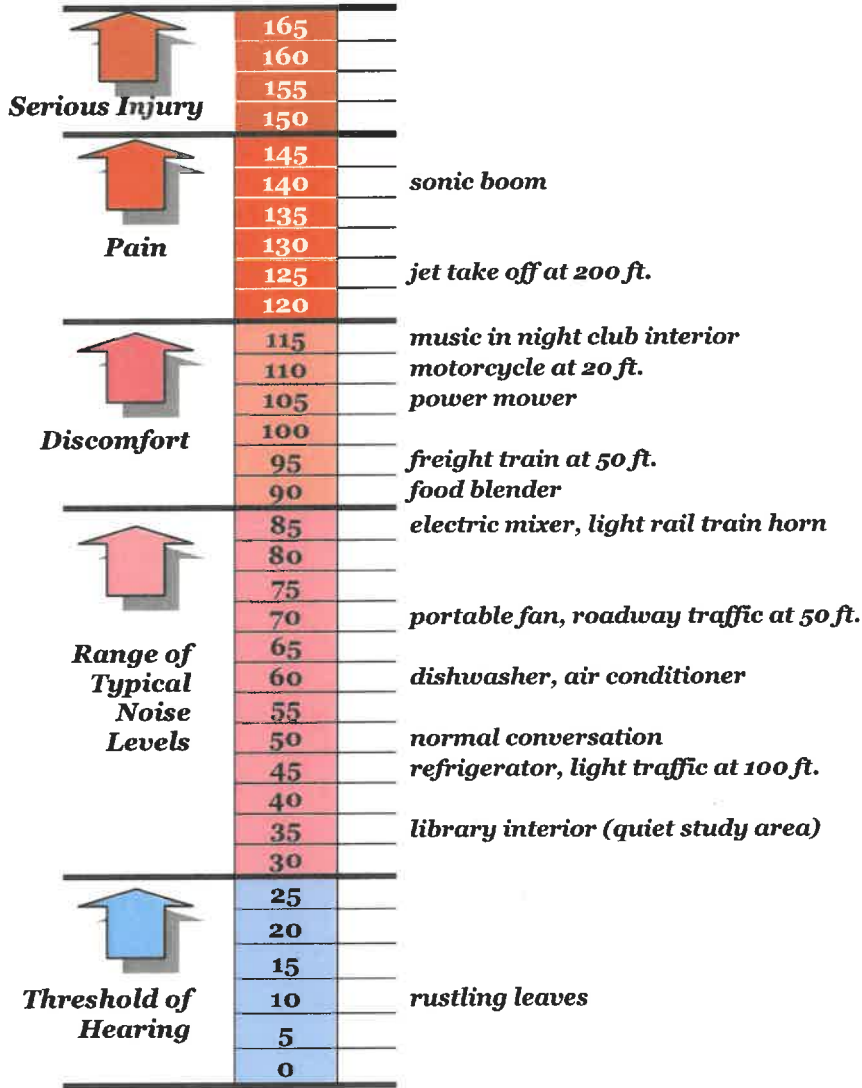


EXHIBIT 3-5 TYPICAL NOISE SOURCES AND LOUDNESS SCALE

Source: Blodgett Baylosis Environmental Planning

			<u>70</u>	<u>80</u>	<u>90</u>	<u>100</u>
			<u>dBA</u>	<u>dBA</u>	<u>dBA</u>	<u>dBA</u>
Equipment Powered by Internal Combustion Engines	Earth Moving Equipment	Compactors (Rollers)				
		Front Loaders				
		Backhoes				
		Tractors				
		Scrapers, Graders				
		Pavers				
		Trucks				
	Materials Handling Equipment	Concrete Mixers				
		Concrete Pumps				
		Cranes (Movable)				
		Cranes (Derrick)				
	Stationary Equipment	Pumps				
		Generators				
		Compressors				
	Impact Equipment	Pneumatic Wrenches				
Jack Hammers						
Pile Drivers						
Other Equipment	Vibrators					
	Saws					

EXHIBIT 3-6
TYPICAL CONSTRUCTION NOISE LEVELS
 Source: Blodgett Baylosis Environmental Planning

The ambient noise environment in the vicinity of the proposed project is dominated by traffic noise from vehicles traveling down E. Washington Boulevard and the adjacent streets and by noise typically associated with the nearby commercial and industrial uses. Once operational, noise will be generated from a line source such as roadway containing trucks and automobile traffic. No audible change in traffic noise levels from existing levels is expected to be perceptible over the long-term given the projected traffic generation. Typically, a doubling in traffic volumes is required to generate an audible increase traffic noise levels.

In a normal urbanized environment, changes in traffic noise levels of less than 3.0 dB are not typically perceptible. The project site results in less than a one percent increase in traffic overall for the segment of E. Washington Boulevard and will not be anticipated to have more than 50 trips during any peak hour.⁵⁸ As a result, the impacts from the project's operation are considered to be less than significant.

B. Would the project result in a generation of excessive ground-borne vibration or ground-borne noise levels? • Less than Significant Impact.

As indicated in the construction noise model, none of the equipment that will be used during the project's construction is classified as an impact device. As a result, vibration from construction is expected to generate less than significant impacts. Once operational, the project's traffic will not be sufficient enough to result in an increase in roadway noise or vibration. In a normal urbanized environment, changes in traffic noise levels of less than 3.0 dB are not typically perceptible. As indicated in Table 3-7 trip generation study, the proposed project would generate 1,088 daily trips. The traffic analysis indicates the proposed project would result in less than a three percent increase in traffic overall for the segment of E. Washington Boulevard which is currently generating between 35,000 to 40,000 trips per day. As a result, the potential operational impacts are considered to be less than significant.

C. For a project located within the vicinity of a private airstrip or- an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? • No Impact.

The project site is not located within two miles of a public airport or a public use airport. The nearest airport is Compton-Woodley Airport, located 14.3 miles to the southwest in the City of Compton. As a result, the project site will not present a safety or noise hazard related to aircraft or airport operations at a public use airport to people residing or working in the project area.

3.13.3 MITIGATION MEASURES

The analysis determined that the proposed project would not result in any significant noise impacts. As a result no mitigation will be required.

⁵⁸ Institute of Transportation Engineers' Trip Generation (10th Edition). *Fast-Food Restaurant with Drive Through Window Development: Trip Generation Estimates Report*. January 2019

3.14 POPULATION & HOUSING

3.14.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? • No Impact.*

Growth-inducing impacts are generally associated with the provision of urban services to an undeveloped or rural area. Growth-inducing impacts include the following:

- *New development in an area presently undeveloped and economic factors which may influence development.* The site is currently vacant and located near commercial and industrial uses.
- *Extension of roadways and other transportation facilities.* The project will utilize the existing roadways, driveways, and sidewalks.
- *Extension of infrastructure and other improvements.* The project will utilize the existing infrastructure though new utility line connections will be installed. The installation of these new utility lines will not lead to subsequent development.
- *Major off-site public projects (treatment plants, etc.).* The project's increase in demand for utility services can be accommodated without the construction or expansion of landfills, water treatment plants, or wastewater treatment plants.
- *The removal of housing requiring replacement housing elsewhere.* The site is vacant and there are no housing units located on-site.
- *Additional population growth leading to increased demand for goods and services.* The project will not lead to any direct increase in the City's population since no housing will be provided as part of the proposed project's implementation.
- *Short-term growth-inducing impacts related to the project's construction.* The project will result in temporary employment during the construction phase and long-term employment once the business is operational.

The proposed project is an infill development that will utilize existing roadways and infrastructure. The project will not lead to any direct increase in the City's population since no housing units are proposed. In addition, the number of new jobs that will be created is within the employment generation estimated by SCAG. As a result, no impacts will occur.

B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? • No Impact.

No housing units will be displaced as a result of the proposed project's implementation. The site is currently vacant though occupied by gasoline station. Therefore, no impacts will result.

3.13.2 MITIGATION MEASURES

The analysis of potential population and housing impacts indicated that no significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.15 PUBLIC SERVICES

3.15.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for: Fire protection services; Police protection; Schools; Parks; other Governmental facilities? • Less than Significant Impact with Mitigation.

Fire Service

The City of Commerce contracts with the Los Angeles County Fire Department for fire protection and emergency services. Response times are approximately three minutes throughout the City. Resources from these additional stations as well as others operated by the Los Angeles County Fire Department would be made available if needed. The proposed project, once operational, will also be periodically inspected by the Fire Department. In addition, the Los Angeles County Fire Department will review the development plans to ascertain the nature and extent of any additional requirements. Compliance with fire code requirements and the approval of the installation plan by the Los Angeles County Fire Department will mitigate any potential impacts. As a result, the impacts are considered to be less than significant.

Law Enforcement Service

The Los Angeles County Sheriff's Department, under contract with the City of Commerce, provides law enforcement services in the City. The City and project site are served by the East Los Angeles Station, located at 5019 East Third Street in East Los Angeles. The proposed project could place additional demands on law enforcement services due to the nature of the project. However, the project's potential impacts on law enforcement services are considered to be less than significant with adherence to the following mitigation:

- The final site plan, elevations, building floor plans, and site circulation must be reviewed by the Los Angeles County Sheriff's Department to ensure it conforms to their operational requirements.
- The Applicant will be required to prepare a security plan for approval by the Los Angeles County Sheriff's Department.

The aforementioned mitigation will reduce the potential impacts to levels that are less than significant.

School Service

Due to the nature of the proposed project (commercial) located in a manufacturing zone (C/M-1), no direct enrollment regarding school services will occur. However, the Applicant will be required to pay school district development fees. As a result, the proposed project's impacts on school facilities are not considered to be significant.

Other Governmental Services

No new governmental services will be needed to implement the proposed project since the proposed project will not introduce any new development. As a result, no impacts are anticipated.

3.15.2 MITIGATION MEASURES

The analysis determined that the proposed project would not result in any significant impact on public except on law enforcement services. The following measure will be required to enhance security:

Mitigation Measure No. 5 (Law Enforcement). The final site plan, elevations, building floor plans, and site circulation must be reviewed by the Los Angeles County Sheriff's Department to ensure it conforms to their operational requirements.

Mitigation Measure No. 6 (Law Enforcement). The Applicant will be required to prepare a security plan for approval by the Los Angeles County Sheriff's Department.

3.16 RECREATION

3.16.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?* • No Impact.

The nearest park to the project site is Rosewood Park located 0.5 miles to the northwest, next to City of Commerce City Hall. The proposed project will not result in a direct demand for park facilities based on the proposed commercial use. As a result, no changes in the demand for local parks and recreation facilities are anticipated.

B. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? • No Impact.

The proposed project will not result in a direct demand for park facilities. As a result, no changes in the demand for local parks and recreation facilities are anticipated and no impacts are anticipated.

3.16.2 MITIGATION MEASURES

The analysis determined that the proposed project would not result in any significant impact on recreational facilities and services. As a result, no mitigation is required.

3.17 TRANSPORTATION & CIRCULATION

3.17.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? • No Impact

The project would provide vehicular access to the parking via a 35 foot wide driveway located along the southern side of E. Washington Boulevard. Additional access will be provided off the alley on the southern side of the project site. The following paragraphs provide a brief description of the existing roadways which comprise the circulation network of the study area.

- *East Washington Boulevard.* E. Washington Boulevard is an east-west major arterial roadway striped with (2) traveling lanes in each direction. The roadway is 72 feet wide and posed with 40 miles per hour speed limit. Directional travels are separated by a yellow line (median) lane along the center of the street. The intersection at E. Washington Boulevard is signalized. Parking is prohibited along both sides of the street.
- *South Eastern Avenue.* S. Eastern Avenue is a north-south major arterial roadway striped with (2) traveling lanes in each direction. The roadway is 74 feet wide and posed with 40 miles per hour speed limit. Directional travel lanes are separated by a yellow line (median) lane along the center of the street. The intersection at E. Washington Boulevard is signalized. Parking is prohibited along both sides of the street.
- *Sheila Street.* Sheila Street is an east-west major arterial roadway striped with (2) traveling lanes in each direction. The roadway is 36 feet wide and posed with 35 miles per hour speed limit. Travel lanes are separated by a yellow line in the center of the street. The intersection at Sheila Street is signalized. Parking is partially restricted prohibited along both sides of the street.
- *Daniel Avenue.* Daniel Avenue is a north-south minor collector street and striped with two (2) travel lanes in each direction. The roadway is 35 feet wide and posed with 25 miles per hour speed limit signs. Directional travels are separated by a yellow line lane along the center of the

street. The intersection at E. Washington Boulevard is signalized. Parking is prohibited along both sides of the street.

- *Commerce Way.* Commerce Way is a north-south major arterial street and striped with two (2) travel lanes in each direction. The roadway is 65 feet wide and posted with 40 miles per hour speed limit signs. Directional travel lanes are separated by a yellow line lane along the center of the street. The intersection at E. Washington Boulevard is signalized. Parking is prohibited along both sides of the street.
- *Bandini Boulevard.* Bandini Boulevard is an east-west major arterial roadway and striped with two (2) travel lanes in each direction. The street is 64 feet wide and has a posted speed limit of 40 miles per hour. Directional travels are separated by a yellow line lane along the center of the street. The intersection with Garfield Avenue is signalized. Parking is prohibited along both sides of the street.

In order to accurately assess future traffic conditions with the proposed project, trip generation estimates were developed for the project by Translutions Inc. Trip generation for the proposed project is based on trip generations from the Institute of Transportation Engineers' (ITE) *Trip Generation* (10th Edition) and are based on Land Use 934- "Fast Food Restaurant with Drive-Through Window". Table 3-7 summarizes trip generation estimates for the project. As shown in Table 3-7, the proposed project is forecast to generate 47 net new trips in the a.m. peak hour, 38 net new trips in the p.m. peak hour, and 1,004 net new daily trips.

