



AGENDA

CITY OF EL MONTE PLANNING COMMISSION

TUESDAY, JULY 14, 2020

7:00 P.M.

CITY HALL EAST – COUNCIL CHAMBERS
11333 VALLEY BOULEVARD

CITY OF EL MONTE PLANNING COMMISSION

CHAIRPERSON
Amy Wong

VICE-CHAIRPERSON
Rafael Gonzalez

COMMISSIONER
Alfredo Nuño

COMMISSIONER
Cesar Peralta

COMMISSIONER
Roberto Estrada Cruz

Members of the public wishing to observe the meeting may do so in one of the following ways:

(1) Turn your TV to Channel 3;

(2) Visit the City's website
at: <http://www.elmonteca.gov/378/council-meeting-videos>

(3) Call-in Conference (669) 900-9128; Meeting ID 920 6106 8516 and then press #. Press # again when prompted for participant ID.

Members of the public wishing to make public comment may do so via the following ways:

(1) Call-in Conference (669) 900-9128; Meeting ID 920 6106 8516 and then press #. Press # again when prompted for participant ID. Once admitted into the meeting, press *9 to request to speak.

(2) Email – All interested parties can submit questions/comments in advance to the Planning Division's general email address: planning@elmonteca.gov. All questions/comments must be received by the Planning Division no later than 3:00 pm, July 14, 2020.

Instruction regarding accommodation under the Americans with Disabilities Act can be found on the last page of this Agenda.

OPENING OF MEETING

1. Call Meeting to Order
2. Flag Salute
3. Roll Call
4. Approval of Agenda

Phone: (626) 258-8626
www.elmonteca.gov
planning@elmonteca.gov

5. Commission Disclosures**6. Public Comments**

Citizens wishing to address the Planning Commission on land use and development matters may do so at this time. Note that the Commission cannot respond to or take any action on the item.

Citizens wishing to speak on an agenda item will be given the opportunity to speak after the item is presented by staff.

Limit your comments to three (3) minutes. State your name and address for the record.

CONSENT CALENDAR**7. Approval of Modification Committee Minutes**

None.

8. Approval of Planning Commission Minutes

None.

PUBLIC HEARING**9. Conditional Use Permit (CUP) No. 01-20 & Design Review (DR) No. 03-20**

Address: 9915 Garvey Avenue / APN: 8581-019-004

Request: A Conditional Use Permit is requested to improve an existing 3,648 ± square foot (sf) building into a three (3) tenant spaces. A Design Review is requested for façade and site improvements. The property is 9,914± square feet in size and is located in the MMU (Mixed/Multi-use) zone. The request is made pursuant to Chapters 17.22 and 17.24.040 (42) of the El Monte Municipal Code (EMMC).

CEQA Recommendation: Article 19. Categorical Exemptions – Section 15301 (Class 1 – Existing Facilities) in accordance with the requirements of the California Environmental Quality Act of 1970 and the CEQA Guidelines, as amended.

Case Planner: Marlene Vega, Planning Technician

Recommendation: Continue to the July 28, 2020 Planning Commission Meeting

Resolution: 3577

10. Conditional Use Permit No. 03-19

Address: 11000 Lower Azusa Road/ APN: 8570-006-036

Request: To allow the operation of a 2,132 ± square foot Alternative Financial Service (AFS) establishment within an existing 81,022 square foot multi-tenant commercial center. The subject property is located within the C-3 (General Commercial) zone. The request is made pursuant to Chapter 17.24.040 (4) of the El Monte Municipal Code (EMMC).

CEQA Recommendation: Article 19. Categorical Exemptions – Class 1, Section 15301 (Existing Facilities) in accordance with the requirements of the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines, as amended.

Case Planner: Sandra Elias, Assistant Planner

Recommendation: Adopt resolution of approval

Resolution: 3576

REGULAR AGENDA

11. City Project No. 785

Address: Citywide

Request: To adopt a baseline and thresholds of significance under the California Environmental Quality Act (CEQA), to evaluate traffic impacts pursuant CEQA Guidelines Sections 15064(b)(2) and 15064.7. The proposed thresholds would address a project's potential to impact transportation by the amount and distance of automobile travel attributable to a project, referred to as Vehicle Miles Traveled (VMT) for land use and transportation projects.

CEQA Recommendation: Article 19. Categorical Exemptions – Section 15308 (Class 8 – Actions by Regulatory Agencies for Protection of the Environment) of the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines, as amended.

Case Planner: Jason Mikaelian, AICP,
Community and Economic Development Deputy Director

Recommendation: Adopt a categorical exemption and approve a resolution recommending the City Council adopt the proposed baseline and threshold of significance.

Resolution: 3575

12. City Project No. 786

Address: Citywide

Request: To recommend a proposed city ballot measure authorizing low rent (affordable) housing projects to City Council to City Council pursuant to article XXXIV of the California Constitution.

Environmental:: Prospective housing projects approved under the proposed measure would each undergo separate environmental analysis

Attorney: Joaquin Vazquez, Deputy City Attorney

Resolution: 3578

13. Director's Report

14. City Attorney's Report

15. Commissioner Comments

NEXT SCHEDULED CITY PLANNING COMMISSION MEETING**Tuesday, July 28, 2020 at 7:00 P.M.**

City Hall East – City Council Chambers

Availability of staff reports: Copies of the staff reports or other written documentation relating to each item of business described hereinabove are available on the City's Home Page at www.elmonteca.gov or <https://www.ci.el-monte.ca.us/AgendaCenter/Planning-Commission-2>. You may also call the Planning Division at (626) 258-8626 for more information.

Individuals with special needs: The City of El Monte wishes to assist individuals with special needs. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division at (626) 258-8626. Notification 48 hours prior to the meeting will enable us to make reasonable arrangements to ensure accessibility to this meeting. [28 Code of Federal Regulations 35.102-35.104 ADA Title II]

General explanation of how the meeting is conducted:

1. The staff report is presented by City Planning staff.
2. The City Planning Commissioners ask questions if necessary for clarification.
3. The City Planning Commission Chair opens the public hearing.
4. The applicant makes a presentation to the City Planning Commission.
5. Individuals speaking in favor of the project address the Commission.
6. Individuals speaking against the project address the Commission.
7. The applicant responds to project opponents.
8. The public hearing is closed.
9. City Planning Commission members discuss the project.
10. City Planning Commission members vote on the project.
11. At the next scheduled Commission meeting, which is usually two weeks after the hearing, a resolution confirming the Commission action will be adopted.
12. Any interested party who disagrees with the City Planning Commission decision may appeal the Commission's decision to the City Council within 10 calendar days of the adoption of the resolution. Any appeal filed must be directed to the City Clerk's Office and must be accompanied by a fee of \$2,080.96. Any individual that received notice of this meeting from the City of El Monte will receive notice of an appeal, if one is filed.

TO: CITY PLANNING COMMISSION

FROM: BETTY DONAVANIK
COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

JASON C. MIKAELIAN, AICP
COMMUNITY & ECONOMIC DEPUTY DIRECTOR

BY: SANDRA ELIAS
ASSISTANT PLANNER

SUBJECT: CONDITIONAL USE PERMIT NO. 04-19

LOCATION: 11000 LOWER AZUSA ROAD

APPLICANT: SPEEDY CASH C/O YOUNG CHOE
3527 N. RIDGE RD.
WICHITA, KS 67205

PROPERTY OWNER: GOLDEN YIELD, LTD.
PO BOX 1428
ARCADIA, CA 91077

ENVIRONMENTAL DETERMINATION: ARTICLE 19 CATEGORICAL EXEMPTIONS – SECTION 15301 (CLASS 1 - EXISTING FACILITIES) IN ACCORDANCE WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970 AND THE CEQA GUIDELINES, AS AMENDED

RECOMMENDATION: ADOPT A CATEOGORICAL EXEMPTION UNDER SECTION 15301 (CLASS 1 - EXISTING FACILITIES) AND APPROVE CONDITIONAL USE PERMIT NO. 03-19 SUBJECT TO CONDITIONS

PROJECT DESCRIPTION:

The applicant has requested approval of Conditional Use Permit No. 03-19 to allow the operation of an existing 2,132± square foot Alternative Financial Service (AFS) establishment within an existing 81,022 square foot multi-tenant commercial center. The subject property is located in the C-3 (General Commercial) zone. The request is made pursuant to Chapter 17.24.040 (4) of the El Monte Municipal Code (EMMC).

SUBJECT PROPERTY:

Location:	South of Lower Azusa Road to the east of Santa Anita Avenue
General Plan:	General Commercial
Zone:	C-3 (General Commercial)
Street Frontage:	302 feet (Santa Anita Avenue) & 276 feet (Lower Azusa Road)
Property size:	81,022 SF
Existing Improvements:	<u>Building 1:</u> 2,132 SF AFS use, <u>Building 2:</u> 1,659 SF restaurant, <u>Building 3:</u> 10,094 SF multi-tenant building, & <u>Building 4:</u> 10,594 SF multi-tenant building

SURROUNDING PROPERTIES:

	General Plan:	Zoning:	Land Use:
North:	General Commercial	C-3	Commercial
South:	Neighborhood Commercial/Low Density Residential	C-2 & R-1B	Single-Family Residential
West:	Neighborhood Commercial	C-2	Commercial
East:	Medium Density Residential	R-3	Single-Family Residential

AERIAL & ZONING PHOTO:

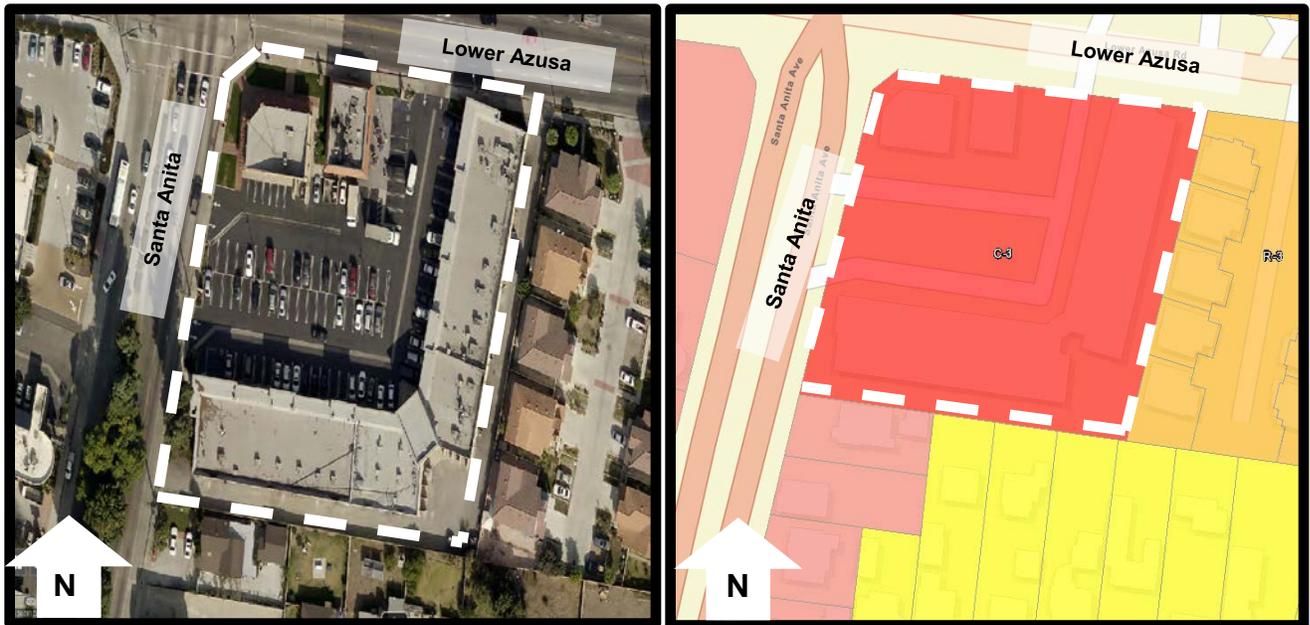


Exhibit 1: Site Plan

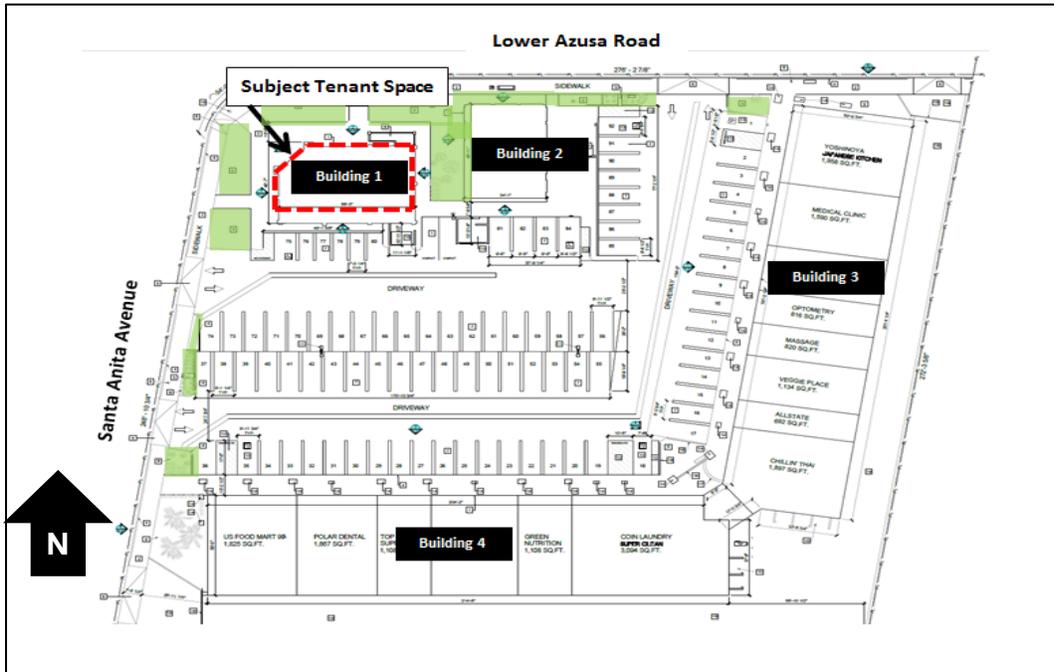
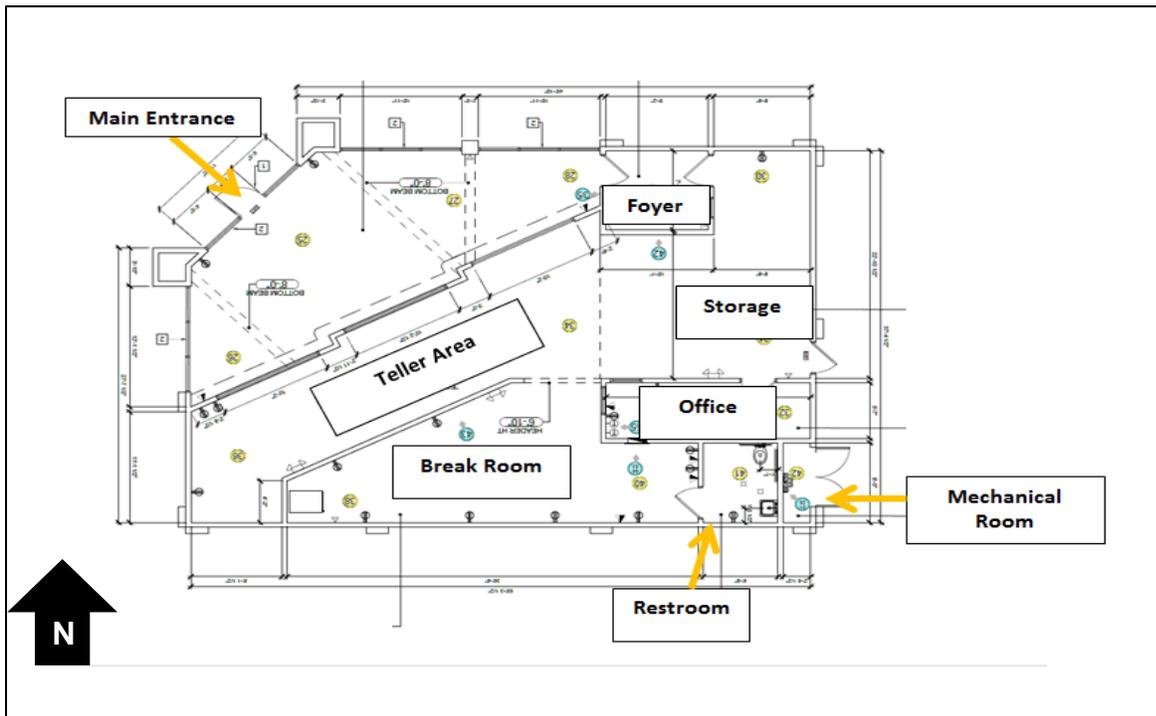


