

PLANNING COMMISSION OF MONTEREY PARK AGENDA

REGULAR PLANNING COMMISSION MEETING Monterey Park City Hall Council Chambers 320 West Newmark Avenue

**Tuesday
May 23, 2023
6:30 PM**

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community.

LAND ACKNOWLEDGMENT

We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplift the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

GENERAL INFORMATION

Documents related to an Agenda item are available to the public in the Community Development Department – Planning Division located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at <http://www.montereypark.ca.gov/AgendaCenter>.

PUBLIC PARTICIPATION

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Chairperson and Planning Commission Members may change the amount of time allowed for speakers. Written Communication will be accepted up to 24 hours before the meeting via email to planningpermitcounter@montereypark.ca.gov

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER

Chairperson Chiang

FLAG SALUTE

Chairperson Chiang

ROLL CALL

Chairperson Jack Chiang, Vice Chairperson Tammy Sam, Ricky Choi, Peter Fung, Jasmine Pesantes

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the Commission to take discuss, deliberate, or take action on any item not on the agenda. The Commission may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the Commission's subject-matter jurisdiction, comment on agenda Items at this time. If you provide public comment on a specific agenda item at this time, however, you cannot later provide comments at the time the agenda Item is considered.

ORAL AND WRITTEN COMMUNICATIONS

[1.] **PRESENTATIONS – None.**

[2.] **CITY OF MONTEREY PARK- CONSENT CALENDAR – None.**

[3.] **PUBLIC HEARING –**

3-A. ZONING CODE AMENDMENT (ZCA-23-02) — A RESOLUTION RECOMMENDING CITY COUNCIL ADOPT AN ORDINANCE ESTABLISHING A 1000 FOOT HEALTH PROTECTION ZONE BETWEEN SENSITIVE RECEPTORS AND FIREARMS DEALERS WITHIN THE CITY OF MONTEREY PARK

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) After considering the evidence received during the public hearing, adopting a Resolution recommending City Council adopt an ordinance establishing a 1000 foot health protection zone between sensitive receptors and firearms dealers within the City of Monterey Park; and
- (5) Taking such additional, related action that may be desirable.

The City reviewed the environmental impacts of the Ordinance under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the “CEQA Guidelines”). An Initial Study of Environmental Impacts and Negative Declaration (ND) were prepared pursuant to CEQA Guidelines § 15063. The public comment period on the ND is from May 1, 2023 to May 21, 2023.

[4.] **OLD BUSINESS – None.**

[5.] **NEW BUSINESS – None.**

[6.] **COMMISSION COMMUNICATIONS**

[7.] **FUTURE AGENDA ITEMS**

ADJOURN

Next regular scheduled meeting is on June 13, 2023.



Planning Commission Staff Report

DATE: May 23, 2023

AGENDA ITEM NO: 3-A

TO: The Honorable Chairperson and Commissioners
FROM: Justin A. Tamayo, Deputy City Attorney
SUBJECT: ORDINANCE ADOPTING A 1000-FOOT HEALTH PROTECTION ZONE BETWEEN SENSITIVE RECEPTORS AND FIREARMS DEALERS WITHIN THE CITY OF MONTEREY PARK

RECOMMENDATION:

It is recommended that the Planning Commission consider:

1. Adopting a Resolution recommending that the City Council adopt an Ordinance establishing a 1000-foot Health Protection Zone between Sensitive Receptors and Firearms Dealers within the City of Monterey Park; or
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The proposed Ordinance was drafted in accordance with Section 3(A) of Resolution No. 2023-R15, adopted March 1, 2023. That Section directed the City Manager and City Attorney to draft an ordinance substantially similar to that proposed to the Los Angeles County Board of Supervisors on February 7, 2023. If adopted, the Ordinance would add a new Chapter to the Monterey Park Municipal Code ("MPMC") regulating firearms dealers within the City's jurisdiction. Most importantly, the Ordinance would create a Firearm Health Protection Zone to separate firearms dealers from certain sensitive receptors, e.g., residences and schools.

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY)

Advisory: In considering the recommended actions, the Planning Commission is acting as an advisory body to the City Council; it does not have legal authority to adopt the draft Ordinance. The recommendation to the City Council, however, should include the factual and legal basis for the Planning Commission's findings. The City Council can then rely upon those findings to make its own determination.

ENVIRONMENTAL ASSESSMENT:

The City reviewed the environmental impacts of this Ordinance under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.* "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq.*, the "CEQA Guidelines"). An Initial Study of Environmental Impacts and Negative Declaration (ND) was prepared pursuant to CEQA Guidelines § 15063. The public comment period on the ND is from May 1, 2023 to May 21, 2023.

BACKGROUND:

The City Council reacted to the Mass Casualty Incident (“MCI”) on January 21, 2023 by taking a number of actions intended to both mitigate the impact of the MCI in the community and reduce the likelihood of future incidents. Among other things, the City Council adopted Resolution No. 2023-R15 (attached) directing the City Manager and City Attorney to make recommendations regarding a number of gun-related matters.

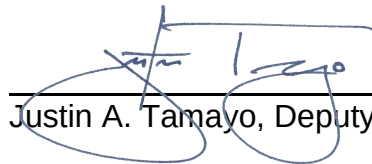
The proposed Ordinance is one of several of these items. If adopted, the Ordinance would add a new Chapter 21.55 to the MPMC creating a 1,000 foot buffer zone between firearms dealers and sensitive receptors. Under the Ordinance, sensitive receptors include residences, schools, and other community resource centers. New firearms dealers would need to obtain a Conditional Use Permit (“CUP”) to operate within the Shopping Center (S-C) Zone.

As may be seen in the attached map, there are currently two firearms dealers within the City’s jurisdiction. These already meet the buffer zone requirements. While they do not possess CUPs, they would be legal nonconforming uses and could continue to operate even if the Ordinance were adopted.

FISCAL IMPACT:

There are no identifiable fiscal impacts if the Ordinance were adopted.

Respectfully submitted by:


Justin A. Tamayo, Deputy City Attorney

ATTACHMENTS:

1. Resolution No. 2023-R15
2. Maps showing location of current firearms dealers
3. Resolution recommending adoption of draft Ordinance
4. Draft Ordinance
5. Draft Initial Study and Negative Declaration

ATTACHMENT 1
Resolution No. 2022-R26

RESOLUTION NO. 2023-R15

A RESOLUTION ADOPTED BY THE CITY COUNCIL SUPPORTING CERTAIN PROPOSED FEDERAL AND STATE LEGISLATION REGULATING THE SALE AND AVAILABILITY OF FIREARMS AND DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO PROVIDE OPTIONS FOR CITY REGULATIONS NEEDED TO PROTECT PUBLIC HEALTH AND SAFETY FROM MASS CASUALTY INCIDENTS (AS DEFINED).