**Table 3-7
 Project Trip Generation**

Land Use	Units	A.M. Peak			P.M. Peak			Daily
		In	Out	Total	In	Out	Total	
Fast-food Restaurant Trip Generation Rate		20.50	19.69	40.19	16.99	15.68	32.67	470.95
Trip Generation	2.311 ksf	47	46	93	39	37	76	1,088
Pass-by Trips	49% AM/50% PM	23	23	46	19	19	38	84
Total Net Trips		24	23	47	20	18	38	1,004
Total Net Trip Generation		24	23	47	20	18	38	1,004

Since the proposed project's peak hour traffic generation is less than 50 trips, no Traffic Impact Analysis (TIA) of intersections is required. The project will provide more parking than is required by City code. As a result, no potential impacts are anticipated to the project access and on-site circulation.

B. For a land use project, would the project conflict or be inconsistent with CEQA Guidelines §15064.3 subdivision (b)(1)? • Less than Significant Impact.

According to CEQA Guidelines §15064.3 subdivision (b)(1), vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be considered to have a less than significant transportation impact. The project's implementation will have less than significant impacts since the project will recycle an existing undeveloped and underutilized properties located in established urban areas. When new development is located in a more rural setting, employees, patrons, visitors, and residents may have to travel further since rural development is often located a significant distance from employment, entertainment, and population centers. Consequently, travel distance is typically reduced when development is located in urban areas. As a result, the potential impacts are considered to be less than significant.

C. Would the project substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? • Less than Significant Impact with Mitigation.

Access to the site will be provided by a driveway located along E. Washington Boulevard. Secondary access will be provided by two curb-cuts (one for ingress and one for egress) with the alley that extends along the project site's south side. Vehicles travelling southbound of S Eastern Boulevard can access the site from by executing a right-turn on the alley on the project site's south side. According to the site plan, the drive-thru lane will have a "stacking capacity" of 10 cars, but the actual staking capacity will be less (approximately nine cars). The drive-thru window will be located on the north-facing elevation. The drive-thru lane will have a length of 195 feet of queuing space for cars entering the drive-thru and 80 feet of queuing distance from the menu board. The 35 feet wide driveway located along E. Washington Boulevard provides adequate distance spacing from incoming traffic along E. Washington Boulevard and intersecting streets making right and left turns.

However, if the driveway is expected to be regularly used by heavy vehicles, then the lines of clear sight should allow for the different drivers waiting to exit the driveway and vehicles on the frontage road. In order to prevent potential collisions, the following mitigation is required:

- A sign prohibiting the execution of left-turns from the site's main driveway must be installed. .

No large trucks will travel to the site due to the nature of the proposed project. As a result, the potential impacts are considered to be less than significant.

D. Would the project result in inadequate emergency access? • No Impact.

The project would not affect emergency access to any adjacent parcels. At no time will S. Eastern Boulevard and E. Washington Boulevard be closed to traffic. As a result, the proposed project's implementation will not result in any impacts.

3.17.2 MITIGATION MEASURES

The analysis determined that the project would require the following mitigation to address traffic and circulation impacts:

Mitigation Measure No. 7 (Transportation & Circulation Impacts). A sign prohibiting the execution of left-turns from the site's main driveway must be installed.

3.18 TRIBAL CULTURAL RESOURCES

3.18.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?*
- *Less than Significant Impact.*

A Tribal Resource is defined in Public Resources Code section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

The mitigation identified in Section 3.5.2.B will be sufficient in protecting potential tribal cultural resources. As a result, the potential impacts are considered to be less than significant.

3.18.2 MITIGATION MEASURES

The analysis of tribal cultural resources indicated that no significant impacts would result with the implementation of the proposed project. As a result, no mitigation is required.

3.19 UTILITIES & SERVICE SYSTEMS

3.19.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities or relocation of which could cause significant environmental impacts? • No Impact.

The project site is currently vacant. There are no existing water or wastewater treatment plants, electric power plants, telecommunications facilities, natural gas facilities, or stormwater drainage infrastructure located on-site. Therefore, the project's implementation will not require the relocation of any of the aforementioned facilities. In addition, the increase in demand for waste disposal, water, and wastewater treatment services can be adequately handled and no expansion of these services is required (refer to the following subsections). As a result, no impacts will occur.

B. Would the project have sufficient water supplies available to serve the project and the reasonably foreseeable future development during normal, dry, and multiple dry years? • Less than Significant.

As indicated previously, the project site is currently vacant, though the site was occupied by a gasoline station. The City of Commerce receives its water from Central Basin Municipal Water District, located on 6252 Telegraph Road in Commerce. Central Basin Municipal Water provides the region of southeastern Los Angeles County with recycled water for municipal, commercial, and industrial use. The project's water consumption is shown in Table 3-8. According to Table 3-8, the proposed project is anticipated to consume an average of 245 gallons of water per day.

**Table 3-8
 Water Consumption (gals/day)**

Use	Unit	Factor	Generation
Proposed Project	2,311 sq. ft.	0.11 gallons/1,000 sq. ft./day	245 gals/day
Total Consumption			245 gals/day

Source: Orange County Sanitation District

The proposed project will connect to an existing water line located along Washington Boulevard. In addition, the project will be equipped with water efficient fixtures. As a result, the potential impacts are considered to be less than significant.

C. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? • Less than Significant Impact.

The County Sanitation Districts (LACSD) maintains and operate the sewer system in the City of Commerce. The project area is served by the Los Angeles County Sanitation District No. 2. After sewage is collected locally and delivered to the regional trunk lines, wastewater will flow south toward the Los Coyotes Water Reclamation Plant of LACSD in the City of Cerritos or the Joint Water Pollution Control Plant located in the City of Carson. The Los Coyotes WRP has a design capacity of 37.5 million gallons per day (mgd) and currently processes an average flow of 21.1 mgd. The Joint Water Pollution Control Plant has a design capacity of 400 mgd and currently processes an average flow of 20.4 mgd. The Los Coyotes Water Reclamation Plant currently produces an average recycled water flow of 20.5 million gallons a day (mgd), and the Joint Water Pollution Control Plant currently produces an average recycled water flow of 256.4 mgd.

The project's wastewater generation is shown in Table 3-9. As shown in Table 3-9, the proposed project is anticipated to generate an average of 97 gallons of water per day.

**Table 3-9
 Wastewater Generation (gals/day)**

Use	Unit	Factor	Generation
Proposed Project	2,311 sq. ft.	0.11 gallons/1,000 sq. ft./day	97 gals/day
Total Consumption			97 gals/day

Source: City of Los Angeles Average Solid Waste

As depicted in the table, the proposed project is anticipated to generate an average of 97 gallons of waste water per day. This quantity of wastewater will not necessitate the expansion of any waste water treatment capacity. In addition, the proposed project will connect to existing sewer lines located along E. Washington Boulevard. As a result, the potential impacts are considered to be less than significant.

D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? • Less than Significant Impact.

The Sanitation Districts operate a comprehensive solid waste management system serving the needs of a large portion of Los Angeles County. Trash collection for commercial land uses is provided by the other private haulers for disposal into the Commerce Incinerator and into area landfills. Waste may also be transferred to either the Mesquite Regional Landfill in Imperial County or to the nearby Puente Hills Transfer Station/Materials Recovery Facility (MRF). The Los Angeles County Sanitation District selected the Mesquite Regional Landfill in Imperial County as the new target destination for the County's waste (as an alternative to the closed Puente Hills landfill). The Mesquite Regional Landfill in Imperial County has a 100-year capacity at 8,000 tons per day.

The Puente Hills Transfer Station and MRF is able to accept 4,440 tons per day of solid waste. The proposed project may generate up to 97 pounds of solid waste per day assuming a generation rate of 10.53 pounds per employee.⁵⁹ This amount is not significant and will be accommodated by the aforementioned landfill. As a result, the potential impacts are considered to be less than significant.

E. Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? • No Impact.

The proposed use, like all other development in Commerce, will be required to adhere to City and County ordinances with respect to waste reduction and recycling. As a result, no impacts related to State and local statutes governing solid waste are anticipated.

3.19.2 MITIGATION MEASURES

The analysis of utilities impacts indicated that no significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.20 WILDFIRE

3.20.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan? • No Impact.

The proposed project site is located within an urbanized area and no areas containing natural vegetation is located near the project site. Furthermore, the proposed project would not involve the closure or alteration of any existing evacuation routes that would be important in the event of a wildfire. As a result, no impacts will occur.

B. Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks,

⁵⁹ City of Los Angeles CEQA Thresholds Guide <http://planning.lacity.org/Documents/MajorProjects/CEQAThresholdsGuide.pdf>

and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? • Less than Significant Impact.

The project site and surrounding areas are relatively flat. Furthermore, the project site and the adjacent properties are urbanized and there are no areas of native or natural vegetation found within the vicinity of the project area. The proposed project may be exposed to criteria pollutant emissions generated by wildland fires due to the project site's proximity to the Puente Hills and the Montebello Hills. However, the potential impacts would not be exclusive to the project site since criteria pollutant emissions from wildland fires may affect the entire City as well as the surrounding cities and unincorporated county areas. As a result, the potential impacts are considered to be less than significant.

C. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? • No Impact.

There is no risk from wildfire within the project site or the surrounding area given the project site's distance from any area that may be subject to a wildfire event. The project will be constructed in compliance with the 2016 Building Code and the City Fire Department's recommendations and will not exacerbate wildfire risks. In addition, the use of hazardous materials will be limited to those that are commercially available and are used in a household setting. The proposed project, like most development in the City, may be subject to pollutant concentrations from industrial, gas line, or chemical fires due to the project site's proximity to industrial users. As a result, no impacts will occur.

D. Would the project expose people or structures to significant risks, including down slope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? • No Impact.

There is no risk from wildfire within the project site or the surrounding area given the project site's distance from any area that may be subject to a wildfire event. The project site and surrounding areas are relatively flat and there are no slopes located nearby. The project site itself is vacant. In addition, surrounding areas are developed and are covered over in pavement and concrete. Therefore, the project will not expose future employees to flooding or landslides facilitated by runoff flowing down barren and charred slopes and no impacts will occur.

3.20.2 MITIGATION MEASURES

The analysis of wildfires impacts indicated that no significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- *Does the project have the potential to substantially degrade the quality of the environment,*

substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? •No Impact

The approval and subsequent implementation of the proposed project will not have the potential to degrade the quality of the environment. The proposed project will not have the potential to degrade the quality of the environment with the implementation of the mitigation measures identified throughout Section 3. The project's air quality emissions will be below the thresholds of significance outlined by the SCAQMD. No impacts to protected species or habitat will result with the implementation of the proposed project.

- *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? • No impact*

The approval and subsequent implementation of the propose projects will not have impacts that are individually limited, but cumulatively considerable when considering planned or past proposed development in the immediate vicinity. The proposed project is an infill development that provides a beneficial reduction in reducing greenhouse gas emissions and vehicle miles travels (VMT), since the project is consistent with the regional and State's sustainable goals from the State's Strategic Growth Council (SGC) objectives. The project site complies with the strategies for implementing effective trip traffic and circulation. The proposed project is relatively small and the attendant environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein.

- *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? •No Impact*

The approval and subsequent implementation of the proposed project will not have the potential to degrade the quality of the environment nor have substantial adverse effects that would cause substantial effects on human beings either directly or indirectly.

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SECTION 4 CONCLUSIONS

4.1 FINDINGS

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project *will not* have a significant effect on the environment.
- The proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity.
- The proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly.
- A Mitigation Reporting and Monitoring Program *will be* required.

4.2 MITIGATION MONITORING & REPORTING PROGRAM

Section 21081(a) of the Public Resources Code states that findings must be adopted by the decision-makers coincidental to the approval of a Mitigated Negative Declaration. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the following additional findings may be made:

- A mitigation reporting or monitoring program will be required;
- Site plans and/or building plans, submitted for approval by the responsible monitoring agency, shall include the required standard conditions; and,
- An accountable enforcement agency or monitoring agency shall be identified for the mitigations adopted as part of the decision-maker's final determination.

4.3 MITIGATION MEASURES

The following mitigation measures will be required to ensure that light trespass and spillover will not adversely affect the housing units:

Mitigation Measure No. 1 (Light and Glare Impacts). The Applicant must also submit an exterior lighting plan for review and approval by the Public Works and Development Services Department prior to the issuance of building permits.

Mitigation Measure No. 2 (Light and Glare Impacts). The signs must not include flashing, intermittent or moving lights, and must not emit light that may obstruct or impair the vision of any driver.

Mitigation Measure No. 3 (Light and Glare Impacts). The security and parking area lighting must be designed so as to prevent spillover lighting and/or glare on the adjacent residential properties.

According to the AB-52 consultation, the project site is situated in an area of high archaeological significance. As a result, the following mitigation is required:

Mitigation Measure No. 4 (Cultural Resources Impacts). The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The Native American Monitor(s) will complete monitoring logs on a daily basis. The monitor(s) will photo-document the ground disturbing activities. The monitor(s) must also have Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) will be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k). The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.

The analysis determined that the proposed project would not result in any significant impact on public except on law enforcement services. The following measure will be required to enhance security:

Mitigation Measure No. 5 (Law Enforcement). The final site plan, elevations, building floor plans, and site circulation must be reviewed by the Los Angeles County Sheriff's Department to ensure it conforms to their operational requirements.

Mitigation Measure No. 6 (Law Enforcement). The Applicant will be required to prepare a security plan for approval by the Los Angeles County Sheriff's Department.

The traffic analysis indicates that the following mitigation measure will be required:

Mitigation Measure No. 7 (Transportation & Circulation Impacts). A sign prohibiting the execution of left-turns from the site's main driveway must be installed.

4.4 MITIGATION MONITORING

The monitoring and reporting on the implementation of these measures, including the period for implementation, monitoring agency, and the monitoring action, are identified in Table 4-1 provided below.