Exhibit 2: Floor Plan



BACKGROUND

The site is currently improved with two (2) individual tenant commercial center buildings and two (2) multi-tenant commercial center buildings located on an approximate 81,022 square foot parcel. The multi-tenant commercial center is comprised of 16 tenant spaces that total approximately 24,431 square feet of retail/commercial floor area. The existing Alternative Financial Services (AFS) establishment (Speedy Cash) occupies an existing tenant space (totaling 2,132 square feet) within "Building 1" that consists of an individual tenant space. The AFS establishment has occupied this space since November 2004 according to Business License records. Exhibit 1 shows the existing site layout and parking and Exhibit 2 shows the existing Floor Plan. There are no proposed tenant improvements with this request.

Business Operations

Speedy Cash has ten (10) full-time employees. Business hours are Monday through Saturday from 8:00 a.m. to 8:00 p.m. and Sunday from 10:00 a.m. to 4:00 p.m.

The following services and products are provided:

- Check cashing
- Money orders
- Wire transfers
- Installment loans
- Lines of credit
- Prepaid debit cards

Site Circulation & Parking

The existing AFS establishment is located within an existing 2,132± building located at the intersection of Lower Azusa Road and Santa Anita Avenue. The on-site parking lot is accessed through one (1) dual driveway along Lower Azusa Road, which is considered a minor arterial roadway. There are two (2) dual driveways along Santa Anita Avenue, which is designated as a major arterial road. There is a tenant driveway with gated access along Lower Azusa Road and Santa Anita Avenue. There are a total of 92 parking spaces that serve the multi-tenant commercial center buildings that are currently operating at the site.

Security Plan

The AFS establishment currently utilizes several security measures to monitor the operations of the tenant space. The existing surveillance system allows for 24 hour monitoring. The surveillance system includes the following:

- A keypad(s) to activate/deactivate the system
- Mounted panic buttons
- Remote panic buttons
- Motion detectors and/or other various sensors

Panic buttons allow a silent emergency call to be sent to the police. Motion detectors and sensors are strategically placed throughout the store. All stores are equipped with “mantraps”. The “mantrap” is a double-door entry system used to control access to the secure area of the store. Only one door opens at a time to allow controlled access.

PROJECT ANALYSIS

2011 General Plan Consistency

The 2011 El Monte General Plan Land Use Element designates the subject property as “General Commercial” and recommends uses that encourage a wide range of retail and service commercial uses to serve the community and the region. Therefore, the existing AFS establishment within the existing commercial tenant space is consistent with the General Plan as it will provide additional services and product options for the community and region.

Zoning Code Consistency

The site is zoned C-3 (General Commercial). Per Section 17.24.040 (4) of the EMMC, Conditionally Permitted Uses in Specified Zones, the existing AFS business is eligible for approval upon the receipt of a Conditional Use Permit.

Alternative Financial Service Establishment Regulations

On August 1, 2017, the City Council adopted Ordinance No. 2920 which re-defined check cashing businesses as an Alternative Financial Service (AFS) establishment which means establishments that offer financial services outside of traditional federally insured financial institutions, including, but not limited to: check cashing outlets, payday lenders, pawnbrokers, and vehicle title lenders.

The Ordinance requires a CUP by August 31, 2021 for all AFS establishments validly operating in the City as of August 31, 2017, which are only allowed to operate within the C-3 (General Commercial) and C-4 (Heavy Commercial) zones. Additionally, no new AFS shall be located within one thousand (1,000) feet of another existing (with an approved CUP) AFS establishment. Any such validly operating AFS establishment that does not obtain a CUP by August 31, 2021 must then cease all operations as of September 1, 2021.

As such, the proposed conditional use permit CUP No. 03-19 is in compliance with Chapter 17.24 of El Monte Municipal Code which requires an existing AFS business to apply for a conditional use permit by August 31, 2021.

Current AFS Establishments

On October 3, 2017, a notice outlining new Alternative Financial Service (AFS) Establishment Regulations was mailed to all businesses operating within the City of El Monte that provide services such as payday loan, check cashing, vehicle title loan, and pawn shop service establishments. The notice was mailed to a total of twenty-two (22) businesses. Of the twenty-two businesses, ten (10) are located within the C-3 and C-4 zones, making them eligible to submit an application for a conditional use permit. The

businesses located outside of the C-3 and C-4 zones were advised that their business must cease to operate by August 31, 2024 with the ability for the business to request an extension for an additional two (2) years.

The City's business license records indicate there are a total of 18 active AFS business licenses in the City. Since the adoption of City Council Ordinance No. 2920, two (2) conditional use permits have been issued. According to EMMC Section 17.24.040(4) a new AFS establishment cannot be located within 1,000 feet of an existing AFS establishment. The closest AFS establishment to the subject property is located at 11007 Lower Azusa Road, #E which was validly operating as of August 31, 2017 and is located within the C-3 (General Commercial) making this location eligible to submit an application for a conditional use permit.

Conditions of Approval

The following conditions of approval are recommended in the draft resolution with the purpose of enhancing the aesthetics of the property:

- Provide a minimum of two (2) 36" box shade trees per Chapter 17.10.030(B)(1);
- Window decals/signage shall not occupy more than 25% of the storefront/street facing windows per Chapter 17.12.060(B);
- The applicant shall work with the El Monte Police Department and Planning Division to ensure that the existing surveillance system is adequate and meets the standards of the El Monte Police Department; and
- Graffiti shall be removed from any interior/exterior surfaces to the structures and improvements on the property within 24 hours following the application of the graffiti or within 24 hours of applicant receiving notice of such graffiti by the City. Graffiti shall either be removed or the evidence of such vandalism painted over with a paint that has been exactly color-matched to the surface to which it is applied.

ENVIRONMENTAL REVIEW

Staff has conducted the appropriate environmental analysis in compliance with the requirements of the California Environmental Quality Act (CEQA) and based on that assessment, staff has determined that the proposed project to allow an existing AFS establishment in an existing multi-tenant commercial center is Categorical Exempt under Article 19, Section 15301 (Class 1 - Existing Facilities) of the CEQA Guidelines. Therefore, no further environmental assessment is necessary.

CITY REVIEW PROCESS:

Staff and other City Departments and Divisions have reviewed the project through the City's internal review process. This review process enables the various City Departments and Divisions (i.e. Planning, Building, Public Works/Engineering, Police and Fire) to review development proposals for conformity with the provisions established in the City's Municipal Code. Additionally, the review process ensures that

each development proposal is designed to be compatible with neighboring properties. In turn, the quality and economic health of local residential, commercial and industrial districts are maintained. The concerns and/or conditions of all reviewing parties are included in the recommended conditions of approval.

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

In order to approve the project, the Planning Commission is required to make certain findings. Sections 6 of the draft resolution contain the recommended findings and Section 7 contains of approval for the Planning Commission's consideration.

RECOMMENDATION

Staff recommends that the Planning Commission evaluate the proposal and consider the following actions:

1. Adopt a Categorical Exemption under Section 15301 (Class 1-Existing Facilities) pursuant to the California Environmental Quality Act and Guidelines, as amended; and
2. Approve the Conditional Use Permit No. 03-19 subject to the recommended Conditions of Approval contained in Section 7 of the attached Resolution or any other Conditions that the Planning Commission may wish to impose.

ATTACHMENTS:

- A. Resolution No. 3576
- B. Project Plans
- C. Business Operations Plan
- D. Public Hearing Notice, Radius Map, & Photo of Public Notice Posting

RESOLUTION NO. 3576

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 03-19 AND ADOPTING A CATEGORICAL EXEMPTION TO ALLOW THE LEGALIZATION OF AN EXISTING ALTERNATIVE FINANCIAL SERVICE (AFS) ESTABLISHMENT AT 11000 LOWER AZUSA ROAD, EL MONTE, CALIFORNIA.

The Planning Commission of the City of El Monte, County of Los Angeles, State of California, does hereby find, determine and resolve as follows:

SECTION 1 – PROJECT DESCRIPTION. On February 26, 2019, Curo Financial Technologies Corp dba Speedy Cash, 3527 N. Ridge Road, Wichita, KS 67205, filed an application for Conditional Use Permit (CUP) No. 03-19 requesting to legalize an existing Alternative Financial Service (AFS) establishment (Speedy Cash) within a multi-tenant commercial center.

SECTION 2 – PUBLIC HEARING. The request is made pursuant to the requirements of Chapters 17.24.040(4) of the El Monte Municipal Code. The property is located at 11000 Lower Azusa Road, El Monte, California, and described as follows, to-wit:

APN: 8570-006-036

Pursuant to which after due notice as required by law, a full and fair public hearing was held to consider Conditional Use Permit No. 03-19 and a Categorical Exemption before this Planning Commission on July 14, 2020, at which time, all interested persons were given full opportunity to be heard and present evidence.

SECTION 3 - ZONING. The property is located at the intersection of Lower Azusa Road and Santa Anita Avenue and is zoned C-3 (General-Commercial). The property is currently developed with two (2) individual tenant spaces and two (2)

multi-tenant commercial center buildings located within an approximate 81,022 square foot parcel. The zoning and land uses for the adjacent properties are as follows:

North: C-3; Commercial
South: C-2 & R-1B; Single-Family Residential
West: C-2; Commercial
East: R-3; Single-Family Residential

SECTION 4 - ENVIRONMENTAL. In accordance with the criteria and authority contained in the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines as amended, staff has conducted the appropriate environmental analysis and based on that assessment, the City has determined the project to be Categorical Exempt by Article 19 Section 15301 (Class 1 – Existing Facilities) in accordance with the requirements of the State CEQA Guidelines. No expansion of the tenant space is proposed. No further environmental assessment is required.

SECTION 5 – GENERAL PLAN. The property has a General Plan designation of General Commercial. The request to approve an existing AFS establishment with a Conditional Use Permit and adoption of a Categorical Exemption is consistent with the goals of the EMMC and the 2011 El Monte General Plan.

SECTION 6 – CONDITIONAL USE PERMIT FINDINGS. All necessary findings for the granting of Conditional Use Permit No. 03-19, to legalize an existing AFS business, pursuant to Section 17.24.040(4) of the El Monte Municipal Code can be made in a positive manner and are as follows:

- A. The granting of such Conditional Use Permit will not be detrimental to the public health or welfare or be injurious to the property or to improvements in such zone or vicinity.

Finding of Fact:

The proposed use is consistent with the C-3 (General Commercial) zone requirements and the surrounding area/uses. The C-3 zone allows the business to operate with approval of a Conditional Use Permit. The AFS business is a retail and alternative financial service use, both of which are common uses in the C-3 zone. The subject

tenant space has been occupied and in operation by the AFS business since November 1, 2004. The current AFS business is not proposing any changes or additions to the project site, and therefore will not change the existing operational standards. The granting of the Conditional Use Permit will legalize the use and will not be detrimental to the public health, safety or general welfare nor will it be materially injurious to the properties or improvements in the vicinity.

B. The use applied for at the location is properly one for which a Conditional Use Permit is authorized.

Finding of Fact:

Pursuant to Section 17.24.040(4) of the El Monte Municipal Code, the proposed legalization of an AFS business is permitted with the approval of a Conditional Use Permit. The conditions of approval will assure proper function of the site. The site has been occupied by the subject AFS business since November 1, 2004. Furthermore, the applicant is requesting to conform to the newly adopted zoning regulation, Ordinance No. 2920, to obtain a CUP no later than August 31, 2021. The proposed use is compatible with other surrounding uses on Lower Azusa Road.

C. The site for the proposed use is adequate in size and shape to accommodate said uses; and that all yards, spaces, walls, fences, parking, loading, landscaping and other features required to adjust said use with the land and surrounding uses are provided.

Finding of Fact:

The site is adequate in size and shape to accommodate the proposed use. The subject site is currently improved with 16 tenant spaces that consists of approximately 24,431 square feet of retail/commercial floor area. The site has been occupied by the subject AFS business since November 1, 2004. Furthermore, because the proposed legalization of the AFS business is not proposing any changes or additions to the project site, all yards, spaces, and parking meet the El Monte Municipal Code zoning requirements for the C-3 (General Commercial) zone.

D. The site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

Finding of Fact:

The subject site is accessible from Lower Azusa Road, a secondary arterial, and Santa Anita Avenue, a major arterial. Both streets are capable of accommodating the amount of traffic that the AFS use generates. Further, the proposed legalization of the AFS business will not increase parking or traffic demand, since the business has been in operation since November 1, 2004.