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: Findings. The City Council finds as follows:

- A. On January 21, 2023, 11 people were murdered and nine were severely injured as the result of a shooting spree by an individual using a modified firearm that may be classified as an assault weapon.
- B. For this Resolution, the City Council identifies a mass casualty incident (“MCI”) as one occurring in a relatively public place, involving four or more deaths – not including the shooter(s) – and shooters who select victims somewhat indiscriminately. The violence in these cases is not a means to an end – the shooters do not pursue criminal profit or kill in the name of terrorist ideologies (see “Public Mass Shootings in the United States: Selected Implications for Federal Public Health and Safety Policy,” Congressional Research Service, April 16, 2013, pp.2-3).
- C. The City Council recognizes that the regulation of firearms is controversial. It cannot ignore, however, that the United States has less than 5% of the world’s population but 46% of the world’s civilian-owned guns (see, e.g., “U.S. Gun Policy: Global Comparisons,” Masters, Jonathan, Council on Foreign Relations, June 10, 2022). It ranks number one in firearms per capita (*Id.*) The United States also has the highest homicide-by-firearm rate of the world’s most-developed nations (*Id.*). Consequently, this matter is a national and regional health concern that requires immediate, realistic, and practical responses.
- D. Since the beginning of 2023, there have been 73 MCIs in the United States including the one our community on January 21, 2023.
- E. According to the Centers for Disease Control and Prevention (“CDC”), there were 45,222 firearm-related deaths in the United States in 2020. That equates to approximately 124 people dying from a firearm-related injury each day. More than half of firearm-related deaths were suicides and more than 4 out of every 10 were firearm homicides (see “Fast Facts: Firearm Violence Prevention,” Centers for Disease Control and Prevention, May 4, 2022).

- F. It is vital that the City Council act to the greatest extent possible to protect this community from violence resulting from firearms. While the City of Monterey Park's ability to regulate firearms may be limited, it is empowered by the California Constitution to enact laws to protect public health and safety. Accordingly, this Resolution is adopted in accordance with the City's police powers as enshrined in Article XI, § 7 of the California Constitution.

SECTION 2: Endorsements. The City Council endorses the following legislative proposals and authorizes the Mayor and City Manager to take all appropriate action to ensure that this draft legislation is adopted:

- A. Federal Legislation. The City Council endorses enactment of the following Bills in the United States Senate:
1. S14 (Feinstein): A Bill to amend Title 18 of the United States Code to prohibit the purchase of certain firearms by individuals under 21 years of age, and for other purposes (<https://www.congress.gov/bill/118th-congress/senate-bill/14/text>).
 2. S25 (Feinstein): A Bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes (see <https://www.congress.gov/bill/118th-congress/senate-bill/25/text>).
- B. California Legislation. The City Council endorses enactment of the following Bills in the California Senate:
1. SB 2 (Portantino): Concealed Weapons Permits (https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB2).
 2. SB 241 (Min): Minimum training for firearm dealers (attached as Exhibit "A" for reference).
 3. AB 732 (Fong): Relinquishment of firearms following conviction under the Penal Code.

SECTION 3: Direction. The City Council directs the City Manager and City Attorney to take the following actions within 90 days following adoption of this Resolution:

- A. Draft an ordinance amending the Monterey Park Municipal Code ("MPMC") in a manner substantially similar to that proposed by the Los Angeles County Board of Supervisors on February 7, 2023 adopting zoning regulations with a 1000 foot buffer zone between firearm dealers

and sensitive areas (e.g., “child safety zones”) and between firearm dealers and other firearm dealers;

- B. Propose amendments to the MPMC that, to the extent legally feasible, implement the following:
1. Restrict minors’ presence in gun and ammunition stores and requires corresponding signage to be posted at entrances to stores;
 2. Require firearms dealers to maintain annual sales reports and make them available to law enforcement upon request;
 3. Require firearms dealers to maintain a fingerprint log and make it available to law enforcement upon request;
 4. Require firearms dealers to maintain and report inventory in real-time and make it available to law enforcement upon request;
 5. Require firearms dealers to install and maintain security cameras and make footage available to law enforcement immediately upon request;
 6. Require firearms and ammunition dealers to provide purchasers a letter regarding gun owner responsibilities and firearms laws;
 7. Requiring signs to be displayed with specific language warning customers about the risk associated with access to firearms at any site where firearm sales or transfers are conducted within the City;
 8. Requiring all firearms in a residence be securely stored in a locked container or disabled with a trigger lock;
 9. Mandate liability insurance for firearms owners in the City;
 10. The feasibility of implementing a City firearms database that may be accessed by first responders to protect the health and safety of those individuals and the larger community;
 11. Banning the sale of .50 caliber handguns and ammunition in City; and
 12. Prohibiting carrying/possession of firearms on all City owned property.
- C. Provide such additional, practical, recommendations for changes in federal, state, or local laws that may help prevent a future MCI but also

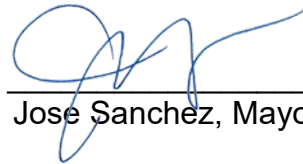
mitigate the aftershocks of such events. Such recommendations may include, for example, changes to the Internal Revenue Code that facilitate the creation of community funds that may accept – and disburse – tax exempt monies to persons affected by MCIs.

SECTION 4: Validity. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 5: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5 and Monterey Park Municipal Code Chapter 3.95. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: Effectiveness. This Resolution will take effect immediately upon adoption.

PASSED AND ADOPTED this 1st day of March, 2023.



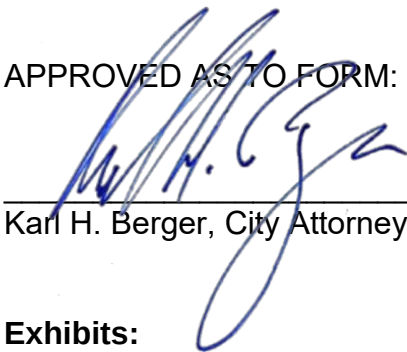
Jose Sanchez, Mayor

ATTEST:



Maychelle Yee, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

Exhibits:

A – SB 241 (Min)

State of California)
County of Los Angeles) §
City of Monterey Park)

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 2023-R15 was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 1st day of March, 2023 by the following vote:

Ayes:	Council Members: Lo, Yiu, Ngo, Wong, Sanchez
Nays:	Council Members: None
Absent:	Council Members: None
Abstain:	Council Members: None

Dated this 1st day of March, 2023.



Maychelle Yee, City Clerk
City of Monterey Park, California



SB-241 Firearms: dealer requirements. (2023-2024)

SHARE THIS:



Date Published: 01/25/2023 09:00 PM

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 241

Introduced by Senator Min

January 25, 2023

An act to add Section 26920 to the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 241, as introduced, Min. Firearms: dealer requirements.

Existing law prohibits any person from selling, leasing, or transferring any firearm unless the person is licensed as a firearms dealer, as specified. Existing law prescribes certain requirements and prohibitions for licensed firearms dealers. A violation of any of these requirements or prohibitions is grounds for forfeiture of a firearms dealer's license.

This bill would require a licensee and any employees that handle firearms to annually complete specified training. The bill would require the Department of Justice to develop and implement an online training course, as specified, including a testing certification component.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 26920 is added to the Penal Code, to read:

26920. (a) Commencing July 1, 2025, every licensee, and every employee thereof who handles or processes the sale, loan, or transfer of firearms or ammunition in the course of their normal duties, shall annually complete the training and certification described in subdivision (c).

(b) Every licensee shall maintain records of certification for all employees on the business premises and shall make these records available to any agent of the department or a licensing authority conducting an inspection of the licensee's premises.

(c) (1) The department shall, by no later than January 1, 2025, develop and implement a course of training for licensees and their employees who handle or process the sale, loan, or transfer of firearms or ammunition in the course of their normal duties.