**TABLE 4-1
 MITIGATION-MONITORING PROGRAM**

Measure	Enforcement Agency	Monitoring Phase	Verification
<p>Mitigation Measure No. 1 (Light and Glare Impacts). The Applicant must also submit an exterior lighting plan for review and approval by the Public Works and Development Services Department prior to the issuance of building permits.</p>	<p>Public Works Department and Development Services Department • <i>(Applicant is responsible for implementation)</i></p>	<p><i>Prior to the issuance of any building or grading permits.</i> • Mitigation ends when construction is completed.</p>	<p>Date: Name & Title:</p>
<p>Mitigation Measure No. 2 (Light and Glare Impacts). The signs must not include flashing, intermittent or moving lights, and must not emit light that may obstruct or impair the vision of any driver.</p>	<p>Development Services Department • <i>(Applicant is responsible for implementation)</i></p>	<p><i>Prior to the issuance of any building or grading permits.</i> • Mitigation ends when construction is completed.</p>	<p>Date: Name & Title:</p>
<p>Mitigation Measure No. 3 (Light and Glare Impacts). The security and parking area lighting must be designed so as to prevent spillover lighting and/or glare on the adjacent residential properties.</p>	<p>Public Works Department and Development Services Department • <i>(Applicant is responsible for implementation)</i></p>	<p><i>Prior to the issuance of any building or grading permits.</i> • Mitigation ends when construction is completed.</p>	<p>Date: Name & Title:</p>

TABLE 4-1'
MITIGATION-MONITORING PROGRAM

Measure	Enforcement Agency	Monitoring Phase	Verification
<p>Mitigation Measure No. 4 (Cultural Resources Impacts). The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The Native American Monitor(s) will complete monitoring logs on a daily basis. The monitor(s) will photo-document the ground disturbing activities. The monitor(s) must also have Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) will be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k). The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.</p>	<p>Development Services Department • <i>(Applicant is responsible for implementation)</i></p>	<p><i>Prior to the start of any construction related activities.</i></p> <p>• Mitigation ends when ground disturbance is completed or otherwise noted by the appointed Native American Monitor(s)</p>	<p>Date: Name & Title:</p>
<p>Mitigation Measure No. 5 (Law Enforcement). The final site plan, elevations, building floor plans, and site circulation must be reviewed by the Los Angeles County Sheriff's Department to ensure it conforms to their operational requirements.</p>	<p>Los Angeles County Sheriff's Department • <i>(Applicant is responsible for implementation)</i></p>	<p><i>Prior to the issuance of any building or grading permits.</i></p> <p>• Mitigation ends when construction is completed.</p>	<p>Date: Name & Title:</p>
<p>Mitigation Measure No. 6 (Law Enforcement). The Applicant will be required to prepare a security plan for approval by the Los Angeles County Sheriff's Department.</p>	<p>Los Angeles County Sheriff's Department • <i>(Applicant is responsible for implementation)</i></p>	<p><i>Prior to the issuance of any building or grading permits.</i></p> <p>• Mitigation ends when construction is completed.</p>	<p>Date: Name & Title:</p>
<p>Mitigation Measure No. 8 (Transportation & Circulation Impacts). A sign prohibiting the execution of left-turns from the site's main driveway must be installed.</p>	<p>Public Works Department and Development Services Department • <i>(Applicant is responsible for implementation)</i></p>	<p><i>Prior to the issuance of any building or grading permits.</i></p> <p>• Mitigation ends when construction is completed.</p>	<p>Date: Name & Title:</p>

SECTION 5 REFERENCES

5.1 PREPARERS

Blodgett Baylosis Environmental Planning
2211 South Hacienda Boulevard, Suite 107
Hacienda Heights, CA 91745
(626) 336-0033

Marc Blodgett, Project Manager
Janneth Flores, Project Planner

The references consulted as part of this Initial Study's preparation are shown using footnotes. Those references that are available on web pages are identified by their corresponding website addresses.

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APPENDICES

APPENDIX A – AIR QUALITY WORKSHEETS

APPENDIX B – TRIP GENERATION ANALYSIS

APPENDIX C – CALIFORNIA REGIONAL WATER QUALITY CASE

APPENDIX D – PHASE 1 ENVIRONMENTAL SITE ASSESSMENT

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Popeye's Drive Thru - South Coast AQMD Air District, Summer

Popeye's Drive Thru
 South Coast AQMD Air District, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot %age	Floor Surface Area	Population
Parking Lot	13.00	Space	0.12	5,200.00	0
Fast Food Restaurant with Drive Thru	2.31	1000sqft	0.05	2,311.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/hr)	2.2	Precipitation Freq (Days)	31
Climate Zone	9			Operational Year	2022

Utility Company Southern California Edison

CO2 Intensity (lb/MWhr)	702.44	CH4 Intensity (lb/MWhr)	0.029	N2O Intensity (lb/MWhr)	0.006
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1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use -

Construction Phase - Construction will be estimated in the MND

Construction Off-road Equipment Mitigation -

Mobile Land Use Mitigation -

Energy Mitigation -

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NEIO- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2020	4.8215	8.9664	8.0314	0.0133	0.8645	0.5231	1.3326	0.4434	0.4813	0.8899	0.0000	1,261,677.0	1,261,677.0	0.3594	0.0000	1,267,181.8
Maximum	4.8215	8.9664	8.0314	0.0133	0.8645	0.5231	1.3326	0.4434	0.4813	0.8899	0.0000	1,261,677.0	1,261,677.0	0.3594	0.0000	1,267,181.8

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NEIO- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2020	4.8215	8.9664	8.0314	0.0133	0.4054	0.5231	0.8734	0.1910	0.4813	0.6375	0.0000	1,261,677.0	1,261,677.0	0.3594	0.0000	1,267,181.8
Maximum	4.8215	8.9664	8.0314	0.0133	0.4054	0.5231	0.8734	0.1910	0.4813	0.6375	0.0000	1,261,677.0	1,261,677.0	0.3594	0.0000	1,267,181.8

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	63.11	0.00	34.00	68.82	0.00	28.98	0.00	0.00	0.00	0.00	0.00	0.00

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.0540	1.0000e-005	1.5700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005			3.3500e-003	3.3500e-003	1.0000e-005	3.5700e-003
Energy	0.0158	0.1432	0.1203	0.6000e-004		0.0109	0.0109		0.0109	0.0109			171.8692	171.8692	3.2900e-003	3.1500e-003
Mobile	2.0536	9.1818	16.8490	0.0515	3.7339	0.0412	3.7752	0.9991	0.0384	1.0375			5,260,414.7	5,260,414.7	0.3011	5,267,941.4
Total	2.1294	9.3290	15.9789	0.6024	3.7339	0.0521	3.7861	0.9991	0.0483	1.0484			5,432,307.3	5,432,307.3	0.3044	5,440,655.7

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.0540	1.0000e-005	1.5700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005			3.3500e-003	3.3500e-003	1.0000e-005	3.5700e-003
Energy	0.0158	0.1432	0.1203	0.6000e-004		0.0109	0.0109		0.0109	0.0109			171.8692	171.8692	3.2900e-003	3.1500e-003
Mobile	1.9779	8.6758	13.8032	0.0430	2.9872	0.0349	3.0221	0.7992	0.0325	0.8318			4,360,685.2	4,360,685.2	0.2863	4,367,343.4
Total	2.0477	8.8191	13.9261	0.6458	2.9872	0.0458	3.0330	0.7992	0.0434	0.8427			4,582,577.8	4,582,577.8	0.2926	4,578,257.8

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	1/1/2020	1/1/2020	5	1	
2	Grading	Grading	1/2/2020	1/3/2020	5	2	
3	Building Construction	Building Construction	1/4/2020	5/22/2020	5	100	
4	Paving	Paving	5/23/2020	5/29/2020	5	5	
5	Architectural Coating	Architectural Coating	5/30/2020	6/5/2020	5	5	

Acres of Grading (Site Preparation Phase): 0.5

Acres of Grading (Grading Phase): 0

Acres of Paving: 0.12

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 3,467; Non-Residential Outdoor: 1,156; Striped Parking Area: 312 (Architectural Coating – sqft)

OffRoad Equipment

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Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	76	0.48
Paving	Cement and Mortar Mixers	4	6.00	9	0.56
Grading	Concrete/Industrial Saws	1	6.00	81	0.73
Building Construction	Cranes	1	4.00	231	0.29
Building Construction	Forklifts	2	6.00	89	0.20
Site Preparation	Graders	1	6.00	187	0.41
Paving	Pavers	1	7.00	130	0.42
Paving	Rollers	1	7.00	60	0.38
Grading	Rubber Tired Dozers	1	1.00	247	0.40
Building Construction	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Grading	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Paving	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Site Preparation	Tractors/Loaders/Backhoes	1	6.00	97	0.37

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	2	5.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HMOT
Grading	4	10.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HMOT
Building Construction	5	3.00	1.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HMOT
Paving	7	18.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HMOT
Architectural Coating	1	1.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HMOT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Site Preparation - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	in/day										in/day					
Fugitive Dust					0.5303	0.0000	0.5303	0.0673	0.0000	0.0673			0.0000			0.0000
Off-Road	0.6853	0.4307	4.0942	9.7400e-003		0.3353	0.3353		0.3065	0.3065			943.4872	943.4872	0.3051	951.1158
Total	0.6853	0.4307	4.0942	9.7400e-003	0.5303	0.3353	0.8656	0.0673	0.3065	0.3658			943.4872	943.4872	0.3051	951.1158

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	in/day										in/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000			0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000			0.0000	0.0000	0.0000	0.0000
Worker	0.0226	0.0152	0.2044	5.7000e-004	0.0559	4.2000e-004	0.0563	0.0148	3.9000e-004	0.0152			57.2209	57.2209	1.5500e-003	57.2620
Total	0.0226	0.0152	0.2044	5.7000e-004	0.0559	4.2000e-004	0.0563	0.0148	3.9000e-004	0.0152			57.2209	57.2209	1.5500e-003	57.2620

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3.2 Site Preparation - 2020

Mitigated Construction On-Site

	PM10	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.2068	0.0000	0.2068	0.0223	0.0000	0.0223			0.0000			0.0000
Off-Road	0.6853	0.4307	4.0942	9.7400e-003		0.3353	0.3353		0.3085	0.3085	0.0000	943.4872	943.4872	0.3051		951.1158
Total	0.6853	0.4307	4.0942	9.7400e-003	0.2068	0.3353	0.5421	0.0223	0.3085	0.3308	0.0000	943.4872	943.4872	0.3051		951.1158

Mitigated Construction Off-Site

	PM10	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0226	0.0152	0.2044	5.7000e-004	0.0559	4.2000e-004	0.0563	0.0148	3.9000e-004	0.0152		57.2209	57.2209	1.6500e-003		57.2620
Total	0.0226	0.0152	0.2044	5.7000e-004	0.0559	4.2000e-004	0.0563	0.0148	3.9000e-004	0.0152		57.2209	57.2209	1.6500e-003		57.2620

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3.3 Grading - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	On-Site										Off-Site					
Fugitive Dust					0.7528	0.0000	0.7528	0.4138	0.0000	0.4138			0.0000			0.0000
Off-Road	0.8674	7.8729	7.6226	0.0120		0.4672	0.4672		0.4457	0.4457		1,147,235 2	1,147,235 2	0.2169		1,152,657 8
Total	0.8674	7.8729	7.6226	0.0120	0.7528	0.4672	1.2200	0.4138	0.4457	0.8595		1,147,235 2	1,147,235 2	0.2169		1,152,657 8

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	On-Site										Off-Site					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000			0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000			0.0000	0.0000		0.0000
Worker	0.0452	0.0304	0.4088	1.1500e-003	0.1118	8.5000e-004	0.1126	0.0296	7.8000e-004	0.0304			114.4418	114.4418	3.2900e-003	114.5240
Total	0.0452	0.0304	0.4088	1.1500e-003	0.1118	8.5000e-004	0.1126	0.0296	7.8000e-004	0.0304			114.4418	114.4418	3.2900e-003	114.5240

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3.4 Building Construction - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.8617	8.8523	7.3875	0.0114		0.5224	0.5224		0.4806	0.4806		1,102.978 1	1,102.978 1	0.3567		1,111.896 2
Total	0.8617	8.8523	7.3875	0.0114		0.5224	0.5224		0.4806	0.4806		1,102.978 1	1,102.978 1	0.3567		1,111.896 2

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	3.2800e-003	0.1049	0.0250	2.6000e-004	5.4000e-003	5.2000e-004	6.9200e-003	1.8400e-003	5.0000e-004	2.3400e-003		27.4449	27.4449	1.7200e-003		27.4879
Worker	0.0136	9.1200e-003	0.1227	3.4000e-004	0.0335	2.6000e-004	0.0338	8.8900e-003	2.3000e-004	9.1300e-003		34.3325	34.3325	9.9000e-004		34.3572
Total	0.0169	0.1141	0.1476	6.8000e-004	0.0399	7.7000e-004	0.0407	0.0107	7.3000e-004	0.0115		61.7774	61.7774	2.7100e-003		61.8451

3.4 Building Construction - 2020

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.8617	8.8523	7.3875	0.0114		0.5224	0.5224		0.4806	0.4806	0.0000	1,102.978 1	1,102.978 1	0.3567		1,111.896 2
Total	0.8617	8.8523	7.3875	0.0114		0.5224	0.5224		0.4806	0.4806	0.0000	1,102.978 1	1,102.978 1	0.3567		1,111.896 2

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	3.2800e-003	0.1049	0.0250	2.6000e-004	5.4000e-003	5.2000e-004	6.9200e-003	1.8400e-003	5.0000e-004	2.3400e-003		27.4449	27.4449	1.7200e-003		27.4879
Worker	0.0136	9.1200e-003	0.1227	3.4000e-004	0.0335	2.6000e-004	0.0338	8.8900e-003	2.3000e-004	9.1300e-003		34.3325	34.3325	9.9000e-004		34.3572
Total	0.0169	0.1141	0.1476	6.8000e-004	0.0399	7.7000e-004	0.0407	0.0107	7.3000e-004	0.0115		61.7774	61.7774	2.7100e-003		61.8451