E. The granting of such Conditional Use Permit will not adversely affect the purpose, goals, and policies of the El Monte General Plan of 2011.

Finding of Fact:

The property has a General Plan designation of "General Commercial." The 2011 El Monte General Plan Land Use Element for the General Commercial designation recommends uses that encourage a wide range of retail and service commercial uses to serve the community and the region. Permitted uses include a range of retail businesses, personal services, automotive sales and repair, retail and professional offices. The land use designation of General Commercial allows an FAR of up to 0.75. The proposed legalization of the AFS business is consistent with the General Plan. Therefore, the proposed use meets the intent of the General Plan and the granting of such Conditional Use Permit will not adversely affect the purpose, goals, and policies of the El Monte General Plan.

SECTION 7 –CONDITIONS OF APPROVAL. The Planning Commission does hereby approve Conditional Use Permit No. 03-19 and the adoption of a Categorical Exemption for this project in accordance with the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines, as amended, subject to the following conditions:

General

1. The approval is for Conditional Use Permit No. 03-19 to legalize the existing 2,132± square foot Alternative Financial Service (AFS) establishment located at 11000 Lower Azusa Road.
2. The project shall substantially conform to Conditional Use Permit No. 03-19, the development plans (site, floor, elevation, landscape, signs, lighting, etc.) on file with the City Planning Division and as presented to the Planning Commission.
3. Adherence to the conditions contained herein shall be demonstrated at all times. A failure to comply may be cause for a review by the Planning Commission for potential revocation of the use permit approved herein pursuant to EMMC Section 17.24.100 (Revocation). Any complaints regarding issues with operations, pollution, noise, etc. may be subject to the Planning Commission for further review and approval.
4. All applicable conditions shall be met or deemed to have been addressed by the Community & Economic Development Director or her/his designee prior to final inspection, and prior to occupancy of any buildings.
5. All Planning Division, Building Division, Code Enforcement Division, Engineering Division, and Los Angeles County Fire Department standards and conditions shall be complied with prior to the issuance of occupancy permits.

6. All City and LA County Fire Department standards and conditions shall be implemented prior to final inspection and prior to occupancy of any building.

Legal

7. By acceptance of the approval of the project by the City, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to challenge, set aside, void or annul the approval of the project from an action which may be brought within the time period provided for such actions or challenges under applicable law. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate in any such defense.
8. The Applicant and property owner shall sign and submit an affidavit accepting all conditions of approval contained in this Planning Commission Resolution within fifteen (15) days following the adoption of this Planning Commission Resolution.

Operations & Maintenance

9. Subject to review and applicability by the Community & Economic Development Director, Public Works Director, and the City Attorney and to ensure ongoing compliance with the conditions of approval set forth under this resolution and to ensure that the property and all improvements located thereupon are properly maintained, the applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the applicant) shall execute a maintenance agreement prior to the issuance of occupancy permits with the City of El Monte which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:
 - a. Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, and/or restrictions on certain uses, including uses determined by the Planning Commission (or the City Council upon appeal) to be incompatible or inconsistent with any authorized uses; compliance with applicable State and/or federal statutes and regulations, including but not limited to compliance with statutes and regulations regarding the appropriate operating guidelines for certain equipment (e.g., emissions standards, radio frequency emissions standards etc.);
 - b. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
 - c. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the

- timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- d. If the applicant and the owner of the property are different (e.g., if the applicant is a tenant or licensee of the property or any portion thereof), both the applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms.
 - e. The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties and obligations and responsibilities set forth under the maintenance agreement.
 - f. The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.
10. Graffiti shall be removed from any interior/exterior surfaces to the structures and improvements on the property within 24 hours following the application of the graffiti or within 24 hours of applicant receiving notice of such graffiti by the City. Graffiti shall either be removed or the evidence of such vandalism painted over with a paint that has been exactly color-matched to the surface to which it is applied. If a non-painted surface, or where anti-graffiti coatings are used, graffiti may be removed with solvents or detergents, as appropriate.
11. All business activity shall be conducted within the enclosed building.
12. Business operation hours are limited to Monday through Saturday from 8:00 a.m. to 8:00 p.m. and Sunday from 10:00 a.m. to 4:00 p.m.
13. The applicant shall not sublease any portion of the space.

Landscaping

14. Prior to the next renewal of business license/business occupancy permit, the applicant shall provide a minimum of two (2) 36" box shade trees per Chapter 17.10.030(B)(1) on the site. The trees shall be provided with permanent irrigation. Plans illustrating the location of the required trees and irrigation shall be subject to the review and approval of the Planning Division.

Signage

15. Window decals/signage shall not occupy more than 25% of the storefront/street facing windows per Chapter 17.12.060(B).

Police Department Conditions

16. The applicant shall work with the El Monte Police Department and Planning Division to ensure that the existing surveillance system is adequate and meets the standards of the El Monte Police department.

SECTION 8 - The Secretary of the City Planning Commission of the City of El Monte, California, shall certify to the adoption of this resolution and shall cause a copy of the same to be forwarded to the applicant.

Amy Wong, Chairperson

ATTEST:

Adrian Perez, Secretary
El Monte City Planning Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Adrian Perez, Secretary of the Planning Commission of the City of El Monte, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 3576 adopted by the Planning Commission of the City of El Monte, at a regular meeting by said Commission held on July 14, 2020, by the following votes to wit:

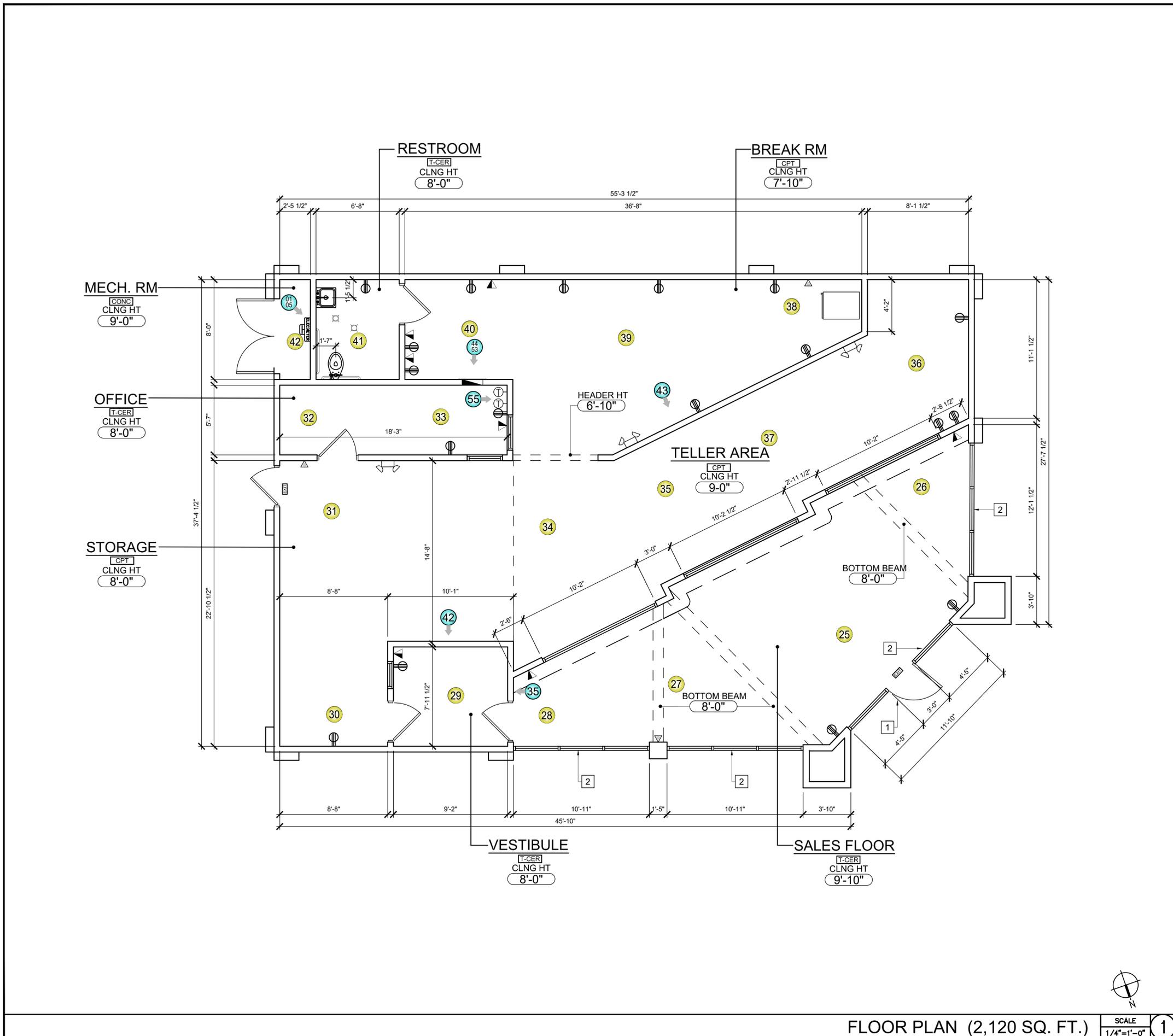
AYES:

NOES:

ABSTAIN:

ABSENT:

Adrian Perez, Secretary
El Monte City Planning Commission



- 1 MAIN ENTRANCE
- 2 STOREFRONT SYSTEM
- 3 BUILT-IN MILLWORK

Project Owner:



Consultant:

Menemsha
 LOS ANGELES | BOSTON
 20521 Earl Street
 Torrance, CA 90503
 Voice: 310-343-3430
 Fax: 310-343-3431
 www.menemshasolutions.com

KEYNOTES

- ELEC PANEL - SURFACE
- T THERMOSTAT
- FLOOR DRAIN
- DUO OUTLET
- QUAD OUTLET
- QUAD OUTLET
- DATA JACK
- TELEPHONE JACK
- UTILITY SINK
- WATER HEATER
- FIRE EXTINGUISHER
- FIRE ALARM CONTROL PANEL
- EXIT SIGN
- T-LIN LINOLEUM TILE FLOORING
- T-CER CERAMIC TILE FLOORING
- CPT CARPET FLOORING
- CONC CONCRETE FLOORING
- VCT VINYL TILE FLOORING

Plans, maps, specifications, studies, and reports not containing a red ink seal imprint accompanied by an original signature by the licensed professional may have been fraudulently altered and shall not be considered an original copy. All information should be disregarded unless verified by the professional whose signature appears below.

Copyright Protected 2017

Project Address:

SPEEDY CASH
 11000 LOWER AZUSA RD.
 EL MONTE, CA 91731

Stamp:

No.	Date	Description

Sheet Title:

FLOOR PLAN

REVIEWED BY: AV/RC
 SURVEYED BY : PP
 DWG. DATE: 12.11.2017
 SCALE: AS NOTED
 PROJECT NUMBER: 22310
 SHEET:

A001



May 12, 2020

City of El Monte
Community & Economic Development Department
11333 Valley Boulevard
El Monte, CA 91731

REF: CUP No. 03-19
11000 Lower Azusa Rd
El Monte, CA 91731

To Whom It May Concern:

In response to requests for additional information, please accept the following regarding current business operations and security protocol.

Business Operations

For over 20 years, Speedy Cash has been committed to providing our customers with their short-term financial needs and provide financial services for the underbanked. We offer unsecured installment loans, secured installment loans, open-end loans, and single-pay loans, as well as ancillary financial products, including check cashing, proprietary reloadable prepaid debit cards, credit protection insurance, gold buying, retail installment sales, and money transfer services.

Speedy Cash – El Monte; has a total of **Ten (10) full-time** employees and **Zero (0) part-time** employee.

Current operation hours are:

Monday through Saturday from 8:00 a.m. to 8:00 p.m.
Sunday from 10:00 a.m. to 4:00 p.m.

The business provides the following services and products:



- Check cashing
- Money orders
- Wire transfers
- Installment Loans
- Lines of Credit
- Prepaid Debit Cards

Floor Plan/Security

The Speedy Cash facility provides a total of approximately 2,132 square feet of tenant space. The space comprises of a lobby, transaction window/counter, one (1) office, an employee-only restroom and break room, mechanical/electrical room, and one (1) storage room. The front lobby area is separated by the transaction window/counter and controlled access to employee-only work space that is administered via one (1) automated security door through a secured lobby/passage.

Security & Reporting

Speedy Cash utilizes several security systems and measures to monitor the operations of the tenant space. The alarm system plays a critical role in the protection of store personnel as well as the store. The system is monitored 24 hours a day, seven days a week. Each system consists of:

- A keypad(s) to activate/deactivate the system
- Mounted panic buttons
- Remote panic buttons
- Motion detectors and/or other various sensors

We use Unique Access Codes to track who accesses the store. All members of management are provided with two unique access codes, a password and a keypad code from our security company. Authorized employees will use their password during verbal conversations with the security company to provide the all clear or to ask for assistance. Authorized employees that have provided their password over the phone must contact the security company to get the password changed. Authorized employees will use their keypad code to activate or deactivate the store alarm system at opening and closing.



Panic buttons allow a silent emergency call to be sent to the police. And Motion detectors and other sensors are strategically placed around the store as a part of the store's overall security system.

In addition, most stores are equipped with Rooftop Sensors as an additional security measure. Stores with rooftop sensors have metal signs posted on each building informing potential criminals of the rooftop feature.

All stores are equipped with "Mantraps". The mantrap is a double-door entry system used to control access to the secure area of the store. Only one door opens at a time to allow controlled access.

All systems include redundancies to protect against a variety of situations. Each store may have a unique or individual alarm system/keypad.

As the system is existing to remain, we are happy to work with El Monte Police Department and the Planning Division to ensure that surveillance and security measures are adequate and up-to-date.

Sincerely,

A handwritten signature in black ink, appearing to read 'Young H. Cho'.

Young H. Cho

Director of Real Estate - Western U.S.

CURO Financial Technologies Corp

Mobile [\(760\) 525 - 2416](tel:7605252416)

Office [\(316\) 425 - 1462](tel:3164251462)

Fax [\(316\) 494 - 6507](tel:3164946507)

curo.com

**CITY OF EL MONTE PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

**Hablamos Español favor de hablar con
Sandra Elias (626) 258-8626**

TO: All Interested Parties

FROM: City of El Monte Planning Division

PROPERTY LOCATION: 11000 Lower Azusa Road/ APN No. 8570-006-036

APPLICATION: Conditional Use Permit No. 03-19
REQUEST: A Conditional Use Permit is requested to allow the operation of a 2,132 ± square foot Alternative Financial Service (AFS) establishment within an existing 81,022 square foot multi-tenant commercial center. The subject property is located within the C-3 (General Commercial) zone. The request is made pursuant to Chapter 17.24.040 (4) of the El Monte Municipal Code (EMMC).