(2) The training described in paragraph (1) shall include, without limitation, all of the following:

- (A) Federal and state laws governing sales and transfers of firearms and ammunition.
- (B) How to recognize and identify straw purchasers and fraudulent activity.
- (C) Indicators that a person is attempting to purchase a firearm illegally.
- (D) How to recognize and identify indicators that an individual intends to use a firearm for unlawful purposes.
- (E) How to recognize and identify indicators that an individual intends to use a firearm for self-harm.
- (F) How to prevent theft or burglary of firearms and ammunition.
- (G) How to respond to circumstances described in subparagraphs (A) to (F), inclusive, and any applicable reporting requirement.
- (H) How to teach consumers rules of firearm safety, including, but not limited to, the safe handling and storage of firearms.
- (I) Other reasonable business practices that the department determines will deter gun trafficking or the unlawful use of firearms.

(3) The training shall be available in an online format and shall include an examination with not fewer than 20 questions derived from the course materials and intended to confirm that a course participant has learned the information covered by the course. A participant that answers at least 70 percent of the examination questions correctly shall receive a printable certificate of completion valid for one year from the date of completion.

(4) In addition to the online training course, the department shall prepare supplemental written materials that shall be available to all course participants to print and shall include, without limitation, all of the following:

- (A) An outline of indicators that a prospective firearm transferee may be involved in gun trafficking or straw purchasing, including all of the following:
 - (i) The person is accompanied by one or more individuals.
 - (ii) The person is communicating with other individuals by telephone or other means.
 - (iii) The person is buying multiple firearms.
 - (iv) The person has been the subject of a crime gun trace.
 - (v) The person has purchased a firearm in the preceding 30 days.
 - (vi) The person otherwise indicates that a firearm is being obtained for another person.
- (B) How to ascertain whether a prospective firearm purchaser is lawfully purchasing a firearm, including by asking questions of the prospective firearm purchaser.
- (C) How to report a suspected fraudulent firearm purchase to the federal Bureau of Alcohol, Tobacco, Firearms and Explosives and to the Department of Justice.

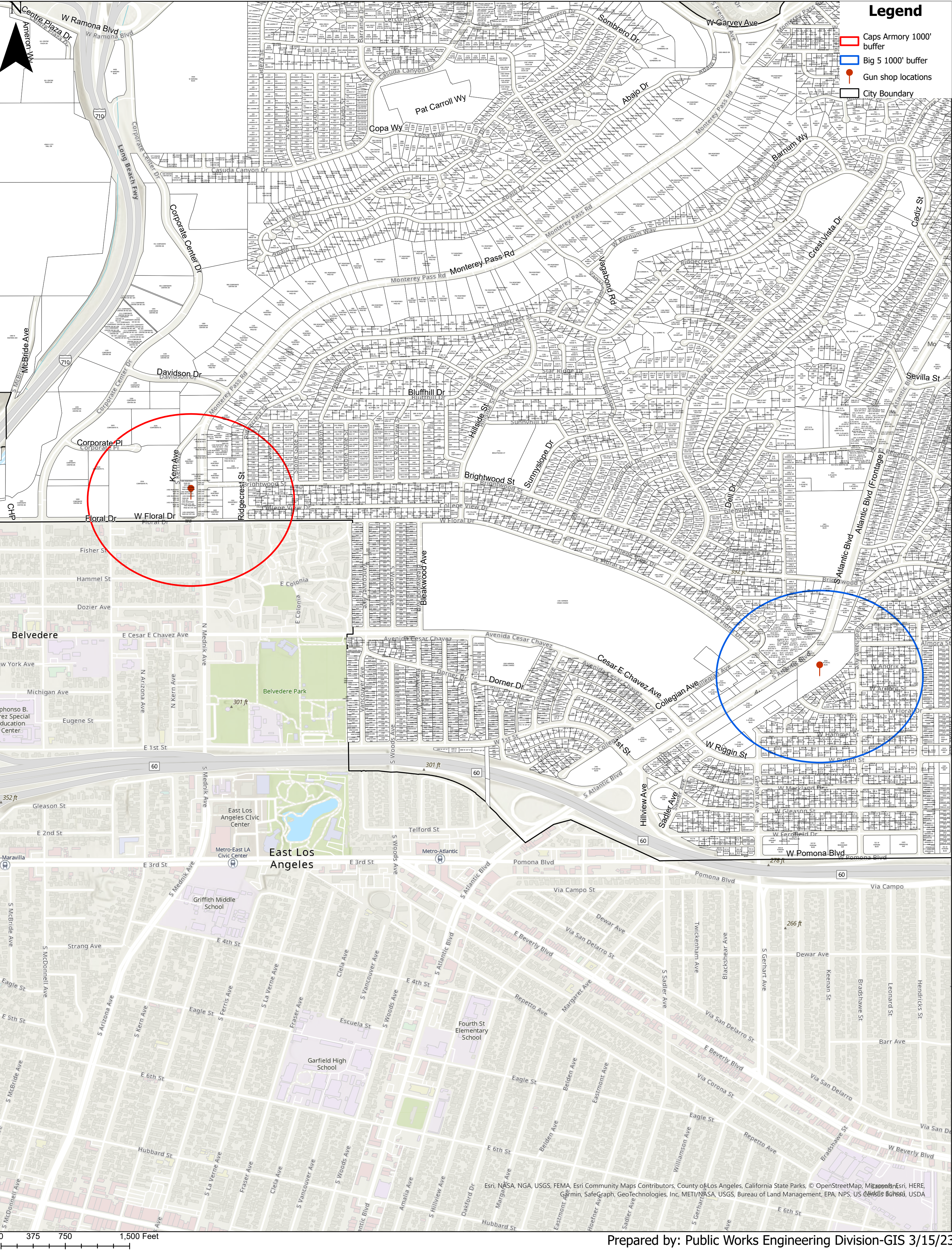
(5) The department shall regularly review the training materials and update them as necessary.