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3.5 Paving - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.7716	7.2266	7.1128	0.0113		0.3950	0.3950		0.3669	0.3669		1,035,392.6	1,035,392.6	0.3016		1,042,932.3
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	0.8344	7.2266	7.1128	0.0113		0.3950	0.3950		0.3669	0.3669		1,035,392.6	1,035,392.6	0.3016		1,042,932.3

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0814	0.0547	0.7359	2.0700e-003	0.2012	1.5300e-003	0.2027	0.0534	1.4100e-003	0.0548		205.9951	205.9951	5.9200e-003		206.1432
Total	0.0814	0.0547	0.7359	2.0700e-003	0.2012	1.5300e-003	0.2027	0.0534	1.4100e-003	0.0548		205.9951	205.9951	5.9200e-003		206.1432

3.5 Paving - 2020

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.7716	7.2266	7.1128	0.0113		0.3950	0.3950		0.3669	0.3669	0.0000	1,035,392.6	1,035,392.6	0.3016		1,042,932.3
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	0.8344	7.2266	7.1128	0.0113		0.3950	0.3950		0.3669	0.3669	0.0000	1,035,392.6	1,035,392.6	0.3016		1,042,932.3

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0814	0.0547	0.7359	2.0700e-003	0.2012	1.5300e-003	0.2027	0.0534	1.4100e-003	0.0548		205.9951	205.9951	5.9200e-003		206.1432
Total	0.0814	0.0547	0.7359	2.0700e-003	0.2012	1.5300e-003	0.2027	0.0534	1.4100e-003	0.0548		205.9951	205.9951	5.9200e-003		206.1432

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 POPEYE'S FAST FOOD RESTAURANT • 5556 EAST WASHINGTON BLVD

3.6 Architectural Coating - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	4.5745					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2422	1.6838	1.8314	2.9700e-003		0.1109	0.1109		0.1109	0.1109		281.4481	281.4481	0.0218		281.9928
Total	4.8163	1.6838	1.8314	2.9700e-003		0.1109	0.1109		0.1109	0.1109		281.4481	281.4481	0.0218		281.9928

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	4.5200e-003	3.0400e-003	0.0409	1.1000e-004	0.0112	8.0000e-005	0.0113	2.9600e-003	8.0000e-005	3.0400e-003		11.4442	11.4442	3.3000e-004		11.4524
Total	4.5200e-003	3.0400e-003	0.0409	1.1000e-004	0.0112	8.0000e-005	0.0113	2.9600e-003	8.0000e-005	3.0400e-003		11.4442	11.4442	3.3000e-004		11.4524

3.6 Architectural Coating - 2020

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	4.5745					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2422	1.6838	1.8314	2.9700e-003		0.1109	0.1109		0.1109	0.1109	0.0000	281.4481	281.4481	0.0218		281.9928
Total	4.8163	1.6838	1.8314	2.9700e-003		0.1109	0.1109		0.1109	0.1109	0.0000	281.4481	281.4481	0.0218		281.9928

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	4.5200e-003	3.0400e-003	0.0409	1.1000e-004	0.0112	8.0000e-005	0.0113	2.9600e-003	8.0000e-005	3.0400e-003		11.4442	11.4442	3.3000e-004		11.4524
Total	4.5200e-003	3.0400e-003	0.0409	1.1000e-004	0.0112	8.0000e-005	0.0113	2.9600e-003	8.0000e-005	3.0400e-003		11.4442	11.4442	3.3000e-004		11.4524

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4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Improve Destination Accessibility

Popeye's Drive Thru - South Coast AQMD Air District, Summer

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Fast Food Restaurant with Drive Thru	0.549550e	0.042893	0.201504	0.118533	0.016509	0.005846	0.021394	0.034255	0.002099	0.001828	0.004855	0.000708	0.000868
Parking Lot	0.549550e	0.042893	0.201504	0.118533	0.016509	0.005846	0.021394	0.034255	0.002099	0.001828	0.004855	0.000708	0.000868

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Install High Efficiency Lighting

Category	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	MBio-CO2	Total CO2	CH4	N2O	CO2e
NaturalGas Mitigated	0.0158	0.1432	0.1203	8.6000e-004	0.0109	0.0109	0.0109	0.0109	0.0109	0.0109	171.8892	171.8892	171.8892	3.2900e-003	3.1500e-003	172.9107
NaturalGas Unmitigated	0.0158	0.1432	0.1203	8.6000e-004	0.0109	0.0109	0.0109	0.0109	0.0109	0.0109	171.8892	171.8892	171.8892	3.2900e-003	3.1500e-003	172.9107

5.2 Energy by Land Use - NaturalGas

Unmitigated

Land Use	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	MBio-CO2	Total CO2	CH4	N2O	CO2e
Fast Food Restaurant with Drive Thru	1461.06	0.0158	0.1432	0.1203	8.6000e-004	0.0109	0.0109	0.0109	0.0109	0.0109	0.0109	171.8892	171.8892	171.8892	3.2900e-003	3.1500e-003	172.9107
Parking Lot	0	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		0.0158	0.1432	0.1203	8.6000e-004	0.0109	0.0109	0.0109	0.0109	0.0109	0.0109	171.8892	171.8892	171.8892	3.2900e-003	3.1500e-003	172.9107

Mitigated

Land Use	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	MBio-CO2	Total CO2	CH4	N2O	CO2e
Fast Food Restaurant with Drive Thru	1461.06	0.0158	0.1432	0.1203	8.6000e-004	0.0109	0.0109	0.0109	0.0109	0.0109	0.0109	171.8892	171.8892	171.8892	3.2900e-003	3.1500e-003	172.9107
Parking Lot	0	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		0.0158	0.1432	0.1203	8.6000e-004	0.0109	0.0109	0.0109	0.0109	0.0109	0.0109	171.8892	171.8892	171.8892	3.2900e-003	3.1500e-003	172.9107

6.0 Area Detail

6.1 Mitigation Measures Area

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Biogenic CO2	Non-Biogenic CO2	Total CO2	CH4	N2O	CO2e	
Category	lb/day										lb/day						
Mitigated	0.0540	1.0000e-005	1.5700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005		3.3500e-003	3.3500e-003	1.0000e-005			3.5700e-003
Unmitigated	0.0540	1.0000e-005	1.5700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005		3.3500e-003	3.3500e-003	1.0000e-005			3.5700e-003

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Biogenic CO2	Non-Biogenic CO2	Total CO2	CH4	N2O	CO2e	
SubCategory	lb/day										lb/day						
Architectural Coating	6.2700e-003					0.0000	0.0000		0.0000	0.0000			0.0000				0.0000
Consumer Products	0.0476					0.0000	0.0000		0.0000	0.0000			0.0000				0.0000
Landscaping	1.5000e-004	1.0000e-005	1.5700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005		3.3500e-003	3.3500e-003	1.0000e-005			3.5700e-003
Total	0.0540	1.0000e-005	1.5700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005		3.3500e-003	3.3500e-003	1.0000e-005			3.5700e-003

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Biogenic CO2	Non-Biogenic CO2	Total CO2	CH4	N2O	CO2e	
SubCategory	lb/day										lb/day						
Architectural Coating	6.2700e-003					0.0000	0.0000		0.0000	0.0000			0.0000				0.0000
Consumer Products	0.0476					0.0000	0.0000		0.0000	0.0000			0.0000				0.0000
Landscaping	1.5000e-004	1.0000e-005	1.5700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005		3.3500e-003	3.3500e-003	1.0000e-005			3.5700e-003
Total	0.0540	1.0000e-005	1.5700e-003	0.0000		1.0000e-005	1.0000e-005		1.0000e-005	1.0000e-005		3.3500e-003	3.3500e-003	1.0000e-005			3.5700e-003

7.0 Water Detail

7.1 Mitigation Measures Water

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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POPEYE'S FAST FOOD RESTAURANT • 5556 EAST WASHINGTON BLVD



translutions, inc.
17632 Irvine Boulevard, Suite 206,
Tustin, California 92780
Phone (949)950-3131 Fax (949)445-3131
solutions@translutions.com

October 28, 2019

Mr. Marc Blodgett, Principal
Blodgett Baylosis Environmental Planning
2211 S. Hacienda Boulevard Suite 107,
Hacienda Heights, California 91745

Subject: 5556 E. Washington Boulevard Popeyes, Commerce, California – Focused Traffic Analysis

Dear Mr. Blodgett:

Translutions, Inc. (Translutions) is pleased to provide this letter discussing the potential trip generation for the proposed 5556 E. Washington Boulevard Popeyes fast-food restaurant project. The project will include a 2,311 square foot fast-food restaurant located at 5556 E. Washington Boulevard in the City of Commerce. The site plan is illustrated in Figure 1.

PROJECT ACCESS

Access to the project will be provided by a right-in/right-out driveway on Washington Boulevard, one full access inbound driveway on the Alley, and a full-access outbound driveway on the Alley. Translutions staff observed substantial vehicular queues on northbound Eastern Avenue. Therefore, the intersection of the Alley and Eastern Avenue should not allow left turns.

Driveways on Alley. The alley is a low-speed, low volume roadway with minimal traffic along the project frontage. Based on our measurements, there is approximately 200 feet of uninterrupted sight distance from the outbound driveway. Therefore, it is our professional opinion that the outbound driveway could provide full access. The inbound driveway is located approximately 30 feet from the edge of curb for Eastern Avenue and the City has raised concerns about vehicles making the left turn in from the alley potentially blocking traffic on Eastern Avenue. However, since the traffic volumes on the alley in this segment are minimal (Translutions staff did not see a single vehicle on the alley near Eastern Avenue during the p.m. peak hours), vehicles will be able to make the left turn from the alley on to the driveway without any stopped delay. Further, the intersection of the Alley and Eastern Avenue will not allow left turns, which will eliminate the chances of southbound left turns from Eastern Avenue trying to make an immediate left turn on to the driveway.

Driveway on Washington Boulevard. The driveway on Washington Boulevard will be restricted to right turns only. Based on observation on site, sufficient sight distances are available to provide safe right turns on to Washington Boulevard. The City requested that the line of sight evaluation include the bus shelter to the west of the project driveway. The bus shelter is constructed of a mesh material that does not block visibility. There is a sign on the bus shelter which is opaque, but based on our evaluation of driver eye height, over 400 feet of the roadway is visible. Based on the speed limit on Washington Boulevard (40 miles per hour), the minimum design sight distance of 385 feet is required, which is less than the available distance of over 400 feet. Therefore, the driveway is anticipated to operate at safe conditions.

Delivery Vehicles. It is anticipated that most deliveries will use the driveway on Washington Avenue. It should be noted that Popeye's does not have a breakfast menu and therefore does not open until 10:00 a.m. All deliveries are made when the restaurant is closed to customers. Therefore, delivery trucks will not conflict with customer vehicles. Delivery vehicles will be able to park on site while making deliveries as customer vehicles will be minimal (if any).

PROJECT PARKING & ON-SITE CIRCULATION

The City of Commerce Municipal Code Chapter 19.21 - Off-Street Parking and Loading requires 1 space per 200 square feet for fast food restaurants. Based on this, the project parking code requirement is 12 spaces. The project provides 13 spaces, which is more than what is required per code. Based on our review, on-site circulation should not adversely affect safety. Turning radii are provided to applicable City Codes. The City requires that the queuing distance from the menu board be at least 80 feet (Figure 19.3.350-1 of Municipal Code). Based on our review, the project provides 80 feet of queuing from the menu board.

PROJECT TRIPS

Project Trip Generation. Trip generation for the proposed project is based on trip generation rates from the Institute of Transportation Engineers' (ITE) *Trip Generation* (10th Edition) and are based on Land Use 934 - "Fast-Food Restaurant with Drive-Through Window".

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Retail uses will typically draw some of its trips from the adjacent street traffic, so that some of the project trips are not actually 'new' trips to the adjacent circulation system. These trips are referred to as 'pass-by' trips. Pass-by trips are trips that are on the roadway immediately adjacent to the retail center which make intermediate stops on the way from an origin to a primary trip destination without route diversion. Pass-by trips for Land Use 934 "Fast-Food Restaurant with Drive-Through Window" were calculated using rates from ITE Trip Generation Handbook (3rd Edition). Table A below shows the calculation of the project trip generation for the a.m. peak hour, p.m. peak hour, and weekday. As shown in Table A, the proposed project is forecast to generate 47 net new trips in the a.m. peak hour, 38 net new trips in the p.m. peak hour, and 1,004 net new daily trips.

Table A - Project Trip Generation

Land Use	Units	A.M. Peak Hour			P.M. Peak Hour			Daily
		In	Out	Total	In	Out	Total	
Fast-Food Restaurant Trip Generation Rates ¹								
Trip Generation	2,311 TSF	20.50	19.69	40.19	16.99	15.68	32.67	470.95
Pass-By Trips ²	49% AM / 50% PM	(47)	(46)	(93)	(39)	(37)	(76)	(1,088)
Total Net Trips		24	23	47	20	18	38	1,004
Total Net Trip Generation		24	23	47	20	18	38	1,004

Note: TSF = Thousand Square Feet
¹ Trip generation based on rates for Land Use 934 - "Fast-Food Restaurant with Drive-Through Window" from Institute of Transportation Engineers' (ITE) Trip Generation (10th Edition).
² Pass-By rates based on rates for Land Use 934 "Fast-Food Restaurant with Drive-Through Window" from ITE Trip Generation Handbook (3rd Edition).

Project Trip Distribution. As stated earlier, access to the project will be provided by a right-in/right-out driveway on Washington Boulevard, one full access inbound driveway on the Alley, and an outbound driveway on the Alley. The intersection of the Alley and Eastern Avenue will not allow left turns. It should be noted that based on observations at the intersection of the Alley and Eastern Avenue during the p.m. peak hours, Translutions staff did not see any vehicles on the segment of the alley between Eastern Avenue and the proposed driveway. This is potentially due to the fact that vehicles from adjacent properties were observed to travel east on the alley to Daniel Avenue and then to Sheila Street which has a signalized intersection with Eastern Avenue. Figure 2 shows the anticipated project trip distribution at the driveways.