PROPERTY OWNER: Golden Yield, LTD
PO Box 1428
Arcadia, CA 91077

APPLICANT: Speedy Cash
Curo Financial Technologies Corp
3527 N. Ridge Road
Wichita, KS 67205

ENVIRONMENTAL DOCUMENTATION: Article 19. Categorical Exemptions – Class 1, Section 15301 (Existing Facilities) in accordance with the requirements of the California Environmental Quality Act (CEQA) of 1970 and the CEQA Guidelines, as amended.

PLACE OF HEARING: The Planning Commission will hold a public hearing to receive testimony, orally and in writing, on the proposed project. The public hearing is scheduled as follows:

Date: Tuesday, July 14, 2020
Time: 7:00 p.m.
Place: El Monte City Hall East – Council Chambers
11333 Valley Boulevard, El Monte, California

Members of the public wishing to attend the meeting in person shall wear a face covering/mask and adhere to social distancing protocols to protect the health and safety of the public.

Members of the public wishing to observe the meeting remotely may do so in one of the following ways:

- (1) Turn your TV to Channel 3;
- (2) City's website at <http://www.elmonteca.gov/378/Council-Meeting-Videos>
- (3) Call-in Conference Line at (669) 900-9128; Meeting ID 920 6106 8516, then press #, press # again when prompted for participant ID.

Members of the public wishing to provide questions/comments may do so remotely during the meeting by doing the following:

- (1) Call-in Conference Line at (669) 900-9128; Meeting ID 920 6106 8516, then press #, press # again when prompted for participant ID. Once admitted into the meeting, press *9 to request to speak.

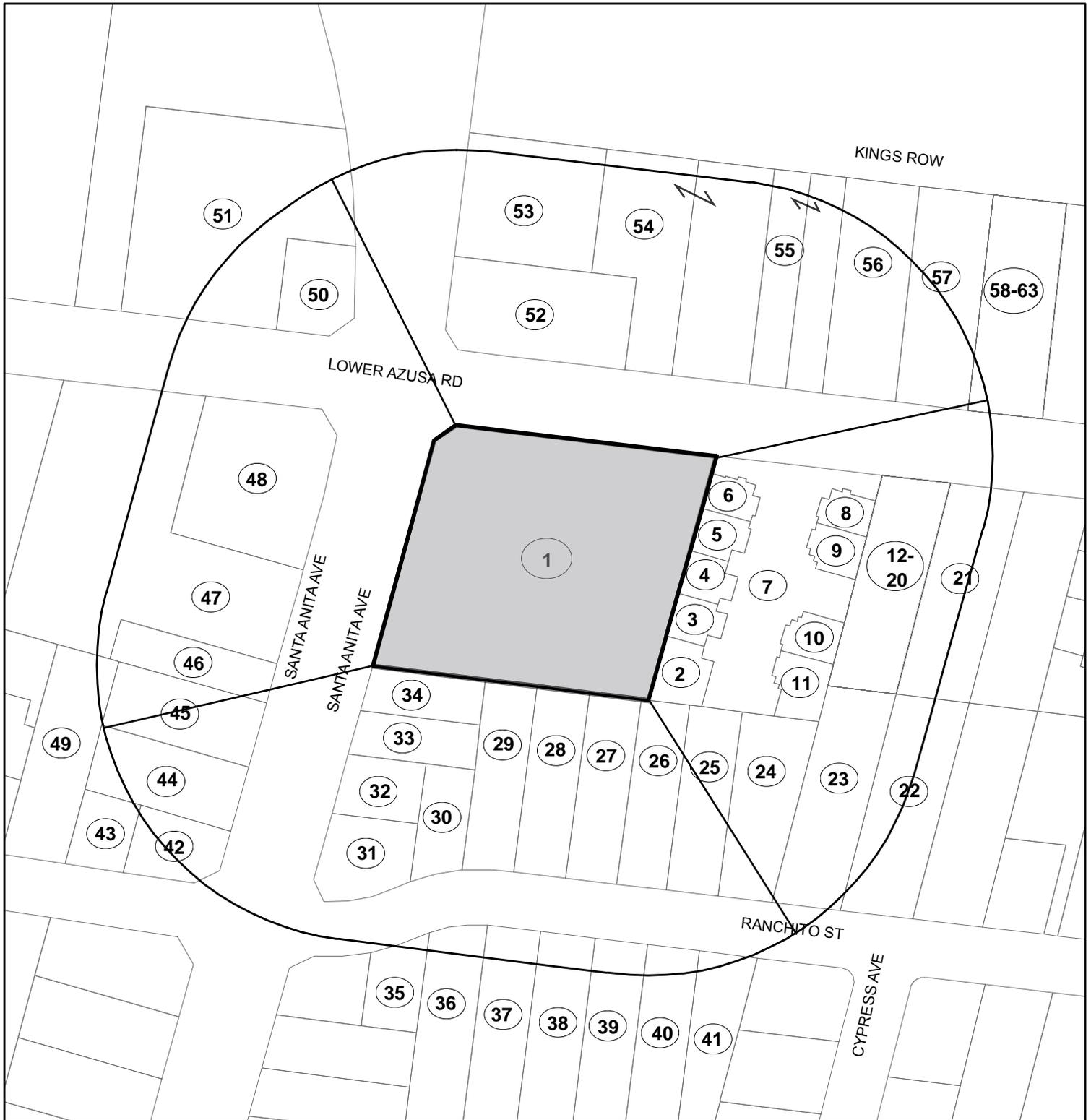
The staff report on this matter will be available on or about July 9, 2020 on the City of El Monte website, which may be accessed at <https://www.ci.el-monte.ca.us/AgendaCenter/Planning-Commission-2> or by e-mailing selias@elmonteca.gov.

Americans With Disabilities Act

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk's Office by calling (626) 580-2016. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Persons wishing to comment on the environmental documentation or proposed application may do so orally or in writing at the public hearing or in writing prior to the meeting date. Written comments shall be sent to Sandra Elias; El Monte City Hall West; 11333 Valley Boulevard; El Monte, CA 91731 or at selias@elmonteca.gov. If you challenge the decision of the City Planning Commission, in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Planning Commission at, or prior to, the public hearing. For further information regarding this application please contact Sandra Elias at (626) 258-8621. Monday through Thursday, except legal holidays, between the hours of 7:00 a.m. and 5:30 p.m.

Published and Mailed On: Thursday, July 2, 2020 City of El Monte Planning Commission
Adrian Perez, Planning Commission Secretary



SCALE: 1" = 150'

RADIUS MAP
11000 LOWER AZUSA RD
EL MONTE, CA 91731
APN: 8570-006-036
300' RADIUS
DATE: 02-20-2020



11000 Lower Azusa Road – Public Notice Site Posting



TO: CITY PLANNING COMMISSION

FROM: BETTY DONAVANIK
COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

BY: JASON C. MIKAELIAN, AICP
COMMUNITY & ECONOMIC DEVELOPMENT
DEPUTY DIRECTOR

SUBJECT: CITY PROJECT NO. 785 – VEHICLE MILES TRAVELED
(VMT) BASELINE AND THRESHOLDS OF SIGNIFICANCE

LOCATION: CITYWIDE

APPLICANT: CITY OF EL MONTE

ENVIRONMENTAL: CATEGORICAL EXEMPTION 15308 (CLASS 8 – ACTIONS
BY REGULATORY AGENCIES FOR PROTECTION OF THE
ENVIRONMENT) OF THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA) GUIDELINES

RECOMMENDATION: ADOPT A CATEGORICAL EXEMPTION AND APPROVE A
RESOLUTION RECOMMENDING THE CITY COUNCIL
ADOPT THE PROPOSED VEHICLE MILES TRAVELED
(VMT) BASELINE AND THRESHOLDS OF SIGNIFICANCE
FOR THE PURPOSE OF ANALYZING TRANSPORTATION
IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA)

BACKGROUND

One of the components of the California Environmental Quality Act (CEQA) is to evaluate the future transportation impacts of various projects, including long-term land use plans, development projects, and roadway projects. For decades, the transportation impacts of all projects subject to CEQA have been evaluated by whether they will create traffic congestion and additional delays to drivers on local streets and intersections. The metric that has been used to quantify potential traffic impacts is called Level of Service (LOS). LOS is a grading system that evaluates how well an intersection operates during morning and evening peak periods. There are six (6) designations that range from Grade A to Grade F, with “A” representing the best conditions (free flowing) and “F” representing the worst conditions (congested).

SENATE BILL NO. 743

As of July 1, 2020, the traditional LOS metric was eliminated as the basis to determine transportation impacts under CEQA. This was in response to Senate Bill No. 743 (SB 743), which was signed into law on September 27, 2013 by then Governor Jerry Brown. SB 743 will change the transportation impact analysis component of CEQA in order to fully analyze a project's environmental effects associated with fuel consumption, emissions and public health. The overarching goal of SB 743 is to support the State's goals of reducing Greenhouse Gas Emissions (GHGs), encouraging a complex mix of uses, increasing transit use and improving public health through active modes such as walking and bicycling.

SB 743 directed the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines with a different way of measuring transportation impacts in terms of a project's effect on vehicle trips and miles traveled. In response to the law, OPR selected Vehicle Miles Traveled (VMT) as the new transportation impact metric. VMT is already used in transportation planning and is currently used in CEQA documents to measure GHGs. Moving forward, instead of measuring traffic congestion faced by drivers (i.e. LOS) at the local level, traffic studies will consider environmental impacts of driving throughout the entire region (i.e. VMT). With respect to El Monte, this would be the San Gabriel Valley.

VMT takes into account the total number of miles that a vehicle must travel in one day, including the number and length of all daily trips. Typical "trips" for residential land uses might include: commuting to work, dropping children off at school and running errands. Location within the San Gabriel Valley is a key determinant of VMT because a resident's trips may be local within city boundaries or regional beyond city boundaries. Areas that have high VMTs tend to be in places where a vehicle is necessary for commuting and running daily errands, such as hillside neighborhoods. Areas with lower VMTs are places where housing, employment, shopping and public transit are in close proximity and within a reasonable walking distance.

STATE MANDATE TO IMPLEMENT VMT CEQA THRESHOLDS

All cities in California are required to adopt VMT-based transportation requirements for CEQA review. Cities that have not adopted thresholds prior to July 1, 2020 are subject to the OPR's VMT guidelines until they are able to adopt their own standards. To encourage and facilitate a regional approach to the state mandate, the San Gabriel Valley Council of Governments (SGVCOG) hired the transportation consulting firm Fehr & Peers to develop a VMT analysis method to help member cities complete the VMT requirements.

El Monte's participation in this effort was approved by the City Manager in April 2020 (at a cost of approximately \$12,200). This joint approach not only provided a cost savings to El Monte and other member cities, but yielded a methodology that will be consistent across all jurisdictions in the study area. This approach will also strengthen the validity of transportation impact studies in the future, thereby creating more legally defensible CEQA documents.

DISCUSSION AND ANALYSIS

Under CEQA, a project's future environmental conditions must be compared to the setting at a certain point in time known as the "baseline." The change in environmental conditions between the baseline and the future reveal the environmental impacts. Each environmental impact must be evaluated to determine if it is significant or not. The point at which an environmental impact becomes "significant" is referred to as the threshold, or "threshold of significance." The recommendations outlined below have been developed with assistance from Fehr & Peers and in accordance with the OPR's guidelines (see Attachment A - Planning Commission Resolution).

Setting a Baseline VMT

To evaluate whether a proposed project will have a significant impact under CEQA, the City will compare a project's VMT to the selected baseline. Cities can choose different baselines including the City's existing VMT, its subarea of the SGVCOG (the Central Subarea for El Monte), the SGVCOG or the Southern California Association of Governments (SCAG). Since El Monte is transit rich and has a strong jobs/housing balance, in most cases it has a lower VMT compared to other cities in the San Gabriel Valley. Therefore, staff recommends using the SGVCOG as the baseline. This will still reduce overall VMTs in the subarea and larger valley, and provide some flexibility when reviewing projects in El Monte.

Staff also recommends that projects resulting in a VMT that exceeds 15 percent below the SCVCOG's VMT be determined to have a significant impact. The OPR has determined that this is a reasonable threshold to establish because it promotes the reduction of GHGs, it is achievable at the project level in a variety of places and helps achieve the State's GHG reduction targets. Most cities in the SGVCOG are using the 15 percent threshold (see Attachment A, Exhibit 1 – Table showing Baselines and Thresholds of Significance and Attachment B – Charts showing Baselines and Thresholds of Significance).

Land Use Plans

Examples of land use plans include General Plans, General Plan Amendments and Specific Plans. Staff recommends following the OPR's guidelines, with impacts being "significant" if the VMT per service population for the land use plan exceeds 15 percent below the baseline VMT.

Development or Land Use Projects

Examples of this includes new residential, retail, office, industrial or mixed-use projects. Staff recommends following the OPR's guidelines, with impacts being significant if the VMT per capita, employee or service population (depending on the use) exceeds 15 percent below the baseline VMT.

Transportation Projects

Examples of this includes roadway widenings, intersection improvements and new bicycle lanes. Staff recommends a VMT impact being significant if the VMT per service population exceeds the baseline VMT.

Screening Out Projects

The State's OPR allows cities to filter or "screen out" local serving projects so they do not require a traffic study to review VMT impacts. These include projects with certain land use types, areas that already have low VMTs and projects near high quality transit (see Attachment A, Exhibit 2 – Screening Options).

Projects by Use

The OPR has provided a list of certain land use types that are considered to serve the local population. The idea behind this is that, since the use will serve the local population, they are likely reducing the need for people to drive further away and thus are reducing VMTs (and remove the need for additional analysis). Such uses include locally serving retail centers less than 50,000 square feet in area, local parks, local serving K-12 schools and daycare centers. It also includes projects generating less than 110 daily vehicle trips. Cities can adopt lower thresholds, but cannot increase the threshold numbers. Staff recommends adopting the list of land use types as proposed by the OPR, with the exception of defining locally serving retail centers such as those with less than 25,000 square feet in area.

Low VMT Areas

Based on the OPR's guidelines, cities may screen out projects that are located within areas of the City that are performing well and already have a low VMT when compared to the surrounding region. A low VMT area is defined as having a VMT of at least 15 percent below the baseline. In land use terms, these are places that have higher densities, an ideal mix of land uses (commercial near residential), and transit accessibility. OPR has advised that cities can assume that new residential projects in these areas will incorporate similar low VMT features, thus having "less than significant" impacts.