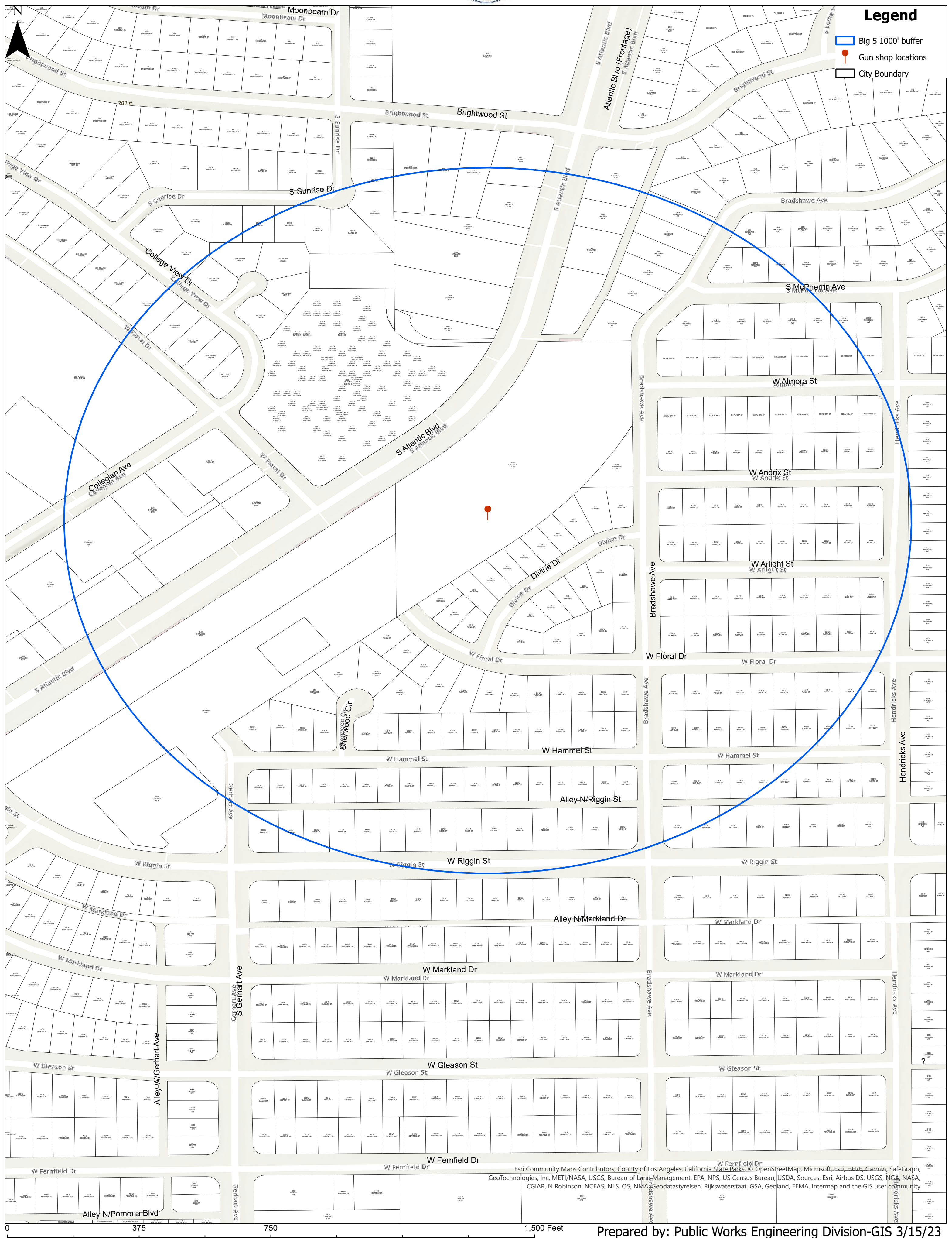
(d) This section does not preclude any local authority from requiring a more stringent requirement regarding the training.

ATTACHMENT 2

Maps showing location of current firearm dealers

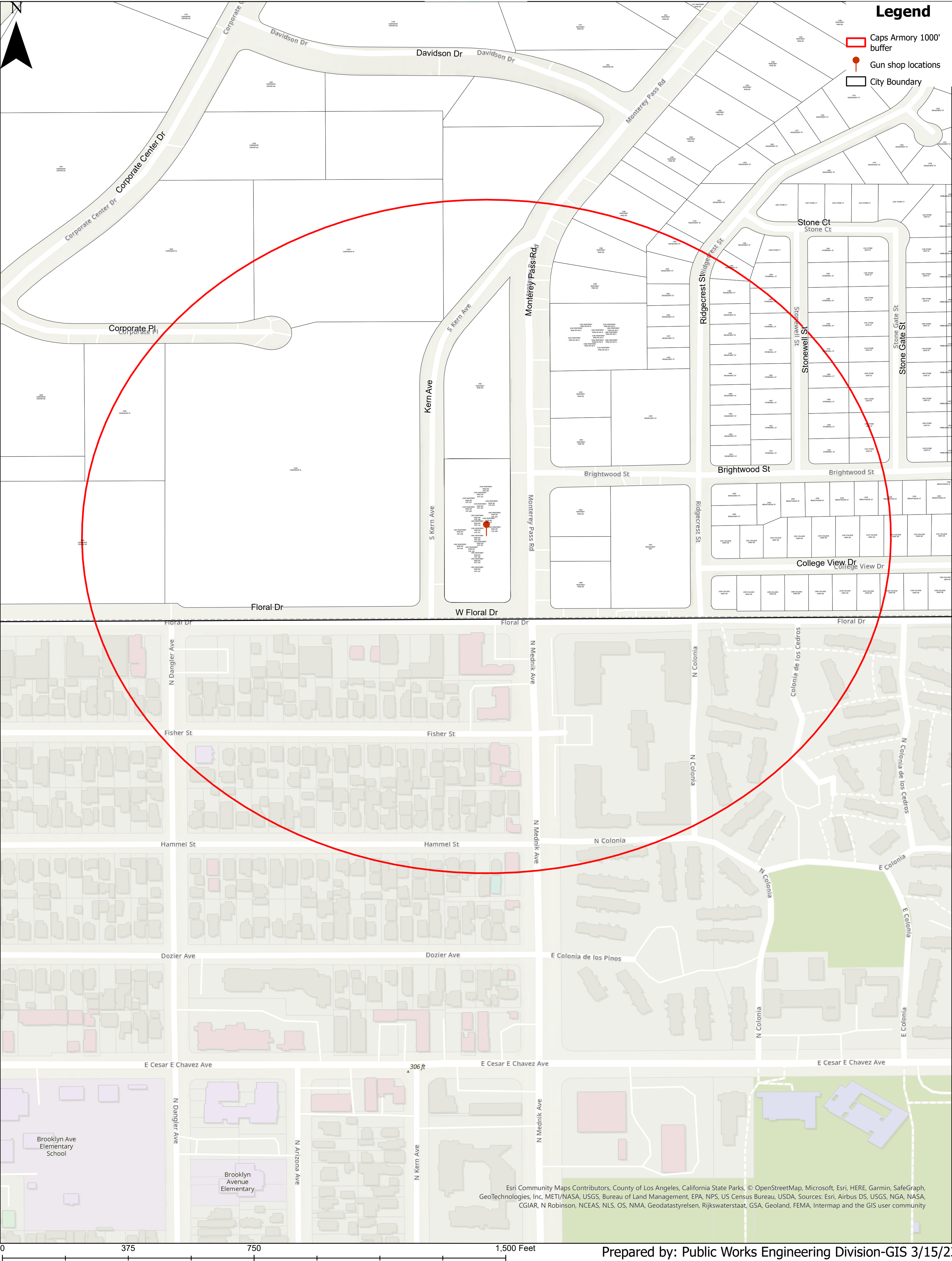
City of Monterey Park 1000' gun shop radius





Prepared by: Public Works Engineering Division-GIS 3/15/23

1000' radius of 1455 Monterey Pass Road, suite 110



ATTACHMENT 3

Resolution recommending adoption of draft
Ordinance

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE ESTABLISHING A 1000 FOOT HEALTH PROTECTION ZONE BETWEEN SENSITIVE RECEPTORS AND FIREARMS DEALERS WITHIN THE CITY OF MONTEREY PARK

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On May 17, 2023, the Planning Commission considered a proposed Ordinance that was drafted in accordance with Resolution No. 2023-R15, adopted March 1, 2023 by the City Council.
- B. Section 3(A) of that Resolution directed the City Manager and City Attorney to draft an ordinance substantially similar to that proposed to the Los Angeles County Board of Supervisors on February 7, 2023.
- C. If adopted, the Ordinance would add a new Chapter to the Monterey Park Municipal Code ("MPMC") regulating firearms dealers within the City's jurisdiction. Most importantly, the Ordinance would create a Firearm Health Protection Zone to separate firearms dealers from certain sensitive receptors, e.g., residences and schools.
- D. The City reviewed the Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). CEQA and the CEQA Guidelines are collectively referred to as "CEQA Regulations."
- E. Notice of Public a Hearing before the Planning Commission was duly given and published in the time, form, and manner as required by law; and
- F. On May 17, 2023, the City's Planning Commission conducted a duly noticed public hearing to assess the proposed Ordinance. This Resolution, and its findings, is adopted based upon the evidence set forth in the entire record including, without limitation, documentary and testimonial evidence; the staff report; and such additional information set forth in the entire administrative record that is too voluminous to reference, but is on file in the Community Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The proposed amendments to the Monterey Park Municipal Code ("MPMC") are consistent with the goals, policies and objectives of the General Plan including, without limitation, Land Use Policy 3.1: "Maintain the

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quality and character of residential neighborhoods”; Land Use Policy 5.2: “Facilitate safe, convenient, and affordable access to basic services and community-based amenities”; and Land Use Policy 7.3: “Protect neighborhoods from the encroachment of incompatible activities or land uses that may have a negative impact on the residential living environment.”