CONCLUSION

The City of Commerce requires a transportation impact analysis at all intersections where the proposed project will add 50 or more trips during either the a.m. or p.m. peak hour. Based on the project trip generation, the project is forecast to generate 47 net new trips during the a.m. peak hour, 38 net new trips during the p.m. peak hour, and 1,004 net new daily trips. The project provides more parking than is required by City code, and our review of the project access and on-site circulation did not identify any circulation issues.

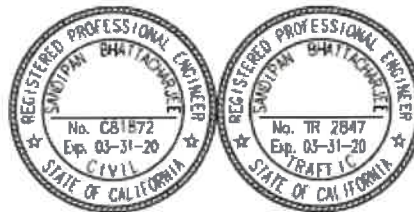
We hope you will find this information helpful. Should you have any questions, please don't hesitate to call me at (949) 232-7954.

Sincerely,

Translutions, Inc.



Sandipan Bhattacharjee, P.E., T.E., AICP, ENV SP
 Principal



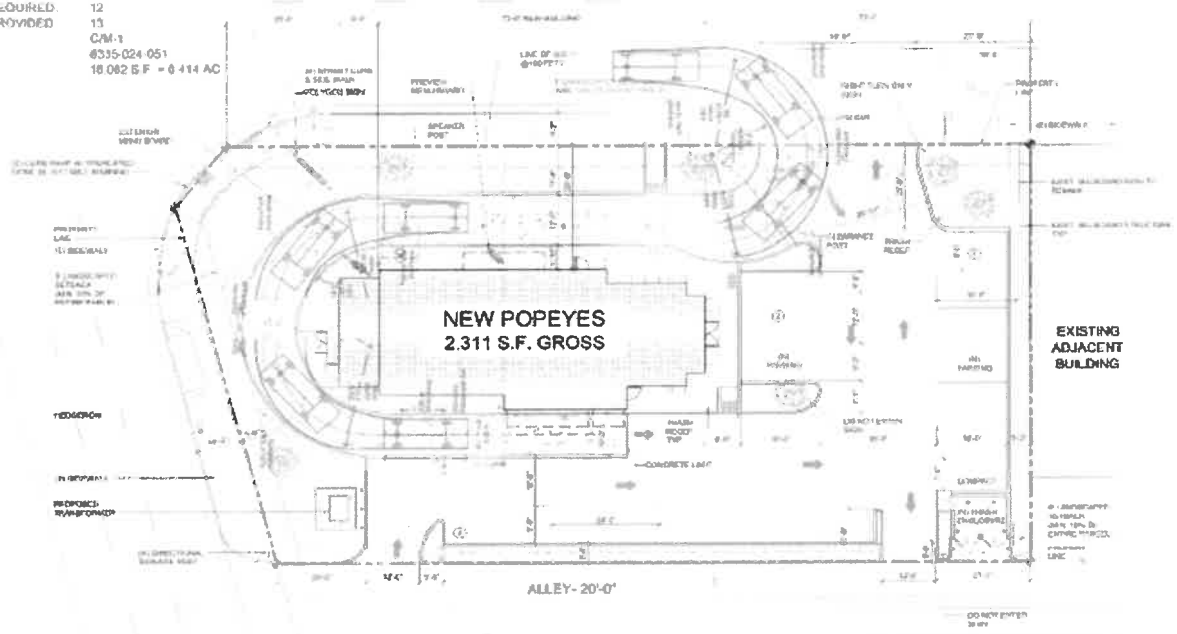
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POPEYE'S FAST FOOD RESTAURANT • 5556 EAST WASHINGTON BLVD**

PROJECT SUMMARY:

BUILDING AREA: 2,311 S.F.
 PARKING REQUIRED: 12
 PARKING PROVIDED: 13
 ZONING: CM-1
 APN: 8335-024-051
 LOT AREA: 18,082 S.F. = 0.414 AC

EASTERN AVENUE

E WASHINGTON BOULEVARD



SITE PLAN



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California Regional Water Quality Control Board
Los Angeles Region



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July 8, 2003

Mr. Dan Truzzolino
ConocoPhillips Company
P. O. Box 25376
Santa Ana, CA 92799

Copy for
File # 3756-24730
7/10/03
cc: Bob Truzzotta

UNDERGROUND STORAGE TANK CASE CLOSURE
FORMER UNOCAL STATION #6444
5560 EAST WASHINGTON BLVD., COMMERCE
(FILE # I-03883; CLAIM NO. 09758)

C615404

Dear Mr. Truzzolino:

This letter confirms the completion of a site investigation and corrective action for the underground storage tank(s) formerly located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground storage tank(s) are greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground tank(s) site is in compliance with the requirements of subdivision (a) and (b) of Section 25296.10 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.3 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required.

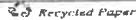
This notice is issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code.

If you have groundwater monitoring wells and/or vapor extraction wells at the subject property, you must comply with the following:

1. All wells must be properly located and abandoned.
2. Well abandonment permits and all other necessary permits must be obtained from the appropriate agencies prior to the start of work.
3. You must submit a report on the abandonment of the wells to this office by August 30, 2003. This report must include, at a minimum, a site map, a description of the well abandonment process, and copies of all signed permits.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
[or a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/new/energychallenge.html>



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POPEYE'S FAST FOOD RESTAURANT • 5556 EAST WASHINGTON BLVD

Mr. Truzzolino
ConocoPhillips Company

- 2 -

July 8, 2003

If you have any questions, please contact Joe Luera at (213) 576-6706 or
jluera@rb4.swrcb.ca.gov.
Sincerely,




Dennis A. Dickerson
Executive Officer

cc: Mr. Hari Patel, State Water Resources Control Board, Underground Storage Tank
Cleanup Fund
Mr. Tim Smith, Los Angeles County Department of Public Works, Environmental
Programs Division, Underground Tanks
Mr. Gary Benson, Santa Fe Realty Company
Mr. Steve Keane, TRC - Irvine

California Environmental Protection Agency

*** The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption***
*** For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/energychallenge.html>***

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WEFCO WESTERN ENVIRONMENTAL ENGINEERS CO.

1815 E. Wilshire Ave., Suite 905
Santa Ana, CA 92705

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Fax: (714) 542-2520

WEFCO Project #2016-5969

Phase I Environmental Site Assessment

Project Site
5556-5560 East Washington Boulevard
Commerce, California 90040

Prepared for
Pacific City Bank / Downtown Branch
777 East 12th Street, Suite 200
Los Angeles, California 90021

December 9, 2016

Prepared by 
Jeffrey Pak
Project Engineer

Reviewed by 
James Yoon, REPA
Environmental Professional

**Phase I Environmental Site Assessment
5556-5560 East Washington Boulevard, Commerce, California 90040**

ENVIRONMENTAL FINDINGS:

ON-SITE:

- ◆ The subject property located at 5556-5560 E. Washington Boulevard, in the City of Commerce, is legally described by the assessor's parcel numbers: 6335-024-051, 6335-024-011 & 6335-024-027. According to the Los Angeles County, Office of the Assessor, the subject site is an approximately 17,880 square-foot total lot. From the visual inspection, the subject site is a vacant land, and has no buildings developed on it. No parking areas were observed at the subject site. Currently, the subject site is vacant land. See Section 3 and Attachment (H).
- ◆ BBL's Historical Tenant Report was reviewed which identifies the tenants (be it the owner or lessee) of the subject site over the last 50 years. Sources for the research includes various city directories, street address directories and criss-cross directories published from 1920 and forward. Based on the Historical Tenant Report, from 1992 to 2016, the subject site had no commercial listings. See Section 4 and Attachment (B).
- ◆ From the visual inspection, WEBCO investigator observed no hazardous materials being used and stored on the subject site. No 55-gallon industrial drums or 5-gallon buckets were observed at the subject site. No trash-bins were observed at the subject site. See Attachment (H).
- ◆ From the visual inspection, WEBCO investigator observed no aboveground storage tanks (AST) at the subject site. Also, no evidence of concrete scaring, fill pipes, or vent pipes that are indicative of the past or present existence of underground storage tanks (UST) were detected at the subject property.
- ◆ WEBCO investigator contacted the Los Angeles County Fire Departments Custodian of Records to review any records pertaining to hazardous materials and aboveground/underground storage tanks used or stored at the subject site. As of the date of this report, WEBCO has not yet received a response from the Los Angeles County Fire Departments Custodian of Records for inclusion into this report; however, based on over 30 years of experience in environmental services, the results are not likely to change any recommendations made in this Phase I Environmental Site Assessment report. This is considered a data gap. If records are received after the completion of this report that affect the outcome, an addendum with a records summary will be sent to client along with revised recommendations. See Section 4 and Attachment (C).
- ◆ WEBCO investigator contacted the Los Angeles County Department of Public Works to review any records pertaining to aboveground/underground storage tanks at the subject site. Records were found for the subject site. The files were not available for review online; however, records show that there was a gasoline service station that occupied the subject site in the past. Inactive records and tank removal records were indicated on the Los Angeles

**Phase I Environmental Site Assessment
5556-5560 East Washington Boulevard, Commerce, California 90040**

County Department of Public Works online database. See Section 4 and Attachment (D).

- ◆ WEECO investigator researched data from the South Coast AQMD Database to review any records regarding Hazardous Waste/Materials and violations for the subject property. No records were found for the subject site.
- ◆ WEECO investigator contacted the Department of Toxic Substances Control, EnviroStor website to review any records pertaining to hazardous materials used or stored at the subject site and to review any records pertaining to aboveground/underground storage tanks at the subject site. No records were found for the subject site.
- ◆ The subject site was listed as a LUST (Leaking Underground Storage Tank) site on the Geotracker - California State Water Resources Control Board's sponsored website. However, the case was Completed - Case Closed as of July 9, 2003. The case was first open on April 6, 1993, and WEECO confirmed that the tanks were removed. On July 8, 2003 the California Regional Water Quality Control Board Los Angeles Region issued a No Further Action letter at the subject site. See Attachment (E).

Cleanup Status History

DATE	STATUS
7/8/2003	Completed - Case Closed
4/15/2002	Open - Remediation
10/15/2001	Open - Remediation
6/6/1995	Open - Site Assessment
12/19/1994	Open - Site Assessment
6/2/1994	Open - Site Assessment
1/24/1994	Open - Verification Monitoring
4/6/1993	Open - Case Begin Date

- ◆ Based on WEECO's review of the historical and current usage of the Subject Property as well as our review of the Federal, State, and Regional databases discussed in Section 5.5 for onsite and adjacent properties of potential concern for vapor encroachment, no pVEC (potential Vapor Encroachment Condition) was identified in connection with the Property, and it is WEECO's professional opinion that a VEC is not suspected of having encroached into the Subject Property.
- ◆ Due to former or/and current businesses, the subject site is listed as having one (1) environmental concern and three (3) operating permits in the list of 50 government databases reviewed in this report.

- LUST - Leaking Underground Storage Tanks - California State

The Leaking Underground Storage Tanks Information System is maintained by the State Water Resource Board pursuant to Section 25295 of the Health and Safety Code.

Site: 76 PRODUCTS STATION #6444

CITY OF COMMERCE • INITIAL STUDY & MITIGATED NEGATIVE DECLARATION
POPEYE'S FAST FOOD RESTAURANT • 5556 EAST WASHINGTON BLVD

**Phase I Environmental Site Assessment
5556-5560 East Washington Boulevard, Commerce, California 90040**

- 6) Site: COAST DETERGENT
Address: 5551 JILLSON ST
City: CITY OF COMMERCE
Map Loc: 8 - about .0 mile N of the subject
Status: NRA -
- Site: COAST DETERGENT
Address: 5551 JILLSON ST
City: COMMERCE
Map Loc: 8 - about .0 mile NE of the subject
Status: CLSD - Case Closed
- 7) Site: CITY OF COMMERCE REFUSE
Address: 2535 E SHEILA ST
City: CITY OF COMMERCE
Map Loc: 12 - about .1 mile S of the subject
Status: NRA -
- 8) Site: CERTIFIED GROCERS
Address: 5476 JILLSON ST
City: COMMERCE
Map Loc: 13 - about .1 mile N of the subject
Status: CLSD - Case Closed
- 9) Site: GALLO WINE COMPANY
Address: 2650 COMMERCE WAY
City: COMMERCE
Map Loc: 24 - about .1 mile S of the subject
Status: CLSD - Case Closed
- 10) Site: CITY OF COMMERCE
Address: 5635 JILLSON ST
City: COMMERCE
Map Loc: 27 - about .1 mile E of the subject
Status: CLSD - Case Closed
- 11) Site: EAST SIDE DEV /SARGIA OIL
Address: 5706 E WASHINGTON BLVD
City: COMMERCE
Map Loc: 36 - about .2 mile E of the subject
Status: CLSD - Case Closed
- 12) Site: EAST SIDE DEVELOPMENT
Address: 5707 E WASHINGTON BLVD
City: COMMERCE
Map Loc: 37 - about .2 mile E of the subject
Status: CLSD - Case Closed
- 13) Site: CERTIFIED GROCERS OF CALIFORNIA
Address: 5350 E SHEILA ST
City: LOS ANGELES
Map Loc: 42 - about .2 mile W of the subject
Status: CLSD - Case Closed

CITY OF COMMERCE • INITIAL STUDY & MITIGATED NEGATIVE DECLARATION
POPEYE'S FAST FOOD RESTAURANT • 5556 EAST WASHINGTON BLVD

Phase I Environmental Site Assessment
5556-5560 East Washington Boulevard, Commerce, California 90040