In order to determine which areas in El Monte have low VMTs, Fehr & Peers used travel demand models based on data collected from SCAG. The data included socio-economic information such as land use, household size and employment by sector. This information provided Fehr & Peers with a broad look at all the trip patterns across the San Gabriel Valley. Three (3) maps were then created showing census tract subareas in El Monte (see Attachment C – Maps of Low VMT Areas):

- Residential Projects: 35 out of 64 subareas show a VMT of at least 15 percent below the baseline VMT;
- Employment Generators: 28 out of 64 subareas show a VMT of at least 15 percent below the baseline VMT; and
- Land Use Projects: 13 out of 24 subareas show a VMT of at least 15 percent below the baseline VMT.

Transit Priority Area (TPA)

The City may screen out projects that are located in areas that are within Transit Priority Areas (TPAs). The OPR defines TPAs as being areas that are within a half-mile radius of existing or planned major transit stops or existing stops along a high quality transit corridor. In El Monte, TPAs are centered at the Bus Station, Metrolink Station and most of the Garvey Avenue Corridor. While many projects within a TPA can be presumed to

have a less than significant impact, OPR has identified the following exceptions, for projects that:

- Have a Floor Area Ratio (FAR) less than 0.75;
- Have more parking for residents, customers or employees than required by the City's minimum parking requirements;
- Are inconsistent with the applicable Sustainable Communities Strategy; or
- Replace affordable residential units with a smaller number of moderate or high income residential units.

Consistent with the OPR's recommendations, staff recommends these four criteria be used in nearly all cases to disqualify a specific project from a TPA. The exception would be parking for projects within a half-mile radius of the Bus Station and Metrolink Station and within the boundaries of the Gateway Specific Plan or Downtown El Monte Main Street Specific Plan. The exception would not apply to projects that propose public parking or have more parking because of its design (e.g. completing a full floor in an above-or below-grade parking structure) (see Attachment D – Map of TPAs).

Affordable Housing

Staff's recommendation is to be consistent with OPR's guidance to screen out affordable housing developments or affordable housing units within mixed-use developments. This would be limited to developments that are a 100 percent affordable (with a minimum 80 percent of the total low or very low income, and minus one manager unit).

Mitigating Transportation Impacts

VMT mitigation focuses on fewer cars or fewer vehicle trips (i.e. not mitigation through roadway expansions, etc.). Mitigation measures for projects may include:

- Pedestrian and bicycle infrastructure or network improvements;
- Commute trip programs – such as cash out, transit allowances or flexible work schedules/telecommuting, which provide commuters incentives and resources to reduce their automobile travel; and
- Shared mobility – transportation services and resources that are shared among users, either concurrently or one after another. Such mobility options can include taxis, carsharing, bikesharing, carpooling, vanpooling and shuttle services.

Another aspect of VMT that is different from LOS is that mitigation is identified upfront, but implementation is often ongoing and can last over the project's lifespan. Since VMT is largely a regional impact, regional VMT-reducing programs may also be an acceptable form of mitigation. In-lieu fee programs may also be a valid mitigation where there is evidence that mitigation will actually occur.

GENERAL PLAN

The Circulation Element from the 2011 Vision El Monte General Plan includes six (6) goals, each supported by policies and illustration. Since it was adopted just prior to the first discussions of VMT, the first two (2) goals focus on LOS in defining the roadway system and establishing thresholds to identify potential traffic impacts:

- Goal 1 – A regional freeway, rail, and airport transportation system that meets the needs of business, facilitates efficient movement of goods, and minimizes adverse effects on El Monte’s residential neighborhoods.
- Goal 2 – Provide and maintain an efficient roadway system that supports multimodal transportation, serving all parts of El Monte.

However, the remaining four (4) discuss include many measures consistent with reducing VMTs. This includes outlining mobility options such as transit, bicycling and walking. In addition, the General Plan promotes growth around transit hubs like the El Monte Bus Station and El Monte Metrolink Station as a way to reduce auto dependency (and ultimately reduce VMTs):

- Goal 3 – A well-managed traffic management system that maximizes the operational efficiency of existing roadways, encourages a balance of transportation modes, and improves the safety and livability of neighborhoods.
- Goal 4 – A local and regional transit service that is accessible and safe; connects to homes, residences, parks, and other community destinations; and provides a viable alternative to the use of autos.
- Goal 5 – A connected, balanced, and integrated system of walking, biking, and equestrian paths and trails that is accessible and safe and connect to homes, residences, parks, and other community destinations.
- Goal 6 – Integration of circulation and land use development policies and practices that support walking, bicycling, and use of transit through a variety of supportive land use development and urban design measures.

However, since LOS remains a part of the General Plan, traditional traffic studies may still be required for some projects. However, they will not be included in any CEQA document. Any future changes to the General Plan will return to the Planning Commission for review, and ultimately the City Council for final approval.

ENVIRONMENTAL REVIEW

The adoption of new local CEQA Vehicle Miles Traveled (VMT) Baseline and Thresholds of Significance for Transportation Impacts will not have a significant environmental impact and are exempt from CEQA pursuant to Section 15308 (Class 8) of Title 14 of the California Code of Regulations. This is because the two actions are undertaken by the City of el Monte to protect the environment. The revised CEQA thresholds will be compliant with a State Mandate (SB 743) and will be used in a regulatory process (the CEQA process) that involves procedures to protect the environment. Accordingly, the City Council will consider the recommendation to find the Resolution exempt from CEQA.

RECOMMENDATION

Staff recommends that the Planning Commission evaluate the proposal and consider the following Actions:

- A. Adopt a Categorical Exemption under Section 15308 (Class 8 – Actions by Regulatory Agencies for Protection of the Environment) in accordance with the requirements of the California Environmental Quality Act of 1970 and the CEQA Guidelines, as amended; and
- B. Adopt Resolution No. 3575 recommending the City Council adopt the proposed Vehicle Miles Traveled (VMT) Baseline and proposed Thresholds of Significance for Transportation Impacts, subject to recommendation in the staff report, all of which are incorporated herein by this reference.

ATTACHMENTS

- A. Resolution No. 3575 including Exhibit 1 (Thresholds of Significance) and Exhibit 2 (VMT Screening Options)
- B. Charts showing Baselines and Thresholds of Significance
- C. Maps of Low VMT Areas
- D. Maps of TPAs
- E. Meeting Notice

RESOLUTION NO. 3575

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT “VEHICLE MILES TRAVELED” THRESHOLDS OF SIGNIFICANCE FOR PURPOSES OF ANALYZING TRANSPORTATION IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

(CITY PROJECT NO. 785)

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

WHEREAS, CEQA Guidelines Section 15064.78(a) defines a threshold of significance as “an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant”; and

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

WHEREAS, pursuant to CEQA Guidelines Section 15064.7(c), when adopting thresholds of significance, a public agency may consider thresholds of signifi-

cance adopted or recommended by other public agencies provided that the decision of the agency is supported by substantial evidence; and

WHEREAS, Senate Bill No. 743, enacted on September 27, 2013 and codified in Public Resources Code Section 21009, required changes to the CEQA Guidelines regarding the criteria for determining the significance of transportation impacts of projects; and

WHEREAS, Senate Bill No. 743 will change the transportation impact analysis component of CEQA in order to fully analyze a project's environmental effects with the overarching goal of reducing Greenhouse Gas Emissions (GHGs), encouraging a complex mix of uses, increasing transit use and improving public health through active modes such as walking and bicycling; and

WHEREAS, the El Monte City Council approved Resolution No. 9542 on January 13, 2015 to adopt a Complete Streets Policy, directing engineers and planners to look at pedestrians, bicyclists, motorists and public transportation users of all ages and abilities to safely move along and across a street; and

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

WHEREAS, to encourage and facilitate a regional approach to the State mandate, the San Gabriel Valley Council of Governments (SCVCOG) developed a VMT analysis method to help member cities complete the VMT requirement, strengthening the validity of transportation impact studies in the future and creating more legally defensible CEQA documents; and

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

WHEREAS, using VMTs to measure CEQA impacts is consistent with the Goals 3 through 6 of the Circulation Element of the 2011 Vision El Monte General Plan – specifically the goals encourage mobility options such as transit, bicycling and walking and also highlight the need to prioritize growth around transportation hubs as a way to reduce auto dependency, and

WHEREAS, CEQA Guidelines Section 15064.3 went into effect on July 1, 2020, and cities can follow the OPR’s VMT guidelines until they are able to adopt their own standards.

The Planning Commission of the City of El Monte, County of Los Angeles, State of California, does hereby find, determine and resolve as follows:

SECTION 1. The Planning Commission recommends that the City Council find that the adoption of new local CEQA thresholds of significance for transportation impacts will not have a significant environmental impact and are exempt from CEQA

pursuant to Section 15308 (Class 8) of Title 14 of the California Code of Regulations because the action is undertaken by the City for the protection of the environment. The revised CEQA thresholds will be compliant with a State Mandate (SB 743) and will be used in a regulatory process (the CEQA process) that involves procedures for the protection of the environment. Accordingly, the City Council will consider the recommendation to find the Resolution exempt from the environmental review requirements of CEQA.

SECTION 2. The Planning Commission recommends that the City Council adopt the VMT thresholds of significance attached as Exhibit 1 and the VMT screening options attached as Exhibit 2.

SECTION 3. The Secretary of the Planning Commission of the City of El

Monte, California, shall certify to the adoption of this Resolution.

Amy Wong, Chairperson

ATTEST:

Adrian Perez, Secretary
El Monte City Planning Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Adrian Perez, Secretary of the Planning Commission of the City of El Monte, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 3575 adopted by the Planning Commission of the City of El Monte, at a regular meeting by said Commission held on July 14, 2020, by the following votes to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Adrian Perez, Secretary
El Monte City Planning Commission

EXHIBIT 1

**City of El Monte's Baseline
Vehicle Miles Traveled (VMT)
for the San Gabriel Valley Council of Government (SGVCOG).**

PROJECT TYPE	BASELINE AND METHODOLOGY	THRESHOLD
Land Use Plans (General Plan Amendments and Specific Plans)	Total VMT per service population.	<p><u>Project Impact:</u> A significant impact would occur if the VMT for the plan exceeds 15 percent below the baseline VMT.</p> <p><u>Cumulative Project Effect:</u> A significant impact would occur if the plan increases total regional VMT compared to cumulative no project conditions.</p>
Development or Land Use Projects (mixed-use with residential and employment components and special generators)	Origin/Destination (OD) per resident/employee.	<p><u>Project Impact:</u> A significant impact would occur if the VMT for the project exceeds 15 percent below the baseline VMT.</p> <p><u>Cumulative Project Effect:</u> A significant impact would occur if the project increases total regional VMT compared to cumulative no project conditions.</p>
Development or Land Use Projects (new residential)	Origin/Destination (OD) per resident/employee, and home-based VMT per population using Production/Attraction (PA).	<p><u>Project Impact:</u> A significant impact would occur if the VMT for the project exceeds 15 percent below the baseline VMT.</p> <p><u>Cumulative Project Effect:</u> A significant impact would occur if the project increases total regional VMT compared to cumulative no project conditions.</p>
Development or Land Use Projects (employment generators)	Origin/Destination (OD) per resident/employee, and home-based VMT per employee using Production/Attraction (PA).	<p><u>Project Impact:</u> A significant impact would occur if the VMT for the project exceeds 15 percent below the baseline VMT.</p> <p><u>Cumulative Project Effect:</u> A significant impact would occur if the project increases total regional VMT compared to cumulative no project conditions.</p>

PROJECT TYPE	BASELINE AND METHODOLOGY	THRESHOLD
Development or Land Use Projects (retail)	Home-Based to Work VMT per employee using Production/Attraction (PA).	<p><u>Project Impact:</u> A significant impact would occur if the VMT for the project exceeds 15 percent below the baseline VMT.</p> <p><u>Cumulative Project Effect:</u> A significant impact would occur if the project increases total regional VMT compared to cumulative no project conditions.</p>
Transportation Projects	Total VMT per service population using the boundary method to determine if the project results in a net increase or a net decrease in VMT in the selected boundaries (typically within the City limits).	A significant impact would occur if the project causes a net increase in total regional VMT compared to baseline conditions, opening year with no project conditions, or cumulative with no project conditions.
All Land Use and Transportation Projects	Compare the plan or project to the Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS).	A significant impact would occur if the plan or project is inconsistent with the RTP/SCS.

EXHIBIT 2

City of El Monte’s Screening Options

TYPE OR LOCATION	THRESHOLD
By Use	<p>The following uses are presumed to have a less than significant impact (absent substantial evidence to the contrary) as the uses are local serving in nature:</p> <ul style="list-style-type: none"> • Local serving K-12 schools • Local parks • Daycare centers • Local-serving retail uses less than 25,000 sf in area, including: <ul style="list-style-type: none"> ○ Gas stations, banks, restaurants, retail uses • Local-serving hotels (e.g. non-destination hotels) • Student housing projects on or adjacent to a college campus • Local-serving assembly uses (places of workshop, community organizations) • Assisted living facilities • Senior housing (as defined by the Federal Department of Housing and Urban Development (HUD)) • Projects generating less than 110 daily vehicle trips. This generally corresponds to the following “typical” development potentials: <ul style="list-style-type: none"> ○ 11 single-family housing units ○ 16 multi-family housing units ○ 10,000 sf of office space ○ 15,000 sf of light industrial ○ 63,000 sf of warehousing ○ 79,000 sf of high-cube transload and short-term storage warehouse
By VMT Areas	<p>Census tract areas in El Monte that have a VMT of at least 15 percent below the baseline are presumed to have a less than significant impact.</p>
By Proximity to Transit	<p>Areas within a half-mile radius of existing or planned major transit stops or existing stops along a high quality transit corridor are presumed to have a less than significant impact. For El Monte, such Transit Priority Areas (TPAs) include the El Monte Bus Station, El Monte Metrolink Station and most of the Garvey Avenue Corridor.</p>

TYPE OR LOCATION	THRESHOLD
By Proximity to Transit (continued)	<p>Exceptions to this include projects that:</p> <ul style="list-style-type: none"> • Have a Floor Area Ratio (FAR) less than 0.75; • Have more parking for residents, customers or employees than required by the City’s minimum parking requirements; <ul style="list-style-type: none"> ○ Unless the parking is within the Gateway Specific Plan and Downtown Main Street Specific Plan and is intended for design feasibility (such as completing a full floor in an above- or below-grade parking structure) or is for public use. • Are inconsistent with the applicable Sustainable Communities Strategy; or • Replace affordable residential units with a smaller number of moderate or high income residential units.
Affordable Housing	Affordable housing projects are presumed to have a less than significant impact. For El Monte, the project would need to be 100 percent affordable (minus one manager unit).