B. Among other things, the proposed regulations would prohibit firearm sales within 1000 feet of sensitive receptors which facilitates a safe community, thereby preserving the City’s character. The regulations continue to permit firearm dealers, but confines the use to zones where it will not encroach upon sensitive receptors or otherwise pose a danger to public health, safety, and general welfare.

C. These regulations will not adversely affect surrounding properties. Such regulations will operate citywide and will not affect a change in the use or the intensity of use of property in any zone.

D. These regulations promote public health, safety, and general welfare and serve the goals and purposes of the MPMC’s zoning regulations. The proposed regulations ensure that firearm dealership uses do not encroach into sensitive areas and make the community more secure while continuing to allow for a range of commercial services to meet the needs of the community.

SECTION 3: Environmental Assessment. The City reviewed the environmental impacts of this Ordinance under the CEQA. An Initial Study of Environmental Impacts and Negative Declaration (ND) were prepared pursuant to CEQA Guidelines § 15063. The public comment period on the ND is from May 1, 2023 to May 21, 2023. The City Manager, or designee, is directed to file a notice of determination in accordance with CEQA §§ 21152, 21167(f); CEQA Guidelines § 15094; and any other applicable law.

SECTION 4: Actions. The Planning Commission recommends that the City Council take the following actions:

A. Adopt the Draft Health Protection Zone Ordinance attached as Attachment D, and incorporated into this Resolution by reference; and

B. Adopt the Initial Study and Negative Declaration finding the Ordinance has no impact on the environment.

SECTION 5: Limitations. The Planning Commission’s analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project

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that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts were made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 6: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 7: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 8: The Planning Commission Secretary is directed to mail a copy of this Resolution to any person requesting a copy.

SECTION 9: This Resolution will take effect immediately upon adoption.

ADOPTED AND APPROVED this 23rd day of May 2023.

Jack Chiang, Chairperson

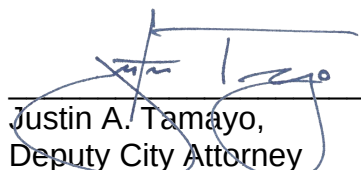
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 23rd day of May 2023, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jessica Serrano, Secretary

APPROVED AS TO FORM:
Karl H. Berger, City Attorney

By:


Justin A. Tamayo,
Deputy City Attorney

ATTACHMENT 4
Draft Ordinance

ORDINANCE NO.

AN ORDINANCE ADOPTING A 1000 FOOT HEALTH PROTECTION ZONE BETWEEN SENSITIVE RECEPTORS AND FIREARMS DEALERS WITHIN THE CITY OF MONTEREY PARK.

The City Council for the City of Monterey Park does ordain as follows:

SECTION 1: *Findings.* The City Council finds as follows:

- A. On January 21, 2023, 11 people were murdered and nine were severely injured as the result of a shooting spree by an individual using a modified firearm that may be classified as an assault weapon.
- B. For this Ordinance, the City Council identifies a mass casualty incident ("MCI") as one occurring in a relatively public place, involving four or more deaths – not including the shooter(s) – and shooters who select victims somewhat indiscriminately. The violence in these cases is not a means to an end – the shooters do not pursue criminal profit or kill in the name of terrorist ideologies (see "Public Mass Shootings in the United States: Selected Implications for Federal Public Health and Safety Policy," Congressional Research Service, April 16, 2013, pp.2-3).
- C. The City Council recognizes that the regulation of firearms is controversial. It cannot ignore, however, that the United States has less than 5% of the world's population but 46% of the world's civilian-owned guns (see, e.g., "U.S. Gun Policy: Global Comparisons," Masters, Jonathan, Council on Foreign Relations, June 10, 2022). It ranks number one in firearms per capita (*Id.*) The United States also has the highest homicide-by-firearm rate of the world's most-developed nations (*Id.*). Consequently, this matter is a national and regional health concern that requires immediate, realistic, and practical responses.
- D. Since the beginning of 2023, there have been more than 100 MCIs in the United States including the one in our community on January 21, 2023.
- E. According to the Centers for Disease Control and Prevention ("CDC"), there were 45,222 firearm-related deaths in the United States in 2020. That equates to approximately 124 people dying from a firearm-related injury each day. More than half of firearm-related deaths were suicides and more than 4 out of every 10 were firearm homicides (see "Fast Facts: Firearm Violence Prevention," Centers for Disease Control and Prevention, May 4, 2022).

- F. Studies demonstrate that child-access prevention (“CAP”) laws reduce unintentional firearm injuries and deaths among children (see, e.g., www.rand.org/research/gun-policy/analysis/child-access-prevention/unintentional-injuries.html; updated January 10, 2023). Additionally, studies that examined effects on young adults or adults provide limited evidence that these laws may reduce unintentional firearm injuries and deaths among adults as well.
- G. It is vital that the City Council act to the greatest extent possible to protect this community from violence resulting from firearms. While the City of Monterey Park’s ability to regulate firearms may be limited, it is empowered by the California Constitution to enact laws to protect public health and safety. Accordingly, this Ordinance is adopted in accordance with the City’s police powers as enshrined in Article XI, § 7 of the California Constitution.
- H. In verifying the City’s ability to enact the regulations adopted by this Ordinance, the City Council takes note of *Suter v. City of Lafayette* (1997) 57 Cal.App.4th 1109 (zoning ordinance confining firearms dealership to commercially zoned areas upheld).

SECTION 2: *Factual Findings and Conclusions.* The City Council finds as follows:

- A. A review of the City’s records shows that there are two existing firearms dealers located within its jurisdiction.
- B. Both firearms dealers are located outside the health protection zone established by this ordinance.
- C. The City’s records do not show there are any pending applications for establishing a new firearms dealer within the City’s jurisdiction.

SECTION 3: *Environmental Assessment.* The City reviewed the environmental impacts of this Ordinance under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.* “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq.*, the “CEQA Guidelines”). An Initial Study of Environmental Impacts and Negative Declaration (ND) were prepared pursuant to CEQA Guidelines § 15063. The public comment period on the ND is from May 1, 2023 to May 21, 2023. The City Manager, or designee, is directed to file a notice of determination in accordance with CEQA §§ 21152, 21167(f); CEQA Guidelines § 15094; and any other applicable law.

SECTION 4: *Health Protection Zone.* A new Chapter 21.55 is added to the MPMC to read as follows:

“Chapter 21.55

Firearm Health Protection Zone

21.55 020. PURPOSE.

This chapter is adopted in accordance with Article XI, § 7 of the California Constitution for the purpose of protecting the most vulnerable members of the public from deaths resulting from use of a firearm.