- 14) Site: LEND LEASE TRUCKS (FORMER)
Address: 5733 E SHELLA ST
City: COMMERCE
Map Loc: 46 - about .2 mile SE of the subject
Status: CLSD - Case Closed
- 15) Site: MCKINSON CHEMICAL
Address: 5353 JILLSON ST
City: CITY OF COMMERCE
Map Loc: 51 - about .3 mile NW of the subject
Status: CLSD - Case Closed
- 16) Site: SANTA FE RAIL ROAD
Address: 7818 S EASTERN AVE
City: COMMERCE
Map Loc: 54 - about .3 mile S of the subject
Status: CLSD - Case Closed
- 17) Site: PACER INTERNATIONAL
Address: 5800 E SHELLA ST
City: COMMERCE
Map Loc: 64 - about .3 mile SE of the subject
Status: CLSD - Case Closed
- Site: INTERSTATE CONSOLIDATION
Address: 5800 E SHELLA ST
City: COMMERCE
Map Loc: 64 - about .3 mile SE of the subject
Status: CLSD - Case Closed
- 18) Site: CALIFORNIA WATER SERVICE CO.
Address: 5243 E SHELLA ST
City: CITY OF COMMERCE
Map Loc: 66 - about .4 mile W of the subject
Status: CLSD - Case Closed
- 19) Site: EL RANCHO PLAZA
Address: 2227 S ATLANTIC BLVD
City: CITY OF COMMERCE
Map Loc: 67 - about .4 mile NW of the subject
Status: CLSD - Case Closed
- 20) Site: US POSTAL SERVICE BULK MAIL
Address: 5555 BANDINI BLVD
City: BELL
Map Loc: 68 - about .4 mile SW of the subject
Status: CLSD - Case Closed
- Site: US POSTAL SERVICE EAST GARAGE
Address: 5555 BANDINI BLVD
City: BELL
Map Loc: 68 - about .4 mile SW of the subject
Status: CLSD - Case Closed

CITY OF COMMERCE • INITIAL STUDY & MITIGATED NEGATIVE DECLARATION
POPEYE'S FAST FOOD RESTAURANT • 5556 EAST WASHINGTON BLVD

**Phase I Environmental Site Assessment
5556-5560 East Washington Boulevard, Commerce, California 90040**

- 21) Site: CITY OF COMMERCE REFUSE
Address: 5900 SHILOA ST
City: COMMERCE
Map Loc: 71 - about .4 mile SE of the subject
Status: CLSD - Case Closed
- 22) Site: SOUTHLAND FEDERAL ENTERPRISE
Address: 2445 N RALPH LIEBERMAN AVE
City: COMMERCE
Map Loc: 72 - about .4 mile W of the subject
Status: REM - Remedial Action
- 23) Site: UNIROYAL FACILITY (FORMER)
Address: 5675 TELEGRAPH RD
City: CITY OF COMMERCE
Map Loc: 75 - about .5 mile NE of the subject
Status: CLSD - Case Closed
- Site: CITY OF COMMERCE - UNIROYAL (F)
Address: 5675 TELEGRAPH RD
City: COMMERCE
Map Loc: 75 - about .5 mile NE of the subject
Status: NRA -
- 24) Site: FAST GAS
Address: 2155 S ATLANTIC BLVD
City: COMMERCE
Map Loc: 76 - about .5 mile N of the subject
Status: CLSD - Case Closed
- Site: (I & M OIL CO) #051
Address: 2155 S ATLANTIC BLVD
City: COMMERCE
Map Loc: 76 - about .5 mile N of the subject
Status: CLSD - Case Closed

CITY OF COMMERCE • INITIAL STUDY & MITIGATED NEGATIVE DECLARATION
POPEYE'S FAST FOOD RESTAURANT • 5556 EAST WASHINGTON BLVD

Phase I Environmental Site Assessment
5556-5560 East Washington Boulevard, Commerce, California 90040

releases from underground storage tanks pursuant to Section 25295 of the Health and Safety Code.

Twenty-four (24) Leaking Underground Storage Tank (LUST) Sites were identified within a ½ mile of the subject property. However, because of the distance from the subject site, the nearby leaking site could not have adversely impacted subsurface soil and/or groundwater at the subject site. If indeed, soil and/or groundwater at the subject site have been adversely impacted, the ultimate responsible party of remediation costs will be the LUST site. See Figure (3) and Attachment (F).

- 1) Site: 7-ELEVEN STORE #33459
Address: 5536 E WASHINGTON BLVD
City: COMMERCE
Map Loc: 2 - about .0 mile NW of the subject
Status: CLSD - Case Closed
- 2) Site: DAGHER SHELL #135487
Address: 5533 E WASHINGTON BLVD
City: COMMERCE
Map Loc: 3 - about .0 mile NW of the subject
Status: CLSD - Case Closed

Site: SHELL #204-4531-4006
Address: 5533 E WASHINGTON BLVD
City: CITY OF COMMERCE
Map Loc: 3 - about .0 mile NW of the subject
Status: CLSD - Case Closed
- 3) Site: CERTIFIED GROCERS
Address: 2601 S EASTERN AVE
City: COMMERCE
Map Loc: 4 - about .0 mile SW of the subject
Status: CLSD - Case Closed

Site: CERTIFIED GROCERS
Address: 2601 S EASTERN AVE
City: COMMERCE
Map Loc: 4 - about .0 mile SW of the subject
Status: CLSD - Case Closed
- 4) Site: OLD FIRE STATION #27
Address: 5605 E SHELLA ST
City: COMMERCE
Map Loc: 6 - about .0 mile SE of the subject
Status: - -
- 5) Site: CITY OF COMMERCE
Address: 5555 JILLSON ST
City: COMMERCE
Map Loc: 7 - about .0 mile N of the subject
Status: CLSD - Case Closed

ATTACHMENT D
MITIGATION MONITORING AND REPORTING PROGRAM FOR
CONDITIONAL USE PERMIT NO. 538 AND VARIANCE NO 19-02

The Mitigation Monitoring and Reporting Program (MMRP) for the subject project has been prepared pursuant to the requirements of Public Resources Code §21081.6 which, among other things, states that when a governmental agency adopts or certifies a CEQA document that contains the environmental review of a proposed project, “The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

The City of Commerce is the lead agency for the project, and is therefore, responsible for administering and implementing of the MMRP. The decision-makers must define specific reporting and/or monitoring requirements to be enforced during project implementation prior to final approval of the proposed project.

The MMRP includes the following: (1) mitigation measures that will either eliminate or lessen the potential impact of the project; (2) the monitoring milestone or phase during which the measure shall be complied with or carried out; and (3) the enforcement agency responsible to monitor mitigation measure compliance.

The MMRP will be in place through all phases of a project including project design (preconstruction), project approval, project construction, and operation (both prior to and post-occupancy). The City will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. Below is the proposed mitigation measures and the entire MMRP is attached to this report:

Mitigation Measure No. 1 (Light and Glare Impacts). The Applicant must also submit an exterior lighting plan for review and approval by the Public Works and Development Services Department prior to the issuance of building permits.

Mitigation Measure No. 2 (Light and Glare Impacts). The signs must not include flashing, intermittent or moving lights, and must not emit light that may obstruct or impair the vision of any driver.

Mitigation Measure No. 3 (Light and Glare Impacts). The security and parking area lighting must be designed so as to prevent spillover lighting and/or glare on the adjacent residential properties.

Mitigation Measure No. 4 (Cultural Resources Impacts). The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The Native American Monitor(s) will complete monitoring logs on a daily basis. The monitor(s) will photo-document the ground disturbing activities. The monitor(s) must also have Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) will be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k). The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.

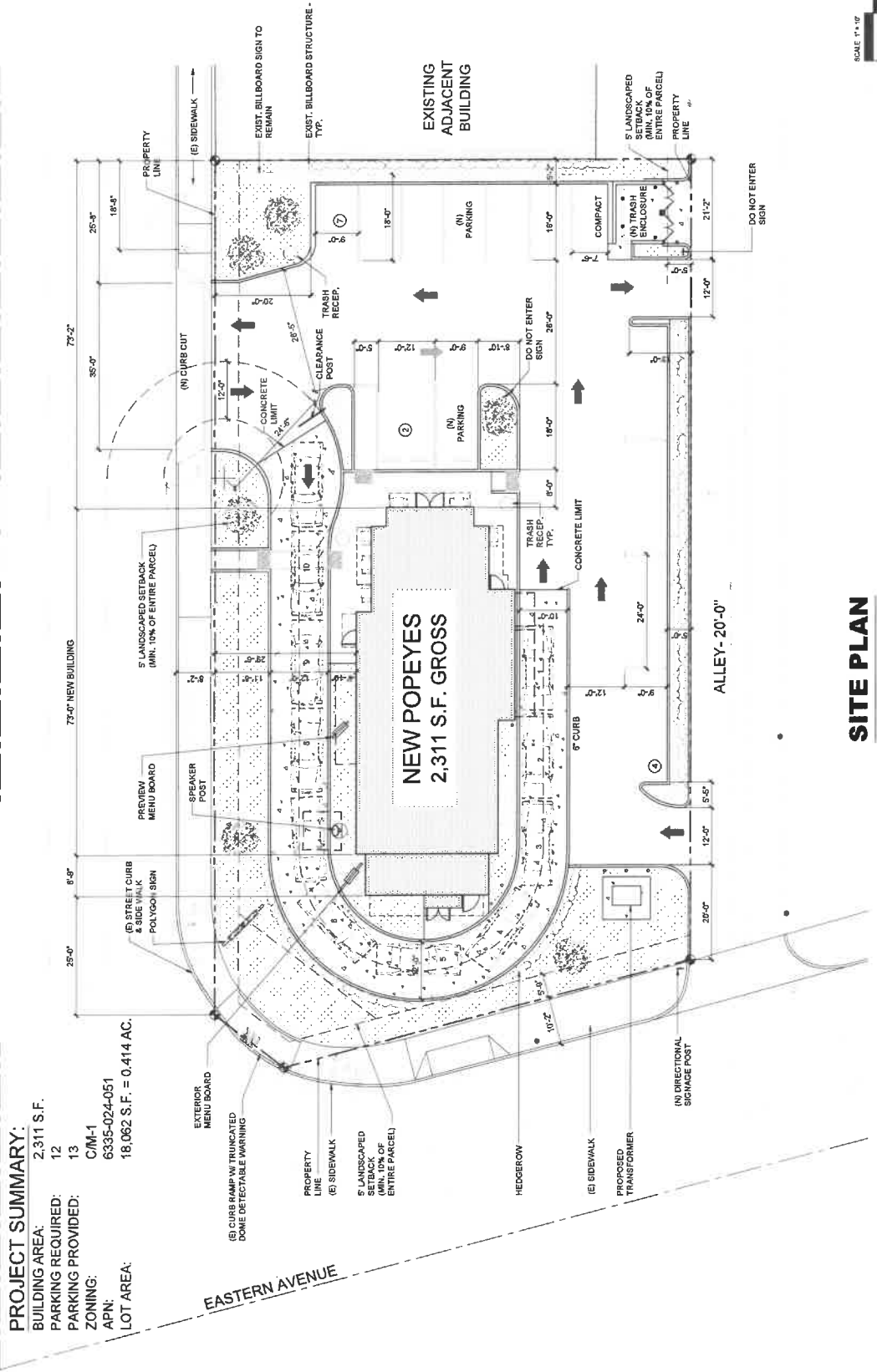
Mitigation Measure No. 5 (Law Enforcement). The final site plan, elevations, building floor plans, and site circulation must be reviewed by the Los Angeles County Sheriff's Department to ensure it conforms to their operational requirements.

Mitigation Measure No. 6 (Law Enforcement). The Applicant will be required to prepare a security plan for approval by the Los Angeles County Sheriff's Department.

Mitigation Measure No. 7 (Transportation & Circulation Impacts). A sign prohibiting the execution of left-turns from the site's main driveway must be installed.

**ATTACHMENT E
PROJECT PLANS**

E. WASHINGTON BOULEVARD



PROJECT SUMMARY:
 BUILDING AREA: 2,311 S.F.
 PARKING REQUIRED: 12
 PARKING PROVIDED: 13
 ZONING: CM-1
 APN: 6335-024-051
 LOT AREA: 18,062 S.F. = 0.414 AC.

SITE PLAN



NOT TO SCALE. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THIS PLAN IS NOT TO BE USED FOR CONSTRUCTION.