Exhibit B-1

Total Vehicle Miles Traveled (VMT) per Service Population (SP) (adjusted for trucks)

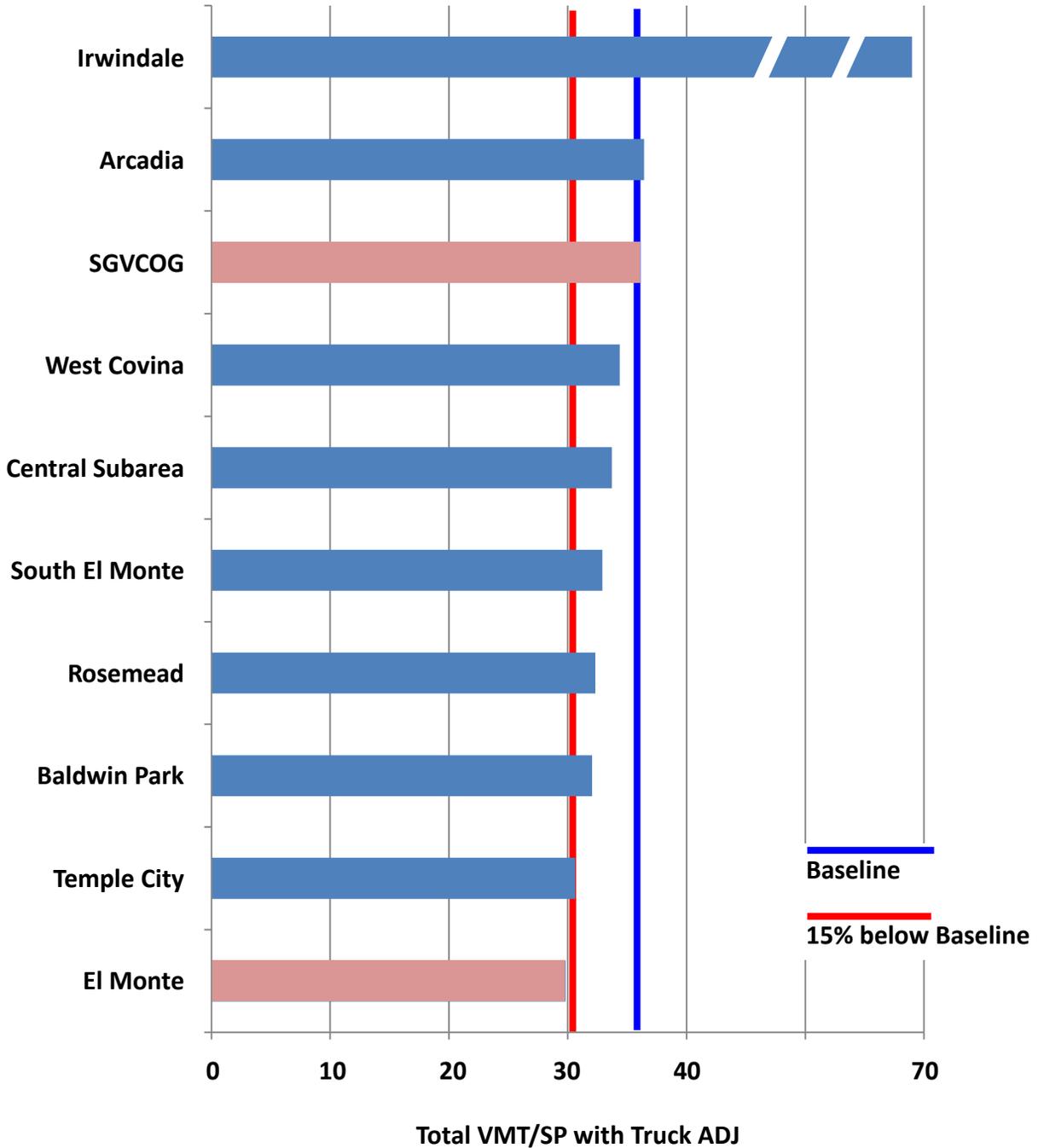


Exhibit B-2

Home Based (HB) Vehicle Miles Traveled (VMT) For Residential

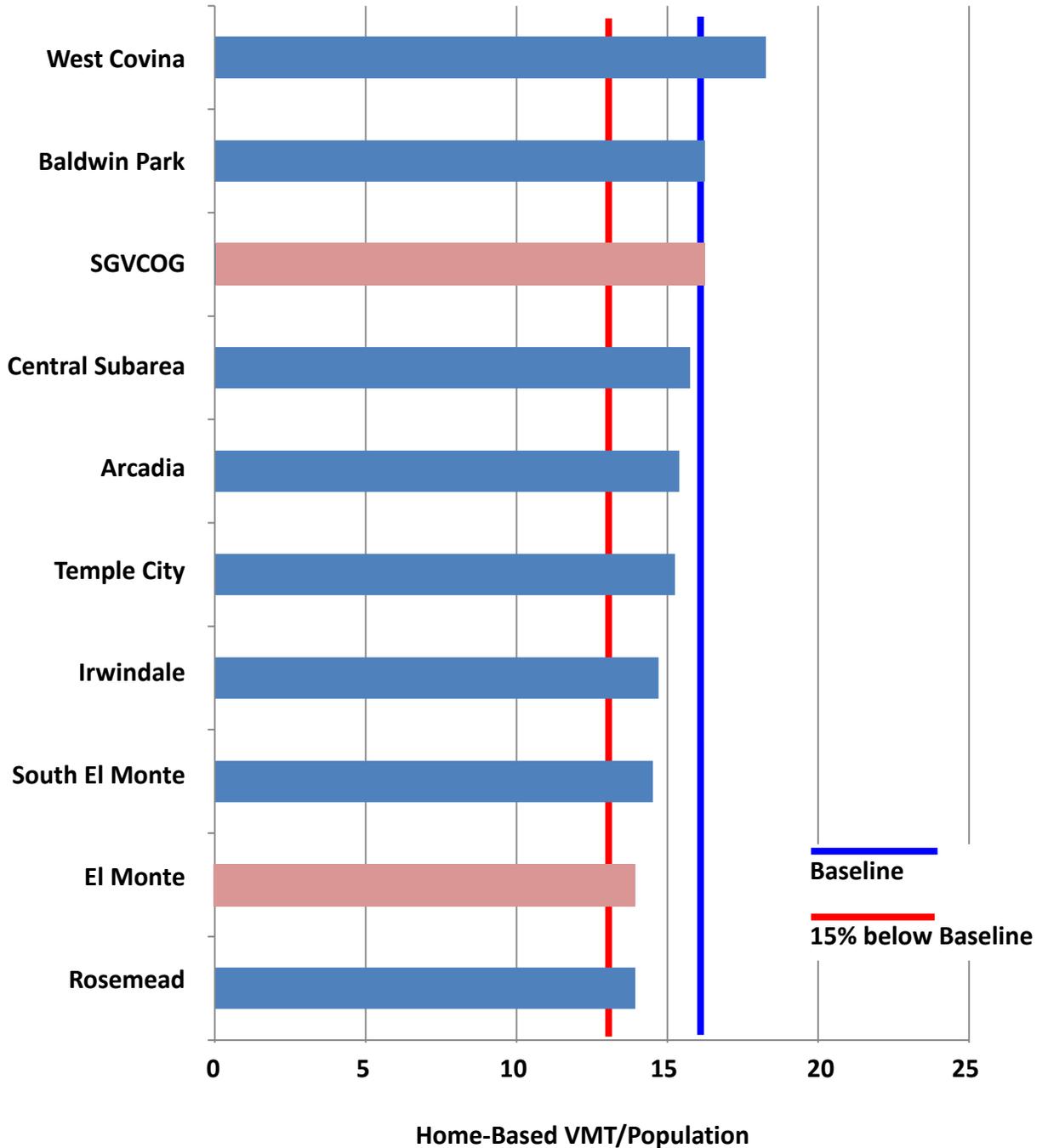
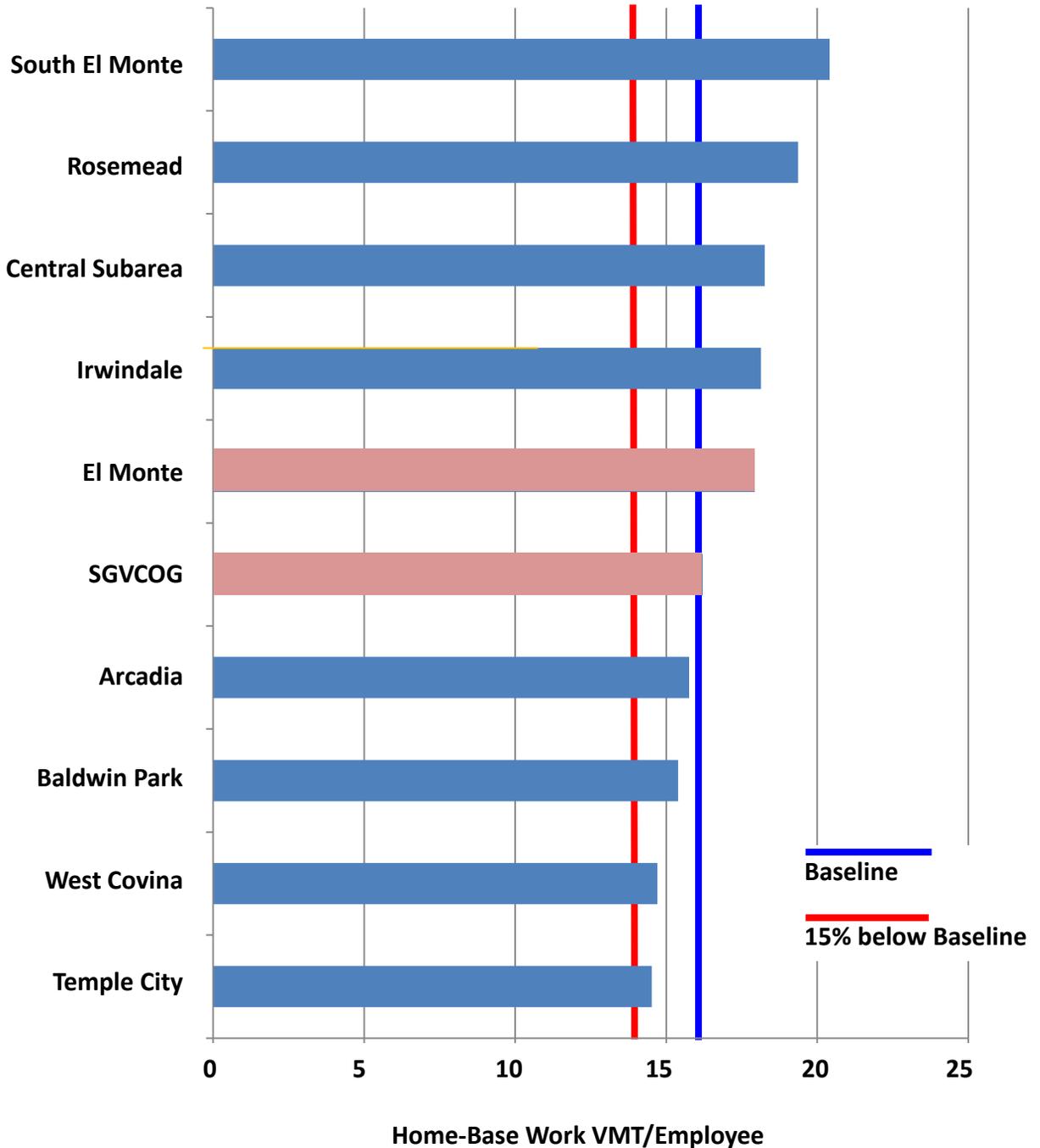
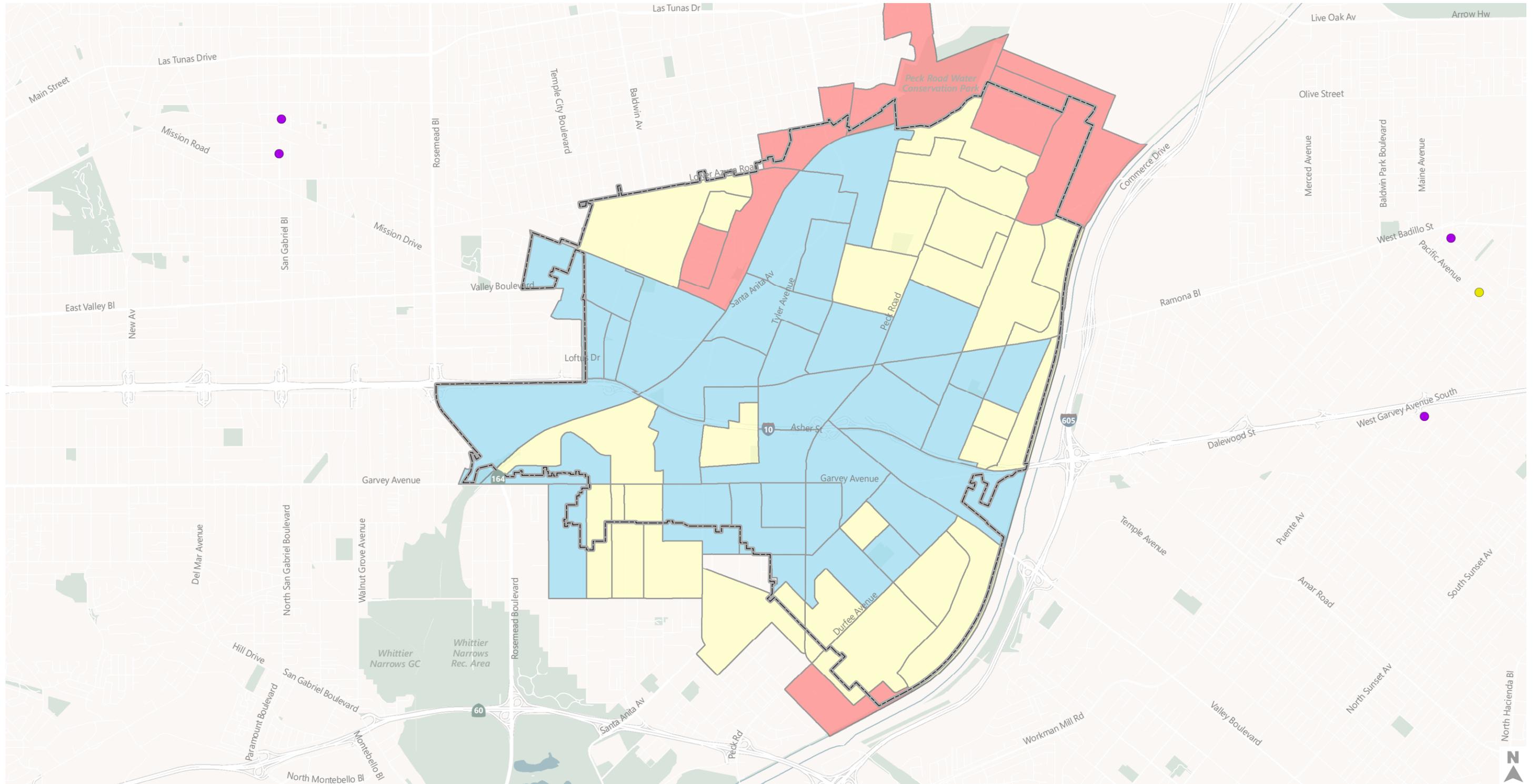