21.55 030. DEFINITIONS.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter:

- A. “Area” means surface area, and all measurement of distances is on the surface of the land.
- B. “Health protection zone” means the area within 1000 feet of a sensitive receptor. The measurement must be made from the property line of the receptor unless the receptor building is more than 50 feet set back from the property line, in which case the measurement is made from the outline of the building footprint to 1000 feet in all directions.
- C. “Firearms Dealer” means “gunsmith” or “armorer,” as defined by this code, and has the same meaning as Penal Code § 26700.
- D. “Sensitive receptor” means any of the following:
 - 1. A residence, including a private home, condominium, apartment, and living quarter.
 - 2. An education resource, including a preschool, school maintaining transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, daycare center, park, playground, university, and college. A park is an education resource if it is an area that is open to the public for outdoor recreation that is at least partially within one-quarter mile of a residence or another education resource. Only the portion of a park that is within one-

quarter mile of a residence or another education resource is considered a sensitive receptor.

3. A community resource center, including a youth center.
4. A health care facility, including a hospital, retirement home, and nursing home.
5. Live-in housing, including a long-term care hospital, hospice, prison, detention center, and dormitory.

21.55 040. Measuring Distances.

- A. For the purposes of this article, distances are measured in feet as horizontal distance.
- B. When distance from a sensitive receptor is measured from the property line, the measurement is from the property line directly between the sensitive receptor and the firearms dealer and from the point on the property line that is nearest to the firearms dealer.

21.55 050. Health Protection Zone Established.

Health protection zones are established between sensitive receptors and firearms dealers. It is unlawful for any firearms dealers to be located within a health protection zone. The City Attorney is authorized to take any enforcement actions needed to enforce this prohibition in accordance with Title 4 of this code including, without limitation, seeking judicial intervention without additional city council authorization.

21.55 060. Conditional Use Permit Required.

A firearms dealer use may be approved within the Shopping Center Zone (S-C) upon being issued a conditional use permit by the Planning Agency in accordance with Chapter 21.32.”

SECTION 5: *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6: *Enforceability.* Repeal of any provision of the Monterey Park Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude

prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7: *Reliance on Record.* Every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the matter. The determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 11: *Publications.* The City Clerk is directed to certify the passage and adoption of this Ordinance; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 12: *Recording.* The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Monterey Park's book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 13: *Effective Date.* This Ordinance becomes effective on the 30th day following its passage and adoption.

ORDINANCE NO. XX
PAGE 6 of 6

ORDINANCE NO. ____ HAD ITS FIRST READING ON XX, ITS SECOND READING ON ____, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF ____.

Jose Sanchez, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

ATTACHMENT 5
Draft Initial Study & Negative Declaration



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

320 West Newmark Avenue
Monterey Park, CA 91754
(626) 307-1315

NEGATIVE DECLARATION

Project Entitlement No(s):

Applicant: City of Monterey Park

Address: 320 West Newmark Ave, Monterey Park, CA 91754

Project Location: City-Wide affecting properties in the Commercial and Office Professional Zones

Project Description: Adopt an ordinance amending the Monterey Park Municipal Code related to the operations of firearms dealers.

Based on the attached Initial Study prepared for this project, the City of Monterey Park has determined that there would be no significant, adverse, effect on the environment due to the scope of the project. All other materials that constitute the basis upon for determining to adopt this Negative Declaration are available for public review at the City of Monterey Park Planning Division, 320 West Newmark Ave, Monterey Park, CA 91754. This document constitutes a Negative Declaration.

RESPONSIBLE AGENCIES (i.e., any agency that has discretionary approval power over the project):

City of Monterey Park

TRUSTEE AGENCIES (i.e., the California Department of Fish and Game, State Lands Commission, State Department of Parks and Recreation, and University of California):

None

Notice Pursuant to Section 21092.5 of the Public Resources Code:

The 20-day review period for the draft Initial Study and Negative Declaration begins on May 1, 2023 and expires on May 21, 2023. A meeting before the Planning Commission will be held at 6:30 p.m. on May 23, 2023 in the City of Monterey Park, Council Chambers (located at 320 West Newmark Ave, Monterey Park, California) to consider this project. At that time, all interested parties are welcome to address the City on this matter. Comments regarding the Initial Study and Negative Declaration will be accepted until May 21, 2023. Final consideration regarding this project will be with the City Council.

The public is invited to submit written comments on the proposed Negative Declaration to the Planning Division, attention Beth Chow, Senior Planner, 320 West Newmark Avenue, Monterey Park, CA 91754 or phone (626) 307-1318 or via email at bchow@montereypark.ca.gov

Beth Chow
Beth Chow, AICP Senior Planner

May 1, 2023
Date



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

320 West Newmark Avenue
Monterey Park, CA 91754
(626) 307-1315

INITIAL STUDY

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Zoning Code Amendment - ZCA-23-02 – Firearms Sales and Dealer Regulations
2. **Lead Agency Name and Address:**
City of Monterey Park
320 West Newmark Avenue
Monterey Park, CA 91754
3. **Contact Person and Phone Number:**
Beth Chow, AICP Senior Planner
(626) 307-1318
4. **Project Location:**
The proposed ordinance will apply to properties zoned for commercial and office professional uses, Citywide.
5. **Project Applicant Name and Address:**
City of Monterey Park
320 West Newmark Avenue
Monterey Park, CA 91754
6. **General Plan Designation:** Commercial and Innovation/Technology
7. **Zoning:** Commercial and Office Professional Zones
8. **Description of Project:** Consideration to amend the Monterey Park Municipal Code establishing regulations for firearms sales and dealers.
9. **Surrounding Land Uses and Setting:** N/A

Other agencies whose approval is required (e.g., permits, financing approval, or participating agreement): None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| ☐ Aesthetics | ☐ Agricultural Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Geology/Soils |
| ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials | ☐ Hydrology/Water Quality |
| ☐ Land Use/Planning | ☐ Mineral Resources | ☐ Noise |
| ☐ Population/Housing | ☐ Public Services | ☐ Recreation |
| ☐ Transportation/Traffic | ☐ Utilities/Service Systems | ☐ Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Beth Chow

Print Name

Date

Senior Planner

Title

ENVIRONMENTAL IMPACT EVALUATION CHECKLIST

1. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
 2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
 3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
 4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” cited in support of conclusions reached in other sections may be cross-referenced).
 5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used—Identify and state where they are available for review.
 - b. Impacts Adequately Addressed—Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures—For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
 6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 8. The explanation of each issue should identify: a) The significance criteria or threshold, if any, used to evaluate each question; and b) The mitigation measure identified, if any, to reduce the impact to less than significance.
-

A. AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?)	☐	☐	☐	☒
3. Substantially degrade the existing visual character or quality of the site and its surroundings?)	☐	☐	☐	☒
4. Create a source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

B. AGRICULTURAL RESOURCES*

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
5. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	☐	☐	☐	☒
6. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
7. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use?	☐	☐	☐	☒

* In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agricultural and farmland.