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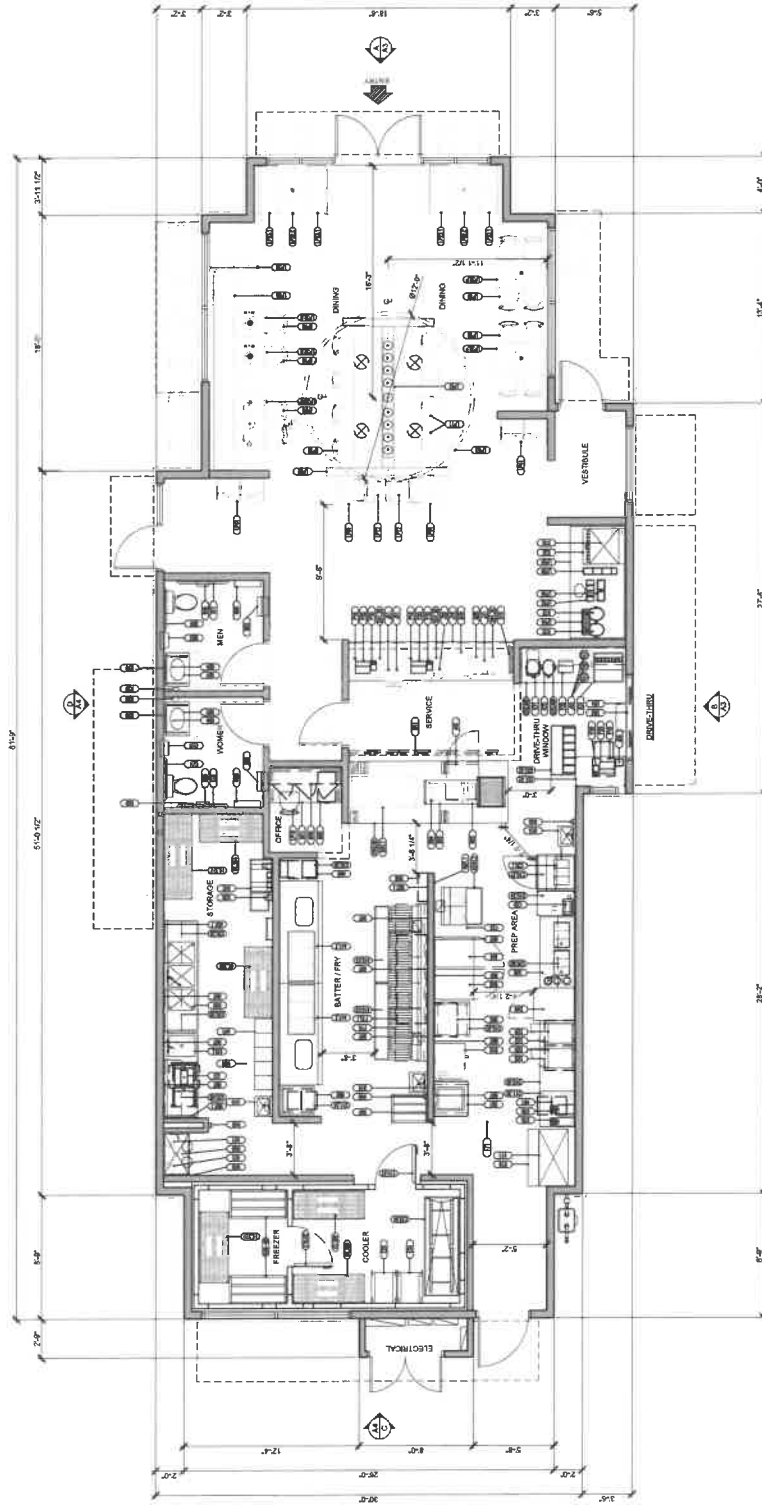
POPEYES
(SINGLE DRIVE-THRU)
 5556 E. WASHINGTON BLVD
 COMMERC, CA 90040

2019.07.25

9483 HAVEN AVE, SUITE 100
 RANCHO CUCAMONGA, CA 91730
 909.359.9971 TEL.
 909.944.8409 FAX.
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A1.1

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PROPOSED FLOOR PLAN

POPEYES
(SINGLE DRIVE-THRU)
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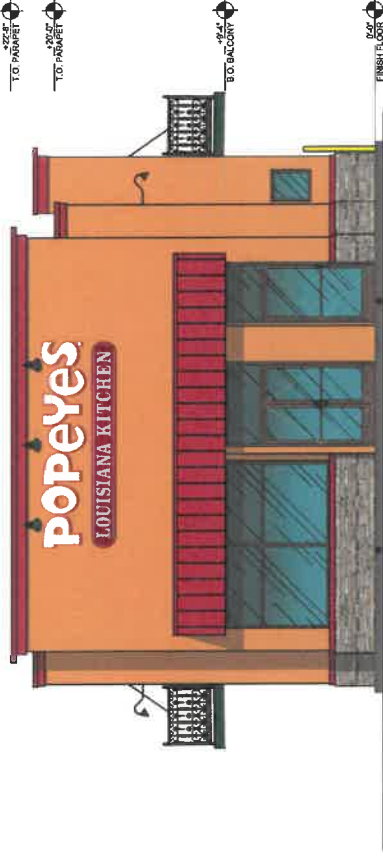
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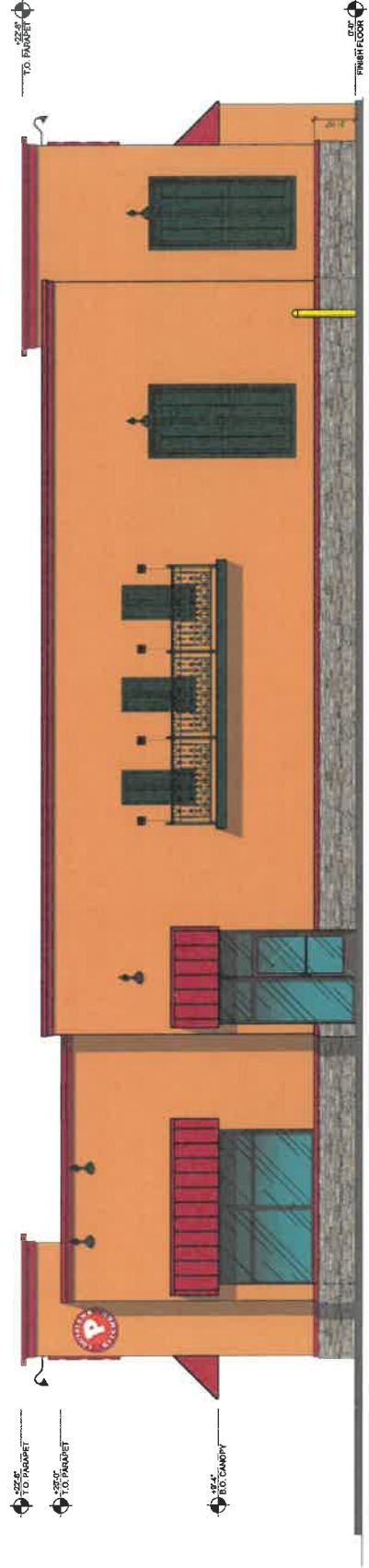
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C WEST ELEVATION



D NORTH ELEVATION

SCALE: 1/4" = 1'-0"

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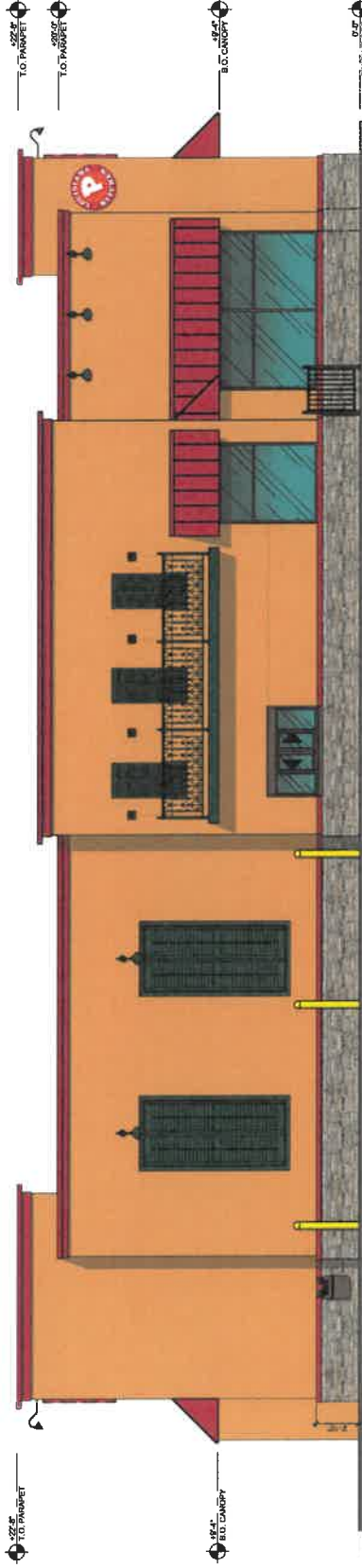
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A EAST ELEVATION



B SOUTH ELEVATION



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STAFF REPORT ZONING ORDINANCE TEXT AMENDMENT

TO: Planning Commission

FROM: Economic Development and Planning Department

DATE: December 18, 2019

SUBJECT: Zoning Ordinance Text Amendment: To amend Section 19.21.080 (Shared Parking) and 19.21.090 (Remote Parking) of the of the City of Commerce Municipal Code to clarify the type of parking analysis required when proposing shared parking, and create an administrative process where a conditional use permit is currently required to allow for remote parking.

REQUEST:

It is recommended to the Planning Commission: 1) Adopt a resolution recommending that the City Council adopt the proposed Zone Ordinance Text Amendment as discussed herein, and adopt Categorical Exemption under the provisions of the California Environmental Quality Act (CEQA) (Title 14, Chapter 3, Article 19, Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

LOCATION: Citywide
Commerce, CA 90040

APPLICANT: City of Commerce
2535 Commerce Way
Commerce, CA 90040

PUBLIC HEARING NOTICE:

A Notice of Public Hearing was prepared and published in the local newspaper, The Wave on December 5, 2019, and the project was properly noticed as required by State law.

ATTACHMENTS: 1) Planning Commission Resolution
a) Exhibit A - Draft City Council Ordinance

ENVIRONMENTAL ASSESSMENT:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15308, Class 8, Actions by Regulatory Agencies for Protection of the Environment). Class 8 consists of actions taken by regulatory agencies, as authorized by local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.

EXECUTIVE SUMMARY:

A Resolution of the Planning Commission recommending that the Commerce City Council adopt an Ordinance entitled: An Ordinance of the City Council of the City of Commerce amending Title 19 (“Zoning”) of the Commerce Municipal Code Sections 19.21.080 (Shared Parking) and 19.21.090 (Remote Parking) of the of the City of Commerce Municipal Code to clarify the type of parking analysis required when proposing shared parking, and create an administrative process where a conditional use permit is currently required to allow for remote parking.. The proposed amendments will be applicable citywide.

BACKGROUND AND ANALYSIS:

As written in the City of Commerce Municipal Code, the intent of off-street parking regulations is to ensure that all land uses in the City provide adequate off-street parking facilities, loading areas, and vehicle movement area associated with a use. These regulations ensure that the use of land does not interfere adversely with the circulation of public rights-of-way, that private on-site circulation does not pose a potential safety issue, and that surrounding uses are insulated from the noise and traffic impacts associated with off-street parking and loading activities.

Shared Parking

Shared Parking and Remote Parking regulations further assist with these goals by allowing land uses with differing peak hours to possibly share underutilized parking, where a non-conforming building requires additional parking to comply with their parking requirements. The existing code sections that provide the regulations for shared parking and remote parking were set forth by the adoption of the comprehensive Zoning Ordinance in 2000.

Per Section 19.21.080, Shared Parking is permitted concurrently with any other discretionary review required, or, if no discretionary review is required, by simply complying with all other requirements of the section. This includes a recorded

legal agreement between all parties sharing parking facilities, and a parking demand analysis prepared by a registered traffic engineer.

The proposed amendments to Section 19.21.080 would provide for flexibility by allowing the Director to administratively determine whether a parking demand analysis is to be prepared by a registered traffic engineer, or, if there is a clear surplus of unutilized spaces, that a lower staff level analysis would suffice.

Remote Parking

Per Section 19.21.080, the process by which Remote Parking is permitted in the current code is either concurrently with any other discretionary review required, or if no discretionary review is need, a conditional use permit is then required. The proposed changes to this section consist of the following:

- The Director to review administratively, if remote parking is located within 300 feet from proposed land use; otherwise a remote parking request will be subject to a conditional use permit review by the Planning Commission when located beyond 300 feet, but no more than 1,000 feet .
- Director may defer to planning Commission.
- Director may request a parking demand analysis on a case-by-case basis.

As part of its analysis, staff surveyed five cities spanning the area surrounding Commerce as well as parts of the San Fernando and San Gabriel Valley for reference for the Planning Commission. There were some cities that considered these requests administratively, while others required discretionary review. The maximum distance allowed also ranged from 300 to 1,500 feet depending on the jurisdiction. Below, under Figure One, staff provides a further breakdown

Figure 1.

	Commerce	Huntington Park	Montebello	Downey	Pasadena	Glendale	South Pasadena
Administrative Review (Normally Director)	✓		**		-	✓	✓

Discretionary Review	✓	✓	**	✓	*	-	-
Proximity of Remote and/or Shared Parking to Use (in feet)	300	500	300 for comm., office, etc.	660	500 - 1000	1000	1500

- Not required

✓ Required

* Minor CUP – Decision by Zoning Administrator, not Commission

** Only Joint Use requires CUP, otherwise remote parking for single use is administrative

ZONING ORDINANCE TEXT AMENDMENTS:

Staff is recommending the following changes to Sections 19.21.080 and 19.21.090 of the Commerce Zoning Ordinance (proposed new language is underlined, while removed language is stricken):

19.21.080 - Shared parking.

A. Special Study Required. Two or more uses may share parking facilities, subject to the approval of the ~~community development~~ dDirector and the provisions of this section. A parking demand analysis for the uses proposed to share parking facilities shall be prepared. Preparation of the parking demand analysis shall be to the satisfaction of the Director, who may ~~The parking demand analysis shall~~ require that it be prepared by a registered traffic engineer. When such analysis demonstrates, to the satisfaction of the dDirector, that the uses have different peak parking requirements, then the parking space requirement may be reduced by the dDirector. In no event, however, shall the parking requirement be reduced below the highest peak parking requirement of the use demanding the most parking.

B. Conditions.

1. The uses sharing the parking facilities shall be located on contiguous lots.
2. A legal agreement shall be signed by all parties sharing parking facilities. Such agreement shall be approved by the city attorney and ~~community development~~ dDirector, shall be recorded with the Los Angeles County Recorder's Office, and shall continue to be valid upon change of ownership of any property subject to the agreement or any lawfully existing building or structure on said properties.
3. Shared parking arrangements must be authorized by any discretionary permit issued for the use for which the parking is provided. Where no

discretionary permit is required, such shared parking arrangements shall meet all other requirements of this subsection B.

19.21.090 - Remote parking.

- A. Remote parking, may be permitted for multifamily, ~~structures and~~ commercial and industrial uses, provided such parking facilities are located no more than three hundred feet from the use they are intended to serve. The proposed remote parking location may be an existing primary or ancillary use. The Director may require a parking analysis on a case by case basis.
- B. A covenant for use of the lot for parking shall be required between the owner of the lot supporting the proposed use and the owner of the lot to be used for remote parking. The covenant for remote parking shall be prepared by the city and recorded with the County Recorder of Los Angeles County. The covenant may not be revoked, modified, or canceled without the consent of the city.
- C. Such agreements for remote parking shall be authorized by any required discretionary permit issued for the proposed multifamily structure or commercial or industrial use.
- D. Where no other application is involved, the Director's decision a conditional use permit shall be required to authorize remote parking. The Director may defer decisions to the Planning Commission at his/her discretion. Decisions made by the Director are appealable to the Planning Commission.
- E. An applicant may apply for remote parking for up to one thousand feet from the use they are intended to serve with authorization of a conditional use permit.