Exhibit B-3

Home Based Work (HBW) Vehicle Miles Traveled (VMT) For Employment Generators

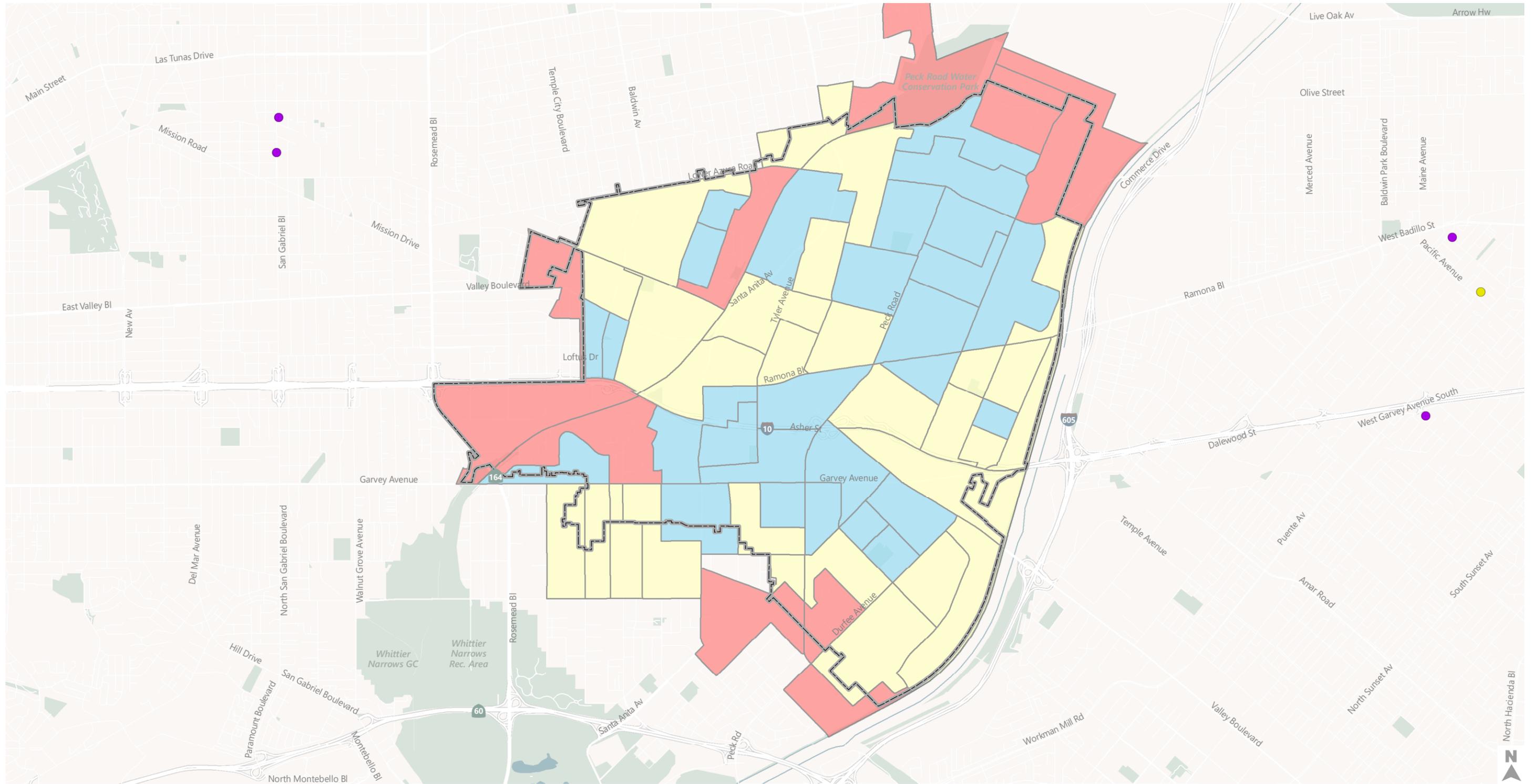




- | | | | |
|--------------------------------------|---------------|---------------------------|------------|
| Home-Based VMT per Capita Comparison | City Boundary | Test Project | Hotel |
| 15% or more below SGVCOG Average | | Mixed Use | Medical |
| 0 to 15% below SGVCOG Average | | Multi-Family Residential | Industrial |
| Higher than SGVCOG Average | | Single-Family Residential | |
| No Residents | | | |



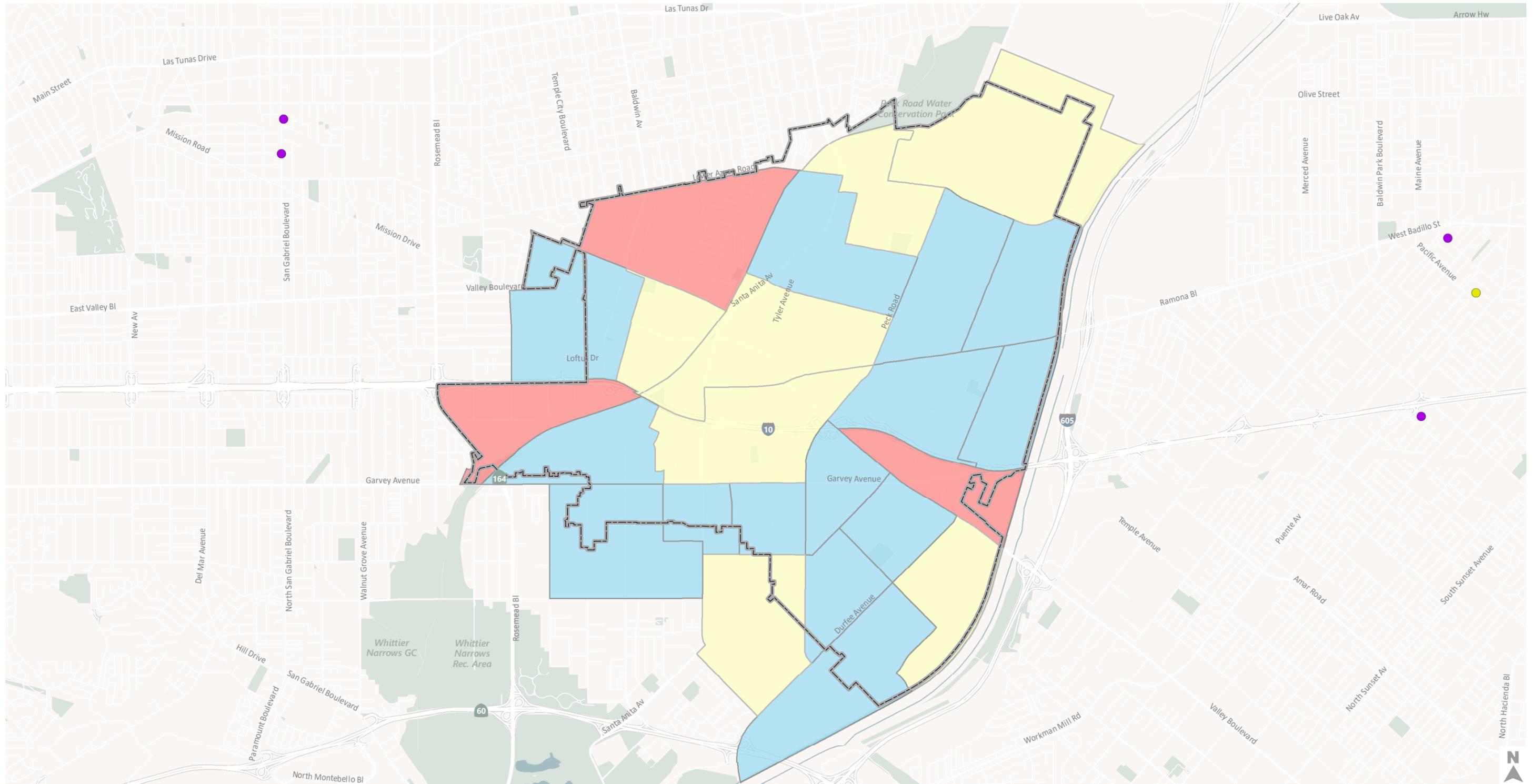
Daily Residential Home-Based VMT per Capita for El Monte (2012)



- Home-Based Work VMT per Employee Comparison City Boundary Test Project
- 15% or more below SGVCOG Average
 - Mixed Use
 - Hotel
 - 0 to 15% below SGVCOG Average
 - Multi-Family Residential
 - Medical
 - Higher than SGVCOG Average
 - Single-Family Residential
 - Industrial



Daily Home-Based Work VMT per Employee for El Monte (2012)



VMT per Service Population Comparison

- 15% or more below SGVCOG Average
- 0 to 15% below SGVCOG Average
- Higher than SGVCOG Average

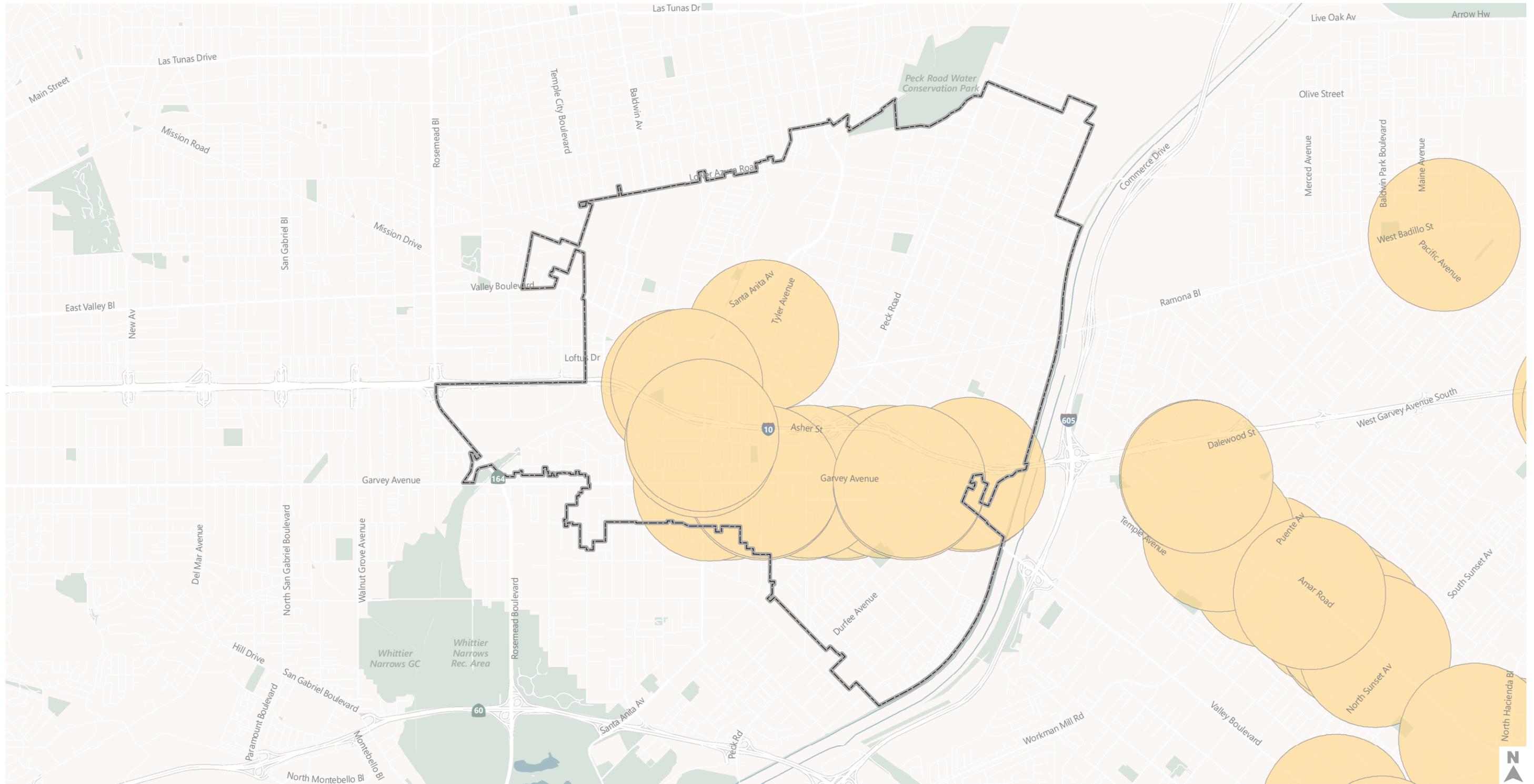
City Boundary

Test Project

- Mixed Use
- Multi-Family Residential
- Single-Family Residential
- Hotel
- Medical
- Industrial



Daily VMT per Service Population for El Monte (2012)



Transit Priority Area (TPA)
 City Boundary



**CITY OF EL MONTE PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

**Hablamos Español favor de hablar con
Sandra Elias (626) 258-8626**

TO: All Interested Parties

FROM: City of El Monte Planning Division

PROPERTY LOCATION: Citywide

APPLICATION: City Project No. 785

REQUEST: The City of El Monte seeks to adopt thresholds of significance under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Sections 15064(b)(2) and 15064.7. The proposed thresholds would address a project's potential to impact transportation by the amount and distance of automobile travel attributable to a project, referred to as Vehicle Miles Traveled (VMT) for land use and transportation projects.

APPLICANT: City of El Monte

LAND USE PROJECTS: When a project is not exempt from CEQA, the City of El Monte will use a methodology to streamline land use project review, to presume less than significant impacts for projects in a transit priority area, a low VMT area or that meet the project type criteria for inherently local serving uses. The proposed thresholds of significance being considered for adoption would provide that a land use project would result in a potentially significant project-generated VMT if certain conditions are met.