C. AIR QUALITY*

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
8. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
9. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
10. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
11. Expose sensitive receptors to substantial pollutant concentrations?)	☐	☐	☐	☒
12. Create objectionable odors affecting a substantial number of people?)	☐	☐	☐	☒

* Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

D. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
13. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
14. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

D. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
15. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
16. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
17. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
18. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

E. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
19. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
20. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
21. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☐	☒
22. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

F. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
23. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of known fault? Refer to Division of Mines and Geology Special Pub. 42.	☐	☐	☐	☒
b. Strong seismic ground shaking?	☐	☐	☐	☒
c. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
d. Landslides?	☐	☐	☐	☒
24. Result in substantial soil erosion, or the loss of topsoil?	☐	☐	☐	☒
25. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
26. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
27. Have soils incompatible of adequately supporting the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal system where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

G. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
28. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
29. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emission of greenhouse gases?	☐	☐	☐	☒

H. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
30. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☐	☒
31. Create a significant hazard to the public or the environment through reasonably foreseeable up-set and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
32. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
33. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
34. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
35. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

H. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

36. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
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☐	☐	☐	☒
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37. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

☐	☐	☐	☒
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I. HYDROLOGY AND WATER QUALITY

Would the project:

38. Violate any water quality standards or waste discharge requirements?

Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
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☐	☐	☐	☒
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39. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

☐	☐	☐	☒
--------------------------	--------------------------	--------------------------	-------------------------------------

40. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?

☐	☐	☐	☒
--------------------------	--------------------------	--------------------------	-------------------------------------

41. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?

☐	☐	☐	☒
--------------------------	--------------------------	--------------------------	-------------------------------------

I. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
42. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
43. Otherwise substantially degrade water quality?	☐	☐	☐	☒
44. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
45. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
46. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
47. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

J. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
48. Physically divide an established community?	☐	☐	☐	☒
49. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
50. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

K. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
51. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
52. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

L. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
53. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
54. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
55. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
56. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project?	☐	☐	☐	☒
57. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
58. For a project located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

M. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
59. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through an extension of roads or other infra-structure)?	☐	☐	☐	☒
60. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
61. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

N. PUBLIC SERVICES*

Would the project result in substantial adverse physical impacts to the following:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
62. Fire protection?	☐	☐	☐	☒
63. Police protection?	☐	☐	☐	☒
64. Schools?	☐	☐	☐	☒
65. Parks?	☐	☐	☐	☒
66. Other public facilities?	☐	☐	☐	☒

* Include potential effects associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services.

O. RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
67. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
68. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

O. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
69. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
70. Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways?	☐	☐	☐	☒
71. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
72. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
73. Result in inadequate emergency access?	☐	☐	☐	☒
74. Result in inadequate parking capacity?	☐	☐	☐	☒
75. Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

P. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
76. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
77. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

P. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
Would the project:				
78. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
79. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
80. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
81. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
82. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Q. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
83. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒

Q. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
84. Does the project have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
85. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

-End of Environmental Impact Evaluation Checklist –

ENVIRONMENTAL IMPACT EVALUATION DISCUSSION

The following is a discussion of the potential impacts associated with the approval of the proposed project, as identified in the above *Environmental Impact Evaluation Checklist*. Explanations are provided for each item below.

A. AESTHETICS. *Would the proposal:*

1) *Have a substantial adverse effect on a scenic vista?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. No impacts are anticipated.

Mitigation Measures: None.

2) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

No Impact: Refer to response A-1 above.

Mitigation Measures: None.

3) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

No Impact: Refer to response A-1 above.

Mitigation Measures: None.

- 4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact: Refer to response A-1 above.

Mitigation Measures: None.

B. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- 5) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact: According to the State of California, Department of Conservation, California Important Farmland Finder, there are no properties identified within the City of Monterey Park which are considered prime farmland, unique farmland, or farmland of statewide significance.

Mitigation Measures: None.

- 6) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact: Refer to response B-5 above.

Mitigation Measures: None.

- 7) Involve other changes in the existing environment, which due to their location or nature, could result in the conversion of Farmland, to non-agricultural use?

No Impact: Refer to response B-5 above.

Mitigation Measures: None.

C. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

8) Conflict with or obstruct implementation of the applicable air quality plan?

No Impact: The South Coast Air Quality Management District (SCAQMD) adopted a 2012 Air Quality Management Plan (AQMP) for the South Coast Air Basin (SoCAB), which sets forth a program to ensure compliance with federal and state air quality standards. The AQMP control measures and related emission reduction estimates are based upon the 2012 Regional Transportation Plan/Sustainable Communities Strategy and updated emission inventory methodologies for various source categories.

The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Such actions are not specifically related to construction and will not result in construction related emissions nor will the project conflict with the implementation of AQMP.

Mitigation Measures: None.

9) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

No Impact: Refer to response C-8 above.

Mitigation Measures: None.

10) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

No Impact: Refer to response C-8 above.

Mitigation Measures: None.

11) Expose sensitive receptors to substantial pollutant concentrations?

No impact: Refer to response C-8 above.

Mitigation Measures: None.

12) Create objectionable odors affecting a substantial number of people?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

D. BIOLOGICAL RESOURCES. Would the project:

- 13) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact: The City of Monterey Park is a fully urbanized community. The Sustainable Community Element and the Resources Element of the Monterey Park General Plan indicates there are no unique, rare or endangered plants or animals known to inhabit the City. No new development is proposed as part of the creation of a new zoning Chapter. As a result, the proposed project will not have any impacts to sensitive or special status species, riparian habitat or other sensitive natural community, protected wetlands, or wildlife.

Mitigation Measures: None.

- 14) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact: Refer to response to D-13 above.

Mitigation Measures: None.

- 15) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact: Refer to response to D-13 above.

Mitigation Measures: None.

- 16) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact: Refer to response to D-13 above.

Mitigation Measures: None.

- 17) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact: Refer to response to D-13 above.

Mitigation Measures: None.

- 18) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact: Refer to response to D-13 above.

Mitigation Measures: None

E. CULTURAL RESOURCES. Would the project:

- 19) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the project will not alter the status of any local, state, or federally designated historic structure or property, nor will it impact a building/structure's eligibility for potential inclusion on any local, state or federal historic register.

Mitigation Measures: None.

- 20) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?

No Impact: No archaeological resources are identified within the Monterey Park General Plan.

Mitigation Measures: None.

- 21) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact: No unique paleontological resources or unique geologic features are identified within the Monterey Park General Plan.

Mitigation Measures: None.

- 22) Disturb any human remains, including those interred outside of formal cemeteries?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will not disturb any human remains, including those interred outside of formal cemeteries.

Mitigation Measures: None.

F. GEOLOGY AND SOILS.

Overview

Building safety and construction are regulated by the requirements as set forth in the City's Municipal Code, including such regulations as the California Building Code (CBC). The CBC represents the most current practices in building safety and construction of earthquake resistant structures and facilities.

Would the project:

23) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

a.) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

b.) Strong seismic ground shaking?

No Impact: Refer to response F-23(a) above.

Mitigation Measures: None.

c.) Seismic-related ground failure, including liquefaction?

No Impact: Refer to response F-23(a) above.

Mitigation Measures: None.

d.) Landslides?

No Impact: Refer to response F-23(a) above.

Mitigation Measures: None.

24) Result in substantial soil erosion or the loss of topsoil?

No Impact: Refer to response F-23(a) above.

Mitigation Measures: None.

25) Be located on a geologic unit or soil that is unstable, or would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

26) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

No Impact: Refer to response F-25 above.

Mitigation Measures: None.

27) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal of waste water?

No Impact: Refer to response F-25 above.

Mitigation Measures: None.

G. GREENHOUSE GAS EMISSIONS. Would the project:

28) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction

is proposed at this time. Therefore, the proposed project will not result in any negative impacts on the environment.

Mitigation Measures: None.

- 29) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact: Refer to G-28 above.

Mitigation Measures: None.

H. HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*

- 30) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact:

The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, it will not result in the transportation or exposure of hazardous materials to the environment or to the population.

Mitigation Measures: None.

- 31) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact: Refer to response H-30 above.

Mitigation Measures: None.