REQUIRED FINDINGS:

Pursuant to CMC Section 19.39.310, the city council shall be required to make the following findings of fact before approving a change of zone or zoning ordinance text amendment:

1. **That the proposed change of zone or zoning ordinance text amendment is consistent with the goals, policies, and objectives of the General Plan.** *The proposed text amendment is consistent with the General Plan transportation policies as it provides a way for projects to provide parking in compliance with the zoning code. The proposed text amendment would simply streamline the remote parking process and provide flexibility for the Director to determine the level of parking demand analysis required.*
2. **That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties.** *The subject text*

amendment would not adversely affect surrounding properties. The use of shared parking and remote parking is based on the availability of spaces within a generally walking distance from the use (300 to 1000 feet). Additionally, while the amendments streamlines the process by which remote parking decisions are granted, some level of parking demand analysis and an agreement with the owner of the parking area and applicant is still required. These mechanisms help keep cars off street parking. Thus, it will not adversely affect surrounding properties.

3. **That the proposed change of zone or zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Title 19.** *The subject text amendment would serve to help protect the health, safety and general welfare of the residents of the City of Commerce by encouraging use of underutilized parking facilities, providing an available place for vehicles to park without removing the ability to analyze requests on a case-by-case basis, so it serves the goals and purposes of this Title.*

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission adopt the Resolution recommending the City Council 1) adoption of the Categorical Exemption; 2) and 3) related Zoning Ordinance Text Amendments.

Prepared by: Knarik Vizcarra
Contract Planner

Reviewed by: Jose D. Jimenez
Director of Economic Development and Planning Public
Works and Development Services

Reviewed by: Noel Tapia
City Attorney

RESOLUTION NO. 19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COMMERCE RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO AMEND SECTION 19.21.080 (SHARED PARKING) AND 19.21.090 (REMOTE PARKING) OF THE OF THE CITY OF COMMERCE MUNICIPAL CODE TO CLARIFY THE TYPE OF PARKING ANALYSIS REQUIRED WHEN PROPOSING SHARED PARKING, AND CREATE AN ADMINISTRATIVE PROCESS WHERE A CONDITIONAL USE PERMIT IS CURRENTLY REQUIRED TO ALLOW FOR REMOTE PARKING AND FINDING THAT THE SUBJECT TEXT AMENDMENT QUALIFIES FOR A CLASS 8 CATEGORICAL EXEMPTION FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15308 (ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT) OF THE CEQA GUIDELINES.

WHEREAS, the last comprehensive revision to the Zoning Ordinance was adopted by the City Council in August, 2000; and

WHEREAS, the City recognizes that there is a need for consistency in the review authority for shared and remote parking, and flexibility in level of parking demand analysis required that should be determined on a case-by-case basis, which requires modification of the relevant code sections for shared parking and remote parking; and

WHEREAS, the proposed code amendment is intended to amend the Zoning Ordinance to allow for a streamlined process for review of shared parking and remote parking requests by making the Director of Development Services the reviewing body, allowing flexibility in the level of parking demand analysis required, and providing an option for a greater radius for remote parking with Planning Commission review; and

WHEREAS, the proposed text amendment would not adversely affect surrounding properties, or the health, safety or general welfare of residents of the City of Commerce as supported by the required findings for a zone text amendment pursuant to CMC 19.39.310; and

WHEREAS, the Planning Commission held a public hearing on December 18, 2019, for the purpose of recommending that the City Council approve the subject Zoning Ordinance text amendments to 19.21.080 and 19.21.090 of the Commerce Municipal Code; and

WHEREAS, the Planning Commission has reviewed all facts concerning the subject request and has considered all evidence submitted at said public hearing.

NOW, THEREFORE, THE PLANNING COMMISSION RECOMMENDS MAKING AMENDMENTS TO MUNICIPAL CODE SECTIONS 19.21.080 (SHARED PARKING) AND SECTION 19.21.090 (REMOTE PARKING) AS FOLLOWS (*UNDERLINED WORDS INDICATE NEW LANGUAGE, STRIKETHROUGH INDICATES DELETION*):

19.21.080 - Shared parking.

- A. Special Study Required. Two or more uses may share parking facilities, subject to the approval of the ~~community development~~ eDirector and the provisions of this section. A parking demand analysis for the uses proposed to share parking facilities shall be prepared. Preparation of the parking demand analysis shall be to the satisfaction of the Director, who may ~~The parking demand analysis shall require that~~ it be prepared by a registered traffic engineer. When such analysis demonstrates, to the satisfaction of the eDirector, that the uses have different peak parking requirements, then the parking space requirement may be reduced by the eDirector. In no event, however, shall the parking requirement be reduced below the highest peak parking requirement of the use demanding the most parking.
- B. Conditions.
1. The uses sharing the parking facilities shall be located on contiguous lots.
 2. A legal agreement shall be signed by all parties sharing parking facilities. Such agreement shall be approved by the city attorney and ~~community development~~ eDirector, shall be recorded with the Los Angeles County Recorder's Office, and shall continue to be valid upon change of ownership of any property subject to the agreement or any lawfully existing building or structure on said properties.
 3. Shared parking arrangements must be authorized by any discretionary permit issued for the use for which the parking is provided. Where no discretionary permit is required, such shared parking arrangements shall meet all other requirements of this subsection B.

19.21.090 - Remote parking.

- A. Remote parking, may be permitted for multifamily, ~~structures and~~ commercial and industrial uses, provided such parking facilities are located no more than three hundred feet from the use they are intended to serve. The proposed remote parking location may be an existing primary or ancillary use. The Director may require a parking analysis on a case by case basis.
- B. A covenant for use of the lot for parking shall be required between the owner of the lot supporting the proposed use and the owner of the lot to be used for remote parking. The covenant for remote parking shall be prepared by the city and recorded with the County Recorder of Los Angeles County. The covenant may not be revoked, modified, or canceled without the consent of the city.

- C. Such agreements for remote parking shall be authorized by any required discretionary permit issued for the proposed multifamily structure or commercial or industrial use.
- D. Where no other application is involved, the Director's decision a conditional use permit shall be required to authorize remote parking. The Director may defer decisions to the Planning Commission at his/her discretion. Decisions made by the Director are appealable to the Planning Commission.
- E. An applicant may apply for remote parking for up to one thousand feet from the use they are intended to serve with authorization of a conditional use permit.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

Section 1. That the adoption of the Zoning Ordinance text amendments is categorically exempt from the provisions of the California Quality Act pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the CEQA guidelines.

Section 2. Pursuant to CMC Section 19.39.310, the City Council shall be required to make the following findings of fact before approving a change of zone or zoning ordinance text amendment:

1. **That the proposed change of zone or zoning ordinance text amendment is consistent with the goals, policies, and objectives of the General Plan.** *The proposed text amendment is consistent with the General Plan transportation policies as it provides a way for projects to provide parking in compliance with the zoning code. The proposed text amendment would simply streamline the remote parking process and provide flexibility for the Director to determine the level of parking demand analysis required.*
2. **That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties.** *The subject text amendment would not adversely affect surrounding properties. The use of shared parking and remote parking is based on the availability of spaces within a generally walking distance from the use (300 to 1000 feet). Additionally, while the amendments streamlines the process by which remote parking decisions are granted, some level of parking demand analysis and an agreement with the owner of the parking area and applicant is still required. These mechanisms help keep cars off street parking. Thus, it will not adversely affect surrounding properties.*

- 3. That the proposed change of zone or zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Title 19.** *The subject text amendment would serve to help protect the health, safety and general welfare of the residents of the City of Commerce by encouraging use of underutilized parking facilities, providing an available place for vehicles to park without removing the ability to analyze requests on a case-by-case basis, so it serves the goals and purposes of this Title.*

Section 3. Based upon the above findings, the Planning Commission hereby recommends that the City Council of the City of Commerce adopt the proposed Zoning Ordinance text amendments contained in the proposed Ordinance (Exhibit A).

Section 4. This Resolution takes effect on the date of its adoption and shall be transmitted by Planning Commission staff to the City Clerk for placement of the Ordinance on the City Council meeting agenda for consideration by the City Council.

I hereby certify that the foregoing recommendation and findings contained in this resolution were adopted by the Planning Commission at its special meeting of December 18, 2019.

Kevin Lainez, Chairperson
Planning Commission

ATTEST:

Sonia Griego, Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COMMERCE AMENDING TITLE 19 (“ZONING”) OF THE COMMERCE MUNICIPAL CODE SECTIONS 19.21.080 SHARED PARKING AND 19.21.090 REMOTE PARKING AND FINDING THAT THE SUBJECT TEXT AMENDMENT QUALIFIES FOR A CLASS 8 CATEGORICAL EXEMPTION FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15308 (ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT) OF THE CEQA GUIDELINES.

WHEREAS, the last comprehensive revision to the Zoning Ordinance was adopted by the City Council in August, 2000; and

WHEREAS, the City recognizes that there is a need for consistency in the review authority for shared and remote parking, and flexibility in level of parking demand analysis required that should be determined on a case-by-case basis, which requires modification of the relevant code sections for shared parking and remote parking; and

WHEREAS, the proposed code amendment is intended to amend the Zoning Ordinance to allow for a streamlined process for review of shared parking and remote parking requests by making the Director of Development Services the reviewing body, allowing flexibility in the level of parking demand analysis required, and providing an option for a greater radius for remote parking with Planning Commission review; and

WHEREAS, the Planning Commission held a public hearing on December 18, 2019, for the purpose of recommending that the City Council adopt the subject Zoning Ordinance text amendments to Sections 19.21.080 (Shared Parking) and 19.21.090 (Remote Parking) of the Commerce Municipal Code; and

WHEREAS, the City Council has reviewed all facts concerning the subject request and has considered all evidence submitted at said public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1: That the adoption of the Zoning Ordinance text amendments is categorically exempt from the provisions of the California Quality Act pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the CEQA guidelines.

SECTION 2: Sections 19.21.080 (Shared parking) and 19.21.090 of the Commerce Municipal Code are hereby amended to read as follows (*Underlined portions indicate new language, strikethrough indicates deletion*):

19.21.080 - Shared parking.

A. Special Study Required. Two or more uses may share parking facilities, subject to the approval of the ~~community development~~ Director and the provisions of this section. A parking demand analysis for the uses proposed to share parking facilities shall be prepared. Preparation of the parking demand analysis shall be to the satisfaction of the Director, who may ~~The parking demand analysis shall require that~~ it be prepared by a registered traffic engineer. When such analysis demonstrates, to the satisfaction of the ~~Director~~ Director, that the uses have different peak parking requirements, then the parking space requirement may be reduced by the ~~Director~~ Director. In no event, however, shall the parking requirement be reduced below the highest peak parking requirement of the use demanding the most parking.

B. Conditions.

1. The uses sharing the parking facilities shall be located on contiguous lots.
2. A legal agreement shall be signed by all parties sharing parking facilities. Such agreement shall be approved by the city attorney and ~~community development~~ Director, shall be recorded with the Los Angeles County Recorder's Office, and shall continue to be valid upon change of ownership of any property subject to the agreement or any lawfully existing building or structure on said properties.
3. Shared parking arrangements must be authorized by any discretionary permit issued for the use for which the parking is provided. Where no discretionary permit is required, such shared parking arrangements shall meet all other requirements of this subsection B.

19.21.090 - Remote parking.

A. Remote parking, may be permitted for multifamily, ~~structures and~~ commercial and industrial uses, provided such parking facilities are located no more than three hundred feet from the use they are intended to serve. The proposed remote parking location may be an existing primary or ancillary use. The Director may require a parking analysis on a case by case basis.

B. A covenant for use of the lot for parking shall be required between the owner of the lot supporting the proposed use and the owner of the lot to be used for remote parking. The covenant for remote parking shall be prepared by the city and recorded with the County Recorder of Los Angeles County. The covenant may not be revoked, modified, or canceled without the consent of the city.

- C. Such agreements for remote parking shall be authorized by any required discretionary permit issued for the proposed multifamily structure or commercial or industrial use.
- D. Where no other application is involved, the Director's decision a conditional use permit shall be required to authorize remote parking. The Director may defer decisions to the Planning Commission at his/her discretion. Decisions made by the Director are appealable to the Planning Commission.
- E. An applicant may apply for remote parking for up to one thousand feet from the use they are intended to serve with authorization of a conditional use permit.

SECTION 4. The City Council finds as follows:

1. **That the proposed change of zone or zoning ordinance text amendment is consistent with the goals, policies, and objectives of the General Plan.** *The proposed text amendment is consistent with the General Plan transportation policies as it provides a way for projects to provide parking in compliance with the zoning code. The proposed text amendment would simply streamline the remote parking process and provide flexibility for the Director to determine the level of parking demand analysis required.*
2. **That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties.** *The subject text amendment would not adversely affect surrounding properties. The use of shared parking and remote parking is based on the availability of spaces within a generally walking distance from the use (300 to 1000 feet). Additionally, while the amendments streamlines the process by which remote parking decisions are granted, some level of parking demand analysis and an agreement with the owner of the parking area and applicant is still required. These mechanisms help keep cars off street parking. Thus, it will not adversely affect surrounding properties.*
3. **That the proposed change of zone or zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Title 19.** *The subject text amendment would serve to help protect the health, safety and general welfare of the residents of the City of Commerce by encouraging use of underutilized parking facilities, providing an available place for vehicles to park without removing the ability to analyze requests on a case-by-case basis, so it serves the goals and purposes of this Title.*

SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance,

and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

SECTION 6: This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2019.

John Soria
Mayor

ATTEST:

Lena Shumway
City Clerk