TRANSPORTATION PROJECTS: When a project is not exempt from CEQA, the City of El Monte will use a screening methodology to streamline transportation project review, to presume less than significant impacts for projects that reduce or have no impact on VMT. Projects not screened from further analysis, including those that have the potential to directly increase VMT or the potentially induce vehicle travel causing new or longer vehicle trips, will be evaluated for potentially significant impacts on VMT. The transportation project's effect on VMT would be considered potentially significant for purposes of determining a cumulative impact if certain conditions are met.

THRESHOLDS OF SIGNIFICANCE: If adopted, these thresholds of significance would apply to proposed projects and plans that require discretionary approval from the City and would facilitate compliance with CEQA Guidelines 15064.3, which establishes that VMT, rather than automobile delay (also referred to as Level of Service (LOS)), is generally the most appropriate basis for determining environmental impacts regarding traffic. Although LOS will no longer be considered an environmental impact for traffic purposes, the City may still require the LOS analysis of project delay outside of CEQA review for a broader transportation purposes, or for reasons unrelated to CEQA traffic impacts such as land use adjacency, general plan consistency, safety, community benefits, and/or public health pursuant to the City's existing general plan.

PLACE OF HEARING: Pursuant to State Law, the Planning Commission will hold a public hearing to receive testimony, orally and in writing, on the proposed project. The public hearing is scheduled for:

Date: Tuesday, July 14, 2020

Time: 7:00 p.m.

Place: El Monte City Hall East – Council Chambers
11333 Valley Boulevard, El Monte, California

Members of the public wishing to observe the meeting may do so in one of the following ways:

- (1) Turn your TV to Channel 3;
- (2) Visit the City's website at: <http://www.elmonteca.gov/378/council-meeting-videos>
- (3) Call-in Conference (669) 900-9128; Meeting ID 920 6106 8516 and then press #. Press # again when prompted for participant ID.

Members of the public wishing to make public comment may do so via the following ways:

- (1) Call-in Conference (669) 900-9128; Meeting ID 920 6106 8516 and then press #. Press # again when prompted for participant ID. Once admitted into the meeting, press *9 to request to speak.
- (2) E-mail – All interested parties can submit questions/comments in advance to the Planning Division's general email address: planning@elmonteca.gov. All questions/comments must be received by the Planning Division no later than 3:00 pm, July 14, 2020.

The staff report on this matter will be available on or about July 10, 2020 on the City of El Monte website, which may be accessed at <http://elmonteca.gov/AgendaCenter/Planning-Commission-2> or by emailing planning@elmonteca.gov.

Americans With Disabilities Act

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Should you need special assistance to participate in this meeting, please contact the City Clerk's Office by calling (626) 580-2016. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Persons wishing to comment on the environmental documentation or proposed application may do so orally or in writing at the public hearing or in writing prior to the meeting date. Written comments shall be sent to Jason Mikaelian; El Monte City Hall West; 11333 Valley Boulevard; El Monte, CA 91731 or at jmikaelian@elmonteca.gov. If you challenge the decision of the City Planning Commission, in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Planning Commission at, or prior to, the public hearing. For further information regarding this application please contact Jason Mikaelian at (626) 258-8626, Monday through Thursday, except legal holidays, between the hours of 7:00 a.m. and 5:30 p.m.

Published on: Thursday, July 2, 2020

City of El Monte Planning Commission
Adrian Perez, Planning Commission Secretary

TO: CITY PLANNING COMMISSION

FROM: BETTY DONAVANIK
COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR

BY: JOAQUIN VAZQUEZ
DEPUTY CITY ATTORNEY

SUBJECT: CITY PROJECT NO. 786
RECOMMENDATION OF CITY COUNCIL SUBMITTAL OF A
PROPOSED CITY BALLOT MEASURE AUTHORIZING LOW
RENT (AFFORDABLE) HOUSING PROJECTS PURSUANT
TO ARTICLE XXXIV OF THE CALIFORNIA CONSTITUTION

LOCATION: CITYWIDE

APPLICANT: CITY OF EL MONTE

ENVIRONMENTAL: PROSPECTIVE HOUSING PROJECTS APPROVED UNDER
THE PROPOSED MEASURE WOULD EACH UNDERGO
SEPARATE ENVIRONMENTAL ANALYSIS

RECOMMENDATION: ADOPT A RESOLUTION RECOMMENDING CITY COUNCIL
SUBMITTAL OF A BALLOT MEASURE TO ITS QUALIFIED
VOTERS PROPOSING AUTHORIZATION OF LOW RENT
(AFFORDABLE) HOUSING PROJECTS PURSUANT TO
ARTICLE XXXIV OF THE CALIFORNIA CONSTITUTION

CALIFORNIA CONSTITUTION ARTICLE 34

Article XXXIV of the California Constitution ("Article 34"), approved in 1950 amidst fears of housing integration, serves as an archaic obstacle to the creation of affordable housing throughout the state. Article 34 requires that voter approval be obtained before any "state public body" develops, constructs, or acquires a "low rent housing project," which includes affordable housing development projects for lower income persons developed by private entities that receive fee waivers or other certain local subsidies.

A 1969 United States Department of Housing and Urban Development report blamed California's Article 34 for its ranking 22nd in providing housing for the poor despite having the country's largest population of poor people.

No state constitution other than California's requires voter approval for public housing. Jurisdictions that do not comply with Article 34 requirements are not eligible to receive

state funding.

The California Legislature enacted the Public Housing Election Implementation Law (Health & Saf. Code, § 37000 et seq.) to “clarify ambiguities relating to the scope of the applicability of Article [34].” (Health & Saf. Code, § 37000.) The Public Housing Election Implementation Law delineates certain safe harbor exemptions from Article 34’s voter approval requirement, including certain privately-owned housing projects in which “not more than 49 percent of the dwellings, apartments, or other living accommodations of the development may be occupied by persons of low income.” (Health & Saf. Code, § 37001, subd. (a).) A local jurisdiction’s reliance on safe harbor exemptions often restrains its flexibility in approving affordable housing projects.

California is experiencing an acute housing shortage and severe homeless crisis, which the COVID-19 pandemic has only exacerbated. Notwithstanding these sobering crises, the City has (according to its 2019 Annual Housing Report) since 2014, approved and put into service 382 housing units for residents with household income levels up to 80% of the local area median income.

SENATE CONSTITUTIONAL AMENDMENT 1

Introduced by State Senators Ben Allen and Scott Wiener and co-authored by State Senator Ricardo Lara, Senate Constitutional Amendment 1 (“SCA-1”) of the California State Legislature’s 2019-2020 session proposed to submit the repeal of Article 34 to the state’s voters at the statewide November 2020 election. According to a California Senate legislative report, SCA-1 sought to ask voters to eliminate an obstacle, enshrined in our Constitution, which currently undermines the ability of their elected leadership to address California’s acute housing and homelessness challenges.”¹

The City Council adopted its Resolution No. 10045 on September 3, 2019, to memorialize its support of the California Legislature’s passage of SCA-1 and repeal of Article 34. Given SCA-1’s difficulties in appearing on a statewide ballot, the City is considering presenting a ballot measure, to its qualified voters, to authorize the creation of low rent (affordable) housing projects pursuant to Article 34. California Elections Code Section 9222 allows a city council to submit an initiative for voter approval without a petition.

GENERAL PLAN & HOUSING ELEMENT

The City of El Monte’s General Plan is a comprehensive, long-term plan for the City’s development and is at the top of the hierarchy of the City’s land use regulations (Gov. Code, § 65300.). The Housing Element of the General Plan must identify and analyze existing and projected housing needs and establish goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.

The City is currently in its sixth Housing Element cycle, covering the planning period

¹ Sen. Housing Com., on Sen. Const. Amend. No. 1, (2019-2020 Reg. Sess.) p. 3.

between 2014 and 2021. Pursuant to Government Code Section 65588, the City must update its Housing Element at least every eight years.

PROPOSED BALLOT MEASURE

Staff presents, for Planning Commission consideration, a ballot measure to approve an annual allotment of low rent (affordable) housing project units. It is proposed that the Planning Commission approve the attached Resolution to recommend City Council submittal of such ballot measure to the City’s qualified voters at its November 3, 2020 general municipal election.

The proposed measure would authorize City approval of up to 300 dwelling units for affordable housing projects each year commencing on January 1, 2021 for 17 years with the balance carried over from year to year if the full annual authorization is not utilized. Given the 8-year duration of City Housing Element planning cycles, the proposed 17-year duration would allow for coordination of affordable housing planning and development under the ballot measure through the final year of the current cycle and the two forthcoming Housing Element cycles.

Subject to City staff or City Council modification, the form of the ballot measure would be as follows:

Meeting El Monte’s Housing Needs Without increasing local taxes, shall public or publicly assisted housing providers construct, develop, acquire, and/or convert housing project(s) into decent, safe, and sanitary dwelling units for low-income persons, including veterans and the elderly, as applicable, up to 300 units annually for 17 years, with any unused units carried over each year?	YES
	NO

A majority vote of the City’s qualified voters would be necessary for approval of the ballot measure.

ENVIRONMENTAL REVIEW

If approved, future affordable housing projects in the City would continue to be required to undergo environmental review pursuant to the California Environmental Quality Act and, if necessary, the National Environmental Protection Act.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached Resolution recommending the City Council submittal of a ballot measure to the City’s qualified voters to approve an annual allotment of affordable housing project units pursuant to Article 34.

ATTACHMENTS

A. Resolution No. 3578

RESOLUTION NO. 3578

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECOMMENDING CITY COUNCIL SUBMITTAL OF A BALLOT MEASURE TO ITS QUALIFIED VOTERS PROPOSING AUTHORIZATION OF LOW RENT (AFFORDABLE) HOUSING PROJECTS PURSUANT TO ARTICLE XXXIV OF THE CALIFORNIA CONSTITUTION

WHEREAS, Article XXXIV of the California Constitution ("Article 34"), approved in 1950 amidst fears of housing integration, serves as an archaic obstacle to the creation of affordable housing throughout the state;

WHEREAS, Article 34 requires that voter approval be obtained before any "state public body" develops, constructs, or acquires a "low rent housing project," which includes affordable housing development projects for lower income persons developed by private entities that receive fee waivers or other certain local subsidies;

WHEREAS, a 1969 United States Department of Housing and Urban Development report blamed California's Article 34 for its ranking 22nd in providing housing for the poor despite having the country's largest population of poor people;

WHEREAS, no state constitution other than California's requires voter approval for public housing. Jurisdictions that do not comply with Article 34 requirements are not eligible to receive state funding;

WHEREAS, the California Legislature enacted the Public Housing Election Implementation Law (Health & Saf. Code, § 37000 et seq.) to "clarify ambiguities relating to the scope of the applicability of Article [34]." (Health & Saf. Code, § 37000.);

WHEREAS, the Public Housing Election Implementation Law delineates certain safe harbor exemptions from Article 34's voter approval requirement, including certain privately-owned housing projects in which "not more than 49 percent of the dwellings, apartments, or other living accommodations of the development may be occupied by persons of low income." (Health & Saf. Code, § 37001, subd. (a).);

WHEREAS, a local jurisdiction's reliance on safe harbor exemptions often restrains its flexibility in approving affordable housing projects;

WHEREAS, California is experiencing an acute housing shortage and severe homeless crisis, which the COVID-19 pandemic has only exacerbated;

WHEREAS, Notwithstanding these sobering crises, the City of El Monte (the "City") has (according to its 2019 Annual Housing Report) since 2014, approved and put into service 382 housing units for residents with household income levels up to 80% of the local area median income;

WHEREAS, introduced by State Senators Ben Allen and Scott Wiener and co-authored by State Senator Ricardo Lara, Senate Constitutional Amendment 1 ("SCA-1") of the California State Legislature's 2019-2020 session proposed to submit the repeal of Article 34 to the state's voters at the statewide November 2020 election;

WHEREAS, according to a California Senate legislative report, SCA-1 sought to ask voters to eliminate an obstacle, enshrined in our Constitution, which currently undermines the ability of their elected leadership to address California's acute housing and homelessness challenges.";

WHEREAS, the City Council adopted its Resolution No. 10045 on September 3, 2019, to memorialize its support of the California Legislature's passage of SCA-1 and repeal of Article 34;

WHEREAS, given SCA-1's difficulties in appearing on a statewide ballot, the City is considering presenting a ballot measure, to its qualified voters, to authorize the creation of low rent (affordable) housing projects pursuant to Article 34. California Elections Code Section 9222 allows a city council to submit an initiative for voter approval without a petition;

WHEREAS, the City of El Monte's General Plan is a comprehensive, long-term plan for the City's development and is at the top of the hierarchy of the City's land use regulations (Gov. Code, § 65300.).

WHEREAS, the Housing Element of the General Plan must identify and analyze existing and projected housing needs and establish goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing;

WHEREAS, the City is currently in its sixth Housing Element cycle, covering the planning period between 2014 and 2021;

WHEREAS, pursuant to Government Code Section 65588, the City must update its Housing Element at least every eight years;

WHEREAS, the proposed measure would authorize City approval of up to 300 dwelling units for affordable housing projects each year commencing on January 1,

2021 for 17 years with the balance carried over from year to year if the full annual authorization is not utilized.

The Planning Commission of the City of El Monte, County of Los Angeles, State of California, does hereby find, determine and resolve as follows:

SECTION 1. The Planning Commission hereby recommends the City Council's submittal of a ballot measure to its qualified voters in substantially the same form as follows:

Meeting El Monte's Housing Needs Without increasing local taxes, shall public or publicly assisted housing providers construct, develop, acquire, and/or convert housing project(s) into decent, safe, and sanitary dwelling units for low-income persons, including veterans and the elderly, as applicable, up to 300 units annually for 17 years, with any unused units carried over each year?	YES
	NO

SECTION 2. The Secretary of the Planning Commission is directed to forward this Resolution to the City Clerk for distribution to the members of the City Council.

SECTION 3. The Secretary of the Planning Commission of the City of El

Monte, California, shall certify to the adoption of this Resolution.

Amy Wong, Chairperson

ATTEST:

Adrian Perez, Secretary
El Monte City Planning Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Adrian Perez, Secretary of the Planning Commission of the City of El Monte, do hereby certify that the above and foregoing is a full, true, and correct copy of Resolution No. 3578 adopted by the Planning Commission of the City of El Monte, at a regular meeting by said Commission held on July 14, 2020, by the following votes to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Adrian Perez, Secretary
El Monte City Planning Commission