- 32) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact: Refer to response H-30 above.

Mitigation Measures: None.

- 33) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact: Refer to response H-30 above.

Mitigation Measures: None.

- 34) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Additionally, no properties located in the City of Monterey Park are located within an airport land use plan or within two miles of a public airport or public use airport. No impacts are anticipated in the regard.

Mitigation Measures: None.

- 35) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact: No portion of the City of Monterey Park is located within two miles of a public airport or public use airport. Therefore, no impact is anticipated.

Mitigation Measures: None.

- 36) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the project will not result in any impacts.

Mitigation Measures: None.

- 37) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. The City of Monterey Park is a fully urbanized community surrounded by other fully urbanized cities, which are not in proximity to any wildlands. Therefore, the threat of wildland fires has no impact.

Mitigation Measures: None.

I. HYDROLOGY AND WATER QUALITY. *Would the project:*

38) Violate any water quality standards or waste discharge requirements?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will not result in any impacts to the water system, supply, or quality.

Mitigation Measures: None.

39) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact: Refer to response I-38 above.

Mitigation Measures: None.

40) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, or substantially increase the rate or amount of the surface runoff in a manner, which would result in substantial erosion or siltation on- or off-site?

No Impact: Refer to response I-38 above.

Mitigation Measures: None.

41) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?

No Impact: Refer to response I-38 above.

Mitigation Measures: None.

42) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

No Impact: Refer to response I-38 above.

Mitigation Measures: None.

43) Otherwise substantially degrade water quality?

No Impact: Refer to response I-38 above.

Mitigation Measures: None.

44) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact: According to Federal Emergency Management Agency (FEMA) Flood Control maps, the City of Monterey Park is located within Flood Zone “X”. This means that the community has no special flood hazard areas and a flood map for the community has not been published. The city's Community Number is 065047. The city's current effective map is designated No Specific Flood Hazard Area (NSFHA). Although it may not be subject to the 100-year flood, floods of greater magnitude could occur here. Since the project does not involve any plans, development or construction, no impacts are anticipated.

Mitigation Measures: None.

45) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact: Refer to response I-44 above.

Mitigation Measures: None.

46) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact: Refer to response I-44 above.

Mitigation Measures: None.

47) Inundation by seiche, tsunami, or mudflow?

No Impact: The City of Monterey Park is located more than fifteen (15) miles away from the Pacific Ocean. Therefore, no impact is anticipated.

Mitigation Measures: None.

J. LAND USE AND PLANNING. Would the project:

48) Physically divide an established community?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will not result in any impacts.

Mitigation Measures: None

49) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will not result in any impacts.

Mitigation Measures: None.

50) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact: Refer to D-13 above.

Mitigation Measures: None.

K. MINERAL RESOURCES. Would the project:

51) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact: No mineral resources have been identified within the City of Monterey Park in the City's General Plan. The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will not result in any impacts.

Mitigation Measures: None.

52) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact: Refer to response K-51 above.

Mitigation Measures: None.

L. NOISE. Would the project result in:

- 53) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

- 54) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

No Impact: Refer to L-53 above.

Mitigation Measures: None.

- 55) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

No Impact: Refer to response L-53 above.

Mitigation Measures: None.

- 56) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

- 57) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact: Not applicable. According the City's General Plan, there are no public or private airports located in or surrounding the City of Monterey Park within two (2) miles.

Mitigation Measures: None.

- 58) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact: Refer to H-34 above.

Mitigation Measures: None.

M. POPULATION AND HOUSING. Would the project:

- 59) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

- 60) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. No housing is part of this proposal, therefore there is no displacement of housing, therefore, no impacts are anticipated.

Mitigation Measures: None.

- 61) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact: Refer to M-60 above

Mitigation Measures: None

N. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts,

in order to maintain acceptable service ratio, response times or other performance objectives for any of the public service:

62) *Fire protection?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None

63) *Police protection?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

64) *Schools?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

65) *Parks?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

66) *Other Public Facilities?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

O. RECREATION

- 67) Would the proposed project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

- 68) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse effect on the environment?

No Impact: Refer to response O-67 above.

Mitigation Measures: None.

P. TRANSPORTATION/TRAFFIC. *Would the project:*

- 69) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the project will not result in an increase in traffic. The proposed project would not intensify the existing operations or use at any site, therefore, the project would not generate an increase in vehicle trips and associated mobile-source emissions.

Mitigation Measures: None.

- 70) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

No Impact: Refer to response P-69 above.

Mitigation Measures: None.

- 71) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact: The City of Monterey Park is not located in proximity to an airport, as the nearest airport is San Gabriel Valley Airport, located four miles northeast from the city. The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. No impact is expected in this regard.

Mitigation Measures: None.

72) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact: Refer to response P-69 above.

Mitigation Measures: None.

73) Result in inadequate emergency access?

No Impact: Refer to response P-69 above.

Mitigation Measures: None.

74) Result in inadequate parking capacity?

No Impact: Refer to response P-69 above.

Mitigation Measures: None.

75) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No Impact: Refer to response P-69 above.

Mitigation Measures: None.

Q. UTILITIES AND SERVICE SYSTEMS. Would the project:

76) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

- 77) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact: Refer to response Q-76 above.

Mitigation Measures: None.

- 78) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact: Refer to response Q-76 above.

Mitigation Measures: None.

- 79) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

No Impact: Refer to response Q-76 above.

Mitigation Measures: None.

- 80) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact: Refer to response Q-76 above.

Mitigation Measures: None.

- 81) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

82) *Comply with federal, state, and local statutes and regulations related to solid waste?*

Less Than Significant Impact: Refer to Q-81 above.

Mitigation Measures: None.

R. MANDATORY FINDINGS OF SIGNIFICANCE.

83) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

No Impact: The City of Monterey Park is a fully urbanized community. The Sustainable Community Element and the Resources Element of the Monterey Park General Plan indicates there are no unique, rare or endangered plants or animals known to inhabit the City. The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time. Therefore, the proposed project will have no impact on any sensitive plant or animal species or habitat. Likewise, there will be no conflict with any adopted City, County, Regional, State or Federal policies, goals, or plans pertaining to the preservation and/or conservation of biological resources in the City of Monterey Park.

Mitigation Measures: None.

84) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction is proposed at this time.

Mitigation Measures: None.

85) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

No Impact: The project involves the creation of additional zoning regulations for properties within the commercial and office professional zoning districts. No plans, development or construction

is proposed at this time. Therefore, no environmental effects which will cause substantial adverse effects on human being, either directly or indirectly, are anticipated.

Mitigation Measures: None.

-End of Environmental Impact Evaluation Discussion -

DRAFT

REFERENCES FOR ENVIRONMENTAL EVALUATION

The following references were utilized during preparation of this Initial Study:

- 1) City of Monterey Park General Plan
- 2) Monterey Park Municipal Code
- 3) State of California, Department of Conservation, California Important Farmland Finder
- 4) South Coast Air Quality Plan (SCAQM)
- 5) 2012 Air Quality Management Plan (AQMP)
- 6) California Register of Historical Resources
- 7) California Department of Conservation, division of Mines and Geology
- 8) Federal Emergency Management Agency (FEMA) Map for the City of Monterey Park.
- 9) California Building Code
- 10) Secretary of the Interior Standards for Historic Structures
- 11) City of Monterey Park Hazardous Petroleum Substance Map
- 12) City of Monterey Park Building Official
- 13) State of California Government Code
- 14) United States Environmental Protection Agency